

ORDINANCE NO. 2897

AN ORDINANCE ASSIGNING VERBIAGE TO  
OCCGF 3.04.070 SELL, TRADE OR LEASE  
PERSONAL PROPERTY.

● \* \* \* \* \*

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

That verbiage be added to OCCGF 3.040.070, Item B, and read as follows:

**3.04.070 Sell, trade or lease – Personal Property.** B. Advertisement for bids shall be made once in a paper of general circulation in the City with publication to be not less than five not more than twelve days before consideration of bids; **or the City may place the item on an internet auction site with an established minimum price.**

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

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
this 4th day of January, 2005.

\_\_\_\_\_  
Randall H. Gray, Mayor

ATTEST:

\_\_\_\_\_  
Carolyn M. Horst, Deputy City Clerk

(SEAL OF CITY)

\_\_\_\_\_  
APPROVED FOR LEGAL CONTENT: City Attorney

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

I, Carolyn M. Horst, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2897 was placed on its final passage and passed by

the Commission of the City of Great Falls, Montana at a meeting thereof held on the 4th day of January, 2005, and approved by the Mayor of said City on the 4th day of January, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 4th day of January, 2005.

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Carolyn M. Horst, Deputy City Clerk

(SEAL OF CITY)

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

Carolyn M. Horst, being first duly sworn, deposes and says: That on the 4th day of January, 2005, and prior thereto, she was the Deputy City Clerk of the City of Great Falls, Montana; that as said Deputy City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2897 of the City of Great Falls, 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

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Carolyn M. Horst, Deputy City

Clerk  
(SEAL OF CITY)

Chapter 3.04

REAL AND PERSONAL PROPERTY SALE, TRADE OR LEASE

**Sections:**

- 3.04.010 Sale, trade or lease.
- 3.04.020 Park Board.
- 3.04.030 Public hearing.
- 3.04.040 Appraisal.
- 3.04.050 Bidding.
- 3.04.060 Development proposal.
- 3.04.070 Sell, trade or lease--Personal property.
- 3.04.080 Sale, trade, grant, donate or lease to governmental entities.

**3.04.010 Sale, trade or lease.** The City may sell, trade or lease for any period of time any real property whether or not the same be held in trust for a specific purpose without a vote of the electors and when passed by a four-fifths vote of all the members of the City Commission. (Ord. 2652 (part), 1993; Ord. 2581 ' 2 Exh. B (part), 1990).

**3.04.020 Park Board.** In the case of property held in trust for park purposes, and before the sale, trade or lease of the same, the Park Board shall review the proposal and make a recommendation to the City Commission. (Ord. 2652 (part), 1993; Ord. 2581 ' 2 Exh. B (part), 1990).

**3.04.030 Public hearing.** Before final consideration by the City Commission of the sale, trade or lease of City property, the City Commission shall hold a public hearing thereon and allow at least fifteen days notice of the time and place of such hearing to be published in a paper of general circulation in the City. (Ord. 2652 (part), 1993; Ord. 2581 ' 2 Exh. B (part), 1990).

**3.04.040 Appraisal.** A. The City shall obtain an appraisal of the subject property for sale or trade to determine a minimum price except and unless the cost of appraisal is estimated to exceed seven percent of the value of the subject property whereupon the City shall establish a minimal price by comparable sales or leases in the area. Estimated land values shall be determined by other comparable sales or leases in the area. If a minimum price or value is established by appraisal, no bid or trade shall be accepted which does not meet or exceed the appraised value.

B. Regardless of the limitations imposed by subsection A of this section, the City Commission may require an appraisal to establish a minimum price on any or all property whenever it is deemed in the best interest of the City. (Ord. 2652 (part), 1993; Ord. 2581 ' 2 Exh. B (part), 1990).

**3.04.050 Bidding.** A. The sale, trade or lease of said property must be made to the highest responsible bidder except:

1. Where there is no actual potential for more than one party interested in making a bid;
2. For a lease of recreational facilities related to special events; or
3. Where the City trades or exchanges for property of a like kind with equal or greater value;
4. Where the use is to continue for a public purpose and the same is subject to a reversion to the City should the use ever be changed to any other purpose.

B. Advertisement for bids shall be made once in a paper of general circulation in the City with the publication to be not less than five nor more than twelve days before consideration of bids. (Ord. 2652 (part), 1993; Ord. 2595 ' 1, 1991; Ord. 2581 ' 2 Exh. B (part), 1990).

**3.04.060 Development proposal.** The City may require a development proposal for the sale, transfer or lease of property which may include but not be limited to designation of a specific use or other conditions established by the City Commission. (Ord. 2652 (part), 1993; Ord. 2581 ' 2 Exh. B (part), 1990).

**3.04.070 Sell, trade or lease--Personal Property.** The City may sell, trade or lease any personal property by negotiation without advertising for bids, for any period of time, unless the value thereof, either singularly or in the aggregate, exceeds ten thousand dollars whereupon such sale, trade or lease must be made to the highest bidder.

A. An appraisal may be required to determine value or establish a minimum price for such property;

B. Advertisement for bids shall be made once in a paper of general circulation in the City with publication to be not less than five not more than twelve days before consideration of bids; **or the City may place the item for sale on an internet auction site with an established minimum price.**

C. Where any single item of personal property exceeds a reasonably estimated value of one thousand dollars, the same must be declared surplus property by the City Commission prior to sale;

D. This section is intended to supersede 7-5-4307 MCA and any other relevant statute. (Ord. 2652 (part), 1993; Ord. 2585, 1991).