

JOURNAL OF COMMISSION PROCEEDINGS

December 5, 2017

**Regular City Commission Meeting
Commission Chambers Room 206**

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

City Commission members present: Bob Kelly, Bob Jones, Tracy Houck, Bill Bronson and Fred Burow. 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; Finance Director Melissa Kinzler; Park and Recreation Deputy Director Patty Rearden; Park and Recreation Director Steve Herrig; Assistant City Attorney Joe Cik; and Police Chief Dave Bowen.

AGENDA APPROVAL

City Manager Greg Doyon noted that Item 7D was pulled from the contracts list after original posting. No changes were proposed by the City Commission. The agenda was approved as submitted.

SPECIAL PERFORMANCE

Great Falls College Community Choir performing Christmas Music.

*** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of the meeting for additional details ***

PETITIONS AND COMMUNICATIONS

1. **Miscellaneous reports and announcements.**

None.

NEIGHBORHOOD COUNCILS

2. **Miscellaneous reports and announcements from Neighborhood Councils.**

None.

BOARDS AND COMMISSIONS

3. **Miscellaneous reports and announcements from Boards and Commissions.**

None.

CITY MANAGER

4. Miscellaneous reports and announcements from the City Manager.

City Manager Greg Doyon welcomed Park and Recreation Director Steve Herrig.

Manager Doyon reported that the Library received an anonymous \$6000 donation to use towards the replacement of computers.

He thanked Fire Marshal Dirk Johnson with regard to bringing a certain business into compliance.

Negotiations with Billings are ongoing with regard to the position that was offered to Manager Doyon.

CONSENT AGENDA

5. Minutes, November 21, 2017, City Commission Meeting.
6. Total Expenditures of \$1,718,012 for the period of November 1, 2017 through November 22, 2017, to include claims over \$5,000, in the amount of \$1,470,592.
7. Contracts List.
8. Approve Final Payment in the amount of \$2,812.27 to Phillips Construction, LLC and \$28.41 to the State Miscellaneous Tax Fund for the WWTP Storm Water Demonstration Projects, and authorize the City Manager to make the payments. **OF**
1633.6
9. Approve Change Order 1 in the amount of \$553.23 for the City of Great Falls Public Works Facility Improvements-Utilities Building & Public Works Office, and approve Final Payment in the amount of \$2,864.29 to EJ Carpentry, LLC and \$28.93 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF**
1455.6

10. Approve a contract in the amount of \$137,313.00 to Advanced Engineering and Environmental Services, Inc. (AE2S) for the Water and Sewer Cost of Service Study and authorize the City Manager to execute the contract documents. **OF 1699**

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

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

Referring to Item 10, Commissioner Burow inquired about the water and sewer utilities Cost of Service Study.

Public Works Director Jim Rearden reported that the 2001 study gives a benchmark of the rates, as well as determines the appropriate rates for the three different classes of customers.

Mayor Kelly received clarification that the 2001 study is used as a basis when adjusting the rates, as well as a five year capital plan.

Referring to Items 7 F & G, Mayor Kelly received clarification that the purpose of the security cameras would be to monitor the premises, and that they are taped.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0

PUBLIC HEARINGS

11. **Resolution 10216, to Establish Golf Fees for Eagle Falls Golf Club and Anaconda Hills Golf Course.**

Park and Recreation Director Steve Herrig reported that there has not been an increase in golf fees since January, 2016. Director Herrig explained that fees for season passes, green fees, driving range, car rental, as well as tournament and group outings would be increased.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10216 was:

Roger Curtis, Golf Advisory Board member, 1600 2nd Avenue South, commented that the board reviewed surveys, as well as data from around the state in order to establish the golf fees.

Speaking in opposition to Resolution 10216 was:

Keith Ochs, 1507 3rd West Hill Drive, commented that the new proposed rates could price players out of the market.

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 Burow, that the City Commission adopt Resolution 10216, Golf Fees.

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

Commissioner Houck expressed concern that increasing fees would price golfers out of the market.

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

Motion carried 4-0-1 Commissioner Houck dissenting.

12. **Resolution 10173, to Declare Certain Property Located at 1425 3rd Avenue Southwest, a Nuisance, order the Nuisance be abated and authorize City staff to force abatement if necessary.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing and to consider the adoption of Resolution 10173 which would declare certain conditions located at 1425 3rd Ave SW a public nuisance.

Director Raymond further reported that Title 8, Chapter 49 of the Official Code of the City of Great Falls (OCCGF) provides for a process for dealing with nuisances which impact the public health and welfare.

Nuisance is defined in 8.49.010 of the OCCGF, in part, as anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another.

Director Raymond explained that this declaration of nuisance by the City Commission is made pursuant to the OCCGF, Mont. Code Ann. § 7-5-4104, and self-governmental powers under the Charter.

The subject property has been the subject of multiple complaints since at least 1981. Citations have been written for various issues including rubbish, non-compliant vehicles and other public nuisances beginning in 1988. City staff has worked with the owner, Mr. Wayne Preston, who was given generous amounts of time to complete the clean-up and repair of the premises. City staff has attempted to contact Mr. Preston both by phone and mail regarding the complaints and condition of the property. Director Raymond pointed out that the agenda report contains the whole list of violations about the property, which include: tall grass, weeds and a number of unlicensed vehicles in various states of disrepair.

Mayor Kelly declared the public hearing open.

No one spoke in support of Resolution 10173.

Speaking in opposition to Resolution 10173 were:

Jason Sorenson, 25 Beacon Trail, pointed out that he is the property owner's stepson. Mr. Sorenson provided and discussed a handout which included current pictures of the property. He explained that he has made several improvements over the last month, and noted that he will continue make improvements to the property.

Brooke Marko, 15 Boston Coulee Road, stepdaughter of the property owner, commented that there has been positive improvements made to the property.

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 10173, Declaring Certain property located at 1425 3rd Avenue Southwest, Lot 3A, Block 9, Community Hall 2, Cascade County, Montana, a Nuisance, order the Nuisance be abated and authorize City staff to force abatement if necessary.

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

After a brief discussion amongst the Commission, staff was directed to work with the property owners to make improvements to the property prior to enforcing abatement.

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

Motion carried 5-0

13. **Resolution 10213, to annex property and Ordinance 3177 to assign a zoning classification of Planned Unit Development (PUD) to the property legally described as Medical Tech park Minor Subdivision, Lot 4A and Preliminary Plat approval to allow a five-lot subdivision for a 124-unit multifamily housing project known as Rockcross Commons.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to conduct a public hearing regarding Ordinance 3177, Resolution 10213 and the consideration of a preliminary plat. If adopted, Resolution 10213 annexes the subject property, Ordinance 3177 provides for the assignment of PUD-Planned Unit Development District zoning upon annexation into the City of Great Falls.

Director Raymond further reported that the property under consideration is located just north of 24th Avenue South and roughly between 20th Street South and 23rd Street South. It 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.

Director Raymond explained that the proposed development parcel, which is roughly 7.9 acres, was up until recently, part of a much larger 29.4 acre property within the County. As a result, applicant first had to gain County approval to subdivide the 29.4 tract. The County Commissioners approved this subdivision on October 10, 2017. The property is vacant, used as pasture, and slopes gradually from south to north. On the north side of 24th Avenue South, an asphalt shared use path has previously been constructed and is proposed to be incorporated into the project. The over-all project is for the eventual construction of a 124 unit multi-family project. The northern portion of the development proposal contains three apartment buildings as well as a community building and outdoor play area for the entire tenant base. The southern portion of the project contains four apartment buildings. The final site plans and building elevations will also require consideration by the City's Design Review Board. The density of the proposed project is 15.6 units per acre with approximately 53% of developable area set aside for greenspace (landscaping, stormwater control).

Director Raymond further explained 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 of 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 potentially 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 project needs to be considered in the larger context of future development of the entire 29.4 acres. City staff has had extensive discussions with the applicant about the proposed street network. The public street network for this proposal is patterned after the street network within the adjacent 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. For north-south transportation connectivity, 23rd Street South would be extended from its terminus adjoining Talus Apartments to connect with 24th Avenue South. Additionally, a new street, 22nd Street South would provide a second access for the west side of the project as well as a future access for vacant property to the west. This street provides project access and could be extended to both the east and west if/when those parcels develop.

The basis for decision on a Planned Unit Development request is listed in the Official Code of the City of Great Falls (OCCGF) §17.16.29.050. The analysis of the basis of decision and staff and Planning Advisory Board Zoning Commission findings of fact are contained in the agenda report for consideration.

Commissioner Bronson noted that he was going to recuse himself from the discussion and vote from this item.

Mayor Kelly declared the public hearing open.

Commissioner Bronson stepped out at 8:00 p.m. and returned at 8:04 p.m.

Speaking in support of Resolution 10213 were:

Neil Fortier, NeighborWorks, 509 1st Avenue South, expressed support of the project, and commented that without housing, economic development would not occur.

Jana Cooper, TD&H Engineering, 1800 River Drive North, expressed appreciation to City staff for their efforts on this project, and expressed support of the location of the project.

Sheila Rice, NeighborWorks, 509 1st Avenue South, commented that the project is a huge construction boost to contractors in the City, as well as being strategically located in the medical-educational corridor.

Eric Bergman, Great Falls Development Authority, 300 Central Avenue, expressed support of the project, and concurred with the previous speakers.

No one spoke in opposition to Resolution 10213.

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

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10213 to annex Lot 4A, Medical Tech Park Minor Subdivision located in the SW 1/4 of the SE 1/4 of Section 18, Township 20 North, Range 4 East, P.M.M, Cascade County, MT and the accompanying Findings of Fact.

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

Motion carried 4-0-1 Commissioner Bronson abstaining.

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3177 and the accompanying Findings of Fact.

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

Motion carried 4-0-1 Commissioner Bronson abstaining.

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission approve the Preliminary Plat for a tract of land described as Lot 4A, Medical Tech Park Minor Subdivision located in the SW 1/4 of the SE 1/4 of Section 18, Township 20 North, Range 4 East, P.M.M, Cascade County, MT, and the accompanying Findings of Fact.

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

Commissioner Houck applauded the efforts made by everyone involved with the project.

Mayor Kelly commented that the project would provide affordable housing for Airmen at Malmstrom Air Force Base.

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

Motion carried 4-0-1 Commissioner Bronson abstaining.

14. **Ordinance 3175, to rezone the subject properties from PLI Public Lands and Institutional to M-1 Mixed-Use District; Resolutions 10212 and 10218; to request a Conditional Use Permit to allow a Health Care Facility in the M-1 zoning district for the subject properties, and Amended Plat for a Minor Subdivision of Lot 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition, located in the NW ¼ of Section 17, Township 20 North, Range 4 East, P.M. MT, Cascade County Montana.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to conduct a public hearing to consider Ordinance 3175 and Resolutions 10212 and 10218. Ordinance 3175 provides for the rezone of certain property from PLI-public Lands and Institutional to M-1 Mixed Use District. Resolutions 10212 and 10218 provide for the approval of conditional use permits to allow a health care facility use on the subject property within the M-1 Mixed Use zoning district.

Director Raymond explained that the properties being proposed for rezoning and conditional use permits 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 reported 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 concluded 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 the City Commission shall, at a minimum, consider the criteria set forth 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. 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 Conditions of Approval as written in the agenda report.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3175.

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 3175 and the accompanying Findings of Fact.

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

Motion Carried 5-0

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10212 and the accompanying Basis of Decision.

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

Motion Carried 5-0

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10218 and the accompanying Basis of Decision.

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

Motion Carried 5-0

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the amended plat for a minor subdivision of Lot 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition, located in the NW 1/4 of Section 17, Township 20 North, Range 4 East, P.M. MT, Cascade County Montana.

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

Motion Carried 5-0

15. **Ordinance 3176, to rezone 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.; and Preliminary Plat approval to allow a Major Subdivision for ten single-family home lots, four townhome lots, and one common lot for a project known as Beargrass Village.**

Planning and Community Development Director Craig Raymond reported this agenda item is a request to conduct a public hearing to consider Ordinance 3176 that 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 are located on the north side of 3rd Avenue South between 13th Street South and 14th Street South.

Director Raymond explained that 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. The usage of the PUD zoning approach is being requested due to the unique nature of this pocket neighborhood with small lot sizes, variation in types of residential units along with 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 a gathering space for residents. The proposal includes ten single family homes and two 2-unit townhomes for a total of 14 residential units.

Director Raymond further reported that the Beargrass Village PUD proposes development standards that will be applied to the development as a whole and to 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. Full development standards can be found in the agenda package. 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.

Director Raymond reported that the recommendation of the Planning Advisory Board/Zoning Commission and the decision of the City Commission shall, at a minimum, consider the criteria set forth in the agenda packet 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. Additionally, 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 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. 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 Bronson noted that he was going to recuse himself from the discussion and vote from this item.

Mayor Kelly declared the public hearing open.

Speaking in support of Ordinance 3176 were:

Neil Fortier, NeighborWorks Great Falls, 509 1st Avenue South, commented that the development would meet the requirements for the City's growth policy, as well as providing housing for the Airmen at Malsstrom Air Force Base.

Jana Cooper, TD&H Engineering, 1800 River Drive North, commented that the development is a creative housing opportunity for the City.

Sheila Rice, NeighborWorks, 509 1st Avenue South, expressed appreciation to staff for their cooperation with regard to the project. She commented that the development is a great opportunity for the City to make a statement with regard to providing housing to all citizens.

Eric Bergman, Great Falls Development Authority, 300 Central Avenue, commented that the development is an innovative idea which supports housing needs for the City.

No one spoke in opposition to Ordinance 3176.

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

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3176 and the accompanying Findings of Fact.

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

Motion Carried 4-0-1 Commissioner Bronson abstaining.

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission approve the preliminary plat of the Beargrass Village subdivision and the accompanying Findings of Fact.

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

Motion Carried 4-0-1 Commissioner Bronson abstaining.

16. **Ordinance 3182, Amend Ordinance 3152 for the property legally described as Block 1, Lot 1, Amended Plat 2897, Section 14, Township 20 North, Range 3 East, Tietjen Triangle Addition to remove a Condition of Building Permit Approval for a Planned Unit Development (PUD).**

Planning and Community Development Director Craig Raymond reported this item is a request to conduct a public hearing related to Ordinance 3182. If approved, Ordinance 3182 amends Ordinance 3152 that rezoned multiple properties near the Fox Farm/Country Club Boulevard intersection.

Director Raymond explained 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. In total, 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 reported 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. The proposed Planned Unit Development zoning district draws its foundation from C-2 standards with some use deviations. Because the City is also dealing with a specific development proposal, a hotel, and the proposal is located within a sensitive area of town from a traffic and transportation standpoint 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.

Director Raymond reported that in staff's opinion the easement that was required as a condition of approval of Ordinance 3152 was a key element to successfully mitigating traffic impacts associated with the development of the vacant property. Its purpose was to minimize the additional traffic congestion and turning movement conflict which the Fox Farm intersection is well known for.

Director Raymond explained that the traffic crash map indicates that there are serious problems in the immediate area. This area records the third highest accident rate throughout the city. The applicant has not submitted any new compelling information that would alleviate concerns regarding traffic and safety problems, and the study seems to not elaborate much on crash data. Director Raymond reported that there has been testimony before the Planning Board that the required easement and access from Alder Drive is not a good design approach to the problem. However, the City's own consultant seemed to suggest consideration of this approach has some merit and is worthy of further study. The applicant has not provided any substantive study or research document which can be reviewed and analyzed, that clearly contradicts this professional opinion or identifies this approach as dysfunctional or dangerous.

Director Raymond concluded 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. The Planning Board findings of fact are included in full in the agenda report but generally find that staff's recommendation and findings do not adequately provide sufficient foundation and evidence that would warrant a denial of the request.

On behalf of the Applicants,

Joe Murphy, Big Sky Civil Engineering, 1324 13th Avenue SW, reported that the MDT Traffic Impact Study indicates that there is not a need for a fourth southern access. Mr. Murphy further reported that the direct quote from the study says, "the proposed hotel development would have minimal impact on the area transportation system". He pointed out that Dahlquist Realtors was unsuccessful with regard to obtaining an easement from the Chinatown restaurant.

Mr. Murphy reported that Town Pump has offered to revise the Fox Farm median and relocate the approach to the south, and noted that the revisions would improve turning movements, as well as increased vehicle stacking. Mr. Murphy further reported that MDT has approved the median change and that the City has the authority to permit the approach relocation.

Mr. Murphy explained that ingress traffic associated with the hotel typically occurs during the evening hours. He further explained that the proposed development would extend the public sewer main, and that the Country Club Towers have obtained an easement for sewer extension as of April, 2017.

Mr. Murphy expressed appreciation to the Planning and Community Development, Legal, and Public Works departments for their efforts with regard to the project.

Kathy Harris, KLJ Engineering and Planning Services, 1301 12th Avenue South, reported that a Traffic Impact Study was performed, reviewed, and accepted by the MDT. She explained that the purpose of a Traffic Impact Study is to protect the roadway network, and prioritizes the mobility, safety of roads, as well as providing local access.

Ms. Harris reported that the Long Range Traffic Plan has identified Fox Farm Road as under capacity which can't carry the current demand, and that future land use will continue to experience congestion. She explained that the proposed hotel wouldn't generate additional direct congestion or drop that level of service. Ms. Harris further reported that the Traffic Impact Study has identified that the two approaches from Country Club Road, as well as the approach with the shared Lucky Lil access, are adequate approaches into the proposed hotel.

Ms. Harris commented that the additional change to the median on Fox Farm Road would be an improvement that would benefit not only the proposed hotel, but other citizens as well.

Referring to the Findings of Fact in the agenda report, Ms. Harris expressed concern that changing the approach to Alder Drive would shift traffic problems to another area.

Dan Sampson, Construction Development Manager for Town Pump and Billings Holdings, LLC, 600 South Main Street, Butte, MT, commented that the proposed hotel project would provide positive impacts to the community. Mr. Sampson reported that the Traffic Impact Study demonstrates that the easement is not necessary for the hotel development to function without negative impact.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Ordinance 3182 were:

Russ Kendall, 2801 Bonita Drive, expressed concern with regard to exiting issues in order to

return to the Interstate, as well as the possibility of casinos being developed in the Fox Farm area. Mr. Kendall expressed support with regard to staff's recommendations.

Art Dickhoff, 3027 3rd Avenue North, expressed concern that if the project is approved there could be additional traffic problems at the Intersection.

Kendra Owen, 1004 El Paso Drive, expressed appreciation to the Commission and staff for their due diligence with regard to analyzing what is best for the City.

Speaking in support of Ordinance 3182 were:

Bill McGladdery, Town Pump Director of Hotel Operations, 4 Tullamore Street, Butte, MT, commented that Town Pump continues to reinvest in the City with regard to the proposed project. Mr. McGladdery further commented that the project would be a benefit to the City by replacing the Country Club Towers sewer line, as well as generate more property taxes.

Gayle Fisher, 2012 5th Avenue South, Central Montana Tourism Region Executive Director, discussed marketing budget increases for the City, and commented that the project would be an incredible boost to the City's economy.

Paula Ruark, Town Pump Director of Sales and Marketing, 2006 Nevada Avenue, Butte, MT, referring to marketing and selling point of view, commented that Town Pump is selling Great Falls.

Terry Thompson, Great Falls Association of Realtors CEO, 401 13th Avenue South, commented that the privately funded development would provide a positive impact to the economy.

Scott Arnsmeier, 1412 11th Avenue South, commented that Town Pump is a partner to the City by making donations to entities, as well as allowing the former Townhouse Inn building to be utilized by police and fire departments for training exercises. Mr. Arnsmeier provided and discussed a Great Falls Area Lodging Association handout.

Eric Bergman, Great Falls Development Authority, 300 Central Avenue, expressed opposition to staff's recommendations. Mr. Bergman commented that the development would be a benefit the City's tax base.

Aaron Wall, 3104 3rd Avenue North, concurred with previous speakers, and expressed support for the hotel development.

Shane Etzweiler, Great Falls Chamber of Commerce, 100 1st Avenue North, concurred with previous speakers, and commented that Town Pump has been a great community and corporate partner.

Kevin May, Big Sky Civil Engineering, 1324 13th Avenue SW, expressed concern with regard to the stigma of not being a pro development community.

Brett Haverlandt, 2814 5th Avenue North, owner of Dahlquist Realty, commented that the project is a once in a life time opportunity.

Former Townhouse Inn employees and employers: **Laura Winkleblack**, 208 Show Place, Belgrade, MT; **John Atkinson**, 421 Beaverhead Court; **Steve Walker**, 208 Show Place, Belgrad, MT; **Janine Scott**, 2121 7th Avenue North; **Mary Staigmiller**, 2003 Upper River Road; **Wade Gehl**, 225 22nd Avenue NW, spoke in support of the hotel development with

regard to future opportunity of employment.

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

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3182 and the accompanying Findings of Fact.

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

Commissioner Houck commented that the property owners are willing to pay for the development, which could help mitigate the intersection's "D" rating.

Commissioner Jones commented that he respects the Planning and Community Developments opinion with regard to advising the Commission.

Commissioner Burow concurred with Commissioners Houck and Jones. Commissioner Burow expressed concern with regard to safety issues at the access points.

Commissioner Bronson and Mayor Kelly echoed Commissioner Jones with regard to having confidence in staff's opinion. Commissioner Bronson discussed the provisions of Ordinance 1385 pertaining to right of way easements, ownership of real property, as well as prescriptive easements.

Mayor Kelly reported that written correspondence was received from Cherie Bowman-Lyons, Great Falls Development Authority (GFDA) President Brett Doney, Dan Oakland, Jenny Yoneji, The Wendt Agency President/CEO Brenda Peterson and Gregory Embick (Web Ticket ID 51012c4f).

Mayor Kelly commented that, with the resources that Town Pump has, they could help find a solution to safety issues at the intersection.

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

Motion Carried 5-0

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

17. Resolution 10221, Intent to Re-Create a Tourism Business Improvement District within the City of Great Falls.

Finance Director Melissa Kinzler reported that the City Commission is authorized by Mont. Code. Ann. § 7-12-1101 through 7-12-1144 to create a Business Improvement District (BID) for the purpose of promoting tourism, conventions, trade shows, and travel to the City. The City is authorized to assess the applicable property owners within the Tourism Business Improvement District (TBID) for any or all of the costs of funding all uses and projects for tourism promotion

within the City. The TBID was originally created on December 2, 2008. Mont. Code Ann 7-12-1141 of the MCA specifies that the TBID shall not be for a period longer than 10 years unless the duration of the district is extended in compliance with the provisions for the creation of the district.

Director Kinzler further reported that the City has been presented with petitions signed by 83% of the hotel owners in the area of the District, which more than exceeds the statutory required percentage of 60%. Hotel owners in the proposed TBID district have 15 days after the date of the first legal publication to make a written protest.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10221 and set a public hearing to Re-Create the Tourism Business Improvement District (TBID) No. 1307 for February 6, 2018.

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

Rebecca Engum, Great Falls Tourism Business Improvement District, 100 1st Avenue North, expressed appreciation to staff for their efforts to renew the TBID a year early.

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

Motion Carried 5-0

18. **Ordinance 3179, Establishing and Reserving Titles 7, 11 and 14 of the Official Code of the City of Great Falls (OCCGF).**

Assistant City Attorney Joe Cik reported that Ordinance 3179 establishes and reserves Titles 7, 11, and 14 of the Official Code of the City of Great Falls (OCCGF). There would be no substantive impact on any other provisions of the Code, which would allow for additional provisions in the OCCGF for any future substantive regulation.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3179.

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 5-0

19. **Ordinance 3183, Amending Title 2, Chapter 21, Section 040, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Code of Ethics Definitions.**

Assistant City Attorney Joe Cik reported that Ordinance 3183 would amend the Official Code of the City of Great Falls (OCCGF) Title 2, Chapter 21, Section 040, pertaining to Ethics Code Definitions. The proposed Ordinance would change the definition of "Officer" to include the Housing Authority Director.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3183 on first reading and set second reading for December 19, 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 5-0

20. **Ordinance 3184, to set public hearing to rezone the east 12 feet by 132 feet of Lot 8, Block 49, Black Eagle Falls Addition and sell said property.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3184 on first reading and to set a public hearing for January 16, 2018. Ordinance 3184 provides for the rezoning of a 12' x 132' strip of city park land (Lion's Park) from POS Parks and Open Space to C-2 General Commercial. Also under consideration on January 16th will be the sale of the subject property to the adjacent property owner which is PBA Properties LLC. The properties being proposed for rezoning are located at 2815 10th Avenue South located just north of 10th Avenue South between 27th and 29th Street South.

Director Raymond explained that the applicant desires to build an elevator addition onto the existing professional office building. Due to the existing architectural and property line barriers together with building and zoning code requirements, an adjustment of the property lines is necessary if the project is to be successful.

Director Raymond further explained that staff is aware of the community sensitivity to the sale of park property and feel that the proposed sale does not negatively impact enjoyment of the park or the sense of open space that parks afford. The Great Falls Park Board reviewed the requested sale of park land during the February 13th and September 11th meetings and ultimately recommended approval. The Zoning Commission held a public hearing on November 14th on the proposed rezoning of the subject property and recommended approval.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3184 on first reading and set a public hearing for January 16, 2018.

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 5-0

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission set a public hearing for January 16, 2018 to consider the sale of the parkland

property identified as the east 12 feet wide by 132 feet long strip of Lions Park, represented on the proposed Amended Plat of Lots 7 and 8, Block 49, Black Eagle Falls Addition, to PBA Properties, LLC.

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 5-0

CITY COMMISSION

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

Mayor Kelly welcomed Park and Recreation Director Steve Herrig, and thanked Deputy Director Patty Rearden for her efforts.

22. **Commission Initiatives.**

There were no Commission Initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Jones, to adjourn the regular meeting of December 5, 2017, at 10:25 p.m.**

Motion Adopted 5-0

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
December 19, 2017**