

JOURNAL OF COMMISSION PROCEEDINGS

November 7, 2017

Regular City Commission

Commission Chambers Room 206

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Bill Bronson and Fred Burow. Commissioner Bob Jones was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Captain Jeff Newton.

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

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Win Benson, 1919 8th Avenue South, commented that there needs to be clarification with regard to Ordinance 2732 allowing the full exercise of the second amendment rights. Mr. Benson further commented that there needs to be adequate posting at all parks or properties affected by Ordinance 2732 indicating a gun free zone.

Tammy Evans, 4421 6th Avenue South, expressed concern to the response time of emergency personnel with regard to Ordinance 2732. She further commented that the Ordinance needs to be amended.

Jennifer Grena, 812 Grizzly Drive, discussed statistics with regard to women being more vulnerable to violent crimes. She further discussed the importance of being able to carry a concealed weapon with a permit.

John Hubbard, 615 7th Avenue South, commented that he did not understand the meaning of the Ordinances that were on the election ballot, and further expressed concern with regard to tax increases.

Jeni Dodd, 3245 8th Avenue North, commented there were some meeting minutes missing on the City website, and she discussed the lack of information available with regard to the Ordinance changes. She further opined that volunteering for Advisory Boards is pointless. With regard to the legality of carrying concealed weapons in City Parks, she commented that it should be codified.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, announced that the GFDA received a Community Development Block Grant Contract. Mr. Doney reported that the Metropolitan Statistical Area (MSA) ranked Great Falls 47th out of 388 metros in the United States in average hourly earnings amongst private employers. The Revitalization News has an article with

regard to West Bank Landing. Mr. Doney extended an invitation to attend Fire It Up on November 14 at the Celtic Cowboy. Mr. Doney reported that Eric Bergman is the Director for the new Food and Ag Development Center.

Mayor Kelly responded to Jenni Dodd's comments that information on the Ordinances was on the website, and further commented that the missing Commission Meeting Minutes from the website would be looked into.

City Attorney Sara Sexe explained that she looked into the legislative intent with regard to the exceptions for carrying concealed weapons in parks, and commented that clarification of the language in Ordinance 2732 needs to be addressed.

Mayor Kelly received clarification that currently it is legal to carry a concealed weapon in parks with a concealed weapon permit. Mayor Kelly commented that discussion with regard to the clarification of carrying concealed weapons should be held at a community forum after the new year.

Commissioner Burow expressed concern with regard to the importance of clarifying the language to Ordinance 2732 before the end of this year.

Mayor Kelly suggested that a variety of ideas be put together for the Commission to discuss at a work session after the new year in order for the new Commissioners to take part in the discussion.

Commissioner Bronson commented that he would like to hear from law enforcement with regard to citizens carrying firearms in public settings. Commissioner Bronson concurred with Mayor Kelly with regard to having this discussion in a community forum.

Commissioner Houck concurred with Mayor Kelly with regard to having a work session to discuss carrying concealed weapons.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

There were no miscellaneous reports and announcements from Neighborhood Council representatives.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

Joan Redeen, Business Improvement District (BID), 100 1st Avenue North, expressed appreciation to City Staff for their efforts with regard to getting things done with the BID. She reported that the BID hosted the Montana Downtown Conference and that it was well attended. She announced that at the Montana Healthy Communities Conference, the pedlet program was recognized on a state level. She further reported that the BID is installing a new sound system downtown.

Commissioner Houck received clarification that the pedlet is a seasonal item that is removed in the winter due to snow removal and that it would be returned from May through October.

4. **Reappointments, Great Falls Planning Advisory Board.**

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission reappoint Patrick Sullivan and Peter Fontana to the Great Falls Planning Advisory Board for three-year terms beginning January 1, 2018 and ending on December 31, 2020.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

Jeni Dodd, 3245 8th Avenue North, expressed concern about transparency and vetting with regard to vague answers on the applications. She further expressed concern with regard to Planning Advisory Board member Patrick Sullivan's ability to be fair.

Mayor Kelly responded that the vetting of the applications takes place by the Planning Advisory Board in a public meeting before a recommendation comes to the Commission.

Joan Redeen, Business Improvement District (BID), 100 1st Avenue North, referred to Ms. Dodd's comment with regard to a vague BID application, and clarified that she is unaware of who applied to serve on the BID board.

Patrick Sullivan, 2912 2nd Avenue North, in response to Ms. Dodd, comment that he has too many experiences to list on the application for Boards and Commissions. Mr. Sullivan further discussed bullying issues.

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

Motion Carried 4-0.

5. **Appointment, Mansfield Center for the Performing Arts Advisory Board.**

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission appoint Nancy Clark for the remainder of a three year term through December 31, 2018, to the Mansfield Center for the Performing Arts Advisory Board.

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

Commissioner Houck reported that the position was open for 11 months and that Nancy Clark's application was the only one received.

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

Motion Carried 4-0.

6. **Reappointment and appointment, Parking Advisory Commission.**

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission remove reappointments to the Parking Advisory Commission from the table.

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.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission reappoint William Mintsiveris to the Parking Advisory Commission for a three-year term through April 30, 2020 and appoint Jeff Patterson for the remainder of a three year term through April 30, 2020.

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

Referring to postponing the appointments of Dave Snuggs and William Mintsiveris, Commissioner Bronson reported that there was discussion with Mr. Mintsiveris with regard to open meeting laws. Commissioner Bronson further reported that Mr. Snuggs had to step down due to health issues. Commissioner Bronson concluded that Mr. Patterson offers a new perspective as a downtown business owner.

Commissioner Houck commented that Mr. Snuggs had brought good ideas to the Parking Advisory Commission.

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

Joan Redeen, Business Improvement District (BID), 100 1st Avenue North, commented that she is cautiously optimistic with regard to the current makeup of the Parking Advisory Commission.

Commissioner Houck noted that Joan Redeen attends the Parking Advisory Commission meetings even though she is not a member.

Mayor Kelly expressed appreciation with regard to Mr. Snuggs' service on the Parking Advisory Commission.

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

Motion Carried 4-0.

CITY MANAGER

7. Miscellaneous reports and announcements from the City Manager.

City Manager Greg Doyon announced that he and Deputy City Manager Chuck Anderson attended the International City Managers Association (ICMA).

Manager Doyon further announced that he had a discussion with regard to TIF's at the Montana Downtown Conference.

Manager Doyon reported that another request from the School District was declined with regard to utilizing a portion of Kranz Park for parking needs around Great Falls High School.

Manager Doyon announced that he and City Attorney Sara Sexe participated in an ACIR sponsored function with the delegation from Armenia.

KGPR radio provided awareness with regard to the requested changes to the Charter.

Manager Doyon further announced that he attended a State Emergency Response Commission meeting.

Training for Public Information Officers will be held on November 16 in preparation for a large scale exercise that the City will be hosting for Vigilant Guard in March, 2018.

Manager Doyon reported that there was a tax bill error in which the Commercial Street Assessment was missing, and that the County Treasurers office will be reissuing statements.

Shane Klippenes was awarded the Blankenship Training Officer of the Year through the Montana State Fire Chiefs Association (MSFCA). Eva McDunn from the Great Falls Public Library was awarded the 2017 Montana Notary of the Year.

CONSENT AGENDA

8. Minutes, October 17, 2017, City Commission Meeting.
9. Total Expenditures of \$3,453,980 for the period of September 30, 2017 through October 25, 2017, to include claims over \$5,000, in the amount of \$2,792,858.
10. Contracts List.
11. Approve Final Payment for the 4th Avenue North Water Main Replacement, in the amount of \$47,949.47 to Williams Civil Division, Inc., and \$484.34 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1571.1**

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

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

12. **Ordinance 3173, Amend Title 9, Chapter 4, Section 010, Of The Official Code Of The City of Great Falls (OCCGF), Pertaining to Alcoholic Beverage Definitions.**

City Attorney Sara Sexe reported that Ordinance 3173 would amend Title 9, Chapter 4, Section 10 of the Official Code of the City of Great Falls (OCCGF). She explained that the definition of "wine" is incomplete and is inconsistent with the Montana Code Annotated (MCA), as well as with other provisions of the (OCCGF).

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3173.

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

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3173.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion Carried 4-0.

13. Ordinance 3174, Amend Title 6, Chapter 1, Sections 010, 120, 130, And 250, Of The Official Code Of The City of Great Falls (OCCGF), Pertaining to Rabies Control and Unattended Animals In Vehicles.

City Attorney Sara Sexe reported that after the adoption of Ordinance 3160, additional comments were requested by representatives of the City-County Health Department to make the Official Code of the City of Great Falls (OCCGF), Title 6 more consistent with the laws and regulations.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3174.

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

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3174.

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

Commissioner Burow received clarification that the language with regard to feral cat would be stricken from the Ordinance.

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

Motion Carried 4-0.

14. West Ridge Addition Phase VIII, previously known as Peretti Addition Tract 2, Preliminary Plat and Findings of Fact.

Planning and Community Development Director Craig Raymond reported that the subject property is located along the northern edge of the City, north of 41st Avenue NE and west of 2nd Street NE, and consists of 4.91 acres.

The applicant is proposing to proceed with Phase VIII of West Ridge Addition which includes 2-unit townhomes as well as single family homes. This phase would create 18 lots for townhomes as well as dedicate part of Choteau Avenue Northeast and 2nd Street Northeast. The lots on the proposed preliminary plat for the western portion of Phase VIII would range in size from ±8,385 square feet to ±8,439 square feet. Phase VIII would also propose two single family lots that are approximately ±11,000 square feet to the east of 2nd Street Northeast.

Director Raymond explained that the proposed preliminary plat is consistent with the zoning which was recently amended by the City Commission to Planned Unit Development (PUD) in order to accommodate this mix of residential uses. As with the previous phases of West Ridge, the developer is required to construct the necessary infrastructure and utilities that will serve the development.

These improvements shall be installed at the owner's expense in accordance with the requirements of the Official Code of the City of Great Falls (OCCGF), the governing Improvement Agreement previously approved by the City Commission, and the developer.

Director Raymond further explained that the Owner proposes to connect Phase VIII of the subject property to existing City roadways by extending 2nd Street Northeast to the limits of Phase VIII and dedicating Choteau Avenue Northeast. Director Raymond explained that it is recommended that the west end of Choteau Avenue have a temporary, gravel-surfaced cul-de-sac turnaround installed.

A modified easement may be required from the owner of Thaniel Addition for the turnaround. Boulevard style sidewalks will be constructed along each lot frontage at the time of home construction, and will connect to a fully built out sidewalk network. 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.

Director Raymond reported that the on-site improvements would include everything required to provide water, sanitary sewer, and stormwater management. The Improvement Agreement for West Ridge Addition, Phases VII – XI, outlines the Owner's permanent and temporary stormwater management requirements in sections 12.4 and 20.

The Owner has worked with Public Works and Planning and Community Development Departments and the developer of Thaniel Addition for the general location of a future regional stormwater management facility immediately north on an adjacent property. This facility would be designed and installed at a later date. The Owner will be required to provide temporary stormwater management facilities, as well as begin the installation of a piped storm drainage system. Director Raymond explained that 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 76-3-608 Montana Code Annotated (MCA). The governing body shall issue written findings of fact that weigh the criteria in 76-3-608 (3), MCA.

Director Raymond pointed out that at the conclusion of a public hearing held on October 17, 2017, the Planning Advisory Board recommended the City Commission approve the Preliminary Plat of West Ridge Addition Phase VIII, 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.

3. Utilities. The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

4. Land Use & Zoning. Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned Unit Development district designation.

5. Subsequent modifications and additions. Director Raymond explained that after establishment of townhomes, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Mayor Kelly declared the public hearing open.

No one spoke in support of or opposition to the Preliminary Plat of West Ridge Addition Phase VIII and accompanying Findings of Fact.

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

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission approve the Preliminary Plat of West Ridge Addition Phase VIII 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 Houck received clarification that Public Works, Police, Park and Recreation, and Fire Departments were involved throughout the review and approval process for the project. Commissioner Houck further reported that the project was vetted by Neighborhood Council 3.

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

Motion Carried 4-0.

15. **Resolution 10208, Establish Sanitation Service Collection Rates effective December 1, 2017.**

Public Works Director Jim Rearden reported that the Commission was briefed at the October 17, 2017 work session on the sanitation division operations and proposed rates.

Director Rearden reviewed and discussed PowerPoint slides consisting of the City Sanitation Customer Base; Collection Systems Staffing; Sanitation Operating Costs Adopted for Fiscal Year

2017-2018; Landfill Costs & Tonnage; maintenance costs of new versus old sanitation trucks; previous residential rate increases; current statewide residential rates; as well as current Statewide Landfill Rates.

Fiscal Services Director Melissa Kinzler reported that in March, 2016, the City borrowed from intercap funds to replace six Sanitation trucks. Director Kinzler explained that borrowing requires the net revenues for each fiscal year of the sanitation fund be at least equal to 125 percent of the maximum principal in interest of that fund.

Director Kinzler further explained that as part of the annual audit, reviewing the coverage calculation and the preliminary numbers show that the City did not reach the 125 percent of net revenue. She reported that currently it is at about 112 percent, and explained that the 5 percent increase is estimated to bring City into compliance with the net revenue requirement of the borrowing.

Mayor Kelly declared the public hearing open.

No one spoke in support of Resolution 10208.

Speaking in opposition to Resolution 10208 was:

John Hubbard, 615 7th Avenue South, expressed concern with regard to the location of the landfill, as well as tax rate increases.

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 Burow, that the City Commission adopt Resolution 10208 Establishing Sanitation Service Collection Rates.

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

Commissioner Bronson commented that Public Works carefully analyses the Sanitation service, and mentioned that there have been some significant capital improvements. Commissioner Bronson further explained that since the landfill is owned by a private owner, that has an influence on the rates that the City has to charge.

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

Motion Carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

16. **Resolution 10211, Approve placement of "Coins for a Cause" donation containers on downtown light poles.**

City Manager Greg Doyon reported that the City was approached by Alison Fried with the Business Improvement District (BID) to assist with expanding the Coins for Cause program Downtown.

Currently several local downtown businesses are participating in the program by having donation boxes and information available next to the cash registers inside their stores.

Manager Doyon explained that this would be a pilot program from December 2017 through May 2018. The BID is proposing to place up to eight collection boxes on the City Light poles in the 400-500 blocks of Central Avenue. The BID shall be responsible for any damage related to the installation or removal of the collection boxes. The collection boxes shall be removed by the BID no later than May 31, 2018, unless otherwise agreed to in writing and extended by the City Commission.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10211.

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

Commissioner Burow received clarification with regard to the size of the donation boxes.

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

Jeni Dodd, 3245 8th Avenue North, expressed concern with regard to an increase of crime.

Alison Fried, Dragonfly Dry Goods, 504 Central Avenue, provided a Downtown Safety Alliance Goal Matrix handout. She explained that the idea for coins for a cause is to provide donated money to local organizations that provide direct services and resources to people in need. She concluded that coins for a Cause is an educational component.

Mayor Kelly received clarification that the donation containers would be emptied weekly, and that most of the containers would be placed where there are video cameras.

Joan Redeen, Business Improvement District (BID), 100 1st Avenue North, explained that the key to the project is education of the consumer by making them aware that handing money to a panhandler is not benefiting that individual. She concluded that funds collected from the donation containers would go to direct service providers.

John Hubbard, 615 7th Avenue South, expressed concern that panhandlers would take the containers from the light poles. Mr. Hubbard further received clarification with regard to how the money would be distributed.

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

Commissioner Bronson commented that the Downtown Safety Coalition has a vested interest in improving downtown.

Commissioner Burow inquired about who would be responsible if there was damage to light poles if donation containers were ripped off.

Manager Doyon explained that the BID would be responsible for any damage to light poles and that the containers would be removed if there were any problems.

Commissioner Houck applauded the BID with regard to its effort in making downtown experiences more enjoyable.

Motion Carried 3-1 (Commissioner Burow dissenting).

17. **Resolution 10217, Adopt the 2017 Update to Cascade County Multi-Hazard Mitigation Plan.**

Fire Chief Steve Hester reported that the Multi-Hazard Mitigation Plan (MHMP) had been approved by the City Commission on September 5, 2017 and the Montana Disaster Emergency Services (DES). Chief Hester further explained that the Commission's approval needed to be in the form a Resolution and noted that the MHMP opens the door for Grant funding for mitigation projects.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10217, the 2017 Update to Multi-Hazard Mitigation Plan (previously known as the Pre-Disaster Mitigation Plan.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

John Hubbard, 615 7th Avenue South, expressed concern with regard to toxic wastes, as well as oil leaks into the river.

Chief Hester responded that the MHMP would help mitigate hazardous materials, man-made materials, as well as any natural disaster.

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

Motion Carried 4-0.

18. **Ordinance 3168, Repealing and Replacing Title 5, of the Official Code of the City of Great Falls (OCCGF), Pertaining To Business Licenses, Permits, and Safety Inspection Certificates.**

City Attorney Sexe reported that Ordinance 3168 was accepted by the Commission on first reading on October 3 and adopted after second reading and public hearing on October 17. Attorney Sexe explained that subsequently it was discovered that a clerical error occurred requiring correction so that the Commission and public are correctly and fully advised as to the changes which had been proposed.

Attorney Sexe further reported that the text illustrated in Ordinance 3168 Exhibit B was accurately presented. The revote does not impact the substantive policy changes previously adopted by the Commission. Exhibit A accurately set forth the proposed new language, but did not illustrate all of the portions of text being removed from the original Official Code of the City of Great Falls (OCCGF), Title 5.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission rescind the October 17, 2017 vote adopting Ordinance 3168 due to a clerical error regarding Exhibit A to Ordinance 3168.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

Jeni Dodd, 3245 8th Avenue North, expressed concern that Ordinance 3168 was passed at the October 17 Commission meeting without much public outreach.

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

Motion Carried 4-0.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3168 as presented.

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 3175, Rezone the property legally described as Lot 1, Block 1 of Great Falls Clinic Addition and Lots 1-B and 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition from PLI Public Lands and Institutional to M-1 Mixed-Use District.

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3175 on first reading and to set a public hearing for December 5, 2017. Ordinance 3175 provides for the rezone of certain property from PLI-public Lands and Institutional to M-1 Mixed Use District.

The properties being proposed for rezoning is located along 29th Street South. One parcel is between 28th and 29th Street South just north of 15th Avenue South. The other parcel is east of 29th Street South and south of 15th Avenue South.

Director Raymond explained that the Great Falls Clinic Foundation is proposing to develop a 12 guest room hotel for patients and their families to utilize while visiting for medical treatment. In order for this use to be allowed on the property, a rezone is required. Concurrent with this rezone is also a request for a Conditional Use Permit to allow health care facilities in the new zoning district. This is needed because the existing clinic facilities would not be considered Permitted Land Use in the proposed district that would permit the proposed hotel. A request for a minor subdivision is also proposed to create the parcel for the requested hotel.

Director Raymond reported that the basis for decision on zoning map amendments is listed in the Official Code of the City of Great Falls (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 which are attached as Findings of Fact – Zoning Map Amendment.

Director Raymond reported that the proposed rezone request complies with all of the review criteria as submitted. At the conclusion of a public hearing held on October 17, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from PLI-Public Lands and Institutional to M-1 Mixed Use District for the subject property 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. Utilities. The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the Public Works Department for review and approval.
3. Land Use & Zoning. Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for the M-1 Mixed-use district designation.
4. Subsequent modifications and additions. If after establishment of the 2-unit townhomes, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria.

If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3175 on first reading and set a public hearing for December 5, 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.

20. **Ordinance 3176, rezoning the property legally described as The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14 from R-3 Single-family High Density to PUD Planned Unit Development.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3176 on first reading and to set a public hearing for December 5, 2017. Ordinance 3176 provides for the rezone of certain property from R-3 Single Family High Density District to PUD- Planned Unit Development.

The properties being proposed for rezoning is located on the North side of 3rd Avenue South between 13th Street South and 14th Street South. The applicant is proposing to develop the first pocket neighborhood in Great Falls on a 1.21 acre parcel located at the northwest corner of 3rd Avenue South and 14th Street South. The subject property was previously occupied by Kranz Floral, but now sits vacant due to the demolition of the previous buildings. The property is currently zoned R-3 Single family high density and is proposed to be rezoned to Planned Unit Development (PUD). The usage of the PUD zoning approach is being requested due to the unique nature of this pocket neighborhood with small lot sizes and shared parking and common space. The PUD will result in a cluster of single-family units all connected by pedestrian walkways and a central courtyard that will provide daily gathering space for residents.

Director Raymond further reported that the proposal includes ten single family homes and two 2-unit townhomes for a total of 14 residential units. The Beargrass Village PUD proposes development standards that will be applied to the development as a whole and also each lot. These proposed standards drive the design concepts for the development. The standards proposed for the overall

design requirements include specifications for the landscaping of the site, standards required for the common open space courtyard, and standards for low impact development stormwater features on the property. The per lot standards include specifications that vary from the existing R-3 zoning including a mix of housing types allowed without a Conditional Use Permit, smaller minimum lot size, lot width, depth to width ratio, reduced setbacks, and more intense lot coverage.

Director Raymond explained that the basis for the decision on zoning map amendments is listed in the Official Code of the City of Great Falls (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 which are attached as Findings of Fact – Zoning Map Amendment. Staff's position is that the proposed rezone request complies with all of the review criteria as submitted.

Director Raymond reported that at the conclusion of a public hearing held on October 17, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from R-3 Single Family High Density District to PUD-Planned Unit Development for the subject property 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.
3. Utilities. The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the Public Works Department for review and approval.
4. Land Use & Zoning. Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned Unit Development district designation.
5. Subsequent modifications and additions. If after establishment of the PUD, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
6. Building Elevations on 3rd Avenue South. The elevations for the single-family homes proposed for construction on the north side of 3rd Avenue South shall be consistent with the submitted rendering and contain architectural features such as picture windows, gabled roofs, entry doors and porch/patio features.

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3176 on first reading and set a public hearing for December 5, 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 3-0-1. (Commissioner Bronson abstained).

21. Ordinance 3177, Assign a zoning classification of Planned Unit Development (PUD) to the property legally described as Medical Tech park Minor Subdivision, Lot 4A.

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3177 on first reading and to set a public hearing for December 5, 2017. Ordinance 3177 provides for the assignment of Planned Unit Development (PUD) District zoning to the subject property upon annexation into the City of Great Falls. Neighborworks Great Falls and GMD Development have applied for annexation, zoning and subdivision of 7.9 acres that they intend to develop into residential uses.

Director Raymond further reported that the property selected for development is located in the County's Planning Jurisdiction, but adjoins the City limits in an area known as the Med Tech Park Minor Subdivision. Recently, other lots within this subdivision have been annexed into the City and developed. The most recent example is the Talus Apartments project located at the intersection of 23rd Street South and 21st Avenue South. The proposed development parcel, 7.9 acres, is part of a much larger 29.4 acre property within the County.

Director Raymond explained that as a result, the first step for the applicant was to gain County approval to subdivide the 29.4 tract, and further noted that the County Commissioners approved this subdivision on October 10. The second step in the process before any construction can take place is for the applicant to gain approval for annexation of the 7.972 acres, assignment of City zoning, and another subdivision approval to further subdivide the property.

Director Raymond reported that the reason for the additional City subdivision is that the State's approval was to allow two separately owned tax credit projects on the property. The parcel proposed for development is located at the dead-end of 23rd Street South and along the north side of 24th Avenue South. The property is vacant, used as pasture, and slopes gradually from south to north. Because this project needs to be considered in the larger context of future development of the entire 29.4 acres, City staff has consulted extensively with the applicant about the proposed street network.

The public street network for this proposal is patterned after the street network within an area of the County located west of 20th Street South. Although this area of the County has been developed in a rural fashion, the area was originally subdivided for a grid street network. This pattern is continued on the proposed development site. Director Raymond commented that originally, the applicant was seeking a multifamily zoning designation for the property such as R-5 or R-6.

Staff advised that a PUD zoning designation be proposed for two reasons:

- 1) The density of the proposal (15.6 units per acre) was substantially less than would be allowed under a standard multifamily zoning district.
- 2) The R-5 and R-6 zoning districts allow some land uses such as manufactured housing, retirement homes, churches, day care centers, etc. that are not consistent with the proposal and could concern adjacent land owners.

Director Raymond reported that the applicants have provided a table to the City outlining the proposed standards of the PUD. This includes restriction on land uses, a lower allowed density, lower building heights, and some variations in setbacks to account for the fact that project parking areas are actually located on separate parcels than building sites. The basis for decision on Planned Unit Development request is listed in the Official Code of the City of Great Falls (OCCGF) §17.16.29.050. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached to the agenda package as Basis – Zoning Map Amendment.

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3177 on first reading and set a public hearing for December 5, 2017.

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

Commissioner Houck commented that the evacuation corner to the south and east should be addressed in the near future.

Director Raymond responded that street layouts with regard to emergency vehicles having access to all of the buildings readily are being taken into consideration.

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

Motion Carried 3-0-1. (Commissioner Bronson abstained).

22. Ordinance 3182, An Ordinance by the City Commission of the City of Great Falls to amend Ordinance 3152 for the property legally described as Block 1, Lot 1, Amended Plat 2897, Section 14, Township 20 North, Range 3 East, Tietgen Triangle Addition to remove a Condition of Building Permit Approval for a Planned Unit Development (PUD).

Planning and Community Development Director Craig Raymond reported that this item is a request to accept Ordinance 3182 on first reading and set a public hearing for December 5, 2017. Ordinance 3182 would amend Ordinance 3152 that rezoned multiple properties near the Fox Farm and Country Club Boulevard intersection.

Director Raymond reported that Brett and Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, and Galloway Investments Inc., filed an application for a zoning map amendment (or rezone) of their respective properties from C-1 Neighborhood Commercial to C-2 General Commercial. The subject properties are located on the south side of the Country Club Boulevard and Fox Farm Road intersection. The properties consist of ±5.9 acres and the properties are generally known as: Beef 'O Brady's; Holiday Gas Station; Lucky Lil's Casino; Dairy Queen; Dahlquist Realtors and a vacant parcel which historically contained a motel until it was ultimately demolished.

Director Raymond further explained that the applicants originally requested the subject properties be rezoned to C-2 General commercial district in order to provide additional flexibility for development plans and to have zoning that fits the existing development in the area. During the March 7th Commission Meeting, the City Commission postponed the matter and asked staff to draft a

compromise that would allow for greater flexibility but restrict some of the more intensive uses in order to decrease or mitigate some impacts associated with higher intensity uses.

Director Raymond explained that the proposed Planned Unit Development (PUD) zoning district draws its foundation from C-2 standards with some use deviations. In this case, because the City is also dealing with a specific development proposal, a hotel, the City has also spent considerable time assessing the situation and working with the proponents and Montana Department of Transportation (MDT) to mitigate any potential negative impacts that may be associated with the rezone and development and in fact improve upon the existing condition.

Director Raymond reported that at the conclusion of a public hearing held on October 24, 2017, the Planning Board recommended the City Commission approve Ordinance 3182 which amends Ordinance 3152 and removes the requirement for an additional access easement between the vacant property and Alder Drive. Staff's recommendation continues to be that the easement condition should remain and Ordinance 3182 should be denied.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3182 on first reading and set a public hearing for December 5, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

Jeni Dodd, 3245 8th Avenue North, commented that the project should be resubmitted since there are major changes to the traffic flow. She further concurred with regard to City Staff's recommendation on the Agenda report.

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

Motion Carried 4-0.

CITY COMMISSION

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

There were no miscellaneous reports and announcements.

24. **Commission Initiatives.**

Commissioner Bronson announced that there would be a Veterans Day Ceremony on November 11th inside the Centene Stadium.

Mayor Kelly announced that City offices would be closed on Friday, November 10 in commemoration of Veterans Day.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Bronson, to adjourn the regular meeting of November 7, 2017, at 9:10 p.m.**

Motion Carried 4-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: November 21, 2017