

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 Deputy City Manager; 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.**

There were no miscellaneous reports and announcements from representatives of neighborhood councils.

#### **CONSENT AGENDA**

2. Minutes, July 16, 2013, Commission meeting.
3. Total expenditures of \$3,906,011 for the period of July 6-31, 2013, to include claims over \$5,000, in the amount of \$3,481,166.
4. Contracts list.
5. Set public hearing for September 3, 2013, for the Final Plat of Great Bear Subdivision No. 2-Phase 1.
6. Award a contract in the amount of \$99,399.80 to Polytech International for the 2013 Sanitary Sewer Manhole Lining project. **OF 1635.2**
7. Award a contract in the amount of \$324,446 to Phillips Construction, LLC, for the 18<sup>th</sup> Street South Storm Drain Improvements Phase 1A Sand Hills Storm Water Detention Pond Expansion. **OF 1462**
8. Award a contract in the amount of \$944,880 to Dick Anderson Construction, Inc. for the Crescent Drive and Henderson Heights Water Main Replacements. **OF 1646**
9. Approve the purchase of water meter equipment for the 2014 Fiscal Year from Dana Kepner Co. of Billings in an amount not to exceed \$270,000.

10. Approve bid award for the janitorial services for the Public Works Complex to Eager Beaver Janitorial Services of Great Falls.
11. Approve Final Payment for the Sanitary Sewer Trenchless Rehabilitation, Phase 16, in the amount of \$11,805.65 to Western Slope Utilities, LLC (WSU), and \$119.25 to the State Miscellaneous Tax Fund. **OF 1566.3**
12. Approve cancellation of City of Great Falls checks that remain outstanding and unpaid for a period of one year or longer as authorized by § 7-6-4303, MCA.

**Commissioner Burow 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 or comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

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

There were no miscellaneous reports and announcements from representatives of boards and commissions.

### **PUBLIC HEARINGS**

#### **14. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) 2013/2014 BUDGET AND WORK PLAN.**

Administrative and Marketing Director Karen Venetz thanked all of the tourism partners in Great Falls. She reported that, in promoting Great Falls to leisure travelers, conventions and events, the TBID has increased assessments 120% since fiscal year 2012. The TBID looks forward to another year of growth.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to the TBID 2013/2014 budget and work plan.

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

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept the 2013/2014 Tourism Business Improvement District Budget and Work Plan.**

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

Commissioner Kelly commended Ms. Venetz and the groups involved in promoting Great Falls.

There being no further comments, Mayor Winters called for the vote.

Motion carried 5-0.

**15. BUSINESS IMPROVEMENT DISTRICT (BID) 2013/2014 BUDGET AND WORK PLAN.**

Board of Director Sheila Rice thanked the Commission for past approval of the BID's budgets and work plans and looks forward to same.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to the BID 2013/2014 budget and work plan.

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

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept the 2013/2014 Business Improvement District Budget and Work Plan.**

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

Commissioners Kelly and Jones thanked Ms. Rice for her work with the BID and NeighborWorks.

There being no further comments, Mayor Winters called for the vote.

Motion carried 5-0.

**16. RESOLUTION 10024 TO LEVY AND ASSESS SPECIAL IMPROVEMENT GENERAL BOULEVARD MAINTENANCE DISTRICT NO. 3570.**

Fiscal Services Director Melissa Kinzler reported that adoption of Resolution 10024 will allow the City to finance the cost of work, improvements and maintenance conducted each year in the special improvement boulevard maintenance district. Services provided within the district are tree pruning, removal, and planting. For fiscal year 2014 the general boulevard area assessment will remain the same as last fiscal year's assessed amount of \$318,856.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10024.

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

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10024.**

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

Motion carried 5-0.

17. **RESOLUTION 10025 TO LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.**

Fiscal Services Director Melissa Kinzler reported that adoption of Resolution 10025 will allow the City to finance the cost of work, improvements and maintenance required in the Special Improvement Portage Meadows Maintenance District. The purpose of this district is to maintain the turf, trees, irrigation system and provide snow removal in the Green Belt Park of the Portage Meadows Addition. For fiscal year 2014 the assessment will remain the same as last fiscal year's assessed amount of \$46,922.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10025.

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

**Commissioner Kelly moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10025.**

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

Motion carried 5-0.

18. **RESOLUTION 10026 TO LEVY AND ASSESS STREET MAINTENANCE DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that adoption of Resolution 10026 will allow the City to fund the cost of work, improvements and maintenance in the street maintenance district. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, nuisance weed program and funding of the traffic division. For fiscal year 2014 the assessment will remain the same as last fiscal year's assessed amount of \$3,630,779.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10024.

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

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10026.**

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

Motion carried 5-0.

19. **RESOLUTION 10032 – PROPOSED UPDATE TO THE GROWTH POLICY FOR THE CITY OF GREAT FALLS.**

Planning and Community Development Director Craig Raymond reported that this is a request to adopt Resolution 10032 to update the City's Growth Policy. The current Growth Policy has not received significant review and updates since 1999 and only received minor amendments in 2003 and 2005. The Growth Policy is a vital document as it evaluates many elements of the community's make-up and provides staff and the governing bodies of the City guidance on future decisions.

Several working groups were formed in order to include public participation. Working groups discussed and addressed issues that are essential elements to the community in which we live in. Topics such as land use, housing, population, local services, natural resources, public facilities, economic and health and wellness were all part of the deliberation that took place in preparing the Growth Policy.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10032 were:

**Sheila Rice**, 509 1<sup>st</sup> Avenue South, commented the Growth Policy is a great addition and complimented City staff for the well done process.

**Ronda Wiggers**, on behalf of the Great Falls Area Chamber of Commerce, thanked staff for taking the Chamber's comments into consideration and incorporating suggested language into the Growth Policy. She noted that this is the first time in 20 years that she spoke in support of a city's growth policy. The Chamber specifically appreciates the focus on Malmstrom Air Force Base, as well as language regarding reintroduction of historic commercial uses in existing vacant structures, creating a healthy city, and economic development.

On behalf of **County Commissioner Jane Weber**, Commissioner Burow read her comments in support and appreciation expressed to City staff for the open meeting process and discussions with the community to make this a good document.

**Alma Winberry**, 423 15<sup>th</sup> Street South, commented the process was open to the public and handled well. She feels the final product is a great melding of individuals' and groups' opinions about where the City should be going in the future. She commended Ida Meehan for an exceptional job leading the groups.

Written correspondence in support of Resolution 10032 was received from **Alicia Thompson**, Health Officer, Cascade City-County Health Department.

Speaking in opposition to Resolution 10032 were:

**Rudolph Tankink**, 3620 9<sup>th</sup> Avenue North, commented that this document is being used as law in other cities. He commented that when you scratch the surface, this document is part of a global plan, Agenda 21 and sustainable development, implemented by the well-funded group, International Council for Local Environmental Initiatives (ICLEI).

**Lola Galloway**, 310 6<sup>th</sup> Street South, inquired of Commissioner Bronson what is meant by "this policy is a guide."

Commissioner Bronson responded that, under State law, a growth policy is not a regulatory document. If adopted, it is a guide to the City Commission in the future.

Ms. Galloway commented that she attended a few of the meetings and there were more City staff than citizens in attendance. She has concern that staff made decisions to secure their employment interests and may not have considered the interests of the populace. She suggested consideration be given to retaining businesses here, rather than attracting new businesses. Ms. Galloway would like to see Great Falls stay unique, to draw citizens back to Great Falls, and to make the current populace a priority.

**Keith Ochs**, 1507 3<sup>rd</sup> West Hill Drive, inquired of the Commission if their minds were made up, or what it would take for the Commission to not approve, change or table Resolution 10032.

Mayor Winters commented that the Commissioners have little contact with each other between Commission meetings. Each Commissioner is an individual quite diverse in what they do. Each receives packets of material to review, make up their individual minds and then attend meetings to collectively make decisions.

Commissioner Burow commented that the public was included in creating the policy. He would have to hear compelling reasons not to approve it.

Mr. Ochs discussed the national debt. He commented that items in the policy are “wants” or nice things for the City. He suggested maintaining what the City currently has.

**Barbara Going**, 3001 6<sup>th</sup> Avenue North, commented that she is against government funds. She hasn't read the document but wanted assurance that personal property rights were protected. She commented that Agenda 21 is the United Nations policy making its way into cities.

Commissioner Burow noted a phone call from **Milo Halverson** also expressing concerns about private property rights.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, opposed the policy if it was going to cost the City money.

**Paul Stephens**, 820 3<sup>rd</sup> Avenue North, commented that this is a policy to look forward to a city that he, again, can be proud to live in with amenities, culture, and trails. The coal plant has been an anchor on everything good that wanted to happen here. Mr. Stephens suggested the Library donate certain books to the Historic Preservation Office rather than selling them.

There being no one else to address the Commission, Mayor Winters closed the public hearing.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10032 adopting the proposed Update to the Great Falls Growth Policy.**

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

Commissioner Bronson read, in pertinent part, § 76-1-605, MCA. This growth policy was the subject of a great deal of public input, not dominated by City employees. It was dominated by differing views of various people in the community. It does not mandate the Commission to do

anything. The state legislature requires cities to have a growth policy in place if the Commission is to carry out those regulatory things the Commission is permitted to do by law, such as annexation and zoning. He further pointed out that the Montana Constitution provides for specific protections for the rights of private property.

Commissioner Bronson continued that this document is not generated or influenced by the United Nations. It is generated by friends and neighbors that enjoy a thriving community. Agenda 21 arguments are not persuasive. The policy contains language that he sees as encouragement for local businesses and entrepreneurs. It speaks volumes to him that a representative of the Great Falls Area Chamber of Commerce that represents most of the businesses in the community spoke in support of the proposed growth policy this evening.

Commissioner Burow proposed tabling a vote until the next meeting to allow more time for citizens to read and better understand the policy.

Commissioner Kelly commented this policy has been the result of a monumental task by Ida Meehan and Planning and Community Development staff. Her assignment was to capture as many people and as wide of a constituency group as she could to come up and imagine what this town could be like. It's been in the works more than a year. There were multiple opportunities for the public to participate. He respectfully disagreed with the suggestion of tabling this matter.

Commissioner Jones explained his personal reasoning for not voting for Complete Streets at the time. However, the Commission subsequently approved the Downtown Master Plan that allowed complete streets to be involved in the downtown area. He also noted that from the main gate at Malmstrom on 2<sup>nd</sup> Avenue North to 38<sup>th</sup> Street has been marked for bicycles.

Mayor Winters added that Agenda 21 has no influence in Great Falls.

Deputy City Manager Jennifer Reichelt noted that the draft policy was available on line for months, as well as having been noticed in the paper. There have been a number of opportunities for people to view and comment on it. An Imagine Great Falls webpage was frequently updated, people could subscribe to a listserve to get information, as well as use social media. The document has been available through this entire process for the public to view and comment on.

There being no further comments, Mayor Winters called for the vote.

Motion carried 3-2 (Mayor Winters and Commissioner Burow dissenting).

20. **TRACT 1 AND TRACT 3, CERTIFICATE OF SURVEY 4705, AND MARK 14R, ALL LOCATED IN THE N1/2 NE1/4, SECTION 36, T21N, R3E (SKYLINE HEIGHTS APARTMENTS).**
  - A. **RESOLUTION 10020, ANNEXES PROPERTY AND ANNEXATION AGREEMENT.**
  - B. **ORDINANCE 3108, ASSIGNS CITY ZONING CLASSIFICATION OF R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT TO TRACT 1 AND TRACT 3, AND PUBLIC LAND AND INSTITUTIONAL DISTRICT TO MARK 14R.**

Planning and Community Development Director Craig Raymond reported that this is the public hearing on Resolution 10020 and Ordinance 3108 which will provide for the annexation of certain properties and apply city zoning to same. The subject property is vacant. The property owner intends to construct a multifamily apartment building on the property that will be accessed from 14<sup>th</sup> Street NE and 36<sup>th</sup> Avenue NE. Annexation into the City would allow the property owner access to water and sewer services.

Additionally, the City of Great Falls is party to this annexation and zoning request in order to annex and apply zoning to the existing City water tower property located near the intersection of 36<sup>th</sup> Avenue NE and Bootlegger Trail.

To the north of the subject property is mostly underdeveloped property with the exception of radio/tv towers and associated equipment. To the south of the subject property is existing single family residential development as well as commercial mini-storage units. To the east of the subject property is the aforementioned City water tower, as well as other commercial uses.

At a public hearing held on May 14, 2013, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assign PUD zoning with an underlying R-5 zoning to the Skyline Heights Apartment property and Public Lands and Institutional to the City owned property. Subsequent to this action it had been noted by the City Attorney that seeking PUD zoning on this project is not the appropriate land use process in order to achieve the applicant's goals. The appropriate course of action would be to annex the property, apply the R-5 zoning designation and, if the applicant still desires to obtain approval for a 3-story building, he must apply for a variance before the Board of Adjustment. Director Raymond noted that the standard height allowed within the R-5 district is 45 feet. In most cases, a 2 or 3 story building can be built within that limit of 45 feet. To date, the applicant has not suggested he intends to seek any height variance for this project.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10021 and Ordinance 3108 were:

**Damon Carroll**, applicant requesting annexation, commented that he started this process 18 months ago with the Public Works director. Since then, it's been a roller coaster. This is the 12<sup>th</sup> meeting he has attended. He discussed some of the things he has done to try to make this work with the Skyline neighbors: downsized the building from a 36 to a 24-plex; moved the building east away from one resident; added 18 parking spots; changed the building from a three story to a two story; added landscaping bordering a neighbor; and, placed a deed restriction on the remaining 1.8 acres he owns. He feels his proposed project is good for Great Falls. It completes 14<sup>th</sup> Street connecting to 36<sup>th</sup> Avenue; the value over 20 years adds \$320,000 to the tax base; he would contribute \$30,000-\$40,000 to help the City improve 14<sup>th</sup> Street; it helps fill a shortage of apartments in Great Falls; and, it's good economics as he would be employing about 100 people through the winter. Mr. Carroll asked the Commission to continue the current usage of his property.

He doesn't believe that a well landscaped, properly built facility will decrease property taxes as opponents have alleged any more than what he could legally place on the lots - that being trailer houses and livestock, as well as the current surrounding storage units, meat cutting facility, communication towers, water tower, agriculture dealers and a veterinarian clinic. There has been a



lot of hearsay of rifferaff.

Mr. Carroll also noted that professionals have researched and conducted traffic counts and they feel the impact of his project would be minimal. He concluded that the current Planning and Community Development department staff have been business friendly to him. Now, it is the people that have got to get business friendly.

**Jim Voegele**, 313 Highland Drive, commented this is the right project, in the right location and particularly at the right time. Great Falls needs this type of housing. If Great Falls is to be competitive in solicitations for growth of our economic base, it can't attract industry to the city if it doesn't have the ability to house the workers. He noted that he is in the real estate business. There are not enough rental units to meet the demand. Mr. Voegele also responded to comments from opponents of the project about slum and traffic concerns.

**Lee Janetski**, 83 Sun River Road, concurred with the last two speakers' comments. This is the best use of the property.

**Colin Schwartz**, 921 5<sup>th</sup> Avenue South, commented he is also a contractor. This project would put a lot of people to work. It will increase the tax base. It's a great opportunity for the new ADF plant workers to live close to their work.

**Adam Nadeau**, 912 8<sup>th</sup> Avenue North, commented that people are not going to come here if they don't have a place to live. Great Falls has service men and women that may not want to live on the base, and a university and vo-tech that don't offer dorms for students that come from all over the country. The more housing the better.

**Glenn Takala**, 633 27<sup>th</sup> Avenue NE, commented that this project would provide work and housing in a great area. Damon Carroll does quality work and he has a lot of respect for him.

**Ryan Carroll**, 928 10<sup>th</sup> Avenue NW, commented that he works in a business that sees a lot of people coming to town. There is a shortage of good, quality housing in Great Falls. The ADF plant is here, and the vo-tech has developed a program to train those workers. This project would provide a place for those workers to live.

**Sandee Neal**, 125 Russell Ranch Lane, commented that when she resided in Arizona developers were forced to build apartment building as well as single-family homes in the same development. She agreed with prior speakers' comments. She suggested building a road and adding a traffic light to alleviate the traffic concerns.

**Lola Galloway**, 310 6<sup>th</sup> Street South, supports the idea that we need projects in this town. She spoke in support of enterprise landlords who are not government subsidized. She is also a landlord and noted when the College of Great Falls expanded her units of rentals starting filling up. She thinks people in a community would want a nicely built building in their area.

**Tuella Carroll**, 215 Russell Ranch Lane, as a property manager in Great Falls she sees a need for rentals. She takes pride in her work and keeps the properties nice, and employs local companies for landscaping and snow removal.

**Christine Carroll**, 1700 1<sup>st</sup> West Hill Drive, commented that half of the renters in her 12-plex are from Malmstrom Air Force Base. Several military renters serving in Afghanistan have paid her six months in advance to have a home to come home to.

Mayor Winters called a recess at approximately 8:47; the meeting was called back to order at 8:56.

Speaking in opposition to Resolution 10021 and Ordinance 3108 were:

**Greighsen Adams**, 3501 11<sup>th</sup> Street NE, commented that adding apartments would cause her more traffic to deal with to get to CMR High School on time.

**Sloane Adams**, 3501 11<sup>th</sup> Street NE, expressed safety concerns about children playing in driveways. She suggesting keeping 14<sup>th</sup> Street to 35<sup>th</sup> Avenue closed to thru traffic.

**Curt Erpenbach**, 1020 34<sup>th</sup> Avenue NE, commented that the proponents that spoke do not live in this neighborhood. He purchased his home in 1999 in an R-2 zone because he didn't want traffic. They already have people zipping through the neighborhood. The proposed complex would add more cars driving through the R-2 neighborhood. Mr. Erpenbach explained the water issues he has had at his house. He inquired if the project would have storm water drainage.

Public Works Director Jim Rearden responded that he hasn't seen the site plan, but thinks there will be on-site detention that is proposed to drain over land to the west. He added that 36<sup>th</sup> Avenue is currently in the process of being designed, as well as storm drain details with that design. Funding has not been identified for 36<sup>th</sup> Avenue, but monies for 12<sup>th</sup> and 14<sup>th</sup> Streets are available. To do those extensions, they need to know what grade 36<sup>th</sup> Avenue needs to be. There is no piping planned at this point.

Mr. Erpenbach commented that is his biggest concern. All of the water shed from the entire hill comes towards his house. The City has done a tremendous amount of work in front of his property the past 18 months and hopefully rectified it. The problem is, if it's not rectified, he is back to where he was 18 months ago. If the retention pond gets over run he and his neighbors will be tremendously affected. Mr. Erpenbach suggested the infrastructure issues be addressed. He also discussed increased traffic and crime.

**Bill Albrecht**, 1012 35<sup>th</sup> Avenue NE, suggested the City commit to fixing the water problems and road access/traffic issues before annexing this property.

**Rachel Erpenbach**, 1020 34<sup>th</sup> Avenue NE, expressed concern if more building is allowed, more water will drain into their house, as well as their neighbors. The water problems they have been dealing with the past 14 years have been a nightmare. She would like to see the current zoning of single-homes remain. Their investment in that neighborhood should count.

**Jerry Hayes**, 1113 35<sup>th</sup> Avenue NE, also expressed concerns about the water situation. He timed his sump pump recently going off every seven minutes. With regard to the shortage of houses, he asked the Commission to take into consideration the 200 unit apartment complex being proposed south of town that was mentioned recently in the *Tribune*.

**Spencer Adams**, 3501 11<sup>th</sup> Street NE, does not want apartments in his neighborhood. He also

discussed water issues. Building an apartment complex would put greater stress on the land and the inability of the land to migrate the water away from the proposed project site. The current infrastructure is deficient. Mr. Adams suggested tabling this matter. He asked the Commission to listen to the neighbors of this neighborhood and consider their best interests.

Mr. Adams also discussed Base closures and the chance that Malmstrom may be “on the chopping block.” Should that happen, there would be an abundance of rentals.

He suggested the City come up with incentives for Mr. Carroll to build apartments in a more useable area.

**Joe Phillips**, 1004 35<sup>th</sup> Avenue NE, echoed prior concerns. He also expressed traffic safety concerns, and concluded that location is key.

**Sharon Tuck**, 1016 35<sup>th</sup> Avenue NE, concurred with prior speakers.

**Sue Babbitt**, 1108 35<sup>th</sup> Avenue NE, doesn't want to live by “a bunch of crap.” She also expressed concern about a higher volume of traffic.

**Gerald Tuck**, 1016 35<sup>th</sup> Avenue NE, concurred with prior speakers.

**Kathleen Gessaman**, 1006 36<sup>th</sup> Avenue NE, also noted the traffic issues. She suggested finding a way to make it feasible for Mr. Carroll to construct duplexes.

**Fran Albrecht**, 1012 35<sup>th</sup> Avenue NE, commented that the custom homes in the area contribute to the tax base.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented the project doesn't seem to fit with the intent of R-5 zoning and is not compatible with the neighborhood. He also noted that ADF's employees will be employed before Mr. Carroll's apartment complex is built.

**Randall Babbitt**, 1108 35<sup>th</sup> Avenue NE, suggested the Commission consider all of his neighbors' comments.

**John Sturgeon**, 121 2<sup>nd</sup> Street NW, suggested Mr. Carroll buy a lot on the corner of 6<sup>th</sup> Street and Smelter Avenue.

Written correspondence in opposition was received from **Fran Albrecht** and **Bill Albrecht**, 1012 35<sup>th</sup> Avenue NE, **Stacie Gerard**, 1017 35<sup>th</sup> Avenue NE, and **Bob Stainsbury** and **Robin Stainsbury**, 1029 35<sup>th</sup> Avenue NE. Also, a “Citizen Petition Against Rezoning of Parcels #2608240 & 2608050” was received bearing 49 signatures.

There being no further comments, Mayor Winters closed the public hearing.

Commissioner Bronson inquired what was proposed to deal with the storm water.

Director Rearden responded that part of the reason the City is having 36<sup>th</sup> Avenue designed is to determine what to do with the water. It appears most of the water can be taken off 36<sup>th</sup> Avenue to

the north curb down 12<sup>th</sup> Street NE to the north. Everything to the south of 36<sup>th</sup> will be going west to 11<sup>th</sup> Street NE. It continues south and west from there.

Commissioner Bronson asked if a detention pond is proposed for the site.

Director Rearden responded on-site detention is proposed on the apartment site. It is designed to handle draining off that site, detain it, and let it out at a slower rate.

With regard to the Erpenbach property, Commissioner Jones inquired if the storm drain was recently enlarged to improve the water situation in that area.

Director Rearden responded that Thomas, Dean and Hoskins looked at the entire basin. There was upsizing of pipes and more inlets proposed at 35<sup>th</sup> and 34<sup>th</sup> and 11<sup>th</sup> Street NE. They are somewhat limited by storm drain pipe sizing below that. There is another detention pond south of 34<sup>th</sup> Avenue NE. There are not a lot of opportunities upstream from that to do further detention.

In response to comments regarding crime, Commissioner Burow commented that crime has increased in every neighborhood the last several years. In addition to comments, he noted a petition was received in opposition.

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10020 and approve the Annexation Agreement all pertaining to Tracts 1 & 3 COS 4705 and Mark 14R.**

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

Mayor Winters noted that he resides in the geographical area being discussed. He expressed concerns about the traffic and water issues, and inquired if anything was proposed to be done by the City.

Director Rearden responded that most of that area is outside of the City's jurisdiction.

Mayor Winters noted that the water originates in the County and runs down into the City.

Commissioner Jones commented that the County has property above this area that drains down into the basin. A lot of thought has to be put into what could be developed on that particular parcel. He cannot see this developing at this time with no place for this water to go. Commissioner Jones suggested that the neighbors look at this realistically and say what is going to be built there if Damon Carroll doesn't build there. He concluded that his job is to protect the public and if the City doesn't have the adequate storm drainage issue resolved and solved, he believes its dangerous to approve more building at this time.

In response to Commissioner Jones' inquiry about a timeframe, Director Rearden explained that 36<sup>th</sup> is currently in the design phase. A funding source has not been identified. Federal monies are not available. It is strictly a City roadway and has to come in line with the rest of the needs across the City.

Commissioner Bronson also noted the letters received in opposition. He commented that the

Commission has an obligation to protect the best interests of the community. He has concern about the water, storm water and drainage issues and needs more time to think about those.

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission table consideration of Resolution 10020 until September 3, 2013.**

Amended Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission table consideration of Ordinance 3108 until September 3, 2013.**

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

#### **21. ORDINANCE 3111, ASSIGN CITY ZONING TO WEST RIDGE ADDITION, PHASE VI.**

Planning and Community Development Director Craig Raymond reported that this is a request to accept Ordinance 3111 on first reading and set a public hearing for September 3, 2013, to consider Ordinance 3111 which will approve the Final Plat of West Ridge Addition, Phase 6. Previous actions for West Ridge Addition Phase 6 include:

- On April 9, 2013, following a public hearing, the Planning Advisory Board recommended approval of the preliminary plat and the Zoning Commission approved of assigning R-3 Single Family-High Density District zoning to the subject property upon annexation.
- On May 7, 2013, the City Commission approved the preliminary plat for West Ridge Addition Phase 6 with certain conditions.

The ±7.99 acre subject property is located generally west of 2<sup>nd</sup> Street NE and north of 38<sup>th</sup> Avenue NE. The developer is requesting approval of the final plat, City zoning and annexation of West Ridge Addition, Phase VI. The proposed subdivision consists of 24 single-family residential lots.

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission accept Ordinance 3111 on first reading and set a public hearing for September 3, 2013.**

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

Commissioner Burow inquired how close this project was to the area discussed in Item 20 in regards to water issues.

Director Rearden responded that this area has separate drainage. Some of the water will drain into the Northeast Regional Detention Pond and some will go north to Watson Coulee.

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

#### 22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. **Alma Winberry**, 423 15th Street South, read a statement she authored regarding her belief that the City has not been fiscally responsible due to poor management and leadership.
- B. **Dan Woods**, 2509 8<sup>th</sup> Avenue North, commented that, ironically, he came to say he was appalled to learn that Montana was the only state that doesn't have an anti-bullying law. However, he was more sickened by the lack of civility demonstrated at this meeting.
- C. **Jason Lehmann**, 2800 4<sup>th</sup> Avenue South, on behalf of Roxene Cook, informed the Commission that a chain link fence with razor wire was being installed around Calumet property, less than one foot from Ms. Cook's property line, in violation of City code and what Calumet agreed to.

Director Raymond noted that staff met with Calumet this afternoon to address concerns and expectations going forward.

- D. **John Hubbard**, 615 7<sup>th</sup> Avenue South, thanked the Commission for getting the City out of Electric City Power (ECP). He thinks prior officials should be held accountable for ECP as it is crippling the City. Mr. Hubbard also discussed *Tribune* blog comments.
- E. **Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, reminded the Commission that Calumet came to the Commission three or four months ago stating there were no plans for development at the Westgate property. What Mr. Lehmann talked about has been going on for several weeks. There are also major activities going on within the old section of the refinery. He also noted a huge flare today in violation of environmental law. He also referenced Item 21 on the agenda and suggested a consistent policy regarding cul-de-sacs.

### CITY MANAGER

#### 23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from the City Manager's Office.

### CITY COMMISSION

#### 24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

#### 25. COMMISSION INITIATIVES.

Commissioner Burow suggested a scheduled discussion to consider selling the City's property near Manchester, as well as reviewing the sign code and the mission language of the Design Review

Board.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Kelly, to adjourn the regular meeting of August 6, 2013, at 10:34 p.m.**

Motion carried 5-0.

---

Mayor Michael J. Winters

---

City Clerk Lisa Kunz

Minutes Approved: August 20, 2013