

Regular City Commission Meeting**Mayor Kelly presiding****Call to Order: 7:00 PM****Commission Chambers Room 206****PLEDGE OF ALLEGIANCE** – Boy Scout Troop 1028

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Bob Jones, Tracy Houck and Bill Bronson. Commissioner Fred Burow was excused. Also present were Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Captain Rob Moccasin.

AGENDA APPROVAL: No changes were proposed by the Deputy City Manager or City Commission. The agenda was approved as submitted.

PROCLAMATIONS: Commissioner Bronson read a proclamation for National Day of Prayer, and Commissioner Jones read a proclamation for Police Week.

PETITIONS AND COMMUNICATIONS**1. Miscellaneous reports and announcements.**

Doug Williams, 216 39th Avenue NE, expressed concern with regard to paying for storm drains that are not in his area.

Richard Liebert, 289 Boston Coulee Road, thanked the Commission for the Earth Day proclamation. Mr. Liebert encouraged the Commission to work with the Conservation District with regard to the erosion problem at River's Edge Trail. Referring to KGPR radio, he thanked the community for its donations.

Mayor Kelly responded that he, Commissioner Jones, and other staff met last week with the Conservation District regarding the erosion problem at River's Edge Trail.

Brad Livingston, 2704 Big Ranch Road, expressed appreciation to the Police Department for having to deal with the criminal element on a daily basis. Mr. Livingston further thanked the Commission for approving the budget and moving towards a stronger public safety in the community.

John Hubbard, 615 7th Avenue South, expressed opposition to water rates, increased taxes, and the cost of the feasible study.

Ron Gessaman, 1006 36th Avenue NE, discussed that he had attempted to get updated data from the waste water treatment for the digester gas. Mr. Gessaman further commented that the City County Health Department has records pertaining to Calumet's temporary boiler.

Michael Witsoe, 510 11th Street South, discussed starting petitions to recognize military women and requested that the Commission contact Senator Jon Tester.

Mayor Kelly responded that the Commission would contact Senators Jon Tester and Steve Daines.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

Kathleen Gessaman, NC 3, announced that the council's next meeting will be held on May 11, 2017, at Riverview School.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

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

Commissioner Jones announced that he attended the Cascade Conservation Conference Invasive Mussel Summit. Commissioner Jones reported that mussels are a great hazard and that the Montana State Fish and Game and the Department of Natural Resources and Conservation (DNRC) had immobilized and started a program. Commissioner Jones further reported that water and sewer rates are being invested into a new water intake system and water treatment system. The Disaster and Emergency Services is the direct contact for the City.

CITY MANAGER

4. Miscellaneous reports and announcements from the City Manager.

Deputy City Manager Chuck Anderson announced that he and City Manager Greg Doyon attended the Great Open Spaces City Manager's Association Conference that included briefings regarding work and life, leading across the generations that are in today's work force, as well as why ethics matter.

CONSENT AGENDA

5. April 18, 2017, Commission Meeting Minutes.

6. Contracts List

7. Total expenditures of \$2,778,706 for the period of April 1, 2017 through April 19, 2017, to include claims over \$5,000, in the amount of \$2,506,405.

Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 4-0.

PUBLIC HEARINGS

8. **Ordinance 3152, An Ordinance to rezone the properties legally described as: Marks 2, 3, 5, 11, Block 3, Country Club Addition and lots 1B, 1, 1A-1, Block 1, Tietjen Triangle Addition and Lot 1, Block 1, Montana Addition from C-1 Neighborhood commercial to PUD – Planned Unit Development.**

Mayor Kelly commented that correspondence was received and compiled for the Commission.

Planning and Community Development Director Craig Raymond reported that Brett and Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, and Galloway Investments Inc., owners of the property in question have filed an application for a zoning map amendment (or rezone) of their respective properties from C-1 Neighborhood Commercial to C-2 General Commercial.

The subject properties are located on the south side of the Country Club Boulevard and Fox Farm Road intersection. In total, the properties consist of ±5.9 acres and the properties are generally known as: Beef 'O Brady's, Holiday Gas Station, Lucky Lil's Casino, Dairy Queen, Dahlquist Realtors and a vacant parcel which historically contained a motel until it was ultimately demolished.

The applicants originally requested the subject properties be rezoned to C-2 General commercial district in order to provide additional flexibility for development plans and to have zoning that fits the existing development in the area. During the March 7th Commission meeting, the City Commission postponed the matter and asked staff to draft a compromise that would allow for greater flexibility but restrict some of the more intensive uses in order to decrease or mitigate some impacts associated with higher intensity uses.

The proposed Planned Unit Development (PUD) zoning district draws its foundation from C-2 standards with some use deviations. The purpose for using C-2 standards as opposed to C-1 standards is due to the existing character of the neighborhood. The properties in question are similarly developed to other C-2 districts such as along the 10th Avenue South corridor, Marketplace, Northwest Bypass and 3rd Street NW. In order to provide some context to the C-1 versus C-2 discussion, the following are the definitions in the Land Development Code:

C-1 Neighborhood Commercial. This district is found near established and developing residential areas and is intended to accommodate low intensity commercial activities that serve the nearby

residential area. Development standards ensure the compatibility of this district to those residential districts that may adjoin.

C-2 General Commercial. This district is primarily intended to accommodate high-traffic businesses that focus on vehicle traffic. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. Current residential uses are not considered nonconforming. As such, current residential uses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged.

City staff has in the past contemplated a rezone of this area as the existing development and businesses in the vicinity most closely resemble the C-2 zoning designation in that they primarily depend on high volume traffic and do not predominantly cater to the nearby residential area. There have also been significant code conflicts primarily pertaining to signage due to the dependence on nearby highway traffic for some of these businesses.

-Visual Presentation on Map of C-1 and C-2 Areas-

The OCCGF, Chapter 20 – Land Use, outlines development standards for each zoning district in Exhibit 20-4. The primary differences between the C-1 and C-2 districts are the maximum height permitted, maximum lot coverage, and front yard setback. In summation, the PUD district will permit:

- an additional 30 feet in building height
- 20% more total lot coverage
- a reduction in the front yard setback to 0 feet
- a 10-foot increase in the maximum height of a free standing sign

The PUD proposal as presented also mirrors some of the use allowances of the C-2 zoning district. In this case however, we are proposing that some of the more intensive or non-compatible C-2 uses not be allowed in this district. The following uses will not be permitted:

- **Campground**
- **Casino, type I**
- **Commercial Kennel**
- **Construction Materials Sales**
- **Contractor Yard, type I**
- **Large equipment rental**
- **Light manufacturing and assembly**
- **Vehicle repair**
- **Vehicle sales and rental**
- **Veterinary Clinic, large animal**

All other C-2 uses would be permissible under this PUD proposal.

Director Raymond reported that whenever development proposals are received, staff always works with project proponents to try and address existing on-site or even off-site problem areas where it can be demonstrated that the project may further impact an off-site concern. Director Raymond further explained that since staff was dealing with a specific development proposal, a hotel, a considerable amount of time had been spent assessing the situation and working with the proponents and Montana Department of Transportation (MDT) to mitigate any potential negative impacts that may be associated with the development and to improve upon the existing condition. Together with the applicants, staff has proposed certain improvements to MDT as follows:

Visual Presentation on Traffic Mitigation- (MDT proposal, circulation plan, island ideas)

It was assumed that the peak traffic between the 4-6 o'clock pm time period was roughly 57 trips in an hour. It's impossible to predict exactly how the trips will be distributed. Staff evenly distributed those trips across each ingress/egress point at Country Club Boulevard and Alder Drive. Based on data gleaned from the Institute of Transportation Engineers Manual, it can be assumed that 51% will be entering and 49% exiting. Therefore, on average, 14 vehicles will be exiting the hotel site during the most congested hour or about one vehicle every four or so minutes. With the existing level of service, the proposed development does not create a situation that is untenable or measurably causes significant delays or additional safety problems.

The applicants have committed to be part of the solution. Constructive ideas have been received from community stakeholders in regards to traffic concerns and possible solutions. One such idea that is being explored is the improvement of the island to enhance visibility at the Alder Drive/Fox Farm intersection. Some of the ideas can be easily implement, others will take further coordination with other entities such as Great Falls Transit, MDT or adjacent property owners.

Director Raymond further pointed out that some have questioned why staff is undergoing a rezone when a height variance for the hotel would have been easier. The answer is two-fold. First and foremost, the Official Code of the City of Great Falls 17.16.32.040 sets forth the basis of decision for dimensional variances. Variances can only be granted when "literal enforcement would result in unnecessary hardship, owing to conditions unique to the property." The owner was not prohibited from requesting a variance but, due to interpretation of the code, staff did not see that there were any conditions on the property that were unique that would meet this criteria. Secondly, staff felt that this property should be rezoned in order to be consistent with its true existing character, which is C-2 zoning.

The basis for decision on zoning map amendments is listed in the Land Development Code, OCCGF § 17.16.40.030. Additionally, the proposed PUD must be consistent with the Criteria and Guidelines for Zoning Regulations outlined in Mont. Code Ann. §§ 76-2-304 and 76-1-605. The recommendation of the Zoning Commission and the decision of City Commission shall, at a minimum, consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed PUD is, in general, consistent with the overall intent and purpose of the 2013 City Growth Policy Update, Mont. Code Ann. §76-1-605 and §76-2-304(1)(a), which calls for zoning

regulations to be made in accordance with a growth policy. This project supports the physical portions of the Growth Policy. Given the costs of development that grows outward, contrasted with the redevelopment opportunities that exist within the City's existing boundary, this Growth Policy Update encourages, emphasizes and calls for the evaluation of infill and redevelopment opportunities within the City, as well as other strategies. Additional supportive Policies that this project is consistent with include:

Environmental – Urban Form

Env2.3.1 In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.

Physical - Land Use

Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.

Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

Physical - Zoning

Phy4.2.3 Support actions that bring properties into conformance with the City's Land Development Code requirements over time.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time acknowledges the issues of compatibility between zoning districts and certain land uses. Physical Policy 4.2.6 states:

The City may oppose zoning changes that will result in incompatible land uses and or adverse impacts to the residential character or adjoining properties.

This Policy is important to consider when large areas consisting of multiple tracts of land are pursuing rezoning from a transitional, relatively low-impact zoning district (C-1) to a significantly higher impact zoning district (C-2). However, for the properties involved in the subject rezoning application, the existing businesses located on the C-1 lots are already high traffic, general commercial uses in nature (fuel sales, convenience store, restaurant, casino, drive-through fast food). Because the properties are now being proposed for Planned Unit Development zoning, certain higher impact or non-compatible land uses are now being prohibited through land use restrictions.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council 1. The Owner presented information to Council 1 on December 18, 2016, and the Council voted in favor of the proposed zone change. Although property owners within this district have now expressed opposition, some points of contention such as incompatible land uses and traffic safety are being addressed with the PUD proposal.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The area of the City in which this project is located is reflected in the 2014 Great Falls Long Range Transportation Plan. The Fox Farm Road and Country Club Boulevard intersection has been identified as having issues with safety and congestion, as well as linear barriers to pedestrians and nonmotorized traffic. If the PUD zoning is approved, a plan has been developed to mitigate traffic congestion and safety concerns on Fox Farm Road.

4. The code with the amendment is internally consistent.

If approved, this area of the City has the potential to redevelop with higher intensity uses with less restrictive development standards. There are existing land uses located on the subject properties that are general commercial in nature, thus the allowed C-2 General commercial type uses that may be established in the future if the rezone is approved would be compatible with adjacent properties. The prohibitions on certain C-2 allowed land uses contained in the PUD remove any inconsistency in the zoning that was raised at the March 7th public hearing.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

There are commercial properties located within the proposed PUD that receive sewer service from a service line rather than a sewer main. The proposed development within the PUD would resolve this issue through the construction of a new main which could also have the benefit of providing sewer main service to the Country Club Towers. This promotes public health and is a less restrictive approach than installation of a new main by the City of Great Falls.

In regards to public safety, the proposed PUD includes a plan to improve vehicle left turn stacking on Fox Farm Road as well as a plan to formalize the informal access drive into the commercial properties that currently exists via Alder Drive. Cross-access through the Lucky Lil's and Holiday properties should be better controlled by the installation of landscaped medians within the proposed PUD area.

Further, because the proposed PUD is located in an urbanized area within the City, fire danger is mitigated through appropriate water resource design, building and fire code enforcement and Great Falls Fire Rescue response if needed. The developer of the PUD is following all regulations associated with floodplain development to utilize the vacant 2.6 acre tract. Although traffic safety issues have been a key point of discussion, the proposed PUD improvements noted in Finding #5 have been designed to mitigate impacts of future development.

These factors comply with the Land Development Code and MCA §76-2-304(1)(b)(i) and (ii) that zoning be designed to promote public health, public safety, and the general welfare and be designed to secure safety from fire and other dangers.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Approval of the rezoning proposal will allow for increased uses and less restrictive development standards should there be new development or redevelopment on the subject properties. The City has the financial and staffing capability to enforce the amendment if it is approved. Additionally, if

the rezoning results in new development or redevelopment this could benefit the City financially due to increased property tax assessments collected. The proposed traffic safety improvements required by the PUD zoning will be financed by the applicant.

7. The zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, pursuant to MCA §76-2-304 (1)(b)(iii).

Because the PUD proposes commercial development rather than residential units, there is no need to provide a parks dedication or an in-lieu-of fee. Additionally, the project does not have any impact on school enrollment. The general neighborhood area is also well served with school and park facilities. The PUD is proposing a sewer main upgrade that will improve service to existing commercial properties and could improve service to the nearby Country Club Towers property. Stormwater and water services are also being added to the PUD area. If the PUD zoning is granted, the applicant will be required to implement the transportation improvements noted in Finding #5.

8. Considerations of the reasonable provision of adequate light and air have been made under MCA §76-2-304(2)(a).

If the PUD is approved, there would be some changes to zoning regulations that would reflect some of the C-2 zoning district characteristics rather than the C-1 district. This includes an increased height allowance to 65 feet rather than the current regulation of 35 feet. While this has been brought up as a concern, staff notes that the potential 65 foot allowance is the same as the adjoining R-6 zoning district. Additionally, the Country Club Towers building and other adjacent buildings to the east would still be compatible in size to any future buildings in the PUD.

9. Considerations of the effect on motorized and non-motorized transportation systems have been made under MCA §76-2-304(2)(b).

During City Commission discussion of the original zoning proposal on March 7, significant concerns were expressed over traffic safety issues. The proposed PUD considers the effects on transportation systems through the following measures: 1) access to the vacant 2.6 acre tract will be required to be shared with the adjoining property to the east, 2) current access to commercial properties from Alder Drive must be established through an easement from an adjoining property, 3) cut-through access through commercial properties must be mitigated by the installation of landscaped islands, and 4) the applicant is required to submit a plan to the Montana Department of Transportation to increase the safety of left turns off Fox Farm Road. Additionally, new development within the PUD will add sidewalks to the vacant 2.6 acre site, while sidewalks are present along Fox Farm Road for all the PUD properties.

10. Considerations of promotion of compatible growth have been made under MCA §76-2-304(2)(c).

With the exception of the vacant 2.6 acre tract, all properties within the proposed PUD are already developed. As a result, very little growth is anticipated to occur. In order to address concerns about land uses that might be considered incompatible with nearby residential areas, the PUD proposes to prohibit ten (10) uses that would otherwise be allowed within the C-2 zoning district.

11. Considerations of the character of the district and its particular suitability for particular uses have been made under MCA §76-2-304(2)(d).

Staff has developed the proposed PUD to balance interests between the applicant's desire to redevelop the vacant parcel for a hotel use and the nearby resident concerns about incompatible land uses that would otherwise be permitted by C-2 zoning. By prohibiting certain C-2 land uses in the PUD proposal, staff believes that the current character of the commercial zone is being maintained. Current uses of property, as well as business activity, are already reflective of a less neighborhood-oriented commercial area.

12. Considerations of conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area have been made under MCA §76-2-304(2)(e).

The area being considered in the PUD proposal already contains uses such as restaurants, a convenience store, and casino. The nearby commercial area contains additional casino and hotel uses. Because both the PUD site and nearby area are already providing services outside the immediate neighborhood, a PUD that both allows and prohibits general commercial uses is an appropriate zoning designation for the 5.9 acres.

At the conclusion of a public hearing held on January 10, 2017, the Zoning Commission recommended the City Commission approve rezoning request from C-1 Neighborhood commercial district to C-2 General commercial district for the subject properties. On March 7, 2017, the City Commission postponed final action on the ordinance until this evening.

Mayor Kelly declared the public hearing open.

Written correspondence in opposition to Ordinance 3152 was received from Steve Gillespie, Loran Keller, Chad Elkin, Carrie Elkin, Dan Oakland, Jenny Yoneji, Amy Gillespie, John Schmidt, Patricia Waldo, Tom Lyons, Stephen McCabe, Suzie Taleff, Maria Mathews, Tom Nelson, Diane Seitz, Rick Blevins, MD, Mark Ozog, MD, and Laura Drga.

In addition to written correspondence, petitions were received regarding the Fox Farm rezone and pedestrian safety.

Written correspondence in support of Ordinance 3152 was received from Jeanne Anderson and Great Falls Area Chamber of Commerce President/CEO Shane Etwiler.

Speaking in support of Ordinance 3152 were:

Joe Murphy, Big Sky Civil and Environmental, 1324 13th Avenue SW, provided and discussed a handout with regard to the proposed hotel development. Mr. Murphy explained that the proposed hotel project has never been about casinos and would not contain a casino. With regard to economic impact and benefits, Mr. Murphy reported that the proposed development would be roughly an \$8,000,000 boost to the economy benefiting local businesses, contractors, suppliers, and others. The improvements to the property would increase the City tax base. The proposed buffer zone, lighting and noise standards would meet City recommendations.

Director Raymond provided the proposed hotel development handout to the public.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, expressed support with regard to the Planned Development Unit (PUD). Mr. Doney expressed appreciation to City staff and the Commission with regard thoroughly looking at difficult decisions.

Dan Sampson, 600 South Main, Construction and Development Manager for Town Pump, thanked Director Raymond and City staff for guidance through the project. Mr. Sampson commented that community concerns were taken seriously. He further reported that there is a solution that mitigates traffic concerns caused by the development as well as the casino issue.

Steven Galloway, owner of the Fox Farm Dairy Queen, 1651 Fox Farm Road, expressed support for the proposal. Mr. Galloway commented that developing the piece of property would benefit other business as well as the community with taxes. He commented that there is a need for more hotel rooms and that it would bring more people to the City.

Scott Arensmeyer, 1412 11th Avenue, commented that there would be more traffic with the current zoning if a Starbucks or McDonalds was on the property. Mr. Arensmeyer concluded that as an employee of Town Pump, he is a member of the community.

Brett Haverlandt, 2814 5th Avenue North, owner of Dahlquist Realty and Beef O'Bradys, commented that worse things could be put into a C-1 zoning than a low impact hotel.

Speaking in opposition to Ordinance 3152 were:

Val Keaveny Sr., 1526 B Meadowlark Drive, expressed concern with regard to the crosswalk by Alder Drive. Mr. Keaveny read correspondence from Tom and Cherie Lyons that expressed their concerns with regard to changing from C-1 to a C-2 zoning, pedestrian safety, as well as accessory gaming.

Dan Oakland, 1730 Alder Drive, referred to the map from Planning and Community Development, and expressed concern with regard to the corner being dangerous and accident prone.

Dan Shull, 2208 Cherry Drive, complimented the Planning and Community Development staff for being helpful and professional. Mr. Shull discussed that the Neighborhood Council was not given enough information with regard to the changes from a C-1 to a C-2 zoning. He further requested that a protective covenant remain if the PUD dissolves in the future.

Gloria Smith, 31 Comanche Trail, inquired about the status of the existing casinos as well as the responsibility of the cost to change to the road. She further expressed concern with regard to property values and signage pollution.

Director Raymond responded that the status would remain the same. Mr. Raymond explained that any improvements would be paid for by the developers.

Art Dickhoff, 3027 3rd Avenue North, provided and read correspondence opposing Ordinance 3152 due to increase in traffic, height restrictions, noise and light pollution, as well as the port of entry view.

Patricia Waldo, 2219 Cherry Drive, commented that extra police would need to monitor the additional flow of traffic. She further expressed concern with regard to whether a study was performed to see if a hotel was needed.

Nona Jane Kendall, 2801 Bonita Drive, expressed concerns regarding future building, additional traffic, and enforcing the signage ordinance.

Director Raymond responded that the sign code is being enforced.

Robert Murdock, 804 Adobe Drive, expressed concern with regard to backed-up traffic.

Steve Gillespie, 9 12th Street North, referred to the map from Planning and Community Development, and expressed concern with regard to the ingress access of the intersection being moved south as well as the PUD allowing vehicle fuel sales and accessory gaming. Mr. Gillespie further expressed opposition with regard putting a high intensity commercial use into a single family residential area.

Director Raymond responded that accessory gaming is permissible and would have to remain a minor use of the property.

Russ Kendall, 2801 Bonita Drive, commented that the C-1 zoning ordinance that was adopted 11 years ago was a road map for future Commissions to follow.

Sharon Patton-Griffin, 256 Dune Drive, expressed appreciation to City staff for their hard work and good intentions. She commented that the quality of living and safety should be the foremost concern.

Teddy Nault, 3000 Encino Drive, expressed concern with regard to the elongated proposed median being dangerous.

Kurt Baltrusch, 23 Missouri Bend, expressed concern with regard to the specifics of the proposed traffic plan.

Richard Liebert, 289 Boston Coulee Road, commented that there is traffic congestion at the Fox Farm intersection and that it is a public safety issue.

With regard to the access and easement, Mayor Kelly reported that before the building can start to be permitted there has to be proof of easement.

Carol Drga, 1538 Meadowlark Drive, commented that citizens should be included in the beginning of any discussions in the future. She further expressed opposition with regard to the notification process.

Director Raymond responded that there was proper notification.

Loran Keller, 25 Comanche Trail, commented that the C-1 zoning had been working for the past 11 years.

Ron Gessaman, 1006 36th Avenue NE, expressed concerns about the proposed changes making traffic at the Fox Farm intersection worse, not enough adequate parking, and that an accessory use could be just as many gambling machines.

Commissioner Houck stepped out at 9:40 and returned at 9:42.

Mayor Kelly called for a recess at 9:43 pm, and reconvened the meeting at 9:52 pm.

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

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3152 to assign a City zoning classification of PUD – Planned Unit Development to the subject property.

Referring to the zoning study, Commissioner Jones commented that the area is a high density and should have never been zoned as a C-1. It should have been a C-2 from the beginning.

Mayor Kelly inquired the status of proposed improvements to the pedestrian crossing at Alder Drive.

Director Raymond responded that City staff has been working with the Montana Department of Transportation (MDT) with regard to addressing the issues with the pedestrian crossing.

Mayor Kelly received clarification with regard to the downside to keeping the area as a C-1 as opposed to changing it to a C-2 zoning.

Commissioner Bronson commented that traffic and safety are the biggest concerns that need to be addressed. Commissioner Bronson further explained that the old land development code was intended to restart the community knowing that over time zoning changes would have to be made in certain areas to accommodate changes taking place in the City and that the PUD was added after 2005. Commissioner Bronson reported that from 1987 until approximately 2005 the Beef O' Brady property was zoned under the old code as general business (GB) which is equivalent to C-2 today. In 1987 the prior owner applied for a beer and wine license and wanted to enhance his business opportunities on the property. A GB designation was granted by the Commission approximately 30 years ago and noted that if it had stayed a GB it would be a C-2 property today. When the zoning map was changed in 2005, the property was zoned as a C-1. The property owner requested a C-2 designation, but it was refused due to opposition.

Commissioner Bronson referred to a report from Planning and Community Development Planner Andrew Finch and commented that the City is mitigating to the maximum extent possible with the property owned by Billings Holdings.

Commissioner Bronson referred to the land development code developing and implementing a broader neighborhood plan that would focus on traffic, congestion and safety issues. He further commented that the PUD would restrict some uses. Commissioner Bronson concluded that the decisions made by the Commission should not depend on whether or not the applicant is from outside of the community.

Commissioner Houck commented that the development was the least impactful business plans and that Town Pump is a partner in the community. She further expressed concern with regard to the current traffic issues in Fox Farm.

Commissioner Jones reiterated that the property would be a PUD with limitations.

Mayor Kelly explained that this is not a choice between citizens or corporations. He commented that Town Pump is an employer that provides jobs. He concluded that time and detail needs to be spent on the traffic issues.

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

Motion carried 4-0.

9. Resolution 10172, Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates effective June 1, 2017.

Public Works Director Jim Rearden reviewed PowerPoint slides summarizing the 2017 utility rate analysis and the current needs. The proposed rates were presented at the March 21, 2017, Work Session and individual customer notices were published and mailed. If adopted, the new rates would take effect June 1, 2017. The proposed rates include a 10% or \$3.54 per month average increase for water, 3% or \$0.73 for sewer, and 10% or \$0.52 for storm drain. Director Rearden reported that a portion of the expenditures and revenues goes back into the community and enhances the systems. Director Rearden further reported that Great Falls has the lowest combined water and sewer rates of the seven largest cities in Montana.

Mayor Kelly declared the public hearing open.

Written letters in opposition to Resolution 10172 were received from: Val Keaveny, Sr., Dan Nezworski, Evelyn Vogl, and Gary Jensen.

Speaking in support of Resolution 10172 was:

Mike Kynett, 726 6th Ave NW, commented that the utility service rate increase is an investment for the City and keeps the quality of drinking water clean.

Speaking in opposition to Resolution 10172 were:

John Hubbard, 615 7th Avenue South, expressed opposition with regard to the rate increase and wasting money on the feasibility study.

Doug Williams, 216 39th Avenue NE, expressed concern with regard to not having storm drains in the Skyline Addition and that there is a problem with mosquitos from the runoff. Mr. Williams further expressed opposition to paying for services that he is not receiving.

Director Rearden responded that the area is a retention pond with a closed basin. Mr. Rearden commented that he would have someone take a look at the problem.

Ron Gessaman, 1006 36th Avenue NE, referred to page 2 of the agenda report, expressed opposition with regard to the large numbers for the increase when the national inflation index number is less than half of that. Mr. Gessaman further expressed concern with regard to the problems caused by standing water.

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

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10172 Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates to include increases of 10%, 3% and 10% respectively to become effective June 1, 2017.

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

Commissioner Jones reported that raising the utility rates at smaller percentages avoids getting into a position where utility rates would have to be raised at higher percentages, and to avoid disasters. He further reported that the rate increase was planned and the public was informed that there was a need for a new waste water plant. He commented that the increase would help to provide safe, drinkable water and further noted that what goes back into the Missouri river would be clean and treated.

Mayor Kelly received clarification with regard to reserve money from the enterprise funds being taken out for the ECP payoff.

Mayor Kelly inquired if there were any assistance programs available for senior citizens. Director Rearden responded that the Low Income Energy Assistance program offers a 10% rate reduction for water and sewer services.

Mayor Kelly received clarification that the City would contact the Low Income Energy Assistance program and cross reference the clients that would be eligible.

Commissioner Bronson reported that Resolution 10172, Appendix A reflects the low income residential rate adjustments.

Mayor Kelly referred to the “Malta Pipelines Burst” article in the *Tribune*, and commented that he is impressed with regard to being the low cost provider and aggressive with taking care of maintenance issues.

Director Rearden commented that rate increases are necessary to avoid water main breaks, as well as to plan for the future.

Mayor Kelly requested that Fiscal Services respond to the citizens that sent correspondence opposing Resolution 10172.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

10. Ordinance 3155 – An Ordinance amending Title 17, Chapters 32 and 36, of the Official Code of the City of Great Falls (OCCGF), pertaining to driveways and off-street parking.

Planning and Community Development Director Craig Raymond reported that this item is a first reading of Ordinance 3155 and as request to set a public hearing regarding residential parking areas and surfacing on private property.

City staff began discussions in 2016 regarding the amount of recreational and auxiliary vehicles being parked on public rights of way within the incorporated City limits. Planning and legal staff began to explore options to cure this problem.

Additionally, beginning in October, 2016, a large amount of complaints was filed with the City’s Code Enforcement Officer. The complaints were consistently referring to vehicles being parked on non-paved surfaces in violation of several sections of the Official Code of the City of Great Falls.

Based on the problem of accessory vehicles like RVs being parked on City rights of way and the large number of complaints of gravel and grass parking violations, City Planning, Legal, and Engineering staffs began a committed effort to provide workable revisions to the City Code that would improve these problems. The concern and debate during that process was trying to find the balance between City beautification policy and the realities of living in a vastly rural state where citizens place a high value on outdoor recreation and where alternative parking for additional vehicles is needed.

The Planning Advisory Board/Zoning Commission held a public hearing on February 14, 2017, to review the ordinance proposal presented by City staff. Although the action was tabled at the

hearing, the Board was very supportive of the code changes and directed Staff to make some very minor modifications to the proposal.

Staff was directed to delete a provision that would have required gravel parking areas to have a two foot setback against side property lines. The impetus for the request was that these small two-foot areas would be hard to maintain due to grade changes, retaining walls, etc. Additionally, the Board requested that more maneuvering room be allowed to pull in larger recreational vehicles onto the gravel parking areas. This issue has been incorporated into the proposed ordinance. The Board requested that larger gravel areas be allowed for properties over one acre. This has also been added to the proposed ordinance.

Staff originally planned to take the minor revisions of the ordinance to a second Planning Board meeting prior to City Commission. However, staff was not able to get a quorum of Planning Board members to hold a hearing in a timely fashion. As a result, the ordinance is being sent to City Commission with only minor changes from the Planning Board's version.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3155 on first reading and set a public hearing for May 16, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

John Hubbard, 615 7th Avenue South, expressed concern with regard to the cost to build a rental garage.

Ron Gessaman, 1006 36th Avenue NE, expressed support with regard to having the public hearing on May 16.

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

Motion carried 4-0.

CITY COMMISSION

11. Miscellaneous reports and announcements from the City Commission.

Commissioner Houck reported that the special elections would be at the Fairgrounds on May 25th.

12. Legislative Initiatives.

There were no Legislative initiatives.

13. Commission Initiatives.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioners Jones and Houck, to adjourn the regular meeting of May 2, 2017, at 11:12 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: May 16, 2017