

| Item: | Resolution 9975, Restoration, Rehabilitation, Expansion, and New Construction of Qualified Historic Properties Tax Abatement for Lawyers, Guns, & Money, LLC, located at 114 3 rd Street South, North 90 Feet of Lots 8 & 9, Block 369, Great Falls Original Townsite , Sec. 12, T20N, R3E, Cascade County, Montana |
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| From: | Mike Haynes, AICP, Director of Planning and Community Development |
| Initiated By: | Lawyers, Guns, & Money, LLC |
| Presented By: | Mike Haynes, AICP, Director of Planning and Community Development |
| Action Requested: | City Commission conduct public hearing and adopt Resolution 9975 |

Public Hearing:

- 1. Mayor conducts public hearing, calling three times each for opponents and proponents.
- 2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

- 1. Commissioner moves:
 - "I move that the City Commission (adopt/deny) Resolution 9975."
- 2. Mayor calls for a second, discussion and calls the vote.

Staff Recommendation: Pursuant to Sections 15-24-1601 through 15-24-1607 Montana Code Annotated (MCA) (2011), Staff requests the City Commission adopt Resolution 9975 granting a tax abatement to Lawyers, Guns, & Money, LLC, 114 3rd Street South, **North 90 Feet of** Lots 8 & 9, Block 369, Great Falls Original **Townsite**, Sec. 12, T20N, R3E, Cascade County, Montana.

Background: The property owner, Lawyers, Guns, & Money, LLC, are renovating the circa 1914 Baum-Trinastich building (also known as the "Owl Cigar Building"). The building is of historic significance in the Great Falls Railroad Historic District, and the project consists of remodeling and renovating 11,458 gross square feet of the three-story building for new law offices. The owner has provided some project background and description (see attached).

The property owner has also submitted a Historic Preservation Certification Application to the U.S. Department of the Interior, National Park Service; whereupon they received confirmation

that the proposed renovation project will meet the Interior's standards for rehabilitation once the Interior's six (6) recommendations are met. Photographs must be submitted by the owners for the Interior to release a Certification of Completed Work (see attached).

Lawyers, Guns & Money, LLC, is requesting approval of a tax abatement for approximately \$1,000,000.00 (per Department of Revenue application) in taxable personal property for remodeling and rehabilitating the three story Baum-Trinastich building for new law offices.

Resolution 9975 has been prepared to comply with the requirements of Sections 15-24-1601 through 15-24-1607 MCA (2011).

Approval of the application will allow the applicant to receive a tax abatement during the construction period, not to exceed 12 months, and for up to 5 years following completion. The tax abatement is limited to 100% of the increase in taxable value caused by the rehabilitation, restoration, expansion, or new construction.

Property that receives tax abatement under this part of the MCA (2011) is not entitled to any other exemption or special valuation provided by Montana law during the period of the abatement.

On June 6, 1995, the City Commission passed Resolution 8728, setting policy for approving projects requesting tax abatement for the restoration, rehabilitation, expansion, and new construction of residential and commercial properties located within National Register of Historic Places and requested the State Historic Preservation Office to provide design review assistance and certification for qualifying properties pursuant to Sections 15-24-1601 through 15-24-1607 MCA (1995). Only one of these sections of Code has changed slightly since, and lists the same three key approval criteria:

A property that meets the design review criteria in 15-24-1605 is eligible for the property tax abatement if it is:

(1) located within the boundaries of a national register historic district and contributes to the district, as determined by the state historic preservation office;

(2) a newly constructed property within the boundaries of a national register historic district that meets design review criteria as being architecturally compatible with the historic district, as determined by the local review board or the state historic preservation office; or

(3) listed individually in the National Register of Historic Places.

This resolution also outlines that rather than appoint a local review board, assistance is requested of the State Historic Preservation Office to provide design review assistance and certification for qualifying properties. Additionally, the City of Great Falls receives input and review from the City/County Historic Preservation Officer. This project has been reviewed by the local Historic Preservation Officer and has been found eligible. The proposed project meets the requirements outlined in the MCA.

On August 7, 2012 City Commission set a public hearing to consider Resolution 9975 on September 4, 2012.

As required by 76-15-103 MCA, public notices for this tax abatement application were published in the *Great Falls Tribune* on August 19, 2012 and September 2, 2012.

Concurrences: The Department of Revenue has confirmed that the proposed remodel is eligible for the Restoration, Rehabilitation, Expansion, and New Construction of Qualified Historic Properties Tax Abatement.

Fiscal Impact: After 5 years, the subject property will be taxed at 100% of its taxable value. Approval of the application will provide tax abatement to the applicant, but the fiscal impact of the new investment will result in increased tax revenues to the City.

Alternatives: The City Commission may or may not adopt Resolution 9975.

Attachments/Exhibits:

Resolution 9975 Application from Lawyers, Guns, & Money, LLC Historic Preservation Certification Application

 cc: Department of Revenue, Brenda Ivers, 300 Central Ave, Great Falls, MT 59401 Lawyers, Guns, & Money, LLC, c/o Scott Rubino, 21 3rd Street North, Great Falls, MT 59401 Melissa Kinzler, Director of Fiscal Services Susan Conell, Cascade County Planning Director

CORRECTED RESOLUTION 9975

A RESOLUTION APPROVING THE APPLICATION FOR THE RESTORATION, REHABILITATION, EXPANSION, AND NEW CONSTRUCTION OF QUALIFIED HISTORIC PROPERTY TAX ABATEMENT FOR LAWYERS, GUNS, & MONEY, LLC, 114 3RD STREET SOUTH, **NORTH 90 FEET OF LOTS 8 & 9, BLOCK 369**, GREAT FALLS ORIGINAL **TOWNSITE**, **8 & 9, LOCATED** SEC. 12, T20N, R3E, CASCADE COUNTY, MONTANA, AS PURSUANT TO SECTIONS 15-24-1601 THROUGH 15-24-1607 MONTANA CODE ANNOTATED (2011)

* * * * * * * * * * *

WHEREAS, the State of Montana has provided enabling legislation to encourage restoration, rehabilitation, expansion, and new construction of qualified historic properties, and;

WHEREAS, said encouragement allows for the qualified historic property to receive a tax abatement during the construction period, not to exceed 12 months, and for up to 5 years following completion of construction, and;

WHEREAS, the tax abatement is limited to 100% of the increase in taxable value caused by the rehabilitation, restoration, expansion or new construction, and;

WHEREAS, Sections 15-24-1601 through 15-24-1607, MCA, provides the opportunity for local governing bodies to give Tax Abatements for the Restoration, Rehabilitation, Expansion, and New Construction of Qualified Historic Properties, and;

WHEREAS, The City Commission passed Resolution 8728 on the 6th day of June 1995, providing policy for approving projects requesting tax abatement pursuant to Sections 15-24-1601 through 15-24-1607 MCA (1995), and;

WHEREAS, In order for a taxpayer to receive the tax abatement, the City Commission, having jurisdiction, must approve by separate resolution for each project, following due notice **published in the** *Great Falls Tribune* **on August 19, 2012 and September 2, 2012** as defined in Section 76-15-103 MCA and a public hearing, and;

WHEREAS, Lawyers, Guns, & Money, LLC, 114 3rd Street South, North 90 Feet of Lots 8 & 9, Block 369, Great Falls Original Townsite, 8 & 9, located Sec. 12, T20N, R3E, Cascade County, Montana has submitted a tax abatement application for a qualified historic properties pursuant to Sections 15-24-1601 through 15-24-1607 MCA.

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

That the City Commission of the City of Great Falls does hereby approve said application for Restoration, Rehabilitation, Expansion, and New Construction of Qualified Historic Properties Tax Abatement pursuant to Sections 15-24-1601 through 15-24-1607 MCA.

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this 4th day September, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney

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AB-56 (1-86)

APPLICATION FOR TAX BENEFITS FOR THE REMODELING, RECONSTRUCTION OR EXPANSION OF EXISTING BUILDINGS OR STRUCTURES

This application must be submitted to the appropriate local governing body or bodies by the property owner of record or his agent. The decision of the local governing body or bodies must be mailed to the Department of Revenue before April 1 of the tax year for which the benefits are sought.

 \sim **,** -awyers W Per S |+ . 4 Name of Applicant Please Print | |+ (Please Print) 277 Box 1645 Great whose mailing address is 1 25 \sum_{T}

do hereby make application for tax benefits for the remodeling, reconstruction, or expansion of existing building(s) or structure(s), in accordance with 15-24-1501, MCA, on the following described lands: (Please attach an additional page if the legal description does not fit within this space.) North RO Feet OF LOFS 8-7 BLOCK 367 Greet Fall, 0 Creet Fall, Original ۹۹ LL S 5 -2 -1 0 W

I submit the following information in support of this application:

N It the following information in support of this application: Date that the remodeling, reconstruction, or expansion will start $M_{\rm exp}$ $M_{\rm exp}$ Date that the remodeling, reconstruction, or expansion will be completed $M_{\rm exp}$ NON2 e 12 e 12 e 12 e 12 2012

4 ω The construction period for a specific project may not exceed 12 months unless an extension is approved by all affected government bodies. I request a <u>month extension</u> to the 12 month construction period. (Please mark "N.A." if no extension is requested.) Estimated cost of the remodeling, reconstruction, or expansion s $\frac{1}{\sqrt{OO}}$, OOO.

တ္တ္ Estimated cost of the remodeling, reconstruction, or expansion $\frac{1}{2} \frac{1}{2} \frac{1}{$

(Please

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documents)

Under penalty for perjury, I hereby certify the facts herein stated are true. I further acknowledge, by my signature, that I have reviewed the information on the reverse side of this form and understand its meaning. Car

SIGNATURE OF PROPERTY OWNER OF AGENT DATE: Apr جر جر | جر |

SIGNATURE OF PROPERTY OWNER OR AGENT

DATE

6

FOR COUNTY GOVERNMENT PURPOSES ONLY

Application received by county governing body on ______ reconstruction, or expansion of existing buildings or structures is hereby: 19 . This application for tax benefits for the remodeling,

Approved Disapproved

The construction period for a specific project may not exceed 12 months unless an extension is approved by all affected local ment bodies. We approve an additional _____ month(s) extension to the 12 month construction period. REASONS: govern-

ŝ , Chairman-County Commission g 10

FOR CITY GOVERNMENT PURPOSES ONLY

19 . This application for tax benefits for the remodeling,

Approved _ Disapproved

The construction period for a specific project may not exceed 12 months unless an extension is approved by all affected local ment bodies. We approve an additional _____ month(s) extension to the 12 month construction period. govern

REASONS

Authorized Agent of City Government on 19

FOR DEPARTMENT OF REVENUE USE

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Application received by the Department of Revenue on

The remodeling, reconstruction, or expansion of the existing building or structure increases the taxable value of that structure building by at least 21/2 %: _____ Yes _____ No

19

Ņ This application for tax benefits for the remodeling, reconstruction, or expansion of existing buildings or structures is hereby: _____ Approved _____ Disapproved

ω If approved, the appropriate tax benefits will be granted for the tax year.

REASONS:

1st Copy · Appraiser 2nd Copy - County Government

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3rd Copy - City Government 4th Copy - Assessor

County Appraiser on

5th Copy -Applicant

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PROJECT BACKGROUND AND DESCRIPTION

We are renovating the 1914 Baum-Trinastich building (aka the "Owl Cigar Building"), which is recognized as a "certified historic structure" by the National Park Service. The building is of historical significance for its associations with original owner George T. Booth and the railroad-influenced economic development of Great Falls during the early twentieth century, as well as for its Renaissance Revival architectural style. The building's elegant facade represents the prosperity enjoyed by Great Falls in the 1910s. It is located in the Great Fall's Railroad Historic District and the state historical preservation office has determined that it contributes to this district. The building is recognized as a "certified historic structure" for the purposes of rehabilitation, and we are renovating the project and maintaining the historical features of the property pursuant to the National Park Service rules for renovating historic structures. For these reasons, the project should be eligible for the state property tax abatement for historic properties.

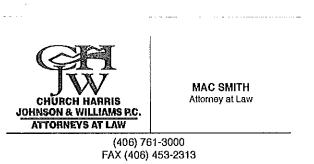
Our project consists of remodeling and rehabilitating the11,458 total gross square feet, three-story building with a basement, for new law offices. The renovated building will house Church, Harris, Johnson, and Williams PC, and will meet the law firm's current and future needs. The project will result in three occupied office levels, and a facility comprising approximately 8,878 SF of newly remodeled office space and approximately 2,580 SF of partially finished basement space. The remodeled structure will include an entry lobby, a central grand stair, reception area, secretarial areas, conference spaces, open and enclosed office areas, a law library, and secure storage.

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We believe our project will improve downtown Great Falls by rehabilitating this historic downtown property and returning it to full use and occupancy. When we bought the property, only one floor was utilized. The top two floors and basement are in complete disrepair.

Please see the attachments, which include the evaluation of significance, a picture of the building, the architect's floor plans for the renovation, and the state statutes that show eligibility for this tax abatement.



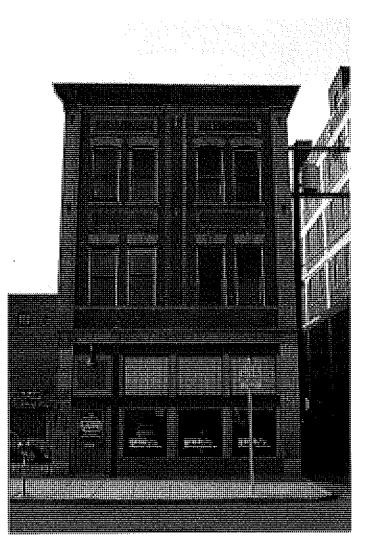
FAX (406) 453-2313 P.O. BOX 1645 · GREAT FALLS, MONTANA 59403 THIRD FLOOR WELLS FARGO BANK BUILDING EMAIL: msmilh@chjw.com

Photo #1 October 2011



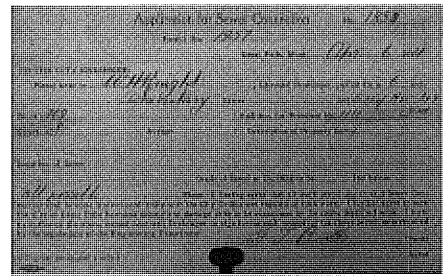
FEASIBILITY STUDY BAUM-TRINASTICH BUILDING 114 3rd STREET SOUTH GREAT FALLS, MONTANA OCTOBER 2011

EXISTING CONDITION PHOTOGRAPHS

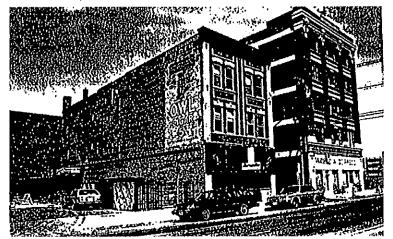


EAST EXTERIOR FAÇADE

Application for Sewer Connection



Baum-Trinastich (date unknown)



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| | | MAR 2:7 2012 | | NPS Pro | |
| con beh | tructions: This page of the form r tinued on blank pages. The trato ween the application form and ch cedence. A copy of this form with | nust appear exactly as below and must at Port Service Artiford WiGEon Is WICE WITH WIGEON Service Artiford Michael WICE WITH WITH A CONTRACT OF A | s based on the desc | viotions in this application f | tions may be expanded as ne orm. In the event of any discre d specifications), the applicati |
| 1. | Property Name Baum - 1 | | | | · · · · · |
| | Street 114 3rd St. S., C | | | Montana | 5040 |
| | City Great Falls | County Cascade | | State Montana | Zip _59401 |
| | Name of Historic District | at Falls Railroad Historic Distric | CL (INKIS 93000 | | |
| | National Register district | certified state or local district | ict 🗌 potent | lai district | |
| 2. | Nature of request (check of | only one box) | | | |
| | certification that the building | g contributes to the significance of the a | above-named histor | ric district or National Regis | ter property for rehabilitation p |
| | certification that the buildin | g contributes to the significance of the | above-named histor | nic district for a charitable or | ontribution for conservation pu |
| | certification that the buildin | g does not contribute to the significance | e of the above-nam | ed district. | |
| | preliminary determination f | or individual listing in the National Regi | ister. | | |
| | preliminary determination t | hat a building located within a potential | historic district con | hibutes to the significance of | of the district |
| | pretiminary determination t | hat a building outside the period or area | a of significance co | ntributes to the significance | of the district. |
| 3. | Project contact (if different f _{Name} Scott Rubino | rom Owner) | | | |
| | | | | | |
| | Street 21 3rd St. N., Fl | LR 3 | _{City} Gre | at Falls | |
| | | | City Gre | at Falls 406-761-3000 | |
| 4. | _{State} MT Owner | zip <u>59401</u> | Telephone | 406-761-3000 | was lundaritand that falsificati |
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UNITED STATES DEPARTMENT OF THE INTERIOR

OMB Approved No. 1024-0009

| 7 | | Rev. 2 |
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| ų | HISTORIC PRESERVAT | ION CERTIFICATION APPLICATION |
| | PART 2 DESCE | IPTION OF REHABILITATION |
| | | NPS Project Number |
| | APR | 37102 |
| str | uctions: This page of the form must appear exactly as below and must be | ear the ewner's priginal signature. Other sections may be expanded as needed or passed on the descriptions in this application form. In the event of any discrepancy in it fouch as architectural plans, drawings and specifications), the application form take |
| ontii | nued on blank pages. The National Park Service certification decision is | based on the descriptions in this application form. In the event of any discrepancy If it (such as architectural plans, drawings and specifications), the application form take |
| ece | edence. A copy of this form will be provided to the Internal Revenue Serv | ice. |
| | Roum Tripastich Building | |
| • | Property Name Baum-Trinastich Building Street 114 3rd St. S. | |
| | Street Groat Falls | Cascade State MT Zip 59401 |
| | City Great Falls County C Name of Historic District Great Falls Railroad Histor | |
| | | |
| | Listed individually in the National Register of Historic Places; date of | listing It Falls Railroad Historic District |
| | Located in a registered meteric Dietrog many in | |
| | Part 1 – Evaluation of Significance submitted? Date submitted? | ed Date of certification |
| | Data on building and rehabilitation project | \$1,000,000 |
| | Date of construction April, 1914 | Cost of rehabilitation (estimated) \$1,000,000 |
| | Type of construction Brick | |
| | Start date (estimated) March 1, 2012 | Use(s) before / after rehabilitation Office/boarding / Prof. Office |
| | Completion date (estimated) November 1, 2012 | Number of housing units before / after renabilitation / |
| | This application covers phase number of phases N | lumber of low-moderate income housing units before / after rehabilitation 0 / 0 |
| | Project Contact (if different from Owner) | |
| | Name Scott Rubino | |
| | Street 21 3rd St. N. | _{City} Great Falls, MT |
| | MT zip 59401 | Telephone 406-761-3000 |
| I. | Owner | |
| her | where the state information I have provided is to the best of my know | ledge, correct and that I own the property described above. I understand that falsification |
| actu | al representations in this application is subject to criminal sanctions of u | p to \$10,000 in fines or imprisonment for up to five years pursuant to 18 USC 1001. |
| | Name Lawyers, Guns, & Money, LL Signature | DOUT WE Date SIGIS |
| | Organization | Social Security OR Taxpayer ID Number 45-2966988 |
| | Street 21 3rd St. N. | |
| | State MT Zip 59401 | Telephone 406-761-3000 |
| | State Zip OOTOT | |

Date See Attachments

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National Park Service Authorized Signature
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Form 10-168d Revised 3/2002

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

CONDITIONS SHEET Historic Preservation Certification Application

Property name: Baum-Trinastich Building

Project Number: 27102

Property address: 114 3rd Street South, Great Falls, MT

The rehabilitation of this property as described in the Historic Preservation Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

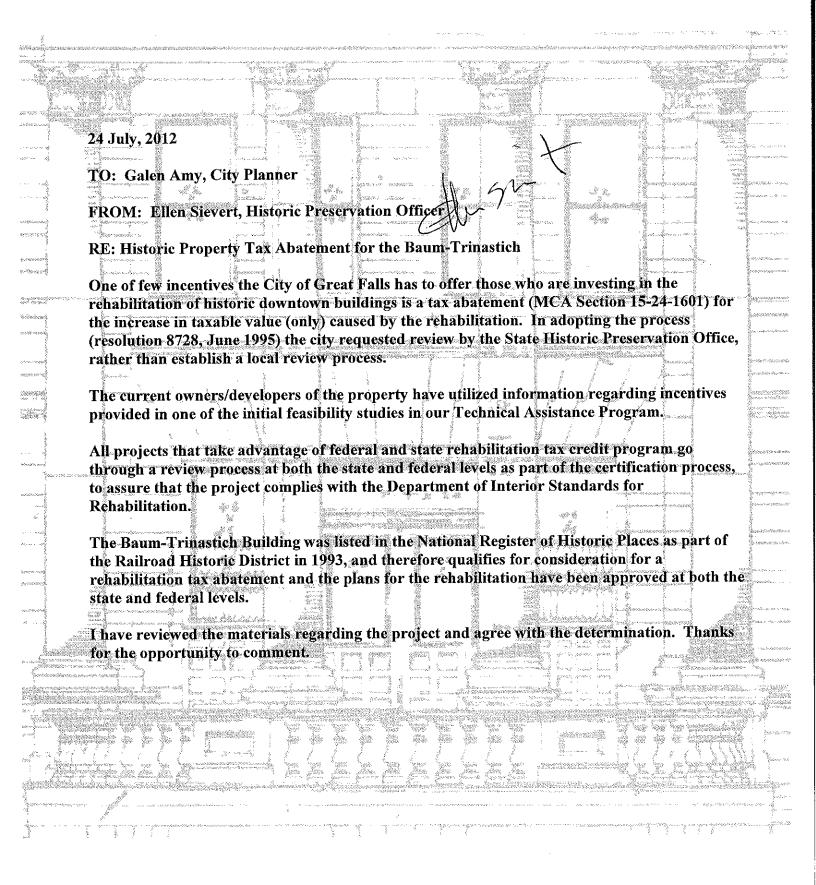
- 1. Rooftop mechanical equipment must not be visible from nearby public right-of-way locations. Detailed information on the proposal should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 2. New openings for windows on the south elevation must be simple, punched openings. Steel lintels as shown on Sheet A202 are not compatible and must be deleted from the project scope.
- 3. The front portion of the east-west partition enclosing the staircase on the first floor must not be fully removed as proposed. Instead, there must be a sufficiently sized header below the existing pressed-metal cornice and enough vertical wall left in place to retain the separation between the stair and the first-floor office space (we recommend that the existing opening in this east-west partition simply be enlarged to accomplish your goal—see application photo #83). Revisions in accordance with this condition should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 4. The design for the staircase railing at the first floor must be compatible with the historic character of the building. Detailed information on the railing should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 5. Modifications to achieve code-required guardrail height at the second- and third-floor staircases must be compatible with the existing historic railings/balustrades. Detailed information on these treatments should be reviewed and approved by the State Historic Preservation Office before undertaking the work.
- 6. Furring-out or resurfacing interior walls may not cause damage to interior trim—including window trim and baseboards—and must not change the historic relationship of trim and wall surface. In addition walls must not be thickened enough to significantly alter the relationship of the windows to the wall surfaces. Photographs showing the historic trim in context with the new wall surfaces must be submitted with the Request for Certification of Completed Work.

The National Park Service has determined that this project will meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed in the box above are met.

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Lacham ce Signature Dage

City of Great Falls/Cascade County Historic Preservation Office



P.O. Box 5021, Great Falls, MT 59403 • 1-406-455-8435

