

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – American Legion Post 3

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bill Bronson, Fred Burow, Mary Jolley and Bob Jones. Also present were the City Manager, Deputy City Manager, Chief Prosecutor, Directors of Fiscal Services and Planning and Community Development, the Public Works Engineer, Executive Director of the Housing Authority, Police Chief, Fire Chief, and the City Clerk.

*** Action Minutes of the Great Falls City Commission. Please refer to the audio recording of this meeting for additional detail. ***

NEIGHBORHOOD COUNCILS

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

BOARDS & COMMISSIONS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

PUBLIC HEARINGS

3. **BUSINESS IMPROVEMENT DISTRICT (BID) BUDGET AND WORK PLAN.**

Executive Assistant to the BID Board Joan Redeen reported that the BID's budget and work plan was presented on July 19, 2011. She inquired if the Commissioners had any questions regarding the 2011/2012 BID budget and work plan.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of the BID budget and work plan.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept the 2011/2012 Business Improvement District Budget and Work Plan.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none,

Mayor Winters called for the vote.

Motion carried 5-0.

4. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) BUDGET AND WORK PLAN.

Administrative and Marketing Director Karen Venetz also noted that the TBID's budget and work plan was presented on July 19, 2011. She inquired if the Commissioners had any questions regarding the 2011/2012 TBID budget and work plan.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of the TBID budget and work plan.

Mayor Winters declared the public hearing closed.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept the 2011/2012 Tourism Business Improvement District Budget and Work Plan.

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

Motion carried 5-0.

5. RESOLUTION 9925, LEVY AND ASSESS STREET MAINTENANCE DISTRICT.

Fiscal Services Director Melissa Kinzler reported that the Street Department maintains approximately 383 miles of streets and alleys within the City limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, nuisance weed program, and the Traffic Division is responsible for maintenance of all roadway signs and signals. After determining financial factors pertinent to the operation of the Street Department, an assessment amount for the next fiscal year is calculated and presented to the City Commission for approval. After conducting a public hearing, staff recommends that the Commission adopt Resolution 9925.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9925.

Mayor Winters declared the public hearing closed.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9925.

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

Motion carried 5-0.

6. **RESOLUTION 9926, LEVY AND ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENANCE DISTRICT NO. 3570.**

Fiscal Services Director Melissa Kinzler reported that the Natural Resources-Boulevard Division of the Park and Recreation Department is responsible for the care and maintenance of over 15,000 trees located within District No. 3570. Services provided within the District are tree pruning, removal, planting, leaf pick up and streetscape design. After determining financial factors pertinent to the operation of the Natural Resources-Boulevard Division, an assessment amount for the next fiscal year is calculated and presented to the City Commission for approval. After conducting a public hearing, staff recommends that the Commission adopt Resolution 9926.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9926.

Mayor Winters declared the public hearing closed.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9926.

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

Motion carried 5-0.

7. **RESOLUTION 9927, LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that the Portage Meadows fund is administered by the Park and Recreation Department to maintain the turf, trees, irrigation system and provide snow removal in the green belt park of the Portage Meadows Addition. There are currently 186 parcels that benefit from the upkeep and maintenance of Portage Meadows. After determining financial factors pertinent to the operation of maintaining the green belt park area, an assessment amount for the next fiscal year is calculated and presented to the City Commission for approval. After conducting a public hearing, staff recommends that the Commission adopt Resolution 9927.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 9927.

Mayor Winters declared the public hearing closed.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9927.

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

Motion carried 5-0.

8. **RESOLUTION 9932, AUTHORIZING THE RATE COMPONENT FOR ELECTRIC CITY POWER CUSTOMERS.**

City Manager Greg Doyon reported that Resolution 9932 allows the Commission to set rates effective July 1, 2011, for Electric City Power customers. Discussions regarding rates began on May 31, 2011, with a presentation from rate consultant, Jim Williams. The rate component for Commission consideration includes key components: it defines how a customer will be charged on a monthly basis; the bill will consist of the electric supply charge that will now be a pass-through rate; the transmission component; and customers will be charged a pro-rata share of relevant monthly administrative and general expenses, which includes accounting, legal and consulting costs. For those customers that were formerly Block 1 and Block 2 customers, there is a proposed \$3.50 per megawatt hour assessment for the retirement of debt that was due to subsidized rates over the prior contract period.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9932 were:

Ron Gessaman, 1006 36th Avenue NE, provided and discussed his spreadsheet from data received at the August 1, 2011, ECP Board meeting. He doesn't feel the proposed \$3.50 debt service charge is fair to impose on several customers.

Aart Dolman, 3016 Central Avenue, doesn't believe \$3.50 is enough to charge to recover the City's losses.

No one spoke in support of Resolution 9932.

Mayor Winters declared the public hearing closed.

Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9932 authorizing the rate component portion for current ECP customers to be effective as of July 1, 2011.

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

Commissioner Jolley thanked Mr. Gessaman for the chart. She explained that debt service language was contained in the customers' contracts, the customer pool is getting smaller, and that she is in favor of this resolution.

Motion carried 5-0.

9. **CASCADE RIDGE SENIOR LIVING FACILITY, LOCATED IN THE VICINITY OF 15TH AVENUE SOUTH AND 29TH STREET SOUTH.**

A. **ORDINANCE 3078, REZONE PROPERTY TO R-6 MULTI-FAMILY RESIDENTIAL HIGH DENSITY DISTRICT.**

B. AMENDED PLAT OF LOT 1, BLOCK 2, FIRST ADDITION TO GREAT FALLS CLINIC ADDITION AND ACCOMPANYING FINDINGS OF FACT.

Planning and Community Development Director Mike Haynes reported that this is a request to take final action on the amended plat and rezoning that would accommodate development of the Cascade Ridge Senior Housing project. At a public hearing held on June 14, 2011, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve the minor subdivision and rezoning. The subject property comprises ± 7.59 acres that would be subdivided into two lots. The west ± 3.347 acres are occupied by the Gift of Life Housing Center. The vacant and unimproved east ± 4.244 acres would accommodate development of the Cascade Ridge low-income senior rental housing project. It is also proposed to rezone the east lot from PLI (Public Lands and Institutional) to R-6 (Multifamily High Density) to accommodate the residential development.

Staff recommends approval of the rezoning and minor subdivision to accommodate development of this project based on its benefit to the community in terms of new construction, roadway improvements, provision of needed services and compatibility with the Medical District Master Plan, while acknowledging that, like all exempt properties, it will not generate property tax revenues.

Mr. Haynes also noted that, subsequent to issuance of the agenda report, letters in support and a Petition in opposition to this matter were received.

Mayor Winters declared the public hearing open.

Speaking in opposition to Ordinance 3078 were:

Ronelda Mogstad, 3202 14th Avenue South, commented that she submitted the Petition to deny this Ordinance to the City Clerk's Office on July 26, 2011. She believes the zone change will result in adverse impacts upon the property owners located in the Charles Russell Addition, including lowering property values and high level traffic.

Larry Mogstad, 3202 14th Avenue South, expressed concerns about the roadways turning into a medical transportation corridor. He feels it is the City's responsibility to protect and preserve the character of existing developments, which in this case are single-family residential homes. He doesn't believe R-6 high-density zoning is consistent with the Master Plan or the neighborhood it will be impacting. Mr. Mogstad considers this spot zoning in the PLI zoning district. He suggested negotiating for rights-of-way for critical roadway connections.

A written Petition to Deny Ordinance 3078, signed by 34 property owners located east of the proposed development, was received by the City Clerk on July 26, 2011, and provided to the City Commissioners.

Speaking in support of Ordinance 3078 were:

Frank Soltys, 2709 Ivy Drive, Executive Director of Senior Services at Benefis, encouraged the Commission to pass this Ordinance to rezone property for the increased need of affordable senior housing. This project also supports senior health and wellness as they age in this community.

Don Sterhan, 3104 E. McDonald Drive, Billings, President and CEO of Mountain Plains Equity Group, Inc., commented that applying for tax credits is a competitive process and being awarded the credits speaks volumes. The project consists of 40 units of housing targeted for low to moderate income seniors. The design of the facility is complete and financing is secured. Subject to the requirements of the City and the necessary permits, this project is ready to go. Mr. Sterhan reported that 60 people are already on a waiting list for this facility. He also clarified that research shows if the project is done properly that it can increase land values in the neighborhood.

Tim Morgan, 2157 Rangeview Court, Billings, Project Manager of Cascade Ridge Senior Living Facility for Mountain Plains Equity Group, commented that a significant element of this project was securing land at a price that was sustainable for the project and which could meet the numerous criteria necessary to qualify for an award of low income housing tax credits. Benefis, a partner in the Cascade Ridge project, has made a significant investment in the project by providing a site and infrastructure development which substantially meets all of the project criteria.

Nano McCluskey, 3016 2nd Avenue South, commented that the Great Falls Development Authority supports this affordable senior housing development. On a personal level, she has seen the benefits of how senior community developments work for seniors. Senior housing is an asset to Great Falls.

Mitch Tropilla, 811 5th Avenue North, SD 12 Representative, commented that Cascade Ridge Senior Living Facility is a progressive development for the community, and is a positive project for our senior citizens.

Jim Cummings, 1021 17th Avenue SW, Benefis Health Systems Board member, supports the housing needs for low to moderate income seniors in Great Falls.

Robert Nommensen, 508 28th Avenue NW, Treasurer of Sletten Construction, discussed the number of contractors this project will employ. Cascade Ridge offers a convenient access to the medical district, and an affordable housing option for seniors.

Written letters in support of Ordinance 3078 were received from **Virginia Barhight**, 1804 1st Avenue North, and **Arlene Blessing**, 719 47th Street South.

Mayor Winters declared the public hearing closed.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3078.

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

Commissioner Jones noted that he doesn't have any problems with the project. However, he expressed concerns that the Grandview at Benefis project should have included this Cascade Ridge project as a whole because agreements were made on one particular project relating back to 15th Avenue South. He discussed his concerns regarding rights-of-way and traffic going east and west.

Commissioner Burow expressed concerns regarding what things outside the medical field Benefis will be offering to low income people.

Commissioner Bronson concurred with Commissioner Jones' comments regarding traffic and right-of-way access that will need to be considered. He discussed what state law sets forth regarding what can or cannot be considered when the Commission is asked to consider a zone change and approval of an amended plat. The Growth Policy for the City of Great Falls is replete with references to the recognized need to develop low income housing and housing for senior citizens. In response to a concern expressed about 11th Avenue South being closed, Commissioner Bronson clarified that such an action would require the approval of the City Commission.

With regard to Benefis' involvement with affordable senior housing, **Frank Soltys** commented that there is a direct association with affordable, safe senior housing and wellness of seniors.

Dr. Bill McGregor, Chairman of the Benefis Health System Board, noted that 11th Avenue South has been discussed, but revolved more around improved access off 10th Avenue South.

Motion carried 4-1 (Commissioner Burow dissenting).

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission approve the Amended Plat of Lot 1, Block 2, First Addition to Great Falls Clinic Addition and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board.

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

Motion carried 4-1 (Commissioner Burow dissenting).

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

10. **ORDINANCE 3080, REZONE FOUR LOTS LOCATED NORTH OF CRESCENT DRIVE WEST OF 6TH STREET SOUTHWEST TO I-1 LIGHT INDUSTRIAL.**

Planning and Community Development Director Mike Haynes reported that this item relates to Ordinance 3080 that would rezone four lots containing ±13.32 acres from C-2 (General Commercial) to I-1 (Light Industrial). The subject properties are located on the north side of Crescent Drive west of 6th Street SW and comprise a cell tower, storage units, a landscape business, a grain elevator and a vacant building that was formerly used for daycare. Staff is recommending approval of the rezoning based on two major factors: (1) the industrial nature of existing uses on the subject properties, and (2) the location of subject properties between the railroad and Hickory Swing Golf Course to the north and the West Great Falls Levee to the south that alleviate typical concerns regarding compatibility of industrial with other uses (especially residential).

At a public hearing held on July 12, 2011, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve the rezoning, and a minor subdivision of the

easternmost lot (Mark 22LA) into two lots. The owner of that property will also be required to obtain a right-of-way encroachment permit from Public Works for the previously-mentioned vacant building that encroaches into the Crescent Drive ROW.

Commissioner Burow moved, seconded by Commissioners Bronson and Jones, that the City Commission accept Ordinance 3080 on first reading and set a public hearing for September 6, 2011.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

CONSENT AGENDA

11. Minutes, July 19, 2011, Commission meeting.
12. Total Expenditures of \$4,836,687 for the period of July 9-27, 2011, to include claims over \$5,000, in the amount of \$4,568,758.
13. Contracts list.
14. Lien Release list.
15. Set public hearing for September 6, 2011, on Res. 9936 to Levy and Assess Properties for Unpaid Utility Service.
16. Approve Labor Agreement with the Plumbers and Fitters Local #41.
17. Approve Labor Agreement with the International Brotherhood of Electrical Workers, Local Union #233.
18. Approve Labor Agreement with the Painters Local #260.
19. Approve Labor Agreement with the Great Falls Police Protective Association.
20. Award contract in the amount of \$765,600 to Planned and Engineered Construction, Inc. for the West Interceptor Trenchless Rehabilitation, Phase II. **OF 1566.9**
21. Award contract in the amount of \$569,900 to Intermountain Construction Service, LLC for the Lift Stations #10, #12, and #25 Can Replacement and Miscellaneous Improvements. **OF 1457.5**
22. Award contract in the amount of \$239,555 to Planned and Engineered Construction, Inc. for the Sanitary Sewer Trenchless Rehabilitation, Phase 15. **OF 1566.2**
23. Approve Change Order. #1 in the amount of \$7,024.95 for the 2010 CDBG Sidewalk Replacement. **OF 1588.2**

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

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, with regard to the payment made to The Tennis and Track Co. on Item 12, suggested tennis court publicity to increase usage. With regard to the payment made from the Storm Drain fund, Mr. Gessaman inquired if there was a long-term plan to correct the problem at the retention pond. City Engineer Dave Dobbs responded that a project is in design, will be going out to bid and completion of the work to correct the problem is expected this year or next Spring. Also regarding Item 12, Mr. Gessaman inquired what documentation existed for the City to pay bills of ECP, a separate corporation. Commissioner Jolley noted that she doesn't believe that documentation exists. With regard to the labor agreements in Items 16, 17, 18 and 19, Mr. Gessaman suggested that the dollar amount be listed under fiscal impact as to the changes in the agreements that will result in additional expenditures for 2012/2013 fiscal years. Mayor Winters responded that staff would compile and provide the information to him.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **John Hubbard**, 615 7th Avenue South, discussed the lack of jobs and state of the economy, cost of senior housing, and federal government accountability.
- B. **Ron Gessaman**, 1006 36th Avenue NE, discussed what he heard at last evening's ECP Board meeting. He reminded the Commission that the demand for electricity is dropping, and that the \$3.50 charges are not going to amount to what was projected in the recently approved budget. He suggested resolving the problems by going to the Courts in a more direct fashion.
- C. **Stuart Lewin**, 615 3rd Avenue North, also discussed last evening's ECP Board meeting. He noted the situation of City officials not being fully informed when attending Southern meetings was intolerable. The options of what the City can do are very difficult to figure out. He encouraged citizens to be more involved in local government.
- D. **Mike Witsoe**, 510 11th Street South, discussed Montana State Fair week events. He also discussed Mr. Gessaman's handout and read a letter dated May 5, 2011, from Southern to Mr. Doyon.

CITY MANAGER

25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon thanked Brigadier General (Select) Cotton for the invitation to watch the test launch of an ICBM at Vandenberg Air Force Base last week, and Colonel Rimback for the escort to see what the airmen do firsthand.

He also encouraged more people to play tennis.

Deputy City Manager Jennifer Reichelt thanked staff at Malmstrom Air Force Base and Montana Air National Guard, and the Great Falls Police Department for their participation this weekend during the well attended Blue Angels event.

CITY COMMISSION

26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters commented that the City Commission is doing the best it can to resolve the problem with ECP.

ADJOURNMENT

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jones, that the regular meeting of August 2, 2011, be adjourned at 8:49 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: August 16, 2011