

**JOURNAL OF COMMISSION PROCEEDINGS**  
**October 15, 2019**

Regular City Commission Meeting

Mayor Bob Kelly presiding

**CALL TO ORDER:** 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Bill Bronson, Mary Sheehy Moe, Owen Robinson, and Tracy Houck. Also present were the City Manager Greg Doyon; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Budget Analyst Kirsten Myre; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Manager Greg Doyon reported that Agenda Item 19, Appointments, Great Falls Citizen’s Council, was added to the Agenda after original posting on the City’s website. The City Commission approved the Agenda.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None.

1.

**PROCLAMATIONS**

Mayor Kelly read a proclamation for Extra Mile Day (November 1, 2019), and Commissioner Houck read a proclamation for Red Ribbon Week (October 28 – November 1, 2019).

**PETITIONS AND COMMUNICATIONS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Jeni Dodd**, 3245 8<sup>th</sup> Avenue North, commented that, after notifying the Public Works Department years ago, her damaged garbage can has not been replaced and the sunken area of the paved alley behind her residence has not been repaired. But, her new neighbor, who is a City employee, immediately got a new garbage can and the alley behind his residence only fixed.

She commented that she hoped the Holocaust Survivor presentation makes the community aware of the dangers of a tyrannical government.

Ms. Dodd also inquired how the three blocks were chosen by the Great Falls Development Authority (GFDA) for its Downtown Visioning project.

Referring to the damaged garbage can and alley, Mayor Kelly suggested Ms. Dodd email him and he will forward her concerns to the proper Department. Referring to the GFDA Visioning Project, Mayor Kelly suggested Ms. Dodd contact GFDA directly.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, disagreed with the City’s leaf pick up requirements in the boulevard areas. He also noted the \$80+ million dollar Montana Expo Park project.

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**Donna Williams**, 2916 2<sup>nd</sup> Avenue North, commented that trees are important for the community and expressed appreciation to City staff for providing a donation form for planting trees on the City's website.

**NEIGHBORHOOD COUNCILS**

**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**BOARDS & COMMISSIONS**

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

Commissioner Robinson reported that the Complete Count Committee for the Census 2020 was at the What Women Want Expo and was successful with regard to getting the word out about the importance of the Census 2020.

**5. APPOINTMENT TO THE ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission appoint Sachin Jain and Sylvia Lindinger-Sternart to the Advisory Commission on International Relationships for partial three-year terms through March 31, 2022.**

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

Motion carried 5-0.

**CITY MANAGER**

**6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported on the following:

- The City was ranked nine out of ten for starting the most new businesses and 23<sup>rd</sup> amongst US cities of similar size by AdvisorSmith.
- Representatives for labor groups met on October 1<sup>st</sup> and mediation was unsuccessful with regard to the implementation of a citywide random drug testing policy.
- Great Falls Fire Rescue conducted Fire Prevention Education at local elementary schools.
- The City received the 2018/2019 Lost Control Achievement Award in Workers Compensation at the Montana League of Cities and Towns Conference.
- Manager Doyon and Deputy Manager Chuck Anderson will be attending the 2019 International City Manager's Association Conference.

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- The Great Falls Area Community Foundation is a group being considered to handle donations for the Gore Hill Water Tower logo.
- Recycling opportunities will be a topic of discussion at the Council of Councils meeting on October 29<sup>th</sup>.

Public Works Director Jim Rearden announced that the Department of Environmental Quality (DEQ) reported that the running annual averages for haloacetic acids (HAA5) have dropped below the Maximum Contaminant Level (MCL) concentration of all eight monitoring locations, and the violations previously issued are resolved.

Director Rearden reported that unforeseen issues will require the road closure of Fox Farm Road to be extended until October 17, 2019.

**CONSENT AGENDA.**

7. Minutes, October 1, 2019, Commission Meeting.
8. Total Expenditures of \$2,536,953 for the period of September 6, 2019 through October 2, 2019, to include claims over \$5000, in the amount of \$2,255,578.
9. Contracts List.
10. Approve the Interlocal Agreement between the Cascade County Sheriff's Office and the City of Great Falls Fire Rescue to establish a Rescue Task Force team in the event of an Active Shooter Event.
11. Postpone consideration of the design selection and bid award for the Creative Mural/Logo Design and Painting of the Gore Hill Water Tower project until the November 5, 2019 Commission meeting. **OF 1625.9**
12. Approve the bid award for the City of Great Falls Emergency Communication Center for replacement of the CPE (call processing equipment) in the amount of \$301,004.41 from Central Square/ Zuercher Technologies, and authorize the City Manager to execute necessary contract documents and any additional agreements needed to implement the system.
13. Recommend staff re-advertise in January 2020 for the Gibson Park Trail Restoration Project due to no bids being received. **OF 1737.2**

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

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

Motion carried 5-0.

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**PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

**14. AMENDMENT NO. 2 TO DEVELOPMENT AGREEMENT WITH WEST BANK, LLC PERTAINING TO WEST BANK LANDING URBAN RENEWAL PROJECT (OF 1488.4).**

Planning and Community Development Director Craig Raymond reported that in August 2016, the City Commission adopted Ordinance 3145, which authorized a Development Agreement between West Bank, LLC and the City. This Development Agreement committed the City to issue bonds in order to pay or reimburse West Bank, LLC for up to nearly \$2.7 million of costs for infrastructure improvements associated with the West Bank Landing development project.

On October 2, 2018, the City Commission approved Amendment No. 1 to the 2016 Development Agreement. This amendment authorized a \$700,000 early reimbursement to West Bank, LLC for completed infrastructure improvements. The Developer's Representative, Brad Talcott, is requesting a second payment of \$350,000 of remaining funds from the City's West Bank Urban Renewal District Tax Increment Financing account. Currently, this account has an available balance of \$360,500.

In addition to the applicant's request, the City Commission will be considering a separate request from Holman Grain for fund reimbursement from the West Bank Urban Renewal District (Buffalo Crossing project). There is not enough available fund balance to simultaneously fund both requests at this time. City staff believes that both requests can be funded through a staggered payment schedule. Subject to City Commission consideration, staff suggests the following funding sequence:

- \$350,000 of immediate payment to West Bank LLC.
- Approximately \$242,000 of reimbursement payment for Buffalo Crossing upon completion of the Phase I improvements. The payment would occur after the City's 2019 TIF fund payment in December.
- Approximately \$108,600 of reimbursement payment for Buffalo Crossing upon completion of Phase II improvements.

**Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission approve Amendment No. 2 to Development Agreement with West Bank, LLC pertaining to West Bank Landing Urban Renewal Project.**

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

**Brad Talcott**, 2801 4<sup>th</sup> Avenue North, expressed appreciation to City staff for considering the proposal to disperse the funds early.

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Mayor Kelly received clarification that \$350,000 would be paid immediately to West Bank LLC and the request to issue bonds will occur at a later date.

Mayor Kelly commended Mr. Talcott for making a difference in the community with regard to his efforts to the West Bank area.

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

Motion carried 5-0.

**ORDINANCES/RESOLUTIONS**

**15. A.) RESOLUTION 10319, RESOLUTION OF INTENTION APPROVING AN URBAN RENEWAL PROJECT (BUFFALO CROSSING.)**

Planning and Community Development Director Craig Raymond reported that the West Bank Urban Renewal and Tax Increment Financing (TIF) District was adopted by the Great Falls City Commission in 2007 and encompasses property on the west bank of the Missouri River on either side of the Central Avenue West Bridge. Within the West Bank Urban Renewal TIF District is the recently approved Buffalo Crossing subdivision that includes the existing Barrel Building and six lots that were approved for subdivision by the City Commission on July 3, 2018. The purpose of creating the West Bank TIF was to address blighted conditions that had diminished the environmental, economic, and cultural conditions of the West Bank area over time in order to foster economic development, job creation, and improve overall environmental quality of the area.

The applicant, Holman Grain, has submitted a TIF application for \$350,600 of TIF funds to address the following improvements to the Buffalo Crossing Addition:

- 1) \$74,000 for demolition of existing structures. The applicant is seeking TIF funds to demolish an existing loading dock on south side of the barrel vault building as well buildings on the west side of Bay Drive.
- 2) \$140,000 to relocate overhead power lines from the east side of Bay Drive to the west side of Bay Drive.
- 3) \$81,000 towards Bay Drive sidewalk and landscaping. The City requires certain public improvements to the City right-of-way as development occurs. The owners have committed to landscaping and sidewalks within the right-of-way before development occurs to improve the streetscape of the property.
- 4) \$27,600 for River's Edge Trail public access.
- 5) \$28,000 for civil engineering fees.

The \$350,600 of TIF funds being requested is a small percentage of the total cost of the project, which is estimated to be \$18,900,694 when all six lots are fully developed. If this request is approved, the relocation of the overhead power lines and the demolition of the existing building will occur this year with all other public improvements taking place over the Spring and Summer of 2020.

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After thorough review and evaluation of the project and infrastructure improvements, City staff has determined:

- No persons will be displaced from their housing by the project or the infrastructure improvements.
- The project and the infrastructure improvements substantially satisfy the review criteria of the funding application process and meet the purpose and goals of the State Law, the District and Plan.
- The infrastructure improvements constitute public improvements in accordance with the Act.
- A sound and adequate financial program exists for the financing of the infrastructure improvements.

Subject to City Commission approval, staff recommends the following funding sequence:

- \$350,000 of immediate payment to West Bank LLC.
- Approximately \$242,000 of reimbursement payment to the Buffalo Crossing applicant upon completion of Phase I improvements (power line relocation and demolition work). The payment would occur after the City's 2019 TIF fund payment in December.
- Approximately \$108,600 of reimbursement payment to the Buffalo Crossing applicant upon completion of Phase II improvements (trail access, Bay Drive sidewalk/landscaping). Payment would occur after the City's 2020 mid-year TIF fund payment.

**Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution of Intention 10319.**

Written correspondence was received from **Shyla Patera**, 1013 7<sup>th</sup> Avenue NW, expressing support of development; however, she has an issue with mixed-use housing impacting citizens with disabilities, as well as environmental concerns with regard to the proximity to the railroad.

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

**Brad Talcott**, 2801 4<sup>th</sup> Avenue North, expressed appreciation of the opportunities that TIF Districts provide for development in the West Bank area; however, he expressed concern with regard to the different requirements for distribution of funds for new development in TIF districts. Mr. Talcott explained that the incremental taxes for the West Bank One development are 125 percent of the repayment schedule. Referring to the West Bank Landing development, Mr. Talcott explained that there is no interest being paid and the bonds will not be issued until the additional incremental taxes are 140 percent of the repayment schedule.

City Manager Doyon explained that the City follows state law with regard to TIF districts and different types of districts have different requirements for bonding. Bond counsel reviews all changes, and makes recommendations to staff and staff determines how to best use the general fund for the entire TIF district in order to eliminate blight and to advance development. City Manager Doyon commented that staff will provide Mr. Talcott an explanation from bond counsel with regard to his concerns.

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Director Raymond explained that, if approved by the Commission, a payment of \$350,000, from the West Bank TIF District Fund would be used to reimburse West Bank LLC for completion of Phase I and II. He concluded that developers understand that the majority of the risk is going to be on them.

Mayor Kelly received clarification that the change from 1.25 to 1.4 coverage for TIF's is a bonding recommendation, and that currently the City is not working with any other TIF request looking to bond. Mayor Kelly expressed concern with regard to whether the changing conditions within TIF districts are being effectively communicated to the developers.

Commissioner Bronson explained that TIF reimbursements for infrastructure are subject to the availability of funds and commented that the Commission needs more clarification from bond counsel before the November 5<sup>th</sup> public hearing.

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

Motion carried 5-0.

**B.) ORDINANCE 3209, APPROVING AN URBAN RENEWAL PROJECT (BUFFALO CROSSING) AND ASSOCIATED INFRASTRUCTURE IMPROVEMENTS IN THE WEST BANK URBAN RENEWAL AREA AND AUTHORIZING FINANCING OF INFRASTRUCTURE IMPROVEMENTS WITH TAX INCREMENT REVENUE.**

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3209 on first reading and set the public hearing for November 5, 2019.**

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

Commissioner Robinson expressed support with regard to TIF projects. Referring to procedure, Commissioner Robinson inquired if the language in Ordinance 3209 could be modified after receiving recommendations from outside bond counsel.

City Attorney Sara Sexe responded that it is unlikely that bond counsel will change the language in the Ordinance, and the Commission determines the final language.

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

Motion carried 5-0.

16. **ORDINANCE 3210, ASSIGNING R-3 SINGLE-FAMILY HIGH DENSITY ZONING TO THE PROPERTIES LEGALLY DESCRIBED AS LOTS 4-6, BLOCK 10 OF FINLAY'S SUPPLEMENT TO PROSPECT PARK ADDITION, AND THE ADJOINING RIGHT-OF-WAY OF 15<sup>TH</sup> STREET SOUTH AND 22<sup>ND</sup> ALLEY SOUTH.**

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Planning and Community Development Director Craig Raymond reported that the subject properties proposed for annexation are legally described as Finlay's Supplement to Prospect Park Addition, Lots 4-6, Block 10 and the adjoining right-of-way of 15th Street South and 22nd Alley South. Finlay's Supplement to Prospect Park is an old subdivision that dates back to the 1890's. The applicant currently owns six lots, three of which are located within City limits and three that are in County jurisdiction. The properties are served by City water and a septic tank that is located on the County parcels.

The ultimate goal of the owner was to sell the property wholly in the city as opposed to a fragmented jurisdictional problem, which creates confusion for owners, insurance companies, and emergency services. Since that time, the original owner signed the annexation petition, and was able to sell the property. The new owner; however, is requesting that the annexation process continue as scheduled. Staff has been working with the new and previous owner to amend the appropriate applications, agenda report and any other modifications that may be needed to reflect the new ownership.

Although the City is only providing water service to the properties and street services are minimal because the adjoining street is not yet paved and curbed, no new development is being proposed that would stress City service levels. Due to the fact that a City sewer main is several blocks away and cannot be feasibly extended at this time, staff is willing to support a petition for annexation without immediate connection to the City sewer system. However, such a connection would need to be made in the future when the relatively new septic system eventually is not functional.

Staff finds that the requested R-3 zoning is appropriate due to the existing conditions of the surrounding properties, which are already located in the City limits and are consistently zoned R-3.

At the conclusion of a public hearing held on September 24, 2019, the Zoning Commission recommended that the City Commission approve the establishment of R-3 Single-family High Density zoning for the subject properties with conditions as outlined in the agenda report.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3210 on first reading and set a public hearing for November 5, 2019.**

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

Commissioner Moe received clarification that the City sewer main is several blocks away, and cannot be feasibly extended at this time.

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

Motion carried 5-0.

**CITY COMMISSION**

**17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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Commissioner Houck commented that while attending the Montana League of Cities and Towns Conference, representatives from other cities recognized Great Falls staff for their knowledge of city matters.

**18. COMMISSION INITIATIVES.**

Mayor Kelly commented that unhitched, commercial trailers parked on residential streets have become a nuisance and requested staff to look into finding a solution.

Commissioner Bronson expressed concern with regard to limiting the issue to one type of vehicle.

**19. APPOINTMENTS, GREAT FALLS CITIZEN'S COUNCIL.**

**Mayor Kelly moved, seconded by Commissioner Bronson, that the City Commission appoint Commissioner Houck and Commissioner Robinson to serve on the Great Falls Citizen's Council also known as Council of Councils for the October 29, 2019 meeting.**

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

Motion carried 5-0.

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**ADJOURNMENT**

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Moe, to adjourn the regular meeting of October 15, 2019, at 8:20 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

**Minutes Approved: November 5, 2019**