

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, Bob Jones, Bill Bronson, Mary Jolley and Fred Burow. Also present were the City Manager; Deputy City Manager; Interim City Attorney; Directors of Fiscal Services, Planning and Community Development, and Public Works; Police Chief; and the City Clerk.

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

### **NEIGHBORHOOD COUNCILS**

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Karen Grove**, NC 8, announced that the next regular council meeting is scheduled for January 17, 2013, at the Great Falls Pre-Release Center. She anticipates an update by the Great Falls Police Department on drugs in the community.

### **BOARDS & COMMISSIONS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

### **PUBLIC HEARINGS**

3. **ORDINANCE 3098, TO ASSIGN CITY ZONING TO LOT 5, BLOCK 1, DIVISION ADDITION (ASI ELDERLY HOUSING DEVELOPMENT).**

Planning and Community Development Director Mike Haynes reported that on November 7, 2012, the City Commission accepted Ordinance 3098 on first reading and set a public hearing for today to consider annexation and zoning of property proposed to be developed by Accessible Space, Inc. (ASI). Legal notice of the public hearing was published in the *Great Falls Tribune* on November 18, 2012. Since that time, the applicant and the property owner have requested the City take a different procedural path. ASI needs the City to commit to annexation in order to proceed to get their project financed. The property owner does not want to annex into the City until they have assurance the ASI project will proceed and they will purchase the property.

The requested action is that the City Commission vacate the public hearing and adopt a Resolution of Intent to annex the property. After the conditions of the Resolution of Intent have been met, this matter will be brought back before the Commission to consider action on a resolution to annex and Ordinance 3098 to assign City zoning.

The subject property is part of an unincorporated enclave located east and west of Division Road between 16<sup>th</sup> Avenue NW and Smelter Avenue. The subject property is comprised of ±2.36 acres of private property and ±0.66 acres of Division Road right-of-way. Annexation into the City with R-6 Multi-Family High Density zoning would allow the applicant to acquire the ±2.36 acre property from the current property owner and develop a proposed 38-unit accessible, affordable, senior independent rental housing development. In addition to the 32 one-bedroom and 6 two-bedroom apartments, the project will feature common areas including a dining room, kitchen, community rooms, a library, a computer room, and exercise space. While this would not be permanently-staffed like an assisted living facility, individual disabled or frail elderly residents may receive assistance with everyday living from home helpers. The proposed project would be funded using a range of financing options including Low Income Housing Tax Credits and City of Great Falls HOME funds. This project is proposed to be exempt from applicable property taxes.

The Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assign R-6 zoning to the subject property at a public hearing held on October 23, 2012.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission vacate the public hearing and table action on Ordinance 3098 until conditions of Resolution of Intention 10001 have been met.**

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

Commissioner Burow suggested a policy be implemented requiring the advertising fees be paid by the applicant when they request a hearing be vacated. Director Haynes responded he would look into it and recommend a policy to implement.

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

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

4. **RESOLUTION 10001, RESOLUTION OF INTENTION TO ANNEX A TRACT OF LAND PROPOSED TO BE DESIGNATED AS LOT 5, BLOCK 1, DIVISION ADDITION (ASI ELDERLY HOUSING DEVELOPMENT).**

Planning and Community Development Director Mike Haynes reported that this is a request to adopt Resolution 10001, Intent to Annex, the ±3.02 acres of property described in the previous agenda item, pertaining to a proposed Accessible Space Inc. (ASI) project. Resolution 10001 contains six conditions of approval that must be met, or committed to, before staff asks the City Commission to consider a Resolution to Annex and Ordinance 3098 to assign R-6 Multi-Family High Density zoning to the subject property.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission**

**adopt Resolution 10001, a Resolution of Intention to Annex, pertaining to ASI Elderly Housing Development.**

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

Commissioner Bronson asked Interim City Attorney Dave Nielsen to address the statutory basis for adopting a resolution expressing a future intention to annex property. Interim City Attorney Nielsen responded that this matter pertains to an annexation by petition. This process is not statutorily prohibited, but is a technique used when commitments are made by the property owner that conditions will be met prior to annexation.

Commissioner Burow noted he would not support this. The people of Great Falls would be better served if the Commission waited until the applicant/property owner intended to proceed, rather than the Commission legally binding itself with a Resolution of Intent.

Commissioner Jolley expressed concern with pre-approving annexation without a public hearing.

Commissioner Bronson commented he is satisfied the Commission is not extending any inappropriate privilege to the applicant.

Interim City Attorney Nielsen commented the resolution to annex the property would come back before the Commission. By adopting a Resolution of Intent, the Commission is legally making a commitment that it will annex subject to fulfillment of the conditions.

Mayor Winters asked if there were any comments from the public. Hearing none, Mayor Winters inquired what would the end result be if the Commission denied this item. Director Haynes responded that, without the commitment from the City Commission, ASI will be unable to get the financing for the project and the project will not proceed.

Mayor Winters called for the vote.

Motion carried 4-1 (Commissioner Burow dissenting).

**CONSENT AGENDA**

5. Minutes, November 20, 2012, Commission meeting.
6. Total expenditures of \$2,201,550 for the period of November 10-28, 2012, to include claims over \$5,000, in the amount of \$2,034,639.
7. Contracts list.
8. Set public hearing for December 18, 2012, on the CDBG & HOME Grant/Consolidated Plan Community Needs.
9. Approve final payment in the amount of \$176,188.19 to United Materials of Great Falls, Inc. and \$1,779.68 to the State Miscellaneous Tax Division for the 2012 Mill and Overlays. **OF 1611.3**

**Commissioner Jolley 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.

Commissioner Burow inquired if Park and Recreation received enough Ice Breaker road race fees to offset the cost of the contract for timing services set forth in Item 7. City Manager Doyon responded that AA Sports is the official time keeper of individuals completing the race. Due to the amount of participants, his recollection from last year was that Park and Recreation recovered expenses associated with sponsoring the Ice Breaker event.

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

Motion carried 5-0.

### **PETITIONS AND COMMUNICATIONS**

#### **10. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

- A. John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed his unhappiness with taxes, and government fiscal deficits.
- B. Karen Grove**, 1816 1<sup>st</sup> Avenue North, expressed kudos to Deputy City Manager Jennifer Reichelt and Animal Shelter staff for a great job on the recent adoption program.

### **CITY MANAGER**

#### **11. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon updated the Commission on a meeting he attended last week with the Montana Defense Alliance to discuss military affairs with Adjutant General Quinn, General Livingston and Lt. Governor-Elect Walsh. He reported that they are eager to develop a good line of communication with the City and Montana Defense Alliance with regard to military affairs and those matters that affect our community so greatly.

Deputy City Manager Jennifer Reichelt reported that the "Mission Possible" event last week at the Animal Shelter was successful. Shelter staff adopted out fifty-seven animals. She also expressed kudos to Animal Shelter staff and a community donor of \$8,000 that allowed the City to put on the event. The next Animal Shelter event is "Share the Love" scheduled for next Friday at Bennett Motors.

### **CITY COMMISSION**

#### **12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Bronson reminded the Commission and staff of the joint City/County Commission meeting with local legislators scheduled for Tuesday, December 11, 2012, at 3:00 p.m. in the Gibson Room in the Civic Center.

Mayor Winters also announced that the Commission will begin conducting interviews to replace Commissioner Jolley on Monday, December 10, 2012, at 9:30 a.m.

13. **COMMISSION INITIATIVES.**

There were no Commission Initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of December 4, 2012, at 7:32 p.m.**

Motion carried 5-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: December 18, 2012