

Regular City Commission Meeting

Mayor Winters presiding

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

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**ROLL CALL:** City Commission members present: Michael Winters, Bill Bronson, Bob Jones, Bob Kelly and Fred Burow. Also present were the City Manager and Deputy City Manager; City Attorney; Directors of Park and Recreation, and Public Works; Planning and Community Development Planner II; Fire Chief; Police Operations Captain; and the City Clerk and Deputy City Clerk.

**AGENDA APPROVAL:** City Manager Greg Doyon noted the agenda and agenda item 11 were updated. No changes to the revised agenda were proposed by the City Manager or City Commission. The revised agenda was approved as submitted.

**PROCLAMATION:** Mayor Winters read a proclamation titled Small Business Saturday.

**\*\* 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.**

**Kathy Gessaman**, NC 3, reported on the council's last meeting; announced that Jana Cooper joined the council; and, welcomed the Commission to attend neighborhood council meetings.

**CONSENT AGENDA.**

2. Minutes, November 3, 2015, Commission meeting.
3. Total expenditures of \$2,373,224 for the period of October 14, 2015, through October 30, 2015, to include claims over \$5,000, in the amount of \$2,139,840.
4. Contracts list.
5. Approve the Community Based Policing Agreement with the Great Falls Housing Authority.
6. Approve Final Payment for the Public Works Administration Building Addition in the amount of \$1,188 to James Talcott Construction, Inc. and \$12 to the State Miscellaneous Tax Fund.  
**OF 1455.7**

**Commissioner Kelly moved, seconded by Commissioner Burow, 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 FROM BOARDS AND COMMISSIONS.**

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

### **PUBLIC HEARINGS**

8. **ORDINANCE 3137, AMENDING TITLE 15, CHAPTER 50, SECTION 080 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO THE ADOPTED FIRE CODE.**

Fire Chief Stephen Hester reported that adoption of Ordinance 3137 would amend the 2012 International Fire Code (IFC) as adopted by the Commission on September 17, 2013. This amendment shall ensure that installed fire alarm systems provide early warning and notification to telecommunication redundancies as set forth in the adopted IFC Section 907.6.5.

Adoption of Ordinance 3137 is a proactive approach for ensuring the fire alarm systems are properly monitored, work as designed and preserve the integrity of the fire alarm system. Ultimately, this amendment will protect lives and property of commercial buildings should future editions of the fire alarm system standard lessen this requirement.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3137.

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 Ordinance 3137.**

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

Commissioner Burow asked for clarification regarding the fiscal impact portion of the agenda report.

Fire Marshal Dirk Johnson responded that the NFPA 72 Fire Alarm and Signaling Code 2010 edition allows for single line communication which has an ability to fail to send a signal to the receiving station or the monitoring company. Adoption of Ordinance 3137 provides the City ability with future code adoptions to not allow a single line technology or communication, and that there has to be redundancy with two different pathways to that communication center.

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

Motion carried 5-0.

9. **RESOLUTION 10125, REVISING CITY OF GREAT FALLS ANIMAL SHELTER RELATED FEES AND SERVICES.**

Deputy City Manager Jennifer Reichelt reported that fee changes are being proposed in three basic areas: establish market rate cremation fees that help the Shelter recoup the cost for the service it provides to the public and local veterinarians; formally implement an incentive licensing program for veterinarians and those non-profits that adopt animals; and, increase the adoption fee for small animals.

Adoption of Resolution 10049 by the Commission in January, 2014, has helped offset the cost of Shelter services. However, cremation service fees have not been adjusted since 2007 when the City began operating the Shelter. Over the years, local veterinarians have received a substantial discount for using the Shelter's services. After reviewing the actual costs of the cremation services, staff determined that the costs need to be adjusted for both the public and veterinarians in order for the Shelter to recoup costs and operate more efficiently, and that the charges for cremation services be divided into three cost categories: general cremations, segregated cremations and individual cremations. The fee will be based on the weight of the pet within each category.

Additionally, adoption of Resolution 10125 would formalize the Shelter's licensing program for veterinarians and expands it to include local non-profits which adopt animals in the community if participating in the program.

The final component of adoption of Resolution 10125 increases the adoption fee for small animals from \$25 to \$50. This increase will help cover the cost of spaying and neutering small animals.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10125.

**Linda Metzger** submitted a written citizen request #30410 in support of adoption of Resolution 10125.

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

**Commissioner Bronson moved, seconded by Commissioners Burow and Kelly, that the City Commission adopt Resolution 10125.**

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

Commissioner Burow requested clarification regarding cremation fees and weight of the animals.

Animal Shelter Operations Manager Lynn Formell explained the difference between general, segregated and individual cremation services and fees, including the cost of urns.

Commissioner Kelly applauded the Shelter staff for implementing the pilot program with veterinarians and in trying to keep fees up with costs.

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

Motion carried 5-0.

10. **ORDINANCE 3136, AMENDING THE PREVIOUSLY ASSIGNED PLANNED UNIT DEVELOPMENT (PUD) ZONING FOR THE SUBDIVISION LEGALLY DESCRIBED AS COTTAGE GROVE ADDITION PHASE 3.**

Planning and Community Development Planner II Galen Steffens reported that this is a request to conduct a public hearing and adopt Ordinance 3136, which would approve an amendment to a previously approved PUD known as Cottage Grove Addition Phase 3 located on the east end of Great Falls.

The subject property consists of ±5.19 acres and was annexed and zoned PUD in 2008. Phase 1 and 2 are fully built out with detached single-family residential units. To date, Phase 3 is partially built out with a number of lots sold and ready to be developed. Phase 3 comprises 28 lots total.

The existing PUD standards approved for the subject property are for high density, detached single-family residential units on fee simple lots. In response to the Great Falls housing market demands, the owner is requesting a PUD amendment in order to have the option of developing detached single-family homes or attached 2-unit townhomes. This provides for an increase in the diversity of the housing stock in the City, as well as an increase in the availability of lower cost units.

The proposed PUD amendment does not create an increase in density as each townhome would still be on a fee simple lot. The current density in the subdivision is 5.39 dwelling units per acre. This is similar to the adjacent Cottage Grove Addition Phase 2, which is 5.88 du/ac. The owner is not proposing any boundary line adjustments or changes to the recorded Cottage Grove Addition Phase 3 plat. The existing subdivision provides adequate area for future development to meet all of the proposed amended PUD development standards for setbacks, height, and lot coverage.

There will be few site specific differences between the proposed PUD amendments and the previous PUD standards, namely that some units can be attached, thus eliminating one of the side yard setbacks. The location of the subject property to Malmstrom Air Force Base, Morningside and Loy elementary schools, Siebel Soccer Park and Rivers Edge Trail seems to lend itself well to this type of development.

At the conclusion of a public hearing held on September 22, 2015, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the proposed PUD Planned Unit Development amendment for Cottage Grove Addition Phase 3 to allow for attached 2-unit townhomes in addition to detached single-family residential units, subject to fulfillment of the following Conditions of Approval:

1. The proposed project shall be developed consistent with the conditions in this report, and

all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

2. A shared structure maintenance agreement for any future townhomes developed in Cottage Grove Addition Phase 3 shall be established.
3. The owner shall take the 2-unit townhome design to the Design Review Board for review and approval.
4. All future outdoor lighting shall have full cutoff fixtures and be situated to prevent off-site light pollution.
5. No permanent structures shall be constructed on existing natural gas and utility easements shown on the Cottage Grove Addition Phase 3 plat.
6. The project architect and engineer shall submit reports and site civil plans to the City Public Works Department for review and approval.
7. If after approval the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Mayor Winters declared the public hearing open.

Speaking in support of Ordinance 3136 was:

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, commented that adoption of Ordinance 3136 will allow flexibility for developers to build various types and various prices of homes for home ownership and housing opportunities.

No one spoke in opposition to Ordinance 3136.

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

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3136 amending the previously assigned PUD Planned Unit Development zoning for the Cottage Grove Addition Phase 3 Subdivision.**

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

Commissioner Burow noted the neighbor concern letter attached to the agenda report.

Planner II Steffens explained that the PUD designation that was originally approved was for detached, single-family residential units. What is before the Commission for consideration will still allow for the detached units but will also allow for attached, two-unit structures. There will still be one family per lot. The only difference is there will be no separation between two houses, no side yard setbacks.

Manager Doyon added that the developer is looking at this phase and, understanding the market needs, is making an adjustment in order to meet those needs.

Planner II Steffens added that the concerns expressed by some neighbors to the Planning Advisory Board pertained to soil conditions.

Commissioner Bronson commented that the developer has come across some different circumstances that were not anticipated. The City has to be flexible in order to encourage reasonably priced housing in this community. He applauded the developer for coming up with a solution that meets those concerns while at the same time respecting the overall integrity of the PUD.

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

Motion carried 5-0.

11. **LEASE AGREEMENT WITH THE GREAT FALLS SCHOOL DISTRICT OF CITY OWNED PROPERTY KNOWN AS WESTWOOD PARK INCLUDING CMR TENNIS COURTS AND MEMORANDUM OF UNDERSTANDING WITH GREAT FALLS SCHOOL DISTRICT AND GREAT FALLS TENNIS ASSOCIATION FOR MAINTENANCE OF PUBLIC TENNIS COURTS.**

Park and Recreation Director Joseph Petrella reported the Great Falls Public School District desires to enter into a lease of City property known as Westwood Park for the purpose of providing quality tennis courts for the public, School District athletic programs and visitors to the City of Great Falls. As part of the agreement, the Great Falls Public School District has agreed to redevelop the tennis courts in order to attract tennis leagues, tournaments and programs to the City of Great Falls that will benefit the Great Falls Public Schools tennis programs, Park and Recreation tennis programs and the Great Falls community as a whole.

Also for Commission consideration is a Memorandum of Understanding between the City of Great Falls, Great Falls Public School District and the Great Falls Tennis Association for maintenance of the public tennis courts. The Great Falls Public School District agrees to maintain the leased premises at its own cost in a functional condition, inspect premises on a regular basis to determine any hazardous conditions which may exist, and take immediate action to correct conditions if they exist.

The City has agreed to provide \$4,000 annually to a general tennis court fund that may be utilized to assist in the cost of repairs on tennis courts throughout the City, including the courts located at Westwood Park.

At its October 12, 2015, meeting, the Park and Recreation Advisory Board recommended approval of the Lease Agreement.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to the Lease Agreement and Memorandum of

Understanding.

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

**Commissioner Jones moved, seconded by Commissioner Kelly, that the City Commission approve the Lease Agreement with the Great Falls School District of City owned property known as Westwood Park including CMR tennis courts.**

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

Commissioner Kelly inquired if the maintenance funds could be used for other courts not being utilized by the School District.

Director Petrella clarified that the maintenance fund is a City-wide fund for all courts. The City, Great Falls Public Schools and Great Falls Tennis Association will work together to establish a list of maintenance priorities and determine what to do with the funds of the future.

Commissioner Burow inquired about provisions for liability and insurance.

City Attorney Sara Sexe responded that the indemnification language and insurance requirements are set forth in the Lease Agreement.

Commissioner Burow inquired if the courts were open for the public to use.

Director Petrella responded that the School District will be taking care of the maintenance and scheduling. While the School District is not using a court, it will be left open for public use.

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

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission approve the Memorandum of Understanding with the Great Falls Public School District and Great Falls Tennis Association for maintenance of the public tennis courts.**

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**12. PURCHASE OF TWO NEW 2016 PETERBILT PUMPER AS573 FIRE TRUCKS.**

Fire Chief Steve Hester reported that before the Commission is a recommendation to approve the purchase of two new fire apparatus that would replace two 25-year old engines and move two 10-

year old fire apparatus to reserve status.

On November 3, 2015, the City Commission authorized participation in the Houston Galveston Area Council (H-GAC) Cooperative Purchasing Program. This purchase is being made through the H-GAC Purchasing Program. The City received \$35,579 in discounts for 100% prepayment and two units being purchased, manufactured and delivered at the same time.

Funds for the purchase of the trucks will be provided by a loan applied for and approved from the Montana Board of Investments as previously discussed. The loan closing documents will be presented to the City Commission for approval in the near future.

Fiscal Services Director Melissa Kinzler reported that the Montana Board of Investments has agreed to loan the City of Great Falls the amount of \$801,098 for the purchase of the fire trucks. The amount above the purchase price will be released back to the Montana Board of Investments. She reviewed the terms of the loan. As previously discussed, the City of Great Falls will be using part of its non-voted general obligation debt authorized under Mont. Code Ann. § 7-7-4104. At its December 1, 2015, meeting, the City Commission will be asked to adopt Resolution 10126 authorizing the participation in the Board of Investments Intercap Revolving Program for the purchase of the fire trucks.

**Commissioner Kelly moved, seconded by Commissioner Bronson, that the City Commission approve the purchase of two new 2016 Peterbilt Pumper AS573 Fire Trucks to Pierce Manufacturing, Inc. in the amount of \$796,859 and authorize the City Manager to execute the contract documents.**

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

In response to Commissioner Burow's inquiry, Chief Hester reiterated that the new trucks will replace two Freightliner trucks built in 1990. Those trucks will be offered for sale.

Commissioner Burow suggested an auction method to dispose of property.

At the request of Manager Doyon, Chief Hester explained the difference between a front line and reserve truck.

Manager Doyon reiterated that approval of this purchase will commit the City to a debt service payment from the general fund. There are other items that are significant that the City needs to address that will need to go out to a vote, such as the Civic Center façade or a public safety levy.

Mayor Winters asked if there were any comments from the public.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, commented that the trucks were well maintained. He suggested the trucks would last longer if they weren't used for medical calls.

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

Motion carried 5-0.



**ORDINANCES/RESOLUTIONS****13. RESOLUTION 10119, ESTABLISH CRITERIA FOR EVALUATING TAX ABATEMENT OR BENEFIT REQUESTS.**

Planning and Community Development Planner II Galen Steffens reported that the State of Montana has provided enabling legislation to encourage new and expanding industry (MCA 15-24-1402), redevelopment or expansion of existing buildings (MCA 15-24-1501) and restoration, rehabilitation, expansion and new construction of residential and commercial properties within historic districts (15-24-1601) through certain tax abatements and benefits. The Montana Supreme Court has stated that the governing body has discretion to approve or deny these abatement requests.

Each of these benefit programs have specific criteria for eligibility, outlined in state statutes, which must be met in order for a project to qualify for tax benefits, as well as specific performance measures for the governing body in the processing of the tax benefit application. Each tax benefit program also contains provisions for the recapture of property taxes by the local governing body if the ownership or use of the property does not meet the requirements of the statutes.

Resolution 10119 enables the Commission to evaluate and consider tax abatement requests, directs the Commission to establish eligibility for each project and allows the Commission to consider other factors which may influence whether certain tax abatement applications are deemed acceptable.

The City Commission has adopted three resolutions in the past for different tax abatement or benefits:

- Resolution 8728, adopted in 1995 regarding Historic Preservation or Districts
- Resolution 8967, adopted in 1998 regarding New or Expanding Industry
- Resolution 9004, adopted in 1999 regarding Remodeling, Reconstruction or Expansion of Existing Buildings

The City Commission has asked for clarification on the criteria for approval of tax abatement and benefit requests. Resolution 10119 provides not only clarification of the criteria, but also establishes consistent criteria between the different types of tax benefits and allows the Commission greater flexibility in considering whether to utilize its discretion in approving or not approving tax abatement or benefit applications.

Resolution 10119 establishes the following criteria:

1. The City's financial and economic status at the time of the application or consideration of the application;
2. The application meeting all statutory criteria for the particular project;
3. The status and currency of the property or other taxes on the property;
4. The project's effect on the tax base and environment of the City;

5. The project's effect on employment opportunities within the City;
6. Whether the project is located within a Tax Increment Financing District;
7. Whether the project has received additional financial assistance from the City or other authorities having jurisdiction;
8. The design review assistance and certification for qualifying properties from the State Historic Preservation Office for requests under Mont. Code Ann. §15-24-1601 *et seq.*;
9. The valuation of the property and the associated taxes;
10. Whether conferring the tax benefit will create an adverse impact on existing state, county or municipal services; and/or
11. Other criteria as reasonable for the best interests of the City.

Planner II Steffens concluded that the requested action is that the City Commission adopt Resolution 10119 to establish criteria for evaluating tax abatement or tax benefit requests.

Commissioner Bronson suggested that, after reviewing staff's proposal, a more prudent course of action would be to postpone consideration until the December 1<sup>st</sup> meeting. He has some ideas for inclusion and clarification and providing more options, while making it clear that the Commission ultimately reserves the right in every situation whether or not to exercise its discretion for abatement or benefit requests.

Manager Doyon commented that staff would not meet the deadline for submittal of the documents for the December 1<sup>st</sup> Commission meeting. He suggested that this matter be set for a future work session for additional discussion.

Commissioner Kelly would like a timeline set forth in the Resolution, and he would also like to hear the developers' perspectives.

Planner II Steffens clarified that adoption of the Resolution would not replace the criteria that is established in Mont. Code Ann. and that does include timelines.

City Attorney Sara Sexe suggested that Resolution 10119 provides the Commission flexibility that doesn't currently exist in the other resolutions that are in place.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission postpone consideration of Resolution 10119.**

Mayor Winters asked if there was any further 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, suggested a process similar to the application process the City developed for tax increment financing applications, and that applications be determined on a case by case basis.

**Neil Fortier**, NeighborWorks Great Falls, 509 1<sup>st</sup> Avenue South, commented that it is critical

that the City continue to move forward and show developers that the City is willing to do business with those developers. He commended the Commission and City staff for being progressive.

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

Motion carried 5-0.

### PETITIONS AND COMMUNICATIONS

#### 14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed the wind feasibility study authorized by the prior Commission, as well as the Municipal election results.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to agenda report item 9 and inquired if there was any discussions for an agreement with the Animal Foundation.

### CITY MANAGER

#### 15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that staff and members of the Commission will be participating in a mock Commission meeting tomorrow with Leadership High School.

In response to prior comments, Manager Doyon reported that the snorkel truck was purchased with a \$770,000 grant and \$154,000 in matching funds.

The City has a contract ambulance service that runs out of one location. The City has four fire stations staffed with paramedics. Most of the calls the fire department goes on are medical calls. From a quality of care standpoint Great Falls Fire Rescue is able to respond faster on most occasions with paramedic fire trucks to render aid before the transport company is there to take the patient to the hospital.

Fire Chief Hester added that time is of the essence when responding to medical and fire calls.

Deputy City Manager Jennifer Reichelt announced that City offices will be closed November 26<sup>th</sup> and 27<sup>th</sup> for the Thanksgiving holiday. Also, because of Leadership High School, there is a possibility that a quorum of the Commission may be present tomorrow.

In response to prior comments, Deputy Manager Reichelt reported that staff endeavors to be as transparent as possible, and that Animal Shelter data is posted on the City's website. She reported that the Animal Shelter does not euthanize animals based on space. Animals would only be euthanized based on health, aggressiveness or that have been court mandated.

She further reported that discussions have not taken place with the Animal Foundation. However, staff is open to conversations with the Animal Foundation. The Animal Shelter has not

seen a change in adoptions since the Animal Foundation opened.

**CITY COMMISSION**

**16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters discussed the benefits of having a Citizen's Fire Academy similar to the Citizen's Police Academy.

He further opined that there was a missed opportunity to implement a cross walk on Park Drive when there was equipment and personnel resurfacing the parking lot at Gibson Park.

**17. COMMISSION INITIATIVES.**

It was the consensus of the Commission that Commissioner Bronson work with City staff to develop a new ordinance or resolution for the appointment of Library trustees and bring it up to current standards.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Burow moved, seconded by Commissioner Bronson, to adjourn the regular meeting of November 17, 2015, at 8:38 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 1, 2015