

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE in memory of Sheriff Deputy Joseph James Dunn killed in the line of duty on August 14, 2014.

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

AGENDA APPROVAL: Manager Doyon noted the addition of the swearing in ceremony under Neighborhood Councils and the Grants list under the Consent Agenda, and that the contracts list was amended after initial posting. No changes were proposed by the City Manager or City Commission. The revised agenda, as submitted, was approved.

PROCLAMATION: Mayor Winters read a proclamation for General Aviation Appreciation 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.

Eric Ray, NC 5, provided a quarterly report to the Commission. On April 28, 2014, Neighborhood Councils 4 and 5 held a public forum to hear a presentation about the east end development. On October 27, 2014, Neighborhood Councils 4 and 5 will hold another forum for the public to air their views about what businesses they would like to see at the east end development. Chairman Ray extended an invitation to an ice cream social on September 14, 2014, at 4 pm, in celebration of the completion of the repaved path at Russell Park.

1A. SWEARING IN CEREMONY.

Mayor Winters performed the swearing in ceremony for Jered J. Kuno as a representative of Neighborhood Council 9.

CONSENT AGENDA.

- 2.** Minutes, August 5, 2014, Commission meeting.
- 3.** Total Expenditures of \$3,591,997 for the period of July 17 through August 6, 2014, to include claims over \$5,000, in the amount of \$3,347,627.

4. Amended contracts list.
- 4A. Grants list.
5. Approve Professional Services Agreement in the amount of \$160,391 to DOWL HKM for engineering services associated with the North Great Falls Life Station and Force Main.
OF 1476.5
6. Approve Addendum to Development Agreement for Great Bear No. 2 Subdivision – Phase II.

Commissioner Burow moved, seconded by Commissioner Kelly, 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

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

8. CASCADE RIDGE PHASE II, A SENIOR LOW-INCOME RENTAL HOUSING PROPERTY, ADDRESSED AS 3001 15TH AVENUE SOUTH.

Planning and Community Development Director Craig Raymond reported that this public hearing is to take public comment on whether Cascade Ridge Phase II meets a community need. Pursuant to state statute, public hearing notices were published in the *Great Falls Tribune* on July 29, August 3 and 14, 2014.

Cascade Ridge Phase I is a 40-unit multi-family development located at 3001 15th Avenue South that was constructed in 2012. Cascade Ridge provides long-term affordable rental housing for low income seniors and the disabled that earn 60% or less of the area median income. Since the original construction of Phase I of Cascade Ridge, Benefis has experienced an extensive waiting list for occupants seeking affordable extended care and housing. Phase II of the project includes adding 16 units to the existing building. The property in question does appear to be appropriately zoned for this type of use; however, the owners of Cascade Ridge will be required to apply for the appropriate zoning and building permits prior to construction.

Director Raymond requested that the Commission hear from the applicant and then conduct a public hearing. Following the hearing staff will forward the public comments to the Montana Board of Housing as that agency considers statewide tax credit applications.

Mayor Winters declared the public hearing open.

Don Sterhan, President & CEO of Mountain Plains Equity Group, Billings, MT, commented that he is very pleased with the result of Cascade Ridge in the Great Falls community. They have accomplished providing an affordable, high quality housing option for senior citizens of low to moderate income levels. Cascade Ridge currently consists of 40 units with enough space to add 16 units located at the Benefis Hospital campus. They are currently in the tax credit application process asking the Board of Housing in Helena for an additional allocation of tax credits to complete 16 more units. Mr. Sterhan reported that the facility was opened on October 1, 2010. Before Christmas time that year the 40 units were filled and have been 100% occupied ever since. There is a current waiting list of 87, so they know there is definitely a need in Great Falls. They have been pleased to step forward with a project to fulfill that need and look forward to doing more. Mr. Sterhan displayed a rendition of the Cascade Ridge project.

Amy Beams, Benefis Health System, urged the Commission's support of Benefis Health System's effort to secure federal tax credits for the purpose of adding 16 additional units to the Cascade Ridge project. The need for senior housing, particularly rental options for the low to moderate income range, continues to grow in the area. She credited Mountain Plains Equity Group for the success of Cascade Ridge thus far. As an affordable senior housing rental option, Ms. Beams believes it meets several critical needs identified in the Comprehensive Affordable Housing Strategy developed for Cascade County. She reported that Cascade Ridge Phase II is supported by the local Neighborhood Council, Cascade County Commission, Great Falls Area Chamber of Commerce, Great Falls Public Schools, United Way of Cascade County, Housing Authority and Benefis Health System. Ms. Beams concluded that this project is Benefis' response to what is perceived to be a tremendous need in this area.

Brett Doney, on behalf of the Great Falls Development Authority and NeighborWorks Great Falls, reported that those agencies strongly support the project. The need for affordable housing for seniors, and everyone in the community, is great. They are doing what they can to get new units under construction to meet affordable, quality housing needs in the community.

Eric Ray, Neighborhood Council 5 Chairman, reported that Cascade Ridge is, and continues to be, a welcomed addition to the area. It is located in the medical corridor and within wheelchair distance to a lot of places. The property is well maintained and they are good neighbors. Mr. Ray concluded that the council would like the Commission's support of additional building of same.

Mike Witsoe, 510 11th Street South, commented he was opposed to this project due to the request for tax credits.

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

9. **CITY VIEW SUBDIVISION, LEGALLY DESCRIBED AS TRACT 2, CERTIFICATE OF SURVEY 4705, LOCATED IN THE N½NE¼ OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 4 EAST, PMM, CASCADE COUNTY.**
 - A. **RESOLUTION 10088, ANNEXES SAID PROPERTY.**
 - B. **ORDINANCE 3123, ASSIGNS ZONING CLASSIFICATION OF R-5 MULTI-FAMILY MEDIUM DENSITY DISTRICT.**

Planning and Community Development Director Craig Raymond reported that this is a public hearing to consider Resolution 10088 to annex and Ordinance 3123 that would assign zoning to the subject property.

Previous actions for City View Subdivision include:

- On May 27, 2014, following a public hearing, the Great Falls Planning Advisory Board recommended approval of the preliminary plat and the Zoning Commission approved of assigning R-5 Multi-Family Medium Density District zoning to the subject property upon annexation.
- On June 17, 2014, the City Commission approved the preliminary plat for City View Subdivision with certain conditions.
- On June 24, 2014, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the Final Plat of City View Subdivision and accompanying findings of fact subject to certain conditions.
- On July 17, 2014, the City Commission accepted Ordinance 3123 on first reading and set the public hearing for tonight.

The subject property is abutting 36th Avenue NE on the south side, between 11th Street NE and 14th Street NE. The developer is ultimately requesting approval of annexation, City zoning and the final plat. The proposed subdivision consists of six multi-family dwelling lots and one additional parcel which will be deeded to the City for use as a storm water detention facility.

Director Raymond requested that the City Commission conduct the public hearing, adopt Resolution 10088, approve the Annexation Agreement, adopt Ordinance 3123 and approve the Final Plat of City View Subdivision.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10088 and Ordinance 3123 were:

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that this is an important project to meet the housing needs of the community and our work force.

Lee Janetski, 83 Sun River Road, Owner/Developer, concurred with Mr. Doney regarding the housing need and he added that it is the best use of the property. Mr. Janetski commented that they have jumped through a lot of hoops and have donated a parcel to help with the storm water problem in the area.

Speaking in opposition to Resolution 10088 and Ordinance 3123 was:

Ron Gessaman, 1006 36th Avenue NE, commented that the agenda report isn't clear if these units will be rentals or privately owned dwellings. He requested clarification of the percentages and numbers set forth on pages 3 and 4 of the Annexation Agreement. Mr. Gessaman also

expressed concerns regarding parking spaces and traffic in the area.

There being no one further to address the Commission, 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 10088, and approve the Annexation Agreement all pertaining to City View Subdivision.

Mayor Winters asked if there was any discussion amongst the Commissioners. Commissioner Bronson asked staff to address concerns expressed by Mr. Gessaman.

Director Raymond clarified that there are two car garages and additional parking spaces. This development will be required to at least meet the minimum number of parking spaces per building as set forth in the Land Development Code. With regard to ownership, Director Raymond explained that there are six lots; the proposal is for six, four-plex buildings. In theory, there could be six separate owners. He concluded that staff used national standards that are published and updated regularly to obtain trip and traffic calculations.

City Engineer Dave Dobbs commented that the cost share is complex and covers utilities, drainage and streets. Different pieces of it were calculated in different ways.

Mayor Winters expressed concerns about the heavy vehicle traffic flow.

Motion carried 5-0.

Commissioner Kelly moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3123.

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

Motion carried 5-0.

10. RESOLUTION 10089, CONDITIONAL USE PERMIT TO ALLOW AN UNCONCEALED TELECOMMUNICATIONS FACILITY ON PROPERTY ADDRESSED AS 2100 21ST AVENUE SOUTH.

Planning and Community Development Director Craig Raymond reported that this is the public hearing to consider the application by Charter Communications for a conditional use permit (CUP) to install and operate unconcealed telecommunications facilities located at 2100 21st Avenue South. On December 18, 2012, the City Commission adopted Resolution 10002 which granted a CUP for Optimum to construct an Unenclosed Telecommunications Facility on the subject property. However, in the course of the past 18 months, with changes in ownership of the Optimum company transferring to Charter Communications, that original CUP has expired. Additionally, the scope of the project has materially changed. Although the overall scope of the project has actually decreased, it was determined that application for and processing of a new

CUP was required.

The CUP would allow an Unconcealed Telecommunications Facility (Facility) on the southern portion of the subject property. This Facility includes construction of a 1,768 square foot, single-story building for one general office space and the telecommunications room for support services. On the south side of the building there will be concrete pads for three satellite dishes and a 40-foot tall telecommunication tower. The developed portion of the site will have a 6-foot tall perimeter fence. An equipment yard will be located immediately north of the proposed building, and this yard will include two air conditioning units and a standby emergency generator. The applicant is proposing a 10-foot tall sound wall around the generator, with a 6-foot fence around the entire service yard.

On June 24, 2014, the Zoning Commission conducted a public hearing and subsequently passed a motion to recommend that the City Commission approve of the requested CUP subject to conditions.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 10089.

Speaking in opposition to Resolution 10089 was **Mike Witsoe**, 510 11th Street South. Mr. Witsoe expressed concerns regarding satellites bothering neighbors, microwave towers picking up information, and large antennas and satellite dishes interfering with communications.

Director Raymond clarified that the only portion that requires a CUP in this zoning district is the 40-foot tall tower.

There being no one further to address the Commission, Mayor Winters closed the public hearing and asked the will of the Commission.

Commissioner Jones moved, seconded by Commissioner Kelly, that the City Commission adopt Resolution 10089.

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

11. **ORDINANCE 3125, AMENDING TITLE 5, CHAPTER 3, ARTICLE 3 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO PAWNSHOPS AND SECONDHAND STORES.**

City Attorney Sara Sexe reported that the City Commission adopted Ordinance 3117, which revised portions of the Official Code of the City of Great Falls (OCCGF) pertaining to Pawnshops and Secondhand Stores. Subsequently, representatives of the Great Falls Police Department, and representatives of Pawnbrokers, Second Hand, Valuable Article and Recycling businesses held several meetings to arrive at recommendations as to mutually agreeable exceptions and exclusions. Afterward, Police Chief David Bowen approved exceptions and exclusions to the OCCGF. Additionally, as a result of the meetings with affected business representatives, two modifications to Ordinance 3117 are being recommended: 1) changing the time limit that items have to be held from 14 to 7 days, and 2) increasing the fine from \$50.00 to \$100.00.

These recommended changes will provide the Police Department the ability to have additional enforcement ability through increased fines, while requiring the businesses to hold items for a shorter period of time.

Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3125 on first reading and set public hearing for September 2, 2014.

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. RESOLUTION 10081, ANNUAL TAX LEVY.

Fiscal Services Director Melissa Kinzler reported that the City received the taxable valuation for the City of Great Falls from the Montana Department of Revenue on July 25, 2014, and a revised taxable valuation on August 8, 2014. Accordingly, the City can now compute and set its annual mill levy. During the budget process the City's newly taxable property revenue was estimated to be \$135,000. The actual newly taxable revenue from the Department of Revenue is \$54,948, resulting in a shortage of \$80,052. Director Kinzler suggested that all advertised and adopted inflationary rate increases should be taken. There is no recommended reduction in the general fund appropriation budget at this time. The total mill levy for this fiscal year is 204.54 mills totaling \$15.3 million dollars. Included in the mills are 175.77 mills for the general fund, 2.28 mills for soccer park debt service payments, 3.62 mills for the swimming pool debt service payments, and 22.87 mills for the permissive medical levy.

The Fiscal Year 2015 budget was adopted July 15, 2014. Setting the mill levy is the last step in the process.

Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10081.

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

Ron Gessaman, 1006 36th Avenue NE, commented that the shortfall was the result of actions taken the past couple of years that include property transfers, TIFs and abatements.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that the tax incentives have been used wisely and are an investment in the future of the City. He pointed out the incentives are for projects that are new investment that otherwise wouldn't happen and that they do come back on the tax rolls. The money from Tax Increment Financing goes into public infrastructure that oftentimes serves not only that individual property but opens up other properties for investment.

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

Motion carried 4-1 (Mayor Winters dissenting).

PETITIONS AND COMMUNICATIONS

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. **Brett Doney**, Great Falls Development Authority, 300 Central Avenue, announced that the Environmental Protection Agency awarded GFDA an additional \$200,000 in Brownsfield Loan Funds for use in cleaning up underutilized commercial properties.
- B. **Mike Witsoe**, 510 11th Street South, encouraged citizens to line the streets during the procession of police vehicles in honor and respect for Sheriff Deputy Dunn.
- C. **John Hubbard**, 615 7th Avenue South, discussed surveying requirements to build a garage on his property.
- D. **Ron Gessaman**, 1006 36th Avenue NE, read a portion of a blog printed in today's *Great Falls Tribune*, and suggested there was a perception problem of Great Falls that he alleged was due to City management and administration.

CITY MANAGER

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that the final step of the table top exercise with Malmstrom Air Force Base is scheduled for August 26.

Manager Doyon announced that he will be out of the office attending an MMIA Board meeting on August 21st and 22nd.

He further updated the Commission on the Park and Recreation Director position.

CITY COMMISSION

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson announced that Tanya Houston has been hired as the new health officer of the Cascade City-County Health Department.

Commissioner Burow noted that the use of tax increment financing is one way to get public infrastructure in at an industrial park. That infrastructure supports other parts of the community, not just one entity. He explained that Great Falls competes with other cities to attract businesses. The City uses any legal means that are offered through the State, in the way of taxing, to try to entice businesses to locate in Great Falls. The ADF Company recently carved out a piece of property for a paint shop that it will be paying taxes on. The City would not have collected those taxes had ADF not located here in the first place. Commissioner Burow concluded that the incentives used were a good investment for the future of Great Falls.

Mayor Winters and Commissioner Kelly noted their good experiences volunteering for shifts at the Visitor Center.

Commissioner Kelly further responded to comments made about current management and administration for mistakes and past actions of others.

Commissioner Jones read a complimentary letter addressed to the City of Great Falls from Mr. and Mrs. LaFaver of Canada regarding their recent visit to Great Falls.

16. **COMMISSION INITIATIVES.**

There were no Commission initiatives.

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 19, 2014, at 8:33 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

City Clerk Lisa Kunz

Minutes Approved: September 2, 2014