



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
May 07, 2019
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

PROCLAMATIONS

1. Endangered Species Day

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.)

2. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

3. Appointment, Great Falls Citizen's Council.
4. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

5. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

6. Miscellaneous reports and announcements from City Manager.

CONSENT AGENDA

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

7. Minutes, April 16, 2019, Commission Meeting.
8. Minutes, April 30, 2019, Special Commission meeting.
9. Total Expenditures of \$3,376,056 for the period of March 30, 2019 through April 24, 2019, to include claims over \$5000, in the amount of \$3,035,064.
10. Contracts List.

11. Set a public hearing for Resolution 10292 Establishing the Rates, Fees and Penalties associated with Title 10 of the Official Code of the City of Great Falls pertaining to the City's Parking System for May 21, 2019.

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

PUBLIC HEARINGS

12. Resolution 10289, to annex Lots 8-21 of the Replat of Lincoln Heights and the adjoining right-of-way of 15th Alley South; Ordinance 3204 to assign R-5 Multi-Family Medium Density zoning; Resolution 10291 to vacate 15th Alley South within Block 30 of the Replat of Lincoln Heights; and Non-Administrative Plat to aggregate the subject properties. *Action: Conduct a joint public hearing and adopt or deny Res. 10289, Findings of Fact and Improvement Agreement; adopt or deny Ord. 3204 and Findings of Fact; and adopt or deny Res. 10291. (Presented by Craig Raymond)*

OLD BUSINESS

13. First Amendment to the Marketing Agreement with Utility Service Partners Private Label, Inc. *Action: Approve or deny the Amendment. (Presented by Greg Doyon)*
14. Great Falls Animal Shelter Cattery Addition. *Action: Award or not award a contract to Detailed Construction in the amount of \$462,000 and authorize or not authorize the City Manager to execute the construction contract documents. (Presented by Charles Anderson)*

NEW BUSINESS

ORDINANCES / RESOLUTIONS

15. Resolution 10295, to amend Resolution 10233 extending the effective period to complete the nuisance abatement of certain property located at 2311 4th Avenue Southwest from May 1, 2019 to December 31, 2019. *Action: Adopt or deny Res. 10295. (Presented by Craig Raymond)*

CITY COMMISSION

16. Miscellaneous reports and announcements from the City Commission.
17. Commission Initiatives.
18. Legislative 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: Appointment, Great Falls Citizen’s Council.
From: City Commission
Initiated By: City Commission
Presented By: City Commission
Action Requested: Appoint one member to serve as the Commission’s representative at the Great Falls Citizen’s Council May 28, 2019, meeting.

Suggested Motion:

1. Mayor moves:

“I move that the City Commission appoint Commissioner Moe to serve as the Commission’s representative at the Great Falls Citizen’s Council, also known as Council of Councils, May 28, 2019, meeting.”

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

Summary: At its April 2, 2019, meeting, the Commission appointed Commissioners Bronson and Houck to serve as the Commission’s representatives at the May 2019 Great Falls Citizen’s Council meeting. Subsequently, Commissioner Houck reported that she had another commitment that evening and could not attend. Commissioner Moe indicated that she would be available.

In accordance with Title 2, Chapter 19, Section 090 the Official Code of the City of Great Falls (OCCGF) the Commission must appoint two members to serve as the Commission’s Representatives for the Great Falls Citizen’s Council.

Due to Commissioner Houck’s scheduling conflict, staff recommends that the City Commission appoint Commissioner Moe to serve with Commissioner Bronson at the May 28, 2019 Great Falls Citizen’s Council meeting.

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Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Owen Robinson, Bill Bronson, and Mary Sheehy Moe. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL: There were no changes proposed by the City Manager or the City Commission. The agenda was approved as submitted.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: Mayor Kelly noted that he will be recusing himself from the vote on Agenda Item 12.

1.

PROCLAMATIONS

Proclamations were read by Commissioner Bronson for Arbor Day (April 26th); Commissioner Moe for Earth Day (April 22nd); and Commissioner Robinson for Knights of Columbus Appreciation Days (April 25th – 28th).

PETITIONS AND COMMUNICATIONS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Erin Kolczak, 1612 2nd Avenue South, expressed frustration regarding the Commission's recent decision to effectively table the building of the cattery at the Great Falls Animal Shelter. She noted Commissioner Robinson's involvement with the Animal Foundation, as well as Mr. and Mrs. Robinson's large donation to the Animal Foundation. Ms. Kolczak commented that anyone with a personal interest in a particular venture should not be involved in policy making voting regarding decisions that affect their own personal interests. She also expressed concern about Commissioner Robinson's and Commissioner Moe's lack of transparency pertaining to meetings with the Animal Foundation board members with the intention of creating another proposed partnership to put in front of the City Commission for consideration. She suggested that, by pushing the bids out further, the Commission was stonewalling the project that was being funded by private donations.

Jeni Dodd, 3245 8th Avenue North, commented that it was a conflict of interest and Commissioner Robinson should have recused himself from the vote on the cattery contract. She noted that Commissioner Robinson has stated that the Animal Foundation never intended to run the Maclean Cameron Animal Adoption Center, and that they built it hoping the City would take over. Ms. Dodd took exception to the City's opposition to HB 325 and HB 357. She commented that Great Falls has no compelling interest to violate second amendment rights merely because some citizens

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are uncomfortable with guns. She opined that by drafting and signing a letter in opposition to HB 325 and HB 357, the Commission violated open meeting laws. Ms. Dodd concluded that it was unethical of Commissioners Robinson and Moe not to reveal their discussions with the Animal First group during the ex parte communications portion of the Commission agendas.

Suzie Stephenson-Love, 300 South Ridge Court, commented that, as an animal lover and as a tax payer, she was pleased to learn that the Commission decided to begin talks with the Maclean Cameron Animal Adoption Center and explore the possibility of combining services and resources. She hopes the talks are productive and lead to a partnership. She concluded that everyone that came to speak on this issue are united in their love for animals and want what is best for animal welfare. Stepping back and providing time for the City to explore a possible partnership is the right thing to do for the City and the animals.

Deb Scherrer, 725 7th Avenue South, volunteer at the Great Falls Animal Shelter, commented that, due to a conflict of interest the vote on the cattery contract should be brought up again and that Commissioners Robinson and Moe should recuse themselves. She has worked many hours volunteering for the HUG project to raise money for the cattery. A lot of people that donated time and/or money are going to be disappointed if the cattery is not built and the Animal Shelter is not improved. She concluded that the shelter has a place, the foundation has a place, and that they are both needed.

Pam Nicol, 2700 2nd Avenue South, commented that, as a volunteer for the Great Falls Animal Shelter, she has seen the state of overcrowding and is worried about the health of the animals. Cat condos and a visitation area will provide more space for the cats to be out of kennels and socializing, and will help with their ability to get adopted. She expressed frustration that the Animal Shelter has been raising money for the past six years, and then is stopped at this very important time in moving forward with the cattery. Due to Commissioner Robinson's history with the Animal Foundation, she urged the Commission to reconsider its decision, and revote with Commissioner Robinson recusing himself.

Richard Liebert, 289 Boston Coulee Road, announced that the Department of Environmental Quality is hosting a public listening session on April 24th from 6:00 – 9:00 p.m. at Great Falls High School regarding the Black Butte Copper Mine project. As tax payers, he noted the importance of requiring proper bonding for these types of projects. Mr. Liebert also announced that the Cascade County Planning Board directed staff to begin the county growth policy review process, and noted that public comment is welcome. As president of Great Falls public radio station KGPR, he thanked everyone that donated during pledge week for local programming, and he encouraged more people to join the board.

Veronica Vantreeck, 1624 8th Avenue NW, commented that the Great Falls Animal Shelter does not turn animals away. There is an overpopulation of animals running around in the city that people have abandoned. All of the shelters are full. The Pet Paw-See and Maclean Animal Adoption Center have turned pets away. Ms. Vantreeck reminded the Commission that these funds were donated by the people. At her urging, even her family from out of state sent money for the HUG project because she wanted the animals to have more room. If the project is delayed until September there will be no chance for construction of the cattery. Construction prices will go up

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and the project will have to be re-bid. She urged the Commission to move this matter up for consideration at the next Commission meeting.

John Hubbard, 615 7th Avenue South, discussed the costs involved in having to cut down a tree on his property with Dutch Elm disease. He also noted that the City's water system exceeded the maximum contaminant level for the first quarter of 2019, after being told at the last meeting that the water quality was good.

John Huber, 3912 14th Avenue South, commented that he is a board member of Maclean Animal Adoption Center and currently the head of the fund raising committee. He reported that Commissioners Robinson and Moe have the City's interest at heart. There was no "secret society" created. The Animals First meetings were brain storming sessions to figure out ways to make both facilities better for the animals and animal supporters. Mr. Huber commented that the Maclean Cameron Animal Adoption Center has never strayed from its ideals. They knew if they waited for the City to build a new shelter, they would be waiting forever. The Maclean was built with the help, work, and effort of all walks of life, social and economic backgrounds. Mr. Huber concluded that Commissioners Robinson and Moe have made it known from the get go at these meetings that they represent the City and the City's best interests.

In response to John Hubbard's comments regarding water quality, Water Treatment Plant Manager Wayne Lovelis clarified that the last two HAA5 samples were below the limit. He explained that the State requires a running annual average. Therefore, the last sample was averaged with the last three quarters. According to that average, the City was still out of compliance. However, according to the individual samples on all eight sites, the levels were well below the limit.

Commissioner Moe responded to comments made that there was something improper about her discussions with the Animal Foundation without notice to the public. She explained that, as part of her job as Commissioner, the only time deliberations are made are when there is a quorum of the Commission members, and it takes place at a Commission meeting. Another part of her job as Commissioner that she believes is equally important is her obligation to meet with people who think they have an idea that can make this community better. Examples of other situations where she has met with other Commission members or by herself are the Continuum of Care and Future of the Falls groups. Those meetings were also not improper, and she believes they are an important part of her job to bring initiatives forward in a proactive way.

Commissioner Moe continued that Commissioner Robinson was being transparent when he announced at a Commission meeting that he was interested in pursuing discussions with the Animal Foundation. They both recognized those discussions may or may not come to the City, but they both believed they needed to be had.

She hopes everyone will get back to the real issues about the Animal Shelter and the need for a cattery. Their decision on April 2nd was not to not have a cattery, or never to use the donation money, it was to give them time to see if they could come to a solution that would be beneficial to both sides. The second bid that went out had been scaled down from the original plan because there wasn't enough money to fund the original plan. Her thought was, if they could get enough money that would be the better plan to go with. And, if they could wait a little bit, they would

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know if there was greater opportunity for a fund raising partnership. She was looking at this situation from a long term perspective; that being two organizations that are duplicating some services that could be combined in a way to save the City money since there are other needs, such as funding public safety requests.

Commissioner Robinson believes it is important that a dialogue is started on animal welfare and what is best for animals in Great Falls, and that he's coming at that issue from the side of the City. He represents the City and the City's best interests. He no longer serves on the Maclean board, and noted that he had donated money to them as well as several other organizations in the community. He noted that another big goal of his as a Commissioner is getting ADA bathrooms in City parks. Doing the right thing is his job as Commissioner, and to try to be as efficient as City government can possibly be.

Although some people may think that he is in favor of combining the two groups, Commissioner Robinson reported that it is way too early to say that. The discussions haven't gotten that far, and he noted that he thought the cattery might get in the way. At the last Commission meeting, Commissioner Bronson asked why would building the cattery affect his study of better working relations or perhaps combining the Animal Shelter with Maclean. At the time he thought it might derail what they were trying to do - save money. Since that time Commissioner Robinson commented that he has been haunted by that question, as well as how could he ignore the fund raising efforts to build a cattery and then not do it.

Commissioner Robinson recommended that the Commission schedule a special Commission meeting between now and May 7th with one agenda item, to consider rescinding the Commission's previous action to postpone the vote on considering the bid to build the cattery at the Animal Shelter. If that occurs, the bid and contract award for the cattery can be added on the May 7th agenda for Commission consideration.

It was the consensus of the Commission for staff to schedule a Special Commission Meeting before May 7th.

Commissioner Houck noted that, although she is in favor of having that meeting, she may have some scheduling conflicts that prevent her attendance.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports or announcements from Neighborhood Council representatives.

BOARDS & COMMISSIONS

4. APPOINTMENT TO THE CITY-COUNTY BOARD OF HEALTH.

Commissioner Robinson commented that he was unable to attend the applicant interviews and therefore would recuse himself from the vote.

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Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission appoint Amanda Ball to the City-County Board of Health for the remainder of a three-year term through December 31, 2021.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly noted that the Commission conducted interviews today of two applicants with remarkable qualifications.

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

Commissioner Moe commented that of the candidates the Commission has interviewed this was the closest decision for her. Both applicants bring different but extremely interesting skillsets and experiences to the position. The deciding factor for her was creating diversity on the board. She encouraged the other candidate to continue his interest.

Commissioner Houck added that it was impressive to her that both candidates' employers fully supported their involvement on the board.

Commissioner Bronson added that this board benefits from the broadest types of experiences and Ms. Ball brings a different type of perspective that will be helpful.

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

Motion carried 4-0-1 (Commissioner Robinson abstaining).

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

Commissioner Houck announced that she was appointed to attend the Council of Councils meeting in May, but has a conflict in her schedule and will not be able to attend that meeting.

CITY MANAGER

6. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that there has been an unprecedented amount of water service line breaks during February and March. For properties that have exceeded their prior year water usage during December through March, the Finance Department will recalculate those utility bills keeping in mind that there was probably a water break and associated service disruption issues.

He further reported that the meeting date for the Great Falls Citizen's Council, referred to as the Council of Councils, was changed to May 28th, rather than May 29th, at 7:00 p.m. in the Gibson Room in the Civic Center.

Manager Doyon also made the following announcements:

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- The annual Easter egg hunt will occur in Gibson Park on Saturday, April 20th. Games and entertainment begin at 10 a.m., and the hunt begins at 11 a.m. He expressed appreciations to Jim and Debbie Filipowicz of Steel Etc. for sponsoring the event.
- The 40th annual Ice Breaker road race is scheduled for Sunday, April 28th.
- The Coins for a Cause project in the downtown area was extended through May 31, 2020.
- The CodeRed app is available for download and provides public safety information in the event of an emergency.
- Greg Suket was promoted to the Executive Director position at the Great Falls Housing Authority.

CONSENT AGENDA.

7. Minutes, April 2, 2019, Commission meeting.
8. Total expenditures of \$2,547,489 for the period of March 16, 2019 through April 3, 2019, to include claims over \$5,000, in the amount of \$2,318,329.
9. Contracts list.
10. Approve the Final Payment for the Sanitary Sewer Trenchless Rehabilitation Phase 21 project in the amount of \$357,120.72 to Planned and Engineered Construction (PEC) and \$3,607.28 to the State Miscellaneous Tax Fund, and authorize the City Manager to make the payments. **OF 1674.8**
11. Approve a Professional Services Agreement with Advanced Engineering and Environmental Services, Inc. (AE2S) in the amount of \$2,268,008 for the Water Treatment Plant Filtration Improvements project. **OF 1637.1**

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

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

John Hubbard, 615 7th Avenue South, opposed the project amount in the agreement for Item 11.

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

Motion carried 5-0.

PUBLIC HEARINGS

12. **TALCOTT HOLDINGS, INC. WITHDRAWAL OF APPLICATION FOR ANNEXATION AND ESTABLISHMENT OF ZONING, RE: RESOLUTION 10280 TO ANNEX A PORTION OF A TRACT OF LAND EQUALING +/- 6.254 ACRES LEGALLY DESCRIBED AS MARK 7K, IN SECTION 4, T20N, R4E P.M.M., CASCADE COUNTY,**

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MONTANA, AND ORDINANCE 3195 TO ESTABLISH I-2 HEAVY INDUSTRIAL ZONING.

Planning and Community Development Director Craig Raymond reported that on March 19, 2019, the City Commission set a public hearing to consider Resolution 10280, Ordinance 3195, the associated Findings of Fact, and the Annexation Agreement for tonight's meeting. In a letter dated March 31, 2019, the applicant's representative formally requested that the City Commission accept their request to withdraw the annexation and the zoning request. Staff recommends that the City Commission not conduct the public hearing and to deny Resolution 10280 and Ordinance 3195.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the Applicant Talcott Holdings, Inc., request for withdrawal of the application for annexation and establishment of zoning, and therefore deny Resolution 10280 and Ordinance 3195.

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 4-0-1 (Mayor Kelly abstaining).

13. RESOLUTION 10288 – A RESOLUTION APPROVING A REQUEST TO EXPEND GREAT FALLS DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING DISTRICT FUNDS FOR FACILITY MAINTENANCE AND IMPROVEMENTS TO THE CITY'S NORTH AND SOUTH PARKING GARAGES.

Planning and Community Development Director Craig Raymond reported that this public hearing is to consider the adoption of Resolution 10288 which would approve an application for reimbursement for costs associated with municipal owned parking garage maintenance and improvement projects.

The Downtown Urban Renewal and Tax Increment Financing District was established by the City Commission in 2012 and encompasses property roughly between 5th Avenue South to 3rd Avenue North and Park Drive to 10th Street.

The Parking Advisory Commission is requesting \$470,000 from the Downtown Urban Renewal District to be used along with over \$400,000 of Parking Division Reserve Funds to finance much needed deferred maintenance as well as important energy efficiency, occupant safety and crime deterrent improvements. Deferred maintenance items primarily have to do with concrete restoration and preservation, joint and crack sealants and repair of water damaged elements of the buildings. Energy efficiency and Safety improvements include LED lighting conversion and surveillance system installation. Operational improvements include replacement of old and damaged entrance gate and revenue control systems.

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In order to approve TIF reimbursement requests, it shall must be demonstrated that they meet the criteria recommended in the Urban Renewal Plan as well as the Montana Code Annotated. To aid in this determination, the City of Great Falls' Tax Increment Application Process established twelve specific criteria to assess the merits of the project in relation to the Plan.

After review and evaluation of the planning project, City staff has determined that the proposed use of TIF funds qualify for funding based in the following criteria:

Public Infrastructure Improvements - The TIF funding would help with city-owned parking structures which serve the general public and enables those who desire to live, work, shop and play downtown.

Economic Stimulus – As mentioned in the staff report, the mere existence of the parking garages have a significant benefit and promote and help sustain economic stimulus in the downtown area by freeing up valuable real-estate that otherwise would be committed to off-street parking facilities. The strategic locations make utilization of these amenities extremely convenient and make business recruitment easier.

Finally, the City Commission has vested the authority of reviewing all TIF applications within the Downtown Urban Renewal area to the Downtown Development Partnership (DDP) for review and recommendation to the City Commission. The DDP did officially vote in the affirmative to support the application before the Commission.

Mayor Kelly declared the public hearing open.

No one spoke in favor of Resolution 10288.

Speaking in opposition to Resolution 10288 was **John Hubbard**, 615 7th Avenue South. He commented that he has never used the parking garages, but thought that the money could be better used other places.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10288, approving the Development Project and the expenditure of funds of \$470,000 in Great Falls Downtown Urban Renewal Tax Increment Financing District funds to assist with improvements to the City's North and South Parking Garages.

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

Commissioner Houck commented that this is appropriate use of these funds, and the appropriate step at this time to support downtown businesses and downtown activity to create a safe environment.

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Mayor Kelly noted that the DDP unanimously supports this project.

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

Motion carried 5-0.

14. RESOLUTION 10287 – APPROVING THE APPLICATION FOR TAX BENEFITS FOR REMODELING, RECONSTRUCTION, OR EXPANSION OF EXISTING COMMERCIAL BUILDINGS OR STRUCTURES, RE: APPLICANT RAEGEN BREEDEN’S COMMERCIAL PROPERTY, PLAY N’ LEARN ACADEMY, LOCATED AT 4241 2ND AVENUE NORTH.

Planning and Community Development Director Craig Raymond reported that this public hearing is to consider the adoption of Resolution 10287 which would approve an application for a tax abatement of five years based on the increased taxable value of certain qualifying improvements.

The applicant is Raegen Breeden who is the owner of Play N’ Learn Academy. Previous to January 11, 2019, the applicant’s child care and pre-school was located on the east end of Great Falls in a 2,500 square foot space owned by the City’s Housing Authority. That facility was licensed for 43 children and had been providing services since 2008. In 2014, the applicant realized that a larger space was essential to fill the growing demand for child care in Great Falls.

For over four years, the applicant has worked to finance and construct her new facility located at 4241 2nd Avenue North. The owner has had to utilize several funding streams in order for the project to come to fruition. This facility will be able to provide child care and education services for 120 children. The project includes significant remodeling and expansion of a vacant, outdated building located on 0.67 acres of property. Additionally, new playground space, parking, sidewalk, and landscaping were added to a corridor greatly in need of new investment.

Mont. Code Ann. § 15-24-1501 provides local governments the option of giving Tax Benefits for the Remodeling, Reconstruction or Expansion of Existing Buildings or Structures. The statute reads:

Remodeling, reconstruction, or expansion of buildings or structures -- assessment provisions -- levy limitations. (1) Subject to [15-10-420](#) and the authority contained in subsection (4) of this section, remodeling, reconstruction, or expansion of existing buildings or structures, which increases their taxable value by at least 2½% as determined by the department, may receive tax benefits during the construction period and for the following 5 years in accordance with subsections (2) through (4) and the following schedule. The percentages must be applied as provided in subsections (3) and (4) and are limited to the increase in taxable value caused by remodeling, reconstruction, or expansion:

Construction period	0%
First year following construction	20%
Second year following construction	40%

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Third year following construction 60%
Fourth year following construction 80%
Fifth year following construction 100%

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

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

The City's current financial condition is "in recovery"; still, strides have been made in stabilizing fund balances; however, property tax appeals continue to plague the city budget, various capital projects remain unfunded and public safety needs still exist.

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

The application meets all statutory criteria. The project is eligible to receive abatement consideration by the City Commission.

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

If the applicant's requested tax benefit is approved, the direct positive tax base improvement will be delayed for five years. Staff notes, however, that the property was providing a minimal positive tax benefit to the City prior to the applicant's investment. The existing building on the property was vacant, and the property was in a state of disrepair.

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

The applicant's new childcare and pre-school facility will provide 16 new job opportunities.

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

Staff is hopeful that the applicant's substantial investment in the property will send a positive signal to other nearby owners and trigger "spin-off" development along the 2nd Avenue North corridor.

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

Granting the tax benefit will have an adverse impact on funding of these services for a period of five years. As noted previously, the redevelopment investment being made for the site will have a significant, positive impact on the local tax base for a long period of time.

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

In addition to what's been included in this agenda report, the project addresses other community interests including: 1) providing support for local entrepreneurship, and 2) facilitating high quality childcare education opportunities, which has been determined as a definite community need.

The total cost of the tax abatement, if approved, will be \$20,591.

As staff evaluates benefit applications such as this it is increasingly difficult to be highly enthusiastic about extending tax benefits when departmental needs are so significant, especially the significant concern over emergency services capacities when considering annexation and subdivision proposals. This becomes even more acute as staff approaches budget season. All that being said, but for the efforts and risk invested by entrepreneurs such as the applicant, there would be no increased tax base in the long run. Based on that and the supporting documents in the staff report, staff recommends approval of the request.

Mayor Kelly declared the public hearing open.

Speaking in favor of Resolution 10287 was:

Raegen Breeden, 28 46th Street South, commented that her staff went from 12 to 33, and currently serve 153 kids. She has also decided to renew her lease with the Housing Authority and will be opening a summer camp for school aged kids in the summer, and will attempt to do full day pre-kindergarten with certified teachers.

No one spoke in opposition to Resolution 10287.

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 10287.

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

Commissioner Bronson commended Ms. Breeden for the benefits she is providing to the community with the investment she made.

Commissioner Moe also complimented Ms. Breeden for taking the risk to meet a huge need in the community.

Commissioner Houck commented that there is a shortage of daycares in the community. She complimented Ms. Breeden for raising the bar and providing quality daycare.

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

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Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

15. **ORDINANCE 3204 - AN ORDINANCE TO ASSIGN R-5 MULTI-FAMILY MEDIUM DENSITY ZONING TO THE PROPERTIES LEGALLY DESCRIBED AS LOTS 8-21, BLOCK 30 OF THE REPLAT OF LINCOLN HEIGHTS, AS WELL AS THE ADJOINING RIGHT-OF-WAY OF 15TH ALLEY SOUTH; AND RESOLUTION 10290 – INTENTION TO VACATE 15TH ALLEY SOUTH WITHIN BLOCK 30 OF THE REPLAT OF LINCOLN HEIGHTS.**

Planning and Community Development Director Craig Raymond reported that this item is a request to accept Ordinance 3204 on first reading and to set a public hearing for May 7, 2019, and to adopt Resolution of Intention 10290 and set a public hearing for May 7, 2019.

The applicant, K & V Family Properties LLC, is requesting annexation, establishment of zoning, a non-administrative plat to aggregate individual lots, and vacation of a portion 15th Alley South. The applicant is proposing to develop the properties with two buildings, 18 bedrooms each, to be used as BeeHive Homes assisted living facilities. The property is legally described as the amended plat of Lots 8-21, Block 30 of the Replat of Lincoln Heights, located in the S¼ of Section 18, Township 20 North, Range 4 East, PMM, and consists of 1.028 acres. The proposed development is also located adjacent to a number of similar projects.

Resolution of Intention 10290 is to vacate a portion of 15th Alley South. Vacations of public rights of way require multiple steps in order to lawfully execute such a land use action.

At the conclusion of a public hearing held on March 26, 2019, the Zoning Commission recommended the City Commission approve the establishment of zoning for the subject properties to R-5 Multi-Family Medium Density, subject to the fulfillment of the Conditions of Approval as specified in the agenda report.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3204 on first reading and set a public hearing for May 7, 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.

Commissioner Moe stepped out of the meeting at 8:36 p.m. and returned at 8:39 p.m.

Motion carried 5-0.

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Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10290, and set a public hearing for May 7, 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.

16. ORDINANCE 3203, AMENDING TITLE 2, CHAPTER 21, SECTION 090, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE GREAT FALLS ETHICS COMMITTEE MEETING SCHEDULE.

City Attorney Sara Sexe reported that the Great Falls Ethics Committee was established in 2017 to help ensure that City officials and staff continue to comply with Mont. Code Ann. Title 2, Chapter 2, pertaining to code of conduct for public officials and the Official Code of the City of Great Falls (OCCGF) Title 2, Chapter 21. As the Code is currently written, the Committee is required to meet on the first Wednesday of the month in the City Commission Chambers after a matter has been referred to the Committee.

Coordinating Committee members' schedules to meet these specific provisions has become difficult, resulting in rescheduling or cancellation of meetings. Staff is recommending to remove this "first Wednesday" requirement to allow greater flexibility in scheduling Ethics Committee meetings. Additionally, Staff recommends to remove the requirement that the meetings be held in the City Commission Chambers, to allow for use of other areas of the Civic Center, as needed. These changes will improve efficiency and allow for more timely meetings.

Staff also recommends that Ordinance 3203 allow for the City Attorney, in addition to the City Manager, to refer issues to the Ethics Committee. This is necessary for situations which arise where the City Manager may be unable or unwilling to refer the issue.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3203.

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.

17. ORDINANCE 3197, AMENDING TITLE 1, CHAPTER 2, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), ADDING SECTION 050 ESTABLISHING A PUBLIC HEARING PROCEDURE.

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City Attorney Sara Sexe reported that Ordinance 3197 will provide for standard procedures for conducting public hearings for all City boards, commissions, committees, and councils, and will provide for a consistent standard for City officials, staff, and the public.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3197.

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 4-0.

Commissioner Robinson stepped out of the meeting at 8:43 p.m. and returned at 8:44 p.m.

18. ORDINANCE 3198, AMENDING TITLE 17, CHAPTER 16, ARTICLE 6, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO PUBLIC HEARINGS.

City Attorney Sara Sexe reported that Ordinance 3198 will provide assistance to presiding officers in conducting public hearings fairly and efficiently, in educating and informing the public as to the procedures by which public hearings are held, and in allowing a uniform process for public participation in City government.

Ordinance 3198 will require applicants to provide written materials before the public posting of the agenda for the subject meeting. The applicant would be allowed to supply additional materials up to 72 hours before the scheduled meeting, if it chooses to do so after review of the posted staff report. These changes will provide more opportunity for the governing body, the public, and staff to review the materials for substance prior to hearing. This would also reduce the need for postponing actions on agenda items.

Ordinance 3198 will also provide for an additional public hearing after the receipt of new, relevant and credible information during the public hearing. This would allow the information to be fully considered by the governing body, the public, and staff.

Additionally, Ordinance 3198 includes the opportunity for additional public comment on a motion, in limited situations. These situations would be after a hearing is closed, and the motion presented substantially deviates from the publicly advertised motion which was suggested by staff. This would allow the body to hear limited public comment regarding the motion without the need to either set an additional public hearing at a later time, or to postpone the action on the item. Staff anticipates that the need for this additional public comment opportunity would occur very infrequently.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3198.

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

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

Motion carried 5-0.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson acknowledged Douglas Wilson who recently passed away and noted that his firm is the oldest CPA firm in Montana.

Commissioner Bronson recognized Neighborhood Council 5 representative Gloria Bedker who also recently passed away.

Commissioner Houck announced that former State Representative Jean Price's funeral services will be held June 8th at the Great Falls High School auditorium followed by a reception and exhibit of Ms. Price's artwork at Paris Gibson Square that is open to the public.

20. COMMISSION INITIATIVES.

None.

21. LEGISLATIVE 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 April 16, 2019, at 8:53 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: May 7, 2019

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Special City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Owen Robinson, Bill Bronson, and Mary Sheehy Moe. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; and, City Attorney Sara Sexe.

AGENDA APPROVAL: There were no changes proposed by the City Manager or the City Commission. The agenda was approved as submitted.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS

MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Fred Burow, 1926 21st Avenue South, cautioned the Commission about discussions with Maclean based on prior Commission experience. He suggested City staff, rather than Commission members, work with Maclean to bring information back to the City Commission for consideration.

OLD BUSINESS

1. **CONSIDERATION OF MOTION TO RESCIND PRIOR POSTPONEMENT UNTIL SEPTEMBER 3rd OF THE DECISION TO AWARD OR NOT AWARD A CONTRACT TO DETAILED CONSTRUCTION IN THE AMOUNT OF \$462,000 FOR THE GREAT FALLS ANIMAL SHELTER CATTERY ADDITION (OF 1673).**

City Attorney Sara Sexe reported that, at the April 2, 2019, City Commission meeting, the Commission postponed the decision on Agenda Item 19 to award or not award a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition until September 3rd. That agenda report and supporting documentation were provided again and incorporated into this agenda report. A postponement until September 3rd would have the effect of rejecting the bid. The Invitation to Bid and Instructions to Bidders required a bid to be awarded within 60 days of the March 20, 2019, bid opening date.

Because of the factual circumstances, City Attorney Sexe advised the City Commission to consider rescinding its decision to postpone the determination until September 3, 2019. That action would allow the matter to be placed on the May 7, 2019, Commission meeting agenda, which is before the 60 day time period would expire.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission rescind the Commission's April 2, 2019, adoption of postponing action on the decision to

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award or not award a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition until September 3, 2019.

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

Rebecca Clark, 309 8th Avenue South, Apt. A, spoke in support of the motion. She encouraged the Commission to really look at the situation and to take to heart what is needed for the animals in the City, rather than pushing things off and not moving forward.

Jeni Dodd, 3245 8th Avenue North, also spoke in support of the motion. She added that the incinerator is also in question and is in dire need. Ms. Dodd concluded that Commissioner Robinson should have recused himself due to his long history of involvement with the Animal Foundation and Maclean.

Written correspondence was received from **Lottie Hufford**, Citizen Ticket ID: 12821ba05, in support of rescinding the Commission's prior postponement until September 3rd, and to move forward with the construction of the cattery.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Robinson commented that this action was to rescind the prior vote of postponing action until September 3rd, and allowing the vote on whether to award or not award a contract to occur at the Commission meeting next week. To put the decision off because there is another initiative would be unfair to the people involved in the 50+ fundraising events and the donors that raised enough money for the cattery addition.

Commissioner Houck noted that, although the Animal Shelter building is antiquated, staff has made significant changes the past four years. Because she will be absent from the next Commission meeting, she noted that she is in support of the City moving forward with the funds that have been raised for the cattery project.

Mayor Kelly inquired if the bid was in fact still valid for the 60 day period. City Attorney Sexe responded affirmatively.

Commissioner Bronson added that he is looking forward to the discussion of this matter on the merits at next Tuesday's meeting.

Commissioner Moe commented that the collecting of money for that specific purpose is a strong argument for it. However, much of that money was collected for a proposal that has been scaled back. It would be helpful to her as the Commission approaches the decision next week (1) to hear comment about whether there is any concern about the scaling back in terms of those donors; (2) if there is any implication in the Commission approving this bid that it implies a continuing expansion along the lines of the plan that was adopted in 2012; and (3) if the expanded facility, which has been made possible by donations, will also require an expanded operational expense. It

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is her understanding that an additional 25 cats would require an additional FTE, and that too is part of the Commission's consideration.

With regard to Mayor Kelly's inquiry, City Attorney Sexe added that the architect was also aware of the 60 day timeframe.

Architect Ryan Smith commented that he would be in attendance at next week's Commission meeting.

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

Motion carried 5-0.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Robinson, to adjourn the special meeting of April 30, 2019, at 5:47 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: May 7, 2019



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 APRIL 4, 2019 - APRIL 24, 2019	3,336,056.79
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 30, 2019 - APRIL 15, 2019	39,999.00
TOTAL: \$	<u>3,376,055.79</u>

GENERAL FUND

OTHER ADMIN

AVI SYSTEMS INC	VIDEO AND CAMERA SYSTEM FOR CHAMBERS AND GIBSON ROOM	49,534.10
CTA ARCHITECTS ENGINEERS	PHASE I CC EXTERIOR REHAB ARCHITECTURAL SERVICES	70,478.69

FIRE

STRYKER SALES CORPORATION	DEFIB LEASE PAYMENT 3 OF 5	27,365.44
DETAILED CONSTRUCTION CO	PPE STORAGE ROOMS (SPLIT AMONG FUNDS)	11,185.00

POLICE

ARROWHEAD FORENSICS	SAFEKEEPER DRYER UNIT EVIDENCE (SPLIT AMONG FUNDS)	709.30
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SPECIAL REVENUE FUND

EAST INDUSTRIAL AG TECH PARK TID

GREAT FALLS AGRITECH PARK, LLC	DEVELOPMENT AGREEMENT PAYMENT	389,381.89
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SUPPORT & INNOVATION

GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT	MARCH 2019 TAX DISTRIBUTION	17,815.00
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SPECIAL REVENUE FUND (CONTINUED)

POLICE SPECIAL REVENUE

ARROWHEAD FORENSICS	SAFEKEEPER DRYER UNIT EVIDENCE (SPLIT AMONG FUNDS)	14,910.00
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FEDERAL BLOCK GRANTS

WADSWORTH BUILDERS COMPANY	OF 1740.1 ECWP BATH HOUSE REMODEL & RESTORATION	64,980.55
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DEBT SERVICE

WEST BANK TID BONDS

WEST BANK, LLC	DEVELOPMENT AGREEMENT REIMBURSEMENT	700,000.00
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ENTERPRISE FUNDS

WATER

THATCHER CO OF MONTANA	CHEMICALS	11,937.72
HACH COMPANY	CL17 ANALYZER & SC200	5,551.59
TECHNICAL MARKETING MFG, INC	CHEM/UV PLC BACKUP CARDS	7,897.69
SLETTEN CONSTRUCTION COMPANY	OF 1519.6 WTP IMP PH 1 CONSTRUCTION	14,407.47
NALCO COMPANY	POLYMER	6,716.80
FERGUSON ENTERPRISES INC	WALL MOUNT RADIO READ METERS	8,611.38
TD&H ENGINEERING	OF 1494.6 PROF SERVICES WM CROSSING MISSOURI & SUN	55,000.00

SEWER

GERANIOS ENTERPRISES INC	OF 1674.9 MEADOWLARK DR SEWER MAIN	27,597.25
PLANNED AND ENGINEERED CONSTRUCTION	OF 1674.8 SANITARY SEWER TRENCHLESS REHAB PHASE 21	357,120.72

STORM DRAIN

NORTHWESTERN ENERGY	OF 1554.4 S GTF STORM DRAIN IMPRV	6,058.00
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911 DISPATCH CENTER

CENTURYLINK	APRIL 2019 DISPATCH LINES	5,841.70
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PARKING

MCKINSTRY ESSENTION LLC	GREAT FALLS PARKING GARAGE LIGHTING RETROFIT	45,252.56
STANDARD PARKING CORPORATION	CONTRACT SERVICES FOR OPERATING DOWNTOWN PARKING PROGRAM	36,715.83

CIVIC CENTER EVENTS

GREAT FALLS SYMPHONY ASSOCIATION	19-37 PINK MARTINI CASH OUT	10,652.89
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INTERNAL SERVICES FUND

INSURANCE & SAFETY

DETAILED CONSTRUCTION CO	PPE STORAGE ROOMS (SPLIT AMONG FUNDS)	20,000.00
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INFORMATION TECHNOLOGY

DELL MARKETING LP	10 OPTIPLEX 3060 FOR ERS REPLACE	6,180.60
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CENTRAL GARAGE

JOHN DEERE AG & TURF CORP	2 - ZERO TURN COMMERCIAL MOWERS	23,327.15
MOUNTAIN VIEW CO-OP	FUEL-DIESEL	37,600.38
NORTHWEST FUEL SYSTEMS	OF 1455.9 FUEL TANK PURCHASE/INSTALL FINAL PAY	33,094.99

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	35,270.50
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PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	46,279.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	28,361.79
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	52,824.07
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	67,713.41
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	124,874.44
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	11,333.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	195,275.17
AFLAC	EMPLOYEE CONTRIBUTIONS	9,460.14
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	14,693.66
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	1ST QTR WORKMAN'S COMPENSATION	234,569.15

UTILITY BILLS

ENERGY WEST RESOURCES INC	MARCH 2019 MONTHLY CHARGES	42,497.33
NORTHWESTERN ENERGY	MARCH 2019 SLD CHARGES	82,399.99
NORTHWESTERN ENERGY	FEBRUARY 2019 TRANSMISSION CHARGES	23,587.25

CLAIMS OVER \$5000 TOTAL:\$ 3,035,063.59

CITY OF GREAT FALLS, MONTANA

AGENDA: 10

COMMUNICATION TO THE CITY COMMISSION

DATE: May 7, 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: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Park and Recreation	Electric City Roofing, Inc.	05/07/2019-06/01/2019	\$3,260	Agreement to re-roof restroom at Multi Sports lower complex
B	Great Falls Police Department	A.T. Klemens	05/07/2019-06/30/2019	\$3,228	Agreement for installation of new exhaust fan in the Evidence room at the Police Department

C	Great Falls Police Department	A.T. Klemens	05/07/2019-06/30/2019	\$1,650	Agreement for installation of new lighting in the Evidence room at the Police Department
D	Information Technology (IT)	Geographic Technologies Group	04/19/2019-05/31/2019	\$5,000	Ratification of Professional Services Agreement to configure and register ArcGIS Portal, federate ArcGIS Server with Portal and configure Vantage Points
E	Planning and Community Development	Vetter BlakeThomas	Perpetual	\$1.00	Easement Agreement for Right-of-Way of portion of Lot 4C of Lot 4 of the Medical Tech Park Minor Subdivision located in the SW1/4 SE1/4 of Section 18, Township 20 North, Range 4 East, Principal Meridian Montana, Cascade County, Montana
F	Great Falls Fire Rescue	David F. Simpson, D.O.	07/01/2019 – 06/30/2020	\$2,800/mo	Professional Services Agreement for Agency and System EMS Offline Medical Director services
G	Public Works – Engineering	Great Falls International Airport authority	Perpetual	Recording Fees paid by Grantor-Developer	Utility Easement and Right of Access for public water main project – Airport Small Hangars Utility Extensions OF 1664.1 and Airport Eagle Jet Hangar water main extension OF 1664.3 – located in the SE1/4 of Section 20, T20N, R3E, P.M.M.
H	Public Works – Engineering	Department of Natural Resources and Conservation	Perpetual	\$1,957	Right of Way Grant, Application No. 18706 affecting a 20 foot strip across the Sun River in the NW1/4NW1/4 S14 T20N, R3E, for water main project

					OF 1494.6
I	Public Works – Engineering	Department of Natural Resources and Conservation	Perpetual	\$8,049	Right of Way Grant, Application No. 18705 affecting a 20 foot strip across the Missouri River in the SE1/4SW1/4 & NW1/4SE1/4 S14, T20N, R3E, for water main project OF 1494.6
J	Public Works – Engineering	BNSF Railway Company	May 2019 – May 2044	\$5,045(contract fee & railroad protective liability insurance)	Pipeline License Tracking #19-62427 for water main installation project in T20N, R3E, S14 OF 1494.6



Item: Set public hearing for Resolution 10292 Establishing the Rates, Fees and Penalties Associated With Title 10 of the Official Code of the City of Great Falls Pertaining to the City’s Parking System.

From: Craig Raymond, Director, Planning and Community Development

Initiated By: Great Falls Parking Advisory Commission

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

Action Requested: Set public hearing for May 21, 2019 to consider increasing parking meter rates, modifying violation fine schedule and courtesy citation policy.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for May 21, 2019, on Resolution 10292 to establish the Rates, Fees and Penalties Associated with Title 10 of the Official Code of the City of Great Falls.”

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

Summary: The Parking Advisory Commission has found that the current parking rates, fees and fines associated with the downtown parking program do not provide sufficient revenue to fund critical deferred maintenance projects, budget for future maintenance requirements on an on-going basis, or implement desired energy efficiency and security improvements. Resolution 10292 provides for the recommended revenue collection strategy to achieve these goals.

Background: In 2017, the City Commission directed city staff and the Parking Advisory Commission (PAC) to perform a thorough evaluation of the downtown parking program. The goal of the evaluation was to identify recommended operational and facility improvements and long-term financial strategies designed to stabilize the parking system. In July 2017, the City Commission approved a contract with SP+, who is the City’s parking operations contractor, to help guide staff and the PAC through the evaluation process, facilitate public engagement and provide long term budgeting recommendations.

The initial focus of the effort was on a “strategic framework” which included a SWOT analysis, mission/vision development, program outcomes and objectives development, key performance metrics and near, mid, and long-term action steps. A financial plan was also a significant element of the evaluation. In order to develop a sound financial plan, the PAC performed the following tasks:

1. Based on program outcomes and objectives, evaluate current resources;

2. Identify resource gaps;
3. Identify budget impacts to address gaps;
4. Identify capital needs; and
5. Complete financial model projects- revenues and expenses.

While the PAC continues to work through additional program goals such as continually monitoring operational effectiveness, improving public relations and developing a marketing and communications plan, staff and the PAC have identified critical facility improvement projects that should be implemented immediately. Staff and the PAC created a list of capital facility needs and prioritized them based on most immediate need, cost and customer feedback. Identified near and mid-term priorities include:

Immediate

- Lighting replacement
- New surveillance system installation
- Concrete renovation and preservation
- Crack and joint sealant replacement
- Repair roof drainage systems
- Repair water damaged building elements
- Replace rusted doors and door hardware
- Replace broken and aged entrance and revenue control systems

Mid-Term

- Additional equipment replacement- On-street parking meters and surface lot revenue control systems
- On-going routine maintenance in garages
- Surface lot asphalt repair/renovation
- Elevator repair/replacement

In order to successfully complete these projects and provide for long term program viability, revenue strategies needed to be developed. Resolution 10292 provides for the additional revenue that is needed to achieve basic maintenance requirements, fund energy efficiency and security improvements, as well as budget long term for on-going future maintenance schedules.

Fiscal Impact: Estimated additional revenue as a result of recommended meter rate increases and fine schedule changes are estimated to generate an additional \$260,000 annually based on current parking activity and citation and collection rates.

Alternatives: The City Commission could choose to not set the public hearing and thereby deny Resolution 10292. Consequences of this action would be a delay of critical repair and maintenance of the parking garages as well as important security improvements.

Concurrences: The Downtown Development Partnership voted to approve a \$470,000 Downtown TIF request to help fund stated improvements provided that future maintenance needs would not be continually funded by additional TIF funding requests. The City Commission also approved this request by adopting Resolution 10288 during the April 16, 2019 Commission Meeting.

Attachments/Exhibits:
Resolution 10292

RESOLUTION NO. 10292

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ESTABLISHING THE RATES, FEES AND PENALTIES ASSOCIATED WITH TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE CITY'S PARKING SYSTEM.

WHEREAS, Title 10 of the OCCGF provides for various parking system related rates, fees and penalties to be established by Resolution; and

WHEREAS, a financially sound parking system and properly maintained parking facilities are essential to the continuing redevelopment of downtown Great Falls and to the many citizens and visitors who use those facilities; and

WHEREAS, the revenues earned by the parking system at this time are inadequate to provide for continuing operation without subsidies from other sources; and

WHEREAS, engineering studies and operating experience have identified substantial deferred and new maintenance that cannot be met without additional revenue; and

WHEREAS, the Parking Advisory Commission has studied this matter and set forth the recommendations herein.

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

(1) Metered Parking.

A. Metered parking rate. The rate for metered parking shall be \$1.00 per hour.

B. Courtesy ticket. The first violation by a particular vehicle, as identified by license plate number, for failure to pay for parking as required by OCCGF Title 10, Chapter 9, or for an expired meter or overtime parking as provided by OCCGF Title 10, Chapter 9, shall result in the issuance of a courtesy ticket. Said courtesy ticket thanks the driver for visiting downtown Great Falls and reminds him or her of the parking regulations. Courtesy tickets will not be issued for any of the other violations listed in OCCGF Title 10. A courtesy ticket will not be issued to the occupant of a vehicle that is associated with unpaid fees and/or penalties.

C. Accelerated penalties per year for failure to pay, expired meter, and overtime violations. The penalty for the second violation for failure to pay for metered parking as set forth in OCCGF Title 10, Chapter 21, or violation of expired meter or overtime parking as

set forth in OCCGF Title 10, Chapter 21, shall be \$5. The penalty for the third violation shall be \$10; and, all subsequent violations by a particular vehicle within one year shall be \$20 for each violation.

D. Other parking penalties. Penalties for all other violations listed in Title 10, of the OCCGF shall be \$20, except the fine for violations in handicap parking zones shall be \$100.

E. Miscellaneous parking fees.

i. A \$10 administrative fee shall be added to all penalties that are not paid within thirty (30) days after the date of the citation.

ii. Pursuant to OCCGF Title 10, Chapter 10, the immobilization or “boot” fee shall be \$150.

iii. Pursuant to OCCGF Title 10, Chapter 9, the daily charge for a meter bag shall be \$5.

iv. Pursuant to OCCGF Title 10, Chapter 9, the monthly metered parking permits shall be \$25.

v. Pursuant to OCCGF Title 10, Chapter 9, the \$25 administrative fee charged biennially for the issuance of residential parking permits shall be eliminated.

vi. Pursuant to OCCGF Title 10, Chapter 9, a nonrefundable \$100 fee must accompany an application to establish a freight or passenger loading zone, which is in addition to the actual costs of marking and/or signing the zone if the application is approved. The fee shall be waived for passenger loading zones at public schools.

vii. Pursuant to OCCGF Title 10, Chapter 9, a \$75 combined application and installation fee shall be charged for handicap parking zones.

(2) **Courtesy parking.** Pursuant to OCCGF 10, Chapter 9, the cost of a courtesy parking space shall be \$400 per year for each parking space on Central Avenue, and \$300 per year for each parking space that is within the Downtown Parking Management District, but not on Central Avenue. This annual fee is in addition to the actual cost of installing the courtesy parking sign(s).

(3) **Pedlet Space Lease.** The cost for leasing each on-street parking space for the construction and occupancy of a Pedlet shall be the same cost as is established for a "Courtesy Parking Spot" prorated by month for the duration that the Pedlet consumes each on-street parking spot.

(4) **City parking facilities.** Pursuant to OCCGF Title 10, Chapter 9, the City Manager shall, on recommendation of the Parking Advisory Commission, establish the hourly, daily and monthly lease rates charged for parking in City owned or operated off street lots or garages.

A. Parking Ramps/Garages. The \$41 monthly lease rates for the City's parking ramps/garages located at Second Avenue South/Third Street and First Avenue North/Fourth Street North shall be increased to \$51 monthly. The City Manager may negotiate and authorize special incentive rates for bulk parking leases for customers who either lease numerous garage spaces and/or pre-pay leases for a period of one year or more. All fees for leases shall be non-refundable.

B. City parking lots. The \$0.50 per hour/\$5 per day/\$30 monthly lease rates for parking lots 2, 4, 6, 7 & 8, shall be \$0.50 per hour/\$5 per day/\$35 monthly. The City Manager may negotiate and authorize special incentive rates for bulk parking leases for customers who either lease numerous surface lot spaces and/or pre-pay leases for a period of one year or more. All fees for leases shall be non-refundable.

(5) **Time limits and reaffirmation.** This resolution reaffirms all existing posted parking time limits and all fines and fees established by Resolution 10083 from January 1, 2016, to present.

(6) **Parking management district map.** The "Official Parking Management District Map of the City of Great Falls, Montana," is adopted as appended to this Resolution.

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the effective date of Resolution No. 10292 shall be July 1, 2019, and at that time thereby repealing Resolution No. 10295.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, the 21st day of May, 2019.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Joseph Cik, Assistant City Attorney



Item: Public Hearing – Resolution 10289 to annex Lots 8-21 of the Replat of Lincoln Heights and the adjoining right-of-way of 15th Alley South; Ordinance 3204 to assign R-5 Multi-Family Medium Density zoning; Resolution 10291 to vacate 15th Alley South within Block 30 of the Replat of Lincoln Heights; and Non-Administrative Plat to aggregate the subject properties.

From: Erin Borland, Planner III, Planning and Community Development

Initiated By: K&V Family Properties LLC

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

Action Requested: City Commission adopt Resolution 10289, adopt Ordinance 3204, approve the Improvement Agreement, adopt Resolution 10291, and approve the amended plat, per the Findings of Fact/Basis of Decision.

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:

Commissioner moves:

I. “I move that the City Commission (adopt/deny) Resolution 10289 to annex Lots 8-21, Block 30 of the Replat of Lincoln Heights and (approve/deny) the accompanying Findings of Fact/Basis of Decision, and the Improvement Agreement; all subject to the Conditions of Approval being fulfilled by the applicant.”

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

and:

II. “I move that the City Commission (adopt/deny) Ordinance 3204 and the accompanying Findings of Fact/Basis of Decision.”

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

and:

III. “I move that the City Commission (adopt/deny) Resolution 10291 vacating 15th Alley South.”

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

If Motions I, II and III are made in the affirmative, then;

IV. “I move that the City Commission (approve/deny) the amended plat aggregating the subject properties legally described as Lots 8-21, Block 30 of the Replat of Lincoln Heights and the adjoining right-of-way of 15th Alley South, and the accompanying Findings of Fact/Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.”

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

Staff Recommendation:

At the conclusion of a public hearing held on March 26, 2019, the Planning Advisory Board recommended the City Commission approve annexation of the subject properties subject to the conditions of approval. Additionally, the Zoning Commission recommended the City Commission approve the establishment of R-5 Multi-Family Medium Density zoning.

Staff recommends approval of the annexation of Lots 8-21, Block 30 of the Replat of Lincoln Heights, and the adjoining right-of-way of 15th Alley South; establishment of R-5 Multi-family Medium Density zoning; vacation of 15th Alley South; and the Amended Plat to aggregate the subject properties with the following conditions of approval:

Conditions of Approval:

- 1. General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
- 2. Improvement Agreement.** The applicant shall abide by the terms and conditions as well as pay all fees and reimbursements specified in the attached Improvement Agreement for the Subject Properties. The Improvement Agreement must be signed by the applicant and recorded for the Subject Properties.
- 3. Amended Plat.** Provide a revised Amended Plat of the subject property, showing the proposed aggregation, containing all easements required by the City of Great Falls. The revised Plat shall incorporate corrections of any errors or omissions noted by Staff.
- 4. Easements.** An easement document is to be drafted for review by Staff and submitted for City Commission approval, granting the City access through the adjacent property to the proposed off-site sanitary sewer main in the County right-of-way.
- 5. Utilities.** The final engineering drawings and specifications for the on-site utilities for the subject property shall be submitted to the City Public Works Department for review and approval.
- 6. Off-Site Sanitary Sewer.** Prior to the construction of the sanitary sewer main extension, written consent shall be provided from the adjacent property owner and the County.

7. Land Use & Zoning. The development standards and land uses for the subject property shall be consistent with the Official Code of the City of Great Falls (OCCGF).

8. Subsequent modifications and additions. If after establishment of the zoning, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Summary:

The applicant, K & V Family Properties LLC, is requesting annexation, establishment of zoning, a non-administrative plat to aggregate individual lots, and the vacation of a portion 15th Alley South. The applicant is proposing to develop the properties with two buildings, 18 bedrooms each, to be used as BeeHive Homes assisted living facilities. The property consists of 1.028 acres.

Background:

Annexation by Petition – Resolution 10289

Along with the storage unit properties to the west, the subject properties are part of a small unincorporated enclave surrounded to the north, east, south and west by properties in City limits. The applicant is requesting annexation of 14 lots and the adjoining right-of-way of 15th Alley South in order to develop the vacant parcels. Annexation of the subject properties will require the applicant to install public infrastructure which is outlined in this agenda report as well as in the draft Improvement Agreement that is attached.

The basis for decision for an annexation by petition request is listed in the OCCGF §17.16.7.050. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact/Basis of Decision – Annexation by Petition.

Establishment of Zoning – Ordinance 3204

As stated previously, the applicant is proposing to develop the subject properties with two assisted living facility buildings similar to the existing BeeHive Homes buildings located south of 15th Ave. South. In conjunction with the annexation, the applicant is requesting establishment of zoning. Based on the adjacent zoning district and the use, the applicant is requesting the R-5 Multi-family medium density zoning designation. Assisted living facilities are a permitted use in this zoning district.

The basis for decision on zoning map amendments, i.e. rezoning or zone changes, is listed in the OCCGF §17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact/Basis of Decision – Zoning Map Amendment.

Vacation of 15th Alley South – Resolution 10291

The resolution to vacate 15th Alley South is required in order for the applicant to aggregate all parcels into a single lot for development. Since the applicant owns the parcels to the north and south of the right of way and the right of way has topographic challenges that limit its use for access, the applicant has submitted a request for vacation. City staff recommends in favor of the applicant's request, subject to the applicant reserving a 20-foot wide easement for access to public utilities.

According to Section 7-3-4448, Montana Code Annotated (M.C.A), the owner must file a request for the intent to vacate any right-of-way. City staff presented a Resolution of the Intent to Vacate such right-of-way at the City Commission meeting on April 16, 2019. The City Commission adopted Resolution 10290, thereby setting May 7 as the public hearing date to consider the applicant's request. M.C.A requires a petition to be sent to each of the owners abutting the right of way property. Unless 51 percent of the affected property owners object to the proposed vacation, the Commission may declare such vacation.

Non-Administrative Plat

Based on the proposed development, the applicant is requesting review of an amended plat that will aggregate all 14 lots together. The aggregation is required per M.C.A 76-3-207 (2) (a) which states:

"within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder."

For a non-administrative plat request, the recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact/Basis of Decision – Subdivision.

Improvements:

Roadways and Alleys: Pursuant to the attached Improvement Agreement, the applicant proposes to construct 14th Avenue South consistent with City standards and submitted plans approved by the City Engineering Division. Construction of this street shall include curb and gutter, sidewalks, and boulevard trees. All street improvements are to be owned and maintained by the City upon completion. The applicant additionally proposes to install sidewalks along the west side of 25th Street South and along the north side of 15th Avenue South.

Utilities: The applicant is responsible for the installation of all public utilities as well as on site utilities to serve the proposed development. These public utilities include the extension of the water main through 14th Avenue South and the extension of the sanitary sewer main through the county right-of-way of 15th Alley South. This right-of-way runs through the middle of the adjacent storage unit business. The applicant must gain permission from both the owner and County before commencing this work. The recording of an easement for the City to access the sewer main is also required.

Stormwater Management: The applicant is proposing to construct underground detention that will ultimately tie into the City's existing storm drain system. The applicant is responsible for the installation of stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City of Great Falls Public Works Department.

Neighborhood Council Input:

The subject properties are located in Neighborhood Council #5. The applicant presented the project to the Neighborhood Council on January 21, 2019, and the Council voted unanimously in support of the project.

Fiscal Impact:

Services will be provided by the City, and the cost of infrastructure improvements will be borne by the applicant per the agreed upon terms of the Improvement Agreement. The City will reimburse the applicant for the proportionate share of costs of public improvements as outlined in the Agreement. The annexation and aggregation will lead to development of 14 lots and the proposed vacated alley right-of-way. This will have a positive benefit on the City's tax base.

Alternatives:

The City Commission could deny any portion of the applicant's request. If such action is taken, the Commission must develop alternative findings to support such a denial decision.

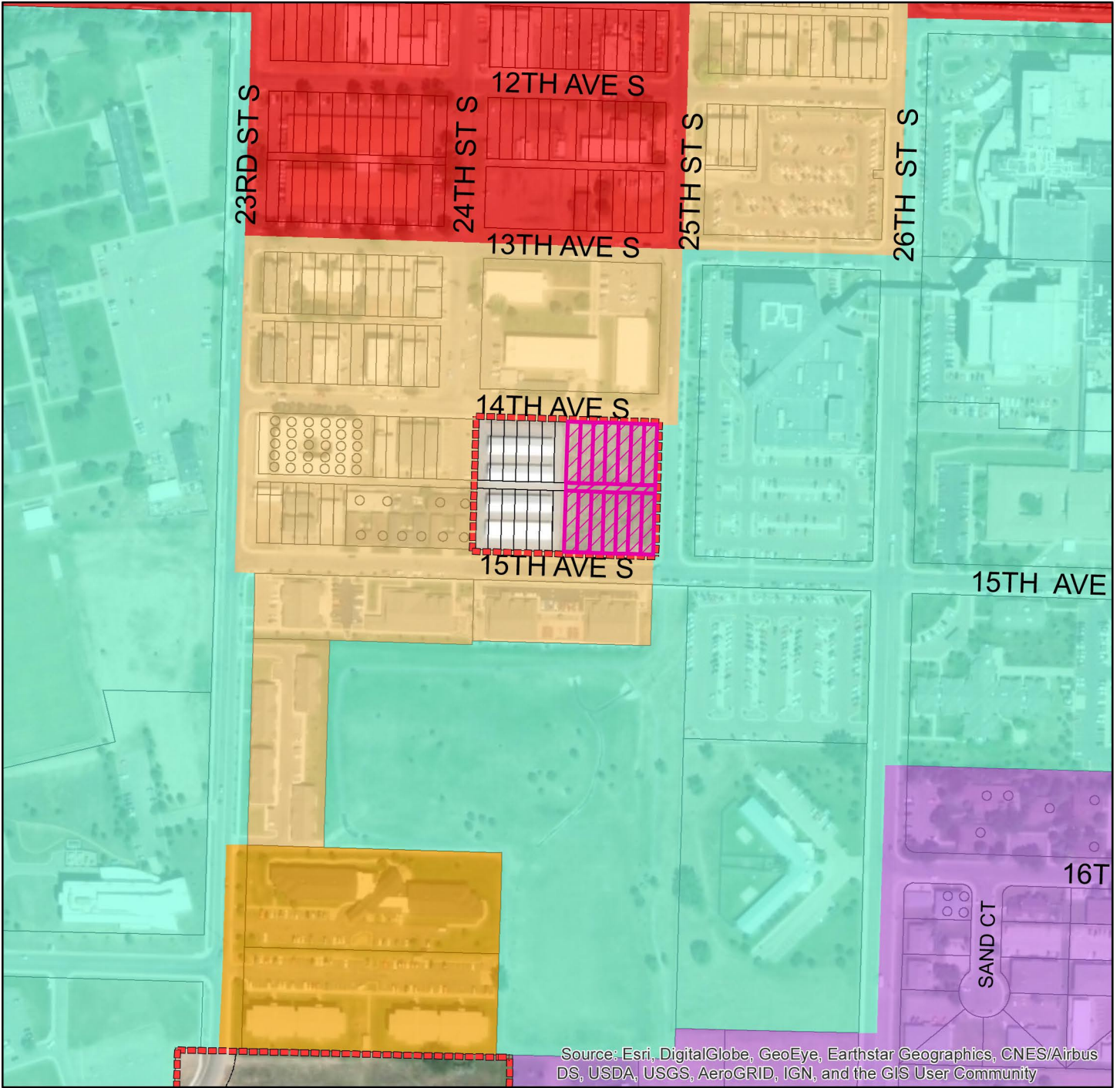
Concurrences:









Representatives from the City's Public Works, Legal, and Fire/Rescue Departments have been involved throughout the review and approval process for this project, and will continue throughout the permit process. Both the Engineering and Environmental Divisions of Public Works have collaborated on the Improvement Agreement, as well as the design review of the proposed infrastructure improvements. Representatives from the City's Public Works and Fire Departments have also been notified of the proposed vacation of the alley and have no objections to the request.

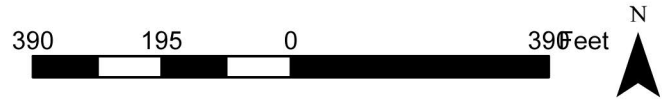
Attachments/Exhibits:

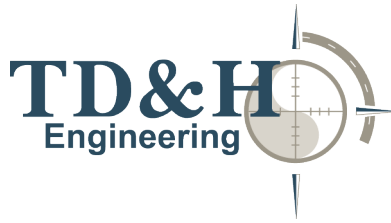
- Zoning Map
- Project Narrative
- Resolution 10289
- Resolution 10289 – Attachment A
- Findings of Fact/Basis of Decision – Annexation
- Ordinance 3204
- Ordinance 3204 Exhibit A
- Findings of Fact/Basis of Decision – Zoning Map Amendment
- Resolution 10291
- Resolution 10291 Exhibit A
- Draft Amended Plat
- Findings of Fact/Basis of Decision - Subdivision
- Proposed Site Plan
- Improvement Agreement

ZONING MAP



-  Subject Properties
-  R-5 Multi-family Medium Density
-  R-6 Multi-family High Density
-  C-2 General Commercial
-  M-1 Mixed-use District
-  PLI Public Lands and Institutional
-  U Unincorporated Enclave
-  Tracts of Land





BEEHIVE: ANNEXATION/ZONING/SUBDIVISION/VACATE RIGHT-OF-WAY NARRATIVE

TD&H ENGINEERING JOB NO. 18-031

The owners of property located on the southwest corner of 14th Ave S and 25th St S are requesting annexation, zoning map amendment, subdivision (amended plat) and to vacate a portion of 15th Alley South in order to develop two 18-bed assisted living (retirement home) facilities on the property. The property is legally described as the Amended plat of Lots 8-21, Block 30 of the Replat of Lincoln Heights, located in the S1/4 of Section 18, Township 20 North, Range 4 East, PMM, City of Great Falls, Cascade County, MT. The property consists of a total of 1.028 acres.

The subject property is an unincorporated enclave located in Cascade County. The Owners would like to request annexation of the property into the City of Great Falls limits and an initial zoning of R-5 Multi-family Medium Density. Retirement home is a permitted use in the R-5 zoning district, retirement home includes assisted living facilities per the land development code. The newly proposed lot meet the standards of the City of Great Falls Land Development Code per the follow table:

Standard	R-5 Requirement	Provided Lot 8B
Residential Density	1,875 sq. ft. of lot area per dwelling unit	N/A
Min Lot Size	7,500 sq. ft.	1.028 ac
Min Lot Width	50 feet	175 ft
Lot Proportion	2.5:1	175'x256'
Max Building Height Principal Building	45 feet	Buildings will not exceed 45 feet
Maximum building height of detached private garage	24 feet; but not higher than the uppermost elevation of principal building	N/A
Max Building Height Accessory Building	12 feet	Accessory Buildings will not exceed 12 feet
Min Front Yard Setback	10 feet	10 feet provided
Min Side Yard Setback	4 feet; 8 feet if adjoining an R-1, R-2, R-3 district	4 feet provided
Min Rear Yard Setback	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 in depth and over	15 feet provided
Maximum Lot Coverage	Corner Lot 70%; Other Lots 60%	Does not exceed 70% coverage

The property currently consists of 14 individual lots, in conjunction with the annexation and zoning the owners are requesting an amended plat to aggregate all 14 lots into one lot. There is also an existing alley, 15th Alley South, that bisects the property the owners are requesting that this alley be vacated for the length of their property. The existing alley, runs for two blocks east west in the vicinity of the project from 23rd St S to 25th Street South. The property to the west of the proposed project consists of existing storage units and is also an unincorporated enclave. There is a significant grade change between that property and the existing alley to the west, it is unlikely the alley will ever develop in the future. The owners have had previous discussions with the City's Public Works department and they stated they were in support of vacating this portion of alley.

The Owners have been in discussion with Public Works regarding future extension of public utilities to serve the proposed lot. At this time it is planned to extend the sewer from the west to the property within the alley, the owners will provide an easement for the sanitary sewer. Water exists in 26th St S and 15th Ave S it is anticipated water will connect to one of these existing mains. Storm water will meet the requirements of the City of Great Falls. It is anticipated that underground storage will need to be utilized. Final installation of public/private utilities will occur at the time of development for the new lot, the Owner's will work with the City at that time to finalize the plans.

J:\2018\18-031 Bee Hive Homes\DOCUMENTS\APPLICATION\05_BeeHive Narrative-18-031.doc

RESOLUTION 10289

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF THE CITY OF GREAT FALLS TO INCLUDE LOTS 8-21, BLOCK 30 OF THE REPLAT OF LINCOLN HEIGHTS AND THE ADJOINING RIGHT OF WAY OF 15TH ALLEY SOUTH LOCATED IN THE NE1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.MT, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED.

* * * * *

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

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

Lots 8-21, Block 30 of the Replat of Lincoln Heights and the adjoining right of way of 15th Alley South located in NE1/4 of Section 18, Township 20 North, Range 4 East, P.M. MT, Cascade County, Montana;

all as shown on the map attached hereto marked Attachment "A", and by this reference made a part hereof; and

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

WHEREAS, K&V Family Properties LLC, the owners of the hereinabove described properties have submitted a petition to have the subject properties annexed to the City of Great Falls; and

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

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

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

That the boundaries of the City of Great Falls, Montana, be, and the same are hereby extended so as to embrace and include within the corporate limits of said city, all of the land hereinabove described, included as: “Lots 8-21, Block 30 of the Replat of Lincoln Heights and the adjoining right of way of 15th Alley South located in NE1/4 of Section 18, Township 20 North, Range 4 East, P.M. MT, Cascade County, Montana” as shown on attached Attachment “A.”

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7th day of May, 2019.

Bob Kelly, Mayor

ATTEST:



Lisa Kunz, City Clerk

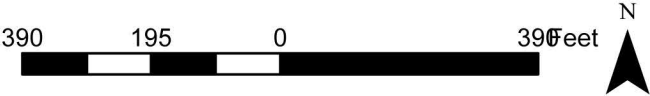
(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



-  Subject Properties
-  Tracts of Land



FINDINGS OF FACT/BASIS OF DECISION – ANNEXATION

Amended plat of Lots 8-21, Block 30 of the Replat of Lincoln Heights, located in the S1/4 of Section 18, Township 20 North, Range 4 East, PMM, City of Great Falls, Cascade County, Montana and the right-of-way of 15th Alley South.

PRIMARY REVIEW CRITERIA:

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

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

The subject properties are contiguous to the existing City limits, with previously annexed property being present to the north, east, and south of the proposed annexation area. Along with the storage unit business to the west, the subject site is considered an unincorporated enclave wholly surrounded by City limits. This is shown on the aerial map exhibit included in the agenda report.

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

The proposed annexation is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is strongly supported by the Social, Environmental and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a diverse, safe, and affordable supply of housing in the City; 2) enhance the urban built environment by promoting infill and redevelopment in the City; and 3) encourage a balanced mix of land uses throughout the City.

Additionally, the annexation specifically supports the following goals and policies:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Soc1.4.5 Continue to support the development of accessible housing units for those with physical and mental challenges and special needs, including members of the community with disabilities, etc.
- Soc1.4.12 When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.

Environmental – Urban Form

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

Physical – Land Use

- Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.
- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

Physical – Zoning

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

Physical - Efficient Infrastructure

- Phy4.3 Optimize the efficiency and use of the City's public facilities and utilities.
- Phy4.3.2 Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

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

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject properties are located in Neighborhood Council #5. The applicant presented the project to the Neighborhood Council on January 21, 2019, and the council voted unanimously in support of the project.

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

The subject properties do not lie within any adopted plan or sub-area planning areas. The proposed improvements for all proposed roads in the development are consistent with City transportation planning documents.

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

The City Public Works Department has verified that the capacity is adequate to provide these services. A full description of the various public services that will be provided to the development has been outlined in the agenda report as well as in the attached Improvement Agreement.

The subject properties are surrounded by City properties that are currently receiving law enforcement and fire protection services from the City of Great Falls. Providing these services to the proposed development is expected to be a manageable cost to the City.

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

The proposed development includes the construction of two assisted living facilities with associated parking, landscaping and utilities onsite. The lots will be serviced by city roads and utilities. This proposed public infrastructure will be built to all City standards as outlined in the attached Improvement Agreement for the subject properties.

7. The owner(s) of the subject property will bear all of the cost of improving the property to

City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.

An Improvement Agreement for the properties has been drafted outlining the responsibilities and proportionate share of costs for various improvements. The Improvement Agreement has been attached to the agenda report. This Improvement Agreement does address the creation of any special improvement districts.

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

The subject properties have been previously surveyed and recorded with the County Clerk and Recorder when they were subdivided in the County. An amended plat is proposed to aggregate the subject properties together, including the right-of-way of 15th Alley South which the applicant has petitioned to vacate. If the proposed project is approved for annexation by the City Commission, the applicant will revise the amended plat based on Staff comment and the conditions of approval and then will record the plat with the County Clerk and Recorder.

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

Public improvements for City water and City sewer services have been addressed fully in the agenda report as well as in the attached Improvement Agreements.

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

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

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

The subject properties are not located in another city or town.

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

The subject properties are not used for the uses listed above. The properties are vacant parcels that rest in the County.

ORDINANCE 3204

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF R-5 MULTI-FAMILY MEDIUM DENSITY DISTRICT TO THE PROPERTY LEGALLY DESCRIBED AS: LOTS 8-21, BLOCK 30 OF THE REPLAT OF LINCOLN HEIGHTS AND THE ADJOINING RIGHT OF WAY OF 15TH ALLEY SOUTH LOCATED IN THE NE1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M. MT, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, K&V Family Properties LLC, is the owner of record and has petitioned the City of Great Falls to annex the subject properties, consisting of ±1.028 acres, as legally described above; and

WHEREAS, K&V Family Properties LLC has petitioned said properties to be assigned a City zoning classification of R-5 Multi-family Medium Density, upon annexation to City; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on March 26, 2019, to consider said zoning request and, at the conclusion of said hearing, passed a motion recommending the City Commission zone the property legally described as Lots 8-21, Block 30 of the Replat of Lincoln Heights and the adjoining right of way of 15th Alley South located in NE1/4 of Section 18, Township 20 North, Range 4 East, P.M. MT, Cascade County, Montana to R-5 Multi-Family Medium Density district; and

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing before the Great Falls City Commission on this zoning designation would be held on the 7th day of May, 2019, before final passage of said Ordinance herein; and

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030; and

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

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

Section 1. It is determined that the herein requested zoning assignment meets the criteria and guidelines cited in Mont. Code Ann. § 76-2-304, and meets the requirements of OCCGF Section 17.16.40.030.

Section 2. That the property legally described as: Lots 8-21, Block 30 of the Replat of Lincoln Heights and the adjoining right of way of 15th Alley South located in NE1/4 of Section 18, Township 20 North, Range 4 East, P.M. MT, Cascade County, Montana, be designated as R-5 Multi-Family Medium Density as shown in Exhibit A.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading April 16, 2019.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading May 7, 2019.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3204, on the Great Falls Civic Center posting board and the Great Falls City website.



Lisa Kunz, City Clerk

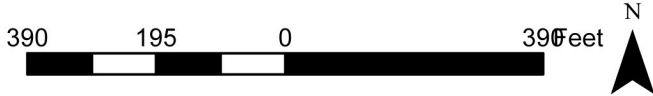
(CITY SEAL)

Exhibit A - Ordinance 3204



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

-  Ordinance 3204
-  Tracts of Land



FINDINGS OF FACT/BASIS OF DECISION – Zoning Map Amendment

Amended plat of Lots 8-21, Block 30 of the Replat of Lincoln Heights, located in the S1/4 of Section 18, Township 20 North, Range 4 East, PMM, City of Great Falls, Cascade County, Montana and the right-of-way of 15th Alley South.

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in the Official Code of the City of Great Falls §17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of the City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed zoning map amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is strongly supported by the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a diverse, safe, and affordable supply of housing in the City; and 2) encourage a balanced mix of land uses throughout the City.

Additionally, the zoning map amendment specifically supports the following goals and policies:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Soc1.4.5 Continue to support the development of accessible housing units for those with physical and mental challenges and special needs, including members of the community with disabilities, etc.

Environmental – Urban Form

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

Physical – Land Use

- Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.
- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

Physical – Zoning

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

Physical - Efficient Infrastructure

- Phy4.3 Optimize the efficiency and use of the City's public facilities and utilities.
- Phy4.3.2 Plan for the provision of appropriate infrastructure improvements, where needed, to

support development.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject properties are located in Neighborhood Council #5. The applicant presented the project to the Neighborhood Council on January 21, 2019, and the council voted unanimously in support of the project.

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

The subject properties do not lie within any adopted plan or sub-area planning areas. The proposed improvements for all proposed roads in the development are consistent with City transportation planning documents.

4. The code with the amendment is internally consistent.

The proposed establishment of zoning is not in conflict with any portion of the existing City Code and will be consistent with the adjacent multi-family zoning to the south where similar facilities are existing. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

There are no existing public health, safety or welfare issues that have been identified for these properties. Street and utility infrastructure have been proposed with consideration of the potential development possibilities of surrounding properties.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to enforce the amendment if it is approved. The zoning map amendment will only affect the subject properties and they will be developed in a manner consistent with the zoning for this area.

RESOLUTION 10291

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, VACATING 15TH ALLEY SOUTH WITHIN BLOCK 30, REPLAT OF LINCOLN HEIGHTS, AS SHOWN IN EXHIBIT “A”, AND IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448

* * * * *

WHEREAS, the Replat of Lincoln Heights dedicated a sixteen (16) foot wide right-of-way for 15th Alley South within Block 30; and

WHEREAS, K & V Family Properties LLC, owns the properties on both sides of said right-of-way and has submitted a petition to have said 15th Alley South vacated; and

WHEREAS, it is determined retention of 15th Alley South within Block 30 serves no practical or functional traffic related purpose, is not needed for access by the public, and it is determined that a twenty (20) foot wide utility easement will be created to accommodate public utilities; and

WHEREAS, the right-of-way and easement therein of any owner is not impaired by the requested vacation; and

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

WHEREAS, at its regular meeting held on April 16, 2019, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution 10290, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 15TH ALLEY SOUTH WITHIN BLOCK 30, REPLAT OF LINCOLN HEIGHTS, AS SHOWN IN EXHIBIT A, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448, MONTANA CODE ANNOTATED AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW; and

WHEREAS, notice was provided pursuant to Mont. Code Ann. § 7-3-4448(2); and

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls, Montana, on the 7th day of May, 2019, at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center, 2 Park Drive South, Great Falls, Montana, where said Commission heard all

persons relative to the proposed vacation of 15th Alley South within Block 30, Replat of Lincoln Heights.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that 15th Alley South, within Block 30, Replat of Lincoln Heights, is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that an Amended Plat of Lots 8-21, Block 30, of the Replat of Lincoln Heights, including those portions of vacated right-of-way, has been prepared which reflects the aggregation of said parcels and the requested vacated right-of-way into one parcel.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7th day of May, 2019.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk



(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

Resolution 10291 - Exhibit A



-  Tracts of Land
-  Resolution 10291

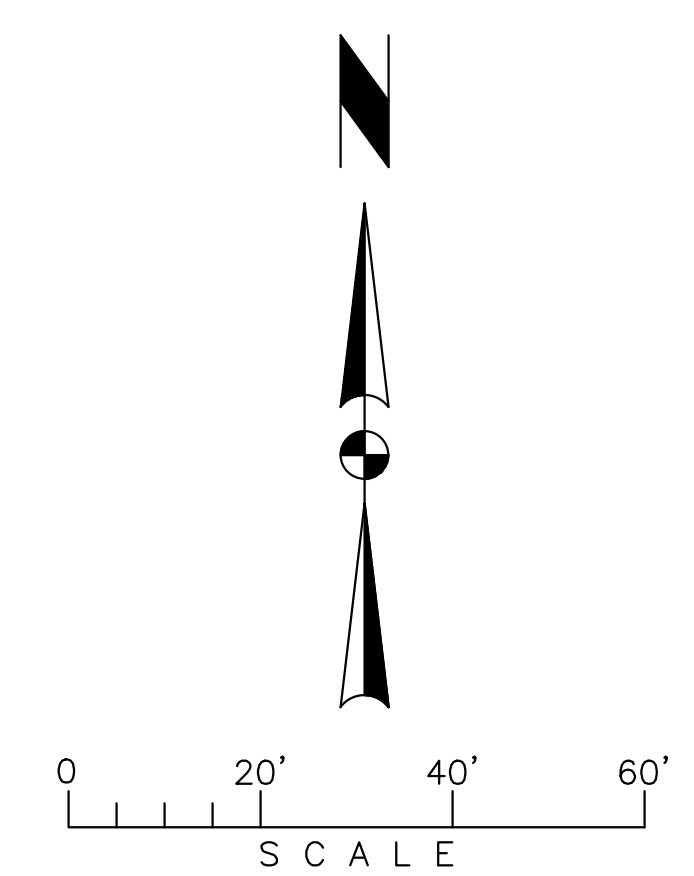
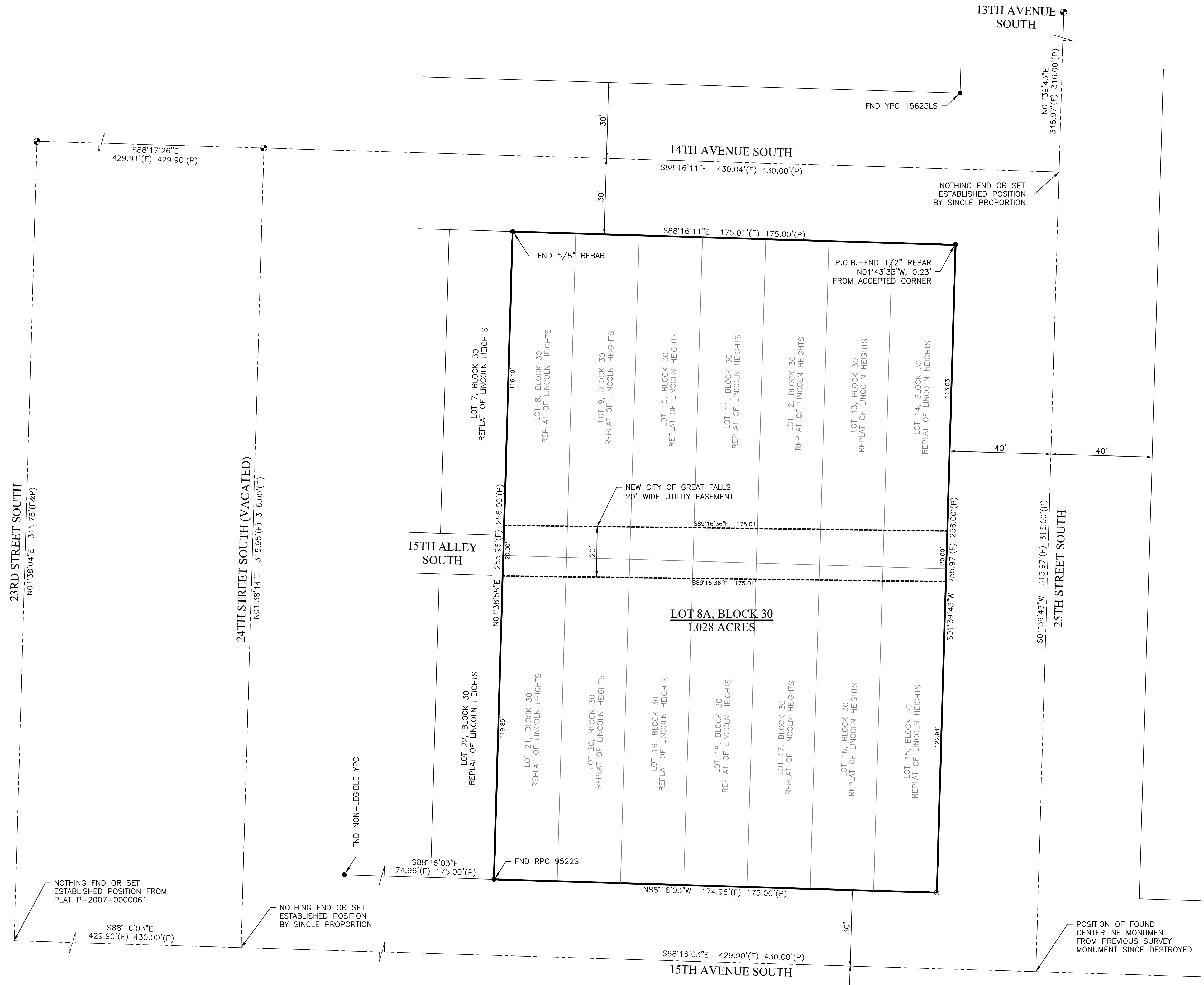
320 160 0 320 Feet



AN AMENDED PLAT OF LOTS 8-21, BLOCK 30, OF THE REPLAT OF LINCOLN HEIGHTS, INCLUDING THOSE PORTIONS OF THE VACATED 15TH ALLEY SOUTH

LOCATED IN THE NE1/4 OF SECTION 18, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNER: K & V FAMILY PROPERTIES LLC



LEGEND

- FND CENTERLINE MONUMENT
- SET PROPERTY PIN
- 18"x5/8" REBAR/YPC 15625LS
- FOUND PROPERTY PIN
- PLAT BOUNDARY
- - - NEW EASEMENT THIS PLAT
- LOT LINE
- LOT LINE BEING DELETED THIS PLAT
- (F) FOUND/FIELD MEASUREMENT
- (P) PLAT RECORD DISTANCE
- LOT 1 LOT BEING AGGREGATED THIS PLAT

BASIS OF BEARING:
GRID NORTH, MONTANA STATE PLANE COORDINATE SYSTEM, ESTABLISHED WITH SURVEY QUALITY GPS

PURPOSE OF SURVEY:
1. TO AGGREGATE THE VACATED PORTION OF 15TH ALLEY SOUTH AND LOTS 8-21, BLOCK 30, OF THE REPLAT OF LINCOLN HEIGHTS, INTO ONE LOT.
2. TO CREATE A NEW CITY OF GREAT FALLS UTILITY EASEMENT

EASEMENT NOTES:
1. EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS AMENDED PLAT.
2. WITH THE FILING OF THIS AMENDED PLAT, A NEW EASEMENT TO THE CITY OF GREAT FALLS WILL BE CREATED AND ACCEPTED.
3. NO KNOWN EXISTING UTILITIES ARE LOCATED IN THE VACATED PORTION OF 15TH ALLEY SOUTH. THEREFORE WITH THE FILING OF THIS AMENDED PLAT, THE CITY OF GREAT FALLS IS APPROVING AND GIVING UP EASEMENT RIGHTS TO SAID VACATED ALLEY.

	DRAWN BY: DRK SURVEYED BY: KJV	DATE: 1-15-19 JOB NO. 18-031	QUALITY CHECK: X FIELDBOOK: X
	GREAT FALLS-BOZEMAN-KALISPELL-SHELBY SPOKANE LEWISTON WATFORD CITY		MONTANA WASHINGTON IDAHO NORTH DAKOTA

FINDINGS OF FACT/BASIS OF DECISION – MONTANA SUBDIVISION AND PLATTING ACT

Amended plat of Lots 8-21, Block 30 of the Replat of Lincoln Heights, located in the S1/4 of Section 18, Township 20 North, Range 4 East, PMM, City of Great Falls, Cascade County, Montana and the right-of-way of 15th Alley South.

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

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: Along with the storage unit properties to the west, the lots in the project site to be aggregated are considered as an unincorporated enclave surrounded to the north, east, south and west by City limits. The owner of the subject properties has petitioned to annex all the properties as well as the county right-of-way of 15th Alley South. The properties are currently vacant in the county and are not currently being used for agricultural purposes. Thus, the proposed project site will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: The development of lots in the project site will result in extensions and connections to City water and sewer mains. The owner will pay the cost of extending these utility mains as well as bare the cost of all required stormwater management facilities. The Public Works Department has verified that the City has adequate capacity for the proposed project. The owner will provide the required submittals for review of all public infrastructure as well as all onsite utilities and stormwater facilities to the Public Works Department for review. Surrounding properties are currently receiving law enforcement and fire protection service from the City of Great Falls. Providing these services to the subject properties is expected to be a manageable cost to the City, and increased tax revenues from improved properties may cover increased costs.

Effect on the Natural Environment: Development of the proposed site is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will flow to a proposed underground stormwater facility which will ultimately be treated on site and then released into the existing storm drain system. The design of this proposed system will be reviewed and approved by the Public Works Department.

Effect on Wildlife and Wildlife Habitat: The proposed lots to be aggregated are surrounded by the existing hospital to the east, the existing soroptimist village to the north, existing storage units in the county to the west, and the existing BeeHive facilities to the south. This is not in an area of significant wildlife habitat beyond occasional migrating fowl.

Effect on Public Health and Safety: Based on available information, the proposed lots to be aggregated are not subject to abnormal natural hazards nor potential man-made hazards.

Development of the proposed site will not have a negative effect on Public Health and Safety. As noted above, due to the proposed site being surrounded by City limits, it is will be feasible to provide all City services.

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

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

EASEMENT FOR UTILITIES

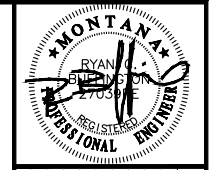
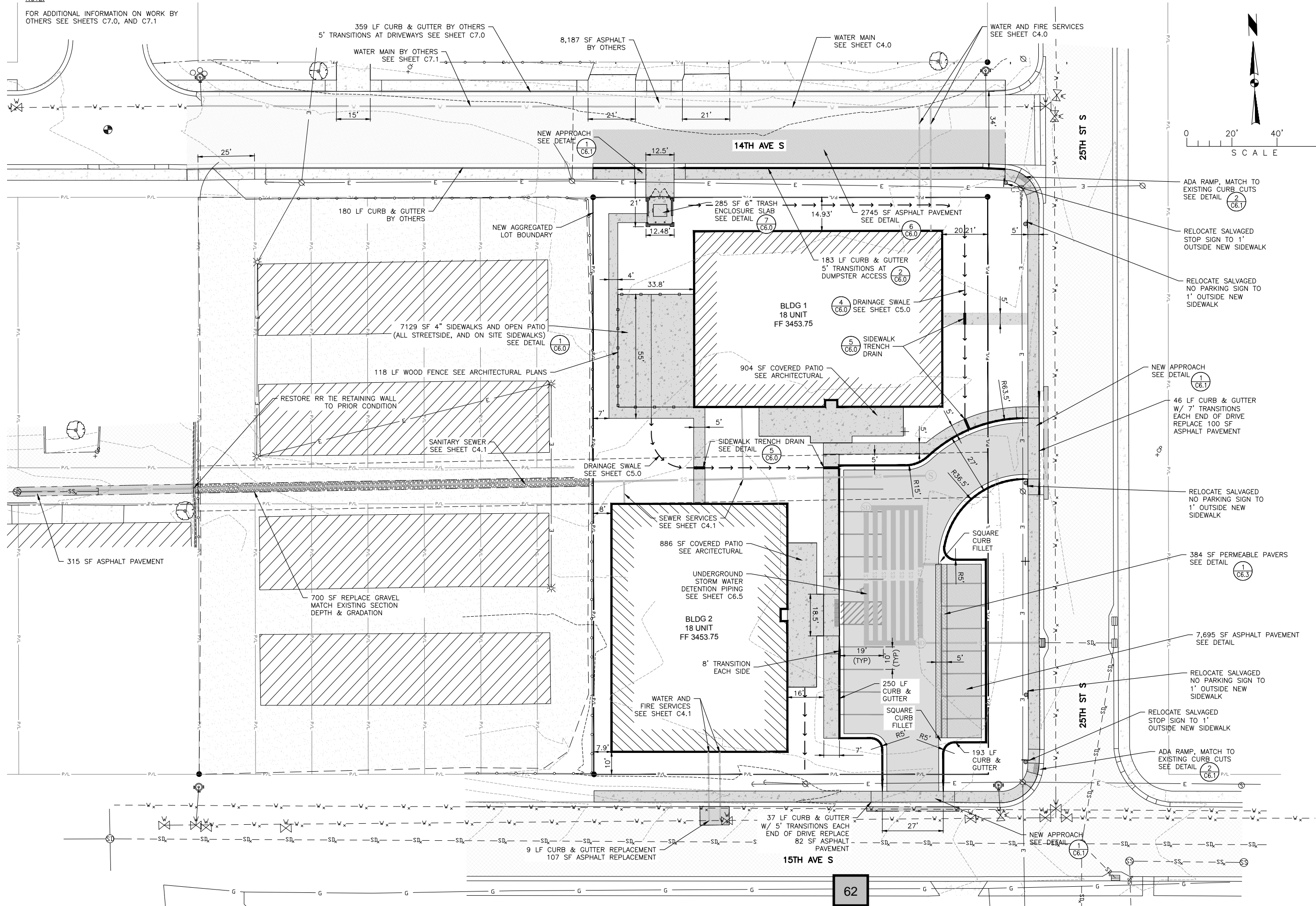
The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve the proposed lots.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the proposed development will be from 25th Street South and 15th Avenue South. These are all existing roads that are currently in City limits and are maintained by the City of Great Falls.

J:\2018\18-031 Bee Hive Homes\CADD\CIVIL\18-031 C3.X SITE.dwg, 1/29/2019 4:25:31 PM, CDF

NOTE:
FOR ADDITIONAL INFORMATION ON WORK BY OTHERS SEE SHEETS C7.0, AND C7.1



REV	DATE	REVISION



DRAWN BY: RCB/CDF
 DESIGNED BY: RCB
 QUALITY CHECK: RCB
 DATE: 01-28-2019
 JOB NO: 18-031
 FIELDBOOK: XX

BEEHIVE HOMES
GREAT FALLS, MONTANA

SITE LAYOUT PLAN

**IMPROVEMENT AGREEMENT FOR BEEHIVE HOMES DEVELOPMENT
(LOTS 8-21, BLOCK 30, OF THE REPLAT OF LINCOLN HEIGHTS),
LOCATED IN THE NE 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M.,
CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2019, between K&V Family Properties LLC, hereinafter referred to as "Owner", and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for the annexation of fourteen tracts of land and the adjacent portion of 15th Alley South into the corporate limits of the City legally described as Lots 8-21, Block 30 of the Replat of Lincoln Heights, located in the NE 1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, hereinafter referred to as "Subject Properties". Owner agrees to, and is bound by, the provisions of this Agreement, and by signing this Agreement, therefore agrees to terms applicable to the Subject Properties. The City is authorized to enter into this Agreement by §17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

1. Purpose. The purpose of this Agreement is to ensure that certain improvements are made and certain conditions are fulfilled by the Owner, as required by the City's approval of the annexation and supporting documents. Generally, this Agreement:

1.1 Declares that the Owner is aware of and has properly accounted for any natural conditions that may adversely affect the Development;

1.2 Insulates the Development from the impact of changes in the City's subdivision and zoning regulations, provided that no substantial changes in the Development are proposed;

1.3 Requires the Owner to guarantee that the promised on-site improvements are made in a timely manner by providing the financial securities required by the Official Code of the City of Great Falls (OCCGF);

1.4 Provides for the inspection and warranty of the required on-site improvements before they are accepted for operation and maintenance by the City;

1.5 Waives protest by the Owner and its successors against the creation of special improvement districts that would provide and maintain necessary infrastructure;

1.6 Establishes how necessary changes of final construction plans required by the Agreement may be made with the approval of the City;

1.7 Contemplates reimbursements to the Owner when neighboring properties that benefit from improvements made by the Owner are developed;

1.8 Embodies certain conditions that were imposed upon approval of the development in order to facilitate their enforcement; and

1.9 Indemnifies the City from challenges to its approval of the Development and holds it harmless

from errors and omissions in the approval and oversight of the project.

2. Duration. The term of this Agreement begins when it is signed by the City Manager and, with the exceptions stated below, ends at the time the warranty required by Section 11 of this Agreement on the required improvements installed by the Owner, expires and the funds securing that warranty are released.

2.1 If Work Does Not Begin. This Agreement is void if final construction plans for the Development are not submitted for approval within three years of the date of the City Manager's signature on this Agreement.

2.2 Failure to Build. The Owner's failure to complete on-site improvements in accordance with the final construction plans may result in the City retaining the security required in Section 12 of this Agreement. It may also void this Agreement and the vested rights established by Section 9, below.

2.3 Failure to Pay. The Owner's failure to make timely payment of its share of any of the off-site improvements listed in Section 14, below, voids the Agreement and the vested rights established by Section 9. It may also result in the City attempting to collect the amount due by any lawful means.

3. Supporting Documents. Each of the following supporting documents are to be submitted for review and approval by the City.

3.1 Amended Plat. The Amended Plat of Lots 8-21, Block 30, of the replat of Lincoln Heights, filed on record in the Clerk and Recorder's Office of Cascade County, Montana.

3.2 Construction Documents. Engineering drawings, specifications, reports and cost estimates (preliminary and final), prepared for the Subject Properties, consisting of documents for, but not limited to the public sanitary sewer, water, storm drain, and street improvements.

3.3 As Built Drawings. "As Built" reproducible 4 mil mylar drawings and one electronic copy of public infrastructure, private utilities, and drainage facilities shall be supplied to the City of Great Falls Engineering Division; and one electronic copy of public infrastructure, private utilities, and drainage facilities shall be supplied to the City of Great Falls Environmental Division office upon completion of the construction.

3.4 Legal Documentation. Legal documents, including but not limited to any articles of incorporation, bylaws, covenants, and declarations establishing the authority and responsibilities of owners, which may be recorded in the Clerk and Recorder's Office of Cascade County, Montana.

4. Changes. The Owner understands that failure to install required improvements in accordance with the final construction plans approved for the Development is a breach of, and may void, this Agreement. The Owner also understands that failure to build in compliance with approved plans is a breach of this Agreement and a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds and the Administrator (the Administrator is the person or persons charged by the City Manager with the

administration of this improvement agreement) is hereby authorized to allow minor changes to approved plans, as provided below:

4.1 Minor Changes. Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by the Administrator and which do not materially affect the hereinabove mentioned Subject Properties, can be made as follows:

4.1.1 Before making changes, the Owner must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made may be considered by the City to be a breach of this Agreement and a violation of the OCCGF. The Administrator shall respond to all proposed changes within ten (10) business days of receipt of the revised plans.

4.1.2 Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided they do not result in a violation of the conditions of approval for the Subject Properties or the OCCGF.

4.1.3 Based on a review of the revised plans, the Administrator may permit substitutions for proposed building and construction materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.

4.1.4 Minor changes in the location and specifications of the required public improvements may be permitted by the Administrator. Owner must submit revised plans showing such changes to the Administrator. Revised plans are not accepted until approved by the Administrator.

4.2 Substantial Changes. Substantial changes are not permitted by this Agreement. A new public review and permitting process will be required for such changes. "Substantial Change" versus "Minor Change" is described as follows in order to further clarify what may be permitted as a "Minor Change":

4.2.1 A substantial change adds one or more lots; changes the approved use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Administrator; changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

5. Fees. The Owner understands that it is required to pay the following fees as they come due during the development process.

5.1 Recording Fees. The Owner is responsible for all recording fees at the rate charged by Cascade County at the time a document or plat is submitted for recording.

5.2 Engineering Inspections. The Owner is responsible to pay all applicable engineering fees established by Resolution of the City of Great Falls or its successors.

5.3 Permit Fees. The Owner is responsible to pay all applicable planning and building permit fees established by Resolution of the City Commission of the City of Great Falls.

5.4 Connection and Construction Fees. Water service tapping and water and sewer service connection fees will be assessed at the times of tapping and connections. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with the Subject Properties shall not constitute a waiver by the City.

5.5 Storm Drain Fee. The Owner is responsible to pay a storm drain fee in the amount of \$250 per acre for each lot proposed for annexation. This would equal a total of **\$257** for the total 1.028 acres of the Subject Properties. The total storm drain fee is to be paid to the City no later than 30 days after City Commission action to annex the Subject Properties into the City.

5.6 Application Fees. In addition to the fees outlined above, application fees paid by the Owner are: the \$2,000.00 application fee for establishment of zoning, \$1,000 application fee for the non-administrative plat, \$1,250 for the intent to vacate 15th Alley South and the \$500.00 application fee for Annexation, which have been paid prior to this Agreement.

6. Site Conditions. The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements on the site and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the Development will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

7. On-Site Improvements. The on-site improvements shall include everything required to provide water, sanitary sewer, sanitary sewer industrial pretreatment (as applicable), fire protection, storm drainage, storm water quality treatment, and access. Access for purposes of emergency vehicles shall be installed to the specifications of the Public Works Department. The Owner shall provide public utility easements for all required public utilities. The Owner agrees to install stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City of Great Falls Public Works Department. Stormwater quantity control measures must comply with standards of the City of Great Falls Storm Drainage Design Manual. The design, installation, inspection, and maintenance responsibilities of these improvements shall be approved by the City of Great Falls Public Works Department.

8. Permits. This Agreement must be approved by the City Commission and signed by the City Manager before permits for any work will be approved, including, but not limited to, grading for streets or trenching for the installation of utilities.

9. Vested Rights. The approval of this Agreement by the City create a vested right that protects the Owner from changes in the zoning and subdivision requirements of Title 17 of the OCCGF until this Agreement expires, as provided in Section 2 of this Agreement. This vested right does not exempt the Owner from compliance with other provisions of the OCCGF, including specifically those intended to prevent and remediate public nuisances, nor does it protect the Owner from changes in the City's

building codes and fees, development fees, and inspection fees. This vested right does not exempt the owner from compliance with changes to state and federal requirements. This vested right may be voided, in whole or in part, if the Owner proposes substantial changes in the approved final construction plans of the Development.

10. Required Public Improvements. The public improvements required for the Development shall be installed as shown on the final construction plans that are submitted to and approved by the Engineering Department prior to issuance of the Certificate of Occupancy. As an alternative, the Owner may provide a financial security for said improvements as prescribed in Section 12. Any reimbursements owed to the Owner for the installation of public improvements are outlined in Section 13. Any reimbursements to be paid by the owner for previously installed public improvements are outlined in Section 14.

10.1 Water. The Owner hereby agrees to extend approximately 339 linear ft of public water main through 14th Avenue South between 24th Street South and 25th Street South consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division, including the addition of fire hydrants (if applicable). The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. Any portion of water main service located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be owned and maintained by the City upon completion.

10.2 Sanitary Sewer. The Owner hereby agrees to extend approximately 405 linear ft of public sanitary sewer main in the 15th Alley S right-of-way consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division. The improvement shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. Any portion of sewer main service located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be owned and maintained by the City upon completion.

10.3 Roadways and Sidewalks. The Owner agrees to construct 14th Avenue South from 24th Street South to 25th Street South consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division. Construction of this street shall include curb and gutter, sidewalk (along the south side of 14th Avenue South along the Owners property line) and boulevard trees. All street improvements are to be owned and maintained by the City upon completion. The Owner additionally agrees to install sidewalks along the west side of 25th Street South and along the north side of 15th Avenue South. Property owner is responsible for the maintenance of the sidewalk, landscaping and trees.

11. Warranty, Ownership and Inspection of Public Improvements. The Owner is responsible for the repair or replacement of any faults in the materials or workmanship of the required on-site and off-site public improvements for a period of two years from the date those improvements are accepted for maintenance by the City. This warranty will be enforced by the City retaining 10% of the security required by Section 12 of this Agreement for the two-year warranty period. That sum will be released at the end of two years unless the parties are involved in a dispute about the condition, repair, or replacement of any of the required improvements, in which case funds will be held by the City until that

dispute is resolved. The release of warranty funds follow the procedure established in Section 12 of this Agreement for the release of securities.

Installation of all public streets, sidewalks, curb ramps, water, sewer, storm drain, and other public improvement required for the Subject Properties shall be subject to the City's inspection policy in place at the time of installation.

12. Security for Public Improvements. The Owner shall, upon approval of the annexation, and before the installation of the required public improvements listed in this Agreement, provide the City with a performance bond, an irrevocable letter of credit, or another form of security acceptable to the Administrator in an amount equal to one hundred thirty-five percent (135%) of the costs of the required public improvements.

The security required by this section shall be returned or released upon acceptance of the required improvements, except as provided in Section 13. Following the final required inspection, the Director of Public Works shall promptly inform the Administrator, in writing, that all improvements have been inspected and are acceptable for maintenance by the City. If the Development is in compliance with all conditions of approval, this Agreement, and the OCCGF, the Administrator shall then instruct the City Clerk to release the security to the Owner, minus the retained portion to be held in warranty as required by Section 11 of this Agreement.

13. Reimbursements owed to Owner. Except as set forth herein, the City will assist in obtaining initial reimbursements due from other adjacent or benefitted property owners under this Agreement, however the Owner remains responsible for any legal enforcement of the terms of this agreement against future benefitted owners. The Owner shall provide the City with documentation of its actual out-of-pocket costs for the installation of the hereinabove mentioned improvements within four (4) months after approval and acceptance thereof by the City. In the event of Owner's failure to provide the City with said cost data, the City shall not be obliged to undertake collection of the reimbursements provided for herein, and the responsibility for collection thereof shall be that of Owner, its heirs, successors and assigns. Failure of the Owner to provide the City with said cost data for reimbursement as herein required shall in no way alter the obligation of any other party to make reimbursement as provided for herein. Said failure will affect only the City's obligation to assist in collection thereof.

13.1 Annexed Parcels to the North. Pursuant to the annexation agreement of Lots 15-28, Block 27, Replat of Lincoln Heights Addition, the Owner of Lots 15-28 is to pay its proportionate share of the cost of the water main and the roadway for the frontage of the lots along 14th Avenue South. The amount to be reimbursed shall be determined by the Engineering Division's evaluation of the Owner's actual improvement cost. The reimbursement amount shall be based on actual quantity of improvements constructed. In the event that the improvement costs determined by the City to be unreasonable, the City will determine the reimbursement amount using standard bid and/or material prices. The Owner of Lots 15-28 shall be responsible for constructing the sidewalk for the frontage of the lots along 14th Avenue South.

13.2. Un-Annexed Parcels to the West. At the time of future annexation of the parcels west of the Subject Properties, the owners of said parcels are responsible to pay reimbursements to the Owner of the Subject Properties for its proportionate share of the cost of the sewer main extended through

the properties as well as the proportionate share of the cost of the roadway construction for the frontage of the lots along 14th Avenue South. Sidewalk shall be installed by the future annexed property owner at the time the parcels are annexed into the City. The City will pay the proportionate share of the cost of the installation of the water main along the frontage of the un-annexed parcels. The un-annexed parcels are responsible to pay reimbursements to the City for that proportionate share of the cost of the installation of the water at time of annexation.

14. Reimbursements paid by the Owner. The Owner is responsible for paying the following reimbursements as specified below.

14.1 25th Street South. The Owner shall reimburse the Owner of Lot 1A, Block 28 of Lincoln Heights Addition for the proportionate share of the roadway, between 14th Avenue South and 15th Avenue South. The reimbursement is to be paid to the City no later than 30 days after City Commission action to annex the Subject Properties into the City.

15. Maintenance Districts. Owner hereby agrees to waive its right to protest and appeal the lawful creation by the City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Properties.

16. Public Roadway Lighting. Owner hereby agrees to waive its right to protest and appeal any future special lighting district for public roadway lighting facilities that service the Subject Properties, and further agrees to pay for its proportionate share of the costs associated with roadway lighting which services the Subject Properties that may be installed with or without a special lighting district.

17. City Acceptance and Zoning. In consideration of the terms of this Agreement, the City hereby accepts the subject properties for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-5 Multi-family Medium Density.

18. Limitation of Liability. The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State requirements, and other applicable standards. The City's limited plans review and inspections are not substantive reviews of the plans and engineering. The City's approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, nor any third party may rely upon the City's limited review or approval.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's properties described herein. Upon the transfer of ownership of the properties, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred properties is released as to that owner and the indemnity obligation runs to the new owner of the properties. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to

indemnify, and no owner of properties is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

19. Binding Effect. The provisions, covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

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

K&V Family Properties LLC

By: _____

Its: _____

State of _____)
:ss.
County of _____)

On this _____ day of _____, in the year Two Thousand and Nineteen, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)



Item: First Amendment to the Marketing Agreement with Utility Service Partners Private Label, Inc.

From: Greg Doyon, City Manager

Initiated By: Robert Meston, Regional Manager

Presented By: Greg Doyon, City Manager

Action Requested: Approve First Amendment to the Marketing Agreement with Utility Service Partners Private Label, Inc.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the First Amendment to the Marketing Agreement with Utility Service Partners Private Label, Inc.”

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

Summary: During the November 20, 2018 Commission meeting, the City Commission approved a Marketing Agreement with Utility Service Partners Private Label, Inc. The Agreement allowed the company to provide the city’s residential property owners the opportunity, but not the obligation, to purchase service line warranty and similar products. The original agreement was for products related to water service lines and for interior plumbing and drainage warranties. The company has now been authorized by the state to offer these products for external sewer/septic lines. If purchased, this would cover from the exit point of a home up to the City service main. It would also cover septic lines if applicable.

All other provisions, terms and conditions of the Agreement remain unchanged and in full force and effect. The Contract was approved for a three year term.

Fiscal Impact: As agreed to in the original Agreement the City would receive \$0.50 License Fee per product for each month that a product is in force. This will be paid to the City annually in January.

Attachments/Exhibits:

First Amendment to the Agreement
Copy of Agreement approved on November 20, 2018

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT ("First Amendment") to the **MARKETING AGREEMENT** dated November 20, 2018 (the "Agreement", as amended from time to time) is entered into by and between **Utility Services Partners Private Label, Inc. d/b/a service Line Warranties of America**, and the **City of Great Falls, Montana**. All capitalized terms used in this First Amendment not otherwise defined herein shall have the same meaning ascribed to them in the Agreement. This First Amendment shall be effective on the last signature date set forth below ("Effective Date").

WHEREAS, the Parties now desire to amend the Agreement to add to the list of Products.

NOW, THEREFORE, in consideration of the premises and the mutual promises of the Parties set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Section 7 of the Agreement shall be deleted in its entirety and replaced as follows:

"Modification or Amendments/Entire Agreement. Except for the list of available Products under the Agreement, which may be amended from time to time by the Parties in writing and without signature, any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party unless in writing signed by that Party."

2. The following shall be added to Exhibit A, Section III of the Agreement:

"c. External sewer/septic line warranty"

3. The following shall be added to Exhibit A, Section IV of the Agreement:

"c. External sewer/septic line warranty:

- Homeowner responsibility: From the exit point of the home to the main.
- Covers septic lines if applicable."

Except as otherwise modified or amended by this First Amendment, all other provisions, terms and conditions of the Agreement remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have duly executed this First Amendment as of the Effective Date set forth above.

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. CITY OF GREAT FALLS, MONTANA

By: 

Name:

Title: *Chief Sales Officer*

Date: *4/16/19*

By: _____

Name:

Title:

Date:

MARKETING AGREEMENT

This **MARKETING AGREEMENT** ("Agreement") is entered into as of November 20, 2018 ("**Effective Date**"), by and between the City of Great Falls, Montana ("**City**"), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("**Company**"), herein collectively referred to singularly as "**Party**" and collectively as the "**Parties**".

RECITALS:

WHEREAS, water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City limits of Great Falls ("**Residential Property Owner**"); and

WHEREAS, City desires to offer Residential Property Owners the opportunity, but not the obligation, to purchase a service line warranty and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a "**Product**" and collectively, the "**Products**"); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Residential Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. **Purpose.** City hereby grants to Company the right to offer and market the Products to Residential Property Owners subject to the terms and conditions herein.
2. **Grant of License.** City hereby grants to Company a non-exclusive license ("**License**") to use City's name and logo on letterhead, bills and marketing materials to be sent to Residential Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. In the event that City extends a similar license to a direct competitor of Company during the Term and any Renewal Term of this Agreement, Company may immediately terminate this Agreement.
3. **Term.** The term of this Agreement ("**Term**") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms ("**Renewal Term**") unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Term or of a Renewal Term that the Party does not intend to renew this Agreement. In the event that Company is in material breach of this Agreement, the City may terminate this Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. City may also terminate this Agreement for any

reason, upon providing Company with 90 days written notice. Company will be permitted to complete any marketing initiative initiated or planned prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. Consideration.

A. As consideration for such license, Company will pay to City a License Fee as set forth in Exhibit A ("**License Fee**") during the term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term and any Renewal Term, due and payable on January 30th of the succeeding year. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

5. Indemnification. Company hereby agrees to protect, indemnify, and hold the City, its elected officials, officers, employees and agents (collectively or individually, "**Indemnitee**") harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, "**Claim**"), which an Indemnitee may suffer or which may be sought against or are recovered or obtainable from an Indemnitee, as a result of or arising out of any breach of this Agreement by the Company, or any negligent or fraudulent act or omission of the Company or its officers, employees, contractors, subcontractors, or agents related to this Agreement; provided that the applicable Indemnitee notifies Company of any such Claim within a time that does not prejudice the ability of Company to defend against such Claim. Any Indemnitee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

6. Notice. Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

To: City:
ATTN: Gregory T. Doyon
City of Great Falls
PO Box 5021
Great Falls, MT 59403-5021
Phone: (406) 455-8450

To: Company:
ATTN: Chief Sales Officer
Utility Service Partners Private Label, Inc.
11 Grandview Circle, Suite 100
Canonsburg, PA 15317
Phone: (866) 974-4801

7. **Modifications or Amendments/Entire Agreement.** Any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party unless in writing signed by that Party.

8. **Assignment.** This Agreement and the License granted herein may not be assigned by Company other than to an affiliate or an acquirer of all or substantially all of its assets, without the prior written consent of the City, such consent not to be unreasonably withheld.

9. **Counterparts/Electronic Delivery; No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third-party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

10. **Choice of Law/Attorney Fees.** The governing law shall be the laws of the State of Montana. In the event that at any time during the Term or any Renewal Term either Party institutes any action or proceeding against the other relating to the provisions of this Agreement or any default hereunder, then the unsuccessful Party shall be responsible for the reasonable expenses of such action including reasonable attorney's fees, incurred therein by the successful Party.

11. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

CITY OF GREAT FALLS

[REDACTED]

Name: Gregory T. Doyon

Title: City Manager

APPROVED FOR LEGAL CONTENT:

[REDACTED]

Sara R. Sexe, City Attorney

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

[REDACTED]

Name: Michael Backus

Title: Chief Sales Officer

Exhibit A
NLC Service Line Warranty Program
City of Great Falls
Term Sheet
August 16, 2018

I. Initial Term. Three years

II. License Fee. \$0.50 per Product for each month that a Product is in force for each Residential Property Owner (and for which payment is received by Company), aggregated and paid annually, for:

- a. City logo on letterhead, advertising, billing, and marketing materials

III. Products.

- a. External water service line warranty (initially, \$6.75 per month)
- b. Interior plumbing and drainage warranty (initially, \$9.99 per month)

Company may adjust the foregoing Product fees after the initial 12 months of the Agreement; provided, that any such adjustment shall not exceed \$.50 per month in any 12-month period, unless otherwise agreed by the Parties in writing.

IV. Scope of Coverage.

- a. External water service line warranty:
 - Homeowner responsibility: From the main to the external wall of the home.
 - Covers thawing of frozen external water lines.
 - Covers well service lines if applicable.
- b. Interior plumbing and drainage warranty:
 - Water supply pipes and drainage pipes within the interior of the home.

V. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year, comprised of up to six mailings and such other channels as may be mutually agreed. Initially, Company anticipates offering the Interior plumbing and drainage warranty Product via in-bound channels only.



Item: Great Falls Animal Shelter Improvements – Cattery Addition OF 1673
From: Great Falls Animal Shelter Staff
Initiated By: Great Falls Animal Shelter
Presented By: Chuck Anderson, Deputy City Manager
Action Requested: Accept Bid from Detailed Construction and Award Construction Contract

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (award/not award) a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition and authorize the City Manager to execute the construction contract documents.”

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

Staff Recommendation:

Accept the bid from Detailed Construction and authorize the City Manager to execute the construction contract documents.

Summary:

An invitation to bid was sent out in early March for construction of the Cattery Addition, a component of the original Animal Shelter Master Facility Plan. This invitation to bid was scoped to follow a phased construction approach and the Great Falls Animal Shelter Master Plan. Three bids were received from Geranios Enterprises, Detailed Construction, and Dick Anderson Construction. Detailed Construction was the lowest bidder, with a bid amount of \$462,000, which is within the fund raising budget.

On April 2, 2019, the City Commission considered award of this bid, but voted 3-2 to postpone the decision to award until September 3, 2019, effectively rejecting the bid under the terms of the Invitation to Bid and Instruction to Bidders. Those terms require an award of a contract within 60 days of the bid opening date of March 20, 2019. Subsequently, the City Commission held a special meeting on April 30, 2019, and voted to rescind the Commission’s April 2nd decision to postpone the award decision.

Background:

In 2012, the Animal Shelter staff began working with Nelson Architects to develop a Master Plan for the shelter. The plan identified current, desired, and future space needs for the facility and options for achieving those needs. The plan focused on additions to the existing building, including a cattery

addition, canine area expansion, interior office and reception area remodeling, exterior façade renovation, site work, landscaping, and it provided cost estimates. The plan was developed due to the community's increasing Animal Shelter usage and with the intent to realize how to best reduce animal stay time in the facility by increasing animal capacity space.

The City Commission approved the professional services agreement with Nelson Architects for architectural/engineering services in May 2013, and in October 2013 approved the Master Plan facility and funding recommendations provided by staff. Additionally, at the April 2017 Commission Retreat, the Animal Shelter was given approval to pursue dollar-for-dollar grant matches from the American Society for the Prevention of Cruelty to Animals (ASPCA); of which Animal Shelter Staff has received continual confirmation of the projects worthiness. An awarded contract is required by the ASPCA for the Animal Shelter to submit an application for those grants.

Over the last six-years, the Animal Shelter staff has worked tirelessly, hosting more than 50 adoption and major fundraising events (\$218,891), such as: Murder Mysteries, Pet-A-Palooza, Fall Fantasy Dog Shows, and Silent Auctions. Through the combined efforts of the staff fundraisers and our generous community partners who donated monetarily (\$244,294), the Animal Shelter has raised \$463,185 to fund this project.

The proposed Cattery Addition is part of a phased-approach and not a scaled back project to expand the current facility and to provide new and/or improved services. For example, the project will include increased lighting and cat condominiums, a dedicated treatment room and triage area (separate from the dogs); all recommended as best practices for housing cats in a shelter environment. This new type of housing will not only improve quality of life for the shelter cats, but also reduces the risk of illnesses that, in turn, reduces length of stay for animals and increases adoptability potential.

With this addition, the Animal Shelter will be able to receive and install a new Hydro-Incinerator, which was approved as part of the City's 2017 budget. The Hydro-Incinerator is a state-of-the-art device that uses water to mimic the natural decomposition process, introducing a more environmentally friendly alternative to the current cremation process. Once installed, it's estimated to save at least \$30,000 per year in operating costs, as the incinerator usage cost will be reduced from \$1.25-\$1.50 per pound for cremation to \$0.05-\$0.10 cents per pound. Additionally, having this new incinerator will relieve the Animal Shelter from the \$2,300 annual repair and maintenance costs of the current incinerator.

Unfortunately, the Animal Shelter staff recently discovered that the crematory incinerator floor is failing, akin to what transpired in 2012. This is due to normal operations, but brings to the forefront the need to perform refractory repair (estimated cost of \$8,000) to the crematory incinerator and/or to install the Hydro-Incinerator. It is important to note that the Animal Shelter is the only facility in our region (Bozeman is next closest) that provides any animal cremation service, and the service is used by numerous local/county veterinarians and private citizens. Additionally, this service to the community results in an annual revenue stream in excess of \$40,000 for the shelter. The Animal Shelter is also formulating a plan to increase usage to the local community veterinarians who do not currently use our cremation services.

The Hydro-Incinerator is being purchased separately through Bio-Response Solutions Inc., and will be installed during this construction project. The City has already paid the required \$26,000 deposit (of the \$84,000 total cost) for the build of the machine, which is complete, and Bio-Response is awaiting final payment for installation.

Fiscal Impact:

Project funding is being accomplished entirely by private donations and fundraising efforts. There is not any City funding dedicated for the Cattery Addition, only for the purchase of the Hydro-Incinerator. Furthermore, this bid is \$98,000 less than the next closest bid, and any re-bid will most likely incur costs that would exceed the available budget. Finally, if the project is not approved, staff may have to return the more than 1,100 donation commitments made by individuals and estates.

Alternatives:

1. The City Commission could vote to deny award of the bid, and direct staff to re-bid the project at a later date.
2. The commission could also postpone the award of the contract to a future date as was done on April 2nd with the understanding that any postponement that exceeds sixty days from the bid opening date of March 20, 2019, (May 19, 2019) would effectively be rejecting the bid.
3. Finally, staff could be directed to issue an Invitation to Bid for the incinerator replacement portion of the project only, in order to provide this sole-source service to the community. The associated construction costs to accomplish this is approximately \$160,000.

Concurrences:

City Manager Office, Planning & Community Development, Public Works Environmental and Engineering Divisions, and the Fire Marshall's office have reviewed and approved the plans and specifications for this project.

Attachments/Exhibits:

April 30, 2019, Special City Commission Meeting Agenda Report
April 2, 2019, Agenda Report, same subject
Master Plan Slides
Bid Tab
Concurrence Letter from Nelson Architects of Low Bid



Agenda #: 1
Special Commission Meeting Date: April 30, 2019

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Consideration of Motion to Rescind prior postponement until September 3 of the decision to (award/not award) a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition. **OF 1673**

From: Sara R. Sexe, City Attorney

Initiated By: Sara R. Sexe, City Attorney

Presented By: Sara R. Sexe, City Attorney

Action Requested: Rescind the Commission’s previous action to postpone the decision until September 3, 2019, on whether to award or not award a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (rescind/not rescind) the Commission’s April 2, 2019, adoption of postponing action on the decision to award or not award a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition until September 3, 2019.”

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

Staff Recommendation: Staff recommends that the City Commission rescind its April 2, 2019 action on Agenda Item 19, thereby annulling the motion to postpone action on a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition until September 3, 2019.

Background: At the April 2, 2019 City Commission meeting, the Commission postponed the decision to award or not award a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition until September 3, which was Item No. 19 on April 2, 2019 Agenda. The Item No. 19 Agenda Report and supporting documentation are incorporated in this Agenda Report by this reference. A postponement until September effectively rejects the bid; under the terms of the Invitation to Bid and Instructions to Bidders, the contract is to be awarded within 60 days of the bid opening of March 20, 2019. Because of the factual circumstances here, it is advised that the City Commission rescind its decision to postpone the determination on the bid award until September 3,

2019. This will allow the item to be considered at the May 7, 2019 Commission meeting which is before the sixty day time period expires.

Attachments/Exhibits: April 2, 2019 Agenda Report for Agenda Item 19 and supporting documents.



Item: Great Falls Animal Shelter Improvements – Cattery Addition OF 1673
From: Lynn Formell, Animal Shelter Operations Manager
Initiated By: Great Falls Animal Shelter
Presented By: Chuck Anderson, Deputy City Manager
Action Requested: Accept Bid from Detailed Construction and Award Construction Contract

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (award/not award) a contract to Detailed Construction in the amount of \$462,000 for the Great Falls Animal Shelter Cattery Addition and authorize the City Manager to execute the construction contract documents.”

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

Staff Recommendation:

Accept bid from Detailed Construction and authorize the City Manager to execute the construction contract documents.

Summary:

An invitation to bid was sent out in early March for construction of the Cattery Addition, a component of the original Animal Shelter Master Facility Plan. This invitation to bid was revised from the May 2018 invitation to bid, which came in over budget. Three Bids were received from Geranios Enterprises, Detailed Construction, and Dick Anderson Construction. After review of the bids, Detailed Construction was the lowest bidder, with a bid amount of \$462,000, which is within the allocated budget. This effort has been in the planning and fund-raising stages for six-years, with continual updates to and approvals received from the City Commission.

Background:

In 2012, the Animal Shelter staff began working with Nelson Architects to develop a Master Plan for the shelter. The plan identified current, desired, and future space needs for the facility and options for achieving those needs. The plan focused on additions to the existing building, including a cattery addition, canine area expansion, interior office and reception area remodeling, exterior façade renovation, site work, and landscaping, and provided cost estimates. The plan was developed due to the increasing Animal Shelter usage and how to best reduce animal stay time in the facility by increasing animal capacity space.

The City Commission approved the professional services agreement with Nelson Architects for architectural/engineering services in May 2013, and in October 2013 approved the Master Plan facility and funding recommendations provided by staff. Additionally, at the April 2017 Commission Retreat, the Animal Shelter was given approval to pursue dollar-for-dollar grant matches from the American Society for the Prevention of Cruelty to Animals (ASPCA); of which we have received confirmation of our projects worthiness.

Over the last six-years, the Animal Shelter staff have worked tirelessly, hosting more than 50 adoption and major fundraising events, such as; Murder Mysteries, Pet-A-Palooza, Fall Fantasy Dog Shows, and Silent Auctions. Through the combined efforts of the staff and our generous community partners, the Animal Shelter has raised \$463,185.56 to fund this project.

The proposed Cattery Addition is part of a phased-approach to expand the current facility and to provide new and/or improved services. For example, with this addition, the Animal Shelter will be able to receive and install a new Hydro-Incinerator, which was approved as part of the City's 2017 budget.

The Hydro-Incinerator is a state-of-the-art device that uses water to mimic the natural decomposition process, introducing a more environmentally friendly alternative to the current cremation process. Once installed, it's estimated to save at least \$30,000 per year in operating costs, as the incinerator usage cost will be reduced from \$1.25-\$1.50 per pound for cremation to .5-.10 cents per pound. Additionally, having this new incinerator will relieve the Animal Shelter from the \$2,300 annual repair and maintenance costs of the current incinerator.

It is important to note that the Animal Shelter is the only facility in our region (Bozeman is next closest) that provides any animal cremation service, and the service is used by numerous local/county veterinarians and private citizens. Additionally, this service to the community results in an annual revenue stream in excess of \$40,000 for the shelter.

The Hydro-Incinerator is being purchased separately through Bio-Response Solutions Inc., and will be installed during this construction project. The City has already paid the required \$26,000 deposit (of the \$84,000 total cost) for the build of the machine, which is complete, and Bio-Response is awaiting final payment for installation.

Fiscal Impact:

Project funding is being accomplished entirely by private donations, and there is not any City funding being used for the Cattery Addition, only for the purchase of the Hydro-Incinerator. Furthermore, this bid is \$98,000 less than the next closest bid, and any re-bid will most likely incur costs that would exceed the available budget. Finally, if the project is not approved, staff may have to return the more than 1,100 donation commitments made by individuals and estates.

Alternatives:

The City Commission could vote to deny award of the bid, and direct staff to re-bid the project at a later date. The commission could also postpone the award of the contract for a period not to exceed sixty days from the bid opening date of March 20, 2019, which would be May 19, 2019. Conversely, the Commission could approve the incinerator replacement portion of the project in order to provide this vital service to the community. The associated construction costs to accomplish this is approximately \$130,000.

Concurrences:

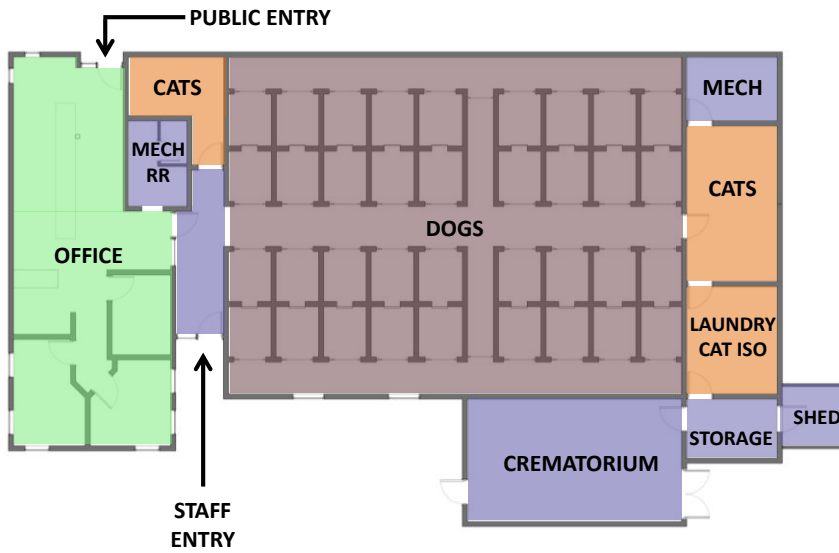
City Manager Office, Planning & Community Development, Public Works Environmental and Engineering Divisions, and the Fire Marshall's office have reviewed and approved the plans and specifications for this project.

Attachments/Exhibits:

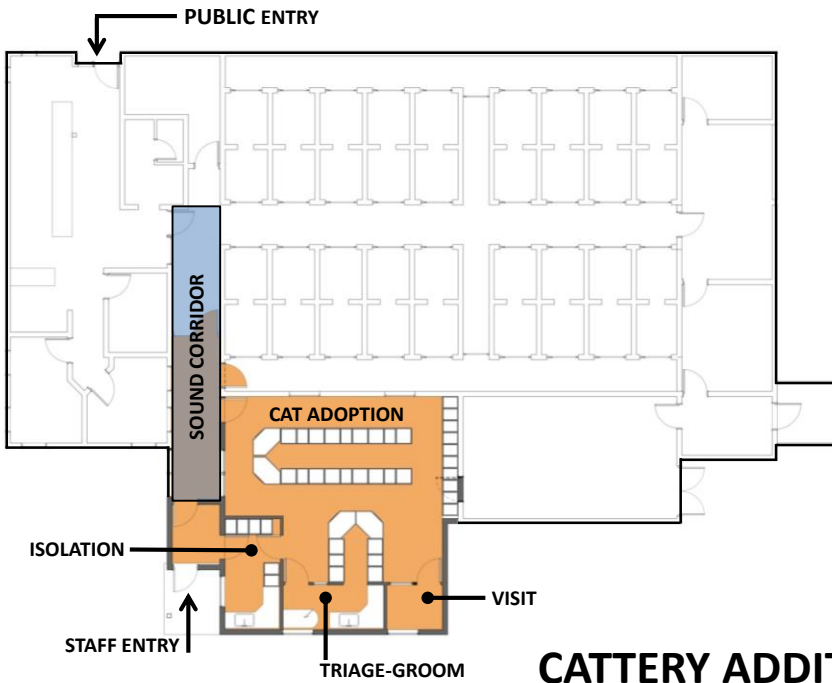
Master Plan Slides

Bid Tab

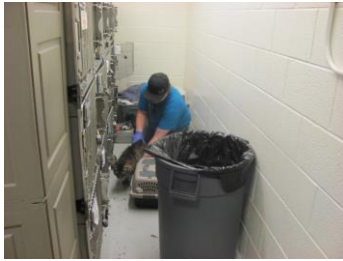
Concurrence Letter from Nelson Architects of Low Bid



EXISTING FACILITY



CATTERY ADDITION



General Cat Room

Cat Condos



Cat Capacity

- Current Cat Capacity – 59
 - General – 36
 - Triage – 10
 - Isolation – 13

- New Cattery Capacity – 76
 - General – 52
 - Triage – 12
 - Isolation – 12

Project: **GF Animal Shelter - Cattery Addition**

Bid Date: March 20, 2019

Addenda: Addendum #1

BID ANALYSIS

Contractor	Acknowl. Addenda 1	Bid Security Provided	Cert. of Non-Segregated Facilities	Cert. of Compliance Insur. Req.	Base Bid Amount	ABI #1 Interior Construction	ABI #2 Final Interior Finishes	Total ABI Amount	Total Bid Amount incl. ABI's	Total Accepted Bid Amount w/ ABI's
Geranios Enterprises	Yes	Yes	Yes	Yes	\$ 333,556.00	\$ 121,986.00	\$ 53,587.00	\$ 175,573.00	\$ 509,129.00	
Detailed Construction	Yes	Yes	Yes	Yes	\$ 235,000.00	\$ 75,000.00	\$ 152,000.00	\$ 227,000.00	\$ 462,000.00	\$ 462,000.00
Dick Anderson Construction	Yes	Yes	Yes	Yes	\$ 325,756.00	\$ 115,579.00	\$ 247,209.00	\$ 362,788.00	\$ 688,544.00	
								\$ -	\$ -	
								\$ -	\$ -	
								\$ -	\$ -	
								\$ -	\$ -	
								\$ -	\$ -	
Average Actual Bid					\$ 298,104.00	\$ 104,188.33	\$ 150,932.00	\$ 255,120.33	\$ 553,224.33	
Estimated Cost					\$ 400,000.00	\$ 70,000.00	\$ 160,000.00	\$ 230,000.00	\$ 630,000.00	

The above is a summary of the submitted bid proposals for your convenience. Nelson Architects recommends that you carefully review each proposal before making any final decisions. Final selection is the responsibility of the Owner.



March 20, 2019

Lynn Formell
City of Great Falls
Animal Shelter
PO Box 5021
Great Falls, MT 59403

**RE: City of Great falls Animal Shelter – Cattery Addition, O.F. 1673
Letter of Low Bid Award Concurrence**

Dear Lynn:

I have reviewed the three bid documents submitted at today's bid opening. I am in receipt of bids from Geranios Enterprises, Detailed Construction and Dick Anderson Construction. No other bids were submitted. I have reviewed the documents and found no discrepancies in the bid numbers presented by each contractor. Detailed Construction is the lowest responsive bidder and I concur with the City's direction to move forward with awarding them the construction contract for this project. Please see the Bid Tabulation document for detailed number breakdowns.

If you have any questions, I can be reached by phone at 727-3286.

Sincerely,



Ryan Smith, AIA, LEED AP
Principal Architect
Nelson Architects

Enclosure: Bid Tabulation

cc: File
Project # 19-011

Dream • Design • Build



Item: Resolution 10295, A Resolution to Amend Resolution 10233 Extending the Effective Period Thereof in which to complete the nuisance abatement of Certain Property Located at 2311 4th Avenue Southwest.

From: Craig Raymond, Director, Planning and Community Development

Initiated By: City of Great Falls

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

Action Requested: Adopt Resolution 10295.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10295”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10295 and request a second extension to December 31, 2019 due to unforeseen inclement weather making it difficult to meet the previous extended date for exterior weatherproofing, the mortgager not notifying the State of Montana Department of Corrections (Cascade County) of the previous Foreclosure Sale, and allowing the contractor hired by the City to have time to complete the abatement.

Background: On November 7, 2018, the City Commission adopted Resolution 10273, extending the effective period for which the nuisance to be abated. Staff is requesting an additional extension until December 31, 2019 to complete the ordered abatement on the property due to the inclement weather. Staff was also recently notified by the Real Estate Agent, Pat Goodover, that Fannie Mae did not properly notify the State of Montana Department of Corrections (Cascade County) of the previous Foreclosure Sale and therefore is starting the foreclosure process over.

Fiscal Impact: None if the Resolution under consideration is adopted; however, if it is not adopted, the City may be required to undertake further abatement proceedings. The total cost of the abatement is expected to be less than \$20,000. The cost of abatement will be recouped through an assessment on the subject property, the continued presence of this condition propagates blight and slum, thereby decreasing surrounding property values.

Alternatives: The Commission could deny Resolution 10295. If the City Commission denies Resolution 10295, the Nuisance will not be abated for the foreseeable future.

Concurrences: Legal Department

Attachments/Exhibits:

Resolution 10233

Resolution 10273

RESOLUTION 10295

**A RESOLUTION TO AMEND RESOLUTION 10233,
EXTENDING THE EFFECTIVE PERIOD THEREOF IN
WHICH TO COMPLETE THE NUISANCE ABATEMENT OF
PROPERTY LOCATED AT 2311 4TH AVENUE SOUTHWEST**

WHEREAS, the City Commission adopted Resolution 10233 on May 1, 2018, declaring certain property located at 2311 4th Avenue SW, Lot 3B, Block 2, Sunset S 179.75' of E/2 LT 3, Cascade County, Montana, a nuisance, and ordered the nuisance be abated; and

WHEREAS, Michael K. Lewis, property owner, did not complete abatement as set forth in paragraph 2 of Resolution 10233; and

WHEREAS, Subsequent to initiation of foreclosure proceedings, City staff has been working with a representative of the mortgager to abate said nuisance as set forth in paragraph 3 of Resolution 10233; and

WHEREAS, the City Commission adopted Resolution 10273 on November 7, 2018, that amended paragraph 4 of Resolution 10233, extending the effective period to May 1, 2019; and

WHEREAS, said forceable abatement process continues. Additionally, due to inclement weather making it difficult to complete certain work, and a more recent notification from the mortgager's representative that the foreclosure process is starting over to allow the mortgager to properly notify the Montana Department of Corrections of the foreclosure sale, staff is requesting another extension until December 31, 2019, to abate the nuisance.

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

1. The effective period set forth in Resolution 10233, as set forth in paragraph 4, is hereby extended to December 31, 2019; and
2. All other provisions of Resolution 10233 remain unchanged and in effect.

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 May __, 2019.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Joseph Cik, Assistant City Attorney

RESOLUTION 10233

A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED AT 2311 4TH AVENUE SOUTHWEST, LOT 3B, BLOCK 2, SUNSET S 179.75' OF E/2 LT 3, CASCADE COUNTY, MONTANA, A NUISANCE, ORDER THE NUISANCE BE ABATED AND AUTHORIZE CITY STAFF TO FORCE ABATEMENT IF NECESSARY.

WHEREAS, Michael K Lewis, (hereinafter “property owner”), owner of the real property and structures located at 2311 4th Avenue Southwest, Lot 3B, Block 2, Sunset S 179.75' of E/2 LT 3, Cascade County, Montana, and within the incorporated boundaries of the City of Great Falls, was 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 April 17, 2018, wherein said property owner was 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 owner was 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 owner 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 abatement, 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 April 17, 2018, 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, the estimated cost of repair, demolition, 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 8.49.010, and hereby directs the owner 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 Title 8, Chapter 49 of the OCCGF.

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 Title 8, Chapter 49 of the OCCGF.
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 attach as a lien 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 owner with a copy of this resolution by certified mail, postage prepaid, and return receipt requested, as required by Title 8, Chapter 49 of the 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 April 17, 2018.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Joseph Cik, Assistant City Attorney

RESOLUTION 10273

A RESOLUTION TO AMEND RESOLUTION 10233, THAT DECLARED CERTAIN PROPERTY LOCATED AT 2311 4TH AVENUE SOUTHWEST A NUISANCE, TO EXTEND THE EFFECTIVE PERIOD FOR WHICH THE NUISANCE IS TO BE ABATED.

WHEREAS, the City Commission adopted Resolution 10233 on May 1, 2018;
and

WHEREAS, Resolution 10233 declared certain property located at, 2311 4th Avenue Southwest, Lot 3B Block 2, Sunset S 179.75' of E/2 Lt 3, Cascade County, Montana, a nuisance, ordered the nuisance abated, and authorized staff to force abatement if necessary; and

WHEREAS, said forceable abatement process continues; and

WHEREAS, a recent Foreclosure Sale process has forced the effective period of Resolution 10233 to be extended to allow completion of the abatement.

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

1. The effective period set forth in Resolution 10233, as provided in paragraph four thereof, is hereby extended to May 1, 2019; and
2. All other provisions of Resolution 10233 remain unchanged and in effect.

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 November 7, 2018.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Joseph P. Cik, Assistant City Attorney