

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Beecher, Sandy Hinz, Diane Jovick-Kuntz and John Rosenbaum. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Planning, Library, Fiscal Services, Police Chief, Acting Fire Chief, Public Works, Interim Park and Recreation Director and the City Clerk.

PROCLAMATION: Spay/Neuter Days 2006

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Neighborhood Council 8 June meeting and Ice Cream social.

Karen Grove, Neighborhood Council 8, reported that they would not have a meeting in June. She added that a group of volunteers completed the flower planting in Memorial Park. She invited the City Commission to attend the annual ice cream social in July.

PUBLIC HEARINGS

Ordinance 2938, rezone GF 10th Add., B738, L4-7. Adopted.

2. ORDINANCE 2938, REZONE LOTS 4-7, BLOCK 738, TENTH ADDITION TO GREAT FALLS.

Planning Director Ben Rangel reported that Dave Dickman, representative for the owners, Elerine McDonald (deceased) and David Blackwell, applied to rezone property to allow the construction of a 10,000 square foot office building, along 3rd Avenue South and 15th Street South. The applicant intends to lease the office space for professional services. The property is presently zoned R-3 single-family high-density district.

At the conclusion of the public hearing conducted by the Zoning Commission, they recommended the City Commission approve the request to rezone the property to C-1 neighborhood commercial district subject to the applicant and property owners consolidating the lots into a single lot.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Ordinance 2938. Mayor Stebbins declared the public hearing closed.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2938.

Motion carried 5-0.

**Res. 9569,
Conditional Use
Permit for GF 1st
Add., B467, L7.
Adopted.**

3. RESOLUTION 9569, CONDITIONAL USE PERMIT FOR LOT 7, BLOCK 467, FIRST ADDITION TO GREAT FALLS.

Planning Director Ben Rangel reported that Dave Dickman applied for a conditional use permit to allow the construction of an addition to an existing non-conforming commercial building currently occupied by a vehicle repair business.

The property is presently zoned R-3 single-family high density district. The existing vehicle repair use is non-conforming and only permitted to expand if a conditional use permit is granted.

At the conclusion of the public hearing held by the Zoning Commission, they unanimously passed a motion recommending the City Commission grant a conditional use permit to allow the existing nonconforming use.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9569. Mayor Stebbins declared the public hearing closed.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9569.

Motion carried 5-0.

**Res. 9567,
Conditional Use
T20N R4E Sec 5,
Marks P2 and P2A.
Adopted.**

4. RESOLUTION 9567, CONDITIONAL USE FOR T20N R4E SECTION 5, MARKS P2 AND P2A (CENTRAL PLUMBING AND HEATING).

Planning Director Ben Rangel reported that Mike and Stacy Waldenberg applied for a conditional use permit for the placement of a contractor yard, type II, on 5 acres of land along the north side of River Drive North at 38th Street North. The applicants plan to relocate their business to the site.

The property is presently zoned M-2 mixed-use transitional district wherein a contractor yard, type II, is permitted upon processing and approval of a conditional use application.

The Zoning Commission, on April 11, 2006, conducted a public hearing to consider the conditional use application. The only citizens who spoke at the hearing were Mike Waldenberg, the applicant, and Marty Byrnes,

the project architect. Neighborhood Council No. 8 submitted a letter expressing support for the project and the conditional use permit. At the conclusion of the hearing, the Zoning Commission unanimously passed a motion recommending the City Commission grant a conditional use.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of Resolution 9567. **Herb Soboczek**, 121 11th Street, expressed concern about the entrance location to the business and its impact on traffic. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Resolution 9567.

Motion carried 5-0.

Res. 9573, Zoning Permit Determination Fees. Adopted.

5. RESOLUTION 9573, ZONING PERMIT/DETERMINATION FEES.

Planning Director Ben Rangel reported that the City Land Development Code includes provisions and procedures for the processing of zoning permits/determinations. The code also provides for the establishment of application fees by the City Commission for the processing of zoning permits/determinations.

A Zoning Permit is required to assure to all parties involved that the proposed construction and/or use is allowed in the zoning district in which it is located. Specifically, this requirement applies at the time application is made for a building permit or a Safety Inspection Certificate. Applications for a building permit or Safety Inspection Certificate will not be accepted without an accompanying Zoning Permit. Applications for a zoning permit/determination are made at the City Planning Office.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9573. Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9573.

James Rudzinski, asked how the funds would be used. Planning Director Rangel stated that the funds would be used to offset the costs of providing the service.

Motion carried 5-0.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS**

Ord. 2939, rezone Montana Add., B1 L1. Set public hearing for July 11, 2006.

6. ORDINANCE 2939, REZONE MONTANA ADDITION BLOCK 1, LOT 1.

Planning Director Ben Rangel reported that John Toenyas applied to rezone property described as Lot 1, Block 1, Montana Addition from C-1 neighborhood commercial district to C-2 general commercial district. The property, currently occupied by Elmer's Restaurant, is for sale and the applicant determined that potential purchasers were interested in utilizing a liquor license with gaming machines in conjunction with a proposed restaurant business operation on the site. The current C-1 neighborhood commercial zoning classification permits alcohol sales and consumption, but prohibits gaming operations. The requested C-2 General commercial zoning classification permits two kinds of gaming operations: casino, type I and accessory gaming.

At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve the request with the following stipulations: 1) Casino, type I would not be allowed; 2) Accessory gaming, as defined and provided for in the Land Development Code, would be allowed; 3) Exterior signage indicating any form of gaming would not be allowed; 4) Only uses permitted in a C-1 neighborhood commercial district other than 2 above, would be allowed; and 5) Access to the next lot shall be modified to incorporate a joint use driveway with the adjoining property to the south.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2939 on first reading and set a public hearing for July 11, 2006, to consider adoption of Ordinance 2939.

Ron Mathsen, Neighborhood Council 1, reported that Neighborhood Council 1 opposed the rezoning request.

Motion carried 5-0.

Ord. 2940, establish City Zoning upon Cottage Grove Addition, Phase 1. Set public hearing for July 11, 2006.

7. ORDINANCE 2940, ESTABLISH ZONING FOR COTTAGE GROVE ADDITION, PHASE 1.

Planning Director Ben Rangel reported that the primary reason the applicant is requesting the PUD Planned unit development district zoning classification is to allow more flexibility in lot sizes in order to

accommodate more affordable housing. The proposed lot sizes range from about 3800 to 6100 square feet and the minimum setbacks are front – 20 feet; side – 5 feet; and rear – 10 feet. Assuming equal building sizes, the main difference between the proposed PUD lots in Cottage Grove Addition Phase 1 and a conventional R-3 zoning district is less yard space.

The Zoning Commission, at the conclusion of the public hearing, unanimously recommended the City Commission assign a zoning classification of PUD Planned unit development district to Cottage Grove Addition Phase 1, at such time the City approves the final plat of the Addition and the annexation of the area.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2940 on first reading and set a public hearing for July 11, 2006, to consider adoption of Ordinance 2940.

Motion carried 5-0.

Ord. 2941, zoning for Whispering Ridge Addition, Phase 5. Set public hearing for July 11, 2006.

8. ORDINANCE 2941, ESTABLISH CITY ZONING UPON WHISPERING RIDGE ADDITION, PHASE 5.

Planning Director Ben Rangel reported that in February 2004, the City and County Commissions conditionally approved the preliminary plat of Whispering Ridge Addition, Phases 4-6, consisting of 43 proposed single-family residential lots located on the upper portions of the coulee immediately east of Mountain View Terrace Addition.

The final plat and annexation of Phase 4 consisting of 11 residential lots was completed in April/May 2005. The project engineer prepared and submitted the final plat of Phases 5 and 6 of the subdivision consisting of 32 residential lots along a segment of Whispering Ridge Drive.

The Planning Board, at the conclusion of a public hearing held November 25, 2003, recommended the City Commission assign a zoning classification of “A” Residence Use, “B” Area District, to Whispering Ridge Addition, upon annexation. As all lots in the subdivision exceed 11,000 square feet, the 32 lots in Phase 5 will be zoned R-2 single-family medium density in accordance with the new Land Development Code at such time the City approves the final plat and annexes the area.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2941 on first reading and set a public hearing for July 11, 2006, to consider adoption of Ordinance 2941.

Motion carried 5-0.

Ord. 2942, establish City zoning upon Minor Plat of Northview Addition, Phase 1. Set public hearing for July 11, 2006.

9. ORDINANCE 2942, ESTABLISH CITY ZONING UPON MINOR PLAT OF NORTHVIEW ADDITION, PHASE 1.

Planning Director Ben Rangel reported that the owner plans in this first phase to build 9 two-unit residential structures to be sold separately as part of a condominium association. The property is located along the east boundary of Countryside Village Mobile Home Park and includes the northerly extension of 9th Street Northeast. The minor plat is a single lot that is the first phase of the development of 36.53 acres owned by the developer.

The Zoning Commission, at the conclusion of a public hearing held May 9, 2006, unanimously recommended the City Commission assign a zoning classification of PUD Planned unit development district upon Northview Addition, Phase 1 upon the annexation.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission accept Ordinance 2942 on first reading and set a public hearing for July 11, 2006, to consider adoption of Ordinance 2942.

Motion carried 5-0.

Res. 9576, Relating to financing of a project, establishing compliance with reimbursement bond regulations under the Internal Revenue Code and approving interim funding through internal funds. Adopted.

10. RESOLUTION 9576, A RESOLUTION RELATING TO FINANCING OF A CERTAIN PROPOSED PROJECT; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE AND APPROVING INTERIM FUNDING THROUGH INTERNAL FUNDS.

Fiscal Services Director Coleen Balzarini reported that the City is developing a site on the southeast side of Great Falls to establish a Technology Park. The Tax Increment District creation will be initiated in a separate process. The loan proceeds will be used for interim financing of infrastructure improvements and repaid with future tax increment receipts created from the development. The loans shall be repaid at an interest rate of 5 percent and become effective August 1 2006, for a term varying from 2 to 10 years, as the increment proceeds become available.

The public improvements for water, sewer, storm drainage and roadway are at a preliminary cost of \$1,242,600 which includes engineering, inspection, and contingency costs. This interim financing was necessary to meet the City's development commitments on a timely basis. These loans will be fully repaid from tax increments as they become available.

Commissioner Hinz moved, seconded by Commissioners Rosenbaum and Beecher, that the City Commission adopt Resolution 9576 approving inter-fund loans totaling \$1,242,600 as follows: a loan from the Water Fund in the amount of \$105,000; a loan from the Sewer Fund in the amount of \$182,500; a loan from the Storm Drain Fund in the amount \$286,250; a loan from the Central Garage Fund on behalf of the Street Fund in the amount of \$668,850; for interim financing of infrastructure improvements to the Great Falls Technology Park.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

11. Minutes, May 16, 2006, Commission meeting.
12. Total expenditures of \$1,262,037 for the period of May 10-23, 2006, to include claims over \$5,000 in the amount of \$915,760.
13. Contracts list.
14. Lien Release list
15. Set public hearing for June 20, 2006, on Resolution 9582 for Concrete Inspection Fees.
16. Award bid for Asphaltic Concrete Materials to Great Falls Redi-Mix, Inc., of Great Falls in the amount of \$511,200.

Commissioner Hinz moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission approve the Consent Agenda as printed.

Motion carried 5-0.

BOARDS AND COMMISSIONS

**Preliminary
Amended Plat for
Medical Tech Park
Subdivision.
Approved.**

17. PRELIMINARY AMENDED PLAT, LOT 3, MEDICAL TECH PARK SUBDIVISION.

Planning Director Ben Rangel reported that City staff generated an application to subdivide Lot 3, Medical Tech Park Subdivision. The City acquired the Lot 3 when the Minor Plat of the Medical Tech Park Subdivision was created with the intention of attracting businesses that would complement abutting development activity in the vicinity.

At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant: the final Amended Plat must incorporate correction of any errors or omissions noted by staff; the final engineering drawings and specifications for the required public improvements be

prepared by the Public Works Department; and the appropriate off-site easements to accommodate utilities and the vehicle turnarounds at the termini of 21st Avenue South and 23rd Street South be secured.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt the Preliminary Amended Plat of Lot 3, Medical Tech Park Subdivision.

Motion carried 5-0.

CITY MANAGER

Budget Work Sessions

19. City Manager John Lawton reminded the City Commission of the upcoming budget sessions which were scheduled for the mornings of June 13 and June 14.

PETITIONS AND COMMUNICATIONS

11th Street Project.

21. **Herb Soboczek**, 121 11th Street, complimented staff for working with him on his concerns on the 11th Street project. He reported that one of the manholes was now covered with dirt and suggested staff inspect it. Mr. Soboczek stated he understood that a final inspection for the project would not be done and he was concerned about that. City Engineer Dave Dobbs stated that an inspection would be done by City staff. He added that inspections of this type were usually done two years after the project was completed.

ADJOURNMENT

Adjourn

There being no further business to come before the Commission, the regular meeting of June 6, 2006, adjourned at 7:42 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk