

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 10408, entitled: "RESOLUTION OF INTENTION TO AMEND THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AUTHORIZE THE GREAT FALLS OFFICE OF PLANNING & COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS AS SET FORTH THEREIN; AND CALLING FOR A PUBLIC HEARING THEREON" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City of Great Falls at a regular meeting on June 1, 2021 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commission Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 1st day of June, 2021.

(SEAL)

City Clerk

RESOLUTION 10408

RESOLUTION OF INTENTION TO APPROVE THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AMEND THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER SUCH PROGRAMS; AUTHORIZE THE GREAT FALLS OFFICE OF PLANNING & COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS AS SET FORTH THEREIN; AND CALLING FOR A PUBLIC HEARING THEREON

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. Pursuant to Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), and Ordinance 3088, adopted by the Commission on May 15, 2012, and as further amended and supplemented pursuant to Ordinance No. 3222, adopted by the Commission on October 6, 2020 (collectively, the “Ordinance”), the City has created the Downtown Urban Renewal District (the “District”) as an urban renewal area and approved the Downtown Urban Renewal Plan (the “Plan”) as an urban renewal plan for the District. The Plan provides for the segregation and collection of tax increment revenues with respect to the District in accordance with the provisions of the Act.

1.02. Pursuant to the Act, the City has the power to formulate and coordinate “workable programs” for utilizing private and public resources in order to encourage needed rehabilitation in the District, including voluntary or compulsory repair and rehabilitation of buildings and other improvements. Such programs may be implemented in order to: (i) eliminate and prevent the development or spread of blighted areas; (ii) encourage needed urban rehabilitation; (iii) provide for the redevelopment of such areas; or (iv) undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such programs. Such programs may include, without limitation, provision for the rehabilitation of blighted areas or portions thereof by encouraging voluntary rehabilitation and compelling the repair and rehabilitation of deteriorated or deteriorating structures, and the redevelopment of blighted areas of portions thereof. The Act further authorizes the City to use tax increment revenues to pay for costs of or incurred in connection with such programs.

1.03. The City has developed the following “workable programs” for the District, the primary objectives of which are the elimination and prevention of blight in the District and the redevelopment of the Downtown core by encouraging voluntary repair of existing commercial property within the District and providing for the undertaking of specific improvements and measures with respect thereto (collectively, the “TIF Programs”), which program materials and guidelines are attached hereto as Exhibit A and made a part hereof:

Façade Improvement Program

Life Safety/Code Compliance Program

Environmental Safety Program

The TIF Programs provide for the grant of subsidies payable from tax increment (as defined in the Act) revenues of the District, subject to the terms and conditions of the TIF Programs.

1.04. The City's Director of Finance and Director of Planning and Community Development (the "City Staff") have jointly reviewed and evaluated the TIF Programs and made a report and recommendation (the "City Staff Report") that the TIF Programs be approved. On May 25, 2021, the City Planning Board (the "Planning Board") received, reviewed and considered the City Staff Report and has made recommendation to the Commission to the effect that the Plan, as amended to incorporate the TIF Programs, conforms to the City's Growth Policy adopted in accordance with Title 76, Chapter 1.

1.05. The City proposes to approve the TIF Programs and amend the Plan in order to authorize, approve and incorporate the TIF Programs thereunder as "workable programs" for the District in accordance with the Act. In addition, for the fiscal year commencing July 1, 2021, the City proposes to allocate to the TIF Programs tax increment revenues of the District for grants thereunder. Prior to such approvals, the Commission is required to conduct a public hearing and make certain findings set forth in the Act.

Section 2. Preliminary Findings. Based on the foregoing representations and subject to the public hearing called for herein, the Commission hereby finds as follows:

- (a) no persons will be displaced from their housing by the TIF Programs;
- (b) the Plan, as amended to incorporate the TIF Programs, conform to the City's Growth Policy adopted in accordance with Title 76, Chapter 1;
- (c) the Plan, as amended to incorporate the TIF Programs, will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise; and
- (d) a sound and adequate financial program exists for the financing of the costs of the TIF Programs using tax increment revenue of the District.

Section 3. Public Hearing. A public hearing is hereby called and shall be held on July 6, 2021 at 7:00 p.m. in the Commission Chambers at 2 Park Drive South, Great Falls, Montana regarding the approval of the TIF Programs and the amendment of the Plan.

Section 4. Notice. Notice of the public hearing shall be published in the *Great Falls Tribune* on [_____] and [_____] , 2021, in substantially the form attached as Exhibit B hereto (which is incorporated by reference and made a part hereof).

Section 5. Reading of Ordinance. The first reading of the Ordinance substantially in the form attached as Exhibit C hereto (the “Ordinance”) shall occur at the Commission’s regular meeting on June 1, 2021 and the second reading of the Ordinance shall occur at the Commission’s regular meeting on July 6, 2021, and it is the Commission’s intention that the Ordinance will be voted upon at the conclusion of the second reading.

Passed and adopted by the City Commission of the City of Great Falls, Montana, on this 1st day of June, 2021.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

EXHIBIT A

TIF PROGRAMS

**CITY OF GREAT FALLS
DOWNTOWN URBAN RENEWAL DISTRICT
ENVIRONMENTAL SAFETY PROGRAM**

IMPORTANT: Costs to be paid with Tax Increment Funds (TIF) may not be incurred by the Applicant prior to funding approval and the satisfaction of any conditions of such approval.

INTRODUCTION:

The Downtown Development Partnership (DDP) advocated for the creation of several programs that would allow developers to utilize TIF for assistance in redevelopment or rehabilitation of private properties within the Downtown Urban Renewal District (District).

Any approved subsidies are in the form of matching funds to private investment, up to a maximum of \$5,000 for Environmental Safety improvements. The Applicant has the sole responsibility to repay any loans used to finance the private portion of the project.

The Environmental Safety Program works toward the elimination of blight based upon the principles of Crime Prevention Through Environmental Design (Environmental Safety) and other safety and security design principles. Environmental Safety is a set of design principles used to discourage crime and promote building security.

Information on these programs is available through Planning & Community Development at the City of Great Falls (City). Each program targets various conditions and has different criteria that must be addressed through the application process.

The following is a summary of the Environmental Safety Program.

PROGRAM OBJECTIVES:

The primary objective of the Environmental Safety Program is the elimination and prevention of blight and the redevelopment of the Downtown core by encouraging commercial property and business owners to install measures that provide for safety and security on the exterior of the buildings in the Downtown Urban Renewal District.

The intent of the Environmental Safety Program is to improve the urban core and encourage redevelopment and elimination of blight through the use of TIF funds as specified by Montana Urban Renewal Act, Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated (MCA). Authorization for the City to administer a program such as the Environmental Safety Program can be found in the Montana Urban Renewal Act, including:

- 7-15-4206 MCA – Blight – the substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of building or improvements; and unsanitary or unsafe conditions;
- 7-15-4206 MCA – Rehabilitation – carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
- 7-15-4233 MCA – Powers which may be exercised by an urban renewal agency – to formulate and coordinate a workable program as specified in 7-15-4209; and to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;

- 7-15-4209 MCA – a municipality may formulate a workable program for utilizing appropriate private and public resources to encourage needed urban rehabilitation; and
- 7-15-4288 MCA – Costs that may be paid by Tax Increment Financing (TIF) – costs incurred in connection with the redevelopment activities allowed under 7-15-4233.

Authorization for these programs was called for in the Downtown Master Plan, under Aesthetics, item 1.c.

Additional objectives are to:

1. Reduce/remove the opportunity for crime to occur in our Downtown core.
2. Prevent crime by designing a physical environment that positively influences human behavior.
3. Promote positive interactions for those frequenting Downtown.
4. Retain and expand safe employment opportunities in our Downtown core.

The approved funding is given at the discretion of the City based upon review of the Applicant's compliance with program objectives, eligibility requirements, eligible construction activities, and availability of TIF funds.

ELIGIBILITY REQUIREMENTS:

The following eligibility requirements have been established to accomplish the Environmental Safety Program objectives. These requirements involve the specifics of individual requests for approved funds, and the materials that the Applicant must submit to have a successful application. Application forms may be obtained from the City – Planning and Community Development. Application forms must be completed in their entirety before the project will be considered.

1. For the purposes of the Environmental Safety Program, a "project" is defined as installation of specific safety and security measures that consist of exterior lighting and/or security cameras on commercial properties/businesses located within the District.
2. Matching funds for the subsidy may total up to fifty percent (50%) of the project's eligible expenses.
3. The maximum aggregate limit of TIF funds granted through the Environmental Safety Program by the City on any one project is \$5,000.
4. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City on any one project is \$80,000.
5. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City on any one parcel is \$80,000 over a fifteen (15) year period.
6. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City in any one fiscal year is \$500,000; provided that TIF funds granted in a fiscal year may be disbursed in a subsequent fiscal year.
7. Notwithstanding anything herein to the contrary, the City Commission reserves the right and discretion, upon the demonstration of extraordinary circumstances, to approve grants in excess of the above referenced aggregate limits.
8. All applications will be reviewed in the order in which they are received by the City.
9. All commercial property within the District is eligible for the Environmental Safety Program, with the exception of publicly owned buildings. For the purposes of the Environmental Safety Program, residential properties with four or more units will be considered commercial properties.

10. All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date. Evidence of payment in the form of a tax receipt is required and must be submitted with the application.
11. Documentation from architects or engineers licensed to practice in Montana will be accepted if their analysis and plans are verified in writing. In addition, project elements, and a rendering of the proposed project may also be required.
12. If approved for TIF funds, the Applicant is required to follow requirements for public construction contracts as it pertains to payment, competitive bidding and standard prevailing rate of wages. All expenditures must be itemized by materials and labor, and construction estimates must be obtained from licensed and bonded contractors and submitted with the application. Receipts, or invoices marked as paid by the contractor or vendor or comparable documentation will be required for all work undertaken on eligible project improvements prior to reimbursement being approved.
13. All plans, materials, construction techniques and the completed project are subject to inspection and verification by City personnel.
14. If any one of these requirements are not met TIF funding may be withheld.
15. The Office Planning & Community Development will review Applications and determine eligibility for TIF subsidies and project reimbursements.

ELIGIBLE ACTIVITIES:

IMPORTANT: All construction undertaken pursuant to the Environmental Safety Program must be in accordance with a design that has been reviewed and approved by City Building Officials to ensure compliance with program objectives, design criteria and City Code compliance. The Applicant must also obtain all applicable permits and comply with all municipal ordinances and applicable building codes.

The Environmental Safety Program was created to eliminate blight and encourage redevelopment of the Downtown through the implementation of public safety and security measures of the buildings in the District. All applications must meet these specific criteria to be eligible for TIF funds subsidy, if applicable.

Eligible activities include, but are not limited to the following:

1. Installation of exterior lighting and/or security cameras on the exterior of commercial buildings located within the District.
2. All improvements covered by the Environmental Safety Program must be of a semi-permanent nature.
3. All fees and permit charges must be itemized, and receipts provided.
4. The following are ineligible activities for funding through the Environmental Safety Program:
 - a. Architectural/engineering assistance and design fees;
 - b. Improvements that are not of a semi-permanent nature;
 - c. Fines or charges levied against the property for any reason; and
 - d. Work initiated prior to necessary program approvals.

PLEASE NOTE: Items ineligible for assistance under the Environmental Safety Program may be eligible under other TIF Programs offered by the City. An Applicant may submit an application for or be concurrently involved in those programs, subject to the caps set forth above. Items listed in the application for TIF assistance will be reviewed by the City to determine the appropriate program or programs they may fall under. All applications are evaluated on a case-

by-case basis. The City shall have sole discretion with respect to the administration of TIF funds under the Environmental Safety Program and other programs and the submission of applications materials by an Applicant shall in no way result in any entitlement by such Applicant to any TIF funds under the Environmental Safety Program and other programs unless and until awarded by the City and then only upon satisfaction of all pre-requisites established by the City for receipt of TIF funds.

APPLICANT RESPONSIBILITIES:

The Applicant agrees to the following pursuant to the Environmental Safety Program.

1. Applicant completes TIF application and complies with all program requirements. This material is provided to the City for review.
2. In the application process, Applicant provides expected date of completion of the project. If project is not completed by this date, TIF funds obligated may be rescinded.
3. Applicant selects the architect, engineer, and contractors who will participate in the project, complies with competitive bidding and standard prevailing wage requirements and obtains all permits and necessary approvals from the City associated with the project, if applicable.
4. If the Applicant finances all or part of the private portion of the project using a lending institution, the Applicant will be solely responsible for all loan repayments and for compliance with all lender requirements.
5. Applicant is solely responsible for the full payment of all material, laborers and subcontractors employed in the project.
6. At the completion of the Project, the Applicant must submit copies of all relevant contractor or vendor invoices, receipts verifying payment. Invoices must be marked as paid by the contractor or vendor.
7. It is the Applicant's responsibility to ensure that the Applicant and all of the Applicant's contractors or sub-contractors have adequate liability and workers compensation insurance for the project.
8. Applicant is responsible to register security cameras with the Great Falls Police Department.
9. Applicant agrees to protect, indemnify, defend, and save harmless the City against and from any and all claims, liabilities, demands, causes of action, judgments (with any costs and fees that might be awarded), attorney's fees, and losses to the City arising in favor of or asserted by any person or entity on account of personal injury, death or damage to property arising out of, in connection with, or incidental to the negligence or willful misconduct of Applicant, or its agents or employees related to the activities under the Environmental Safety Program.

CITY RESPONSIBILITIES

1. The City provides the Applicant with the Environmental Safety Program application.
2. The City reviews the application and determines which activities and expenses are eligible.
3. The City evaluates the eligible expenses as they relate to the program objectives and calculates the matching funds subsidy to determine any potential TIF contribution to the project.
4. The City notifies the Applicant of project approval.
5. The City closes out the application upon satisfactory completion of the project:
 - a. Inspection of the project for completeness and compliance to design submitted in the application.

- b. Reviews lien waivers from contractors, subcontractors, and vendors.
 - c. Reviews paid invoices and/or prevailing wage payroll certification from contractors and vendors.
 - d. Processes claim for payment.
6. The City has absolutely no responsibility for payment of any Applicant's material, laborers, or contractors.
 7. The City shall have no civil liability for any damages or claims arising from any of the Applicant's undertakings.

DRAFT

**CITY OF GREAT FALLS
DOWNTOWN URBAN RENEWAL DISTRICT
FAÇADE IMPROVEMENT PROGRAM**

IMPORTANT: Costs to be paid with Tax Increment Funds (TIF) may not be incurred by the Applicant prior to funding approval and the satisfaction of any conditions of such approval.

INTRODUCTION:

The Downtown Development Partnership (DDP) advocated for the creation of several programs that would allow developers to utilize TIF for assistance in redevelopment or rehabilitation of private properties within the Downtown Urban Renewal District (District).

Any approved subsidies are in the form of matching funds to private investment, up to a maximum of \$50,000 for permanent Façade Improvements. The Applicant has the sole responsibility to repay any loans used to finance the private portion of the project.

Information on these programs is available through Planning & Community Development at the City of Great Falls (City). Each program targets various conditions and has different criteria that must be addressed through the application process.

The following is a summary of the Façade Improvement Program.

PROGRAM OBJECTIVES:

The primary objective of the Façade Improvement Program is the elimination and prevention of blight and the redevelopment of the Downtown core by encouraging voluntary repair of existing commercial property within the District and providing for improvements of the public facing exteriors of buildings in the District.

The intent of the Façade Improvement Program is to improve the urban core and encourage redevelopment and elimination of blight through the use of TIF funds as specified by Montana Urban Renewal Act, Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated (MCA). Authorization for the City to administer a program such as the Façade Improvement Program can be found in Montana Urban Renewal Act, including:

- 7-15-4206 MCA – Blight – the substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of building or improvements;
- 7-15-4206 MCA – Rehabilitation – carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
- 7-15-4233 MCA – Powers which may be exercised by an urban renewal agency – to formulate and coordinate a workable program as specified in 7-15-4209; and to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
- 7-15-4209 MCA – a municipality may formulate a workable program for utilizing appropriate private and public resources to encourage needed urban rehabilitation; and
- 7-15-4288 MCA – Costs that may be paid by Tax Increment Financing (TIF) – costs incurred in connection with the redevelopment activities allowed under 7-15-4233.

Authorization for these programs was called for in the Downtown Master Plan under Aesthetics, item 1.c.

Additional objectives are to:

1. Encourage elimination of conditions that could be a serious and growing menace, injurious to public health, safety, and welfare.
2. Encourage private investment in commercial property in the District through the use of public incentives.
3. Stimulate economic and business development within the District by providing safe environments for workers, businesses, and the public.
4. Retain and expand safe employment opportunities through economic development.

The approved funding is given at the discretion of the City based upon review of the Applicant's compliance with program objectives, eligibility requirements, eligible construction activities, and availability of TIF funds.

ELIGIBILITY REQUIREMENTS:

The following eligibility requirements have been established to accomplish the Façade Improvement Program objectives. These requirements involve the specifics of individual requests for approved funds, and the materials that the Applicant must submit to have a successful application. Application forms may be obtained from the City – Planning and Community Development. Application forms must be completed in their entirety before the project will be considered.

1. For the purposes of the Façade Improvement Program, a "project" is defined as any permanent improvements on public facing exterior surfaces within the District. This could include, but is not limited to, window upgrades/installation, entryways, masonry, installation, and refurbishment or major overhaul of permanent overhangs
2. Matching funds for the subsidy may total up to fifty percent (50%) of the project's eligible expenses.
3. The maximum aggregate limit of TIF funds granted through the Façade Improvement Program by the City on any one project is \$50,000.
4. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City on any one project is \$80,000.
5. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City on any one parcel is \$80,000 over a fifteen (15) year period.
6. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City in any one fiscal year is \$500,000; provided that TIF funds granted in a fiscal year may be disbursed in a subsequent fiscal year.
7. Notwithstanding anything herein to the contrary, the City Commission reserves the right and discretion, upon the demonstration of extraordinary circumstances, to approve grants in excess of the above referenced aggregate limits.
8. All applications will be reviewed in the order in which they are received by the City.
9. All commercial property within the District is eligible for the Façade Improvement Program, with the exception of publicly owned buildings. For the purposes of the Façade Improvement Program, residential properties with four or more units will be considered commercial properties.

10. All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date. Evidence of payment in the form of a tax receipt is required and must be submitted with the application.
11. Documentation from architects or engineers licensed to practice in Montana will be accepted if their analysis and plans are verified in writing. In addition, a listing of the construction materials, project elements, and a rendering of the proposed project may also be required.
12. If approved for TIF funds, the Applicant is required to follow requirements for public construction contracts as it pertains to payment, competitive bidding and standard prevailing rate of wages. All expenditures must be itemized by materials and labor, and construction estimates must be obtained from licensed and bonded contractors and submitted with the application. Receipts, or invoices marked as paid by the contractor or vendor or comparable documentation will be required for all work undertaken on eligible project improvements prior to reimbursement being approved.
13. All plans, materials, construction techniques and the completed project are subject to inspection and verification by City personnel.
14. If any one of these requirements are not met TIF funding may be withheld.
15. The Office Planning & Community Development will review Applications and determine eligibility for TIF subsidies and project reimbursements.

ELIGIBLE ACTIVITIES:

IMPORTANT: All construction undertaken pursuant to the Façade Improvement Program must be in accordance with a design that has been reviewed and approved by City Building Officials to ensure compliance with program objectives, design criteria and City Code compliance. The Applicant must also obtain all applicable permits and comply with all municipal ordinances and applicable building codes.

The Façade Improvement Program was created to encourage voluntary repair of existing commercial property within the District and provide for improvements of public facing exteriors of the buildings in the District. All applications must meet these specific criteria to be eligible for TIF funds subsidy, if applicable.

Eligible activities include, but are not limited to the following:

1. Installation, construction, or significant permanent improvements to include replacement of public facing exterior surfaces including, but not limited to, window upgrades/installation, entryways, masonry, installation, and refurbishment or major overhaul of permanent overhangs.
2. All improvements covered by the Façade Improvement Program must be of a permanent nature.
3. Architectural/engineering assistance and design fees are eligible expenses. All fees and permit charges must be itemized, and receipts provided.
4. The following are ineligible activities for funding through the Façade Improvement program:
 - a. Improvements that are not of a permanent nature;
 - b. Routine maintenance or repair of window casings, entryways, or permanent overhangs;
 - c. Corrections of structural deficiencies of the building;
 - d. Fines or charges levied against the property for any reason; and
 - e. Work initiated prior to necessary program approvals.

PLEASE NOTE: Items ineligible for assistance under the Façade Improvement Program may be eligible under other TIF Programs offered by the City. An Applicant may submit an application for or be concurrently involved in those programs, subject to the caps set forth above. Items listed in the application for TIF assistance will be reviewed by the City to determine the appropriate program or programs they may fall under. All applications are evaluated on a case-by-case basis. The City shall have sole discretion with respect to the administration of TIF funds under the Façade Improvement Program and the other programs and the submission of application materials by an Applicant shall in no way result in any entitlement by such Applicant to any TIF funds under the Façade Improvement Program and the other programs unless and until awarded by the City and then only upon satisfaction of all pre-requisites established by the City for receipt of TIF funds.

APPLICANT RESPONSIBILITIES:

The s Applicant agrees to the following pursuant to the Façade Improvement Program.

1. Applicant completes TIF application and complies with all program requirements. This material is provided to the City for review.
2. In the application process, Applicant provides expected date of completion of the project. If project is not completed by this date, TIF funds obligated may be rescinded.
3. Applicant selects the architect, engineer, and contractors who will participate in the project, complies with competitive bidding and standard prevailing wage requirements, and obtains all permits and necessary approvals from the City associated with the project.
4. If the Applicant finances all or part of the private portion of the project using a lending institution, the Applicant will be solely responsible for all loan repayments and for compliance with all lender requirements.
5. Applicant is solely responsible for the full payment of all material, laborers and subcontractors employed in the project.
6. At the completion of the Project, the Applicant must submit copies of all relevant contractor or vendor invoices, receipts verifying payment. Invoices must be marked as paid by the contractor or vendor.
7. It is the Applicant's responsibility to ensure that the Applicant and all of the Applicant's contractors or sub-contractors have adequate liability and workers compensation insurance for the project.
8. Applicant agrees to protect, indemnify, defend, and save harmless the City against and from any and all claims, liabilities, demands, causes of action, judgments (with any costs and fees that might be awarded), attorney's fees, and losses to the City arising in favor of or asserted by any person or entity on account of personal injury, death or damage to property arising out of, in connection with, or incidental to the negligence or willful misconduct of Applicant, or its agents or employees related to the activities under the Façade Improvement Program.

CITY RESPONSIBILITIES:

1. The City provides the Applicant with the Façade Improvement Program application.
2. The City reviews the application and determines which activities and expenses are eligible.
3. The City evaluates the eligible expenses as they relate to the program objectives and calculates the matching funds subsidy to determine any potential TIF contribution to the project.
4. The City notifies the Applicant of project approval.

5. The City closes out the application upon satisfactory completion of the project:
 - a. Inspection of the project for completeness and compliance to design submitted in the application.
 - b. Reviews lien waivers from contractors, subcontractors, and vendors.
 - c. Reviews paid invoices and/or prevailing wage payroll certification from contractors and vendors.
 - d. Processes claim for payment.
6. The City has absolutely no responsibility for payment of any Applicant's material, laborers, or contractors.
7. The City shall have no civil liability for any damages or claims arising from any of the Applicant's undertakings.

DRAFT

**CITY OF GREAT FALLS
DOWNTOWN URBAN RENEWAL DISTRICT
LIFE-SAFETY CODE COMPLIANCE PROGRAM**

IMPORTANT: Costs to be paid with Tax Increment Funds (TIF) may not be incurred by the Applicant prior to funding approval and the satisfaction of any conditions of such approval.

INTRODUCTION:

The Downtown Development Partnership (DDP) advocated for the creation of several programs that would allow developers to utilize TIF for assistance in redevelopment or rehabilitation of private properties within the Downtown Urban Renewal District (District).

Any approved subsidies are in the form of matching funds to private investment, up to a maximum of \$25,000, to correct existing Life-Safety Code violations. The Applicant has the sole responsibility to repay any loans used to finance the private portion of the project.

Information on these programs is available through Planning & Community Development at the City of Great Falls (City). Each program targets various conditions and has different criteria that must be addressed through the application process.

The following is a summary of the Life-Safety Code Compliance Program (CCP).

PROGRAM OBJECTIVES:

The primary objective of the CCP is the elimination and prevention of blight and the redevelopment of the Downtown core by encouraging voluntary repair of existing commercial property within the District and providing for improvements to correct existing Life-Safety Code violations.

The intent of the CCP is to improve the urban core and encourage redevelopment and elimination of blight through the use of TIF funds as specified by Montana Urban Renewal Act, Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated (MCA). Authorization for the City to administer a program such as the CCP can be found in the Montana Urban Renewal Act, including:

- 7-15-4206 MCA – Blight – the substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of building or improvements; and unsanitary or unsafe conditions;
- 7-15-4206 MCA – Rehabilitation – carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
- 7-15-4233 MCA – Powers which may be exercised by an urban renewal agency – to formulate and coordinate a workable program as specified in 7-15-4209; and to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;;
- 7-15-4209 MCA – a municipality may formulate a workable program for utilizing appropriate private and public resources to encourage needed urban rehabilitation; and
- 7-15-4288 MCA – Costs that may be paid by Tax Increment Financing (TIF) – costs incurred in connection with the redevelopment activities allowed under 7-15-4233.

Authorization for these programs was called for in the Downtown Master Plan, under Aesthetics, item 1.c. Additional objectives are to:

1. Encourage elimination of conditions that could be a serious and growing menace, injurious to public health, safety, and welfare.
2. Encourage private investment in commercial property in the District through the use of public incentives.
3. Stimulate economic and business development within the District by providing safe environments for workers, businesses, and the public.
4. Retain and expand safe employment opportunities through economic development.

The approved funding is given at the discretion of the City based upon review of the Applicant's compliance with program objectives, eligibility requirements, eligible construction activities and availability of TIF funds.

ELIGIBILITY REQUIREMENTS:

The following eligibility requirements have been established to accomplish CCP objectives. These requirements involve the specifics of individual requests for approved funds, and the materials that the Applicant must submit to have a successful application. Application forms may be obtained from the City – Planning and Community Development. Application forms must be completed in their entirety before the project will be considered.

1. For the purposes of the CCP, a "project" is defined as the remedial actions with respect to existing Life Safety Code violations per building on commercial properties located within the District.
2. Matching funds for the subsidy may total up to fifty percent (50%) of the project's eligible expenses.
3. The maximum aggregate limit of TIF funds granted through the CCP by the City on any one project is \$25,000.
4. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City on any one project is \$80,000.
5. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City on any one parcel is \$80,000 over a fifteen (15) year period.
6. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City in any one fiscal year is \$500,000; provided that TIF funds granted in a fiscal year may be disbursed in a subsequent fiscal year.
7. Notwithstanding anything herein to the contrary, the City Commission reserves the right and discretion, upon the demonstration of extraordinary circumstances, to approve grants in excess of the above referenced aggregate limits.
8. All applications will be reviewed in the order in which they are received by the City.
9. All commercial property within the District is eligible for the CCP, with the exception of publicly owned buildings. For the purposes of the CCP, residential properties with four or more units will be considered commercial properties.
10. All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date. Evidence of payment in the form of a tax receipt is required and must be submitted with the application.
11. Documentation from architects or engineers licensed to practice in Montana will be accepted if their analysis and plans are verified in writing. In addition, a listing of the construction materials, project elements, and a rendering of the proposed project may also be required.

12. If approved for TIF funds, the Applicant is required to follow requirements for public construction contracts as it pertains to payment, competitive bidding, and standard prevailing rate of wages. All expenditures must be itemized by materials and labor, and construction estimates must be obtained from licensed and bonded contractors and submitted with the application. Receipts, or invoices marked as paid by the contractor or vendor or comparable documentation will be required for all work undertaken on eligible project improvements prior to reimbursement being approved.
13. All plans, materials, construction techniques and the completed project are subject to inspection and verification by City personnel.
14. If any one of these requirements are not met TIF funding may be withheld.
15. The Office Planning & Community Development will review Applications and determine eligibility for TIF subsidies and project reimbursements.

ELIGIBLE ACTIVITIES:

IMPORTANT: All construction undertaken pursuant to the CCP must be in accordance with a design that has been reviewed and approved by City Building Officials or Fire Code Officials to ensure compliance with program objectives, design criteria and Life-Safety Code compliance. The Applicant must also obtain all applicable permits and comply with all municipal ordinances and applicable building codes.

The CCP is designed to address existing Life-Safety Code violations on existing commercial properties, which may endanger occupants, visitors, or the public. All applications must address resolution of documented Code violations to be eligible for TIF funds subsidy, and the project must result in the resolution of such Code violations in order to be eligible for reimbursement.

Eligible activities include, but are not limited to the following:

1. Installation, construction, or significant improvement including, but not limited to, required emergency exits, fire suppression systems, fire escapes, fire detection and alarm systems, protection of open stairways, stairway shafts and/or other exit enclosures, and provision of fire-rated door, floor, ceiling and/or wall assemblies.
2. Installation, construction, or significant improvement in regard to ADA compliance including, but not limited to, installation of ADA compliant doorways, restrooms, or ramps.
3. Installation, construction, or significant improvement including, but not limited to, elevator installation.
4. All improvements covered by the CCP must be of a permanent nature.
5. Architectural/engineering assistance and design fees are eligible expenses. All fees and permit charges must be itemized, and receipts provided.
6. The following are ineligible activities for funding through the CCP:
 - a. Utility connections or replacement other than those which may be directly required by the installation of eligible item(s) such as fire suppression water connections;
 - b. Improvements or upgrades to existing electrical or plumbing systems other than those directly required by installation of an eligible item(s);
 - c. Corrections of structural deficiencies of the building;
 - d. Fines or charges levied against the property for any code violations;
 - e. Work initiated prior to necessary program approvals.

PLEASE NOTE: Items ineligible for assistance under the CCP may be eligible under other TIF Programs offered by the City. An Applicant may submit an application for or be concurrently

involved in those programs, subject to the caps set forth above. Items listed in the application for TIF assistance will be reviewed by the City to determine the appropriate program or programs they may fall under. All applications are evaluated on a case-by-case basis. The City shall have sole discretion with respect to the administration of TIF funds under the CCP and other programs and the submission of applications materials by an Applicant shall in no way result in any entitlement by such Applicant to any TIF funds under the CCP or other programs unless and until awarded by the City and then only upon satisfaction of all pre-requisites established by the City for receipt of TIF funds.

APPLICANT RESPONSIBILITIES:

The Applicant agrees to the following pursuant to the CCP.

1. Applicant completes TIF application and complies with all program requirements. This material is provided to the City for review.
2. In the application process, Applicant provides expected date of completion of the project. If project is not completed by this date, TIF funds obligated may be rescinded.
3. Applicant selects the architect, engineer, and contractors who will participate in the project, complies with competitive bidding and standard prevailing wage requirements, and obtains all permits and approvals associated with the project.
4. A letter or Certificate of Occupancy from the relevant City Building Officials or Fire Code Officials stating the work has been completed satisfactorily must be received by the City upon project completion and prior to TIF fund disbursement.
5. If the Applicant finances all or part of the private portion of the project using a lending institution, the Applicant will be solely responsible for all loan repayments and for compliance with all lender requirements.
6. Applicant is solely responsible for the full payment of all material, laborers and subcontractors employed in the project.
7. At the completion of the Project, the Applicant must submit copies of all relevant contractor or vendor invoices, receipts verifying payment. Invoices must be marked as paid by the contractor or vendor.
8. It is the Applicant's responsibility to ensure that the Applicant and all of the Applicant's contractors or sub-contractors have adequate liability and workers compensation insurance for the project.
9. Applicant agrees to protect, indemnify, defend, and save harmless the City against and from any and all claims, liabilities, demands, causes of action, judgments (with any costs and fees that might be awarded), attorney's fees, and losses to the City arising in favor of or asserted by any person or entity on account of personal injury, death or damage to property arising out of, in connection with, or incidental to the negligence or willful misconduct of Applicant, or its agents or employees related to the activities under the CCP.

CITY RESPONSIBILITIES

1. The City provides the Applicant with the Code Compliance Program application.
2. The City reviews the application and determines which activities and expenses are eligible.
3. The City evaluates the eligible expenses as they relate to the program objectives and calculates the matching funds subsidy to determine any potential TIF contribution to the project.
4. The City notifies the Applicant of project approval.
5. The City closes out the application upon satisfactory completion of the project:

- a. Reviews Certificate of Occupancy or other documentation from City Building Officials or Fire Code Officials.
 - b. Inspection of the project for completeness and compliance to design submitted in the application.
 - c. Reviews lien waivers from contractors, subcontractors, and vendors.
 - d. Reviews paid invoices and/or prevailing wage payroll certification from contractors and vendors.
 - e. Processes claim for payment.
6. The City has absolutely no responsibility for payment of any Applicant's material, laborers, or contractors.
 7. The City shall have no civil liability for any damages or claims arising from any of the Applicant's undertakings.

DRAFT

EXHIBIT B

NOTICE OF PUBLIC HEARING ON AMENDMENT OF CITY OF GREAT FALLS DOWNTOWN URBAN RENEWAL PLAN AND APPROVAL OF FAÇADE PROGRAM, LIFE SAFETY/CODE COMPLIANCE PROGRAM AND ENVIRONMENTAL SAFETY PROGRAM THEREUNDER

NOTICE IS HEREBY GIVEN that Ordinance 3229 titled “ORDINANCE APPROVING THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AMENDING THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER SUCH PROGRAMS; AND AUTHORIZING THE GREAT FALLS OFFICE OF PLANNING & COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS AS SET FORTH THEREIN” will be brought before the Great Falls City Commission for a public hearing on July 6, 2021 at 7:00 p.m. in the Commission Chambers Room 206, Civic Center Building, 2 Park Drive South, Great Falls, Montana. Any interested person may appear and speak for or against said Ordinance 3229 or submit in writing any comments to the City Clerk prior to or during the Commission Meeting. Documents pertaining to this agenda item are posted on the City’s website at <https://greatfallsmt.net> under “Meetings,” and are on file for public inspection during regular office hours at the City Clerk’s Office, 2 Park Drive South, Room 204, Great Falls, Montana, or contact us at (406) 455-8451.

The City has developed the following programs for the Downtown Urban Renewal District (the “District”), the primary objectives of which are the elimination and prevention of blight in the District and the redevelopment of the Downtown core by encouraging voluntary repair of existing commercial property within the District and providing for the undertaking of specific improvements and measures with respect thereto (collectively, the “TIF Programs”):

Façade Improvement Program

Life Safety/Code Compliance Program

Environmental Safety Program

The TIF Programs provide for the grant of subsidies payable from tax increment revenues of the District, subject to the terms and conditions of the TIF Programs.

The City proposes to approve the TIF Programs and amend the Downtown Urban Renewal Plan for the District in order to authorize, approve and incorporate the TIF Programs thereunder. In addition, for the fiscal year commencing July 1, 2021, the City proposes to allocate to the TIF Programs tax increment revenues of the District for subsidy grants thereunder.

Public participation is welcome in the following ways:

- Attend in person. Refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, July 6, 2021, to: **commission@greatfallsmt.net**. Include the agenda item or agenda item number in the subject line, and include the name and either the address or whether the commenter is a City resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at **406-761-4786**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

/s/ Lisa Kunz, City Clerk

Publication Dates: [_____] , 2021
 [_____] , 2021

EXHIBIT C

ORDINANCE

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance entitled: "ORDINANCE APPROVING THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AMENDING THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER SUCH PROGRAMS; AND AUTHORIZING THE GREAT FALLS OFFICE OF PLANNING & COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS AS SET FORTH THEREIN" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission of the City at a regular meeting on June 1, 2021, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this 6th day of July, 2021.

(SEAL)

Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Commission of the City at a regular meeting on July 6, 2021, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Commissioner members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this 6th day of July 2021.

(SEAL)

Lisa Kunz, City Clerk

ORDINANCE 3229

ORDINANCE APPROVING THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AMENDING THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER SUCH PROGRAMS; AND AUTHORIZING THE GREAT FALLS OFFICE OF PLANNING & COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS AS SET FORTH THEREIN

BE IT ORDAINED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. Pursuant to Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), and Ordinance 3088, adopted by the Commission on May 15, 2012, and as further amended and supplemented pursuant to Ordinance No. 3222, adopted by the Commission on October 6, 2020 (collectively, the “Ordinance”), the City has created the Downtown Urban Renewal District (the “District”) as an urban renewal area and approved the Downtown Urban Renewal Plan (the “Plan”) as an urban renewal plan for the District. The Plan provides for the segregation and collection of tax increment revenues with respect to the District in accordance with the provisions of the Act.

1.02. Pursuant to the Act, the City has the power to formulate and coordinate “workable programs” for utilizing private and public resources in order to encourage needed rehabilitation in the District, including voluntary or compulsory repair and rehabilitation of buildings and other improvements. Such programs may be implemented in order to: (i) eliminate and prevent the development or spread of blighted areas; (ii) encourage needed urban rehabilitation; (iii) provide for the redevelopment of such areas; or (iv) undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such programs. Such programs may include, without limitation, provision for the rehabilitation of blighted areas or portions thereof by encouraging voluntary rehabilitation and compelling the repair and rehabilitation of deteriorated or deteriorating structures, and the redevelopment of blighted areas of portions thereof. The Act further authorizes the City to use tax increment revenues to pay for costs of or incurred in connection with such programs.

1.03. The City has developed the following “workable programs” for the District, the primary objectives of which are the elimination and prevention of blight in the District and the redevelopment of the Downtown core by encouraging voluntary repair of existing commercial property within the District and providing for the undertaking of specific improvements and measures with respect thereto (collectively, the “TIF Programs”), which program materials and guidelines are attached hereto and made a part hereof:

Façade Improvement Program

Life Safety/Code Compliance Program

Environmental Safety Program

1.03. The TIF Programs provide for the grant of subsidies payable from tax increment (as defined in the Act) revenues of the District, subject to the terms and conditions of the applicable TIF Program. Grants under the TIF Programs will be awarded based upon review of an Applicant's compliance with program objectives and eligibility requirements, as provided under the TIF Programs.

1.04. The Act provides that a municipality may amend an urban renewal plan by ordinance pursuant to the procedures set forth in Sections 7-15-4212 through 7-15-4219 of the Act. On June 1, 2021, the Commission declared its intention to approve the TIF Programs and amend the Plan in order to authorize, approve and incorporate the TIF Programs thereunder as "workable programs" for the District in accordance with the Act.

Section 2. Findings. The Commission hereby finds as follows:

- (a) no persons will be displaced from their housing by the TIF Programs;
- (b) the Plan, as amended to incorporate the TIF Programs, conform to the City's Growth Policy adopted in accordance with Title 76, Chapter 1;
- (c) the Plan, as amended to incorporate the TIF Programs, will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise; and
- (d) a sound and adequate financial program exists for the financing of the costs of the TIF Programs using tax increment revenue of the District.

Section 3. Approval of TIF Programs and Amendment of Plan. This Commission hereby approves, ratifies and confirms the TIF Programs and amends the Plan in order to authorize, approve and incorporate the TIF Programs thereunder as "workable programs" for the District in accordance with the Act. All actions of this Commission heretofore taken with respect to the TIF Programs, to the extent not inconsistent herewith, are hereby ratified and confirmed.

Section 4. Delegation of Authority to City Planning Office; Budgetary Allocations. The City's Office of Planning & Community Development is hereby delegated authority to administer the TIF Programs as set forth therein, including the award and payment of grants thereunder in accordance with the budgetary caps provided therein. For the fiscal year commencing July 1, 2021, the City allocates tax increment revenues of the District for grants under and pursuant to the TIF Programs in the aggregate amount of \$500,000. For each subsequent fiscal year, the City's Office of Planning & Community Development will make an annual request to the Commission with respect to allocation of tax increment revenues for grants

under and pursuant to the TIF Programs. Notwithstanding the foregoing, the Commission reserves the right and discretion, upon the demonstration of extraordinary circumstances, to (1) approve grants in excess of the TIF Program budgetary caps and/or (2) approve grants in excess of such annual allocations.

Section 5. Modification of TIF Programs. The TIF Programs may be modified by the Commission if it determines by Resolution that an adjustment to the TIF Programs is required and in the best interest of the City.

Section 6. Effect. This Ordinance shall take effect from and after 30 days of its passage by the Commission.

Passed and adopted by the City Commission of the City of Great Falls, Montana, on this 6th day of July, 2021.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney