



**City Commission Agenda**  
**Civic Center 2 Park Drive South, Great Falls, MT**  
**Commission Chambers Room 206**  
**March 7, 2017**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**AGENDA APPROVAL**

**PROCLAMATIONS**

Respect Day

**SWEARING IN**

**PETITIONS AND COMMUNICATIONS**

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

1. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

2. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

3. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

4. Miscellaneous reports and announcements from the City Manager.

## CONSENT AGENDA

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

5. Minutes, February 21, 2017, Commission Meeting.
6. Contracts List.
7. Total Expenditures of \$1,196,772 for the period of January 31, 2017 through February 22, 2017, to include claims over \$5,000, in the amount of \$1,718,988.
8. Approve the purchase of one new 2018 Kenworth T800 tandem axle cab & chassis truck for \$125,025 from Motor Power Great Falls, Inc., through NJPA (National Joint Powers Alliance) including trade-in.
9. Award a contract for the 36th Avenue NE Improvements (Phase 2), in the amount of \$594,286.40 to United Materials of Great Falls, Inc. and authorize the City Manager to execute the construction contract documents.
10. Award a contract for the City of Great Falls Public Works Facility Improvements – Utilities Building & Public Works Office to EJ Carpentry in the amount of \$233,999.17, and authorize the City Manager to execute the construction contract documents.

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

## PUBLIC HEARINGS

11. Ord. 3152, An Ordinance to rezone the properties legally described as: Marks 2,3,5,11, Block 3, Country Club Addition and lots 1B, 1, 1A-1, Block 1, Tietjen Triangle Addition and Lot 1, Block 1, Montana Addition from C-1 Neighborhood commercial to C-2 General commercial. Action: Conduct public hearing and adopt or deny Ord. 3152 and approve or not approve the Findings of Fact - Zoning Map Amendment. ***(Presented by: Craig Raymond)***

## OLD BUSINESS

## NEW BUSINESS

12. Concessionaire Lease Agreement for Gibson Park Concessions. Action: Approve or deny the Concessionaire Lease Agreement with Pegasus, LLC, to provide concessions services at Gibson Park for three years (May 15 - September 15), and authorize the City Manager to execute the agreement. ***(Presented by: Patty Rearden)***

## **ORDINANCES/RESOLUTIONS**

13. Ord. 3159 – An Ordinance assigning a zoning classification of PLI Public Lands and Institutional to the property described as Tract 1A of Tract 1 of COS 3347 located in the NE ¼ and SE ¼ Section 21, Township 20 North, Range 3 East, PMM, Cascade County, Montana for the proposed construction of a city-owned water tower. Action: Accept or deny Ord. 3159 on first reading and set or not set a public hearing for April 4, 2017. *(Presented by Craig Raymond)*

## **CITY COMMISSION**

14. Miscellaneous reports and announcements from the City Commission.
15. Legislative Initiatives.
16. Commission Initiatives.

## **ADJOURNMENT**

*(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.) Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.*



*Agenda # 5.*  
*Commission Meeting Date: March 7, 2017*  
**City of Great Falls**  
**Commission Agenda Report**

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**Item:** Minutes, February 21, 2017, Commission Meeting.  
**From:** Lisa Kunz, City Clerk  
**Initiated By:** Lisa Kunz, City Clerk  
**Presented By:** Lisa Kunz, City Clerk  
**Action Requested:**

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**Summary:**

Minutes, February 21, 2017

ATTACHMENTS:

- ▣ Minutes, February 21, 2017, Commission Meeting

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

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

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

**PROCLAMATIONS:** Commissioner Bronson read a proclamation for Charles M. Russell Month and Commissioner Houck read a proclamation for Youth Art Month.

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

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

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed increased gas and electric rates, the City's trespass ordinance, Electric City Power, as well as his personal legal matters.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, urged the Commission not to extend Burlington Northern's deadline of March 31<sup>st</sup> to demolish the burned out building by the railroad tracks on the west side of the river, due to safety concerns with the weather getting warmer and children out playing. Mr. Gessaman further commented that he has not heard if the plans for revamping 36<sup>th</sup> Avenue have been revised to decrease the 3% slope before the stop sign.

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

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

**BOARDS & COMMISSIONS****3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

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

**4. APPOINTMENT, HISTORIC PRESERVATION ADVISORY COMMISSION.**

**Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Peter Jennings to fill the remainder of a three-year term through April 30, 2017, to the Historic Preservation Advisory Commission.**

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

Motion carried 5-0.

**CITY MANAGER**

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that he recently participated in the Mountain View Elementary reading program and a Leadership Montana panel.

Manager Doyon further reported that he will be attending an Association of Defense Conference next week in San Antonio, and will have an opportunity to visit with Air Force leadership about installation encroachment issues.

Manager Doyon announced that he has appointed Gaye McInerney from Fairfield, Montana, as the Human Resource Director. She will start employment March 20, 2017.

Fiscal Services Director Melissa Kinzler reported that on February 15<sup>th</sup> the City was notified by Moody's Investor Service that the City received an upgraded rating for the City's limited tax general obligation refunding bonds, Series 2014B, from an A1 to an AA3 rating.

Manager Doyon reported that the City has a lease agreement with the Children's Museum that commenced in December, 2003, for \$1 per year. The lease expires November 30, 2018. The lease is drafted in such a way that there is an auto renewal of a minimal of five years. However, the Commission must negotiate the lease for the remainder of that term. He explained that what started off as an innocent inquiry has been blown out of proportion. He reported that the Children's Museum has expressed a desire to stay in the building. There will be no further discussions until such time as the City has to consider renewing the lease. The reason the conversation started was the City's need for additional office space. In the interim employees will be temporarily moved into meeting rooms in the Civic Center. He will continue to look at other options.

Deputy City Manager Chuck Anderson announced that he came from Steamboat Springs, Colorado, where he was the Public Works Director for the past five years. He served in the United States Air Force for 27 years, and he retired out of Malmstrom Air Force Base in 2012. His wife and children will join him after the school year and they are all looking forward to being back in the Great Falls community.

**CONSENT AGENDA.**

6. Minutes, February 7, 2017, Commission meeting.
7. Total Expenditures of \$3,034,159 for the period of January 18, 2017, through February 8, 2017, to include claims over \$5,000, in the amount of \$2,764,457.
8. Contracts list.
9. Grants list.
10. Approve the five year lease agreement with Stryker/Physio Control, Inc. for four new LIFEPAK 15 V4 heart monitors/defibrillators in the total amount of \$136,825, with annual payments of \$27,365.
11. Approve the purchase of one new 2016 Autocar ACX64 tandem axle truck with new Heil Durapack Rapid Rail sideload refuse packer to Kois Brothers Equipment Company Inc. of Great Falls, for \$270,000, through National Joint Powers Alliance (NJPA).

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

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, pointed out that Item 9B is a grant application for park equipment in West Bank Park.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

12. **WEST RIDGE ADDITION, PHASES VII-XI, PREVIOUSLY KNOWN AS PERETTI ADDITION TRACT.**
  - A. **ORDINANCE 3151, AN ORDINANCE BY THE CITY COMMISSION TO REZONE THE PROPERTY LEGALLY DESCRIBED AS WEST RIDGE ADDITION PHASES VII – XI, PREVIOUSLY KNOWN AS PERETTI ADDITION TRACT 2 FROM R-3 SINGLE FAMILY HIGH DENSITY DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT.**
  - B. **FINAL AMENDED PLAT OF WEST RIDGE ADDITION PHASE VII.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on Ordinance 3151 which provides for the rezoning of certain property within the City limits, and consideration of approval of the final amended plat request.

The subject property is located in the vicinity of 2<sup>nd</sup> Street NE and 4<sup>th</sup> Street NE, from 41<sup>st</sup> Avenue NE to what will eventually be 43<sup>rd</sup> Avenue NE. The subject property is ±58 acres and will consist of West Ridge Addition, Phases VII – XI after all phases are final platted. The City Commission approved annexation of the whole property, assigning R-3 Single-Family High Density zoning, and approved the final plat of West Ridge Addition, Phase VII, on August 18, 2015.

The owner is requesting that the subject property be rezoned from the R-3 district to PUD Planned Unit Development district in order to have the option of building either detached single-family residential dwelling units or 2-unit townhomes throughout the subdivision, as well as a subsequent amended plat that involves boundary line adjustments and subdivision of the existing 12 lots in Phase VII to create 16 lots along the north and south sides of 41<sup>st</sup> Avenue NE, between the west property line and 2<sup>nd</sup> Street NE. The request is a similar concept in the immediate area that has proven to be very successful from a marketing standpoint and providing housing variety to the citizens. The applicant desires to introduce this model in this and future phases of Westridge.

Just as was the case back in 2015, there are specific criteria that the Commission must consider when making a decision on this plat amendment. Specifically, the Commission is to consider the effect on agriculture, local services, natural environment, wildlife and habitat, and public safety. The analysis of these elements is contained in the Findings of Fact attached to the agenda report.

At the conclusion of a public hearing held on December 13, 2016, the Zoning Commission recommended the City Commission approve the rezoning request from R-3 Single-Family High Density to PUD Planned Unit Development for the subject property, and the Planning Advisory Board recommended approval of the preliminary amended plat, all subject to fulfillment of the Conditions of Approval as outlined in the agenda report. He noted that the approval of this specific request does not have any material effect on the already approved and still in effect Improvement Agreement which the Commission approved back in August, 2015. The developers are still responsible for mitigating identified impacts such as: water, sewer and storm water infrastructure; and paying their proportionate share for an area storm water plan, and paying for a share of the North Great Falls Transportation Study.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3151 and the Amended Plat of West Ridge Addition Phase VII.

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

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3151 and accept the Findings of Fact – Zoning Map Amendment.**

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



Motion carried 5-0.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Final Amended Plat of West Ridge Addition Phase VII and accept the Findings of Fact, all pertaining to the Montana Subdivision and Platting Act.**

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

Motion carried 5-0.

13. **ORDINANCE 3154, AMENDING TITLE 3, CHAPTER 8, SECTION 040 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE COMPETITIVE SEALED PROPOSAL PROCESS.**

Assistant City Attorney Joe Cik reported that, as was suggested during first reading of the Ordinance, Exhibit A was updated to include setting the standard for what adequate notice should be.

The advertising requirements set forth in MCA § 7-5-4302(2) apply to contracts for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in excess of \$80,000. That advertising process doesn't affect any other type of contract.

Municipalities are only required to advertise contracts that it is entering into through a formal process in three different situations: (1) if the purchase is going to involve the type of equipment or services that are outlined in MCA § 7-5-4302(1); (2) the granting of an exclusive franchise; and (3) a contract that would involve public indebtedness.

He explained that this situation pertains to contracts that do go out for competitive bidding proposals much like the defibrillators that were approved on the consent agenda. Professional services agreements, such as architect/engineering services, are exempt from the advertising process of MCA § 7-5-4302.

By not changing the OCCGF, the City is inconsistent with Montana Code Annotated.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Ordinance 3154 was:

**Jeni Dodd**, 3245 8<sup>th</sup> Avenue North, commented that, staff reported that the reference to the MCA currently in use by the City of Great Falls for Request for Proposals (RFP) defines public notification for competitive bidding and not RFPs and, therefore, should no longer be applied to RFPs. She doesn't believe the current code to be in conflict with the MCA. She commented that the MCA does not define the requirements for public notification for RFPs but it also does not preclude municipalities from using competitive bid notification requirements for RFPs. Ms. Dodd further commented that the replacement text that "adequate public notice of the request for

proposals must be given, pursuant to applicable state and federal laws and regulations” does not codify any guidelines for RFP public notice. She concluded that the code change is vague and subject to arbitrary interpretation.

Mr. Cik responded that the way the current code restricts the request for proposal process is that it unduly burdens an advertisement requirement that doesn't apply to a vast majority of the contracts that the City does on a regular basis. He again explained the City is only required to advertise for those specific three instances that he previously discussed.

No one spoke in support of Ordinance 3154.

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 Jones, that the City Commission adopt Ordinance 3154.**

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**14. CITY OF GREAT FALLS/CASCADE COUNTY JOINT PUBLIC SAFETY SOFTWARE PROJECT BID AWARD. OF 1195.6**

Police Chief Dave Bowen reported that the City entered into a contract with New World Software Systems on June 21, 2011. New World's software caused issues that affected the City's operation and network of emergency services since its go-live date in June, 2013. New World was bought out by Tyler Technologies in 2015. The many issues with the software performance were unable to be cured by New World/Tyler Technologies and, after much discussion and advice of counsel, at its April 5, 2016, special work session, the Commission directed staff to proceed with a 90-day notice of termination.

The Commission was further briefed at subsequent work sessions. Following the July 19, 2016, work session, City staff was directed to work with County staff to form a committee of representatives from both entities, and develop bid documents for public safety software. A committee was created which included Mayor Bob Kelly, County Commissioner Joe Briggs, staff from both the Great Falls Police Department and Cascade County Sheriff's Office, City Attorney, Deputy County Attorney, and City and County Information Technology representatives.

An Invitation to Bid was advertised with two vendors responding, and the bids were opened on December 15, 2016. Due to the volume of bid information for the committee to review and compare, including evaluation of 58 pages of technical specifications, staff requested additional time to further evaluate the bids. At its January 3, 2017, meeting, the City Commission

postponed the bid award for the project.

The committee met to compare and discuss the bids, as well as conducted site visits. Based upon the evaluation of the bids and the site visits, it was decided that the bid from Zuercher Technologies was the most applicable to the City's and County's needs. The committee members unanimously agreed that the other bidder, Spillman Technologies, presented a bid which did not meet a number of the 1200+ identified technical specification items in the request for bids.

**Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission approve the bid award for the City of Great Falls/Cascade County Joint Public Safety Software project in the amount of \$810,057 from Zuercher Technologies, and authorize the City Manager to execute necessary contract documents and any additional agreements needed to implement the software.**

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

Commissioner Houck commented this was an incredible process wading through all of the details. It was disappointing to City and County staff to realize they had a vendor who could not perform and, in fact, put the City and County at risk at times. She expressed kudos to everyone that served on the committee.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, reported that he suggested to the Commission at a meeting in 2011 that staff was proceeding too fast with regard to the New World contracts. He discussed software reviews of the two recent vendors and, again, suggested that staff may be proceeding too quickly.

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

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

**15. JOINT RESOLUTION 10171 AND 17-15, IN THE MATTER OF THE DISSOLUTION OF THE CITY AND COUNTY NATIVE AMERICAN LOCAL GOVERNMENT COMMISSION.**

Assistant City Attorney Joe Cik reported that the Native American Local Government Commission was created by Joint Resolution 9220 (City) and 02-29 (County) in March of 2002, and amended by Resolution 9264 (City) and 02-78 (County) in November of 2002. There was a specific motivation for this Commission at that time. There was a steep decline in participation in this Commission, and the Commission has not conducted a meeting in over five years. This Commission has outlived its motivation.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Joint Resolution 10171 and 17-15.**

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

Commissioner Bronson added that he communicated with James Parker Shield who was one of the initial moving forces behind setting up this Commission in 2002. James indicated that the Commission has not been able to meet in nearly five years, he has had great difficulty in even attracting interest in membership on this Commission, and he thought the Native American Local Government Commission was actually abolished several years ago.

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

Motion carried 5-0.

### **CITY COMMISSION**

#### **16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Houck noted that she is learning to like the City's new website and is excited that it is moving forward.

Mayor Kelly reported that last year the various City Boards and Commissions were brought before the City Commission on a regular basis to let the community know that there are a lot of opportunities for them to participate in the community, and also to highlight the work that these Boards and Commissions do. Commission members were assigned as liaisons, in non-voting capacities, to spend more time with individual Boards and Commissions to observe, learn, and educate the Commission, as follows:

Commissioner Bronson - Design Review Board, City/County Health Board, Historic Preservation Advisory Commission, and the Planning Advisory Board/Zoning Commission

Commissioner Burow – Board of Adjustment, Community Development Council, Parking Advisory Commission, and Police Commission

Mayor Kelly – Advisory Commission on International Relationships and Library Board of Trustees

Commissioner Houck – Business Improvement District, Golf Advisory Board, Mansfield Center for the Performing Arts Advisory Commission, Park and Recreation Advisory Board, and the Tourism Business Improvement District

Commissioner Jones – Regional Airport Authority Board

Mayor Kelly commented that he spent a lot of time last year saying thank you and he discussed work done in the community by various organizations. He reviewed City highlights of the past year, and discussed upcoming Commission support of resources to increase and improve the Planning and Community Development Department, implementing the recommendations of the Park Master Plan, newly hired Deputy City Manager and Human Resources Director, assisting the legal department due to demands imposed by Marsy's Law, and RFP for repairs to the Civic Center. He concluded that the Commission will continue to value and support our public safety

personnel, military families and young people of our community, as well as continue to foster collaboration, seek cooperation, and remain community focused.

**17. LEGISLATIVE INITIATIVES.**

Mayor Kelly reported that he talked significantly about some of the work being done on TIF's last month in Helena, and will be going to Helena tomorrow with Manager Doyon to talk about the gas tax. The end of this month begins the legislature transmittal period. Commissioner Bronson is arranging a meeting during the break with local legislators.

**18. COMMISSION INITIATIVES.**

There were no Commission initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Commissioner Jones, to adjourn the regular meeting of February 21, 2017, at 8:14 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: March 7, 2017



**Item:** Contracts List.  
**From:** Darcy Dea, Deputy City Clerk  
**Initiated By:** Various Departments  
**Presented By:** Darcy Dea, Deputy City Clerk  
**Action Requested:**

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**Summary:**  
Contracts List

ATTACHMENTS:

- ▣ Contracts List

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: March 7, 2017**

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

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

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

**MAYOR’ S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

|          | <b>DEPARTMENT</b>      | <b>OTHER PARTY (PERSON OR ENTITY)</b>                                    | <b>PERIOD</b>           | <b>AMOUNT</b>                                       | <b>PURPOSE</b>   |
|----------|------------------------|--|-------------------------|---|--|
| <b>A</b> | Park and Recreation    | Montana Department of Natural Resources & Conservation Forestry Division | FY 2017                 | \$13,000  | 2017 Urban and Community Forestry Subaward Agreement City of Great Falls Program Development Project (Boulevard District Tree Inventory). Subaward Grant #UCF-17-102 (CR 020717.11A) |
| <b>B</b> | Public Works           | Cascade County Weed Management District                                  | Current                 | Each party responsible for their own funding        | Cooperative Agreement and Noxious Weed Management Plan   |
| <b>C</b> | Information Technology | Emergency Reporting Systems, Inc.  | 03/07/2017 - 03/15/2018 | \$20,078 first year and \$8,456 in subsequent years | Professional Services Agreement for GFFR Fire & EMS, Vision and Google Maps software package annual subscription, setup fees, training and maintenance fees                          |

|          |                                   |                              |                         |  |   |
|----------|-----------------------------------|------------------------------|-------------------------|--|---|
| <b>D</b> | Emergency Operations Center (EOC) | Crystal Inn Hotel and Suites | 03/07/2017 – 03/07/2022 | Hotel's standard government rate during the duration of the emergency event or disaster. | Memorandum of Understanding (MOU) establishing a media center during an emergency event or disaster |
|----------|-----------------------------------|------------------------------|-------------------------|--|---|





*Agenda # 7.*  
*Commission Meeting Date: March 7, 2017*  
**City of Great Falls**  
**Commission Agenda Report**

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**Item:** Total Expenditures of \$1,196,772 for the period of January 31, 2017 through February 22, 2017, to include claims over \$5,000, in the amount of \$1,718,988.  
**From:** Fiscal Services  
**Initiated By:** City Commission  
**Presented By:** Melissa Kinzler, Fiscal Services Director  
**Action Requested:**

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ATTACHMENTS:

- ▣ 5000 Report for 3/7/17



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

**PRESENTED BY:** Fiscal Services Director

**ACTION REQUESTED:** Approval with Consent Agenda

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

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

|  |                            |
|--|----------------------------|
| ACCOUNTS PAYABLE CHECK RUNS FROM FEBRUARY 9, 2017 - FEBRUARY 22, 2017      | 1,867,949.18               |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 31, 2017 - FEBRUARY 15, 2017 | 48,823.30                  |
| <b>TOTAL: \$</b>   | <b><u>1,916,772.48</u></b> |

**GENERAL FUND**

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**OTHER ADMIN**

|                               |             |           |
|-------------------------------|-------------|-----------|
| GREAT FALLS HOUSING AUTHORITY | USBC CREDIT | 11,480.02 |
|-------------------------------|-------------|-----------|

**POLICE**

|                       |                                       |          |
|-----------------------|---------------------------------------|----------|
| FARO TECHNOLOGIES INC | SCANNING TOOL FOR CITY OF GF & COUNTY | 8,140.00 |
|-----------------------|---------------------------------------|----------|

**FIRE**

|                   |                         |           |
|-------------------|-------------------------|-----------|
| US BANK NA        | DEBT SERVICE            | 39,131.99 |
| L N CURTIS & SONS | TURNOUT COATS AND PANTS | 31,800.00 |

**SPECIAL REVENUE FUND**

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**SUPPORT & INNOVATION**

|   |                                   |           |
|---|-----------------------------------|-----------|
| GREAT FALLS BUSINESS IMPROVEMENT DISTRICT         | TAX DISTRIBUTION FOR JANUARY 2017 | 19,997.23 |
| GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT | TAX DISTRIBUTION FOR JANUARY 2017 | 55,440.00 |

**FEDERAL BLOCK GRANTS**

|                  |  |           |
|------------------|--|-----------|
| B R CONSTRUCTION | DUNN-BROWN 316 CENTRAL AVE<br>5 APARTMENT REMODELS | 47,619.94 |
|------------------|--|-----------|

**ENTERPRISE FUNDS**

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**WATER**

|  |  |            |
|--|--|------------|
| NALCO COMPANY                                    | ALUM/POLY BLEND CHEMICALS                                  | 35,758.80  |
| HD SUPPLY WATERWORKS LTD                         | 24" & 30" METERS   | 23,812.50  |
| DANA KEPNER COMPANY INC                          | METER SUPPLIES   | 5,664.00   |
| ADVANCED ENGINEERING &<br>ENVIRONMENTAL SERVICES | OF 1625 H2O STORAGE TANK EVAL                              | 22,773.03  |
| INDUSTRIAL AUTOMATION CONSULTING                 | OF 1519.9 WTP FILTER BUILDING & HILL<br>57 SCADA UPGRADES  | 8,819.00   |
| TD&H ENGINEERING                                 | OF 1494.4 WATER MAIN RIVER CROSSING<br>STUDY               | 12,379.00  |
| BLACK & VEATCH CORPORATION                       | OF 1519.6 WTP IMPROVEMENTS PHASE<br>1 CONSTRUCTION PORTION | 102,816.74 |

**SEWER**

|                            |  |            |
|----------------------------|--|------------|
| VEOLIA WATER NORTH AMERICA | MONTHLY WWTP OPERATION CONTRACT            | 224,637.16 |
| VEOLIA WATER NORTH AMERICA | MONTHLY CONTRACTED CAPITAL<br>IMPROVEMENTS | 12,500.00  |

**STORM DRAIN**

|                             |   |            |
|-----------------------------|---|------------|
| WILLIAMS CIVIL CONSTRUCTION | OF 1554.2 S GREAT FALLS DRAINAGE<br>IMPROV MISSOURI RIVER TO 6TH ST S | 106,349.43 |
|-----------------------------|---|------------|

**SANITATION**

|            |              |            |
|------------|--------------|------------|
| US BANK NA | DEBT SERVICE | 130,262.80 |
|------------|--------------|------------|

**PARKING**

|                              |                           |           |
|------------------------------|---------------------------|-----------|
| STANDARD PARKING CORPORATION | JANUARY 2017 COMPENSATION | 27,424.79 |
|------------------------------|---------------------------|-----------|

**CIVIC CENTER EVENTS**

|  |                                  |          |
|--|----------------------------------|----------|
| GREAT FALLS COMMUNITY CONCERT<br>ASSOCIATION | 17-25 ALASKA STRING BAND PAY-OUT | 6,919.82 |
|--|----------------------------------|----------|

**INTERNAL SERVICES FUND**

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**CENTRAL GARAGE**

|                         |                                  |           |
|-------------------------|----------------------------------|-----------|
| GEFFS MANUFACTURING INC | CHIP SPREADER PARTS AND BEARINGS | 25,882.13 |
| MOUNTAIN VIEW CO-OP     | FUEL                             | 14,100.79 |
| BOBCAT COMPANY          | BOBCAT 5600                      | 55,107.40 |

**ENGINEERING**

|            |              |           |
|------------|--------------|-----------|
| US BANK NA | DEBT SERVICE | 42,731.46 |
|------------|--------------|-----------|

**CC FACILITY SERVICES**

|                              |              |          |
|------------------------------|--------------|----------|
| MR GREEN LANDSCAPE SOLUTIONS | SNOW REMOVAL | 6,360.00 |
|------------------------------|--------------|----------|

**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS FINES & FORFEITURES COLLECTIONS 40,497.50

**PAYROLL CLEARING**

STATE TREASURER MONTANA TAXES 39,806.00

FIREFIGHTER RETIREMENT FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS 50,062.22

STATEWIDE POLICE RESERVE FUND POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS 62,392.46

PUBLIC EMPLOYEE RETIREMENT PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS 113,692.50

POLICE SAVINGS & LOAN EMPLOYEE CONTRIBUTIONS 13,284.00

US BANK FEDERAL TAXES, FICA & MEDICARE 184,862.70

AFLAC EMPLOYEE CONTRIBUTIONS 11,408.57

NATIONWIDE RETIREMENT SOLUTIONS EMPLOYEE CONTRIBUTIONS 11,432.76

**UTILITY BILLS**

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ENERGY WEST RESOURCES JANUARY 2017 MONTHLY CHARGES 54,010.63

MONTANA WASTE SYSTEMS INC JANUARY 2017 MONTHLY CHARGES 59,630.48

**CLAIMS OVER \$5000 TOTAL:**

\$ 1,718,987.85



**Item:** One New 2018 Tandem Axle Cab & Chassis Truck  
**From:** Doug Alm, Vehicle Maintenance Supervisor  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Approve Purchase

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (approve/reject) the purchase of one new 2018 Kenworth T800 tandem axle cab & chassis truck for \$125,025 from Motor Power Great Falls, Inc., through NJPA (National Joint Powers Alliance) including trade-in."

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve the purchase of one new 2018 Kenworth T800 tandem axle cab & chassis truck from Motor Power Great Falls, Inc., for a total of \$125,025, including trade-in.

**Background:**

Purpose

This tandem axle cab & chassis truck will be used in the Street Division to haul larger pieces of equipment, such as the paver and the milling machine. This unit will save wear and tear on the larger equipment, as well as saving time and expenses.

- Ability to mobilize equipment efficiently to and from different job sites.
- Save the City in rental costs, as well as time when rental equipment might not be readily available as needed.
- Retrieve equipment that has broken down, saving on towing costs.

### Evaluation and Selection Process

The City of Great Falls has a membership with NJPA to view their competitive bid contracts. As a member of NJPA, the City of Great Falls can interact directly with awarded vendors to facilitate a purchase. This also allows the City of Great Falls to work with the NJPA contract manager to verify pricing, answer contract questions or any other questions that may arise.

### Conclusion

The bid specifications from NJPA meet specifications for the tandem axle cab & chassis truck.

### **Fiscal Impact:**

Staff recommends accepting the trade-in offer of \$8,000 from Motor Power Great Falls, Inc., for the City's 2004 Kenworth T300 dump truck, VIN #3BKMLZ9X74F066040, Unit #811, mileage 130,888. This vehicle was damaged beyond reasonable repair in an accident that was covered by MMIA indemnity coverage. The coverage proceeds from that claim totaled \$33,717.77.

Vendor production has stopped on the 2017 model of this type of tandem axle cab & chassis truck.

Funds for this unscheduled purchase would come from the ERS (Equipment Revolving Schedule), savings from previous ERS Street Division purchases, and the indemnity coverage claim proceeds.

### **Alternatives:**

The City Commission could vote to reject the purchase of one new 2018 tandem axle cab & chassis truck.

### ATTACHMENTS:

- ❑ NJPA Acceptance & Award - Kenworth
- ❑ Form G
- ❑ Motor Power GF Quote
- ❑ MMIA Insurance Payment

**FORM E**  
**CONTRACT ACCEPTANCE AND AWARD**



(Top portion of this form will be completed by NJPA if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)

NJPA Contract #: 081716-KTC

Proposer's full legal name: Kenworth Truck Company, a Division of PACCAR Inc.

**Based on NJPA's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all of the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by NJPA.**

The effective date of the Contract will be November 15, 2016 and will expire on November 15, 2020 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the NJPA Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at NJPA's discretion.

**NJPA Authorized Signatures:**

  
\_\_\_\_\_  
NJPA DIRECTOR OF COOPERATIVE CONTRACTS  
AND PROCUREMENT/CPO SIGNATURE

Jeremy Schwartz  
(NAME PRINTED OR TYPED)

  
\_\_\_\_\_  
NJPA EXECUTIVE DIRECTOR/CEO SIGNATURE

Chad Coquette  
(NAME PRINTED OR TYPED)

Awarded on November 15, 2016

NJPA Contract # 081716-KTC

**Vendor Authorized Signatures:**

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

Vendor Name KENWORTH TRUCK COMPANY

Authorized Signatory's Title ASSISTANT GENERAL MANAGER

  
\_\_\_\_\_  
VENDOR AUTHORIZED SIGNATURE

JASON P. SKOOG  
\_\_\_\_\_  
(NAME PRINTED OR TYPED)

Executed on 11/21, 2016

NJPA Contract # 081716-KTC



**NOTICE OF AWARD TO KENWORTH TRUCK COMPANY,  
A DIVISION OF PACCAR INC.  
Request for Proposal #081716  
CLASS 6, 7, AND 8 CHASSIS WITH RELATED EQUIPMENT,  
ACCESSORIES AND SERVICES**

November 15, 2016

Kenworth Truck Company, a Division of PACCAR Inc.  
10630 N.E. 38<sup>th</sup> Place  
Kirkland, WA 98033

Dear Mr. Kleespies:

Congratulations! You have been awarded an NJPA national contract for procurement of "Class 6, 7, and 8 Chassis with Related Equipment, Accessories and Services." Your proposal was accepted, deemed responsive, evaluated, and recommended for award by NJPA's Evaluation Committee as a solution to meet our members' needs. NJPA's Chief Procurement Officer and the Executive Director have approved a contract award to Kenworth Truck Company, a Division of PACCAR Inc., and this award will be effective on the date stated in the Acceptance and Award document.

This award means that you are now an "NJPA Awarded Contract Vendor" and are part of a select group of world-class vendors. We have attached the NJPA Acceptance and Award. Please check to make sure that your organization's authorized representative has signed this document and has provided a fully executed copy to NJPA.

Jed Klein is your NJPA Contract Administrator and will be contacting you soon to discuss plans to make this contract a success for you and our members. Here is Jed's contact information.

Office Phone: 218-895-4169  
Cell Phone: 218-232-5643  
Email: jed.klein@njpacoop.org

Sincerely,

Jonathan Yahn  
Contracts and Compliance Manager

cc: Jed Klein

202 12<sup>th</sup> Street NE • P.O. Box 219 • Staples, MN 56479



**Form C**

**EXCEPTIONS TO PROPOSAL, TERMS, CONDITIONS,  
AND SOLUTIONS REQUEST**



Company Name: Kenworth Truck Company, Division of PACCAR Inc.

Any exceptions to the terms, conditions, specifications, or proposal forms contained in this RFP must be noted in writing and included with the Proposer's response. The Proposer acknowledges that the exceptions listed may or may not be accepted by NJPA or included in the final contract. NJPA will make reasonable efforts to accommodate the listed exceptions and may clarify the exceptions in the appropriate section below.

| Section/page | Term, Condition, or Specification  | Exception  | NJPA ACCEPTS               |
|--------------|--|--|----------------------------|
| 3.35/10      | Warranty   | Kenworth Truck Company offers a limited basic vehicle warranty and extended warranties in lieu of implied warranties. The terms and conditions of these warranties generally meet or exceed the warranties offered by other truck manufacturers.   | Accepted as clarification. |
| 3.36/10      | Additional Warrants  | Kenworth Truck Company agrees to accept sole source responsibility for the vehicle and component parts warranted by Kenworth. Kenworth cannot accept responsibility for parts which are separately warranted (e.g. body installations, engines other than PACCAR branded engines). Typically, the Kenworth dealer will work with the responsible manufacturer or service supplier to rectify a defect or performance issue. Or, if desired, the Kenworth dealer will designate a point of contact for the NJPA member. | Accepted as clarification. |
| 7.7/25       | Awarded Vendors must report at least quarterly the total gross dollar volume of all products and services purchased by NJPA Members as it applies to this RFP and Contract. This report must include the name and address of the purchasing agency, Member number, amount of purchase, and description of the items purchased. | Kenworth dealers will report the total gross dollar, member name and address, member number, description of the items purchased, copy of member P.O. and final Kenworth dealer, invoice to member monthly, or at least quarterly. In addition, Kenworth Truck Company will report quarterly the selling Kenworth dealer name, member name, and Kenworth vehicle number (last 6 of the VIN) and send with the NJPA fee.   | Accepted as clarification. |
|              |  |  |                            |
|              |  |  |                            |

Form C.

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Proposer's Signature: *M. Kelly* Date: 8/26/2016

NJPA's clarification on exceptions listed above:





**Form G**  
**Class 6, 7, and 8 Chassis with Related Equipment, Accessories, and Services**

|   | Possible Points | Autocar, LLC | Bayshore Ford Truck Sales, Inc. | Birmingham Freightliner, LLC | Hiab USA Inc | I-State Truck, Inc | Kenworth Truck Company | Long Lewis Western Star | Los Angeles Truck Centers | National Auto Fleet Group | Navistar, Inc. | Palmer Trucks, Inc | Peterbilt Motors Company | RWC International, LTD | Volvo Group North America |
|---|-----------------|--------------|---------------------------------|------------------------------|--------------|--------------------|------------------------|-------------------------|---------------------------|---------------------------|----------------|--------------------|--------------------------|------------------------|---------------------------|
| Conformance to Terms/ Conditions to Include Documentation | 50              | 38           | 38                              | 34                           |              | 36                 | 43                     | 32                      | 34                        | 39                        | 40             | 40                 | 41                       | 35                     | 43                        |
| Pricing   | 400             | 306          | 276                             | 255                          |              | 285                | 339                    | 242                     | 269                       | 331                       | 328            | 306                | 325                      | 281                    | 336                       |
| Financial, Industry and Marketplace Successes             | 75              | 58           | 42                              | 44                           |              | 45                 | 61                     | 43                      | 47                        | 59                        | 62             | 52                 | 62                       | 47                     | 61                        |
| Bidder's Ability to Sell/ Service Contract Nationally     | 100             | 83           | 43                              | 44                           |              | 45                 | 88                     | 41                      | 44                        | 77                        | 88             | 49                 | 87                       | 52                     | 88                        |
| Bidder's Marketing Plan                                   | 50              | 40           | 30                              | 30                           |              | 30                 | 40                     | 27                      | 32                        | 40                        | 41             | 36                 | 32                       | 37                     | 43                        |
| Value Added Attributes                                    | 75              | 59           | 42                              | 41                           |              | 44                 | 59                     | 44                      | 41                        | 61                        | 59             | 52                 | 59                       | 48                     | 62                        |
| Warranty Coverages and Information                        | 50              | 43           | 41                              | 37                           |              | 39                 | 46                     | 39                      | 37                        | 41                        | 45             | 41                 | 43                       | 41                     | 45                        |
| Selection and Variety of Products and Services Offered    | 200             | 156          | 121                             | 124                          |              | 132                | 170                    | 111                     | 127                       | 179                       | 165            | 127                | 159                      | 121                    | 151                       |
| <b>Total Points</b>                                       | <b>1,000</b>    | <b>782</b>   | <b>633</b>                      | <b>610</b>                   |              | <b>656</b>         | <b>845</b>             | <b>579</b>              | <b>632</b>                | <b>826</b>                | <b>827</b>     | <b>702</b>         | <b>809</b>               | <b>661</b>             | <b>829</b>                |
| <b>Rank Order</b>   |                 | <b>6</b>     | <b>10</b>                       | <b>12</b>                    |              | <b>9</b>           | <b>1</b>               | <b>13</b>               | <b>11</b>                 | <b>4</b>                  | <b>3</b>       | <b>7</b>           | <b>5</b>                 | <b>8</b>               | <b>2</b>                  |

Ginger Line, CPPB, NJPA

Jonathan Yahn, JD, NJPA

Chris Robinson, JD, NJPA

Gregg Mejerhofer, CPPO, NJPA

Keith Hanson, CPA, NJPA

Kim Austin, NJPA

# MOTOR POWER GREAT FALLS, INC.



4732 TRI HILL FRONTAGE ROAD • P.O. BOX 2264 • GREAT FALLS, MT 59403  
E-Mail: mpgf@motorpowerkw.com

February 10, 2017

Doug Alm  
City of Great Falls  
1025 25<sup>th</sup> Ave NE  
Great Falls MT 59404

NJPA Cooperative Government and Municipality Purchase Program

Kenworth NJPA Contract Number: 0181716-KTC  
City of Great Falls Member Number: 16787

Proposal for purchase of 2018 Kenworth T800 4 axle day cab. The chassis is detailed in the following build prospectus. Pricing is guaranteed and protected under the current NJPA program, no federal excise tax has been applied due to the exempt status of the City of Great Falls.

Installation of the PTO/Pump and hydraulic system included in unit cost.

NJPA contracted purchase price: \$131,200.00 per unit  
Trade of 2004 T300 Dump truck: \$ 8,000.00 Salvage  
Cab Protector/chain hanger/light tabs \$ 1,825.00

**Total Unit Cost** \$125,025.00 per unit

Please review all the accompanying information and contact me with any questions.

Sincerely,

  
Charlie Bennett



Great Dane Trailers

TELEPHONE 406-727-3055

IN-STATE WATS 800-823-4848

FAX 406-771-8551



Montana Municipal Interlocal Authority

| Description           | From Date    | To Date   | Invoice #           | Invoice Amt | Amount                        |
|-----------------------|--------------|-----------|---------------------|-------------|-------------------------------|
| Collision COL/MMIAPRO |              |           |                     |             | 33,717.77                     |
| Claim #:              | PR2016000387 | Claimant: | City of Great Falls | Payee:      | City of Great Falls           |
| Event Date:           | 06/15/2016   | Member:   | City of Great Falls |             |                               |
|                       |              |           | Check Number:       | 2230        | Total Check Amount: 33,717.77 |

REMITTANCE STATEMENT - PLEASE DETACH BEFORE DEPOSITING



**Item:** Construction Contract Award: 36th Avenue NE Improvements (Phase 2), O. F. 1622.2  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Consider Bids and Approve Construction Contract

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission (award/not award) a contract for the 36th Avenue NE Improvements (Phase 2), in the amount of \$594,286.40 to United Materials of Great Falls, Inc. and authorize the City Manager to execute the construction contract documents."

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

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**Staff Recommendation:**

Approve construction contract award.

**Background:**

Significant Impacts

This project phase includes work scope to reconstruct approximately 1,700 lineal feet of roadway on 36<sup>th</sup> Avenue NE between 12<sup>th</sup> Street NE and Bootlegger Trail. The current roadway was constructed decades ago within the County to a rural roadway section and standards. Since then, the City boundaries have expanded to surrounding areas including this roadway segment. Increased traffic, storm water runoff, and public water and sewer demands along this corridor have warranted the reconstruction of the roadway to an urban collector standard.

### Citizen Participation

Continued development in the area has prompted citizen and developer concerns regarding increased traffic, stormwater runoff, and public water and sewer systems demands and has resulted in requests to improve the roadway, drainage, and public water and sewer facilities. These concerns have been discussed at Neighborhood Council and City Commission Work Sessions.

City staff has worked diligently with adjacent developers and residents in completing the initial phases of the project including connections of 11<sup>th</sup>, 12<sup>th</sup> and 14<sup>th</sup> Streets, water, sewer, storm drain improvement, and coordination of development related sidewalk and boulevard landscaping.

### Workload Impacts

City staff has worked closely with Engineering in completing surveys, preliminary design, final plans and contract documents for two phases of the project. City Engineering staff will perform project inspection and administration and Woith Engineering will complete the construction surveying.

### Purpose

The purpose of this project is to: 1) Improve roadway vehicular capacity, safety, rideability and drainage; 2) Install short segments of sidewalk to provide connectivity to the local neighborhoods located on the north and south sides of 36<sup>th</sup> Avenue NE; and 3) To install sanitary sewer main and sewer and water services to avoid future disruption of the new roadway improvements.

This is the second phase of recommended improvements along the corridor.

### Project Work Scope

The project work scope generally consists of the following items and quantities: Reconstruction of 1,700 lineal feet of existing 28-foot wide rural paved roadway to 45-foot wide paved roadway with curb and gutter, 310 lineal feet of sewer main extension, 3 storm drain inlets and laterals, 7 water and sewer service lines, 350 lineal feet of sidewalk, grading and seeding of boulevard areas, and miscellaneous restoration work.

The project contract provisions specify that the Notice to Proceed shall be no later than May 1, 2017 and that the project be substantially complete in 75-calendar days.

### Evaluation and Selection Process

The project was initially bid on August 24, 2016. Only one bid was received from EDK Engineering and Construction, Inc. in the amount of \$854,912.00, which was approximately \$200,000 over the engineers cost estimate and the project budget. It was determined the lack of bids was due to the commitment of local contractors to other construction contracts. Because of these circumstances, Staff recommended to not award and rebid the project at a

later time. The City Commission moved to not award a contract at the September 6, 2016 meeting.

The project was rebid on February 22, 2017. Four bids were received ranging between \$594,286.40 and \$725,248.50. United Materials submitted the low bid. This was \$260,625.60 less than the bid received on August 24, 2016.

**Fiscal Impact:**

The attached bid tabulation summarizes bids that were received.

City Street, Sanitary Sewer, Storm Drain and Water Funds will be utilized to fund associated improvements within the project.

The recently annexed City View Addition and Skyline Apartments have contributed their proportionate share of funding for the street improvements. A substantial amount of the property adjacent to the project currently lies outside the City limits. The City will seek cost reimbursement from any future annexations that benefit from project street and/or utility improvements.

**Alternatives:**

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

ATTACHMENTS:

- ▢ Bid Tabulation



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

BID TABULATION SUMMARY  
 OFFICE FILE 1622.2  
 36TH AVENUE NE IMPROVEMENTS PHASE 2

BIDS TAKEN AT CIVIC CENTER  
 DATE: 22-FEB-17  
 TABULATED BY: KARI WAMBACH

|    | NAME & ADDRESS OF BIDDER   | ACK. ADD. #1 | ACK. ADD. #2 | 10% BID SECURITY | CERTIFICATE OF NON-SEGREGATED FACILITIES | AFFADAVIT OF NON-COLLUSION | CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ. | TOTAL BID    |
|----|--|--------------|--------------|------------------|--|----------------------------|---|--------------|
| 1  | PHILLIPS CONSTRUCTION<br>2607 9TH AVENUE NW<br>GREAT FALLS, MT 59404   | √            | √            | √                | √  | √                          | √   | \$713,645.00 |
| 2  | SHUMAKER TRUCKING & EX.<br>P.O. BOX 1279<br>GREAT FALLS, MT 59403-1279 |              |              |                  |  |                            |   | DID NOT BID  |
| 3  | MRTE, INC.<br>PO BOX 538<br>BLACK EAGLE, MT 59414                      | √            | √            | √                | √  | √                          | √   | \$725,248.50 |
| 4  | M & D CONSTRUCTION<br>P.O. BOX 2728<br>GREAT FALLS, MT 59403           | √            | √            | √                | √  | √                          | √   | \$617,017.00 |
| 5  | UNITED MATERIALS, INC.<br>P.O. BOX 1690<br>GREAT FALLS, MT 59403       | √            | √            | √                | √  | √                          | √   | \$594,286.40 |
| 6  |  |              |              |                  |  |                            |   |              |
| 7  |  |              |              |                  |  |                            |   |              |
| 8  |  |              |              |                  |  |                            |   |              |
| 9  |  |              |              |                  |  |                            |   |              |
| 10 |  |              |              |                  |  |                            |   |              |



**Item:** Construction Contract Award: City of Great Falls Public Works Facility Improvements – Utilities Building & Public Works Office, O.F. 1455.6  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Consider Bid and Award Construction Contract.

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (award/not award) a contract in the amount of \$233,999.17 to EJ Carpentry for the City of Great Falls Public Works Facility Improvements – Utilities Building & Public Works Office, and authorize the City Manager to execute the construction contract documents.”

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

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**Staff Recommendation:**

Approve construction contract award.

**Background:**

Significant Impacts

This project will make improvements to City Utilities buildings and the Public Works Office. Older sections of the Utilities Shops will receive new metal roofing, skylights, gutters, overhead doors, personnel doors, windows and refinishing of exterior walls. The Utilities storage buildings will receive new overhead doors, personnel doors, new exterior metal siding, and improvements will be made to the door frames.

### Citizen Participation

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

### Workload Impacts

Nelson Architects provided design services for the project and will assist in Construction Inspection. City Engineering Staff will perform construction inspection and administration duties.

### Purpose

The items being replaced and repaired during this project have either reached the end of their intended service life or are have been damaged and are in need of repair. The roof of the Utilities shops is over forty years old and due for replacement. The windows, personnel doors and overhead doors are all original to the buildings and are in poor condition after years of use. The metal siding for the storage buildings has rusted areas along the bottom sections and at the bolt locations. There are also many locations on the doors and siding where heavy utility vehicles have damaged areas of the metal. Improvements to these facilities will also update the paint and colors to match the remainder of the public works facilities.

### Project Work Scope

The project consists of removing rolled asphalt and metal roofs and replacing with a metal roof, installing snow cleats, demolishing and replacing gutters, downspouts, and fascia; refinishing exterior walls, demolishing and replacing doors, installing new weather stripping, installing vented metal soffits, demolishing and replacing windows, frames, and flashing; replacing skylights, replacing translucent fiberglass windows, and removing and replacing metal siding.

### Evaluation and Selection Process

Two bids were received and opened on February 22, 2017. The bids ranged between \$256,000.00 and \$233,999.17, with EJ Carpentry providing the low bid of \$233,999.17.

### Conclusion

City Staff recommends awarding the construction contract to EJ Carpentry in the amount of \$233,999.17.

### **Fiscal Impact:**

The attached bid tabulation summarizes the received bids. This project will be funded through the Water, Sewer, Storm and Public Works Administration Facility Improvement Funds.

### **Alternatives:**

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

cancel the project.

ATTACHMENTS:

- OF 1455.6 Bid Tab

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

BID TABULATION SUMMARY

OFFICE FILE 1455.6  
 CITY OF GF PW FACILITIES REPAIRS

BIDS TAKEN AT CIVIC CENTER  
 DATE: 22-FEB-17  
 TABULATED BY: KARI WAMBACH

|    | NAME & ADDRESS OF BIDDER  | ACK. ADD. #1 | ACK. ADD. #2 | ACK. ADD. #3 | 10% BID SECURITY | CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ. | CERTIFICATE OF NON-SEGREGATED FACILITIES | TOTAL BID    |
|----|---|--------------|--------------|--------------|------------------|---|--|--------------|
| 1  | S&H ALUMINUM PRODUCTS<br>901 6TH STREET SOUTH<br>GREAT FALLS, MT 59405  |              |              |              |                  |   |  | DID NOT BID  |
| 2  | WADSWORTH BUILDERS<br>4601 2ND AVENUE NORTH<br>GREAT FALLS, MT 59405    | √            | √            | √            | √                | √   | √  | \$256,000.00 |
| 3  | JAMES TALCOTT CONST.<br>4415 RIVER DRIVE NORTH<br>GREAT FALLS, MT 59405 |              |              |              |                  |   |  | DID NOT BID  |
| 4  | EJ CARPENTRY<br>151 6TH LANE NE<br>FAIRFIELD, MT 59436                  | √            | √            | √            | √                | √   | √  | \$233,999.17 |
| 5  |   |              |              |              |                  |   |  |              |
| 6  |   |              |              |              |                  |   |  |              |
| 7  |   |              |              |              |                  |   |  |              |
| 8  |   |              |              |              |                  |   |  |              |
| 9  |   |              |              |              |                  |   |  |              |
| 10 |   |              |              |              |                  |   |  |              |



**Item:** Public Hearing - Ordinance 3152 - An Ordinance by the City Commission of the City of Great Falls to rezone the properties legally described as: Marks 2, 3, 5, 11, Block 3, Country Club Addition, located in Section 14, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lots 1B, 1, 1A-1, Block 1, Tietjen Triangle Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lot 1, Block 1, Montana Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana, from C-1 Neighborhood commercial to C-2 General commercial.

**From:** Planning and Community Development Department

**Initiated By:** Brett & Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, Galloway Investments Inc.

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

**Action Requested:** City Commission adopt Ordinance 3152 and approve the Findings of Fact.

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Ordinance 3152 and (approve/not approve) the Findings of Fact - Zoning Map Amendment."

2. 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 January 10, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from C-1 Neighborhood commercial district to C-2 General commercial district for the subject properties.

Staff recommends approval of the rezoning request.

**Summary:**

The applicants are requesting the subject properties be rezoned from C-1 to C-2 General commercial district in order to have the ability to allow higher intensity uses with less restrictive development standards.

Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the Great Falls Tribune on December 18, 2016. Ordinance 3152 to rezone the subject property from C-1 Neighborhood commercial district to C-2 General commercial district upon City Commission approval was accepted by the City Commission on first reading on February 7, 2017. Notice of Public Hearing before the City Commission for the rezone request was published in the Great Falls Tribune on February 19, 2017.

To date, Staff has received ten inquiries regarding this project. Eight individuals had general questions about the nature of the proposal and the difference between C-1 and C-2 zoning, one individual expressed concern about traffic and light pollution with the potential development on the vacant parcel, and one individual expressed opposition and gathered information for an intended written comment. Staff also received one letter in opposition (attached), as well as one email in opposition (attached) and one email from a proponent of the rezone (attached). At the Zoning Commission Public Hearing a petition in opposition to the rezone was submitted by the Cottonwood Condos board and residents (attached).

**Background:**

The subject properties are generally located on the south side of the Country Club Boulevard and Fox Farm Road intersection (please see attached aerial map for details). In total, the properties consist of ±5.949 acres (ac) and applicant information is as follows:

| BUSINESS NAME/<br>CURRENT ZONING | CURRENT LAND USE    | PROPERTY OWNER      | PROPERTY ADDRESS | PROPERTY LEGAL DESCRIPTION           | PROPERTY SIZE     |
|----------------------------------|---------------------|---------------------|------------------|--------------------------------------|-------------------|
| BEEF 'O'                         | RESTAURANT/         | HAVERLANDT,         | 1600 FOX         | LOT 1, BLOCK                         | 0.819 ac          |
| BRADY'S/ C-1                     | TAVERN              | BRETT & SANDRA      | FARM RD          | 1, MONTANA ADDITION, S15, T20N, R03E | or 35,675.64 s.f. |
| HOLIDAY GAS STATION              | VEHICLE FUEL SALES/ | MEADOWLARK FF&S LLC | 1601 FOX FARM RD | LOT 1, BLOCK 1, TIETJEN              | 1.153 ac or       |

|                                |  |                                  |                             |  |                                   |
|--------------------------------|--|----------------------------------|-----------------------------|--|-----------------------------------|
| & SUBWAY/<br>C-1               | RESTAURANT                                     |                                  |                             | TRIANGLE<br>ADDITION, S14,<br>T20N, R03E                                     | 50,224.68 s.f.                    |
| LUCKY LIL'S<br>CASINO / C-1    | LEGAL NON-<br>CONFORMING<br>CASINO, TYPE<br>II | BILLINGS<br>HOLDINGS LLC         | 1605 FOX<br>FARM RD         | LOT 1B, BLOCK<br>1, TIETJEN<br>TRIANGLE<br>ADDITION<br>S14, T20N, R03E       | 0.692 ac<br>or<br>30,143.52 s.f.  |
| DAIRY<br>QUEEN / C-1           | RESTAURANT                                     | GALLOWAY<br>INVESTMENTS<br>INC   | 1651 FOX<br>FARM RD         | LOT 1A-1,<br>BLOCK 1,<br>TIETJEN<br>TRIANGLE<br>ADDITION, S14,<br>T20N, R03E | 0.315 ac<br>or<br>13,721.4 s.f.   |
| VACANT / C-<br>1               | VACANT<br>(PROPOSED<br>HOTEL)                  | BILLINGS<br>HOLDINGS LLC         | 520<br>COUNTRY<br>CLUB BLVD | MARKS 3, 5, 11,<br>BLOCK 3,<br>COUNTRY CLUB<br>ADDITION, S14,<br>T20N, R03E  | 2.626 ac<br>or<br>114,388.56 s.f. |
| DAHLQUIST<br>REALTORS /<br>C-1 | PROFESSIONAL<br>SERVICES                       | HAVERLANDT,<br>BRETT &<br>SANDRA | 500<br>COUNTRY<br>CLUB BLVD | MARK 2,<br>BLOCK 3,<br>COUNTRY CLUB<br>ADDITION, S14,<br>T20N, R03E          | 0.344 ac<br>or<br>14,984.64 s.f.  |

As part of the original application the Country Club Towers Condos had requested rezoning two small parcels associated with the Condos, but have since withdrawn their application.

### **Zoning Map Amendment Request:**

Note: the terms “rezone” and “zoning map amendment” are used interchangeably.

The subject properties are currently zoned C-1 Neighborhood commercial district. The applicants are requesting the subject properties be rezoned to C-2 General commercial district in order to have the ability to allow higher intensity uses with less restrictive development standards. The Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code §17.20.2.040 Establishment and purpose of districts, describes these two districts as:

C-1 Neighborhood commercial. This district is found near established and developing residential areas and is intended to accommodate low intensity commercial activities that serve the nearby residential area. Development standards ensure the compatibility of this district to those residential districts that may adjoin.

C-2 General commercial. This district is primarily intended to accommodate high-traffic



businesses that focus on vehicle traffic. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. Current residential uses are not considered nonconforming. As such, current residential uses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged.

The OCCGF, Title 17, Chapter 20 – Land Use, outlines development standards for each zoning district in Exhibit 20-4 (attached). The primary differences between the C-1 and C-2 districts are the maximum height permitted, maximum lot coverage, and front yard setback. In summation, the C-2 district permits:

- an additional 30 feet in building height
- 20% more total lot coverage
- a reduction in the front yard setback to 0 feet
- a 10-foot increase in the maximum height of a free standing sign

Moreover, Chapter 20 provides a land use table showing the allowable principal, accessory, and temporary uses in each zoning district as Exhibit 20-1. Staff has tailored this Exhibit to create a Comparative Table showing the differences in allowed uses between the C-1 and C-2 zoning districts (attached). The main differences are summarized on the first page. Many of the uses have special standards that apply, and must be followed should they be established on a property.

The basis for decision on zoning map amendments, i.e. rezoning or zone changes, is listed in 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 – Zoning Map Amendment.

At the public hearing held on January 10, 2017, the Zoning Commission asked if the property located at the northeast corner of the 6th Street Southwest and Country Club Boulevard intersection was parkland because that would prohibit establishment of a Casino, type I on properties included in the C-2 rezone request. Staff did not have an answer at the public hearing, but has since researched the question and provided them the following answer:

The parcel is owned by Montana Department of Transportation (MDT), and may not be used for public recreational purposes. It is a vacant parcel MDT does not wish to “encumber” with improvements or obligations that may limit their ability to sell or use the property for roadway purposes. The City of Great Falls maintains the landscaping, and refers to the property as “Sun River Meadows”. Therefore, because the property is not used for recreation and is not considered parkland by the property owner, it does not meet the definition of “park” for the purpose of applying the special provisions for Casinos in Title 17.

During the first reading before the City Commission on February 7, 2017, a citizen expressed concern that the inclusion of Beef 'O'Brady's (1600 Fox Farm Road) in the C-2 zone change request may constitute illegal "spot zoning". The statement was based on the belief that the street separating the Beef 'O'Brady's parcel from the balance of the C-2 parcels, constituted a

zoning district boundary. If this were actually the case, the Beef O'Brady's parcel would be an "island" with one zoning district, which then would be surrounded by other zoning districts and therefore would be "spot zoned". The fact of the matter is that the presence of a street, in and of itself, does not constitute a zoning district boundary and does not preclude a zoning district from crossing a street to include other parcels in that district. Therefore, it is staff's finding that the zoning map amendment as proposed does not constitute "spot zoning".

**Fiscal Impact:**

The subject properties are located in the City limits and most have established businesses located on them. If the rezoning application is approved, the vacant property owned by Billings Holdings LLC, between Dahlquist Realtors and the Holiday Gas Station/Subway, could develop into a hotel. Thus, if the rezoning results in new development or redevelopment, this could benefit the City financially due to increased property tax assessments collected.

**Alternatives:**

If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute. In such case, alternative findings of fact must be identified and supported.

**Concurrences:**

Representatives from the City's Public Works, Police, Park and Recreation, and Fire Rescue Departments have been involved throughout the review and approval process for this project.

ATTACHMENTS:

- ▢ Ordinance 3152
- ▢ Ordinance 3152 Attachment A
- ▢ Petition from Cottonwood Condos
- ▢ Resident Letter
- ▢ Email in Opposition
- ▢ Email from Proponent
- ▢ Aerial Map
- ▢ Zoning Map
- ▢ Finding of Fact - Zoning Map Amendment
- ▢ Zone Change Summary & Comparative Table
- ▢ Exhibit 20-4 Development Standards
- ▢ Applications requesting rezoning
- ▢ Application Narrative
- ▢ Site Photographs

ORDINANCE 3152

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: MARKS 2, 3, 5, 11, BLOCK 3, COUNTRY CLUB ADDITION, LOCATED IN SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA; AND, LOTS 1B, 1, 1A-1, BLOCK 1, TIETJEN TRIANGLE ADDITION, LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA; AND, LOT 1, BLOCK 1, MONTANA ADDITION, LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA, FROM C-1 NEIGHBORHOOD COMMERCIAL TO C-2 GENERAL COMMERCIAL.

\* \* \* \* \*

WHEREAS, the subject properties, located on the south side of the Country Club Boulevard and Fox Farm Road intersection are presently zoned C-1 Neighborhood Commercial district; and,

WHEREAS, the property owners, Brett and Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, and Galloway Investments Inc., have petitioned the City of Great Falls rezone said properties to C-2 General Commercial 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 on this zoning designation would be held on the 7th day of March, 2017, before final passage of said Ordinance herein; and,

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

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

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on January 10, 2017, to consider said rezoning from C-1 Neighborhood commercial density residential district to C-2 General commercial district and at the conclusion of said hearing passed a motion recommending the City Commission rezone the property legally described as: Marks 2, 3, 5, 11, Block 3, Country Club Addition, located in Section 14, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lots 1B, 1, 1A-1, Block 1, Tietjen Triangle Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lot 1, Block 1, Montana Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana.

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

Section 1. It is determined that the herein requested rezoning will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 2. That the zoning classification be designated as C-2 General commercial district for the properties legally described as: Marks 2, 3, 5, 11, Block 3, Country Club Addition, located in Section 14, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lots 1B, 1, 1A-1, Block 1, Tietjen Triangle Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lot 1, Block 1, Montana Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana., as shown attached hereto as Attachment "A" and by this reference made a part hereof.

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 January 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading March 7, 2017.

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

ATTEST:

\_\_\_\_\_  
Darcy Dea, Deputy 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 City Commission, Ordinance 3152 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library


---

Lisa Kunz, City Clerk

(CITY SEAL)

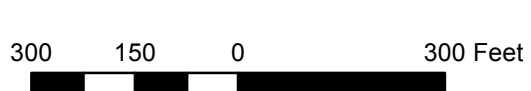
# Ordinance 3152 Attachment A



 Properties included in rezone to C-2 General commercial

 City Limits

 Tracts of Land





Simple Petition  
January 6, 2017

We the under signed, residing at The Cottonwoods Condos, legal address of 1540 Meadowlark Drive, Great Falls, MT 59404 do hereby state that we are unified in opposing the re-zoning of adjacent properties from C-1 Neighborhood Commercial District to C-2 General Commercial District.

The properties involved include: Beef O' Brady's at 1600 Fox Farm Rd., Dahlquist Realtors at 500 Country Club Blvd., Holiday Gas Station/Subway at 1601 Fox Farm Rd., Lucky Lil's Casino at 1605 Fox Farm Rd., and abutting vacant property immediately east, and Dairy Queen at 1651 Fox Farm Rd. Any changes to this area will effect our Cottonwoods Condo owners significantly.

Some of our deepest concerns are listed below, with more questions of less importance and regard.

1. Decrease in our property values.
2. No "buffer zone" between our property lines and your commercial area.
3. More information needed on proposed buildings height, expanse, location, parking accommodations, gas station length, etc.
4. Very concerned with verbiage of zoning: "to allow for more intensive uses and less restrictive standards" is an open book to bigger, better, higher, wider, taller, brighter, busier noisier, etc in a very small location.
5. Increased late night noise levels from motel parking, folks talking, yelling, diesel semi trucks leaving trucks running, etc.
6. Increase of strewn garbage and litter around the area.
7. Abrasive taller signage and extra flashy lighting involved in this big project is not conducive to a quiet neighborhood atmosphere.
8. Increased traffic to an already busy and dangerous intersection at Country Club Blvd. and Fox Farm Rd., not to mention the hazardous "left turn" situations that occur on Fox Farm Rd. The "suicide" lane is a busy one. IE:
  - Going south: left turn into Holiday Gas Station/Subway, (very bad traffic backups)
  - Going north: left turn into Beef O'Brady's (very bad)
  - Going south: left turn into Lucky Lil's (bad)
  - Going north: left turn into Cenex Gas & Convenience Store (bad)
  - Going south: left turn into Dairy Queen
  - Going north: left turn into Heritage Inn
  - Going south: left turn into Dairy Queen, China Town Café & Alder Dr.
9. Raising of flood plain area is yet an unforeseen concern.
10. Loss of the views of our lovely Montana Sunsets and cityscape if buildings are too high.

These are a few of our Cottonwoods Condo Associates concerns that we hope you will address.

Thank you  
Cottonwoods Condo Board Members:  
Gayetta Quenemoen, President  
Virginia Piatt, Secretary  
Margit Jensen  
Jim Carney  
Marilyn Rabino

Cottonwoods Condo Petition Signers

Unit #20 owner: Mary Judge Mary Judge Date: 1-7-17  
Unit #21 owner: Jan Clairmont Clairmont Clairmont Date: 1-7-17  
Unit #22 owner: Margaret or Louis Scheschy Margaret Scheschy Date: 1-8-17  
Unit #23 owner: Nancy or James Carney see attachment Date: 1/9/17  
Unit #24 owner: Marilyn or Fred Rabino see attachment Date: 1/6/17  
Unit #25 owner: Margaret Beaty Margaret Beaty Date: 1.9.17  
  
Unit #30 owner: Dorothy Galvin see attachment Date: 1/9/17  
Unit #31 owner: Arlene Heintzelman Arlene Heintzelman Date: 1/7/17  
Unit #32 owner: Julie Fabrega Julianne Fabrega Date: 1/8/2017  
Unit #33 owner: Margit Jensen Margit Jensen Date: 1-7-2017  
Unit # 34 owner: Gay or Bob Quenemoen Bob Quenemoen Date 1-7-2017  
Unit #35 owner: Nancy or James Carney see attachment Date: 1/9/17  
  
Unit #40 owner: Char Erickson see attachment Date: 1/9/17  
Unit #41 owner: Nancy Wiench Nancy Wiench Date: 1-8-17  
Unit #42 owner: Darla Kelman see attachment Date: 1/7/17  
Unit # 43 owner: Betty Wandke Betty R Wandke Date: 1-7-2017  
Unit #44 owner: Jerry Meinhardt see attachment Date: 1/9/17  
Unit #45 owner: Richard Kujala Richard Kujala Date: 1-7-2017



Unit #50 legal proxy: Ardell or Chet Knab Chet Knab Date: 1-7-17  
Unit #51 owner: Gertrude or Eugene Peters Gertrude Peters Date: 1/7/2017  
Unit #52 owner: Pete Bethke Charles R. Beethke Date: 1/7/2017  
Unit #53 owner: Virginia Piatt Virginia M. Piatt Date: 1/7/17  
Unit #54 owner: Janet McGee see attachment Date: 1/9/17  
Unit #55 legal proxy: Amy or Jim Gillespie Amy R. Gillespie Date: 1/7/2017

To whom concern

I am a property owner residing at 1540 Meadowlark Drive. I have a concern about the zoning being changed.

The reason being is a 65' foot building being proposed. This would block views being used now. Also the traffic increase on Fox Farm Road and 10th could become a problem. Then there is a concern about the noise pollution increase surface water runoff on my property.

Plain and simple I am against zoning change the people knew the zoning laws from before and should stick to it.

Thank you  
James Carney  
James Carney  
1/8/17



Gayetta Quenemoen <bgquene@gmail.com>

---

## Rezoning

2 messages

---

**rubinofm@bresnan.net** <rubinofm@bresnan.net>  
To: "bgquene@gmail.com" <bgquene@gmail.com>

Fri, Jan 6, 2017 at 2:05 PM

As a resident of the Cottonwoods, Apt 24, I strongly oppose the rezoning of C-1 (Neighborhood Commercial District) to C-2 (General Commercial District) and join in the petition opposing this change. Marilyn Rubino

---

**rubinofm@bresnan.net** <rubinofm@bresnan.net>  
To: "bgquene@gmail.com" <bgquene@gmail.com>

Fri, Jan 6, 2017 at 2:09 PM

As a resident of the Cottonwoods, Apt 24, I strongly oppose the rezoning of C-1 (Neighborhood Commercial District) to C-2 (General Commercial District) and join in the petition opposing this move. Fred Rubino

# Gmail

More

COMPOSE

Proposed Zoning change

Inbox x

Inbox (3)

Starred

Important

Sent Mail

Drafts

Circles

Amazon/Galapagos

Egypt

Genevieve & Amelia...

Notes

Travel

More

G Gayetta

B Brian Winters

L Lesley Juel

P Pam Juel

Mike Galvin <omgalv@bresnan.net>

to me

Jan 8 (2 days ago)

To: Great Falls Planning Advisory Board/Zoning Commission

Re: Proposed Zoning change of lots at SE corner of Fox Farm Rd and 10th Ave South.

I am a 13 year resident and owner of a condominium in the Cottonwoods Condos at 1540 Meadowlark Dr., Great Falls. My unit, number 30, faces west.

I am totally opposed to changing the zoning of the properties on the SE corner of Fox Farm Rd and 10th Ave South from a C-1 Neighborhood commercial to a C-2 General commercial district.

In my opinion the vacant Billings Holdings lot is not large enough to accommodate a multi-story building. Any building on this property that would be over one story high would infringe on the privacy and view that is presently enjoyed by the residents to the east of this property. Through the use of fencing and living hedges and shrubbery a neighborhood atmosphere prevails in the 'backyard' of the residents living along these empty lots. Shoe horning commercial properties in to these lots will ruin this neighborhood.

I would like to commend the existing four businesses along this corner of Fox Farm Rd for generally maintaining the quiet and keeping their properties clean.

Again, I am opposed to this change in the zoning of these empty properties.

Sincerely,  
*Dorothy Galvin*





Virginia Piatt <piattv09@gmail.com>

---

**Proxy**

1 message

---

**Darla Kerman** <punkin100162@aol.com>  
To: piattv09@gmail.com

Sat, Jan 7, 2017 at 3:57 PM

To whom it may concern,

Virginia Pratt has my permission to vote my proxy at the meeting before the building planning board on Tuesday January 10, 2017.

Very truly,  
Darla Lewis Kelman  
Unit # 42

Sent from my iPhone

# Gmail

More

COMPOSE

(no subject)

Inbox x

Inbox (5)

Starred

Important

 Gayetta

 Brian Winters

 Lesley Juel

 Pam Juel

**jerry meinhardt** <jerrymeinhardt@yahoo.com>  
to me

To All Concerned. I reside in the Cottonwood Condos, unit 44 at 1540 Meadowlark Fox Farm Rd. and 10th Ave S. Rezoning efforts adjacent to our condo units would add to our neighborhood. Thank you, to all for taking my letter into consideration. I am currently



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January 9, 2017

Dear Great Falls Planning Advisory Board/Zoning Commission,

I am writing you on very short notice as to the request for rezoning of a property adjacent to the Cottonwoods Condominiums which faces Tenth Avenue South next to the Holiday Gas Station.

They are requesting a rezoning from C-1 Neighborhood Commercial to a C-2 General Commercial District. I must say at this time **I don't think this request should be granted.**

I am co-executor of my Father's Estate. His name was Charles E. Tadewaldt. His estate still owns unit #40 in the Cottonwoods Condominiums. I have already had negative feedback from realtors and residents as to the huge pile of dirt being hauled onto this property. We are trying to sell the unit and I thought at the time this was just apprehension and anxiety as to what was going on there or going to be built. Now I have that same apprehension and anxiety. So I hope you will listen and consider my concerns.

I am a native Montanan and I was born, educated and lived in Great Falls most of my life. I have worked and managed several businesses in Great Falls and elsewhere. I actually built a home on Meadowlark Drive just a short distance from the Condos at 1526B. So I am very well acquainted with the area.

**I was not notified about this proposed zoning change until late Saturday, January 7, 2017.**

First, I am concerned about the increased traffic and population this will create. Done right it can be congruent with the already mostly 40+ years housing development which adjoins it. Respect needs to be given to those who already live there and their investment in Great Falls so that the integrity of their neighborhood, homes and life style there is not jeopardized.

Second, The Fox Farm intersection is very dangerous at best. When I lived there, I saw multiple accidents and quite a few deaths at this intersection and the highway from the airport to the Country Club including the bridge over the Sun River and Fox Farm Road. I was told this was one of the busiest and stop lighted intersections in Montana by the head of the Montana Department of Transportation, Mick Johnson. This is the ingress and egress to those already living there. AND it will be to those staying at this hotel. Not to say, what about those guests, who want to go to the airport and beyond? Just a short distance from this already busy and dangerous intersection, virtually on a one way, very busy street what are those that need to go the opposite direction going to do? How is this going to be channeled??

Third, Is the infrastructure for sewage in place? My house at 1526B had an easement for a giant sewer main which goes under the Sun River to a substation on the opposite shore. Just a year ago, the Condo residents woke up to toilet paper and raw sewage in the street. Yes, the

street was dug up and the problem has not presented itself to my knowledge again but is there enough in place to handle the first proposed hotel or now this mega grandiose structure?

Fourth, Noise.....Increased traffic is only going to increase the noise. When I lived in my newly built house, the noise from Tenth was horrendous. We petitioned for a sound wall and lost. You see them almost everywhere else in cities elsewhere. Not to say, several times I almost had cars involved in accidents in my back yard!

Fifth, the Flood Plane....The Sun River is just across from this proposed building and it will also be in the flood plain. Will this hold or push more water to the already existing. Only one side of the Sun River has the dike and it is not this side. So a bigger structure?? Has consideration been given to the existing homeowners?

Sixth, A buffer or green zone between the existing housing and this proposed structure. Is a parking lot and green zone planned between the existing housing and businesses? And what about the zone change allowing taller building, more capacity, taller signs?? Is this what we really want here?? Done right this can be an asset. **Do not give them a free reign. All the adjacent businesses built within the existing zoning. This is a C-1 Neighborhood Commercial Zone District. They knew that when they purchased the land. It is directly adjacent to a neighborhood!** I am not against development of this property. **Just please, listen and think....do it right.** It can be a great asset to the adjoining businesses, homeowners and Great Falls. **Done right, it will funnel much needed dollars into the adjoining businesses who are already there so I cannot imagine they will object much. Done right, it will be additional jobs for those in Great Falls.**

**Done wrong, it will be another shot in the foot with a very sore toe nail!**

Thank you for listening and I only can pray you will consider. I would appreciate feedback.

Sincerely,

Char Erickson

PO Box 1074

Condon, MT 59826



# Gmail

More

COMPOSE

**Inbox (3)**

Starred

Important

Sent Mail

Drafts

**G** Gayetta

**B** Brian Winters

**L** Lesley Juel

**P** Pam Juel

On Mon, Jan 9, 2017 at 10:39 AM, Janet McGee <[mcgeej34@gmail.com](mailto:mcgeej34@gmail.com)> wrote:

Sent from my iPhone

> On Jan 8, 2017, at 1:47 PM, Virginia Piatt <[piattv09@gmail.com](mailto:piattv09@gmail.com)> wrote:

>

>

> As a resident of the Cottonwoods Condo's, Apt. 54, I strongly oppose the rezoning of C-1 (Neighborhood Commercial District) to C-2 (General Commercial District) and join in the petition opposing this change.

Thank you,

Janet McGee

1540 Meadowlark Dr. #54

Great Falls, MT 59404

[\(406\)750-1442](tel:(406)750-1442)

 [Click here to Reply or Forward](#)

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January 6, 2017



Planning and Community Development Office  
Civic Center, Room 112  
Park Dr S.  
Great Falls, Mt 59404

Ref: Country Club Blvd- Fox Farm Road Region Rezone from C-1 to C-2.

While I understand that the current C-1 zoning allows for a motel up to 50 feet in height, that limitation would allow for a moderate size motel and a moderate density of human and car traffic density. C-2 zoning would allow for a three to four story motel, increase the density of human and traffic density and increase the environmental factor enumerated below:

#### Light pollution

High intensity lights placed on raised poles to illuminate large areas surrounding the perimeter of the building and parking areas for security and safety of the facility increase the current night time light level of light. Another source of light pollution will undoubtedly be a high raise billboard to attract customers to the site. While I agree businesses benefit from billboard advertisement to draw in traffic, there is residential interest nearby that would find this amount of illumination annoying and perhaps interrupting their sleep routine. An added contributor to light irritation is the evening guest arriving at the motel with their headlights on and flashing light through the neighborhood as they find their way to the motel entrance and subsequently to park their cars.

#### Line of site interruption

Placing a three or four story hotel into the line of site (view) that residents currently have is annoying and disappointing that their privacy is be intruded upon. Part of the purchase of a residential property can be the view one has when looking out their windows. For those folks who currently enjoy westerly to northwesterly views, a three to four story motel would be an interrupting view.

#### Noise pollution

Higher density of human and automotive traffic increase the decibel level of noise. While this is probably not noticeable during daytime hours due the general increased decibel level during that period of time, however as evening hours arrive and the surrounding activity subsides the decibel level is reduced. Single noise events become pronounced. During sleeping hours, an activated automobile's electronic car lock system briefly honks the horn and flashes the lights can cause sleep disturbance. More so, if a car security alarm would go off and the owner is not nearby to interrupt its operations immediately. With increased density, these onetime occurrences can increase in frequency that may be quite annoying and disturbing.

#### Traffic flow interruption

The current traffic flow in the Fox Farm Road between Alder Drive to Country Club Blvd is quite heavy at times and traffic flow is often interrupted due to cars turning into access drive ways. But more importantly, south bound traffic will often U-turn on Fox Farm roadway to return to the access drive ways serving the business on the east side of Fox Farm roadway. This can be unsafe as faster traffic may not recognize the intentions of the U-turn driver, and interpret the signaling as the driver preparing to turn left onto Alder Drive. Suffice it to say, increased traffic seeking to access the Motel access driveway will increase these traffic problems, and at a minimum, further restrict traffic flow during high density traffic flow along Fox Farm Road.

For the above enumerated reasons I oppose both, any variance to the current C-1 zoning to allow increased height allowance, and C-2 zoning that would allow heights to accommodate a three to four story motel and towering billboards. This development borders residential zoned areas and these residents should have their expectations of privacy and stable property values as would be expected by residential zoning provisions.

*Robert Drga*

Robert Drga, Carol Drga

1536 Meadowlark Dr. Unit 6B

Great Falls, MT 59404

406-761-0720

262-893-2604-cell

*Carol Drga*

## Erin Borland

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**From:** Lisa C. Kunz  
**Sent:** Thursday, February 23, 2017 1:59 PM  
**To:** Erin Borland  
**Subject:** FW: Ordinance 3152/Public Hearing March 7, 2017  
**Attachments:** Responsible Re-Zone.jpg

1 of 2

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**From:** Lisa C. Kunz  
**Sent:** Tuesday, February 21, 2017 9:50 AM  
**To:** Bill Bronson; Bob Jones; Bob Kelly; Fred Burow; Tracy Houck  
**Cc:** Greg Doyon; Craig Raymond; Sara Sexe  
**Subject:** FW: Ordinance 3152/Public Hearing March 7, 2017

Good Morning Commission – see comments/attachment from Mr. Steve Gillespie pertaining to an upcoming public hearing on March 7. Please do not respond to this email. His written objection to proposed Ordinance 3152 will be noted in the minutes of that meeting, and discussion about same can be held during the public hearing portion of that meeting.

Thanks.

## Lisa

Lisa Kunz, City Clerk  
Civic Center Room 204  
2 Park Drive South  
P.O. Box 5021  
Great Falls, MT 59403  
406.455.8451

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**From:** Steve Gillespie [<mailto:stevegillespie@gmail.com>]  
**Sent:** Saturday, February 18, 2017 1:13 PM  
**To:** Lisa C. Kunz  
**Subject:** Ordinance 3152/Public Hearing March 7, 2017

To: City of Great Falls Mayor Bob Kelly; Commissioners Bob Jones, Bill Bronson, Fred Burrow, & Tracy Houck:  
C/O Lisa Kunz - City Clerk.

***RE: Objection to ordinance #3152 which re-zones property to higher intensity commercial use being "adjacent" to (long established) residential use. Passing ordinance #3152 will adversely affect the "quality of life" and "financial health" of the adjacent residence, and beyond.***

Dear Mayor and Commissioners,

Ordinance 3152 is designed to favor business opportunities, while it tramples on the "*quality of life*" and "*financial health*" of the adjacent residential property owners.

This rezone proposal, (that Neighborhood Counsel #1 has "recommended"), did not take into consideration the "Quality Of Life" and "Financial Hardships" it will impose on the sixty four (64) adjacent residential dwellings. I believe the counsel "recommendation" was NOT based on a thorough and accurate sampling of these adjacent neighbors.

The adjacent dwellings are comprised of (64) predominantly "owner-occupied" residential tax payers who collectively pay over \$64,000 in annual property tax. These people have supported and spent a lot of money in this community over their long years. And I feel they were a little disregarded when it came to this re-zoning issue. I feel that these neighbors were not duly noticed and not candidly informed as to the *potential* negative effects that this re-zone could have on them personally.

Neighborhood counsel #1 voted to support the re-zone, and there is no evidence of "opposition" at their meeting. Did neighborhood counsel #1 really think that 100% of the adjacent residents were happy to accept the negative impacts this re-zone will have on their quality of life and their pocket-books?

Please review the attached diagram as reasonable compromise to Ordinance 3152. This diagram *attempts to minimize* the negative impacts now headed toward the (64) adjacent family dwellings.

The property devaluation, the "out-of-pocket" expense, and especially the diminished "quality of life" this zone change will cause should be taken into the highest consideration at your March 7th meeting on this issue.

*Fuel hubs*: One negative affect the C-2 zone-change offers is the possible placement of convenience stores which include fuel sales.

Having a *Loaf-N-Jug* or *Zip-Strip* adjacent to a "residential use" will definitely affect the "quiet enjoyment" and "quality of life" of these families.

Imagine the bright canopy lights, the incessant noise and toxic fumes that emit from a busy fueling hub being fifty feet from your bedroom or kitchen window! These businesses operate 24/7 and 365 days of the year. Many of these convenient-store / fuel-hubs include gambling as an ancillary use. (I suspect the potential for this land use was not discussed at Neighborhood Counsel #1 meeting).

*Flood Insurance Premiums*: Building a massive structure in the flood-plane (such as a 90 unit hotel) will increase the adjacent home owner's risk of flood damage. As the risk of flood-damage increases, so too the flood insurance premiums increase. A dwelling which carries a mortgage has the potential of force-placed flood insurance by their mortgage company. High flood insurance premiums may become a financial burden, and make the re-sale of the dwelling very difficult.

Due to the reduced quality of life, and the increase in expenses, this residential property will devalue so precipitously that only investors will seek to buy these dwellings. When the owner-occupied ("pride of ownership") nature of the property is gone, the neighborhood at large will see the effects.

Thank you for considering the attached "compromise" to the current 3152 proposal. You can see this compromise creates a roadway providing better ingress and egress to the new district. The roadway provides a natural barrier and will "contain" new C-2 Zone. Zoning to the center line of roadways and alleyways (which I understand to be the standard practice), is to preclude "commercial-creep" or spillover through intentional, or unintentional use.

SET BACKS: Setback for C2 zone are different than C1 and Residential uses. When zoning districts go to the center-line of roadways, then recommended set-backs may be recognized. When you have different zoning districts which abut each other - the setback should be the furthest set-back requirement of the two zones applying to each parcel. And in the case where there is a "skip" in more than one level of intensity between the two zones, (such as in this case), the set-back should be *exponentially greater!* But how far, what is a reasonable distance for an "extended" set-back? How can you preclude commercial creep and spillover use? Well you need a roadway to delineate and contain that high intensity commercial activity.

You simply cannot ignore the importance of maintaining a very large buffer zone and green-belt between the high intensity commercial uses and the adjacent single family residential uses. The more intense the zoning difference between the two uses, the greater the buffer area and the more need for containment is needed.

Thank you in advance for responsible and responsive governance.

Steve Gillespie

Steve Gillespie Real Estate Broker  
Montana: #RRE-BRO-LIC-1346  
9 12<sup>th</sup> Street North  
Great Falls, MT 59401  
(406)761-0001



## Erin Borland

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**From:** Lisa C. Kunz  
**Sent:** Thursday, February 23, 2017 2:00 PM  
**To:** Erin Borland  
**Subject:** FW: Town Pump Zone Change Opponent Info

2 of 2

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**From:** Lisa C. Kunz  
**Sent:** Thursday, February 09, 2017 8:23 AM  
**To:** Bill Bronson; Bob Jones; Bob Kelly; Fred Burow; Tracy Houck  
**Cc:** Greg Doyon; Sara Sexe; Craig Raymond  
**Subject:** FW: Town Pump Zone Change Opponent Info

Good Morning – FYI see comments below from Mr. Haverlandt with regard to the Fox Farm re-zone project, and that will be coming before the Commission for public hearing on March 7<sup>th</sup>. Do not “reply all” as email discussions could be viewed as an electronic meeting.

### Lisa

Lisa Kunz, City Clerk  
Civic Center Room 204  
2 Park Drive South  
P.O. Box 5021  
Great Falls, MT 59403  
406.455.8451

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**From:** Brett Haverlandt [<mailto:brett@dahlquistrealtors.com>]  
**Sent:** Wednesday, February 08, 2017 4:48 PM  
**To:** Lisa C. Kunz  
**Subject:** Town Pump Zone Change Opponent Info

Dear Commissioners:

I want to share some information with you regarding the upcoming public hearing for the Town Pump Hotel Project.

During the Planning Board Meeting and more recently at the city commission meeting, Mr. Steve Gillispie made comments in opposition to the zone change. It is important that you understand that Mr. Gillispie is contacting adjoining neighbors from both the Cottonwood and Country Club Towers and disseminating false information. The Board President from the CC Towers contacted me to let me know that Mr. Gillispie called to inform her that Dahlquist Realtors has "struck a deal" to sell my property and it most likely will become a Casino, Strip Club, or a gas station. ***THIS INFORMATION IS COMPLETELY FALSE!*** I have no intentions to sell my property nor do I have any verbal or written agreements to sell my property in the future.

This fabricated information is alarming to many elderly residents in both buildings. It is unfortunate that some residents will most likely speak in opposition to the proposed project at the next meeting simply due to the fact



that they have been misinformed and lied to by Mr. Gillispie. Finally, it should be noted that Mr. Gillispie's motivation for opposing this zone change is due to the fact that his parents reside in the Cottonwood Condos building.

Thank you for your service.


Brett Haverlandt  
Owner  
DAHLQUIST REALTORS  
500 Country Club Blvd.  
Great Falls, MT 59404

# AERIAL MAP



 Properties included in rezone applicaiton








 City Limits

 Tracts of Land



# ZONING MAP



- |  |  |
|--|--|
|  City Limits                               |  R-2 Single-family Medium Density   |
|  Tracts of Land                            |  R-6 Multi-family High Density      |
|  Properties included in rezone applicaiton |  R-10 Mobile Home Park              |
|  |  C-1 Neighborhood Commercial        |
|  |  PLI Public Lands and Institutional |
|  |  POS Parks and Open Space           |



## FINDINGS OF FACT – ZONING MAP AMENDMENT

Marks 2, 3, 5, 11, Block 3, Country Club Addition, located in Section 14, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lots 1B, 1, & 1A-1, Block 1, Tietjen Triangle Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana; and, Lot 1, Block 1, Montana Addition, located in Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana.

### PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in 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 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 rezoning is, in general, consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project supports the Physical portions of the Growth Policy. Given the costs of development that grows outward, contrasted with the redevelopment opportunities that exist within the City's existing boundary, this Growth Policy Update encourages, emphasizes and calls for the evaluation of infill and redevelopment opportunities within the City, as well as other strategies. Additional supportive Policies that this project is consistent with include:

#### 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.

Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

#### Physical - Zoning

Phy4.2.3 Support actions that bring properties into conformance with the City's Land Development Code requirements over time.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time acknowledges the issues of compatibility between zoning districts and certain land uses. Physical Policy 4.2.6 states:

The City may oppose zoning changes that will result in incompatible land uses and or adverse impacts to the residential character or adjoining properties.

This Policy is important to consider when large areas consisting of multiple tracts of land are pursuing rezoning from a transitional, relatively low-impact zoning district (C-1) to a significantly higher impact zoning district (C-2). However, for the properties involved in the subject rezoning application, the existing businesses located on the C-1 lots are high traffic,

general commercial uses in nature (fuel sales, convenience store, restaurant, casino (nonconforming), drive through fast food) and the adjacent properties to the east are compatible in height and intensity because they are multi-story condominiums zoned R-6 Multi-family high density. In the future, if additional properties on the west side of Fox Farm Road pursue rezoning from C-1 Neighborhood commercial to C-2 General commercial, this Policy should be considered because those properties do not all have an R-6 Multi-family zoning district to act as a transition between commercial and single-family residential use.

Additionally, the 2013 Growth Policy Update recognizes that some residents expressed concerns about the number of casinos in the City during the citywide rezoning process in 2005. As a result, Ordinance 2900 adopted interim zoning prohibiting casino gambling in all zoning districts except B-3 (CBD) district and the First and Second Industrial district pending completion of the updated Land Development Code. The interim regulations also included distance criteria with respect to schools, residentially zoned property, churches, park or playground.

These restrictions were carried forward in the 2005 Land Development Code update to the extent that they are now included in the C-2 and C-4 zoning districts, along with the distance, design and spacing criteria. The 2005 Land Development Code also prohibits casinos in the C-1 district due to the fact that this district is intended to be located amidst and serve residential neighborhoods. There are currently 63 casinos licensed within the City of Great Falls, and rezoning the subject properties to C-2 does allow for Casino, Type I to be established, as well as Accessory Gaming.

**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 property is located in Neighborhood Council #1. The Owner presented information to Council #1 on December 18, 2016, and the Council voted in favor of the proposed zone change.

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

The area of the City in which this project is located is reflected in the 2014 Great Falls Long Range Transportation Plan. The Fox Farm Road and Country Club Boulevard intersection has been identified as having issues with safety and congestion, as well as linear barriers to pedestrians and nonmotorized traffic. The proposed rezone would allow for uses that were previously prohibited to be established, while at the same time prohibiting uses that are currently allowed (see comparative table). Thus, it is not possible to know the actual traffic impact that changes in use would create until such time that redevelopment in this area happens.

**4. The code with the amendment is internally consistent.**

If approved, this area of the City has the potential to redevelop with higher intensity uses with less restrictive development standards. There are existing land uses located on the subject properties that are general commercial in nature, thus the allowed C-2 General commercial uses that may be established in the future if the rezone is approved would be compatible with adjacent properties. Any future development proposed may only be developed consistent with applicable codes.

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

The subject properties are located at the entrance to an existing neighborhood. Most of the properties in the application have been developed over the past fifty years with commercial uses. The intensity of some of the uses existing is nonconforming, and in the case of the Lucky Lil's Casino, it will continue to be nonconforming regardless of the proposed zone change. As aforementioned, the east side of the Fox Farm Road and Country Club Boulevard intersection is already adjacent to three R-6 Multi-family high density district buildings, including Country Club Towers Condos, The Cottonwoods Condos, and Meadowlark Apartments. The maximum building height of a new building in the R-6 district is 65 feet, which is the same as the proposed C-2 district.

The Comparative Table exhibit shows the main differences between permitted uses in the C-1 Neighborhood commercial and C-2 General commercial districts. These new uses can have any number of impacts to the adjacent businesses and residential neighborhood. This could include noise, increased traffic/parking issues, the potential for disorganized/unkempt properties or scattered materials being stored, and a changed or altered neighborhood character. There is not a way to know exactly what the specific impacts will be, especially since any impact would not be immediate and may become noticeable only over an extended period of time.

The proximity of the subject lots to Interstate 15 and Exit 0 also lends itself to property owners seeking higher intensity uses and less restrictive zoning standards in an effort to serve interstate traffic. The existing uses in this area are indicative of this. The C-2 district allows for increased building and signage heights, as well as increased lot coverage (see Exhibit 20-4 Development Standards). This change is requested by Billings Holdings LLC in order to build a multi-story hotel on the vacant piece of land located between Dahlquist Realtors and the Holiday Gas Station/Subway, which would exceed the maximum building height of 35 feet that is permitted in the C-1 district.

New development on this vacant land has the potential to reduce loitering, litter, and the potential of crime. Additionally, redevelopment can serve to inspire other property owners in the immediate area to make repairs or improvements to their properties, which can help improve an area over time. Regardless, any development within the city limits requires City review and shall conform to the Official Code of the City of Great Falls (OCCGF). This review includes how the development will impact the public health, safety and welfare and may be subject to Design Review Board approval.

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

Approval of the rezoning proposal will allow for increased uses and less restrictive development standards should there be new development or redevelopment on the subject properties. The City has the financial and staffing capability to enforce the amendment if it is approved. Additionally, if the rezoning results in new development or redevelopment this could benefit the City financially due to increased property tax assessments collected.

## Zone Change Summary: Main Differences if Zone Change Occurs

### **Conditionally allowed in C-2 (not previously allowed in C-1)**

Campground  
Auction Sales  
Large Equipment Rental  
Animal Shelter  
Contractor Yard Type I  
Heli-Pad

### **Allowed outright in C-2 (not previously allowed in C-1)**

Micro-brewery  
Construction Materials Sales  
Commercial Kennel  
Small Equipment Rental  
Casino Type I  
Vehicle Repair  
Vehicles Sales and Rental  
Indoor Entertainment  
Indoor Sports and Recreation  
Miniature Golf  
Civic Use Facility  
Health Care Facility  
Light Manufacturing & Assembly  
Taxi Cab Dispatch Terminal  
Parking Structure  
Accessory Gaming  
Accessory Storage Containers  
Itinerant Outdoor Sales (Temporary)  
Outdoor Entertainment (Temporary)  
Sidewalk Food Vendor (Temporary)

### **Previously conditionally allowed in C-1, now allowed outright in C-2**

Shopping Center  
Veterinary Clinic, Small Animal  
Vehicle Fuel Sales  
Vehicle Services  
Community Center  
Public Safety Facility

### **Previously allowed in C-1, now prohibited in C-2**

Residential of any sort  
Family and Group Day Care Homes  
Educational Facility K-12  
Worship Facility

### **Previously permitted in C-1, now conditional allowed in C-2**

Nursing Home

### **Previously conditionally allowed in C-1, now prohibited in C-2**

Bed and Breakfast (Accessory)

**COMPARATIVE TABLE - DIFFERENCES IN ALLOWED USES BETWEEN C-1 AND C-2 ZONING DISTRICTS**

|  |   |
|--|---|
| <b>Key:</b>  |   |
| The use is not permitted in the district   | — |
| The use is allowed through the conditional use permit process                                  | C |
| The use is permitted in the district by right, consistent with the OCCGF development standards | P |
| Indicates use permitted in C-1, but not C-2  |   |
| Indicates use permitted in C-2, but not C-1  |   |

**PRINCIPAL USES**

| Use                                   | C-1 | C-2 |
|---------------------------------------|-----|-----|
| Residence, single-family detached     | P   | -   |
| Residence, two-family                 | P   | -   |
| Residence, multi-family               | P   | -   |
| Residence, manufactured/factory-built | P   | -   |
| Retirement home                       | P   | -   |
| Day care center                       | P   | P   |
| Emergency shelter                     | C   | C   |
| Family day care home                  | P   | -   |
| Group day care home                   | P   | -   |
| Nursing home                          | P   | C   |
| Campground                            | -   | C   |
| Hotel/motel                           | P   | P   |
| Micro-brewery                         | -   | P   |
| Restaurant                            | P   | P   |
| Tavern                                | P   | P   |
| Auction sales                         | -   | C   |
| Construction materials sales          | -   | P   |
| Convenience sales                     | P   | P   |
| General sales                         | P   | P   |
| Off-site liquor sales                 | P   | P   |
| Secondhand sales                      | P   | P   |
| Shopping center                       | C   | P   |
| Administrative services               | P   | P   |
| Commercial kennel                     | -   | P   |
| Financial services                    | P   | P   |
| Funeral home                          | P   | P   |
| General services                      | P   | P   |
| Professional services                 | P   | P   |
| Veterinary clinic, large animal       | -   | C   |
| Veterinary clinic, small animal       | C   | P   |



|   |   |   |
|---|---|---|
|   |   |   |
| Large equipment rental                            | - | C |
| Small equipment rental                            | - | P |
| General repair                                    | P | P |
|   |   |   |
| Vehicle fuel sales                                | C | P |
| Vehicle repair                                    | - | P |
| Vehicle sales and rental                          | - | P |
| Vehicle services                                  | C | P |
|   |   |   |
| Climate controlled indoor storage                 | P | P |
|   |   |   |
| Casino, type I                                    | - | P |
|   |   |   |
| Indoor entertainment                              | - | P |
| Indoor sports and recreation                      | - | P |
|   |   |   |
| Miniature golf                                    | - | P |
|   |   |   |
| Park  | P | P |
| Recreational trail                                | P | P |
|   |   |   |
| Administrative governmental center                | P | P |
| Animal shelter                                    | - | C |
|   |   |   |
| Civic use facility                                | - | P |
| Community center                                  | C | P |
|   |   |   |
| Public safety facility                            | C | P |
| Worship facility                                  | P | - |
|   |   |   |
| Health care clinic                                | P | P |
| Health care facility                              | - | P |
| Health care sales and services                    | P | P |
|   |   |   |
| Commercial education facility                     | P | P |
| Educational facility (K-12)                       | C | - |
| Educational facility (higher education)           | C | C |
| Instructional facility                            | P | P |
|   |   |   |
| Telecommunication facility - Concealed facility   | P | P |
| Telecommunication facility - Unconcealed facility | C | C |
| Telecommunication facility - Co-located facility  | P | P |
|   |   |   |
| Utility installation                              | C | C |
|   |   |   |
| Bus transit terminal                              | - | P |
| Heli-pad  | - | C |
| Parking lot, principal use                        | P | P |
| Parking structure                                 | - | P |
| Taxi cab dispatch terminal                        | - | P |
| Contractor yard, type I                           | - | C |
|   |   |   |
| Artisan shop                                      | P | P |
| Light manufacturing and assembly                  | - | P |

**TEMPORARY USES**

| Use                              | C-1 | C-2 |
|----------------------------------|-----|-----|
| Garage sales                     | P   | P   |
| Itinerant outdoor sales          | -   | P   |
| On-site construction office      | P   | P   |
| Outdoor entertainment, temporary | -   | P   |
| Sidewalk café                    | P   | P   |
| Sidewalk food vendor             | -   | P   |

**ACCESSORY USES**

| Use                              | C-1 | C-2 |
|----------------------------------|-----|-----|
| Accessory living space           | P   | P   |
| ATM, exterior                    | P   | P   |
| Bed and breakfast                | C   | -   |
| Gaming, accessory                | -   | P   |
| Garage, private                  | P   | P   |
| Home occupation                  | P   | P   |
| Residence, accessory             | P   | P   |
| Storage containers               | -   | P   |
| Wind-powered electricity systems | P   | P   |

**Exhibit 20-4. Development standards for residential zoning districts**

| Standard   | R-1  | R-2   | R-3   | R-5   | R-6   | R-9   | R-10                       |
|--|--|---|---|---|---|---|----------------------------|
| Residential density  | -  | -   | -   | 1,875 sq. feet of lot area per dwelling unit  | 500 sq. feet of lot area per dwelling unit  | 1,200 sq. feet of lot area per dwelling unit  | 10 dwelling units per acre |
| Minimum lot size for newly created lots                        | 15,000 sq. feet  | 11,000 sq. feet   | 7,500 sq. feet  | 7,500 sq. feet  | 7,500 sq. feet  | 7,500 sq. feet  | n/a                        |
| Minimum lot width for newly created lots                       | 90 feet  | 80 feet   | 60 feet   | 50 feet   | 50 feet   | 50 feet   | n/a                        |
| Lot proportion for newly created lots (maximum depth to width) | 3:1  | 3:1   | 2.5:1   | 2.5:1   | 2.5:1   | 2.5:1   | n/a                        |
| Maximum building height of principal building                  | 35 feet  | 35 feet   | 35 feet   | 45 feet   | 65 feet   | 35 feet, single-family<br>50 feet, multi-family   | 12 feet to exterior wall   |
| Maximum building height of detached private garage [1]         | 24 feet, but may not be higher than the uppermost elevation of the principal building  | 24 feet, but may not be higher than the uppermost elevation of the principal building   | 24 feet, but may not be higher than the uppermost elevation of the principal building   | 24 feet, but may not be higher than the uppermost elevation of the principal building     | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building   | 16 feet                    |
| Maximum building height of other accessory buildings           | 12 feet  | 12 feet   | 12 feet   | 12 feet   | 12 feet   | 12 feet   | 12 feet                    |
| Minimum front yard setback [2]                                 | 30 feet  | 20 feet   | 20 feet   | 10 feet   | 15 feet   | 10 feet   | n/a                        |
| Minimum side yard setback [3]                                  | Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line | Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line | Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line | 4 feet; 8 feet if adjoining a R-1, R-2, R-3 district                                      | 5 feet; 10 feet if adjoining a R-1, R-2, R-3 district                                 | Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line | n/a                        |
| Minimum rear yard setback [7]                                  | 20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over  | 15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over   | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over   | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 15 feet   | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over   | n/a                        |
| Maximum lot coverage of principal and accessory buildings      | Corner lot: 40%<br>Other types: 30%  | Corner lot: 45%<br>Other types: 35%   | Corner lot: 55%<br>Other types: 50%   | Corner lot: 60%<br>Other types: 50%   | Corner lot: 70%<br>Other types: 60%   | Corner lot: 70%<br>Other types: 60%   | none                       |

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards.

[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house. (Ord. 2950, 2007)

[3] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).

[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.(Ord. 2950, 2007)

[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts. (Ord. 2950, 2007)

**Exhibit 20-4 (continued). Development standards for other zoning districts**

|  | M-1  | M-2  | C-1   | C-2   | C-3   | C-4  | C-5   | PLI   | GFIA  | I-1            | I-2            |
|--|--|--|---|---|---|--|---|---|---|----------------|----------------|
| Residential density  | 500 sq. feet of lot area per dwelling unit   | 500 sq. feet of lot area per dwelling unit   | n/a   | n/a   | n/a   | n/a  | n/a   | n/a   | n/a   | n/a            | n/a            |
| Minimum lot size for newly created lots                        | 7,500 sq. feet   | 7,500 sq. feet   | 7,500 sq. feet  | 7,500 sq. feet  | 7,500 sq. feet  | 7,500 sq. feet   | 7,500 sq. feet  | 7,500 sq. feet  | 7,500 sq. feet  | 7,500 sq. feet | 7,500 sq. feet |
| Minimum lot width for newly created lots                       | 50 feet  | 50 feet  | 50 feet   | 50 feet   | 50 feet   | 50 feet  | 50 feet   | 50 feet   | 50 feet   | 50 feet        | 50 feet        |
| Lot proportion for newly created lots (maximum depth to width) | n/a  | n/a  | n/a   | n/a   | n/a   | n/a  | n/a   | n/a   | n/a   | 3:1            | 3:1            |
| Maximum building height of principal building                  | 65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district | 65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district | 35 feet   | 65 feet   | 50 feet   | 100 feet by right; 101 feet to 160 feet as conditional use | 55 feet   | 100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right | 65 feet   | 45 feet        | none           |
| Maximum building height of accessory building                  | 24 feet, but may not be higher than the uppermost elevation of the principal building  | 24 feet, but may not be higher than the uppermost elevation of the principal building  | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | n/a  | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building   | 24 feet, but may not be higher than the uppermost elevation of the principal building | 35 feet        | none           |

|   | M-1   | M-2   | C-1                                | C-2   | C-3   | C-4  | C-5   | PLI   | GFIA    | I-1                                | I-2  |
|---|---|---|------------------------------------|---|---|------|---|---|---------|------------------------------------|--|
| Minimum front yard setback of principal and accessory buildings | none  | Existing Industrial: 20 feet  | 15 feet                            | none  | 25 feet   | none | 15 feet   | 25 feet   | 25 feet | 20 feet                            | 10 feet  |
| Minimum side yard setback of principal and accessory buildings  | Commercial: none<br>Residential: 5 feet each side | Commercial: none<br>Residential: 5 feet each side<br>Existing Industrial: 15 feet each side | 10 feet each side                  | 10 feet each side   | 15 feet each side   | none | 10 feet each side   | 10 feet each side   | none    | 10 feet each side                  | 10 feet each side, 15 feet when side yard abuts a non-industrial zoning district |
| Minimum rear yard setback of principal and accessory buildings  | 10 feet   | 10 feet   | 15 feet                            | 1/10 of lot depth but not less than 1/10 of building height | 1/10 of lot depth but not less than 1/10 of building height | none | 1/10 of lot depth but not less than 1/10 of building height | 1/10 of lot depth but not less than 1/10 of building height | none    | 5 feet                             | 5 feet   |
| Maximum lot coverage of principal and accessory buildings       | Corner lot: 70%<br>Other lots: 65%                | Corner lot: 70%<br>Other lots: 65%  | Corner lot: 50%<br>Other lots: 40% | Corner lot: 70%<br>Other lots: 60%                          | Corner lot: 70%<br>Other lots: 60%                          | 100% | Corner lot: 70%<br>Other lots: 60%                          | Corner lot: 70%<br>Other lots: 60%                          | none    | Corner lot: 85%<br>Other lots: 70% | Corner lot: 85%<br>Other lots: 70%   |

(Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

CITY OF GREAT FALLS  
PLANNING & COMMUNITY DEVELOPMENT DEPT.  
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# DEVELOPMENT APPLICATION

Fox Farm Rezone

Name of Project / Development:

BRETT AND SANDRA HAVERLANDT

Owner Name:

500 COUNTRY CLUB BLVD.; GREAT FALLS, MT 59404

Mailing Address:

406.788.8709

Phone:

brett@dahlquistrealtors.com

Email:

Big Sky Civil & Environmental, Inc. - Joseph N Murphy, PE

Representative Name:

P.O. Box 3625 Great Falls, MT 59403

Mailing Address:

(406) 727-2185

Phone:

jmurphy@bigskyce.com

Email:

## PROPERTY DESCRIPTION / LOCATION:

|  |                 |                        |                        |
|--|-----------------|------------------------|------------------------|
| varies (see attached)  | 14 & 15         | T20N                   | R03E                   |
| <b>Mark/Lot:</b>   | <b>Section:</b> | <b>Township/Block:</b> | <b>Range/Addition:</b> |
| Country Club Boulevard & Fox Farm Road (see attached exhibits) |                 |                        |                        |

Street Address:

## ZONING:

|                 |                  |   |  |
|-----------------|------------------|---|--|
| C1              | C2               | Neighborhood Commercial<br>general business | General Commercial<br>general business |
| <b>Current:</b> | <b>Proposed:</b> | <b>Current:</b>                             | <b>Proposed:</b>                       |

## LAND USE:

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

*Brett Haverlandt*

Property Owner's Signature:

10-3-2016

Date:

Representative's Signature:

Date:

HOLIDAY

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 P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
 406.455.8415 • WWW.GREATFALLSMT.NET

**DEVELOPMENT APPLICATION**

**Submittal Date:** \_\_\_\_\_

**Application Number:** \_\_\_\_\_

**Paid (Official Use ONLY):**

Annexation: \$500

Preliminary Plat, Major: \$1,500 + \$50/lot

Revised Preliminary Plat: \$1,000

Final Plat, Major: \$1,500 + \$25/lot

Minor Subdivision: \$1,250

Amended Plat, Administrative: \$200

Amended Plat, Non-administrative: \$1,000

Zoning Map Amendment: \$2,000

Conditional Use Permit: \$1,500

Planned Unit Development: \$2,000

Vacate Public Right-of-Way: \$1,250

Public Hearing Notice

Fox Farm Rezone

**Name of Project / Development:**

Meadowlark FF+S LLC

**Owner Name:**

2718 Tradewinds Way

**Mailing Address:** Thompson Falls, MT 59873

406-827-4314

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

Big Sky Civil & Environmental, Inc. - Joseph N Murphy, PE

**Representative Name:**

P.O. Box 3625 Great Falls, MT 59403

**Mailing Address:**

(406) 727-2185

jmurphy@bigskyce.com

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**PROPERTY DESCRIPTION / LOCATION:**

varies (see attached)      14 & 15      T20N      R03E

**Mark/Lot:** \_\_\_\_\_ **Section:** \_\_\_\_\_ **Township/Block:** \_\_\_\_\_ **Range/Addition:** \_\_\_\_\_

Country Club Boulevard & Fox Farm Road (see attached exhibits)

**Street Address:**

**ZONING:**

C1      C2

**Current:** \_\_\_\_\_ **Proposed:** \_\_\_\_\_

**LAND USE:**

Neighborhood Commercial      General Commercial  
 general business      general business

**Current:** \_\_\_\_\_ **Proposed:** \_\_\_\_\_

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

*Bay C. Moore*

**Property Owner's Signature:**

10/3/16

**Date:**

**Representative's Signature:**

**Date:**

Form Updated: 05.01.2014



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# DEVELOPMENT APPLICATION

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

Application Number: \_\_\_\_\_

Paid (Official Use ONLY):

Annexation: \$500

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Revised Preliminary Plat: \$1,000

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Minor Subdivision: \$1,250

Amended Plat, Administrative: \$200

Amended Plat, Non-administrative: \$1,000

Zoning Map Amendment: \$2,000

Conditional Use Permit: \$1,500

Planned Unit Development: \$2,000

Vacate Public Right-of-Way: \$1,250

Public Hearing Notice

Fox Farm Rezone

Name of Project / Development:

Galloway Inv Inc.  
Owner Name: DBA FoxFarm D. Q.

310 - 69T50 GF MT 59405  
Mailing Address:

406 453 5413 Phone: 59dreams@yahoo.com Email:

Big Sky Civil & Environmental, Inc. - Joseph N Murphy, PE

Representative Name:

P.O. Box 3625 Great Falls, MT 59403

Mailing Address:

(406) 727-2185 Phone: jmurphy@bigskyce.com Email:

### PROPERTY DESCRIPTION / LOCATION:

|  |                 |                        |                        |
|--|-----------------|------------------------|------------------------|
| varies (see attached)  | 14 & 15         | T20N                   | R03E                   |
| <b>Mark/Lot:</b>   | <b>Section:</b> | <b>Township/Block:</b> | <b>Range/Addition:</b> |
| Country Club Boulevard & Fox Farm Road (see attached exhibits) |                 |                        |                        |

Street Address:

### ZONING:

|                 |                  |   |  |
|-----------------|------------------|---|--|
| C1              | C2               | Neighborhood Commercial<br>general business | General Commercial<br>general business |
| <b>Current:</b> | <b>Proposed:</b> | <b>Current:</b>                             | <b>Proposed:</b>                       |

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Galloway Inv Inc by [Signature]  
Property Owner's Signature: 9/30/16 Date:

Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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# DEVELOPMENT APPLICATION

Fox Farm Rezone

**Name of Project / Development:**

Billings Holdings, LLC

**Owner Name:**

P.O. Box 6000 Butte, MT 59702

**Mailing Address:**

(406) 497-6700

dans@townpump.com

**Phone:**

**Email:**

Big Sky Civil & Environmental, Inc. - Joseph N Murphy, PE

**Representative Name:**

P.O. Box 3625 Great Falls, MT 59403

**Mailing Address:**

(406) 727-2185

jmurphy@bigskyce.com

**Phone:**

**Email:**

## PROPERTY DESCRIPTION / LOCATION:

Block 1, Lot 1, AM Plat 2897

14

T20N

R03E / Tietgen Triangle Add'n

**Mark/Lot:**

**Section:**

**Township/Block:**

**Range/Addition:**

Country Club Boulevard & Fox Farm Road (see attached exhibits)

**Street Address:**

## ZONING:

C1

C2

## LAND USE:

Neighborhood Commercial  
vacant\* & general business

General Commercial  
hotel\* & general business

**Current:**

**Proposed:**

**Current:**

**Proposed:**

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

  
**Property Owner's Signature:**

10-3-16  
**Date:**

**Representative's Signature:**

**Date:**

Form Updated: 05.01.2014

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### DEVELOPMENT APPLICATION

Fox Farm Rezone

Name of Project / Development:

BRETT AND SANDRA HAYERLANDT

Owner Name:

500 COUNTRY CLUB BLVD.; GREAT FALLS MT 59404

Mailing Address:

406.788.8709

Phone:

brett@dahlquistrealtors.com

Email:

Big Sky Civil & Environmental, Inc. - Joseph N Murphy, PE

Representative Name:

P.O. Box 3625 Great Falls, MT 59403

Mailing Address:

(406) 727-2185

Phone:

jmurphy@bigskyce.com

Email:

### PROPERTY DESCRIPTION / LOCATION:

varies (see attached)

14 & 15

T20N

R03E

Mark/Lot:

Section:

Township/Block:

Range/Addition:

Country Club Boulevard & Fox Farm Road (see attached exhibits)

Street Address:

### ZONING:

C1

C2

### LAND USE:

Neighborhood Commercial  
general business

General Commercial  
general business

Current:

Proposed:

Current:

Proposed:

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

*Brett Hayerlandt*

Property Owner's Signature:

10.5.2016

Date:

Representative's Signature:

Date:

November 9, 2016

Mr. Tom Micuda, AICP  
Deputy Director  
City of Great Falls Planning & Community Development  
P.O. Box 5021  
Great Falls, MT 59403

RE: Fox Farm Rezone

Dear Mr. Micuda,

Thank you for the comments you emailed to me on 11/6/16 regarding the subject matter. Please let this correspondence serve as our formal response to your email and the comments contained therein. Below, I'm providing you with a response to each of your requested items.

Written Description of Proposed Zoning Change

The "Fox Farm Rezone" consists of several property owners who have expressed interest in having their property's zoning changed from C1 to C2. The properties are located at or near the intersection of Fox Farm Road and Country Club Boulevard, also known as 10<sup>th</sup> Ave So. The property owners, their respective businesses, property addresses, acreages, and other appurtenant information are contained within the application that was submitted to the City of Great Falls Department of Planning and Community Development. In short, those property owners / properties consist of the following:

- Brett & Sandra Haverlandt: Dahlquist Realtors and Beef O'Bradys
- Meadowlark FF&S LLC: Holiday Convenience Store
- Billings Holdings LLC: Lucky Lil's
- Galloway Investments Inc.: Dairy Queen
- Billings Holdings LLC: Proposed Sleep Inn / Mainstay Hotel
- Country Club Tower Condominiums: Vacant parcels

Written Statement Outlining the Reasons for Rezoning Proposal

Given the several different properties and property owners involved within the proposed rezone, there are inevitably different reasons for the zone change, depending on the property. I will do my best to present them in the manner that is consistent with reasons provided to us in our communications to date.

The Haverlandts and Galloway Investments have had multiple meetings with City of Great Falls planning staff in an effort to initiate the change from C1 to C2 zoning. The primary reasons that were expressed by the property owners and/or City staff were as follows: 1) to provide the property owners added flexibility with respect to the City's Sign Code, 2) to change zoning such that it is consistent with the zoning that exists for other properties along 10<sup>th</sup> Avenue South, 3)

current uses within the subject area are already C2-type uses, so the zone change would be more appropriate for the area, and 4) to change zoning such that it is consistent with what the City of Great Falls desires and initially intended for these properties. The latter reason had been expressed by City of Great Falls staffing during meetings leading up to this rezone request.

Billings Holdings LLC is in the planning stages of a proposed hotel development on vacant property that exists between Dahlquist Realtors and the Holiday Convenience Store. The current C1 zoning restricts the structure to a total height of 35 feet, and the proposed hotel height will be four stories with a height of ~50 feet, a height which is allowed within C2 zoning. So, in addition to the reasons provided in the previous paragraph, Billings Holdings LLC is seeking the zone change to accommodate their proposed building plans.

Other property owners within the proposed rezone area, Country Club Tower Condominiums and Meadowlark FF&S LLC, agreed that the rezone from C1 to C2 is in their best interest as it relates to future development and/or resale of their properties. Further, inclusion of these properties within the rezone will maintain consistency with area zoning.

The proposed rezone will not alter traffic flows for any of the existing, developed parcels within the rezone area. The only development that will have a slight effect on traffic in the area is the proposed Sleep Inn / Mainstay hotel; this development's traffic has been thoroughly studied and evaluated in a previous Traffic Impact Study and has been reviewed by the Montana Department of Transportation (MDT). As a condition of approval, MDT has requested that the hotel and Dahlquist Realtors use a combined approach for ingress/egress, thereby eliminating the need for a new approach to the currently undeveloped parcel. Additionally, the hotel developer will continue to work with the City of Great Falls to address concerns and, as reasonably possible, to provide traffic mitigation measures to satisfy traffic flow needs in the general vicinity.

The use and value of residential properties in the vicinity of the rezone should remain unchanged. The rezone will not change any current uses of existing developments within the proposed rezone area, and the proposed hotel use will be consistent with historic uses of the property (a motel/hotel previously existed on this property but was razed more than a decade ago).

#### Traffic Impact Study

As requested, please find a copy of the Traffic Impact Study with applicable amendments.

#### Remnant Parcels of Country Club Towers

In previous communications with City of Great Falls staffing, it was requested that – in order to avoid spot zoning – as many current C1-zoned parcels as possible should be included within the zone change. Additionally, the Board of Directors for the Country Club Towers recognizes that these parcels will likely be conveyed to adjoining commercial developments in the future, so consistency in zoning would be appropriate.

#### Google Earth Aerial Border Line

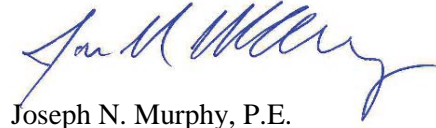
As per your request, we have modified the exhibit according to your comment. Please find the revised exhibit attached.

Mr. Tom Micuda  
November 9, 2016  
Page 3

On behalf of my client and the other properties in the proposed rezone area, we appreciate the City's cooperation and assistance on this matter. Please let me know if you have any questions or concerns regarding this response letter.

Sincerely,

***Big Sky Civil & Environmental, Inc.***

A handwritten signature in blue ink, appearing to read "Joe N. Murphy".

Joseph N. Murphy, P.E.

encl. Traffic Impact Study  
Updated Rezone Aerial Exhibit

cc: Dan Sampson

## Site Photographs



View looking west along Country Club Boulevard at the Fox Farm intersection, from the vacant Billings Holdings LLC property.



View east along the Country Club Boulevard frontage of the vacant Billings Holdings LLC property, with Dahlquist Realtors office located in the beyond.



View of the Country Club Towers Condominiums, adjacent to the subject properties on the east.

The following images are from Google Street View:



View of the southeast corner of the Fox Farm Rd and Country Club Boulevard intersection at existing commercial development. On the far left are the Dahlquist Realtors office and the Country Club Towers Condominium building is in the background.



The existing Dairy Queen, located on Fox Farm Road.





View South along Fox Farm Road, with Lucky Lil's Casino on the east and the Cenex on the west (not part of the application).



The existing Beef 'O' Brady's restaurant on the west side of Fox Farm Road.



View of the existing south bound left turn pocket, which provides access to the Holiday gas station and Lucky Lil's.



**Item:** Concessionaire Lease Agreement -Gibson Park  
**From:** Park & Recreation  
**Initiated By:** Park & Recreation  
**Presented By:** Patty Rearden, Interim Director  
**Action Requested:** Approve Concessionaire Lease Agreement for Gibson Park Concessions.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Concessionaire Lease Agreement with Pegasus, LLC, to provide concessions services at Gibson Park for three years (May 15 - September 15), and authorize the City Manager to execute the agreement.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve a three year Concessionaire Lease Agreement with Pegasus, LLC, to provide concessions services at Gibson Park, and authorize the City Manager to execute the agreement.

**Summary:**

Requests for proposals for concession services were advertised in the *Great Falls Tribune* and mailed to 16 prospective bidders. Pegasus, LLC was the only responder. A Selection Committee, consisting of one member of the Park & Recreation Advisory Board, the Interim Park and Recreation Director, and the Park Supervisor met on Friday, February 3. It was the recommendation of the Committee to award the Gibson Park concessions agreement to Pegasus, LLC.

The term of the agreement is for three years, 2017, 2018, 2019 (May 15 - September 15).

**Background:**

The City has not offered a concession at Gibson Park since 2014 when there was a portable vendor agreement allowed in the Park. Since then the Park & Ponder portion of the building has been removed leaving the restroom and the attached small concessions building intact. Pegasus, LLC's proposal includes the purchasing of equipment necessary to run a concession and making the improvements to the building to meet City codes.

**Fiscal Impact:**

The agreement is for 3 years with 10% of gross sales or \$3,600, whichever is greater for 2017; 12% of gross sales or \$3,800, whichever is greater for year 2018; and 15% of gross sales or \$4,000, whichever is greater for year 2019.

**Alternatives:**

If the agreement is not approved the City will not offer concessions in Gibson Park.

**Concurrences:**

The Park and Recreation Advisory Board recommended approval of the Agreement at its February 13, 2017 Park Board meeting.

**ATTACHMENTS:**

- Gibson Park Concessions Lease Agreement

## CONCESSIONARE LEASE AGREEMENT

**THIS AGREEMENT** is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403, hereinafter referred to as “City,” and PEGASAS LLC, 1304 Emerald Drive, Great Falls, MT 59404 – Jerry Bass hereinafter referred to as “Concessionaire.”

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

- 1. Purpose:** It is the intent of the Agreement to provide a Lease Agreement for a food and beverage concession in the Concessions and Rest Room Building in Gibson Park, owned by the City, May 15, to September 15, of each year. All food, items, and commodities sold by Concessionaire shall be of City acceptable quality, all service provided shall be acceptable to the Great Falls Parks and Recreation Director. Alcohol sales are prohibited.
- 2. Term of Lease:** The term of this lease shall be for three (3) seasons May 15, to September 15, years two thousand seventeen through two thousand nineteen (2017-2019). Upon completion of the initial three (3) seasons of the Agreement, the parties may, agree in writing to a two (2) season extension of this Agreement. If any extension is granted, the City reserves the right to negotiate any conditions and covenants of this agreement, including but not limited to the rental amount.
- 3. Lease Payment:** The concession operation will be contained to the Concessions and Rest Room Building.

In consideration therefore, the Concessionaire shall pay the City the following rental:

2017 Season: 10% of gross sales or \$3,600 per year; whichever is greater.

2018 Season: 12% of gross sales or \$3,800 per year; whichever is greater.

2019 season: 15% of gross sales or \$4,000 per year; whichever is greater.

Concessionaire will be required to make two payments to the City based on 10% of gross sales (12% in 2018 and 15% in 2019), on July 15, and September 30, of each year. The final payment on September 30 will include payment of the percentage of gross sales or the above stated amount, whichever is greater.

- 4. Concessionaire Obligations:** Concessionaire shall be responsible for providing and maintaining cash registers capable of keeping required information accumulated by cash register transactions. Concessionaire shall record all food and beverage sales, in such cash registers containing a tape which records and identifies the date of the sale and the amount of each transaction. Concessionaire shall be responsible for providing credit card service. Additional obligations also include:

- a. Upon request, the Concessionaire will provide, to the City, a monthly report of revenues and expenses. Such required reports must be submitted in a complete, and timely manner;
  - b. Concessionaire shall submit an annual financial report for each calendar year on or before October 15 of each year;
  - c. Concessionaire shall make available to the City, or its agent, at reasonable times to examine and inspect books and records of the Concessionaire bearing upon, or connected with, the business conducted upon the concession premises to determine compliance with provisions of this Agreement;
  - d. Concessionaire recognizes that, although it is operating the concession facilities for profit, the City's Park and Recreation Department is organized and exists for the purpose of maintaining park and recreation facilities for the use and enjoyment of the general public. The Concessionaire, its agents, and employees will devote their efforts toward rendering appropriate service to the public with a view of adding to the enjoyment of the patrons of these recreation facilities;
  - e. Concessionaire shall operate and conduct the facilities on the premises in a professional manner, and will not permit any acts or conduct on the part of Concessionaires' employees which would be detrimental to the City's operation of Gibson Park;
  - f. Concessionaire shall provide sufficient personnel to adequately staff the premises at all times;
  - g. Concessionaire shall conduct ordinary day to day maintenance and repairs necessary to keep both the interior and exterior of the premises in acceptable condition. Concessionaire shall be responsible for the maintenance, repair, and replacement of all City-owned equipment, located in the concessions. Concessionaire will be responsible for fixture piping and routine plumbing problems experienced through the operation of the concessions; the City will be responsible for main line piping issues; and
  - h. Concessionaire will make all necessary improvements, at Concessionaire's expense, to insure the building is in compliance with City Codes. All improvement plans to be submitted to Park and Recreation Department for approval prior to beginning any work.
- 5. Custodial and Security Services:** The Concessionaire shall be responsible for the following custodial and security services:
- a. The Concessionaire shall be responsible for opening and locking the concession daily;

- b. Keep the concession premises, including the exterior immediately adjacent to the concession in a, clean, safe, and sanitary condition in accordance of the City/County Health Department and ordinances and regulations of the State of Montana;
- c. Furnish all cleaning supplies and materials needed to maintain the concession premises in the above described manner;
- d. Not empty any wastewater or other fluids upon any surface or improved area adjacent to the concession area; and
- e. Provide custodial services or Agreement with a professional custodial company, to insure entire concession area is cleaned on a daily basis. If facilities are not cleaned to acceptable standards, the City may have the facilities cleaned and charge the Concessionaire the entire cost.

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

Concessionaire shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Concessionaire shall maintain workers' compensation coverage for all members and employees of Concessionaire's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

**7. Menu and Proposed Prices:** Concessionaire will be required to submit a proposed menu and prices for review and approval on or before April 15, of each year. Approval of prices will not be unreasonably withheld if food and beverage prices are consistent with other food establishments in the area. A copy of the current price schedule, as approved by the City, shall at all times be displayed in such a manner as to be easily viewed by the public.

**8. Equipment Inventory:** An inventory of city-owned equipment will be made jointly by the Concessionaire and the City. A listing of that beginning equipment and fixture inventory will be made an attachment to this agreement.

**9. Payment of obligations:** The Concessionaire shall pay when due all bills, debts, and obligations incurred by the concession operations and will not permit the same to become delinquent or in any way impair the rights of the City under this agreement.

**10. Permits and Licenses:** The Concessionaire shall procure, supply, and post in places to be designated by the City all permits and licenses necessary to be procured for carrying on of the concession. The Concessionaire shall pay all taxes annexed or levied against Concessionaire's business or merchandise.

**11. Location and Hours of Operation:** The Concessionaire shall maintain one concession at the Gibson Park Concessions and Rest Room Building during the summer season. A "season" shall be a period beginning May 15, and ending September 15, of each year. The City retains the right to adjust opening and closing dates. Concession will be open and available for service during hours approved by the Park and Recreation Director.

**12. Signs:** No display signs, menus, or advertising materials of any kind shall be used or placed on the exterior of any buildings except with prior approval of the City Park and Recreation Director.

**13. Verbal Agreements:** Verbal agreements with any officer, agent or employee of the City either before or after execution date of this agreement shall not affect or modify the terms or obligations contained in this agreement.

**14. Indemnification and Insurance:**

**a.** To the fullest extent permitted by law, Concessionaire shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to Contractor's performance of this Agreement.

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

shall be in a form acceptable to the City.

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

- |    |  |  |
|----|--|--|
| 1. | Commercial General Liability:<br>(bodily injury and property damage) | \$1,000,000 per occurrence<br>\$2,000,000 aggregate; |
| 2. | Automobile Liability<br>limit;                                       | \$1,000,000 combined single                          |
| 3. | Workers' Compensation  | Not less than statutory limits;                      |
| 5. | Employers' Liability   | \$1,000,000; and                                     |

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

Additional Insured Endorsement Example:



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

### ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

| Name Of Additional Insured Person(s) Or Organization(s)  |
|--|
|  |
| Information required to complete this Schedule, if not shown above, will be shown in the Declarations. |

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

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

**15. Delivery After Termination:**

- a. The Concessionaire shall deliver the concession area, and all city-owned equipment to the City at the termination of this agreement in the same or better condition and state of repair as when received except for ordinary depreciation or damage caused by an unexpected event.
- b. Prior to the expiration of the term of this Agreement, Concessionaire shall remove all goods, wares, and merchandise from the concession premises and any equipment or fixtures therein by the Concessionaire within thirty (30) days of the expiration date. In the event of termination for other cause, the Concessionaire shall have fifteen (15) days to complete removal of its property, equipment and

fixtures from the premises. The City may treat any property upon the premises after the expiration of this Agreement, or period for removal of Concessionaire's property, as abandoned by Concessionaire, and may make any disposition of such property as the City deems fitting.

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

**17. Default and Termination:**

- a.** If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party may, at its option, terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.
- b.** This lease may be terminated with just cause prior to the expiration of the three year term by either party giving written notice not less than sixty (60) days prior to November 30 of each calendar year.

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

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

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

CITY OF GREAT FALLS, MONTANA

PEGASAS LLC– Jerry Bass  
**CONCESSIONAIRE (Type Name Above)**

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

By \_\_\_\_\_  
**Print Name** \_\_\_\_\_  
**Print Title** \_\_\_\_\_

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

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

**ATTEST:**

\_\_\_\_\_  
**Lisa Kunz, City Clerk** (SEAL OF THE CITY)

**\*APPROVED AS TO FORM:**

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

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



**Item:** Ordinance 3159 – An Ordinance assigning a zoning classification of PLI Public Lands and Institutional to the property described as Tract 1A of Tract 1 of COS 3347 located in the NE ¼ and SE ¼ Section 21, Township 20 North, Range 3 East, PMM, Cascade County, Montana.

**From:** Planning & Community Development Department

**Initiated By:** City of Great Falls Public Works Department

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

**Action Requested:** Accept Ordinance 3159 on first reading and set a public hearing for April 4, 2017.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (accept/deny) Ordinance 3159 on first reading and (set/not set) a public hearing for April 4, 2017."

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

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**Staff Recommendation:**

Staff recommends accepting Ordinance 3159 on first reading and setting the public hearing.

**Summary:**

The City of Great Falls Public Works Department is requesting annexation of ±2.07 acres, described as "Tract 1A of Tract 1 of COS 3347 located in the NE ¼ and SE ¼ Section 21, Township 20 North, Range 3 East" (the Subject Property) into the City of Great Falls to construct a water tower upon the Subject Property. Additionally, the Montana Code Annotated (MCA) requires annexation of adjoining rights-of-way (MCA 7-2-4211). Therefore, the annexation would include portions of Interstate 15 and 31<sup>st</sup> St SW, shown on the attached Exhibit A to this Report, and generally described in the "Description of Rights-

of-Way”, also attached to this Report.

A Conditional Use Permit is also being requested to allow for the construction of the 140 foot high structure and proposed use.

At the conclusion of a public hearing held on February 14, 2017, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the annexation, assign a PLI – Public Lands and Institutional zoning classification upon annexation, and approve a Conditional Use Permit for the construction of a water tower on the property, legally described above, subject to the following conditions:

**Conditions of Approval for Annexation:**

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. **Survey.** Provide a Certificate of Survey of the subject property which shall incorporate corrections of any errors or omissions noted by City Staff then be filed with the Cascade County Clerk & Recorder’s office.
3. **Reimbursements.** The City shall pay all reimbursements owed to past developers and annexations that may be due as a result of annexation and development of the Subject Property.
4. **Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for a PLI zoning classification.
5. **Reimbursement for Public Improvements.** The cost of construction of the water line serving the Utility Installation will be paid by the City of Great Falls. Should adjoining property to the east of the Subject Property annex into the City, the City shall pay for ½ of the cost to extend the water line to the Subject Property’s north boundary. Should adjoining property to the north annex into the City, the City shall pay the entire cost to extend the water line to the Subject Property’s north boundary and then be reimbursed ½ of the cost when the property to the east annexes. If the property to the east of the Flying J Travel Plaza Addition annexes, that owner will pay for ½ the cost of the water line adjoining the property, prorated to reflect the cost associated with an 8” water main.
6. **Dedication, Construction and Reimbursement of Future 29<sup>th</sup> St SW.** At such time as adjoining properties develop and need to utilize the future 29<sup>th</sup> St SW (shown as a 60 foot easement on the referenced Certificate of Survey), the City shall dedicate and pay for its proportional share of the roadway and sidewalk. If the property to the east annexes and develops, the City will pay for ½ of the cost of the roadway and sidewalk. If the property to the north annexes and develops before the property to the east, the City will pay for ½ the cost of the roadway and sidewalk and the owner of the property to the north will pay for ½ the cost of the roadway and sidewalk and be reimbursed for at such time as the property to the east annexes and develops.

### **Conditions of Approval for Conditional Use Permit:**

1. **Changes in Use.** Conditional Uses are regulated as such because it may, without conditions, have offsite impacts. Therefore, a significant change in the character or intensity of use may void the Conditional Use Permit. Proposed changes should be reviewed with the Administrator, who may require that the Permit be amended following the same public process used for its adoption.
2. **Expiration.** The Conditional Use Permit shall expire one (1) year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
3. **Abandonment.** If the Conditional Use ceases to operate for more than six (6) months, the Conditional Use Permit is automatically voided.
4. **Height.** A structure up to 160 feet in height may be constructed upon the Subject Property, if approved by all other Federal, State and local agencies having jurisdiction.
5. **Landscaping.** Given the rural context of the Subject Property, it may be maintained in natural landscaping, with the exception of trees and shrubs, as approved by the Administrator at time of development. Onsite stormwater management facilities will be integrated into the site landscaping to the greatest degree possible.
6. **Exterior Lighting.** Lighting shall be designed to minimize light pollution and glare.
7. **Ingress/Egress.** Access and use of the Subject Property shall be via 38<sup>th</sup> Avenue SW and the utility easement on the east end of the Flying J Travel Plaza Addition. The access drive may be maintained in gravel until such time as adjoining properties annex and develop.
8. **Design Review Board Recommendations.** The proposed development shall be reviewed by and subject to recommendations by the Design Review Board.

### **Background:**

The Subject Property currently has a Cascade County zoning designation of "Suburban Residential." Upon annexation, the applicant is requesting assignment of a City zoning classification of PLI (Public Lands and Institutional). In order to construct a new water tower, the applicant is also asking for a Conditional Use Permit (CUP) to allow the proposed "Utility Installation" land use and a tower height in excess of 100 feet.

The CUP process allows certain Uses and structure heights to be established that may not be permitted outright. A CUP will usually impose conditions that are deemed appropriate and necessary. For specific conditions the Planning Advisory Board/Zoning Commission has recommended placing upon the CUP, please refer to the Conditions of Approval, listed above.

### Project Description

The City's existing water tower at the Airport has exceeded its useful life. In order to provide

continued water service to the properties serviced by the tower, the City intends to construct a new tower. Because the existing water tower site is not on property owned by the City and could affect Airport operations, it is prudent for the City to move to a property that it owns.

The proposed site plan is attached to this Report. The proposed tower would have a capacity of 500,000 gallons and be 140 feet tall with a bowl diameter of 65 feet. A retention basin is being proposed to accommodate any potential emergency release of the water in the tower.

### Traffic Impact

The proposed water tower would have little to no traffic generated on a typical day. At most, a few vehicles may access the site to perform maintenance or inspection upon the tower. There would be no discernible impact upon the area road network.

### Improvements

Ingress/egress would be from the south, on the eastern edge of the Flying J Travel Plaza Addition, through an existing utility easement. The access would be improved to a gravel access drive, with a gravel turn-around on site. At the time of development of the adjoining properties or when the City deems necessary, the onsite gravel surfaces will be paved.

A 60-foot access easement is proposed on the eastern edge of the Subject Property, to provide access to the property to the north. At such time of development of the property to the north or east, if needed for access to same, the easement will be dedicated as public right-of-way and constructed as a public street. The utility easement to the south, on the Flying J Travel Plaza Addition, will also be dedicated as a public right-of-way at such time as the City deems necessary, which will likely be when adjoining properties need it for access.

The water line to the tower would be constructed along the same existing utility easement.

### Proximity to Other Uses

Due to its location immediately adjacent to Interstate 15, there will be no impact on the north. The properties to the east are undeveloped, and therefore will not be negatively impacted. The property to the south is zoned C-3, Highway Commercial, and the closest use is a hotel and truck stop. The tower placement will be at least 300 feet from the hotel. Lighting on the Subject Property will be designed to prevent off-site glare that may affect the hotel. The operation of the tower will include no noise, except for times of maintenance. Finally, the color will be neutral and the site will be landscaped with trees and shrubs to attractively fit into the neighborhood. No residential uses are in the immediate area.

The Great Falls Airport Authority and Airport tower operations have reviewed the proposed tower and have no objections. The Federal Aviation Administration has also reviewed the proposed tower location and height, and has provided its concurrence in a letter dated February 19, 2017.

### Neighborhood Council Input/Public Comment

Upon annexation, the Subject Property would be in Neighborhood Council #1. The Council heard a presentation on January 10, 2017 and voted unanimously to support the project.

The public hearing before the Planning Advisory Board/Zoning Commission was advertised in the *Great Falls Tribune* on January 29, 2017. No public comment upon the proposal has been received by the Planning & Community Development Department, nor was any testimony received at the public hearing.

### Zoning Action

The Subject Property is currently zoned Suburban Residential in Cascade County. Upon annexation, the Planning Advisory Board/Zoning Commission has recommended assignment of a "PLP" (Public Lands and Institutional) zoning classification upon the Subject Property. To construct the tower, a Conditional Use Permit for a Utility Installation is also necessary.

The Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code defines the PLI zoning district as including "...areas of significant public lands including public schools and significant public and quasi-public institutional uses or facilities." Because the site is proposed for a City-owned and operated water tower, PLI is the appropriate zoning district. The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as "Establishment of Zoning (Zoning Map Amendment) - Basis of Decision and Findings of Fact."

### Conditional Use Permit

Because a "Utility Installation" in the PLI zoning district requires a Conditional Use Permit, and because structure heights exceeding 100 feet also require a Conditional Use Permit, this process is required for the proposed 140' water tower facility. As a result, Conditions for the water tower are recommended, and are listed at the beginning of this Report.

### **Fiscal Impact:**

The City Public Works Department will maintain the subject property, and will be responsible for constructing that portion of the future 29<sup>th</sup> St. SW through the subject property, as well as extension of the water line. However, reimbursements will be obtained from future developers fronting the street and adjoining the water line, thus reducing the overall cost to the City.

### **Alternatives:**

The City Commission could deny acceptance of Ordinance 3159 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.



**Concurrences:**

Representatives from the City's Public Works, Police, and Fire/Rescue Departments have reviewed the proposal and have no objections to any of the proposed actions.

**ATTACHMENTS:**

- ▣ ORDINANCE 3159
- ▣ Annexation by Petition – Basis of Decision and Findings of Fact
- ▣ Assignment of Zoning (Zoning Map Amendment) Basis of Decision and Findings of Fact
- ▣ Conditional Use Permit - Basis of Decision
- ▣ Exhibit A (Subject Property & Right-of-Way)
- ▣ Aerial Map & Subject Property
- ▣ Vicinity Zoning Map
- ▣ Site Photos & Conceptual Renderings
- ▣ Proposed Certificate of Survey
- ▣ Proposed Development Site Plan
- ▣ Description of Rights-of-Way

ORDINANCE 3159

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PLI – PUBLIC LANDS AND INSTITUTIONAL TO THE PROPERTY DESCRIBED AS TRACT 1A OF TRACT 1 OF COS 3347, LOCATED IN THE NE¼ AND SE¼ SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA.

\* \* \* \* \*

WHEREAS, the City of Great Falls is the owner of record and has petitioned the City of Great Falls to annex the subject property, consisting of ±2.07 acres, as legally described above; and,

WHEREAS, the City of Great Falls has petitioned said property be assigned a City zoning classification of PLI Public Lands and Institutional, upon annexation to City; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 4<sup>th</sup> day of April, 2017, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that said zoning classification be assigned.

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

Section 1. It is determined that the herein requested zoning classification assignment will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of Title 17, Land Development Code, Official Code of the City of Great Falls.

Section 2. That the zoning classification of “PLI - Public Lands and Institutional” be assigned to the subject property.

Section 3. That this Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County

Clerk and Recorder the resolution annexing said property, as legally described above, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading March 7, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading April 4, 2017.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3159 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Courthouse;  
On the Bulletin Board, Great Falls Public Library

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

(CITY SEAL)

## ANNEXATION BY PETITION – BASIS OF DECISION AND FINDINGS OF FACT

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

The property is contiguous to existing City limits. There is annexed property on the south boundary of the property.

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

The proposed project is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The project specifically supports the following Goals:

Phy 4.1 – Encourage a balanced mix of land uses through-out the City.

Phy4.3 – Optimize the efficiency and use of the City's Public facilities and utilities.

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

No neighborhood plans have been adopted for this area.

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

The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan, which does not have any specifications for roadways adjacent to the property.

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

The City has the capacity to provide public services to the property.

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

When deemed necessary by the City, improvements will be made.

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.

The City is the owner, and will pay for all improvements or share in its proportional share of same.

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

The project has been surveyed and a Certificate of Survey of the Subject Property will be filed 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 water and sewer will be available as necessary.

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

The property is not located in an unsuitable location for annexation.

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

The Subject Property is unincorporated.

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

The subject property is currently a vacant, undeveloped parcel, with no use established.

ASSIGNMENT OF ZONING (ZONING MAP AMENDMENT) – BASIS OF DECISION AND FINDINGS OF FACT

1. *The Zoning Map Amendment is consistent with and furthers the intent of the City's growth policy;*  
Phy 4.1 – Encourage a balanced mix of land uses through-out the City.  
Phy4.3 – Optimize the efficiency and use of the City's Public facilities and utilities.
2. *The amendment is consistent with and furthers adopted neighborhood plans, if any;*  
There are no neighborhood plans covering the Subject Parcel or surrounding area. The proposed amendment is supported by Neighborhood Council #1.
3. *The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans.*  
The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan, which does not have any specifications for roadways adjacent to the property.
4. *The code with the amendment is internally consistent;*  
The proposed zoning action is not in conflict with any portion of the existing City Code. The proposed use, and height of the proposed use, are permitted in the proposed zoning district through the processing of a Conditional Use Permit.
5. *The amendment is the least restrictive approach to address issues of public health, safety, and welfare;*  
The proposed zoning action is the most appropriate for the proposed use, and is the least restrictive method to provide potable water for the service area, thus ensuring public health, safety and welfare.
6. *The City has or will have the financial and staffing capability to administer and enforce the amendment.*  
Because the City has a funded, professional staff, the City has the capability and finances to administer and enforce zoning upon the subject parcel.

## CONDITIONAL USE PERMIT - BASIS OF DECISION

Concurrent to the annexation and zoning request, the applicant is requesting establishment of PLI zoning and approval of a Conditional Use Permit for a Utility Installation.

1. *The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.*

Phy 4.1 – Encourage a balanced mix of land uses through-out the City.

Phy4.3 – Optimize the efficiency and use of the City's Public facilities and utilities.

2. *The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.*

The CUP would have no detrimental impact upon the health, safety, morals, comfort or general welfare.

3. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*

Due to its location immediately adjacent to Interstate 15, there will be no impact on the north. The properties to the east are undeveloped, and therefore will not be negatively impacted. The property to the south is a hotel, and the tower placement will be at least 300 feet from the hotel. Lighting on the Subject Property will be designed to prevent off-site glare that may affect the hotel. The operation of the tower will include no noise, except for times of maintenance. Finally, the color will be neutral and the site will be landscaped with trees and shrubs to attractively fit into the neighborhood. No residential uses are in the immediate area.

4. *The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The proposed project will not impede the normal and ordinary development and improvement of surrounding properties. Adjacent property owners have been notified about the project and City staff has received no questions regarding project specifics.

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

Adequate services and infrastructure will be provided to operate the proposed project.

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

The project would generate little to no daily traffic, and will have no discernible impact upon the area road network.

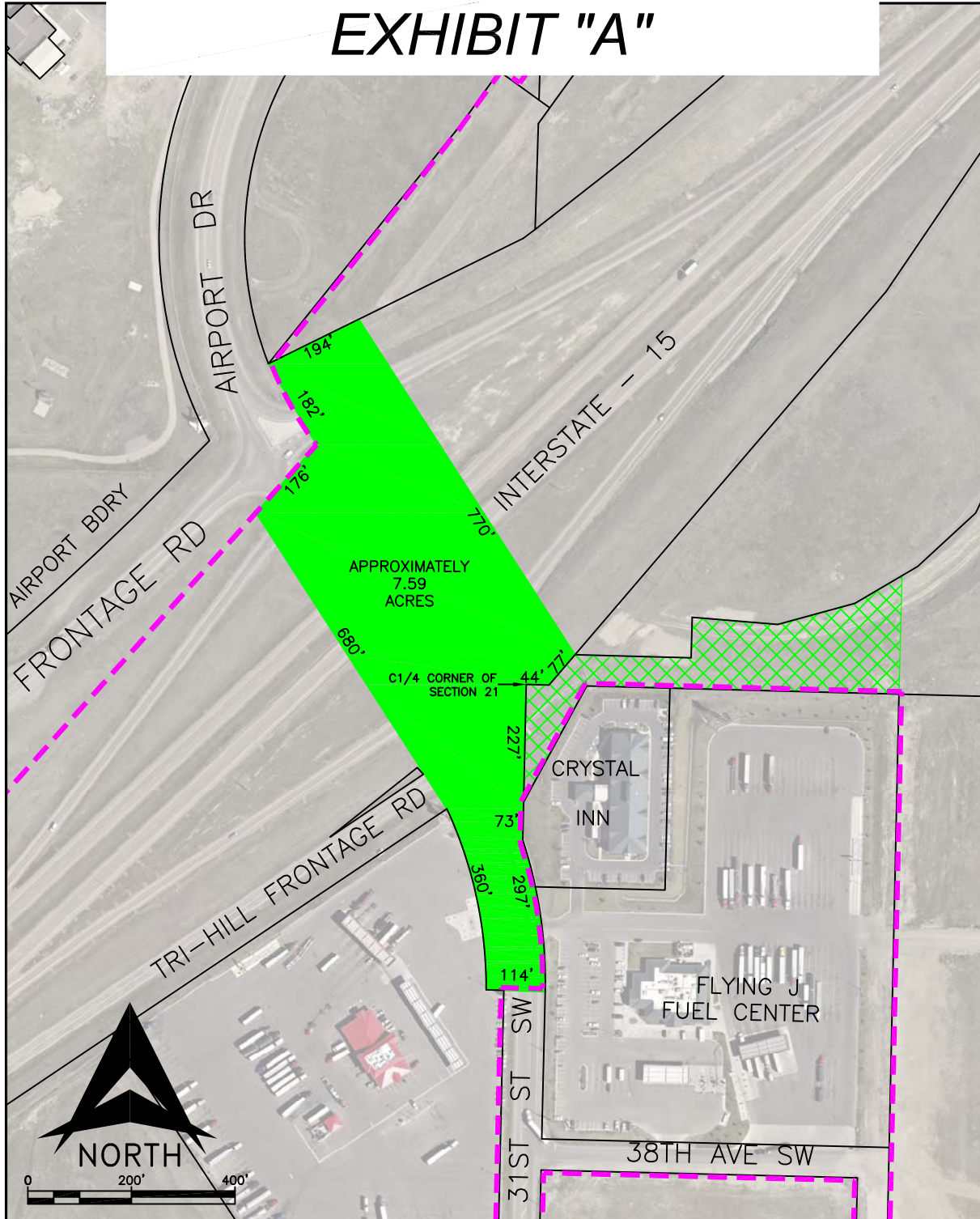
7. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.*

The proposed project will conform to all the applicable regulations of the Land Development Code, except as where noted in the conditions of the CUP.

# RESOLUTION

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## EXHIBIT "A"



- PROPOSED TRACT 1A OF CERTIFICATE OF SURVEY \_\_\_\_\_ LOCATED IN SECTION 21 TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF P.L.I. AND A C.U.P. FOR UTILITY INSTALLATION
- ABUTTING PORTIONS OF INTERSTATE 15 AND 31ST STREET SOUTHWEST TO BE ANNEXED IN COMPLIANCE WITH MCA 7-2-4211
- CITY LIMITS
- TRACTS OF LAND



# AERIAL MAP

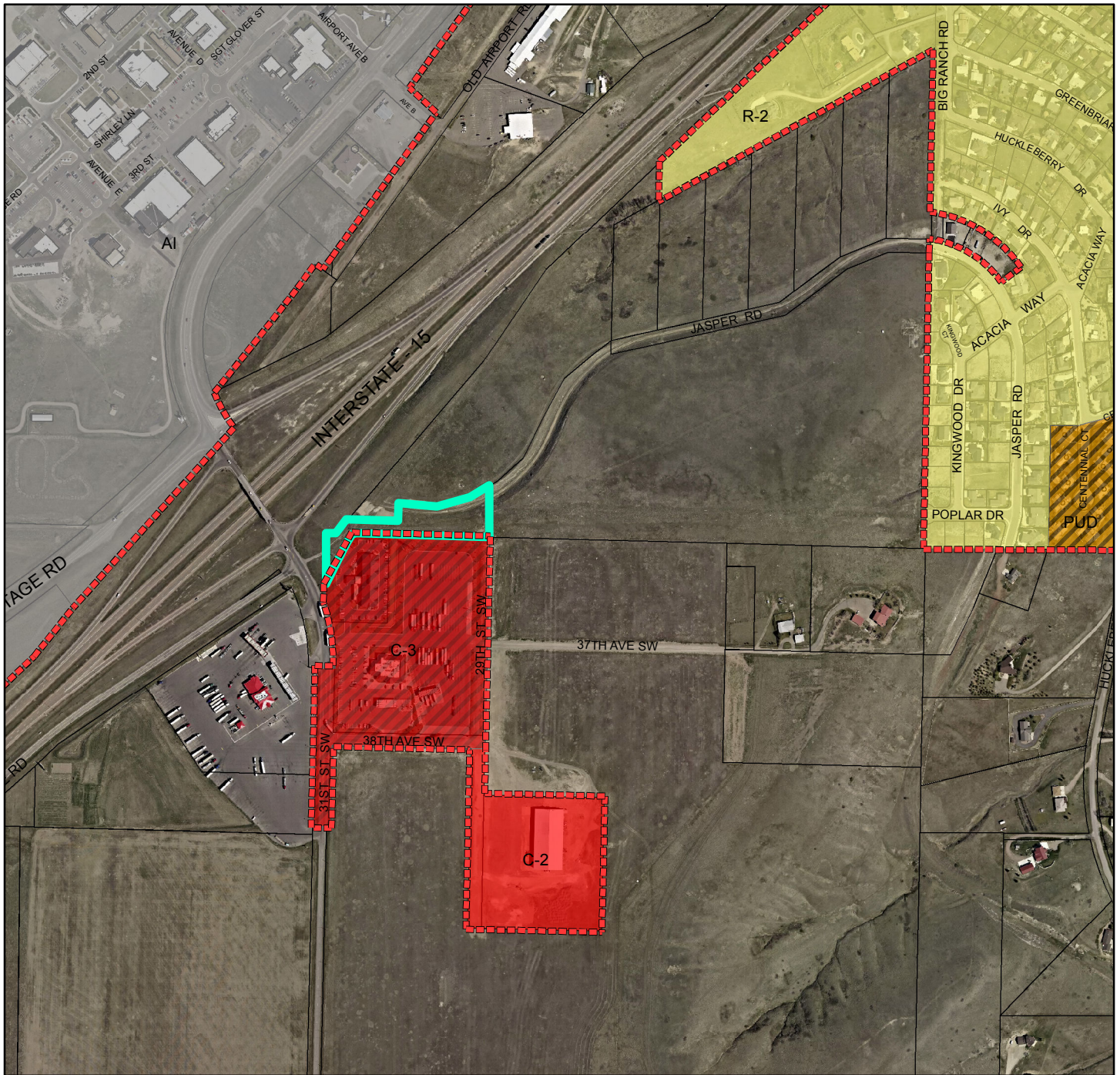


250 125 0 250 Feet



- City Limits
- ▭ Subject Property
- ▭ Tracts of Land

# ZONING MAP



- City Limits
- Subject Property
- Tracts of Land
- R-2 Single-family Medium Density
- PUD Planned Unit Development
- C-2 General Commercial
- C-3 Highway Commercial
- AI Airport Industrial



# SITE PHOTOS



## CONCEPTUAL RENDERINGS





Conceptual rendering of Water Tower looking north from Flying J Fuel Center



Conceptual rendering of Water Tower east from 31st St SW





## DESCRIPTIONS OF RIGHTS-OF-WAY

The following description is of the boundary of abutting portions of Interstate 15 and 31<sup>st</sup> Street Southwest being annexed into the City of Great Falls. Bearings and distance provided are not based on field measurements, and as such are only approximate in nature.

Beginning at the Center  $\frac{1}{4}$  Corner of Section 21, Township 20 North, Range 3 East, PMM, Cascade County Montana, said POINT OF BEGINNING being marked by an aluminum cap:

Basis of Bearing for the following Bearings are grid based on the Montana State Plane Coordinate System, NAD83

THENCE, S88°30'47"E, a distance of 44.29';

THENCE, N40°41'33"E, a distance of 76.83'

Note that there is not a Basis of Bearing for the following Bearings

THENCE, in a Northwesterly direction approximately perpendicular to the center line of Interstate 15, a distance of approximately 770', to a point on the Westerly Right-of-Way line of said interstate;

THENCE, in a Southwesterly direction along said interstate Right-of-Way line, a distance of approximately 194', to a point on said interstate Right-of-Way and also being a point on the existing City of Great Falls limits;

THENCE, in a Southeasterly direction along said City of Great Falls limits line, a distance of approximately 182' along a curve to the left;

THENCE, in a Southwesterly direction along said City of Great Falls limits line, a distance of approximately 175';

THENCE, in a Southeasterly direction approximately perpendicular to the center line of said interstate, an approximate distance of 680', to a 4"x4" concrete Right-of-Way monument as called for on Certificate of Survey 2103;

Basis of Bearing for the following Bearings is the East Line of the NE1/4 of the SW1/4 of Section 21, T.20N., R.3E., as shown on said COS 2103

THENCE, 361.5' (360') along a curve to the right having a radius of 748.6';

THENCE, S89°55'E, a distance of 33.6', to an iron pin or Right-of-Way monument as shown on said COS 2103, said point also being a point on the existing City of Great Falls limits;

Basis of Bearing for the following Bearings is along the West line of the SE1/4 of Section 21; S00°07'E (Recorded) S00°06'45"E (Measured) as shown on the Minor Subdivision of the Flying J Travel Plaza Addition Plat

THENCE, N89°53'15"E, a distance of 80' along said existing City of Great Falls limits;

THENCE, along a curve to the left with a radius of 868.60', a distance of 296.15' (297') along said existing City of Great Falls limits;

THENCE, N00°06'45"W, a distance of 73.43' (73') along said City of Great Falls limits;

THENCE, N00°06'45"W, a distance of 227.14 (227') to the POINT OF BEGINNING;

CONTAINING approximately 7.59 acres.