



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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL

PROCLAMATIONS

Scouting Anniversary Week

FIREFIGHTER OATH

Josh Mattson

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. Appointment, Business Improvement District Board of Trustees.
4. Reappointment, Cascade County Conservation District Board of Supervisors.
5. Appointments, Great Falls Citizen's Council (Council of Councils).
6. Miscellaneous reports and announcements from Neighborhood Councils.

CITY MANAGER

7. 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.

8. Minutes, January 17, 2017, Commission Meeting.
9. Total Expenditures of \$2,650,451 for the period of December 31, 2016 through January 25, 2017, to include claims over \$5000, in the amount of \$2,288,436.
10. Contracts List.
11. Grants List.
12. Lien Release list.
13. Approve Municipal Golf Course Concessions Agreement with K&M, Inc. to provide concession services at Eagle Falls and Anaconda Hills Golf Courses for three Golf seasons, and authorize the City Manager to execute the agreement.

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

PUBLIC HEARINGS

14. Ord. 3148, An Ordinance amending the Official Code of the City of Great Falls (OCCGF), amending Title 1, Chapter 4, Section 070 pertaining to the General Penalty Provision. Action: Conduct public hearing and adopt or deny Ord. 3148. ***(Presented by Sara Sexe.)***
15. Ord. 3149, An Ordinance amending Title 2, Chapter 56, Section 020 of the Official Code of the City of Great Falls (OCCGF) pertaining to the removal of members of Boards, Commissions, and Councils. Action: Conduct public hearing and adopt or deny Ord. 3149. ***(Presented by: Sara Sexe)***
16. Ord. 3153, An Ordinance amending Title 2, Chapter 50, Sections 040 and 060 of the Official Code of the City of Great Falls (OCCGF), pertaining to Neighborhood Councils. Action: Conduct public hearing and adopt or deny Ord. 3153. ***(Presented by Sara Sexe)***

OLD BUSINESS

17. 2017/2018 Community Development Block Grant (CDBG) Policies and Funding Priorities. Action: adopt or deny 2017/2018 CDBG Policies and Funding Priorities. ***(Presented by: Craig Raymond)***

NEW BUSINESS

ORDINANCES/RESOLUTIONS

18. 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: Accept or not accept Ord. 3152 on first reading and set public hearing for March 7, 2017. ***(Presented by: Craig Raymond)***
19. Ord. 3154, An Ordinance amending Title 3, Chapter 8, Section 040 of the Official Code of the City of Great Falls (OCCGF), pertaining to competitive sealed proposals. Action: Accept or not accept Ord. 3154 on first reading and set the public hearing for February 21, 2017. ***(Presented by Joseph Cik)***

CITY COMMISSION

20. Miscellaneous reports and announcements from the City Commission
21. Legislative Initiatives
22. 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 www.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.



Item: Appointment, Business Improvement District Board of Trustees.
From: City Manager's Office
Initiated By: City Commission
Presented By: City Commission
Action Requested: Appoint one member to the Business Improvement District Board of Trustees to fill the remainder of a four-year term through June 30, 2017.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to the Business Improvement District Board of Trustees to the remainder of a four-year term expiring June 30, 2017.”

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

Staff Recommendation:

It is recommended that the City Commission appoint Alison Fried for the remainder of a four year term through June 30, 2017.

Summary:

Kris Harrison has served on the Business Improvement District Board of Trustees since May 2012; she has moved to Billings and has resigned from the Board; therefore a new member must be appointed.

The current opening was advertised through the local media and on the City’s website. The application deadline was December 31, 2016. An application was received from Alison Fried. The application was forwarded to the BID Board for a recommendation.

Purpose: The Business Improvement District Board of Trustees consists of seven members appointed by the City Commission. Members must be owners of property within the boundaries of the Business Improvement District or their personal representative, agent, or

guardian (MCA§7-12-1121). The B.I.D. oversees the functions, operations, management and administration as necessary to carry out the purposes and objectives of the Business Improvement District.

Continuing members of this board are:

Andrew Ferrin
Garry Hackett
Max Grebe
Sheila Rice
Travis Neil
Jason C. Madill

Citizen interested in serving on the board is:

Alison Fried

Alternatives:

Continue to seek additional citizen interest.

Concurrences:

At its January 12, 2017 meeting, the Board reviewed applications and recommended appointing Alison Fried to the Board.

ATTACHMENTS:

- Application for BID Board



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


RECEIVED

DEC 13 2016

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

CITY MANAGER

Board/Commission Applying For: <i>Business Improvement District</i>		Date of Application: <i>12-13-16</i>	
Name: <i>Alison C. Fried</i>			
Home Address: <i>325 Skyline Dr. NE</i>		Email address: <i>dragmflydg@hotmail.com</i>	
Home Phone:	Work Phone: <i>454-2263</i>	Cell Phone:	<i>455-9897</i>
Occupation: <i>Owner</i>		Employer: <i>Dragmfly</i>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: <i>Been Downtown 20+ years, Previously on BID Board</i>			
Educational Background:			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: <i>Downtown Checks</i>			
Previous and current public experience (elective or appointive): <i>DGFA BID Downtown Checks</i>			
Membership in other community organizations:			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve? <i>BAD</i>	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>Building Owner - Business owner makes me a double reason to be - stay involved downtown</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission?	
Additional comments:	
Signature 	Date: <i>12-13-16</i>

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

Return this form to:

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

Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net



Item: Reappointment to the Cascade County Conservation District Board of Supervisors.
From: City Manager's Office
Initiated By: Cascade County Conservation District
Presented By: City Commission
Action Requested: Reappoint one member to the Cascade County Conservation District Board of Supervisors.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint John Chase to a three-year term through December 31, 2019, to the Cascade County Conservation District Board of Supervisors.”

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

Staff Recommendation:

It is recommended that the City Commission reappoint John Chase to the Cascade County Conservation District Board of Supervisors for a three-year term through December 31, 2019.

Summary:

John Chase has served on the Cascade County Conservation District Board of Supervisors since February of 2003. The Board of Supervisors submitted a request that Mr. Chase be reappointed to another three-year term.

Per City legal opinion by former City Attorney James Santoro, City Resolution 9962 Establishing a Policy Concerning Appointments to Boards and Commissions does not apply to the Conservation District Board of Supervisors. Therefore, Mr. Chase is eligible for reappointment to another term.

Purpose: The Cascade County Conservation District is a seven member commission, five

members elected at-large at the general election, and two appointed. Conservation district officials establish and implement programs to protect and conserve soil, water, prime and unique farmland, rangeland, woodland, wildlife, energy and other renewable resources on local, non-federal lands. Member duties include: identify local conservation needs, and develop, implement, and evaluate programs to meet them; educate and inform landowners and operators, general public, and local, state and federal legislators on conservation issues and programs; supervise other volunteers and paid staff working with the district, coordinate with cooperating agency personnel; administer the district by delegating tasks through a structure of board officers and members, committees, and others, raise and budget district funds and report on activities to the public; coordinate assistance and funding from federal, state and local government district associations and private groups. Desirable member qualifications include an interest and background in conserving renewable natural resources.

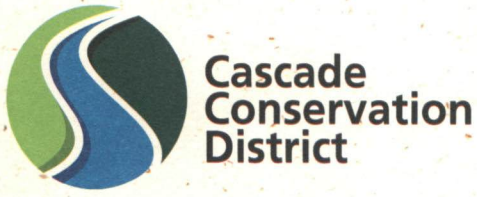
Evaluation and Selection Process: No advertising was done for this opening since Mr. Chase is eligible for reappointment and it is recommended by the Board of Supervisors.

Concurrences:

The Conservation District has indicated support for Mr. Chase's reappointment.

ATTACHMENTS:

- ▣ Letter of Support from District
- ▣ Legal Opinion



12 Third St. NW, Ste 300
Great Falls, MT 59404

Tel 406-727-3603 ext 125

Fax 406-727-4810

Email info@cascaedcd.com

Web cascaedcd.com

RECEIVED

JAN 18 2017

CITY CLERK

January 10, 2017

Great Falls City Commission
Attn: Mayor Bob Kelly
PO Box 5021
Great Falls, MT 59403

RE: Urban Supervisor Reappointment

Dear Mayor Kelly:

As you know, Montana law allows the incorporated cities located within the Cascade County Conservation District to appoint a representative to the District board. This "urban supervisor" as they are known, is appointed by the City to a 3-year term as a full-voting member of the board representing the city's interests.

Mr. John Chase has served on the CCD board of supervisors as the City of Great Falls appointee for the past 10 years and is actively involved in many projects that benefit Great Falls interests including the Rivers Edge Trail. John has stated an interest in continuing in his current role as an urban supervisor with the Cascade Conservation District and therefore, we respectfully request the reappointment of John to another 3-year term. This term will commence immediately.

Thank you for your time and prompt attention to this matter.

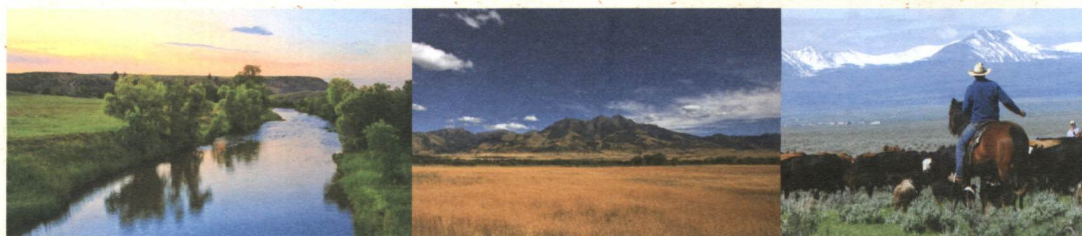
Cordially yours,

CASCADE CONSERVATION DISTRICT

A handwritten signature in black ink, appearing to read 'Gayla Wortman', is written over a thin horizontal line.

Gayla Wortman, Chairman
Board of Supervisors

Local leadership in conservation stewardship..





James W. Santoro, City Attorney

P.O. Box 5021
Great Falls, Montana 59403
Office (406) 455-8441
Fax (406) 727-0005
jsantoro@greatfallsmt.net

LEGAL OPINION

November 30, 2010

Re: The Conservation District Board of Supervisors, Cascade County

Issue: Whether Resolution No. 9484 that establishes a policy concerning appointments to Boards and Commissions applies to the Conservation District Board of Supervisors (Cascade County)?

Answer: No.

Legal Opinion: The Conservation District Board of Supervisors, Cascade County (hereinafter, the "Conservation District") is governed under the Conservation District Laws (see, MCA Title 76, Chapter 15). The Conservation District Board is a separate political entity and consists of seven (7) members—five (5) elected at large at the general election, two (2) appointed residents of municipalities within the district.¹ (See, Sections 76-15-301-305, MCA). The two (2) appointed resident of municipalities represent all affected municipalities; thus, a City of Great Falls resolution is not binding on other municipalities. Further, the Conservation District is not part of a City or County government--it is a Montana State Board. The Conservation District is not an advisory Board to the City and the City Commission does not maintain the Conservation District.

Conclusion: In sum, it is my opinion that Resolution No. 9484 that establishes a policy concerning appointments to Boards and Commissions **does not** apply to the Conservation District.²

Presented By:

James W. Santoro
City Attorney

¹ The appointed residents of municipalities serve a three-year term. Under state law, there exists no term limits.

² Please delete references to Resolution No. 9484 that relate to the Conservation District on the City Web Site.



Item: Appointments, Great Falls Citizen's Council
From: City Manager's Office
Initiated By: City Commission
Presented By: City Commission
Action Requested: Appoint two members of the City Commission to serve on the Great Falls Citizen's Council for 2017.

Suggested Motion:

1. Mayor moves:

“I move that the City Commission appoint _____ and _____ to serve on the Great Falls Citizen’s Council also known as Council of Councils for one-year terms ending on December 31, 2017.”

-Or-

“I move that the City Commission appoint _____ and _____ to serve on the Great Falls Citizen’s Council also known as Council of Councils for the May 23, 2017 meeting and appoint _____ and _____ to serve on the Council for the October 24, 2017 meeting.”

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

Staff Recommendation:

It is recommended that the Mayor appoint two members from the City Commission to serve as the Commission’s representatives for the Great Falls Citizen’s Council in accordance with Title 2, Chapter 50, Section 090 the Official Code of the City of Great Falls (OCCGF).

Summary:

Pursuant to the Charter of the City of Great Falls, the Neighborhood Council program was established by Ordinance 2727 in 1997. There are nine separate Council districts throughout Great Falls.

The Great Falls Citizen's Council was created to act as a forum to address issues of community wide concern and resolve disputes among the individual neighborhood councils. The members of the Council are comprised of one member from each neighborhood council and two members of the City Commission who shall be appointed by the Mayor. The Council meets three times a year, usually in January, May and October. The January meeting for 2017 was cancelled. The remaining tentative meeting dates for 2017 are May 23 and October 24.

ATTACHMENTS:

- Exhibit A

Exhibit "A"

Title 2 – ADMINISTRATION AND PERSONNEL

Chapter 50 – NEIGHBORHOOD COUNCILS

Section:

2.50.090 - Great Falls Citizen's Council.

- A. The purpose of the Great Falls Citizen's Council (GFCC) is to act as a forum to address issues of community wide concern and to resolve disputes among the individual neighborhood councils.
- B. Organization.
 - 1. The GFCC shall consist of one (1) member from each neighborhood council and two (2) members of the Great Falls City Commission who shall be appointed by the Mayor.
 - 2. The GFCC shall determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of this Charter or the laws of Montana.
 - 3. In addition to the membership set forth in subsection B, any council representing any unincorporated neighborhood or community may petition the GFCC for membership.



Agenda # 8.
Commission Meeting Date: February 7, 2017
City of Great Falls
Commission Agenda Report

Item: Minutes, January 17, 2017, Commission Meeting.
From: Lisa Kunz, City Clerk
Initiated By: Lisa Kunz, City Clerk
Presented By: Lisa Kunz, City Clerk
Action Requested:

Summary:

Minutes, January 17, 2017

ATTACHMENTS:

- DRAFT Minutes, January 17, 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, Bill Bronson, Tracy Houck and Fred Burow. Also present were City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Library Director Kathy Mora; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Captain John Schaffer.

AGENDA APPROVAL: City Manager Greg Doyon noted that the agenda was previously amended to include a Proclamation, and that there was a minor revision to agenda item 13 that City Attorney Sara Sexe will explain. No changes were proposed by the City Commission. The revised agenda was approved as submitted.

PROCLAMATION: Black History 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.**

Sheila Rice, NeighborWorks Great Falls, 509 1st Avenue South, thanked the City for its support of work force housing. She announced that December was a banner month for NeighborWorks Great Falls in that First Avenue Estates opened consisting of three bedroom apartments, 10 home builders moved into their houses in the Thaniel Addition, and three properties were purchased that NeighborWorks will build on later in historic areas of the city. She noted that all of these constructions add to the tax base.

Ron Gessaman, 1006 36th Avenue NE, discussed recent *Tribune* articles regarding Brett Doney of the Great Falls Development Authority and 2016 being a great business year. He commented that those headlines are contradictory in that he sees “beggars” all over town. Mr. Gessaman suggested emphasis be placed on local employers to provide training to fill jobs at businesses expanding in town.

John Hubbard, 615 7th Avenue South, discussed his friend receiving a fine for parking in his deceased mother’s handicap parking space. He commented that he doesn’t think the playground equipment that he grew up playing on should have been removed or replaced. He also noted that he couldn’t hear the work session on his home television.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Kathy Gessaman, NC3, reported on the agenda topics discussed at the council's last meeting. She also commented that the proposed code changes on this agenda pertaining to Neighborhood Councils would be good topics for the upcoming Council of Councils meeting.

BOARDS & COMMISSIONS**3. APPOINTMENTS, COMMUNITY DEVELOPMENT COUNCIL.**

Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Benjamin Buckridge and Susan Wolff to fill three-year terms through October 31, 2019, to the Community Development Council.

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.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

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

CITY MANAGER**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that he had the pleasure last week of being a part of a welcoming committee for Air Force Secretary James' visit to Malmstrom Air Force Base.

Manager Doyon reported that the assistance provided by the Downtown Great Falls Association and some private residents for the Christmas tree set up and take down didn't work out to the fullest extent that he had hoped for in terms of cost savings for the City. The Downtown Great Falls Association will be sent a letter indicating that the City appreciated the support, but hoping that there might be more community involvement next year.

MMIA recently provided a quarterly claims and worker's compensation report.

Patty Rearden was appointed as the Interim Park and Recreation Director.

No cell phone use or texting while driving signs are going up around the city for more awareness about the City's ordinance.

CONSENT AGENDA.

6. Minutes, January 3, 2017, Commission meeting.
7. Total Expenditures of \$4,035,476 for the period of December 22, 2016 through January 4, 2017, to include claims over \$5,000, in the amount of \$3,582,532.
8. Contracts list.
9. Approve purchase of 45 new Self Contained Breathing Apparatus (SCBA) in the amount of \$331,872.41 from Big Sky Fire Equipment through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Group and authorize the City Manager to make the purchase.

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

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

Several members of the Commission having participated in training ops were excited the Fire Department would be receiving 45 new breathing apparatus.

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

Ron Gessaman, 1006 36th Avenue NE, referred to Item 8C and inquired where the manholes were along 10th Avenue North.

Public Works Director Jim Rearden responded that 21 manholes are located between 38th and 57th Streets.

In response to Mayor Kelly's inquiry, Fire Chief Steve Hester reported that the City's match for the breathing apparatus set forth in Item 9 is 10%.

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

Motion carried 5-0.

PUBLIC HEARINGS**OLD BUSINESS****10. 2016/2017 CDBG ANNUAL ACTION PLAN AMENDMENT.**

Planning and Community Development Director Craig Raymond reported that the City Commission approved the current CDBG Annual Action Plan on May 3, 2016. This agenda item is for the consideration of three specific changes to that CDBG Annual Action Plan. The 2016/2017 Amended Annual Action Plan includes changes to the scope of projects for the following CDBG grant recipients: Great Falls Park & Recreation, Center for Mental Health, and Park Manor.

Great Falls Park & Recreation requests to reallocate funds for an immediate need to repair the floor in the women's locker room at Morony Natatorium. Last month, the City Commission provided direction on the use of funds that were allocated during the 2015/16 and 2016/17 funding cycles. The monies being moved from the 2015/16 allocation were originally intended to be used on the Electric City Water Park locker facilities in the amount of \$40,176. Those improvements are being deferred for the time being at the direction of the City Commission. The total cost for the Natatorium can only be estimated at this time because final bids have not been received for the door and floor renovation work. If the bids come in higher than the allocated monies from CDBG, Park and Recreation and the City Commission may have to fund the difference from different sources.

The Center for Mental Health and Park Manor request to change their scope of projects because they initiated work on their facilities prior to City staff conducting environmental review for their projects. This renders those projects ineligible for funding. Since the original projects were no longer eligible to receive funds but staff wanted to make sure both entities still had the opportunity to receive Federal funding for facility needs, project changes are being brought forward with the Amended Plan.

The Center for Mental Health is proposing to change their scope of work from roof replacement and exterior repair and paint work to a window and door replacement project. Same amount of funds are requested (\$24,640).

Park Manor is proposing to change their scope from a flooring replacement project to rear loading dock replacement and front awning replacement. Again, same amount of funds are being sought (\$17,529).

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt the 2016/2017 Amended Annual Action Plan, including the changes in project scope for Great Falls Park and Recreation, Center for Mental Health, and Park Manor as recommended, and authorize the submittal to the U.S. Department of Housing and Urban Development (HUD).

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

Mayor Kelly inquired if staff considered how to prevent amendments from happening in the future.

Director Raymond responded that this is an unusual circumstance. Staff has already taken measures in the way it communicates with potential applicants that makes the process very clear.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS**11. ORDINANCE 3148, AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, SECTION 070 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE GENERAL PENALTY PROVISION.**

City Attorney Sara Sexe reported that there has been an increase in the number of individuals behaving in a disorderly or abusive manner at the Great Falls Public Library. This behavior has included an assault on Library staff. City staff began work on an ordinance change to address these issues, and expanded it to apply to all public facilities. The City of Great Falls has a public duty to protect residents from this type of behavior particularly on Great Falls owned public property.

In order for the City to fulfill its duty to protect residents, employees, and others, this ordinance was drafted to allow the City to ban individuals from City public property for a period not to exceed one year when individuals are disorderly or abusive. A mechanism is provided by which staff can maintain public order and safety, while still providing public accommodations and services.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3148 on first reading and set public hearing for February 7, 2017.

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

Kathy Gessaman, 1006 36th Avenue NE, inquired what circumstances would determine things were getting out of hand, and she commented that laws are already in place.

City Attorney Sexe responded that its purpose isn't to squelch vigorous debate on issues. It is for instances that rise to a level of disorderly conduct when police officers aren't present. It is also for situations where the individuals are not going to be arrested under state statute for disorderly conduct or something of that nature due to a mental condition or something of that nature where we can have the protection of the public and employees while not necessarily charging somebody with a crime.

David Murray, *Great Falls Tribune*, 201 River Drive, asked if the Library assault incident could be expanded upon and what were some of the challenges City employees face in addressing issues of abusive or disorderly patrons.

Library Director Kathy Mora explained the assault incident that occurred to an employee at the Library in October. The person has since been banned from Library premises under Library policy. This trespass ordinance is another tool that can be used on City property when these types of occasions arise.

Ron Gessaman, 1006 36th Avenue NE, read section C of the proposed ordinance and expressed his opposition. He inquired about an appeal process, and he sees this as wide open to abuse. He further commented that he reviewed the proposed Ordinance with a lawyer who commented this

amendment seems to go too far.

City Manager Greg Doyon responded that this policy would be exercised in extraordinary situations. He noted the process is different from the previous speaker's examples when law enforcement is present. He further pointed out that there is a process to appeal to the Commission.

John Hubbard, 615 7th Avenue South, commented that homeless people go to the library to get warm and read newspapers.

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

Motion carried 5-0.

12. **ORDINANCE 3149, AN ORDINANCE AMENDING TITLE 2, CHAPTER 56, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE REMOVAL OF MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS.**

City Attorney Sara Sexe reported that recently a member of the Great Falls Transit District Board was removed based on continued absence from regularly scheduled board meetings. No explanation was given for the absence. During that removal process, City staff discussed the need for additional criteria by which members of boards, commissions, and councils may be removed by the City Commission, as the only current stated reason for removal of members is for attendance.

The Official Code of the City of Great Falls §2.56.020 currently states:

A member of any board or commission or council, who misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten (10) days prior to a hearing thereon before the City Commission, should such member request a hearing on the removal.

The current code does not allow for the Commission to consider other valid reasons that a board, commission or council member should be removed, such as neglect of duties, physical or mental inability to continue to serve, unethical acts, or criminal behavior. By adopting Ordinance 3149, the City Commission will be able to review and consider other reasons for removal in addition to attendance and codify restrictions on such behavior.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3149 on first reading and set public hearing for February 7, 2017.

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

Commissioner Bronson referred to paragraph D of the proposed ordinance and noted that there is at least one board, the Airport Authority Board, that residency is not a requirement. Legal staff advised that they are looking at the whole issue of residency with respect to advisory boards. There may need to be some changes to this paragraph in the event the Commission retains a non-residency requirement for any particular board.

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

Kathy Gessaman, 1006 36th Avenue NE, commented that Neighborhood Councils are different than the other boards because they are elected.

City Attorney Sexe responded that Neighborhood Councils, as elected members of the public, are able to appoint persons if there is a vacancy. The issue arises in the situations discussed where the appointment cannot be made for whatever reason.

Ron Gessaman, 1006 36th Avenue NE, commented that most elected officials cannot be removed except by a specific legal process. He compared it to the Land Board in Helena consisting of five elected officials removing a member of the Legislature who is an elected official. He further suggested that the language in the last paragraph of Exhibit "A" of the proposed ordinance be reworded to say, "replaced by City Commission appointment," because the Commission does not appoint Neighborhood Councils.

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

Motion carried 4-1 (Commissioner Houck dissenting).

13. **ORDINANCE 3153, AN ORDINANCE AMENDING TITLE 2, CHAPTER 50, SECTIONS 040 AND 060 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO NEIGHBORHOOD COUNCILS.**

City Attorney Sara Sexe reported that in the current Official Code of the City of Great Falls (OCCGF) regarding Neighborhood Councils, there are two provisions which require amendment. The first involves the dates for Neighborhood Council elections. The OCCGF at 2.50.040 references a statute which does not exist and should be amended. It further indicates that the filing period for neighborhood council candidates closes forty-five days prior to the general election, which is a different time period than that for mayoral and commission candidates. These dates should coincide with the other elected positions, for consistency.

The second necessary changes involve OCCGF 2.50.060, dealing with Neighborhood Council organization. The code indicates that the Councils should meet and organize with officers within thirty days following the election. However, this time period expires before the Council members are even provided their oaths of office or are sworn into office. The code has therefore been amended to allow for the time necessary to have the members properly placed in their positions.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3153 on first reading and set public hearing for February 7, 2017.

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

Kathy Gessaman, 1006 36th Avenue NE, likes the changes proposed to OCCGF 2.50.060. She suggested changing the language in paragraph C from . . . on or before January 30 . . . to “at the first meeting of the first term.” She commented that this Ordinance change would be a good topic for discussion at the Council of Councils meeting.

Ron Gessaman, 1006 36th Avenue NE, suggested adding Mont. Code Ann. § 13-1-112 to OCCGF 2.50.040(A) or superseding what is currently referenced, Mont. Code Ann. § 1-1-215, pertaining to residency. With regard to OCCGF 2.50.040(C), Mr. Gessaman suggested that, because there is no primary election for Neighborhood Councils, the filing date is longer for people to sign up. He thinks it will be more difficult to get people to run for Neighborhood Councils if the time is shortened for filing. He further commented that OCCGF 2.50.060(A) is not clear whether the position of Vice Chair would be elected from amongst its members or other individuals as set forth in OCCGF 2.50.060(D).

Commissioner Bronson commented that he also asked staff about the filing deadlines. In the last 20 years that the system has been in place there have been a lot of changes in the way City representatives are elected. In 1997 people voted at the polls and now exclusively by mail-in ballots. There are issues now both in terms of efficiency and administration and costs to the City in working with the Election Office of Cascade County.

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

Motion carried 5-0.

CITY COMMISSION

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Houck announced that the City’s new website continues to get better and is easy to navigate on any device. She expressed kudos to the Park and Recreation Department and, specifically, Jerry Jordan, for the well organized Electric City Basketball Classic tournament. Ninety-two teams competed with more than 60 of those teams from outside the City of Great Falls. She further announced that there will be 17 free mini concert performances for the Montana Performing Arts Consortium on January 28, 2017, at 9:30 a.m., at the Mansfield Center for the Performing Arts.

Commissioner Burow inquired who the Commission appointees were for the upcoming Council of Councils meeting. Mayor Kelly indicated he was planning on attending, but that there has been talk about the January 24th meeting being canceled. Neighborhood Council Coordinator Patty Cadwell will keep the Commission posted about that meeting.

Commissioner Burow inquired if a Parking Advisory Commission meeting was scheduled this month and was informed Thursday, January 19, 2017, at 3 p.m.

Mayor Kelly reported that, as a result of the Commission's Resolution in Support of the City and Citizens of Whitefish, he has received phone calls from the City of Whitefish expressing appreciation, a letter of endorsement from the Holocaust Center in Seattle commending the Commission for its stance, as well as a random phone call from a gentleman named "Russ" from Chicago also expressing appreciation.

Commissioner Bronson also noted that the Havre City Council issued a similar resolution of support.

15. LEGISLATIVE INITIATIVES.

Mayor Kelly commented that Commissioner Bronson and Assistant City Attorney Joe Cik attended the legislature today to oppose a bill that would get rid of cell phone bans and also the authority of local governments to make those decisions.

Commissioner Bronson added that he and Assistant City Attorney Cik testified in opposition to HB 194 which was drafted at the request of Representative Jeremy Trebas of Great Falls. If HB 194 were to go into effect, it would operate as a complete ban on the ability of any city or town, any local government, to pass any ordinance whatsoever regarding the use of cell phones. It also attempts to ban authority to regulate the use of any kind of electronic device while operating a motor vehicle. Representative Trebas was the only speaker as a proponent of the bill. All of the testimony came from opponents – Commissioner Bronson, Assistant City Attorney Cik, representatives of other cities and also representatives of the Montana Medical Association and the Association representing our public health officials.

Based upon the questions asked of opponents, he senses that there is a fairly significant degree of support for the bill among a number of members of the committee. After the hearing, the opponents discussed continuing to look at their strategy on this issue and will move forward monitoring the events. He and Assistant City Attorney Cik will keep the Commission and staff informed as they go forward.

Mayor Kelly noted that they have had good meetings with local representatives and that they have a weekly scheduled phone call to talk about issues. This is an opportunity for that coalition to make this community's voice heard in Helena.

16. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly adjourned the regular meeting of January 17, 2017, at 8:21 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: February 7, 2017

DRAFT



Agenda # 9.
Commission Meeting Date: February 7, 2017
City of Great Falls
Commission Agenda Report

Item: Total Expenditures of \$2,650,451 for the period of December 31, 2016 through January 25, 2017, to include claims over \$5000, in the amount of \$2,288,436.

From: Fiscal Services

Initiated By: Fiscal Services

Presented By: Melissa Kinzer, Fiscal Services Director

Action Requested:

ATTACHMENTS:

- \$5000 Report for February 7, 2017



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

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 JANUARY 5, 2017 - JANUARY 25, 2017	2,610,920.23
MUNICIPAL COURT ACCOUNT CHECK RUN FOR DECEMBER 31, 2016 - JANUARY 17, 2017	39,530.67
TOTAL: \$	<u><u>2,650,450.90</u></u>

GENERAL FUND

OTHER ADMIN

CASCADE CITY COUNTY HEALTH DEPARTMENT	2ND PMT FOR ANNUAL CONTRIBUTION	125,000.00
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POLICE

STANFORD POLICE & EMERGENCY	POINT BLANK CONCEALABLE VESTS	5,057.30
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SPECIAL REVENUE FUND

SUPPORT & INNOVATION

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	TAX DISTRIBUTION FOR DECEMBER 2016	97,937.23
GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT	TAX DISTRIBUTION FOR DECEMBER 2016	132,938.50

STREET DISTRICT

GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY	1ST HALF 16/17 ASSESSMENTS PAID BY AIRPORT	24,001.50
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FEDERAL BLOCK GRANTS

KAIROS YOUTH SERVICE, INC	CDBG REIMBURSEMENT FOR PURCHASE OF A 12 PASSENGER VAN	18,819.00
B R CONSTRUCTION	FIVE APARTMENT REMODELS DUNN-BROWN 316 CENTRAL AVE	30,350.59

ENTERPRISE FUNDS

WATER

STATE OF MONTANA DEPT OF ENVIRONMENTAL QUALITY	PUBLIC WATER SUPPLY FEE PAYMENT	43,418.00
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES INC	OF 1710.0 WTP HIGH SERVICE PUMP #2 REPLACEMENT STUDY	6,820.00
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES INC	OF 1625.0 WATER STORAGE TANK EVAL	5,206.25
INDUSTRIAL AUTOMATION CONSULTING	WONDERWARE SUPPORT CONTRACT	13,217.03
INDUSTRIAL AUTOMATION CONSULTING	OF 1519.6 WTP IMP PH1 UV/CHEM BLDG	7,589.90
BLACK & VEATCH CORPORATION	OF 1519.6 WTP IMP PH 1 CONSTRUCTION PORTION	110,216.70

SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	224,637.16
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
CROWLEY FLECK PLLP	LEGAL SERVICES FROM 6/1/16 - 10/25/16	6,486.76
GPD INC	OF 1633.3 WWTP HVAC EVALUATION AND REHABILITATION	28,800.00

STORM DRAIN

PHILLIPS CONSTRUCTION LLC	OF 1462.2 18TH ST S STORM DRAIN IMPROVEMENTS PHASE 2A	30,540.86
WILLIAMS CIVIL CONSTRUCTION	OF 1554.2 S GREAT FALLS DRAINAGE IMPROV MISSOURI RIVER TO 6TH ST S	52,584.35
DOWL HKM	OF 1554 SOUTH GREAT FALLS STORM DRAINAGE IMPROVEMENTS	6,094.00

PARKING

STANDARD PARKING CORPORATION	DECEMBER 2016 COMPENSATION	29,615.78
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INTERNAL SERVICES FUND

INSURANCE & SAFETY

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	DECEMBER DEDUCTIBLE RECOVERY BILLING	17,919.33
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL-DIESEL	44,552.23
TITAN MACHINERY INC	2016 ELGIN BROOM & VACUUM STREET SWEEPER	274,269.37

CC FACILITY SERVICES

CARP'S DRAIN CLEANING	CIVIC CENTER MAIN DRAIN CLEANOUT	5,101.25
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	34,700.37
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PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	42,417.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	50,014.01
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	62,540.50
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	115,424.54
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	13,347.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	196,442.51
AFLAC	EMPLOYEE CONTRIBUTIONS	11,362.50
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	9,297.65
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	4TH QUARTER 2016 WORKMAN'S COMPENSATION	247,023.32

UTILITY BILLS

MONTANA WASTE SYSTEMS	DECEMBER 2016 MONTHLY CHARGES	58,349.91
TALLEN TREASURE STATE	ELECTRICITY CHARGES FOR DEC 2016	61,305.60
ENERGY WEST RESOURCES	DECEMBER 2016 MONTHLY CHARGES	32,537.98

CLAIMS OVER \$5000 TOTAL:\$ 2,288,435.98



Agenda # 10.
Commission Meeting Date: February 7, 2017
City of Great Falls
Commission Agenda Report

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

Summary:
Contracts List

ATTACHMENTS:

- ▣ Contracts List

CITY OF GREAT FALLS, MONTANA

AGENDA: _____

COMMUNICATION TO THE CITY COMMISSION

DATE: February 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

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Park & Recreation	The Office Center/ Wells Fargo Financial Leasing	60 months	\$255/mo	Equipment Lease Agreement - Kyocera TASKalfa 6052ci
B	Public Works - Engineering and Environmental	Water & Environmental Technologies	02/07/2017 – 12/31/2017	\$61,470	Professional Services Agreement to provide MS4 storm water program compliance assistance. OF 1361.2

C	Public Works Engineering	Big Sky Civil & Environmental	02/07/2017 – 12/31/2017	\$10,800	Professional Services Agreement for design services for the Sun River Water Main Crossing at 6 th Street SW, Phase 1. OF 1494.5
D	Public Works Engineering	NCI Engineering	02/07/2017 – 06/30/2018	\$79,520	Professional Services Agreement for design, bidding and construction phase services for CMATP TIF Lift Station 30 and Force Main modifications. OF 1658.3
E	Public Works Engineering	Robin L. Miller	Perpetual	Recording fees paid by Robin L. Miller	Certificate of Easement Relocation in Lot 12, Volk Terrace Addition.



Agenda # 11.
Commission Meeting Date: February 7, 2017
City of Great Falls
Commission Agenda Report

Item: Grants List.
From: City Clerk
Initiated By: City Clerk
Presented By: City Clerk
Action Requested:

ATTACHMENTS:

- ▣ Grants List

CITY OF GREAT FALLS, MONTANA

AGENDA: _____

COMMUNICATION TO THE CITY COMMISSION

DATE: February 7, 2017

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

PRESENTED BY: Darcy Dea, Deputy City Clerk

ACTION REQUESTED: Ratification of Grants through the Consent Agenda

MAYOR’S SIGNATURE: _____

GRANTS

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	GRANT AMOUNT REQUESTED	CITY MATCH	PURPOSE
A	Park & Recreation	Montana Department of Natural Resources & Conservation & Montana Urban and Community Forestry Program Association	FY 2017	\$13,000	\$23,000 Natural Resources Boulevard Budget	FY 2017 Urban Forestry Program Development Grant Application for Boulevard District Tree Inventory



Agenda # 12.
Commission Meeting Date: February 7, 2017
City of Great Falls
Commission Agenda Report

Item: Lien Release list.
From: City Clerk
Initiated By: Fiscal Services
Presented By: City Clerk
Action Requested:

ATTACHMENTS:

- ▣ Lien Release List

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: _____
DATE: February 7, 2017**

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

PRESENTED BY: Darcy Dea, Deputy City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR’S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Charles & Davelyn Strickland (current owner of record is Sunrise Financial Group LLC.)	Current	2520.31.531.43590	\$1,800	Partial Release of Resolution #9989 for Levying and Assessing the Cost of Removal and Disposal of Nuisance Weeds at 621 9 th Avenue South – Lot 9, Block 498, Great Falls Original Townsite Addition, Parcel # 269450

B	Fiscal Services	Charles & Davelyn Strickland (new owner of record is Sunrise Financial Group, LLC.)	Current	2520.31.531.43590	\$1,000	Partial Release of Resolution #10036 for Levying and Assessing the Cost of Removal and Disposal of Nuisance Weeds at 621 9 th Avenue South – Lot 9, Block 498, Great Falls Original Townsite Addition, Parcel # 269450
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Item: Municipal Golf Course Concessions Agreement.
From: Park & Recreation Department
Initiated By: Park & Recreation Department
Presented By: Patty Rearden, Interim Park & Recreation Director
Action Requested: Approve Agreement for Golf Course Concessions.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Municipal Golf Course Concessions Agreement with K&M, Inc. to provide concessions services at Eagle Falls and Anaconda Hills Golf Courses for three golf seasons, and authorize the City Manager to execute the agreement.”

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

Staff Recommendation:

Staff recommends that the City Commission approve a three year agreement for the Municipal Golf Course Concessions Agreement with K&M, Inc. to provide concessions services at Eagle Falls and Anaconda Hills Golf Courses, 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 sixteen (16) prospective bidders. K & M, Inc. and Pegasas LLC were the only two responders. A Selection Committee, consisting of two members of the Golf Advisory Board, a member of the Park and Recreation Advisory Board, the City Golf Manager, and the Deputy Park and Recreation Director, met on Wednesday, January 11. The proposals were rated individually by the Committee and total scores were tallied. It was the recommendation of the Committee to award the golf course concessions agreement to K & M, Inc.

The agreement will be for three golf seasons, 2017, 2018, 2019. The amount of the agreement will be a minimum of 12% of gross sales or \$38,000 per year, whichever is

greater.

Background:

The City has had agreements with K&M, Inc. for concessions at Eagle Falls and Anaconda Hills Golf Courses since 1997. K&M has offered a high quality concession and has made an effort to keep menu prices down.

Fiscal Impact:

The City will receive \$38,000 or 12% of gross sales, whichever is greater in 2017, 2018 and 2019, for a minimum of \$114,000 over three years.

Alternatives:

If the agreement is not approved, the City would have to rebid the concessions agreement, or make a significant investment in equipment to take over operation and management of the concessions at both golf courses, or close the concessions.

Concurrences:

The Golf Advisory Board voted unanimously to recommend that the City Commission approve the proposed agreement with K&M, Inc. at a special meeting on January 27th; continued from their regularly scheduled meeting on January 23rd, for lack of a quorum.

** Contract revised after initial posting (inserted paragraph 18 C).*

ATTACHMENTS:

- ▢ Golf Concessions Contact
- ▢ Golf Concessions Tabulation Sheet

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 K&M, Inc, d/b/a Putters – Michelle Kazda 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 operation at Eagle Falls Golf Club and Anaconda Hills Golf Course, both owned and operated by the City, during March through October of each year. All food, items, and commodities sold by Concessionaire shall be of City acceptable quality, all service provided shall acceptable to the Great Falls Parks and Recreation Director.
- 2. Term of Lease:** The term of this lease shall be for three (3) golf seasons, beginning the March 1, through the October 31, years two thousand seventeen through two thousand nineteen (2017-2019). Upon completion of the initial three (3) golf 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 Park and Recreation Director shall designate those areas of the Municipal Golf courses where the Concessionaire may provide services. On special occasions, such as leagues and tournaments, the Director may permit the Concessionaire to accommodate larger crowds by setting up dispensing facilities outside the concession area or operating a mobile cart.

In consideration therefore, the Concessionaire shall pay the City the following rental:
2017 Season: 12% of gross sales or \$38,000; whichever is greater.

2018 Season: 12% of gross sales or \$38,000; whichever is greater.

2019 season: 12% of gross sales or \$38,000; whichever is greater.

Concessionaire will be required to make two payments to the City based on 12% of gross sales, on July 15th and November 30th of each year. The final payment on November 30th will include payment of 12% 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,

including any related catering or special event sales and any on-course mobile cart 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 March 16 of each year. The financial report will be certified by a public accountant. The City may contract this service and bill Concessionaire if this report is not submitted on time or to the City's satisfaction;
- 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 the golf courses;
- f. Concessionaire shall provide sufficient personnel to adequately staff the premises at all times; and
- g. The 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, replacement of all City-owned equipment, excluding the heating/cooling equipment and the hood system at Eagle Falls, 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

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. Concessionaire shall be responsible for locking golf course gates if they are the last to leave;
- 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 February 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 location at Eagle Falls Golf Club and one location at Anaconda Hills Golf Course during the golf season. A "season" shall be a period beginning approximately March 1, and ending October 31, of each year. The City retains the right to adjust opening and closing dates. Concession will be open and available for service during hours the golf course is open.

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:
(bodily injury and property damage) | \$1,000,000 per occurrence
\$2,000,000 aggregate; |
| 2. | Automobile Liability
limit | \$1,000,000 combined single; |
| 3. | Workers' Compensation | Not less than statutory limits; |
| 5. | Employers' Liability | \$1,000,000; and |
| 6. | Liquor Liability | \$1,500,000 per occurrence. |

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. Alcoholic Beverages: The Concessionaire shall be required to lease a state beer and wine license from the City of Great Falls at an annual cost of one thousand three hundred dollars (\$1,300) for both premises, payable on or before March 10, of each year.

16. 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.
17. **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.
18. **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. The City reserves the right to renegotiate or terminate all, or a portion of this agreement, by a ten (10) day written notice, if the City determines it is in the best interest of the City to close one, or both, of the subject golf courses or any other reason that is in the best interest of the City.
- c. Concessionaire reserves the right to terminate all, or a portion of this agreement prior to expiration of the term for, just cause, including but not limited to, a serious medical condition sustained by Michelle and/or Kraig Kazda. Notice of termination under this provision shall be provided by Concessionaire prior to November 30 of each calendar year.
19. **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.

20. 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

K&M, Inc, d/b/a Putters – Michelle Kazda
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.

2017-2019 Golf Concessions Total

Proposal:	K & M, Inc.	Pegasas LLC
A. Basic Qualifications (20 points)	<u>100</u>	<u>67</u>
B. Proposal Approach (30 points)	<u>132</u>	<u>107</u>
C. Bid (50 points)	<u>225</u>	<u>250</u>
Total	<u>457</u>	<u>424</u>



Item: Public Hearing on Ordinance 3148, "AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, SECTION 070 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE GENERAL PENALTY PROVISION."

From: Sara Sexe, City Attorney

Initiated By: Kathy Mora, Director, Great Falls Public Library

Presented By: Sara Sexe, City Attorney

Action Requested: Adopt Ordinance 3148.

Public Hearing:

1. Mayor opens and 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 3148."

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

Staff Recommendation:

City staff recommends the Commission conduct a public hearing and vote to adopt Ordinance 3148.

Summary:

Recently, there has been an increase in the number of individuals behaving in a disorderly or abusive manner at the Great Falls Public Library. This behavior has included an assault on library staff. City staff began work on an ordinance change to address these issues. In the

process, it was determined that there were extreme circumstances where the ordinance change would be of benefit to other City properties and public facilities, such as parks or other city-owned buildings. The City of Great Falls has a public duty to protect residents, employees and the public from this type of behavior particularly on Great Falls owned public property.

Therefore the Ordinance under consideration was drafted to allow the City to ban individuals from City public property for a period not to exceed one year when those individuals are disorderly or abusive. It was written in this manner, as to allow a case by case analysis of the facts of each instance to determine whether the ban is necessary and whether a period of time less than a year may deter the behavior and protect the public and employees.

In evaluating the facts of each case, it is anticipated that reference to the statutory disorderly conduct definition of Mont. Code Ann. §45-8-101 would be used as a guide. In most instances, when City staff believes that a person is engaging in disorderly or abusive behavior, staff would contact the Great Falls Police Department (GFPD) to report that conduct. Depending upon the GFPD investigation, criminal charges against the offending person may or may not be made. Regardless of the disposition of any criminal charges, without being trespassed from the property, the offending individuals would not be precluded from going to the same location where the disorderly or abusive conduct occurred.

The GFPD does not advise individuals that they are no longer welcome on, or trespassed from, another's property. This would only occur when the property owner provides notice to the person who engaged in the disorderly or offending behavior that he/she is trespassed from the premises. This notice is not complicated when dealing with private property, as the owner of the property may simply notify the offending person that he/she is not welcome on the premises. This trespass notice may then be enforced by the GFPD.

However, it is not as simple in dealing with property which is open to the public. Mont. Code Ann. §49-1-102 states that Montana residents are entitled to the use of public accommodations. Additionally, the Montana State criminal trespass law, Mont. Code Ann. §45-6-203, does not generally apply to property open to the public. *St. v. Blakely*, 181 Mont. 118, 592 P.2d 501 (1979). However, once an individual has been asked to leave public property based on disorderly or offensive behavior, that person may be trespassed.

Other cities, such as Helena, Kalispell, Bozeman and Billings suspend privileges to use public places based on behavior issues. Similar trespass notices from public property based upon prior conduct have been upheld in such places as Florida, South Dakota, and Arizona. In Montana, trespass from libraries has been specifically upheld. In *Spreadbury v. Bitterroot Pub. Library*, 862 F. Supp. 2d 1054, 2012 U.S. Dist. LEXIS 75020 (D. Mont. 2012), the Court stated on page 1056:

A person may be constitutionally deprived of a liberty interest if afforded due process . . . *Pinnacle Armor, Inc. v. United States*, 648 F.3d 708, 716 (9th Cir. 2011).

The City Manager is the individual vested with the authority to administrate and manage the City Government under the City of Great Falls Charter Article II, Section 3 (cited below). In fulfilling such duties, the City Manager must have the ability to provide trespass notices like private property owners, in appropriate circumstances. Staff has discussed that these notices should be used judiciously, in extreme cases, and only with documented supporting facts from City personnel upon which the City Manager may base his opinion, along with a review by the City Attorney's office.

Under the terms of the Ordinance, if approved by the City Commission, any person trespassed from public property could appeal to the City Commission according to the Charter Article II, Section 3, which provides:

On a majority vote of the whole number of the City Commission, the City Commission may review, inquire, and investigate any operation, management decision, administrative function or other affairs of the City. The City Commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Except for the purpose of inquiry, or investigation, the City Commission shall be involved with administrative and management operations solely through the City Manager.

There have been raised concerns that the passing of Ordinance 3148 would have the effect of suppressing public comment or participation in government. The purpose of this Ordinance is not to squelch the public's ability to fully, substantially and meaningfully participate in government or exercise the public's free speech rights, rights which are clear under the law. This proposed Ordinance provides a mechanism by which staff can maintain public order and safety, while still providing public accommodations and services like the Great Falls Public Library.

Alternatives:

1. The Commission could maintain the current version of OCCGF pertaining to the General penalty provision OCCGF §1.4.070. However, staff does not recommend this alternative; or
2. The Commission could suggest revisions of the proposed code revision, which would be considered for input.

ATTACHMENTS:

- ▢ Ordinance 3148
- ▢ Ord. 3148 Exhibit A

ORDINANCE 3148

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, SECTION 070 OF
THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF),
PERTAINING TO THE GENERAL PENALTY PROVISION**

WHEREAS, the governing body of an incorporated city may adopt code violation penalty provisions; and

WHEREAS, the City Commission adopted Ordinances 1902 and 2642 in 1976 and 1993 establishing a general penalty provision OCCGF §1.4.070; and

WHEREAS, the City Commission wishes to amend OCCGF §1.4.070 to allow for violators to be banned from entering or remaining upon City property for a period not to exceed one year.

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

- Section 1. Title 1, Chapter 4, Section 070, of the OCCGF, pertaining to the General Penalty provision shall be amended as depicted in Exhibit "A" attached hereto, which adds any language which is **bolded**; and
- Section 2: This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading January 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 7, 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 3148 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)

Exhibit "A"

Title 1 - GENERAL PROVISIONS

Chapter 4 GENERAL PROVISIONS

Chapter 4 GENERAL PROVISIONS

Sections:

1.4.070 General penalty.

1.4.070 General penalty.

A. Except as otherwise specified, any person convicted of a violation of any section of this Code shall be fined a sum not to exceed five hundred dollars (\$500.00) or incarcerated for a period not to exceed six (6) months, or both.

(Ord. 2642 § (part), 1993; Ord. 1902 §2(part), 1976).

B. Any person convicted of a violation of any section of this Code, where any duty is prescribed or obligation imposed, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

(Ord. 2642 § (part), 1993; Ord. 1902 §2(part), 1976).

C. Any person convicted of a violation of this Code, the Montana Code Annotated, or is determined by the City Manager, or his designee, to be behaving in a disorderly or abusive manner, on the property of the City of Great Falls may be banned from entering, or remaining upon, said property for a period not to exceed one year.

(Ord. 3148, 2017; Ord. 2642 § (part), 1993; Ord. 1902 §2(part), 1976; Ord. 3148, 2-7-2017).



Agenda # 15.
Commission Meeting Date: February 7, 2017

**City of Great Falls
Commission Agenda Report**

Item: Public Hearing on Ordinance 3149, "AN ORDINANCE AMENDING TITLE 2, CHAPTER 56, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE REMOVAL OF MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS"

From: Sara Sexe, City Attorney

Initiated By: Sara Sexe, City Attorney

Presented By: Sara Sexe, City Attorney

Action Requested: Adopt Ordinance 3149.

Public Hearing:

1. Mayor opens and 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 3149."

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

Staff Recommendation:

Staff recommends that the City Commission conduct the public hearing and adopt Ordinance 3149.

Summary:

Recently a member of the Great Falls Transit District Board was removed based on continued absence from regularly scheduled board meetings. No explanation was given for the absence. During that removal process, City staff discussed the need for additional criteria

by which members of boards, commissions, and councils may be removed by the City Commission, as the only current stated reason for removal of members is for attendance.

The Official Code of the City of Great Falls §2.56.020 currently states:

A member of any board or commission or council, who misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten (10) days prior to a hearing thereon before the City Commission, should such member request a hearing on the removal.

The current code does not allow for the Commission to consider other valid reasons that a board, commission or council member should be removed, such as neglect of duties, physical or mental inability to continue to serve, unethical acts, or criminal behavior. By adopting Ordinance 3149, the City Commission will be able to review and consider other reasons for removal in addition to attendance and codify restrictions on such behavior.

After first reading of Ordinance 3149, a question arose as to the City Commission's ability to remove elected officials, such as Neighborhood Council members. Staff researched the removal of board, commission and council members, and found nothing in Montana law providing a process to remove such members, except as provided by local governing bodies such as the City, under self-governing powers granted by the City Charter, Article I, Section 2, Powers of City Government:

- (a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law.
- (b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

It is Staff's opinion that the City Commission is the appropriate body to hear and decide issues of forfeiture of, or removal from, office as a board, commission or council member. Under Article IV, Section 2, Vacancy in the Office of City Commission or Mayor, the City Commission is the arbiter of forfeiture of office of the Mayor and/or Commissioners, who are also elected officials:

- a) The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:
 - (1) Loss of eligibility for election.
 - (2) Violation of any express provision of this charter.

(3) Conviction of a felony.

b) A majority of the City Commission shall be the judge of the election and qualifications of its members and the grounds for forfeiture of their office. A City Commissioner or Mayor charged with conduct constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the City Commission.

c) When a vacancy occurs, the City Commission, may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of City Commissioner or Mayor until the next regular City election. The person elected at the next regular City election shall serve the unexpired term of the office in which the vacancy occurred.

Under its self-governing powers, the City of Great Falls has designated a program of Neighborhood Councils, which act in an advisory capacity to the City Commission. OCCGF 2.50.010 and 040.

The City Charter and OCCGF 2.50.060 give the Neighborhood Council members the ability to appoint an eligible person to hold a vacated Neighborhood Council position. However, there is nothing in the current OCCGF which identifies a process, (like that set forth for the Mayor and Commission seats), by which Neighborhood Council members may be removed, or by which Neighborhood Council seats may be filled if a vacancy occurs and the remaining council members cannot agree on a replacement.

In instances where removal is appropriate and the Neighborhood Council may not be able to appoint a new member, it is prudent to have the highest body of local government, the City Commission, prepared to undertake those responsibilities and provide guidance as to the process. Ordinance 3149 identifies the process which is not currently set forth in the OCCGF. Further, this process is clarified in proposed changes incorporated in Ordinance 3153.

ATTACHMENTS:

- ▣ Ordinance 3149
- ▣ Ord. 3149 Exhibit A

ORDINANCE 3149

AN ORDINANCE AMENDING TITLE 2, CHAPTER 56, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE REMOVAL OF MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS

WHEREAS, the City Commission recognizes the need for members of City boards, commissions and councils to perform their duties in an ethical, responsible and professional manner; and

WHEREAS, in 2001, the City Commission adopted Ordinance 2793 which established OCCGF §2.56.020 providing criteria by which a member of a board, commission, or council may be removed of his or her membership; and

WHEREAS, the City Commission believes additional criteria for removal of members of boards, commissions, and councils is necessary.

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

Section 1. Title 2, Chapter 56, Section 020, of the OCCGF pertaining to the removal of members of boards, commissions, and councils be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a ~~strike-out~~ and adds any language which is **bolded**; and,

Section 2: This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading January 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 7, 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 3149 in three conspicuous places within the limits of said City to-wit:

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

(CITY SEAL)

Lisa Kunz, City Clerk

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 56 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Chapter 56 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Sections:

2.56.020 Removal of members of boards, commissions and councils.

2.56.020 Removal of members of boards, commissions, and councils.

~~A member of any board or commission or council, who misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten (10) days prior to a hearing thereon before the City Commission, should such member request a hearing on the removal.~~

A member of any board, commission, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:

- A. The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;**
- B. The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;**
- C. The member neglects or refuses to discharge the member's duties;**
- D. The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;**
- E. The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on a board, council, or commission; or**
- F. Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.**

If a member is to be removed from any board, commission, or council and be replaced by the City Commission, the member will be provided written notice of removal, stating the reasons for removal, by certified mail, postage prepaid,

Exhibit "A"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 56 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to the City Commission hearing where said removal will be subject to the vote of the Commission.

(Ord. 3149, 2017; Ord. 2793, 2001).



Item: Public Hearing on Ordinance 3153, "AN ORDINANCE AMENDING TITLE 2, CHAPTER 50, SECTIONS 040 AND 060 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO NEIGHBORHOOD COUNCILS"

From: Sara Sexe, City Attorney

Initiated By: Sara Sexe, City Attorney

Presented By: Sara Sexe, City Attorney

Action Requested: Adopt Ordinance 3153

Public Hearing:

1. Mayor opens and 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 3153."

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

Staff Recommendation:

City staff recommends the Commission conduct the public hearing and vote to adopt Ordinance 3153.

Summary:

In the current Official Code of the City of Great Falls (OCCGF) regarding Neighborhood Councils, there are two provisions which require amendment. The first involves the dates for Neighborhood Council elections. The OCCGF at 2.50.040 contains a typographical

transposition and thus references a statute which does not exist and should be corrected. 2.50.040 (C) further indicates that the filing period for neighborhood council candidates closes forty-five days prior to the general election, which is a different time period than that for mayoral and commission candidates. These dates have been the subject of past discussion with the Cascade County Elections Office, former Deputy County Attorney Brian Hopkins, and former Interim City Attorney Dave Nielsen. The consensus of these parties, with which Staff agrees, is that the filing dates should coincide with the other elected positions, for consistency and efficiency. This further is the best use of the limited local government resources and is suggested as to coordinate City's efforts considering County representatives' input.

The second necessary changes involve OCCGF 2.50.060, dealing with Neighborhood Council organization. The code indicates that the Councils should meet and organize with officers within thirty days following the election. However, this time period expires before the Council members are even provided their oaths of office or are sworn into office. The code has therefore been amended to allow for the time necessary to have the members properly placed in their positions.

During Public Comment at the first reading of Ordinance 3153, it was suggested to clarify in 2.50.060 (A) that the officers of the Neighborhood Councils be chosen from that Council's members. Exhibit B to Ordinance 3153 has been amended to reflect that suggestion. Additionally, in Public Comment on first reading of Ordinance 3149, a question was raised as to whether Neighborhood Councils, or the City Commission, replaces vacant Council seats. 2.50.060 (B) has been amended to clarify that the City Commission would only replace a vacant Neighborhood Council seat, in the event that the remaining Council members cannot agree on a replacement.

Alternatives:

1. The Commission could maintain the current version of OCCGF. However, staff does not recommend this alternative; or
2. The Commission could suggest revisions of the proposed code revision, which would be considered for input.

ATTACHMENTS:

- ▢ Ordinance 3153
- ▢ Ord. 3153 Exhibit A
- ▢ Ord. 3153 Exhibit B (as of first reading)
- ▢ Ord. 3153 Exhibit B (as amended)

ORDINANCE 3153

AN ORDINANCE AMENDING TITLE 2, CHAPTER 50, SECTIONS 040 AND 060 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO NEIGHBORHOOD COUNCILS

WHEREAS, the City Commission recognizes the need for members of Neighborhood Councils to be given the oath of office prior to performing their duties, including electing officers; and

WHEREAS, the City Commission desires consistency in filing periods for candidates for public office.

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

- Section 1: Title 2, Chapter 50, Section 040 of the OCCGF pertaining to Council Elections be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a ~~strike-out~~ and adds any language which is **bolded**; and
- Section 2: Title 2, Chapter 50, Section 060 of the OCCGF pertaining to Organization (removal of members of boards, commissions, and councils) be amended as depicted in Exhibit "B" attached hereto, which removes any language indicated by a ~~strike-out~~ and adds any language which is **bolded**; and
- Section 3: This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading January 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 7, 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 3153 in three conspicuous places within the limits of said City to-wit:

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

(CITY SEAL)

Lisa Kunz, City Clerk

Exhibit "A"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 50 NEIGHBORHOOD COUNCILS

Chapter 50 NEIGHBORHOOD COUNCILS

Sections:

[2.50.040 Council elections.](#)

2.50.040 Council elections.

- A. Each neighborhood district shall have a council comprised of five (5) resident members; who must live within their designated neighborhood council district for which they were elected, as defined in M.C.A. 1-1-~~254~~**215**, for their term of office; such members shall be elected to two (2) year terms at the election held in conjunction with the City general election.
- B. Nominees for election to a neighborhood council must be qualified electors and residents of their designated neighborhood district.
- C. The filing period for neighborhood councils shall open **and close on** the same dates as the filing period for mayoral and commission candidates. ~~The filing period for neighborhood council candidates shall close forty five (45) days prior to the general election.~~ Neighborhood council candidates are not subject to primary elections.

(Ord. 3153, 2017; Ord. 2735, 1998; Ord. 2727, 1997)

Exhibit "B"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 50 NEIGHBORHOOD COUNCILS

Chapter 50 NEIGHBORHOOD COUNCILS

Sections:

[2.50.060 Organization.](#)

2.50.060 Organization.

- A. Each council shall organize with a chairman, secretary, and an official delegate to attend City Commission meetings. **Each council may organize and appoint a Vice Chair or other officers as it deems necessary.**
- B. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election.
- C. ~~Within thirty (30) days~~ **On or before January 30** after each election, **or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into, office,** each neighborhood council shall meet to organize as provided in this section.
- D. Neighborhood councils are encouraged to involve business persons, young people, and other individuals who may not necessarily qualify as an elected council member.
- E. Neighborhood Councils and the Great Falls Citizen's Council are further encouraged to involve minorities, ethnic groups, community service organizations, environmental interest groups, and other like organizations to ensure broad participation in the neighborhood council program.

(Ord. 3153, 2017; Ord. 2727, 1997.

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 50 NEIGHBORHOOD COUNCILS

Chapter 50 NEIGHBORHOOD COUNCILS

Sections:

[2.50.060 Organization.](#)

2.50.060 Organization.

- A. Each council shall ~~organize with~~ **select from its members**, a chairman, secretary, ~~and~~ an official delegate to attend City Commission meetings, **and may appoint a Vice Chair or other officers as it deems necessary.**
- B. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election. **In the event that the council cannot agree upon the appointment of a replacement member, the City Commission shall appoint a replacement.**
- C. ~~Within thirty (30) days~~ **On or before January 30** after each election, **or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into, office,** each neighborhood council shall meet to organize as provided in this section.
- D. Neighborhood councils are encouraged to involve business persons, young people, and other individuals who may not necessarily qualify as an elected council member.
- E. Neighborhood Councils and the Great Falls Citizen's Council are further encouraged to involve minorities, ethnic groups, community service organizations, environmental interest groups, and other like organizations to ensure broad participation in the neighborhood council program.

(Ord. 3153, 2017; Ord. 2727, 1997.)



Item: 2017/2018 Community Development Block Grant (CDBG) Policies and Funding Priorities
From: Planning and Community Development Department
Initiated By: Maria Porter, CDBG/HOME Administrator
Presented By: Craig Raymond, C.B.O., Director of Planning and Community Development
Action Requested: The City Commission adopt the Community Development Block Grant (CDBG) Policies, reaffirm the Citizen Participation Plan and set the 2017/2018 CDBG Funding Priorities

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) the Community Development Block Grant Policies, reaffirm the Citizen Participation Plan, and set the 2017/2018 CDBG Funding Priorities.”

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

Staff Recommendation:

Staff recommends the City Commission adopt the Community Development Block Grant policies, reaffirm the Citizen Participation Plan, and set the 2017/2018 CDBG Funding Priorities as follows:

Public Service	12.5%
Affordable Housing	30%
Public Facilities	30%
Economic Development	7.5%
Administration	20%

Summary:

As part of the CDBG program the City Commission is required to adopt funding priorities for the 2017/2018 CDBG funds to be received from the U.S. Department of Housing and Urban Development (HUD). These funding priorities will be used by the Community Development Council (CDC) as a guideline for award recommendations that will be made to the City Commission, at a Commission meeting, to be held in March. The Commission is also required to adopt a Citizen Participation Plan and CDBG policies which will be adhered to by the Planning & Community Development Department and the CDC.

Background:

CDBG and HOME programs are federal programs administered by HUD to help fund local community development programs including affordable housing, anti-poverty, public service, and community infrastructure projects. The primary goal of these programs is to assist low and moderate income (LMI) persons in their respective communities. State and local governments receive funding from HUD based on a formula derived from population statistics.

Significant Impacts: Funding priorities will lay the foundation for the Annual Action Plan required by the Department of Housing and Urban Development (HUD) as part of the five year Consolidated Plan. Citizen Participation Attached are the Community Needs Public Hearing Minutes from the January 3, 2017, City Commission meeting. The public will also be provided opportunity to provide comment at future public hearings prior to final adoption of the Annual Action Plan. Purpose CDBG policies are attached for the Commission's review. The Citizen Participation Plan adopted in January 2016 is attached for review. Staff is asking acceptance of these policies and the Plan for use in the 2017/2018 CDBG allocation process.

As of February 7, 2017, HUD has not contacted the City regarding the CDGB funding allocation for 2017/2018. Once funding allocations for 2017/2018 grant year become available, allocation percentages can be applied and funding amount per category determined. Based on testimony given at the Community Needs Public Hearing held at the City Commission meeting on January 3, 2017, and knowledge of the range of applications expected for CDBG funding this year, staff recommends keeping the priorities the same as last year (2016/2017).

Administration is recommended at the capped 20% per HUD and is the percentage necessary to cover the City's costs for salaries and overhead to administer the CDBG, Neighborhood Stabilization program, Fair Housing efforts and required review/monitoring activities. While funding is declining, HUD's requirements for project management, accounting, monitoring and reporting are increasing. Staff recommends funding the full 20% allowed by HUD.

Public Service is a very competitive grant area and there is community need. Due to overwhelming needs in other categories, staff recommends 12.5% of funds be used for the Public Service priorities. Public Service funds provide money for services that include meals for elderly and disabled individuals, day care and parenting education for young

parents, and summer and after school programs for lower income children.

Economic Development has historically not been a competitive grant area, with GFDA being the only applicant and recipient in recent years. Based on input from the community during public outreach, staff is recommending that 7.5% of CDBG funding be allocated this year.

Affordable Housing is a high priority with a great need in the community. Last year's allocation included funding the City's Revolving Loan Fund administrative costs, a portion of the Code Enforcement Officer's position, and rehabilitation or new construction of housing for low to moderate income homebuyers through NeighborWorks and Habitat for Humanity. Staff is recommending a continuing 30% funding for affordable housing.

Public Facility is a very competitive grant area and there is great community need. Staff is recommending a continuing 30% funding for public facility and that applications from nonprofit organizations be accepted for capital projects again this year.

Staff is recommending that CDBG unprogrammed funds be used to supplement the annual funding allocation. By utilizing these funds, the City will be able to more fully fund worthy programs and projects that would otherwise be neglected, abandoned or underfunded.

Conclusion

Funding priorities will lay the foundation for the Annual Action Plan required by HUD as part of the Consolidated Plan. Projects will be considered that fall into the guidelines established by these funding priorities and meet national CDBG objectives, making them eligible for use of CDBG funds.

Fiscal Impact:

Meeting HUD requirements for receipt of CDBG funding will bring an estimated \$700,000 to the City to benefit low/moderate income citizens and families. With the unknown funding allocation amount for 2017/2018, the amount could be more or less. Based on this, City funding allocations will be adjusted according to the approved funding allocation percentages. Regardless, this influx of Federal funding does significantly ease pressure on the City's general fund to provide similar services to low/moderate income residents of Great Falls.

Alternatives:

The Commission could change the funding priorities from the recommendation made by the staff, CDBG City Commission policies, or the Great Falls Citizen Participation Plan.

ATTACHMENTS:

- CDBG 2017-2018 Policies, Funding Priorities, Community Needs Hearing Minutes, Citizen Participation Plan and Funding Schedule for 2017-2018

**City of Great Falls
Community Development Block Grant
City Commission Policies
February 7, 2017**

1. The City Commission will determine the allocation of all CDBG projects.
2. The City Commission will conduct a Community Needs public hearing to allow citizens (especially low/moderate income persons) and city staff the opportunity to express their opinion as to the needs of the community that should be addressed with block grant funding.
3. The City Commission will determine priorities and allocate funding percentages to priority categories following the Community Needs public hearing.
4. The Community Development Council will review, prioritize, and make funding recommendations to the City Commission for all grant applications, including public service applications, based on solicitation for proposals. The minimum grant request and award shall be \$10,000.
5. The City Commission will not fund proposals from agencies/departments whose last fiscal year or older CDBG funded projects will not be 75% complete by March 31st of the current year, unless a special public purpose exists for waiving the policy.
6. Private non-profit agencies will not be funded for staff salaries, benefits, office consumables, and rent payments for agency office space or utility costs.
7. The City Commission will fund activities to further fair housing as a part of block grant administration.
8. Projects that leverage and/or match the CDBG funds will be given priority consideration for funding.
9. Handicap accessible projects that serve the largest number of the public will be given priority consideration for funding.

**City of Great Falls Community Development Block Grant
2017/2018 Funding Priorities (staff recommendation)**

CDBG funding allocation is unknown at this time. HUD has recommended using prior funding allocation as an estimate for FY 2017/2018 funds. The total CDBG budget is estimated to be \$710,000.

<u>2017/2018 CDBG Priorities</u>	<u>Funding Percentage</u>	<u>2016/2017 Funding Amount</u>
Public Facility Improvements/ Handicap Accessibility (Includes Infrastructure, Park Facilities, Public Building Rehab)	±30%	\$213,000
Affordable Housing (Housing for low/moderate income Families: Rehab Services, New Construction, Rehabilitation including Historic Preservation)	±30%	\$213,000
Public Service Activities (Benefiting low/moderate income persons)	±12.5%	\$88,750
Economic Development (Special economic development activities)	±7.5%	\$53,250
Administration (maximum) (Includes CDBG Grant Administration, Environmental review, City Housing RLF)	±20%	\$142,000
Total Budget	100%	\$710,000
TOTAL		\$710,000

CDBG & HOME GRANT/CONSOLIDATED PLAN COMMUNITY NEEDS PUBLIC HEARING

January 3, 2017

Planning and Community Development Director Craig Raymond reported that as part of the obligation as recipients of HUD/CDBG monies, the City is required to hold this public hearing in order to provide an opportunity for the community to express to the City Commission and City staff what needs exist in the community that the City may address through the CDBG program. This information is important to consider when the Commission makes decisions on funding priorities and final allocations.

The City Commission will not take action tonight as the information being gathered will be compiled by staff and brought to the Commission at a future date.

Mayor Kelly declared the public hearing open.

Shyla Patera, North Central Independent Living, 1120 25th Avenue NE, commented that the biggest need is accessible housing and transportation.

Carrie Kopyy, Rural Dynamics, Inc., 7 18th Avenue South, provided and discussed a letter requesting that the City team up with Rural Dynamics, Inc. (RDI) with regard to putting together funding sources.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, submitted a handout that discusses the economic overview for the City of Great Falls. He commented that the number of jobs that have been lost is of great concern. There is a gap between the average wage and cost of living. That places a tremendous pressure on the City, County, healthcare and social agencies that try to fill that gap.

Keern Haslem, Paris Gibson Square, 1400 1st Avenue North, commented that there is a need for handicap accessible restrooms in the basement at Paris Gibson Square.

Sheila Rice, NeighborWorks Great Falls, 509 1st Avenue South, encouraged the Commission to consider adding manufactured housing communities as eligible uses for HOME and CDBG funds.

Neil Fortier, NeighborWorks Great Falls, 509 1st Avenue South, spoke in favor of affordable housing with CDBG funds.

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

**City of Great Falls, Montana
Citizen Participation Plan
for the
Consolidated Plan and
Consolidated Annual Performance Evaluation
Report January 2016**

PURPOSE OF CITIZEN PARTICIPATION IN DEVELOPING THE CONSOLIDATED PLAN AND CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

The City of Great Falls (City) must develop a Consolidated Plan to be eligible to receive Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) federal grant funds from the Department of Housing and Urban Development. A key component in creating the Consolidated Plan is citizen participation in all steps of the planning development process. Additionally, citizen participation is an integral component of the Consolidated Annual Performance Evaluation Report (CAPER) which is also required by HUD to receive federal grant funds. To ensure citizens in Great Falls have the opportunity to take part in creating the Consolidated Plan, the Annual Action Plan and the CAPER, the City has developed and commits to implement the following elements of the Citizen Participation Plan.

THE CITIZEN PARTICIPATION PLAN

Participation: The City will provide for, and encourage, citizen participation emphasizing the involvement of low to moderate income residents in areas where housing and community development funds may be spent, particularly those in slum and blighted areas. The City will also inform and offer opportunities for comment to residents of low to moderate income neighborhoods (neighborhoods having 51% or higher low to moderate income populations). The City will encourage the participation of the Great Falls Housing Authority public/assisted housing residents and Opportunities, Inc. assisted housing residents in Great Falls.

The City will make reasonable efforts to consult with other public, private and non-profit agencies that provide housing, health service, and social services. In particular, agencies to be consulted will be those that focus on service to children/families with children, elderly persons, racial/ethnic minorities, persons with disabilities, female heads of household, non-English speaking persons, and other persons in need of services. The City will encourage input and solicit information from each of the nine Neighborhood Councils and will notify the Councils about public hearings, the Consolidated Plan or the Annual Action Plan development process and solicit comments.

When preparing the portion of the Consolidated Plan or Annual Action Plan regarding lead-based paint hazards, the City will consult with the City and Great Falls Housing Authority certified lead-based paint risk assessors to define what specific activities will be undertaken to mitigate and abate lead-based paint in housing units subsidized to be affordable for low to moderate income households. Activities required for lead-based paint hazards will also be addressed in non-profit facilities which receive CDBG grant funds as sub-recipients of the City where children spend the amount of time which meets the minimum threshold criteria.

The City Commission appoints ten citizens who reside within the city limits of Great Falls to a voluntary advisory board that reviews applications submitted for CDBG funding. This advisory board, the Community Development Council (CDC), recommends project funding to the City Commission under all categories of the CDBG funding except for administration. CDC members serve staggered three year terms with approximately three seats open each year. Lower income, minority, and disabled citizens or their representatives will be encouraged to apply for a position on the CDC. Advance notice of CDC openings will be undertaken. Notifications will be sent out to other public, private and non-profit agencies that provide housing, health service, and social services. In particular, agencies to be consulted will be those that focus on service to children/families with children, elderly persons, racial/ethnic minorities, persons with disabilities, female heads of household, non-English speaking persons, and other persons in need of services. Information about CDC openings will be distributed through notifications on the City internet site, newspaper articles and display ads published in the Great Falls Tribune (the only local daily newspaper) at least three weeks before the CDC application is due to the City manager's office. Solicitation for members is made at the annual CDBG application workshop, as well as throughout the year by City staff.

Meetings and Public Hearings: The City will provide two week prior notification of meetings so all citizens can attend public hearings. This will include publishing at least two display advertisements not less than six days apart in the Great Falls Tribune, press releases, public service announcements, notifications on the City internet site and emailing directly to all individuals, agencies and government departments which have expressed an interest in or have received CDBG or HOME grant funds in previous years. Notices will be emailed a second time to agencies serving minorities and individuals with disabilities requesting they encourage their clients to participate.

Access to Information: The City will provide citizens, public agencies and other interested parties with reasonable and timely access to information and records relating to the Consolidated Plan, Annual Action Plan and all of its components and the City's planned use of financial assistance received under the relevant federal programs during the upcoming year. The public will have the opportunity to receive information, review and submit comments on any proposed submission, including the Consolidated Plan adoption by the City Commissioners and any plan amendments. Information on the required 30 day comment period on any proposed submission, adoption of the

Consolidated Plan or Annual Action Plan submission and any plan amendments will be available. Information will also be available on the range of programs, the amount of assistance the City expects to receive, the amount of funds available and the estimated amount proposed to benefit low to moderate income residents. These groups will have access to the City's plans to minimize displacement of residents and businesses and assist those displaced because of these activities. The City will also provide citizens, public agencies and other interested parties with reasonable and timely access to information and records relating to all processes associated with the CAPER.

The final version of the current Consolidated Plan and current Annual Action Plan will be available on the City website on an ongoing basis.

Technical Assistance: The City will provide appropriate technical assistance to all groups that request assistance in developing proposals for financial assistance under any of the programs covered by the Consolidated Plan. An annual application workshop will be held at least six weeks prior to the application deadline to provide applicants as a group with information on how to complete application forms. Individuals with specific special needs should contact the City one week before workshop date to make arrangements if they wish to attend.

Public Hearings: The City will hold two public hearings to obtain citizens opinions. The City program year begins July 1 and ends June 30. Public hearings will address and respond to proposals and comments on:

1. Housing and community development needs
2. Development of proposed activities
3. Review of proposed uses for funding
4. Review of program performance

The City will hold public hearings that are conveniently timed for people who are likely to benefit from program funds, accessible to people with disabilities and adequately publicized with sufficient information about the subject of the hearing to encourage informed comment. Material presented at the public hearing will be made available in electronic format on the City's webpage. The public hearings will occur on a weekday evening in the Civic Center which is centrally located, easily accessible with adequate parking and handicap accessible. Individuals with specific special needs should contact the City one week before public hearing dates to make arrangements if they wish to attend.

Throughout the year, citizens may attend City Commission meetings and public hearings to provide input as to the distribution of federal funds into the City. There will be two public hearings conducted by the City Commission annually. The first public hearing will give citizens the opportunity to comment and provide input on the following:

- Any housing and non-housing community development needs they have identified

- How funding proposals may meet community development needs in Great Falls
- Performance of the City in administering and distributing federal funds
- Citizens may comment on the adoption of the Citizens Participation Plan every five years or any time the Citizen Participation Plan has substantial revisions or has been re-written. Prior to adopting the Citizen Participation Plan, the City will distribute the plan for review and comment for a 15 day period.

The second public hearing will offer the opportunity for the citizens to comment on the following:

- Adoption of the Consolidated Plan or Annual Action Plan
- Use of federal funds
- Performance of the administration and implementation of funded projects

Timely Response: The City will consider any comments or views of citizens, agencies, units of general local government or other interested parties concerning the Consolidated Plan or Annual Action Plan, any amendments to these plans, and the CAPER. Comments can be submitted to the Planning & Community Development Department (PCD) via written submission, phone, or email, or oral comment at public hearings. The Montana Relay number will be included in notifications to facilitate deaf, hard-of-hearing, and people with speech disabilities the ability to submit comments via phone. The PCD Department will address any complaints with written responses to written complaints within 15 working days, where practical. Depending on the nature of the complaint, staff may refer the issue to the City Manager or the City Commission if the response from staff is unsatisfactory to the complainant. As appropriate, an attachment of summary of comments and responses to complaints to the final submission of the Consolidated Plan, Consolidated Plan amendments, Annual Action Plan and the CAPER will occur.

Non-English Speaking Residents: The City will provide translation services for non-English speaking residents at public hearings upon request and within reason.

Substantial Amendments: Substantial changes in the City's planned or actual activities will require an amendment to the Consolidated Plan or Annual Action Plan. The following criterion determines substantial change and governs Consolidated Plan or Annual Action Plan amendments:

1. If a new project that has not previously received funding is being created with unprogrammed funds or created from financial changes from other funded projects.
2. If there is a change in the project site location or the project affects an area, an amendment will be required if the project location changes to a different census tract.
3. If there is a change in project purpose or beneficiaries, such as a project

eliminates or reduces by over 50% the proposed impact on the original beneficiaries, and/or if less than 51% of the beneficiaries are determined to have low to moderate incomes, an amendment will be required. The CDBG administrator will determine on a case-by-case basis if an amendment is required when the beneficiaries change from one targeted group to another.

4. If the project changes in scope of activity from the original proposal.
5. If a project budget increases by twice the total allocation and the increase exceeds 10% of the City's total current CDBG allocation.

The City will advertise a notice in the Great Falls Tribune and have notifications on the City internet site and make available any amendments to the Consolidated Plan for citizen comment for a 30 day period.

Consolidated Annual Performance Evaluation Report: The Proposed CAPER will be available to all citizens for review and comment on the City internet site and at the Great Falls Public Library and the City Planning & Community Development Department for a 15 day comment period. Notice of availability of the report is accomplished through two display advertisements in the Great Falls Tribune appearing at least six days apart, notification on the City internet site and a direct email to all individuals on the CDBG distribution list. All comments received regarding the CAPER will be considered and a summary of all comments will be attached to the report. The final version of the current CAPER will be available on the City website on an ongoing basis.

SOLICITATION OF CITIZEN COMMENTS ON THE CITIZEN PARTICIPATION PLAN:

Prior to its adoption and approval by the City Commission, the City will publish two display advertisements not less than six days apart in the Great Falls Tribune and Consumer's Press (local free weekly publication). Notices of the Citizen Participation Plan and/or any amendments to this plan will be available for a 15 day comment period and will designate the sites where a citizen may obtain a copy of the plan. These sites will include the City internet site, the Great Falls Public Library and the City Planning & Community Development Department. State relay 711 and reasonable accommodations are available upon request.

SOLICITATION OF CITIZEN COMMENTS IN PREPARING THE CONSOLIDATED PLAN OR THE ANNUAL ACTION PLAN:

1. The City will contact local affordable housing and public service agencies, the Great Falls Housing Authority and the Neighborhood Councils to obtain information and comments to make citizens aware of the Consolidated Plan or Annual Action Plan process. The City will make reasonable efforts to consult with other public, private and non-profit agencies that provide housing, health service, and social services. In particular, agencies to be consulted will be those that focus on service to children/families with children, elderly persons, racial/ethnic minorities, persons with disabilities, female heads of household, non-English speaking persons, and

other persons in need of services. State relay 711 and reasonable accommodations are available upon request.

2. The proposed Consolidated Plan or Annual Action Plan will be available to all citizens on the City internet site and at the Great Falls Public Library and the City Planning & Community Development Department. Citizens will be informed about the availability of the proposed Consolidated Plan or Annual Action Plan by notifications on the City website, publishing display advertisements in the Great Falls Tribune and the Consumers Press and emailing notices to a wide variety of public service agencies. Notices will be emailed a second time to all agencies serving minorities and individuals with disabilities requesting they encourage their clients to participate. Notification will describe the availability of the plan and the 30 day period to receive public comment.
3. The City Commission will conduct two public hearings requesting input from citizens and representatives of low to moderate income level people as to the needs of the community, including but not limited to housing, community development, infrastructure, economic development and homeless assistance. A second public hearing will be conducted to receive citizen comments on the proposed Consolidated Plan or Annual Action Plan.

The City will provide up to five free copies of the Consolidated Plan or Annual action Plan to citizens and groups upon request. Electronic copies will be made available for download from the City's website. All information and public records will be available during regular business hours in the City's Planning & Community Development Department. Special arrangements will be available to accommodate access to information for persons with disabilities and/or limited English proficiency upon request and within reason, including alternative formats for important documents associated with the public participation process.

All meetings venues associated with the Citizen Participation Plan process will be full assessable to persons with disabilities and reasonable accommodations are available upon request.

**2017 – 2018 CDBG/HOME Allocation and
Annual Action Plan Schedule**

Application available on City web site	Monday November 21, 2016
CDBG/HOME Application Workshop	Thursday December 8, 2016
City Commission sets date for Public Needs Hearing	Tuesday December 20, 2016
Pre-deadline review of applications	Tuesday December 27, 2016
City Commission conducts "Needs" Public Hearing	Tuesday January 3, 2017
Funding application deadline (Please note it is a 5 pm deadline)	Tuesday January 17, 2017
Commission Work Session to set CDBG funding Priorities & Policy	Tuesday January 17, 2017
City Commission appoints Community Development Council (CDC) members	Tuesday January 17, 2017
City Commission votes on CDBG funding priorities and policies	Tuesday February 7, 2017
CDC reviews applications and develops funding recommendations for CDBG projects.	Wednesday February 8, 2017 to Friday February 24, 2017
CDC/Staff presents funding recommendations for CDBG applications to the City Commission (Work Session)	Tuesday March 7, 2017
City Commission votes on project application funding recommendations for inclusion in 2017/2018 Annual Action Plan, sets the public hearing date.	Tuesday March 21, 2017
Proposed 2017/2018 Annual Action Plan completed and available for review.	Friday March 31, 2017
30 day comment period for proposed 2017/2018 Annual Action Plan	Friday March 31, 2017 to Sunday April 30, 2017
Public Hearing on Proposed Annual Action Plan	Tuesday April 4, 2017
Commission votes on Annual Action Plan	Tuesday April 18, 2017
ConPlan/Annual Action Plan submitted to HUD	Monday May 1, 2017

NOTE: Schedule is tentative depending on Commission meeting dates and actual meeting dates.



Item: 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

Initiated By: Brett and Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, and Galloway Investments I

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

Action Requested: City Commission accept Ordinance 3152 on first reading and set a public hearing for March 7, 2017.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3152 on first reading and set a public hearing for March 7, 2017.”

2. Mayor calls for 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 rezoning request from C-1 Neighborhood commercial district to C-2 General commercial district for the subject properties. 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

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.

Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the Great Falls Tribune on December 18, 2016. To date, Staff has received two phone calls and three in person inquiries regarding this project. Three individuals had general questions about the nature of the proposal and the difference between C-1 and C-2 zoning, and one individual expressed concern about traffic and light pollution with the potential development on the vacant parcel. Staff also received one letter in opposition (attached), and at the Public Hearing a petition in opposition of the rezone was submitted by the Cottonwood Condos board and residents (attached).

Staff recommends approval of the rezoning request.

Background:

The subject properties are 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/ CURRENT ZONING	CURRENT LAND USE	PROPERTY OWNER	PROPERTY ADDRESS	PROPERTY LEGAL DESCRIPTION	PROPERTY SIZE
BEEF 'O' BRADY'S/ C-1	RESTAURANT/ TAVERN	HAVERLANDT, BRETT & SANDRA	1600 FOX FARM RD	LOT 1, BLOCK 1, MONTANA ADDITION, S15, T20N, R03E	0.819 ac or 35,675.64 s.f.
HOLIDAY GAS STATION & SUBWAY / C-1	VEHICLE FUEL SALES/ RESTAURANT	MEADOWLARK FF&S LLC	1601 FOX FARM RD	LOT 1, BLOCK 1, TIETJEN TRIANGLE ADDITION, S14, T20N, R03E	1.153 ac or 50,224.68 s.f.
LUCKY LIL'S CASINO / C- 1	LEGAL NON- CONFORMING CASINO, TYPE II	BILLINGS HOLDINGS LLC	1605 FOX FARM RD	LOT 1B, BLOCK 1, TIETJEN TRIANGLE ADDITION S14, T20N, R03E	0.692 ac or 30,143.52 s.f.
DAIRY QUEEN / C- 1	RESTAURANT	GALLOWAY INVESTMENTS INC	1651 FOX FARM RD	LOT 1A-1, BLOCK 1, TIETJEN TRIANGLE ADDITION, S14, T20N, R03E	0.315 ac or 13,721.4 s.f.
VACANT /	VACANT	BILLINGS	520	MARKS 3, 5, 11,	2.626 ac

C-1	(PROPOSED HOTEL)	HOLDINGS LLC	COUNTRY CLUB BLVD	BLOCK 3, COUNTRY CLUB ADDITION, S14, T20N, R03E	or 114,388.56 s.f.
DAHLQUIST REALTORS / C-1	PROFESSIONAL SERVICES	HAYERLANDT, BRETT & SANDRA	500 COUNTRY CLUB BLVD	MARK 2, BLOCK 3, COUNTRY CLUB ADDITION, S14, T20N, R03E	0.344 ac or 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, 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.

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 between Dahlquist Realtors and the Holiday Gas Station/Subway owned by Billings Holdings LLC 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:

The City Commission could deny acceptance of Ordinance 3152 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, Park and Recreation, and Fire 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
- ▢ 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 February 7, 2017.

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

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

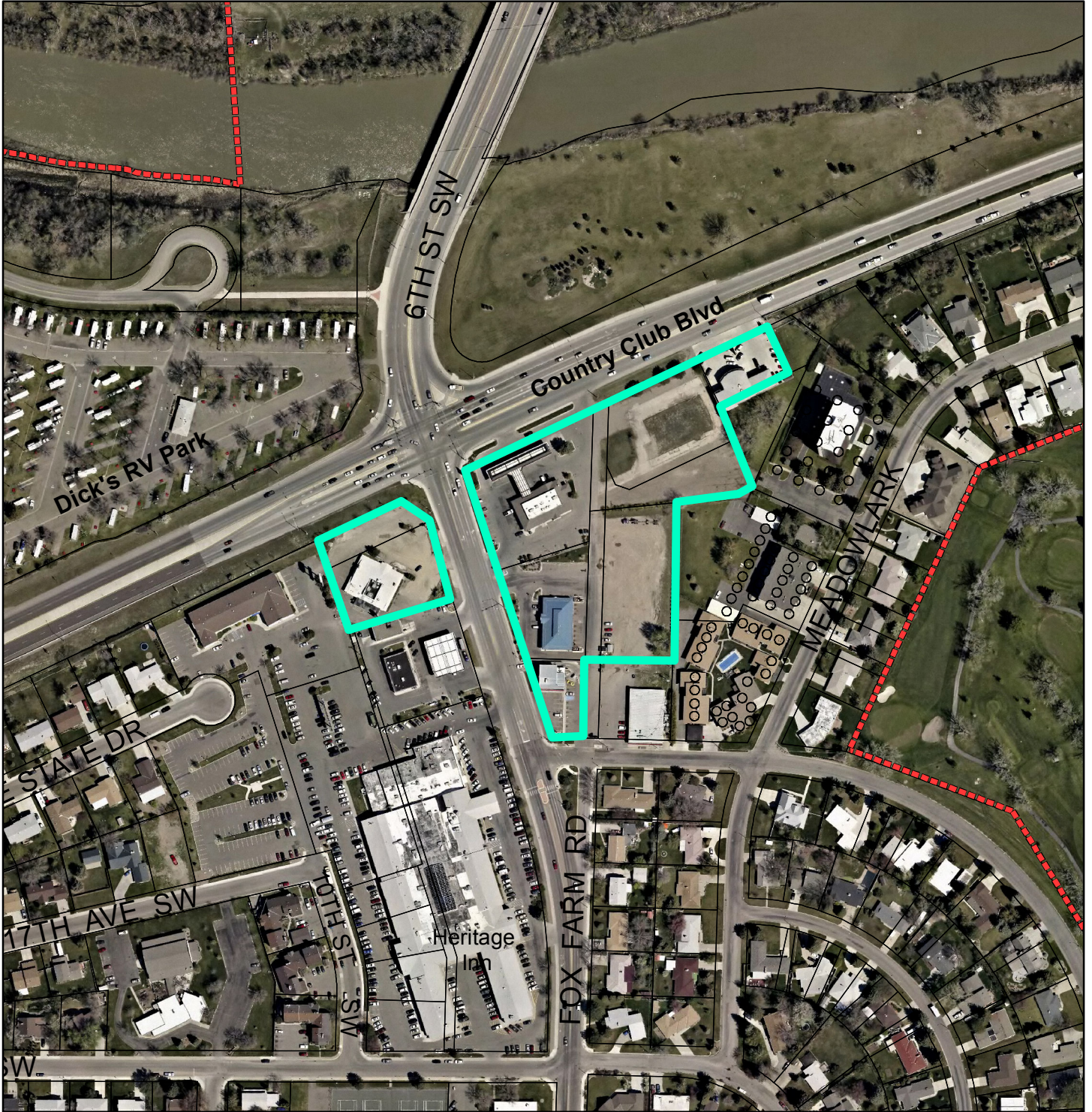
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3152 in three conspicuous places within the limits of said City to-wit:


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

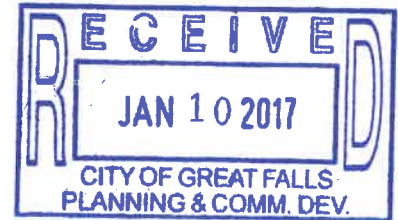


 Properties included in rezone to C-2 General commercial

 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#45owner: Richard Kujala Richard Kujala Datte: 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

Units 23+35

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>

Fri, Jan 6, 2017 at 2:05 PM

To: "bgquene@gmail.com" <bgquene@gmail.com>

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>

Fri, Jan 6, 2017 at 2:09 PM

To: "bgquene@gmail.com" <bgquene@gmail.com>

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

COMPOSE

Proposed Zoning change

Inbox x

More

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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Unit 40

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

-  Gayetta
-  Brian Winters
-  Lesley Juel
-  Pam Juel

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

Sent from my iPhone

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

>> As a resident of the Cottonwoods Condo's, 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

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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

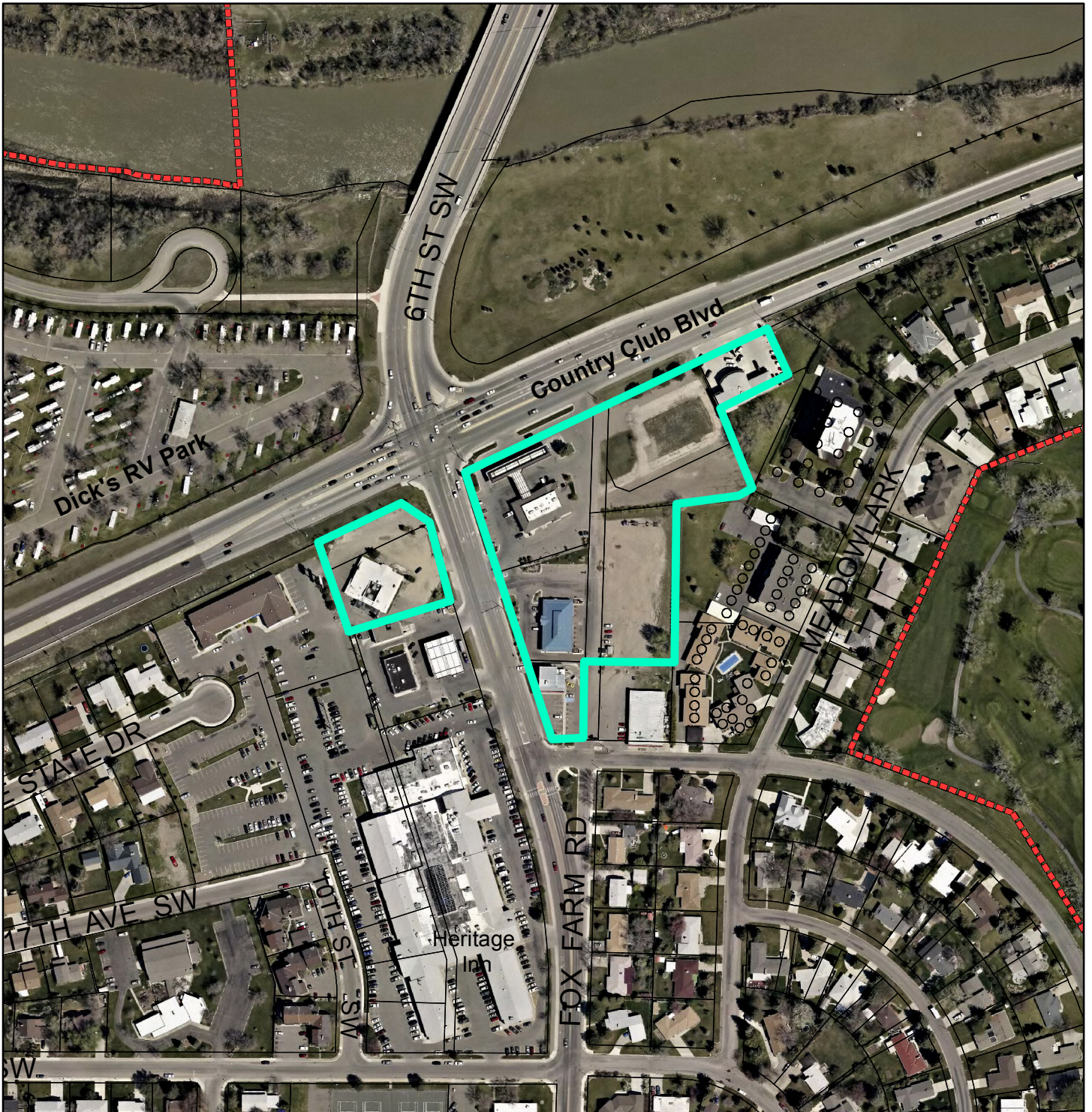
Great Falls, MT 59404

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
Carol Drga

AERIAL MAP




 Properties included in rezone applicaiton

 City Limits

 Tracts of Land

300 150 0 300 Feet



ZONING MAP



----- City Limits

▭ Tracts of Land

▭ Properties included in rezone application

▭ R-2 Single-family Medium Density

▭ R-6 Multi-family High Density

▭ 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

Key:	
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 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% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% 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 Residential: 5 feet each side	Commercial: none Residential: 5 feet each side 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% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%

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

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8415 • WWW.GREATFALLSMT.NET

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
Mark/Lot:	Section:	Township/Block:	Range/Addition:
Country Club Boulevard & Fox Farm Road (see attached exhibits)			

Street Address:

ZONING:

C1	C2	Neighborhood Commercial general business	General Commercial general business
Current:	Proposed:	Current:	Proposed:

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

CITY OF GREAT FALLS
 PLANNING & COMMUNITY DEVELOPMENT DEPT.
 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

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:		LAND USE:	
C1	C2	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.

Bay C. Moore

Property Owner's Signature: _____ **Date:** 10/3/16

Representative's Signature: _____ **Date:** _____

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P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
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DEVELOPMENT APPLICATION

Fox Farm Rezone

Name of Project / Development:

Galloway Inv Inc.
Owner Name: DBA Fox Farm D. Q.

310 - 69750 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
Mark/Lot:	Section:	Township/Block:	Range/Addition:
Country Club Boulevard & Fox Farm Road (see attached exhibits)			

Street Address:

ZONING:

C1	C2	Neighborhood Commercial general business	General Commercial general business
Current:	Proposed:	Current:	Proposed:

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.

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

Representative's Signature: Date:

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PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
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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:

* - Billings Holdings, LLC parcel

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:

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PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8415 • WWW.GREATFALLSMT.NET

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 10th 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 10th 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

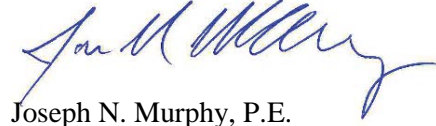
As per your request, we have modified the exhibit according to your comment. Please find the revised exhibit attached.

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". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

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: Ordinance 3154, "AN ORDINANCE AMENDING TITLE 3, CHAPTER 8, SECTION 040 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO COMPETITIVE SEALED PROPOSALS"

From: Joseph Cik, Assistant City Attorney

Initiated By: Sara Sexe, City Attorney

Presented By: Joseph Cik, Assistant City Attorney

Action Requested: Accept Ordinance 3154 on first reading and set public hearing for February 21, 2017.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3154 on first reading and set the public hearing for February 21, 2017."

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

Staff Recommendation:

Staff recommends that the City Commission accept Ordinance 3154 on first reading and set the public hearing for February 21, 2017.

Summary:

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, to conflicts with State and Federal law. Additionally the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to begin a comprehensive revision of the deficiencies mentioned.

The section of the Code to be cured by the ordinance under consideration is OCCGF §3.8.040 pertaining to competitive sealed proposals. The section currently states:

A. When, not required by law, the City Manager or a department head determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.

B. Proposals must be solicited through a request for proposals.

C. Adequate public notice of the request for proposals must be given in the same manner as provided in 7-5-4302(2) MCA.

D. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals must be prepared and open for public inspection at the City Clerk's Office after contract award.

E. The request for proposals must state the relative importance of price and other evaluation factors.

F. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit apparently responsive proposals for the purpose of clarification, to assure full understanding of and responsiveness to the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award, for the purpose of obtaining best and final offers. In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. The City may require the submission of cost or pricing data in connection with an award under this section.

G. The award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price, including the preference in 18-1-102 MCA, and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made.

MCA §7-5-4302 states:

(1) Except as provided in 7-5-4303, 7-5-4310, or Title 18, chapter 2, part 5, a contract 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 must be let to the lowest responsible bidder after advertisement for bids.

(2) The advertisement must be published as provided in 7-1-4127, and the second publication must be made not less than 5 days or more than 12 days before the

consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids.

(3) The council may:

(a) postpone awarding a contract until the next regular meeting after bids are received in response to the advertisement;

(b) reject any or all bids; and

(c) readvertise as provided in this section.

MCA §7-5-4302 only requires the advertisement dictated in (2), if the contract being created involves the criteria listed in (1). Therefore, an otherwise legal contract may be bid for by competitive sealed proposals that need not be advertised in compliance with (2).

The current language of OCCGF §3.8.040 restricts the City Manager and the various department heads from using the competitive sealed proposal process. Unless the contract being created meets the criteria listed in MCA §7-5-4302(1), these restrictions are not necessary, and they should not be applied to every single request for competitive sealed proposals. The ordinance under consideration cures this deficiency.

ATTACHMENTS:

- ▣ Ordinance 3154
- ▣ Ord. 3154 Exhibit A

ORDINANCE 3154

AN ORDINANCE AMENDING TITLE 3, CHAPTER 8, SECTION 040 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO COMPETITIVE SEALED PROPOSALS

WHEREAS, the governing body of an incorporated city may revise and correct, as appropriate, City Code; and

WHEREAS, the City Commission codified the Official Code of the City of Great Falls (OCCGF); and

WHEREAS, the City Commission has an obligation to, as appropriate, amend and revise the OCCGF; and

WHEREAS, the City Commission wishes to amend OCCGF Title 3, Chapter 8, Section 040 to allow competitive sealed proposals for contracts to be submitted to the City that does not otherwise conflict with State or Federal law.

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

- Section 1. Title 3, Chapter 8, Section 040, of the OCCGF pertaining to competitive sealed proposals shall be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a ~~strike-out~~; and,
- Section 2: This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

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

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 21, 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 3154 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)

Exhibit "A"

Title 3 - REVENUE AND FINANCE

Chapter 8 PURCHASING

Chapter 8 PURCHASING

Sections:

3.8.040 Competitive sealed proposals.

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- A. When, not required by law, the City Manager or a department head determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.
- B. Proposals must be solicited through a request for proposals.
- C. Adequate public notice of the request for proposals must be given ~~in the same manner as provided in 7-5-4302(2) MCA.~~
- D. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals must be prepared and open for public inspection at the City Clerk's Office after contract award.
- E. The request for proposals must state the relative importance of price and other evaluation factors.
- F. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit apparently responsive proposals for the purpose of clarification, to assure full understanding of and responsiveness to the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award, for the purpose of obtaining best and final offers. In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. The City may require the submission of cost or pricing data in connection with an award under this section.
- G. The award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price, including the preference in 18-1-102 MCA, and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made.