

Regular City Commission Meeting

Mayor Winters presiding

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**ROLL CALL:** City Commissioners present: Michael Winters, Bob Jones, Bill Bronson, Bob Kelly and Fred Burow. Also present were the City Manager; Deputy City Manager; Interim City Attorney; Directors of Fiscal Services, Library, Park and Recreation, Planning and Community Development, and Public Works; Police Chief; and the City Clerk.

**PROCLAMATION:** Mayor Winters read a proclamation for Youth Art Month.

**\*\* 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.**

**Patty Cadwell**, Neighborhood Council Coordinator, was honored to recently witness Carol Bronson being presented with a national NeighborWorks America Community Building Award in Atlanta, Georgia. Only eight people across the United States receive this award.

The Commission and City staff congratulated Mrs. Bronson for receiving this prestigious award. She thanked the Commission for its ongoing support.

Patty Cadwell further reported that several neighborhood council representatives have been on the “Meet the Mayor” radio program, discussing important issues in their respective districts.

#### **CONSENT AGENDA**

2. Minutes, February 19, 2013, Commission meeting.
3. Total expenditures of \$1,810,172 for the period of February 9-27, 2013, to include claims over \$5,000, in the amount of \$1,606,950.
4. Contracts list.
5. Lien release list.
6. Set public hearing for March 19, 2013, on Resolution 10006, Authorizing Rates for Monthly Meter Parking Permits, Increasing the Parking Immobilization “Boot” Fee, and Increasing the Fee for Special Use Zone Meter Bags.

7. Set public hearing for April 16, 2013, on Resolution 10012, Establishing Water, Sewer and Storm Drain Utility Service Rates Effective May 1, 2013.
8. Set public hearing for March 19, 2013, for Lease of Westside Community Center to Boys and Girls Club of Cascade County.
9. Approve Change Order No. 1 in the amount of \$15,933 for the Sanitary Sewer Trenchless Rehabilitation, Phase 16, to Western Slope Utilities, LLC. **OF 1566.3**
10. Approve final payment for the Natatorium boiler replacement in the amount of \$4,950 to A.T. Klemens and \$50 to the State Miscellaneous Tax Division. **OF 1393.3**

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

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

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

#### **11. APPOINTMENT, LIBRARY BOARD.**

**Commissioner Burow moved, seconded by Commissioners Jones and Kelly, that the City Commission appoint Mary Ellen Kropp to the Library Board for a five-year term through June 30, 2018.**

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

Motion carried 5-0.

#### **12. APPOINTMENT, DESIGN REVIEW BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission appoint David Grosse to the Design Review Board for a three-year term through March 31, 2016.**

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

Motion carried 5-0.

#### **13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

**PUBLIC HEARINGS****14. RESOLUTION 10008, VACATION OF GRAND STREET RIGHT-OF-WAY, GENERALLY LOCATED WEST OF 14<sup>TH</sup> STREET SOUTHWEST AND NORTH OF 5<sup>TH</sup> AVENUE SOUTHWEST.**

Planning and Community Development Director Mike Haynes reported that this is a public hearing to consider adoption of Resolution 10008 to vacate a ±0.28 acre portion of Grand Street right-of-way off of 14<sup>th</sup> Street SW just north of 5<sup>th</sup> Avenue SW. The right-of-way exists on paper but has never been used and the former brewery building at 414 14<sup>th</sup> Street SW, now occupied by Montana Metal Fabricators, was built over it. Montana Metal Fabricators is interested in acquiring the property from the current owner and needs to resolve this technicality in order to complete the real estate transaction. The right-of-way is not needed by the City for the street network, storm water management or utility easements and, upon vacation, legally reverts to adjacent property owners. Upon vacation of the right-of-way the property owner is required to file an amended plat that incorporates the abandonment and reflects any corrections.

At a public hearing held on January 8, 2013, the Planning Advisory Board recommended that the City Commission approve the request to vacate the Grand Street right-of-way. On February 5, 2013, the City Commission adopted Resolution of Intent 10004 to vacate the Grand Street right-of-way and set the public hearing for today.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10008.

Mayor Winters declared the public hearing closed.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10008.**

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

Motion carried 5-0.

**15. ORDINANCE 3102, ADOPTING AMENDMENTS TO TITLE 5 AND TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS AS THEY PERTAIN TO FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS OVERLAY DISTRICT.**

Planning and Community Development Director Mike Haynes reported that this is the public hearing to consider Ordinance 3102 to amend Title 5 and Title 17 of the Official Code of the City of Great Falls related to proposed Flood Management Regulations. The catalyst for these proposed changes is the requirement for local adoption of the updated Flood Insurance Study and new Digital Flood Information Rate Maps (or DFRIMs) recently completed by the Federal Emergency Management Agency (FEMA) and the Montana Department of Natural Resources and Conservation (DNRC), using GPS and digital technology to improve the resolution, quality and accuracy of the maps. In Great Falls, specifically, there are no significant changes in floodplain boundaries between the new DFIRM maps and the previous generation of Flood Insurance Rate Maps that the

City has been working with for many years.

Adoption of the DFIRM maps will allow owners of property within the City that are in the floodplain to continue to be eligible to participate in the National Flood Insurance Program. The deadline for adoption is March 19, 2013. At the same time, local communities are required to update their respective Land Development Codes as they pertain to Floodplain Management. This update does not represent significant changes to permit application procedures, development requirements or floodplain permitting. The intent is to require local jurisdictions to adopt code that standardize definitions, terminology and code organization with our Federal, State and local partners in Floodplain Management, as well as to specifically reference the new DFIRM maps.

Minor revisions were made to the ordinance since first reading, including deleting references to Administrative Rules and State Statutes and minor text and formatting corrections.

Adoption of Ordinance 3102 will bring the City of Great Falls into compliance with Federal and State requirements, bring the floodplain regulations up to date, consolidate floodplain regulations into Chapter 56 of the Land Development Code, adopt the new DFIRM maps that apply to properties within City boundaries, and allow our citizens with property in the floodplain to remain eligible for national flood insurance.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3102.

Mayor Winters declared the public hearing closed.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3102.**

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

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

16. **PROPERTY ADDRESSED AS 4711, 4727 AND 4811 2<sup>nd</sup> AVENUE NORTH.**
  - A. **ORDINANCE 3103, REZONE SAID PROPERTY FROM C-2 GENERAL COMMERCIAL TO M-2 MIXED-USE TRANSITIONAL.**
  - B. **RESOLUTION 10011, CONDITIONAL USE PERMIT TO ALLOW A MINI-STORAGE FACILITY AT 4711 & 4727 2<sup>nd</sup> AVENUE NORTH.**

Planning and Community Development Director Mike Haynes reported that this is a request to accept Ordinance 3103 on first reading and set a public to consider rezoning from C-2 General

Commercial to M-2 Mixed-Use Transitional and a Conditional Use Permit to allow a mini-storage facility on property located on the north side of 2<sup>nd</sup> Avenue North in the 4700 and 4800 blocks. The subject property includes Lot 3 and Lot 5 recently acquired by the applicant, JKW Enterprises. That property is the former B&H Mobile Home Court that deteriorated over many years, was subject to numerous code enforcement actions and was finally closed down when trailers on the site became uninhabitable. The mobile homes have since been removed and the office building demolished.

JKW Enterprises has owned Lot 4 for many years and also owns the property adjacent to and east of the subject property that is in unincorporated Cascade County. That property is a large U-Stor-It mini-storage facility. The applicant intends to expand the mini-storage facility to the west onto the subject property.

The request to rezone to M-2 Mixed-Use Transitional is preferred by staff over the alternative of rezoning to I-1 Light Industrial. Mini-storage is permitted in the M-2 zoning district with conditional use approval, and M-2 zoning allows other beneficial redevelopment opportunities that are appropriate for the area in the short and long term.

The applicant is requesting Conditional Use Approval only on Lots 3 and 5 at this time. As a condition of approval the applicant will be required to file an amended plat aggregating the two lots into one. It is anticipated that the applicant will seek a Conditional Use Permit on Lot 4 at such time as redevelopment of that property is imminent.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3103 on first reading and set the public hearing for April 2, 2013.**

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

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission set a public hearing for April 2, 2013, to consider adoption of Resolution 10011.**

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

Motion carried 5-0.

17. **RESOLUTION 10013, A RESOLUTION DECLARING AN INFRASTRUCTURE DEFICIENT AREA EXISTS WITHIN THE CITY OF GREAT FALLS IN AN AREA KNOWN AS THE CENTRAL MONTANA AGRICULTURAL AND TECHNOLOGY PARK.**

Planning and Community Development Director Mike Haynes reported that this is a request to adopt Resolution 10013, a resolution of necessity declaring an infrastructure deficient area exists within the City of Great Falls in the area known as the Central Montana Agricultural and Technology Park (or CMATP).

The CMATP is generally located east of US Highway 87 and west of Black Eagle Road, including, and in the vicinity of, the MaltEurop malting plant.

This declaration will set the stage for a proposed expansion of the CMATP Tax Increment Financing Industrial District (or TIFID) to include the recently annexed 100-acre site where ADF proposes to develop its steel fabrication plant.

While a resolution of necessity is not currently a prerequisite for creating or expanding a TIFID, there is a bill in the Montana Senate (Senate Bill 239) that would add such a requirement, so adoption of Resolution 10013 seeks to ensure that no delays would result should that bill become law, as well as being good public policy given the future proposed use of tax dollars to mitigate public infrastructure deficiencies.

The next step in the process will be for the Planning Board to hold a public hearing to consider the TIFID Plan and its conformance with the Growth Policy and City zoning.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10013.**

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

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, spoke in support of Resolution 100013. He commended the Planning Department as he feels this is a good step moving forward.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

18. **RESOLUTION 10014, A RESOLUTION DECLARING AN INFRASTRUCTURE DEFICIENT AREA EXISTS WITHIN THE CITY OF GREAT FALLS IN AN AREA KNOWN AS THE EAST INDUSTRIAL PARK.**

Planning and Community Development Director Mike Haynes reported that this is a request to adopt Resolution 10014, a resolution of necessity declaring an infrastructure deficient area exists within the City of Great Falls in the area known as the East Industrial Park. The East Industrial Park is generally located east of 52 Street North, north and south of 18<sup>th</sup> Avenue North.

This declaration will set the stage for a proposed creation of the East Industrial Park Tax Increment Financing Industrial District (or TIFID) to include the recently annexed AgriTech Park Addition and the American Agri-Technology Addition - more commonly referred to as the "Advanced Bio-Fuels" site that was annexed in 1992.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10014.**

Mayor Winters asked if there was any discussion amongst the Commissioners or comments from

the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

### PETITIONS AND COMMUNICATIONS

#### 19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Rudolph Tankink**, 3620 9<sup>th</sup> Avenue North, asked Commissioner Jones, as Chairman of Electric City Power Board of Directors, to comment on statements quoted in the *Tribune*.

Commissioner Jones responded that information was provided at last night's Electric City Power (ECP) Board meeting as to what has been going on over the last month in regards to ECP and SME. The attorney for Southern's bankruptcy trustee notified the City that, because of some of the decisions made early on at SME meetings, the City would not be accountable for any expenditures with the gasification plant as it exists or any maintenance of such facility. Great Falls still deals with allegations of stranded costs and a proposed 10-year electricity rate contract with Morgan and Stanley. The City needs additional information to make an informed decision with regard to those two issues. A federal court hearing is scheduled for March 26, 2013.

- B. **John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed officials being held accountable for misappropriation of funds; low income families and attracting businesses with better paying jobs; and, a collection company's efforts to collect on a traffic ticket his wife received in 2006 or 2007.

### CITY MANAGER

#### 20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that, although the information provided was a ray of hope, ECP is not off the hook with Southern. The City still does not know what the potential rates are going to be in the future. There is a pending court action attempting to conceal that information from the City and the public. He hopes the information regarding what kind of debt service is built in the rates is forthcoming to the City and community.

He further reported that he and Mayor Winters will be attending an Executive Forum in Helena sponsored by the Local Government Center and MMIA March 6-7, 2013.

Manager Doyon highlighted from the work session the considerable effort by Public Works' staff to reduce water main breaks.

### CITY COMMISSION

#### 21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from the City Commissioners.

22. 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 March 5, 2013, at 7:42 p.m.**

Motion carried 5-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: March 19, 2013