

Regular City Commission Meeting

Mayor Kelly presiding

Call to Order: 7:00 P.M.

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Bob Jones, Tracy Houck and Bill Bronson. Commissioner Fred Burow was excused. Also present were City Manager Greg Doyon, Deputy City Manager Chuck Anderson, and job shadow Louis Poeppel; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Library Director Kathy Mora; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

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

FIREFIGHTER OATH: Mayor Kelly performed the swearing in ceremony for Fire Fighters Carl Marsh, Matt Merritt and Tyler Pfennigs.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Daniel Hartzell, 2325 14th Avenue South, inquired about a legislative proposal to give adolescents a break for first time drug offenses.

Mayor Kelly responded that the legislature is not in session; it meets every two years.

John Hubbard, 615 7th Avenue South, expressed opposition to pay increases for state officials.

Mayor Kelly reminded Mr. Hubbard to comment on matters within the City Commission's jurisdiction.

Mr. Hubbard read a court judgment in his personal court case, as well as a portion of the Park Maintenance District flyer.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

There were no miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

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

4. **Appointment, Library Board.**

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission appoint Whitney Olson to a five-year term through June 30, 2022, to the Library Board.

Mayor Kelly expressed appreciation to both applicants. He asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly asked if there were any comments from the public.

Whitney Olson, 74 Gannon Drive, commented she is an avid user of the Library and hope to continue that for all citizens in the city and county.

CITY MANAGER

5. **Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that discussions are ongoing regarding the annual Christmas tree tradition. This year the process will be more refined.

He announced that MAC will be hosting an open house and Flight Over the Falls welcome event. During the open house there will also be an EOC training exercise for staff and members of the Commission.

Manager Doyon also reported that employees have begun voluntary health screenings through the It Starts With Me program.

He announced that a tentative collective bargaining agreement has been reached with the Police Protective Association. He expressed appreciation to Mr. Frick's team for their professionalism and good nature during negotiations.

Manager Doyon reported that the proposed Park Maintenance District has reached the 20% protest mark. Now that protests have surpassed the 10% threshold, the Commission has the option of sending it to a vote of the public at an election. Initially, it was thought that would occur in November during the municipal election. State statute sets forth that the election has to occur at a school election, which in this case is May 8, 2018. The Commission would need to adopt a resolution by February 20, 2018. There is a strong potential that the school district will be putting a levy on the May ballot as well as conducting a trustee school board election.

Mayor Kelly added that if protests reach 50% by the August 9th deadline, the Commission can do nothing for 12 months going forward. With regard to inquiries why the Commission put this out so quickly, the Commission's goal was to find out what the community wanted and, if there was less than a 10% protest, start the process so that funds would be coming in sooner.

CONSENT AGENDA

6. Minutes, July 5, 2017, Commission Meeting.
7. Total Expenditures of \$5,381,897 for the period of June 16, 2017 through July 5, 2017, to include claims over \$5,000, in the amount of \$5,062,953.
8. Approve Final Payment in the amount of \$29,616.99 to Phillips Construction, LLC and \$299.16

to the State Miscellaneous Tax Fund for the 18th Street Storm Drain Improvements Phase 2A – 1st Alley South to 4th Avenue South, and authorize the City Manager to make the payments.
OF 1462.2

9. Award a contract in the amount of \$107,837.00 to United Materials of Great Falls, Inc. for the Central Avenue Drainage Improvements – 5th to 6th Street, and authorize the City Manager to execute the construction contract documents. **1631.9**

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as submitted.

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 4-0.

PUBLIC HEARINGS

10. **Resolution 10199 Conditional Use Permit for a “two family residence” land use at 301 50th Street South.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a public hearing on Resolution 10199 which provides for a Conditional Use Permit for the establishment of a two-family residence proposed to be constructed at 301 50th Street South. The area is presently zoned R-3 Single-family high density, wherein a two family residence is permitted upon receiving approval of a Conditional Use Permit and fulfillment of any special conditions that may be appropriate.

The subject property is a 7,920 square foot vacant lot at the corner of 3rd Avenue South and 50th Street South. The applicant wishes to construct a residential duplex upon the subject property, in full compliance with R-3 zoning district dimensional requirements and all other development standards including, but not limited to, setbacks, landscaping, off-street parking, driveway widths and surfacing, structure height and lot coverage.

It has been determined that no unique improvements are necessary to serve the duplex. City services and infrastructure are already available to serve the project. All other improvements associated with development and construction of the proposed duplex would comply with the existing R-3 zoning district standards.

The CUP process is typically done to allow staff and the City’s decision making bodies to establish appropriate conditions to protect the health, safety and general welfare of neighboring property owners and the public. Additionally, it gives the public the opportunity to voice any concerns or support they may have on the proposed development.

Staff finds and recommends that the proposed CUP conforms to the seven criteria established as the basis of decision in the OCCGF 17.16.36.040 in that:

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

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

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

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

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

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

The residential uses in the neighborhood are generally mixed in density. While the majority of uses in the area are single-family, there are a number of area properties with residential densities of two-family or higher. The property immediately to the south of the subject property is a high-density apartment use with 21 units. Across 3rd Avenue South and 200 feet to the east is a complex of high-density dwelling units operated by the Great Falls Housing Authority. Finally, about two blocks to the west and southwest is a concentration of two, three and four family uses.

The height, scale and design of the structure would be compatible with the existing nearby single-family structures. The proposed design of the two-family structure upon the vacant lot would fit well into the existing neighborhood, with parking contained within two-car garages, sloped rooflines, single story, 2-bedrooms per unit, and landscaped yards. With this design, and with the proximity of the high-density residential development adjoining upon the south, this conditional use would not adversely impact the use, enjoyment or property value of any property in the immediate vicinity.

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

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

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

Adequate services and infrastructure will be provided to operate the proposed project. Full sidewalks, water, sewer and paved roads already exist adjacent to the subject parcel.

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

The project would generate little to no daily traffic, and will have no discernible impact upon the area road network. Driveway access will be off the lower volume street (50th Street South), thereby avoiding construction of a new point of conflict upon the higher-traffic avenue (3rd Avenue South). Further, this will locate the garages away from the adjoining single-family home, thereby reducing the impact of vehicle noise to that structure.

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

The vacant lot is of sufficient size to locate and develop the proposed duplex structure in compliance with all applicable regulations of the City's Land Development Code and, more specifically, the R-3 Zoning District, without need for variance.

At the conclusion of a public hearing held on June 27, 2017, the Zoning Commission recommended the City Commission approve the Conditional Use Permit to construct a two family residence on the subject property.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10199.

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

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10199, subject to the applicant fulfilling the listed Conditions of Approval.

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

Commissioner Houck noted it is a very positive development in that area.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-0.

11. **2017/2018 Business Improvement District (BID) Budget and Work Plan.**

BID Community Director Joan Redeen reported that the initial creation of the BID was in 1989. The pedlet project (sidewalk dining) at the Mighty Mo this past year has been a success. She is working with City staff to expand this project.

Director Redeen also reported that the BID is working on restoring its vintage holiday décor, recently hired a new community resource ambassador, and approved a donation for equipment for the Great Falls Police Department.

Director Redeen noted that she provided assessment information, BID grant activity, as well as the budget and work plan.

Mayor Kelly noted that the valuation and assessments went from approximately \$60 million valuation/\$160,000 assessments in 2007 to approximately \$110 million in valuation and \$243,000 in assessments to indicate the business owners in the district have enjoyed a large acceleration of valuation based, in part, on the work of the BID.

Commissioner Houck asked Director Redeem to expand on the Coins for a Cause project and the BID's beautification efforts.

Director Redeem explained that the BID maintains the flowers in the summer and does provide some snow removal for the businesses in the winter months. In addition to the vintage art project, the BID has done many art projects over the years. Within the BID boundaries the BID provides businesses with trash removal.

Coins for a Cause was established in 2013. This program is designed to help combat panhandling. Change tubs are collected from businesses on a monthly basis. On an annual basis those funds are provided to a direct service provider. In the near future an improved Coins for a Cause will be more visible.

Commissioner Bronson commented that Director Redeem and the BID Board do a stupendous job in making the environment for business in the downtown much better than it otherwise would be.

Mayor Kelly declared the public hearing open.

Speaking in support of the Business Improvement District Budget and Work Plan was:

Shane Etzweiler, President/CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, expressed appreciation to Director Redeem and the BID Board. He noted that the Board takes grant requests/proposals very seriously with acute attention to their fiduciary responsibility in making sure they are using the money wisely to the greater economic benefit of downtown Great Falls.

Brad Livingston, 2704 Big Ranch Road, commented that what Director Redeem does for this community cannot be over emphasized. The Board is equally passionate in believing in the community. Last year he spent a great deal of time downtown and noticed that the cleanliness and aesthetics is improving, not only on the first floor, but the floors above those buildings.

Andy Ferrin, BID Chairman, 308 1st Avenue South, supports the BID budget and work plan. He expressed appreciation to Director Redeem and the two prior speakers.

Speaking in opposition to the Business Improvement District Budget and Work Plan was:

John Hubbard, 615 7th Avenue South, disagreed with comments that downtown is beautiful. He opined that since the new Rescue Mission was built there are more imported homeless people in Great Falls.

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

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept the 2017/2018 Business Improvement District Budget and Work Plan.

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

In response to a prior comment, Commissioner Houck believes down town is flourishing and is a safe place.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-0.

12. **2017/2018 Tourism Business Improvement District (TBID) Budget and Work Plan.**

Great Falls Tourism Director Rebecca Engum, 100 1st Avenue North, reported that in 2016 1.1 million visitors spent the night in Great Falls; 2.6 million people drove through Great Falls; 20% of those that spent the night in Great Falls came from Alberta; the mode of transportation was predominately vehicle; and 178,000 visitors came in by plane. She continued that those visitors spent over \$250 million dollars in our community.

The TBID exceeded its goals for last fiscal year. The TBID is starting FY 18 with a redesigned website with more content. The TBID also secured the services of a new marketing firm.

The objectives for Great Falls are to increase awareness of Great Falls, to promote and grow events within the community, increase conventions and meetings, increase October to May travel, and support the creation of activities and attractions. The TBID is looking at trends and will be increasing its digital engagement, social media, new apps, online digital ads, email and content marketing, and meeting attraction ad words campaign.

Director Engum concluded that the TBID budget has held stable.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to the Tourism Business Improvement District Budget and Work Plan.

Speaking in support of the Tourism Business Improvement District Budget and Work Plan were:

Scott Shull, Chairman of the TBID, 3000 3rd Avenue South, thanked Director Engum for her work and is looking forward to many more years of doing so.

Shane Etzweiler, President/CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, encouraged Commission approval of the TBID budget and work plan. He commented that a few years ago the Convention and Visitor Bureau and the TBID joined forces to form a tourism alliance that has now been renamed Great Falls Montana Tourism.

Brad Livingston, 2704 Big Ranch Road, reiterated that a quarter of a billion dollars comes into Great Falls due to tourism. That is second only to the military impact for economy in Great Falls. There is potential to attract visitors to relocate to Great Falls. The river that runs through Great Falls is a treasure many communities wished they had.

Joan Redeen, BID Community Director, 100 1st Avenue North, commented that the BID worked with the TBID and new banners will be unveiled downtown in the near future. She encouraged Commission support of the TBID budget and work plan.

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

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept the 2017/2018 Tourism Business Improvement District Budget and Work Plan.

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

Commissioner Bronson commended the hotel community for its foresight and willingness to tax themselves to raise money to do these types of marketing. He added that we have to constantly remind ourselves how important tourism is and what a beautiful part of the state and world we live in. If we can share that message we are contributing to the success of this community. The TBID has done a tremendous job emphasizing the community on social media.

Referring to weaknesses in Director Engum's report, Commissioner Bronson noted that Great Falls as a community perpetuates a negative image based on past bad experiences or failures, rather than overcoming those negatives. The community needs to be more optimistic about all of the opportunities we have here.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-0.

13. Resolution 10194 - Intent to Increase Property Tax.

With regard to agenda items 13 and 14, Resolutions 10194 and 10195, City Manager Greg Doyon reported that the Commission participates in quarterly budget updates. The manager, some staff and Commission members participated in planning sessions on January 24 and April 17, 2017. On June 28, 2017, Manager Doyon formally transmitted the budget to the Commission. By requirement of the City Charter, the budget then becomes the City Commission's budget, which is the Commission's greatest policy statement. There was also a budget work session on July 5, 2017, for staff to follow up with the Commission to answer any questions or address concerns. At that time, the Commission was presented with the proposed budget and handouts consisting of a general fund contribution worksheet, fund summary, department requested/Manager recommended, administrative capital plan summary, taxable valuation history, as well as statewide legislative impacts that affected the budget. All documents are available on the City's website for the public to view.

There was a focus on public safety the past several years. This core function of City government required some attention. The City Commission was, through budget approvals, able to really make a dent in facilities, capital equipment and operations. Now priorities can be focused in other areas. He noted that the Park District is part of that broader discussion as it would relieve pressure off of the general fund to help support those other areas.

Manager Doyon reviewed and discussed PowerPoint slides pertaining to fiscal year 2018 budget highlights (revenues, capital improvements and facilities, FTE's and operation, general obligation debt, wage adjustments), and proposed user fee adjustments in utility rates. The City of Great Falls has the lowest combined utility rates of any Class 1 city in Montana. Rate adjustments are necessary to maintain each system, complete capital projects and, in recent years, necessary to meet federal/state regulatory requirements for permits. Sanitation fees, golf and pool fees will be monitored. He continued with a budget overview concluding that the overall proposed budget is an 8.4% decrease from last year's adopted budget and a 23.1% decrease from the FY 2017 amended budget. The major difference is the \$28.6 million dollars for the Water Treatment Plant construction in FY 2017. The projection is an increase in tax revenue of about \$2 million, inflation allowance of about \$88,000, and permissive health insurance mill of about \$250,000. Being proposed is an increase of about \$2.3 million. For a house worth \$100,000 the increase will be \$5.06 per year.

Fiscal Services Director Melissa Kinzler reported that, prior to the adoption of the City's annual budget, the City is required to hold public hearings on 1) the intent to increase revenue from property taxation, and 2) the proposed annual budget.

The City of Great Falls has a limited ability to increase property tax revenue because of a statewide property tax cap. Pursuant to Mont. Code Ann. §15-10-420, the City is authorized to increase property tax revenue by "one-half of the average rate of inflation for the prior 3 years."

For Fiscal Year 2018 (Tax Year 2017) as provided by the Montana Department of Administration, the allowable inflationary adjustment is .59%. This amounts to \$88,793 of additional revenue.

State statutes also allow property tax levy increases for premium contributions for group benefits. The City is proposing an additional 1.66% property tax levy increase for health insurance premiums. This would provide \$250,000 in additional revenue to help offset the health insurance increases in the General Fund. Health insurance premiums increased 7.2% for Fiscal Year 2018.

The total proposed allowable property tax levy increase is 2.25%.

The fiscal impact of the proposed increase for inflation for a residential home with a taxable market value of \$100,000 would be approximately \$1.32 for Fiscal Year 2018. The fiscal impact of the proposed increase for the "Permissive Medical Levy" is \$3.74. The total impact on a residential home with a taxable market value of \$100,000 would be \$5.06 for the year. However, Fiscal Year 2017 was the last year of the swimming pool bond resulting in a decrease of \$3.96. Therefore, the total proposed increase is \$1.09.

Additional action by the City Commission will be needed in the future to set the increased mill levy. This will occur after the City receives its certified taxable value from the Montana Department of Revenue in August.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Resolution 10194 was:

John Hubbard, 615 7th Avenue South, spoke in opposition to increased taxes and rates.

Speaking in support of Resolution 10194 was:

Brad Livingston, 2704 Big Ranch Road, complimented the Commission on the shift to public safety. He encouraged the Commission to grow the Police Department to be more proactive rather than reactive.

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

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10194 - Intent to Increase Property Tax.

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

Commissioner Houck commented that, based on research of other communities, Great Falls is still the best deal in Montana, being one of the top seven cities with the lowest cost of living.

Manager Doyon commented that there were proposals from both the Police and Fire Departments to add additional staffing. Staff has been added when the City was able to afford it. Both departments are very passionate about what they do in wanting to provide the best service possible. The proposed Park Maintenance District was proposed to relieve some of that pressure.

Commissioner Jones added that the school bond issue passed about the same time the Commission was going to work on a public safety mill issue. Timing is always an issue in balancing the work of the City Commission. The Civic Center façade has been talked about for four years. The Commission has to look at public safety as a necessary element of what goes on in this community. It's difficult to balance.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-0.

14. **Resolution 10195 – Annual Budget Resolution.**

Fiscal Services Director Melissa Kinzler noted that this presentation was included with Agenda Report 13. She added that this item is a request to conduct a public hearing, consider any budget changes, and adopt Resolution 10195.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to or in support of Resolution 10195.

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

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10195 - Annual Budget Resolution.

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

Commissioner Bronson expressed appreciation to staff for the work on the budget. City government provides some of the most important services that any community needs to be successful. Taxes should be looked at as less of a burden and more as necessary infrastructure that helps provide safer, better streets, more opportunities for businesses to come here and to grow, and more opportunities for citizens to have an enjoyable life. Everyone is getting a service for paying local taxes to thrive as a community. He looks at this budget as a great accomplishment, and a good foundation for future years.

Mayor Kelly noted that the City has come a long way. Out of 58 funds there are only three that have flags. There are now appropriate reserves in place. The Charter calls for 17% and the City is at 21%.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-0.

OLD BUSINESS

15. **Interlocal Agreement between the City of Great Falls and the Board of Cascade County Commissioners regarding the City of Great Falls/Cascade County Joint Public Safety Software Project for the implementation of the Zuercher Technologies, LLC Public Safety Software. OF 1195.6**

Commissioner Bronson stepped out of the meeting at 9:01 p.m., and returned at 9:02 p.m.

City Attorney Sara Sexe reported that the City Commission entered into a contract with Zuercher Technologies, LLC for new public safety software on April 10, 2017. Cascade County was included in the Zuercher contract as an Additional Agency, being provided software and services under the agreement.

After the Zuercher contract was approved by the City Commission, the City and County, through their respective attorneys, Information Technology representatives, and user representatives, worked collaboratively to create an agreement which would set forth the relative obligations of the two entities. The resulting agreement of that collaborative effort is before the Commission for consideration and approval.

The Interlocal Agreement was approved by the Cascade County Board of Commissioners on June 27, 2017.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Interlocal Agreement between the City of Great Falls and the Board of Cascade County Commissioners regarding the City of Great Falls/Cascade County Joint Public Safety Software Project for the implementation of the Zuercher Technologies, LLC Public Safety Software.

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

Mayor Kelly expressed appreciation to both the County and City representatives that made this a much better software agreement between the organizations.

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

Motion carried 4-0.

Mayor Kelly called for a recess at 9:05 p.m., and called the meeting back to order at 9:09 p.m.

NEW BUSINESS

16. **East Ridge Addition Phase 5.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to grant preliminary plat approval for East Ridge Addition Phase 5. East Ridge Addition Phase 5 was annexed into the City of Great Falls and assigned R-2 Single Family Medium Density zoning in April, 2009.

The subject property is currently $\pm 40,395$ square feet and is located in the vicinity of 13th Avenue South and 47th Street South. The applicant is requesting a major subdivision to Block 2, Lot 2 of the Phase 5 East Ridge Addition to create 10 lots that range in size from $\pm 3,829$ square feet to $\pm 4,515$ square feet. The Owner would like to develop the subject property with 2-unit townhomes, accompanied by a rezone of the property to PUD Planned Unit Development.

This project also entails the annexation and dedication of Tract 2A as public right-of-way and will enable the construction of 13th Avenue South to an extension of 47th Street South. These parts of the project (annexation and rezone) will be forthcoming in the near future after the preliminary plat has been approved.

The draft improvement agreement will come before the City Commission for consideration. Generally, the required improvements to serve the subdivision are:

Roadways: The Owner is responsible for the installation of all improvements to 47th Street South and 13th Avenue South, in accordance with plans submitted to and approved by the City of Great Falls Engineering Division.

Utilities: The Owner is responsible for the installation of all public utilities, as per the Improvement Agreement, in order to serve the proposed subdivision. The on-site improvements required for the development of the subject property shall be installed as shown on the final construction plans that are submitted to, and approved by, the Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, storm water management, and access, including streets and sidewalks.

Storm Water Management: A Stormwater Management Plan shall be developed to City standards, and it shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits. It should be noted at this time that details of the improvement agreement include cost share and reimbursements between the developer, the city and other adjacent owners.

The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, Planning Board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of Mont. Code Ann. § 76-3-608. The governing body shall issue written findings of fact that weigh the criteria of Mont. Code Ann. § 76-3-608 (3), which were included with the agenda report. Staff's position is that the proposed subdivision complies with all of the review criteria as submitted.

At the conclusion of a public hearing held on June 27, 2017, the Planning Advisory Board recommended the City Commission approve the Preliminary Plat, of the Amended Plat, of the Correctional Plat of East Ridge Addition Phase 5, all subject to the fulfillment of the following Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Amended Plat. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors, or omissions, noted by Staff.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Preliminary Plat, of the Amended Plat, of the Correctional Plat of East Ridge Addition Phase 5 and

accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board.

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

Commissioner Jones commented that the roads in and out are reasonable for public safety response.

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

Motion carried 4-0.

17. **Church of Christ Preliminary Plat to allow the Sunrise Meadows Subdivision.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to grant preliminary plat approval for 3400 Central Church Building, Inc. for the subdivision of roughly 27 acres of property into 19 separate parcels of land.

The applicant, 3400 Central Church Building, Inc., is requesting annexation, zoning, Preliminary Plat for a Major Subdivision, and a Conditional Use Permit to allow a Worship Facility for 27 acres of vacant property adjoining the eastern edge of the City. More specifically, the property contains six tracts of land plus two remainder tracts known as Sunrise Subdivision, Beebe Tracts. The City Commission will be considering the Preliminary Plat request only this evening.

The property is bordered by 46th Street South and the terminus of Central Avenue to the west, additional unincorporated County property to the south adjoining 3rd Avenue South, more unincorporated land west of 57th Street South, and additional unincorporated lots bordering 2nd Avenue North. The property is contiguous to the City limits along 46th Street South, along the Church of Jesus Christ of Latter-Day Saints property, and along an apartment complex owned by the City's Housing Authority.

The applicant's request is guided by the desire to construct a new church facility called Church of Christ. According to the applicant's schematic plan, the church would have an access drive off 46th Street South. A secondary access to ensure proper emergency service would also be required from an extension of Central Avenue into the property. The applicant has shown on preliminary conceptual plans how both the church and associated parking areas can be expanded to meet future congregation needs. All of the details of the proposed church will require permit review by staff and design review by the Design Review Board.

In addition to the proposed church facility, the applicant has been working with a local developer who wishes to develop the northern portion of the property for residential four-plex structures. Because the proposed worship facility is planned to have its own parcel and the four-plexes each require their own lots, the applicant is required to do a Major Subdivision and a Preliminary Plat. The plat features a large block of property for the proposed church, an extension of Central Avenue which is needed for street continuity and access to the four-unit structures, and 15 lots for the residential structures (60 units total). The proposed Preliminary Plat also shows the potential for future development on a large lot north of the Central Avenue extension (Lot 9) as well as a block of property in the southeast corner (Block 4). Another larger parcel (Block 3) will be strictly

reserved for stormwater runoff control. Because the City of Great Falls Public Works Department views the facility constructed on Block 3 to be a regional stormwater control facility, this lot is proposed to be dedicated to the City for ownership and utility management.

The draft improvement agreement will come before the City Commission in the near future. Generally, the required improvements to serve the subdivision are:

Transportation – Currently, 46th Street South is developed to a more urban standard both north and south of the property proposed for annexation. To that end, the applicant is required to perform the following upgrades: 1) install boulevard trees on the east side of the entire street frontage, 2) install curb and sidewalk along the same frontage, and 3) reconstruct the street itself to meet City requirements. This would also include some waterline, drainage inlet, and stormwater piping improvements. The applicant will be entitled to some reimbursement from owners to the west of the street for these improvements, and those owners will still be required to install sidewalk and boulevard trees on the west side of the street at the time of future annexation and development. Additionally, Central Avenue is required to be extended into the property proposed for annexation during development of the four-unit multifamily structures. Central Avenue will be built to typical City standards with pavement wide enough for on-street parking, curb, boulevard-style sidewalks and boulevard trees. As development occurs eastward, Central must continue to be extended to the east property line of the annexed area in order to facilitate City street connectivity and additional emergency service capability for the proposed church. Over the long-term, additional annexation and development will allow Central to eventually connect with 57th Street South. Because the property contains approximately 1700 feet of length from east to west, it is absolutely critical to also create a north-south public street spine so the block length on the property is not so large. As a result, the Annexation Improvement Agreement requires the applicant to dedicate a future north-south street identified on the Preliminary Plat as 50th Street. As future development of the 27 acres occurs (for example, future four-unit multifamily buildings beyond those currently shown) or development of Block 4, this street will have to be constructed as a new public road. Adjacent development north and south of this parcel will eventually allow this future street to connect between 3rd Avenue South and 2nd Avenue North.

Stormwater – There is no stormwater piping in 46th Street South between 3rd Avenue South and 2nd Avenue North. As a result, drainage flowing onto the property from west of 46th Street has to be captured from the proposed development, then piped from the southwest corner of the property to Central Avenue. Once at Central, it can be incorporated into the inlet/piping system in the proposed new street and directed eastward. This drainage plus the natural flow of the property will eventually flow to a large detention/retention pond that will be constructed by the developer on Block 3 of the proposed subdivision. This lot and pond will be turned over to the City as a regional drainage facility. The applicant's stormwater plans are under review by both the City's Engineering and Environmental Divisions. Because the City is in the process of implementing its new Municipal Separate Storm System requirements, there are two issues that will require further coordination with the applicant: 1) the City's water quality permitting requirements require developers to demonstrate why on-property water quality controls are not possible if a larger off-site holding pond is being proposed to filter out pollutants; and 2) Because the detention/retention pond facility proposed to be constructed and turned over to the City discharges into a sensitive, large, and low-lying area, care must be taken not to negatively impact this downstream area. It should be noted that the applicant will need to receive significant cost reimbursement for both the installation of the conveyance

system of stormwater as well as the construction of the large detention/retention facility. The property is part of a much larger drainage basin, and numerous properties to the west of 46th Street South have water runoff which flows into this property. The extensive reimbursements for the developer's stormwater costs are addressed in the Annexation Improvement Agreement.

City Utilities - City water and sewer will also be extended throughout the property. While most of these improvements will be at the developer's expense, the City will be reimbursing the developer for over-sizing a water line extension along Central Avenue. The normal standard diameter service line for water is eight inches, but the developer is installing a 12-inch line at the City's request to plan for future service needs. Additionally, the developer will be required to reimburse the City for an existing water line on 46th Street South. Several private property owners will also receive a reimbursement for an existing sewer line that was installed long ago on the property being considered for annexation.

The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, Planning Board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of Mont. Code Ann. § 76-3-608. The governing body shall issue written findings of fact that weigh the criteria of Mont. Code Ann. § 76-3-608 (3), which are attached to the agenda report. Staff's finding is that the proposed subdivision complies with all of the review criteria as submitted.

At the conclusion of a public hearing held on June 27, 2017, the Planning Advisory Board recommended that the City Commission approve the Preliminary Plat for the Sunrise Meadows Major Subdivision, all subject to the Findings of Fact, along with the fulfillment of the following Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in this agenda report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Amended Plat. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission approve the Preliminary Plat for the Sunrise Meadows Major Subdivision and accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board.

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

Manager Doyon referred to the applications for these projects and noted that the small incremental, gradual changes increase the portfolio of all of the City departments. The demand goes up. Everybody generally supports growth. There is a cost attached to it. At some point the developer charges to help with the infrastructure may not be sufficient to address the needs for public safety to maintain the level of response and service. An impact fee discussion may need to take place.

Commissioner Jones commented that as more property gets annexed into the City that adds more mileage to public safety response times, that a discussion take place about sponsoring more fire stations and police officers in the future.

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

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

18. **Ordinance 3163 - An Ordinance Amending Title 17, Chapter 56, Article 10, Section 020, of the Official Code of The City Of Great Falls (OCCGF), Pertaining to Development equirements in the Flood Fringe or Regulated Flood Hazard Area with no Floodway.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3163 on first reading and set a public hearing for August 1, 2017, to consider the approval of specific Land Development Code amendments which pertain to development of roads and property within the regulated floodplain area.

Although the impetus for this particular action is related to a specific project, the effect would be city-wide within the regulated floodplain area. As staff began to work through the implications of the existing code language, it was determined that a code change request was the most appropriate means to resolve a problem as opposed to the variance process.

In essence, the code as it is currently written and interpreted prevents the City from approving certain projects unless the entire roadway access system serving that particular project, be it a single family dwelling, a new subdivision or a plat alteration, is at or above the base flood elevation (BFE).

The proposal, if approved, would take into consideration areas which are already served by existing roadway systems which may not be at or above the BFE and where it can be demonstrated that improving these areas are either cost prohibitive or where there may be other major physical obstacles preventing the ultimate redevelopment of a new street network. This proposal does not negate the requirement to construct new roadways in new subdivisions at or above the BFE. This proposal also does not amend the requirements that the built structures be elevated above the BFE per FEMA and local requirements.

FEMA flood regulations are very specific as to what protections are required in given situations. City staff does not believe that this amendment will have any negative effect on flood insurance rates nor will it be contrary to existing FEMA regulations. Any flood ordinance amendments will be reviewed by state and federal officials to ensure that the adopted codes are in full compliance.

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3163 on first reading and set a public hearing for August 1, 2017.

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 4-0.

19. **Ordinance 3164 - An Ordinance by the City Commission of the City of Great Falls to rezone the property legally described as Foxwood Estates Subdivision, located in the Government Lot 2 of Section 23, Township 20 North, Range 3 East, P.M, City of Great Falls, Cascade County, Montana from R-1 Single-family Suburban to PUD Planned Unit Development District.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3164 on first reading and to schedule a public hearing on August 15, 2017 to consider the approval of rezoning certain property within the City of Great Falls.

The subject property, known as Foxwood Estates, is on the southwest corner of Park Garden Road and Park Garden Lane. The City Commission approved annexation and subdivision of the property, assigning R-1 Single-family suburban zoning, in October of 2008. The subdivision was approved with 14 lots and an access easement for the purpose of a private drive through the development. The applicant is also proposing to consolidate 14 lots into a total of seven lots which will be considered at a future Commission meeting.

The owner is requesting that the subject property be rezoned from the R-1 district to PUD Planned Unit Development district in order to propose oversized lots that will accommodate large attached garages, as well as large detached garages for storage for various items such as RVs, ATVs, boats, etc.

Use of the PUD zoning district allows for the proposal of unique development standards, per OCCGF §17.20.2.040.

Ordinarily, Title 17 - Land Development Code permits attached and detached garages in the R-1 zoning district. The garage area limitation measurements are cumulative of all garage spaces including attached and detached private garages. The garage area is allowed based on the size of the lot for which the garage is proposed for. For a lot that is ±10,001 to ±43,559 square feet, the code will allow 1,600 square feet of garage area. The PUD standards for the subject property were originally proposed by the applicant, at maximum 1,500 square foot attached garage and a 3,000 square foot accessory building/detached garage. However, the Zoning Commission recommended the City Commission increase the maximum attached garage square footage to be 1,600.

The subject property is surrounded on the east, west and south by county land. These are larger parcels with single family houses with a similar look, function and impact. Therefore, it would be appropriate to establish PUD zoning and adopt similar development standards for the subject property.

PUD zoning district classification is subject to building envelopes, setbacks, and special development standards. The proposed development standards for the PUD have underlying R-1 Single-family suburban standards, and will be compatible with the surrounding neighborhoods. There are however a few differences from some of the R-1 standards and generally these have to do with use restrictions.

Since the intent of the PUD is for large residential lots, with the ability to have larger garages, there are several uses that are allowed in an R-1 Single-family suburban zoning district that Staff recommends prohibiting in this PUD:

- Agriculture, horticulture, nursery
- Convenience sales
- Contractor yard type I
- Agriculture, livestock
- Private stable/barn
- Roadside farmer's market

This will help limit the impact upon the adjoining single-family residential uses, and it will keep the character of the subdivision with the surrounding area.

Concurrent to the rezoning request, the applicant is also requesting an approval of the amended plat to the Foxwood Estates Subdivision to aggregate the fourteen existing lots into seven lots. The amended plat will also vacate the access easement for Den Drive (the private drive that was proposed for the original subdivision). By state regulations, when more than five lots are aggregated the governing body shall review the plat. Therefore, City Commission consideration of the Amended Plat will be the same date as the consideration of the PUD rezone.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission, and the decision of City Commission, shall at a minimum consider the criteria set forth as Findings of Fact. Staff finds that the proposed zoning map amendment meets the criteria as submitted.

Commissioner Houck moved, seconded by Commissioners Bronson and Jones, that the City Commission accept Ordinance 3164 on first reading and set a public hearing for August 1, 2017.

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 4-0.

CITY COMMISSION

20. **Miscellaneous reports and announcements from the City Commission.**

Commissioner Bronson announced that Montana Specialty Mills will be breaking ground next week on its new facility at AgriTech Park.

21. **Legislative Initiatives.**

There were no legislative initiatives.

22. **Commission Initiatives.**

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Bronson, to adjourn the regular meeting of July 18, 2017, at 9:45 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: August 1, 2017