

JOURNAL OF COMMISSION PROCEEDINGS
July 21, 2020

Regular City Commission Meeting

Mayor 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, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Environmental Division Manager Paul Skubinna; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler and Finance Budget Analyst Kirsten Myre; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

Due to the COVID-19 health concerns, public participation is welcomed and encouraged as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the meeting room according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 5:00 PM on Tuesday, July 21, 2020, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

AGENDA APPROVAL: There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

COMMENDATION

1. RESOLUTION OF COMMENDATION – SAMANTHA SHINABERGER.

Commissioner Moe read a Resolution of Commendation for Samantha Shinaberger for organizing “Medical Masks for Great Falls.”

PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS

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2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Jo Shepard, 717 8th Avenue North, provided and discussed a handout with regard to a proposed Nondiscrimination Ordinance (NDO) infringing on the first amendment of the Bill of Rights.

Appearing telephonically was: **Jeni Dodd**, City resident, commented that having public comment at the beginning of a work session doesn't promote community dialog. Ms. Dodd further commented that if the Maclean-Cameron Animal Adoption Center (MCAAC) wants to earn the trust within the community, it needs to be more transparent at every stage of the process.

David Saenz, City resident, provided and discussed a handout with regard to opposition of the City Commission considering a proposed NDO.

Xavier Mercado, 1507 5th Avenue North, expressed opposition to the City Commission considering a proposed NDO.

Glen Hall, 2321 8th Avenue South, commented that he has maintained a three-day bark log and has filed a report with regard to his neighbor's dog with the Police Department approximately six months ago; however, he has not received a reply.

Manager Doyon responded that the Police Department has Mr. Hall's contact information and will be following up with him.

Commissioner Tryon commented that there have been several complaints about barking dogs recently and suggested that the Animal Ordinance needs to be modified.

Appearing telephonically was: **John Hubbard**, 615 7th Avenue South, discussed ways to prevent dogs from barking.

Commissioner Robinson reported that the Montana Census Bureau performed fingerprinting at the Lewis and Clark Interpretive Center for 2020 Census candidates.

3. APPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission appoint Neal Dubois to the Business Improvement District Board of Trustees to the remainder of a four-year term through June 30, 2023.

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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CITY MANAGER

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported on the following:

- Governor Bullock issued a directive requiring facemasks in certain indoor spaces and outdoor gatherings for counties currently experiencing four or more active cases of COVID-19.
- He is continuing to conduct virtual interviews and narrowing it down for the Public Works Director and Fire Chief positions.
- The City recently submitted a funding request through the Defense Critical Infrastructure Program (DCIP) for a new indoor pool facility and the Office of Economic Adjustment (OEA) received several applications from other military communities.

CONSENT AGENDA.

5. Minutes, July 7, 2020, City Commission Meeting.
6. Total Expenditures of \$5,112,486 for the period of June 16, 2020 through July 8, 2020, to include claims over \$5000, in the amount of \$4,886,085.
7. Contracts List.
8. Approve a final payment for the Sanitary Sewer Trenchless Rehabilitation, Phase 22 project in the amount of \$576,849.12 to Planned and Engineered Construction and \$5,826.76 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1675.1**
9. Set a public hearing on the Business Improvement District (BID) FY 2021 Budget and Work Plan for August 4, 2020.

Commissioner Houck moved, seconded by Commissioner Tryon, 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.

Commissioner Tryon expressed appreciation to City Manager Doyon and City staff for their response to questions about change orders from the July 7th Commission meeting.

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

Motion carried 5-0.

PUBLIC HEARINGS

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10. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) 2020/2021 BUDGET AND WORK PLAN.

Great Falls Tourism Director Rebecca Engum, 100 1st Avenue North, reported that Great Falls Montana Tourism is the destination management organization for Great Falls. The TBID is a mix of an independent 501c6 non-profit and an instrumentality of government. The TBID's focus is on strengthening the economy by promoting the uniqueness of Great Falls to visitors as well as to grow tourism, develop the destination, and advocate for tourism.

A loss of 73,727 room nights out of the Great Falls market and being unable to host 15 City-wide events that could have brought an estimated \$2.8 million into the local economy, have impacted TBID's collections of assessments which make up the operating budget for the upcoming year due to COVID-19. Director Engum added that the total budget is down about 48%.

March through June are vital months for tourism and the TBID Assessments collected from overnight lodging guests between July and June and are remitted to Great Falls Montana Tourism in November and May for that year's operations. As much as the remitted funds are based on actual collected amounts, there are hardships with lodging properties this year.

The City could be doing better with regard to occupancies in its lodging properties; however, the tourism market in Great Falls was impeded differently than other Cities due to the East entrance to Glacier and the Canadian border being closed to non-essential travel.

The TBID's strategy for this year includes the following: a staged paid media strategy focused on Montana first, drive markets that are ready, and adding fly markets back in to capture leisure travelers for 2021. The owned media strategies focus is showing wide-open spaces through social channels and developing content connected to outdoor recreation.

The TBID has retained all of its staff for the upcoming year, including the Sales Director who is focused on meetings and conventions. The strategy is to retain 2020 business in market for 2021, land new Montana business and look for industries who are recovering faster than other businesses for 2022-2023, The TBID has cut its administrative costs to baseline operations; however, the staff have applied for grants and are trying to leverage available Government programs. The TBID will have to use approximately \$300,000 of its reserves to make it through 2021.

Mayor Kelly asked if the Commission had any questions of Director Engum.

Commissioner Moe received clarification the state parks and TBID are working together with regard to state level marketing.

Mayor Kelly declared the public hearing open.

Speaking in favor of the TBID 2020/2021 Budget and Work Plan was:

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Jolene Schalper, Great Falls Development Authority (GFDA), 405 3rd Street Northwest, commended Director Engum for her efforts with regard to tourism and expressed support of the budget.

No one spoke in opposition to the TBID 2020/2021 Budget and Work Plan.

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

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission accept the 2020/2021 Tourism Business Improvement District Budget and Work Plan.

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

Commissioner Houck expressed appreciation to Director Engum for her effort with regard to a well-put together plan and documentation.

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

Motion carried 5-0.

11. BUDGET HEARING ON RESOLUTION 10350, ANNUAL BUDGET RESOLUTION.

City Manager Greg Doyon and Finance Director Melissa Kinzler reviewed and discussed the attached PowerPoint presentation covering the budget process, general fund unreserved fund balance, proposed rate, assessments and fee adjustments, city-wide revenue by source, city-wide expenses by source, general fund revenue, general fund revenue increase, general fund expenses, total budget – use of fund balance and next steps.

Manager Doyon explained that the City anticipates new revenue of \$425,000 from newly taxable property, which will be known for certain after receipt of the Certified Taxable Values from the Montana Department of Revenue (DOR). The General Fund budget uses \$872,105 of fund balance; however, after receipt of the outstanding Calumet protest in early June, the City will be able to maintain the recommended fund balance. The recommended minimum policy of the City is 22%. There is no fiscal impact for property owners with the budget because the inflationary factor and increases for the permissive medical levy were not utilized.

Mayor Kelly asked if the Commission had any questions of staff.

Budget Analyst Kirsten Myre explained that “Balancing Act” is a budgetary tool available on the City’s website for citizens to learn about the budget and participate in budget discussions.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10350.

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

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Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10350, Annual Budget Resolution.

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

Commissioner Robinson commended Manager Doyon for his efforts with regard to the budget during COVID-19.

Mayor Kelly concurred with Commissioner Robinson's comment; however, he expressed concern with regard to the repercussion from COVID-19 affecting future budgets.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

12. ORDINANCE 3218, A REQUEST FROM BIG SKY SELECT PROPERTIES LLC TO REZONE THE MILWAUKEE DEPOT PROPERTY LOCATED AT 101 RIVER DRIVE NORTH FROM M-2 MIXED-USE TRANSITIONAL TO C-4 CENTRAL BUSINESS CORE.

Planning and Community Development Director Craig Raymond reported that the Zoning Commission recommended the City Commission approve the rezoning request from M-2 Mixed-use Transitional to (C4) Central Business Core and that Neighborhood Council #7 unanimously recommended approval.

Big Sky Select Properties, LLC, owners of the subject properties, have proposed to build an 112-unit market rate apartment complex with a two-story, 10,000 square foot area of commercial space that will be lightly attached to the existing Milwaukee Station Depot building located at 101 River Drive North. The Milwaukee Depot property is 3.385 acres in size, while the vacant lot to the north to be developed is 1.356 acres. Because the new building would cross lot lines to connect the new apartments and commercial space to the existing office building, the applicant will have to aggregate the two lots before construction takes place.

The commercial space will potentially include a dining area where several restaurants will occupy separate spaces with a shared eating area for all. The applicant is also exploring having a wine bar attached to the dining area. The bottom portion of the commercial space will potentially serve as a Cross-Fit type of gym. All of these commercial spaces will be open to the public and not be limited to apartment residents only. There will be a modest enclosed glass corridor that will attach the proposed building to the Milwaukee Station Depot building.

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The Milwaukee Depot is listed on the National Register of Historic Places and is a site rated as “Primary” within the City’s Railroad National Register District. The applicant has stated that they will try to conform to the standards and guidelines set forth by the Department of the Interior in regard to additions to properties that are on the National Register.

The proposed apartment building would have a land use of residence, multi-family and would be a permitted land use within both the Mixed-use transitional (M-2) and Central business core (C-4) zones. The Milwaukee Station Depot building has several office suites which contain several different land uses including Professional Services, Financial Services, and Administrative Services. All of these land uses are also allowed in both the M-2 and C-4 zones. However, the applicant is seeking to build the apartment building in a manner that is more compliant with the C-4 zone. Specifically, the applicant’s project best fits the C-4 zoning district in three different areas: dimension standards, parking, and landscape requirements.

The applicant is seeking to build the apartment building to a height of 77 feet. The maximum height allowed within the M-2 zone is 65 feet whereas the maximum height allowed in the C-4 zone is 100 feet. The applicant is also looking to reduce the required number of parking stalls in a manner most consistent with a property in a downtown context. If the M-2 zoning were kept, the proposed development would require 124 parking stalls unless the applicant submitted a parking study approved by the Planning and Community Development Director. If the property were rezoned to C-4, there would be no minimum amount of parking stalls required.

The applicant is still proposing an underground parking garage to address the needs of the residential units, surface parking spaces that would provide parking stalls for both the residential and commercial spaces, as well as shared spaces from the existing Milwaukee Depot building parking area. The applicant is also requesting an easement from the City Park and Recreation Department to add more surface parking on a portion of undeveloped City-owned property just to the north of the vacant lot. The property is a long, narrow swale located between the BNSF Railroad and the Farmer’s Union Insurance building. The applicant has proposed to fill in the property in order to grade a parking lot on the site.

The applicant’s request to rezone the property to C-4 reduces landscaping requirements and landscaping for the proposed apartment complex would not be required except in the parking lots. The applicant has stated that it would be providing landscaping, just not to the full standard of the code.

The applicant’s request to rezone the properties also allows the commercial spaces that have been proposed to be permitted outright if granted. The restaurant portion of the commercial space would be permitted in both the M-2 and C-4 zones. However, the wine bar, which would have a land use designation of “Tavern” and the Cross Fit gym, which would have a land use designation of “Indoor sports and recreation,” would have to receive Conditional Use Permits if the properties remained in the M-2 zone.

The only access to both properties proposed for rezoning is the existing entrance and exit to the Milwaukee Station Depot. This entrance is very close to the intersection of River Drive (owned and maintained by the Montana Department of Transportation (MDT) and 1st Avenue North. The

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applicant and City staff have been involved in discussions with MDT regarding the need for a second access to the properties being developed in order to alleviate high traffic concerns at the existing entrance/exit. In order to incorporate a second access point as a required element of the project, the applicant has had several discussions with Planning and Community Development Staff, Park and Recreation Staff, and Legal Staff in order to utilize a portion of Sight and Sound Park, which is owned by the Park and Recreation Department.

The applicant is required to obtain an easement through the Park property and the easement will be 30 feet in width and will allow the developer to construct and maintain a two-lane private drive connecting the project site to River Drive. City Staff and the applicant have worked together to draft an easement that addresses the access needed for the project.

A change in zoning to permit a different mix of uses could potentially generate more traffic than would be allowed by uses within the current M-2 Zoning district. The isolated nature of the subject parcels from the core of the C-4 Zoning district and proximity to higher-traffic roadways requires a close look at vehicular access. Additionally, because the C-4 Zoning district has no specific parking requirement and the developer has proposed providing a lesser amount of parking spaces, the provision of enhanced non-motorized access becomes more important. Therefore, a brief look at transportation impact and need is also important to the consideration of the requested re-zone.

River Drive:

The MDT has taken a preliminary look at the effect of the development. MDT suggested elimination of the existing approach into the development, or modification into a right-out driveway. The intersection is viewed as a current safety concern and would not be expected to provide the only safe access to the larger development.

During its preliminary review, MDT concurred with City staff and stated that an additional approach further north (the access through Sight and Sound Park) is necessary to accommodate the development. The modification of the existing approach, coupled with a new approach much further from the intersection of River Drive and 1st Avenue North, will improve functionality of the intersection, even at peak hour. Preliminarily, MDT has determined the existing roadway has sufficient capacity to absorb the additional traffic from the proposed development. However, the eventual development and any new approach and approach modification will need to be reviewed and approved by MDT before approval.

Parking, Pedestrian and Bicycle Access:

The C-4 Zoning district has no parking requirement, as it is a district with dense development with adequate on-street parking, public parking garages and lots, and is designed for walkability. Because the proposed development is isolated from the core C-4 District (because of the railroad tracks), it currently has inadequate bicycle and pedestrian connections – although it is very near both sidewalks and trails.

Providing clear, direct and safe non-motorized connections will encourage visitors to the development to walk or bike, thus reducing the parking demand as well as the number of vehicles visiting the site. While the developer will provide on-site parking, there may be instances where the demand could exceed available parking.

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Transportation Recommendations:

To mitigate any reduction in parking, better connect the development to the rest of the C-4 District, and reduce vehicular conflicts, staff has identified that the following items need to be addressed during project review at the permitting stage:

- 1) Provide a new approach from River Drive, further north and away from the intersection of River Drive and 1st Avenue North.
- 2) Modify or close the existing approach to the Milwaukee Station parking lot, as allowed/required by MDT.
- 3) Prohibit parking upon any new approach. MDT has stated the proposed new approach through Sight and Sound Park cannot have parking associated with it, as it could cause traffic to stack into River Drive. Therefore, staff recommends that parking be prohibited within the approach, and bollards, a fence, or other barrier be constructed to prohibit parking within the park itself.
- 4) Provide clear and direct pedestrian and trail access. Staff has recommended a connection to the trail crossing of River Drive and the tunnel under the railroad tracks (to the north), and a pedestrian connection along any new access drive.
- 5) Provide adequate and connected internal sidewalks. Pedestrian flow within the development should be continuous and connected to external sidewalks and paths at multiple locations. This would include pedestrian connections through the existing parking lot to connect to River Drive as well as the stairway leading down to 1st Avenue North.
- 6) Provide bicycle parking or storage for visitors as well as employees and residents.

Public Works staff has identified that a looped water service main and a sanitary sewer service main will be required for the future project. Because these mains will need to be connected to City mains along the River Drive corridor, the new utility mains will have to be installed underneath the access drive that will be required along the north side of Sight and Sound Park. As a result, the required roadway access easement from the Park and Recreation Department also covers utility main installation and servicing.

Much like water and sewer, the storm water services needed for the future project will also need to be accommodated on the Sight and Sound Park property. The closest connection point into the City's storm water main system is along the River Drive corridor. As a result, the developer will need to construct a storm sewer main in the Park with a dedicated easement for service and access. The construction of all work within the Park for utilities, storm water, and access will require plans to be submitted to the Park and Recreation Department for review. Site disturbance and the impact to existing trees will also need to be mitigated with replacement ground cover and new trees.

Staff has worked with the applicant to develop easements that will be granted from the City Park and Recreation Department for this development. Three easements have been drafted which include:

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1) An access, utility, and landscaping easement that allows for the access to the apartment complex through Sight and Sound Park as well as water and sewer lines underneath the roadway. It also allows the storm water line to be placed within Sight and Sound Park. The applicant has stated that some work will need to be done along the boundary between Sight and Sound Park and the development property that will affect the grade as well as the scrub brush that currently exists on Park property. The applicant will landscape the area where the scrub brush is removed.

2) A temporary construction easement that will allow the applicant to use Sight and Sound Park to temporarily access the park for the staging area for construction of the apartment building. Any disturbance to the park will be repaired to its current state.

3) An access easement for the former railroad property that is owned by Park and Recreation for the installment of a parking lot and trail access.

The construction of the apartment building will increase the tax base for the City by providing 112 new apartment units as well as 10,000 square feet of new commercial space. Because of the proposed use of City Park property for access, utilities, storm water, and parking, the developer is required to obtain easements from the City. Payment for these easements is also required.

The developer has submitted a tax abatement request to the City to reduce the first five years of property tax burden associated with the future development project. The developer has also informally requested that the City consider expanding the Downtown Tax Increment Finance District to capture the property tax increment that would be generated by the future project.

The Applicant for Big Sky Select Properties, LLC Brion Lindseth, commented that he is looking forward to implementing a project that will benefit the City and expressed appreciation to the Legal Department for its assistance.

Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission accept ordinance 3218 on first reading and set a public hearing for August 18, 2020.

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

Jolene Schalper, Great Falls Development Authority (GFDA), 405 3rd Street Northwest, spoke in support of Ordinance 3218.

Commissioner Moe commented that since the Milwaukee Depot is an iconic structure, she would like to hear from the Historic Preservation Board. Referring to page 2 of the Agenda Report, Commissioner Moe expressed concern with regard to the applicant's statement that he will "try" to conform to the standards and guidelines set forth by the Department of the Interior in regard to additions to properties that are on the National Register. She further expressed concern with regard to how additional parking and the easement will affect the traffic.

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Commissioner Tryon received clarification that additional maps indicating where the easements are located will be provided to the Commission and that the applicant is aware of the need to provide enough parking. He further received clarification that the applicant can ask the City to expand the Downtown TIF District and the proposed apartments will be market-rate.

Referring to Commissioner Moe's comment, Mr. Lindseth explained that he has met with the Historic Preservation Advisory Commission to discuss the impact to the Milwaukee Station Depot.

Mayor Kelly requested that Director Raymond follow up with the Commission about the history of the Arvon Block and Rocky Mountain Building development requests for tax abatements, historic preservation credits and TIF funds.

Director Raymond explained that Resolution 10119 establishes the criteria for evaluating Tax Abatement or Benefit Requests. He further explained that developers are encouraged to file an application for tax abatements before the project is complete.

Manager Doyon reiterated that receiving tax abatement is contingent on approval of the application with regard to the proposed project.

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

Motion carried 5-0.

CITY COMMISSION

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Tryon requested staff to look into modifying the Animal Ordinance.

Referring to nuisance animals, City Attorney Sexe reported that the Official Code of the City of Great Falls 6.1.170 describes other options besides completing a three-day bark log; however, Staff will look into the Ordinance.

Police Chief Dave Bowen reiterated that he will follow up with Mr. Hall's complaint with regard to the barking dog.

Commissioner Houck announced that it's highly unlikely she will be in attendance at the August 4th Commission meetings.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of July 21, 2020, at 8:35 p.m.**

Motion carried 5-0.

Mayor Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: August 4, 2020