

Regular City Commission Meeting

Mayor Winters presiding

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

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

**PROCLAMATION:** Mayor Winters read a proclamation for Paris Gibson 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.**

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

#### **CONSENT AGENDA**

2. Minutes, June 18, 2013, Commission meeting.
3. Total expenditures of \$5,068,318 for the period of June 8-26, 2013, to include claims over \$5,000, in the amount of \$4,804,804.
4. Accept Contract to Purchase Great Falls Police MCC7500 Consoles – Dispatch Upgrades.
5. Approve the declaration of property as surplus (refuse compactor).
6. Approve list of Community Transportation Enhancement Program projects.
7. Approve Final Payment for the Public Works Sanitation and Street Building Addition in the amount of \$495 to Wadsworth Builders Company, Inc. and \$5.00 to the State Miscellaneous Tax Fund. **OF 1455.5**
8. Approve Change Order in the amount of \$18,000 to Kuglin Construction for the 2013 Street Drainage Improvements. **OF 1653.3**
9. Set public hearing for July 16, 2013, on Res. 10028, Intent to Increase Property Tax.
10. Set public hearing for July 16, 2013, on Res. 10029, Annual Budget Resolution.

11. Set public hearing for August 6, 2013, on Res. 10024, to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570.
12. Set public hearing for August 6, 2013, on Res. 10025, to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195.
13. Set public hearing for August 6, 2013, on Res. 10026, to Levy and Assess the Street Maintenance District.
14. Approve cancellation of City of Great Falls checks that remain outstanding and unpaid for a period of one year or longer as authorized by § 7-6-4303, MCA.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission accept the Consent Agenda as presented.**

Mayor Winters asked if there was any 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; **Joan Redeen**, Business Improvement District, 13 5<sup>th</sup> Street North; and, **Sheila Rice**, NeighborWorks Great Falls, 509 1<sup>st</sup> Avenue South, thanked City staff and the Commission for approval of Item 6 CTEP projects.

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

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

15. **MINOR SUBDIVISION OF AMENDED PLAT OF LOT 3A, BLOCK 18, OF THE AMENDED PLAT OF LOT 3, BLOCK 18, SUN RIVER PARK ADDITION, LOCATED IN THE NE¼ SECTION 9, TOWNSHIP 20 NORTH, RANGE 3 EAST.**

Interim Planning and Community Development Director Craig Raymond reported that this item is applicant Clint Buford's request to consider a minor subdivision with amended plat to subdivide one 1.798 acre lot into two lots of approximately 39,151 square feet each. The subdivision will allow for the eventual construction of two single-family dwellings. The location is on the corner of Central Avenue West and 22nd Street SW. The zoning currently is R-1 which generally allows for low density residential development.

At its regular meeting on June 11, 2013, the Planning Advisory Board recommended that the City Commission approve the amended plat and accept the Findings of Fact.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve with conditions the Amended Plat of the subject property and accept the Findings of Fact.**

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.

16. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Joan Redeen**, Business Improvement District (BID), 13 5<sup>th</sup> Street North, provided an update of downtown art projects. She extended an invitation to attend a public reception at the BID office on September 6, 2013, to acknowledge the artists.

**PUBLIC HEARINGS**

17. **ORDINANCE 3109, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS, ENCOMPASSING AMENDMENTS RELATED TO THE COST OF NOTICE FOR ACTION REQUIRING PUBLIC NOTICE AND REVISING PROCEDURES FOR THE SUBMISSION OF SUBDIVISION APPLICATIONS.**

Interim Planning and Community Development Director Craig Raymond reported that this item is a public hearing to consider amendments to Title 17 of the Official Code of the City of Great Falls related to the cost of notice for action requiring public notice, as well as legislatively mandated updates pertaining to subdivision application procedures.

Mayor Winters declared the public hearing open.

No one spoke in support of Ordinance 3109.

Speaking in opposition to Ordinance 3109 was:

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, suggested a decrease in the application fee if the applicant is required to pay for the legal notice.

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

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3109.**

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

Commissioner Burow inquired if staff considered lowering application fees.

Interim Director Raymond responded that staff did not consider decreasing fees. Fees are substantially lower in Great Falls than other jurisdictions in Montana.

Commissioner Burow commented that a fee increase is scheduled to take effect. He suggested tabling this matter to consider an offset or adjustment.

Manager Doyon noted that the budget presentation demonstrated that part of making next year's budget work includes using some of the balance from that fund where permit fees would go. The City is trying to offset its costs related to providing that service to the community.

Interim Director Raymond also clarified that the 2½% increase that took effect July 1, 2013, pertains to building permit fees only. The fees being discussed tonight are for planning and land use applications – anything that would require a public hearing.

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

Motion carried 5-0.

18. **ORDINANCE 3110, APPROVE DEVELOPMENT PROJECTS PROPOSED BY THE CITY OF GREAT FALLS FOR PUBLIC IMPROVEMENTS AND AUTHORIZE FINANCING WITH TAX INCREMENT REVENUES FROM THE CENTRAL MONTANA AGRICULTURE AND TECHNOLOGY PARK TAX INCREMENT FINANCING INDUSTRIAL DISTRICT.**

Interim Planning and Community Development Director Craig Raymond reported that this item is a public hearing to consider the adoption of Ordinance 3110 which provides for the use of existing funds generated within the Central Montana Agriculture and Technology Park Tax Increment Financing District. The Central Montana Agriculture and Technology Park is generally located east of US Highway 87, north of the intersection with Bootlegger Trail.

On May 7, 2013, the City Commission approved Ordinance 3106 adopting a Comprehensive Development Plan including a Tax Increment Financing (TIF) provision for the Central Montana Agriculture and Technology Park. The City of Great Falls Public Works Department made formal application for use of TIF funds within the Central Montana Agriculture and Technology Park Tax Increment Financing District.

A private developer also applied for approval to utilize TIF funds. The available increment was not sufficient to fund all applications. City staff supports those applications that would meet the most urgent immediate needs and provide for the greatest impact to the most properties within the TIF District.

At its meeting on May 28, 2013, the Planning Advisory Board made recommendation to the City Commission that approval would be granted for the projects as requested in the Public Works application.

Mayor Winters declared the public hearing open.

Speaking in support of Ordinance 3110 was:

**Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, commented that GFDA supports the Public Works Department application and staff recommendation and he discussed the benefits of approving the same.

No one spoke in opposition to Ordinance 3110.

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

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3110.

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

Motion carried 5-0.

19. **SALE OF CITY-OWNED PROPERTY: PARCEL #2612750 (800' EAST OF 52<sup>ND</sup> STREET NORTH AND 300' SOUTH OF 18<sup>TH</sup> AVENUE NORTH).**

Public Works Director Jim Rearden reported that in 2002 the City purchased an approximate 2.49 acre parcel from Conoco to facilitate rerouting the railroad line to the Base during the northeast bypass reconstruction project. The rerouting of the railroad line eliminating a railroad crossing on the bypass. In 2012, an easement for the railroad to service the Northeast Great Falls Industrial Park was granted to the 2.49 acre parcel, leaving a small remnant of 5,535 square feet north of that railroad easement. Steel Etc. owns property adjoining this small parcel and has requested that the City sell the parcel so that they could square up their property prior to fencing it. Since it was of no value to the City it was offered for sale. Steel Etc. was the only bidder.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to the sale of City-owned property: Parcel #2612750.

Mayor Winters closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the sale of City-owned property: Parcel #2612750, T20, R4E, S3, GEO Code: 02-3016-03-01-13-0000, 18<sup>th</sup> Avenue North-52<sup>nd</sup> Street North and authorize the City Manager to execute the necessary documents.

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**

20. **ORDINANCE 3108, ASSIGN CITY ZONING TO TRACT 1 AND TRACT 3, CERTIFICATE OF SURVEY 4705, AND MARK 14R, ALL LOCATED IN THE N½NE¼, SECTION 36, T21N, R3E.**

Interim Planning and Community Development Director Craig Raymond reported that this item is a request to accept Ordinance 3108 on first reading and schedule a public hearing for August 6, 2013, to consider Resolution 10020 Annexing the subject property and Ordinance 3108 assigning zoning

to same. The subject property is vacant. The property owner intends to construct a multi-family apartment building on the property that will be accessed from 14th Street NE and 36th Avenue NE. Annexation into the City would allow the property owner access to water and sewer services. Additionally, the City of Great Falls is party to this annexation and zoning request in order to annex and apply zoning to the existing City water tower located near the intersection of 36th Avenue NE and Bootlegger Trail.

At a public hearing held on May 14, 2013, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assign PUD zoning with an underlying R-5 zoning to the Skyline Heights Apartment property and Public Lands and Institutional to the City-owned property.

Subsequent to this action it had been noted by the City Attorney that seeking PUD zoning on this project is not the appropriate land use process in order to achieve the applicant's goals. The appropriate process is the variance process, to be heard and decided before the Board of Adjustment.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3108 on first reading and set a public hearing for August 6, 2013.**

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 36<sup>th</sup> Avenue NE, noted an error in the agenda report regarding the Board of Adjustment meeting date. Since the Planning Advisory Board's initial recommendation was PUD zoning, Mr. Gessaman inquired if this matter would have to go back before the Planning Advisory Board for a new recommendation. Mr. Gessaman also commented that a petition is being circulated around this neighborhood in opposition to this project.

Interim Director Raymond clarified that the Planning Advisory Board recommended an underlying zoning of R-5. This application is consistent with that. If the applicant desires to construct a 3-story structure, he will go before the Board of Adjustment to ask for a variance on the story requirement.

**Suzanne Babbitt**, 1108 35<sup>th</sup> Avenue NE, commented there is a lot of neighborhood opposition and a petition being circulated.

Commissioner Jones commented that the public hearing before the Commission was postponed due to the holiday weekend. With regard to the variance for the story requirement in an R-5 zoning district, he encouraged public attendance at the Board of Adjustment hearing.

Commissioner Bronson commented that the Commission is setting the public hearing to consider the issue of the annexation and zoning request for August 6, 2013. As a matter of due process rights to the applicant, the Commission is obligated to grant the request to set the public hearing. As noted by Commissioner Jones, there is going to be a separate hearing before the Board of Adjustment. The only issue the Board of Adjustment considers is whether or not, if this project goes forward, the developer will be allowed to have three stories as opposed to two. If the Board of Adjustment makes a recommendation either way, nothing is final with respect to the underlying

annexation and zoning until the scheduled hearing before the Commission. He also suggested that, if a petition is being circulated, it would be useful if it was submitted to staff for the Commission to review prior to the hearing.

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

Motion carried 5-0.

**21. RESOLUTION 10031, RESOLUTION OF INTENT TO ADOPT PROPOSED UPDATE TO THE GROWTH POLICY FOR THE CITY OF GREAT FALLS.**

Interim Planning and Community Development Director Craig Raymond reported that this item is a request to adopt Resolution 10031, a resolution of intention, to amend and adopt the City's Growth Policy. The current Growth Policy has not received significant review and updates since 1999 and only received minor amendments in 2003 and 2005. The Growth Policy is a vital document as it evaluates many elements of the community's make-up and provides staff and the governing bodies of the City guidance on future decisions.

Several working groups were formed in order to include public participation as much as possible. Working groups discussed and addressed issues that are essential elements to the community.

**Commissioner Jones moved, seconded by Commissioner Kelly, that the City Commission adopt Resolution 10031 and set a public hearing for August 6, 2013.**

Mayor Winters asked if there was any 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, commented that a couple of his board members that participated wanted him to pass along that a number of business people participated in the working groups and felt very welcomed. He encouraged continued open and participatory planning processes.

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

Motion carried 5-0.

At approximately 7:46 p.m., the audio/video recording and cable airing of this meeting stopped due to a power outage. Hearing no objections from staff or the public, Mayor Winters continued the meeting.

**PETITIONS AND COMMUNICATIONS**

**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed opposition to any proposed increases due to the tight budget.
- B. Sheila Rice**, NeighborWorks Great Falls, 509 1<sup>st</sup> Avenue South, announced the completion of another high school house project.

- C. **Alma Winberry**, 423 15th Street South, read a statement she authored regarding her disappointment in the leadership of the Commission and City staff.
- D. **Brett Doney**, Great Falls Development Authority, 300 Central Avenue, provided a quarterly report update of the Great Falls Development Authority.
- E. **Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed disappointment with the collection efforts against Barrett's Minerals for not fulfilling its contract obligations with ECP.
- F. **Suzanne Babbitt**, 1108 35<sup>th</sup> Avenue NE, discussed the state of the economy and how tax increases will affect her family. She opposes any proposed local tax increases.

### **CITY MANAGER**

#### **23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon commented that there will be ongoing discussions about the budget. He is cognizant of the economy. If the inflationary factor is not taken this fiscal year, it will have an impact on City services.

Manager Doyon and Deputy City Manager Jennifer Reichelt thanked Dave Nielsen for serving as the Interim City Attorney and for his commitment to the City. They encouraged anyone who knew Dave to attend a farewell reception tomorrow in his honor.

### **CITY COMMISSION**

#### **24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

The Commission thanked Interim Attorney Nielsen for his service to the City and community.

Mayor Winters discussed the proposed budget, taxes, retaining police officers, and the impact on citizens. He emphasized that the budget will be tight, not because of this Commission, but because of prior judgments. He also discussed a phone message he received filled with misguided information, accusations and half-truths.

#### **25. COMMISSION INITIATIVES.**

There were no Commission initiatives.



**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Bronson, to adjourn the regular meeting of July 2, 2013, at 8:17 p.m.**

Motion carried 5-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: July 16, 2013

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