

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, Mary Jolley and Fred Burow. Also present were the City Manager; Deputy City Manager; Interim City Attorney; Directors of Fiscal Services 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. SWEARING IN – NEIGHBORHOOD COUNCIL 8.

Mayor Winters performed the swearing in ceremony for Robin Schreiner, representative of Neighborhood Council 8.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mike Vohs, NC 7, reported that the council has made contact with a representative of the U.S. Postal Service regarding clean up of its building on the corner of 2nd Avenue/2nd Street North. It's an ongoing process the council will continue to pursue.

Karen Grove, NC 8, welcomed Robin Schreiner to the council. She announced that council meetings are held on the third Thursday of each month at the Great Falls Pre-Release Center at 6 p.m. She reported the council is on board with teaming with other Neighborhood Councils and Neighborhood Watch to help keep Great Falls safe.

BOARDS & COMMISSIONS

3. APPOINTMENTS, COMMUNITY DEVELOPMENT COUNCIL.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission reappoint Scott Anderson and Susan McCord and appoint Keith Cron and Dave Sutinen to the Community Development Council for three year terms expiring October 31, 2015.

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.

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

Commissions.

PUBLIC HEARINGS

OLD BUSINESS

5. AGRI-TECH PARK ADDITION.

A. RESOLUTION 9993, ANNEXES SAID PROPERTY AND APPROVES THE ANNEXATION AND DEVELOPMENT AGREEMENT.

B. ORDINANCE 3097, ASSIGNS ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL TO THE 10 LOTS IN THE SUBDIVISION.

Planning and Community Development Director Mike Haynes reported that on October 2, 2012, the City Commission conducted a public hearing to consider Resolution 9993 for annexation, the Final Plat and Annexation Agreement, and Ordinance 3097 that would assign initial zoning of I-2 (Heavy Industrial) all pertaining to the ±196.549-acre AgriTech Park property. After closing the public hearing, the City Commission tabled action until this first meeting in November. The applicant, Great Falls Development Authority (GFDA), proposes to develop the property which is now crop land with a rail-served heavy industrial park containing 10 lots, and is requesting initial zoning of I-2 Heavy Industrial on the entire property. Since the public hearing Interim City Attorney, Dave Nielsen, expressed concerns regarding the Final Plat. Today, those concerns were finally resolved and the Annexation and Development Agreement signed by the property owners was received. The Final Plat will be considered separately, at a future meeting, depending on actions taken today on the project. The Interim City Attorney has also expressed concerns about the City's ability to enforce conditions of the Annexation and Development Agreement on property zoned I-2 which led to the alternative suggestion of assigning Planned Unit Development (PUD) zoning to the property. PUD zoning is enforceable in the same way as are the City's zoning regulations.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9993 and approve the Annexation and Development Agreement all pertaining to AgriTech Park Addition.

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

Commissioner Bronson thanked Brett Doney for his comment that was quoted in the *Tribune* that the month's tabling by the Commission has proved to be fruitful. It allowed additional work on a storm water report and for GFDA and City representatives to look at drainage and legal issues. Commissioner Bronson noted that Mr. Doney's comment dovetails citizen comments that the Commission has received. He further addressed anti-business comments directed at the City. When the Commission proceeds on any major development project that has tremendous economic value to the community the negative impact on the environment also has to be taken into consideration. Taking into consideration annexation of all the lots, he is also mindful of protecting the interests of the tourist community. He concluded that the concerns and interests can be balanced.

Commissioner Burow echoed Commissioner Bronson's comments. He noted that what the Commission is here to consider tonight concerns the AgriTech Park, not the park north of town. He

expressed concerns about lots 9 and 10, erosion and Whitmore Ravine.

Commissioner Jones recognized the landowner and everyone involved in diligently working together and taking the steps necessary to prevent a great deal of erosion in Whitmore Ravine.

Mayor Winters commented that a balance has attempted to be struck. He shares Commissioner Jones' concerns regarding erosion in Whitmore Ravine.

Commissioner Burow requested City Engineer David Dobbs address the steps that have been taken to alleviate some of the concerns.

City Engineer David Dobbs provided background information about Whitmore Ravine. The total drainage area is about 10 square miles. About two thousand acres of that is on Malmstrom Air Force Base. By about 2006 there was extreme erosion that looks about like you see today. More recently Malmstrom Air Force Base has built ponds and other features to lessen the downstream impacts on Whitmore Ravine. Storm water impacts have been a major concern of City staff since AgriTech Park was first proposed. City staff negotiated with GFDA and consultants to sculpt the Annexation and Development Agreement to protect the City and surrounding properties. There are about eight different places in the Agreement where "storm drain" is mentioned. Unlike most subdivisions, this Annexation and Development Agreement requires a drainage master plan.

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

Commenting in support of AgriTech Park were: **Gene Thayer**, Chair, Great Falls Development Authority Board of Directors, residing at 220 40th Avenue South; **John Juris**, Engineer, TD&H, residing at 220 Woodland Estates; **Brett Doney**, President/CEO Great Falls Development Authority, 300 Central Avenue; **Steve Malicott**, Great Falls Area Chamber of Commerce, 100 First Avenue North; **Gordon Svenby**, General Manager of Montana Specialty Mills, residing at 101 Riverview 6 West; **Cheryl Crawley**, Great Falls Development Authority Board of Directors, residing at 612 Linden Drive; **David Brown**, President, Source Giant Springs, residing at 747 33rd Avenue NE; **Randy Gray**, 2114 3rd Avenue North; **Olaf Stimac**, 57 Country Lane; **Katie Hanning**, 3217 4th Avenue North; **John Koppelman**, Great Falls Development Authority Board of Directors, residing at 34 Fox Island Lane; **Dale Nelson**, 3333 13th Avenue South; **Ryan Smith**, 1328 Beargrass; **Tom Jacobson**, 521 Riverview Drive East; and **Scott Anderson**, 3800 4th Avenue North.

Commenting in opposition to AgriTech Park were: **Stuart Lewin**, 615 3rd Avenue North; **Paul Stephens**, 820 3rd Avenue North; **Mike Witsoe**, 510 11th Street South; and **Diane Stinger**, 1400 4th Avenue NW.

Mayor Winters called for a recess at 8:27 p.m., and called the meeting back to order at 8:34 p.m.

In response to Mr. Lewin and Mr. Witsoe, City Engineer Dobbs noted that the Annexation and Development Agreement in its current form, including the items regarding storm drain, has been on the City's website for months. The storm drain master plan has been in the Engineer's Office since August or September. He was only asked about the report recently by Mr. Witsoe. Several attempts were made to reach Mr. Witsoe, but he never returned the phone call.

Commissioner Bronson responded to Mr. Lewin's comparison of what was being done here tonight to the Book of Job. He further emphasized that the decision being made tonight cannot be based on what Mr. Stanek or his colleagues do with Great Bear Park. Each application is treated on its own merits.

In response to Mr. Doney, Commissioner Burow commented that he was not aware the Commission could change the zoning classification or definition of the zoning after it's established. He also pointed out that at this point in time the City has not committed to creating a tax increment financing (TIF) district.

Mr. Doney assured the Commission that GFDA has not represented to any company that creation of a TIF district is a foregone conclusion. With regard to zoning, it states "initial zoning" in the Annexation Agreement. His understanding is that the City can, as it does periodically, update and change zoning regulations.

The City Clerk received written comments expressing support from: **Karen Venetz, Linda Caricaburo, Dave Fink, and Jacob and Bernice Karnop.**

The City Clerk received written comments expressing opposition from: **Bonnie Warren**, 4428 4th Avenue North, **Wallace Bell, Bonnie McCombs**, and **Susan Colvin**, 287 McIver Road.

Mayor Winters called for the vote.

Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission table Ordinance 3097 and remand this matter back to the Zoning Commission to make the recommendation to zone AgriTech Park Addition PUD Planned Unit Development.

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

Commissioner Bronson proposed that, in making this motion, the Commission direct staff to incorporate the existing covenants in the proposed Agreement, along with what Mr. Doney reviewed tonight - the no build zone, building height restrictions, building setbacks, down lighting, use of certain colors, signage, landscaping, litter and dust control plans, in the actual standards for this industrial park.

Commissioner Jones concurred stating that the Commission is not adding any more restrictions other than those that have been agreed upon. The Commission is making sure the conditions are understood by everybody and are part of this Planned Unit Development instead of being covenants that are very difficult for a city to deal with at all.

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

Brett Doney, Great Falls Development Authority, 300 Central Avenue, noted that he does not have a problem with the motion.

Matthew Marcinek, Regional Parks Manager, Montana State Parks, 4600 Giant Springs Road,

commented that Planned Unit Development is a sound move that provides protections and provides for enforcement.

Diane Stinger, 1400 4th Avenue NW, commented the restrictions should include a way “to stop the smells.”

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

Motion carried (with the direction to staff) 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. **RESOLUTION 9997, ESTABLISHING PROTOCOL FOR VIDEO RECORDING EQUIPMENT PLACEMENT AND USE DURING COMMISSION MEETINGS.**

Interim City Attorney Dave Nielsen reported that the purpose of the resolution is to establish a protocol for video camera use in City Commission meetings that sets a balance between the rights of persons to record Commission meetings and a reduction of unnecessary interference, disruption and unsafe conditions.

Commissioner Burow moved, seconded by Commissioners Jones and Jolley, that the City Commission adopt Resolution 9997.

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

Mike Witsoe, 510 11th Street South, explained his use of two cameras to tape meetings the past five years. He feels his right to participate and the public’s right to know will be restricted.

John Hubbard, 615 7th Avenue South, commented that it sounds to him like an infringement on a constitutional right to video tape.

Katie Hanning, 3217 4th Avenue North, commented she was glad the Commission was considering this resolution. She expressed to Mr. Witsoe that he disrupts her rights to hear the meetings, and that he creates safety issues.

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

Motion carried 5-0.

7. **ORDINANCE 3098, TO ASSIGN CITY ZONING TO LOT 5, BLOCK 1, DIVISION ADDITION LOCATION IN THE NE¼ OF SECTION 2, T20N, R3E, P.M.M. CASCADE COUNTY (ASI ELDERLY HOUSING DEVELOPMENT).**

Planning and Community Development Director Mike Haynes reported that this is a request to accept Ordinance 3098 on first reading that would establish a zoning of R-6 (Multi-Family High Density) upon annexation of ±3.02 acres of property, and set a public hearing for December 4,

2012, to take final action on annexation and initial zoning.

The subject property is part of an unincorporated enclave located east and west of Division Road between 16th Avenue NW and Smelter Avenue. The subject property is comprised of ± 2.36 acres of private property and ± 0.66 acres of Division Road right-of-way and is located east of the Meadowlark Assisted Living apartments and north of the Great Falls Clinic NW.

Annexation into the City would allow the applicant, Accessible Spaces Inc. (ASI), to acquire the ± 2.36 acre property from the current property owner and develop a proposed 38-unit accessible, affordable, senior independent rental housing development. In addition to the 32 one-bedroom and 6 two-bedroom apartments, the project will feature common areas including a dining room, kitchen, community rooms, a library, a computer room, and exercise space. While this would not be permanently-staffed like an assisted living facility, individual disabled or frail elderly residents may receive assistance with everyday living from home helpers.

The proposed project would be funded using a range of financing options including Low Income Housing Tax Credits and City of Great Falls HOME funds. This project is proposed to be exempt from applicable property taxes.

At a public hearing held on October 23, 2012, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assigning R-6 zoning to the subject property.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3098 on first reading and set a public hearing for December 4, 2012.

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

Johnathon Kenneway, NC 3, reported that Neighborhood Council 3 supports this project.

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

Motion carried 5-0.

CONSENT AGENDA

8. Minutes, October 16, 2012, Commission meeting.
9. Total expenditures of \$3,286,300 for the period of October 10-31, 2012, to include claims over \$5,000, in the amount of \$2,950,820.
10. Contracts list.
11. Amended lien release list.
12. Approve Mansfield Theater Lobby Exclusive Concessions Agreement with the Sparkettes of Montana.

13. Set public hearing for November 20, 2012, to consider the Interlocal Agreement and recommended use of the FY 2012 Justice Assistance Grant (JAG) funds.
14. Approve Change Order No. 1 in the amount of \$3,220.64 and final payment in the amount of \$12,259.84 to United Electric, LLC, and \$123.84 to the State Miscellaneous Tax Division for the Police Department Emergency Generator. **OF 1529.4**
15. Approve Professional Services Contract with Advanced Engineering and Environmental Services, Inc. (AE2S) for engineering services in an amount not to exceed \$38,617 for the Water Storage Tank Elevation, Phase I. **OF 1625**
16. Award bid for six new 2013 Chevrolet Impala police pursuit vehicles to City Motors of Great Falls in the amount of \$130,156.

With the exception of Item 14, Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as read.

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

Commissioner Burow requested that Item 14 be pulled for separate discussion and vote. He requested additional information about the back-up generator and why it was done in such a manner that it cost the City extra.

Police Chief Dave Bowen will look into it and report back.

Mayor Winters asked if there were any comments from the public. Hearing none, Mayor Winters called for the vote with regard to the consent agenda, absent Item 14.

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission postpone consideration of Item 14 until the next Commission meeting.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Brett Doney**, Great Falls Development Authority, 300 Central Avenue, reported that it was a community-team effort to attract the Canadian steel fabrication company, ADF Group. He noted that work force training needs have been addressed for this new economic opportunity.
- B. **John Hubbard**, 615 7th Avenue South, discussed ECP's debt and accountability.

- C. **Mike Witsoe**, 510 11th Street South, discussed Veteran's Day activities, the election, and filling the vacant seat on the Commission when Commissioner Jolley resigns.

Commissioner Jolley stepped out at 9:37 p.m. and returned at 9:46 p.m.

CITY MANAGER

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon commented that he would fill the Commission in on his recent trip in the near future.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

20. COMMISSION INITIATIVES.

Mayor Winters suggested, with the consent of the Commissioners, that City staff coordinate a meeting with the County Commission to discuss the possibilities of a transfer station north of Great Falls. Commissioners Bronson and Jones had no objection. Commissioner Burow opposed the idea stating the City spent the last 10 years losing money on the Citizen's Convenience Center.

At the request of County Commissioner Jane Weber, Commissioner Bronson suggested scheduling a joint City/County work session with our elected legislators to address a joint agenda of concerns before they leave for Helena. Commissioners Weber and Bronson agreed to be the liaisons to work with their respective staffs to schedule such a meeting. The Commissioners concurred.

Commissioner Bronson discussed the history of the relationship between the City of Great Falls and Great Falls Development Authority (GFDA). Over time, GFDA has taken on more of a role as an actual developer making it difficult for the City to retain a relationship with them as a partner as it was 10 years ago. He suggested it is time to re-explore the City's relationship with GFDA. He and the City Manager have discussed the idea of an in-house business advocate under the control of the City Manager's Office to act as an intermediary between developers and City departments. He proposed (1) the City of Great Falls withdraw as a member of the Great Falls Development Authority; (2) direct the City Manager to explore the framework and possible funding for a business advocate type position; and (3) creating an advisory group on issues relating to business development.

Commissioner Jones expressed support of proposals 1 and 2. Mayor Winters also expressed support. Commissioners Jolley and Burow did not comment.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Jolley, to adjourn the regular meeting of November 7, 2012, at 9:54 p.m.**

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: November 20, 2012

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