

**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 \$130,000.
5. The maximum aggregate limit of TIF funds granted through the TIF Programs by the City on any one parcel is \$130,000 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 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.