

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, Fred Burow and Bob Kelly. Also present were the City Manager and Deputy City Manager; City Attorney; Directors of Fiscal Services, Park and Recreation, Planning and Community Development, and Public Works; Police Chief; and the Deputy 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. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from representatives of Neighborhood Councils.

CONSENT AGENDA

2. Minutes, February 4, 2014, Commission meeting.
3. Total expenditures of \$2,204,957 for the period of January 25 through February 12, 2014, to include claims over \$5,000, in the amount of \$1,960,395.
4. Contracts list.
5. Lien release list.
6. Award contract in the amount of \$216,261.50 to Brown Brothers Asphalt and Concrete, Inc. for the Repair and Preventative Maintenance of the North Parking Structure. **OF 1663**

Commissioner Kelly moved, seconded by Commissioner Bronson, that the City Commission accept 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. **MINOR SUBDIVISION WITH AMENDED PLAT OF PARCEL B, LOT 1, BLOCK 1, C & W ADDITION, SW¼NE¼ SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M. – BUFFALO WILD WINGS RESTAURANT SITE.**

Planning and Community Development Director Craig Raymond reported that this is a request to consider a minor subdivision with amended plat to subdivide one 4.435 acre lot into two lots of approximately 3.574 acres and .861 acres. The subdivision will allow for the eventual construction of a new Buffalo Wild Wings restaurant on the smaller parcel which fronts the Northwest Bypass. The location is within the Westwood Shopping Center near the intersection of Northwest Bypass and 3rd Street NW, west of the existing K-Mart and in front of or south of the existing Big Bear Sporting Goods store. The zoning is C-2 General Commercial which generally allows for this type of land use. This minor plat application also appears to comply with the basic requirements of the pertinent state statutes for this type of land use application as contemplated by the findings of fact contained in the staff report.

Legal access to each lot is off the Northwest Bypass and through shared access off 3rd Street NW. The new proposed restaurant will also be required to obtain shared parking agreements from the ownership group of Big Bear and also be required to provide certain improvements to the shared parking area in order to comply with current parking standards within the Great Falls Land Development Code.

At its meeting on February 11, 2014, the Planning Advisory Board recommended that the City Commission approve the amended plat and accept the findings of fact.

Commissioner Bronson moved, seconded by Commissioners Burow and 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.

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

9. RESOLUTION 10053, ESTABLISHING FEES FOR THE MANSFIELD CENTER FOR THE PERFORMING ARTS AT THE CIVIC CENTER.

Park and Recreation Director Marty Basta reported that this item is a request to conduct a public hearing and adopt Resolution 10053, establishing fees for the Mansfield Center for the Performing Arts, including rental, and box office fees for the theater and convention center, as well as the Missouri, Gibson, Rainbow, and Ryan rooms, as outlined in Exhibit A. Exhibit B lists the proposed equipment rental fees, and Exhibit C lists the additional contract holder fees. At the January 21, 2014, Work Session, staff reviewed the proposed fees with the City Commission, and the public hearing was set at the February 4, 2014, City Commission meeting.

The proposed increase in fees is projected to generate \$70,410 in additional revenue, which could be used to reduce the reliance on General Fund support to balance the operating budget in this fund.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10053 was:

Mary Sheehy Moe, Chairman, Mansfield Center for the Performing Arts Advisory Board, noted the Board has been working on the resolution for the past nine months. After recently learning of concerns from partners, Ms. Moe expressed willingness to support further discussion of the proposal.

Speaking in opposition to Resolution 10053 were:

Roberta Boylan, 405 Park Drive North, #3E, requested action be postponed on the per ticket increased charges so alternate possibilities for raising revenue may be sought. Until recent years, the Great Falls Symphony did not follow the national trend of declining attendance at fine arts and performing arts functions. A special meeting will be held next week to determine new ways of raising revenues and containing expenses.

Peggy Tremper, 53 Prospect Drive, requested action be postponed on the fee increase, at least until the next Commission meeting, to allow all stakeholders opportunity to consider alternatives acceptable to all parties. Ms. Tremper noted over 20% of Symphony season ticket holders are from outside Great Falls, and local ticket holders also support local establishments. She expressed concern for potential loss of business for local businesses as season ticket sales decline.

Larry Gomoll, 3320 11th Avenue South, Apt. #2, Executive Director of the Great Falls Community Concert Association (GFCCA), and member of the Mansfield Center for the Performing Arts Advisory Board, reported the GFCCA has endured for 84 years, and members receive high quality entertainment at a very reasonable price of \$60 for six shows for renewing members and \$70 for new members. The GFCC has approximately 1,000 members.

Mr. Gomoll reported that he suggested changing the proposed convenience fee. He reported a \$10 GFCCA fee increase five years ago resulted in approximately a 10% loss of members. Approximately 30% of GFCCA members are from outside Great Falls. Mr. Gomoll believes arts are an essential service to the community. He noted that professionals usually do not move to a community that does not offer opportunities for arts. He believes removing all or most financial support for the Mansfield Center is a very poor decision.

Carolyn Valacich, 1700 32nd Street South, Executive Director of the Great Falls Symphony, expressed concern for the proposed \$2 fee increase. She fears the proposed fee will result in a reduction in season ticket sales. She requested action be postponed on the proposed per ticket increase to allow the stakeholders opportunity to bring forth more ideas to benefit the Mansfield Center.

Kathy Lear, 2713 Bonita Drive, member of the Great Falls Symphony Board, believes the proposed \$2 per ticket fee would be a disincentive for young people and families to purchase tickets. She requested action be postponed on the proposed per ticket increase until further options

can be explored that will still be fair and equitable.

Ralph Knapp, 3018 3rd Avenue South, believes the Mansfield Center is a critical asset within the City. He expressed concern that solutions to the problems of the Mansfield Center have not been fully explored, and encouraged action be postponed on the proposed per ticket increase. He also believes season tickets/subscriptions are a great way to derive revenue and agreed that the fee increase would discourage those purchases.

Karen Venetz, 939 2nd Street SW, Administrative & Marketing Director of the Great Falls Tourism Business Improvement District (TBID), speaking on behalf of the TBID Board, suggested rebuilding the reserve over a period of years to lessen financial hardship on City departments and programs, and phase in reserve increases over three to five years. She noted many communities have a smaller reserve than Great Falls has traditionally held.

Stuart Lewin, 615 3rd Avenue North, believes that Great Falls is an extraordinary community because it can support a live symphony. He does not believe the Symphony is a good place to recover reserves.

Bill Larson, 1508 13th Avenue SW, noted one of the reasons many people have moved to Great Falls and stayed is because of what the Mansfield Center has to offer. He recommended extracting sections in the proposal with regard to the Mansfield Theater and the Box Office and postponing action on those items until the March 4th meeting to allow time for more possible equitable funding provision.

Carol Bradley, 1826 3rd Avenue North, member of the Symphonic Choir, requested that action be postponed on box office fees.

Carl Donovan, 1509 13th Avenue South, member of the Mansfield Center for the Performing Arts Advisory Board, believes fees need to be raised to generate revenue for updating the Mansfield Theater. He read a letter from Miss Linda's School of Dance, discussed the many events that Miss Linda holds in the Mansfield Theater, and noted many young MAFB families are served who would be adversely affected by the \$2 fee increase.

Mike Witsoe, 510 11th Street South, believes additional fees will result in a loss of attendance and requested action be postponed.

Ron Gessaman, 1006 36th Avenue NE, questioned if fees have been raised each year, as noted in the agenda report.

Park and Recreation Director Basta responded the annual increases have not been exercised. The current proposal would include an annual escalator based on cost of living increases.

Mr. Gessaman stated he does not believe the Civic Center Events fund requires immediate action. He expressed support to postpone action on the proposed fee increase to allow more discussion for an acceptable solution for everyone.

Comments mainly in opposition to the proposed \$2 convenience fee or requests to postpone action to explore other sources of revenue, were received through the City's Citizen Support Center from:

Dana Hinckley, Ellen Forslund, Pam Stuckey, Jake Sorich, Laura Flaherty, Elizabeth Crawford, Pat Orham, Sue Ann Stephenson-Love, Gerry Jennings, Jim Meade, Dan Brown, Suzanne Sturges, Ray and Diane Young, Christy Sem, Valerie Smith, Steve Sem, Kerrie Ramstead, Bonnie Warren, Peter Klevberg, Sandy Harshaw, Laura Crist, Hillary Ransdell Lewin, Mary Dietz, Paul Ritter, Patricia Cetto, Carla Bell, Philip Schol, Mary Lehman, Gaynell Tempel, Kathy Lear, Patricia Rosenleaf, Sharon Nalivka Hancock, Barbara Arensmeyer, John Marinaccio, Nathan Reiff, Ralph Knapp, Beth Britton, Charles Jennings, and Jean Price.

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

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10053.

Commissioner Jones expressed support of Resolution 10053 so current contracts can proceed.

City Manager Greg Doyon requested additional background on the financial condition of the Events fund.

Fiscal Services Director Melissa Kinzler responded the Civic Centers Events expenses have exceeded revenues since FY 2008. FY 2014 shows expense over revenue of \$162,000. At the end of FY 2014, no reserves will remain.

Manager Doyon reviewed a handout on Capital Improvements for Civic Center Events since FY 2002. He reported the General Fund has subsidized the Events budget since 2002 for a total of \$2,420,041.

Manager Doyon reported that he believed the City was spread too thin when he first came to the City. He explained that he has made efforts to reduce assistance from the General Fund. He noted that even before the ECP settlement, the difficult conversation regarding subsidy levels would have been necessary to realign City priorities.

Manager Doyon reported the Commission requested annual fee reviews during the previous budget cycle. The process has been ongoing for several months and will continue.

Manager Doyon noted the proposed fee increases will not resolve the issue of sustainability of the General Fund and finding the correct balance of General Fund support, without making the cost too expensive to continue to enjoy an amenity that is a quality of life issue in the community.

Manager Doyon discussed the slow City growth, resulting cap on taxes that can be generated annually, and difficulty keeping up with ongoing maintenance and operation needs. Deferring capital issues so long will result in safety issues. He noted the \$4 Million Civic Center façade maintenance project that was learned in a report two years ago.

Manager Doyon explained the City has great debt capacity with its ability to bond, but a low capacity to meet the debt and service the obligation on an annual basis and meet ongoing maintenance and operation needs.

Manager Doyon also noted the recent homeowners' insurance rate increases, due to the drop in the City's ISO rating. The drop was due in part to staffing operational issues. He reviewed the need for a new fire station, and the City's ability to meet response times and number of service calls. Both the fire and police departments are supported by the General Fund because the City does not raise enough in taxes to support those departments. He encouraged continued discussion for these community issues.

Commissioner Bronson agreed that support of Resolution 10053 is needed so current contracts can proceed. He expressed appreciation for the civil dialogue on the controversial issue. He noted the Mansfield Center for the Performing Arts Advisory Board carefully considered the proposal and presented it to the Commission. He believes further discussion is appropriate, but agrees that support of the arts must include a greater public/private partnership model. He offered volunteered legal services to art organizations to assist in setting up nonprofit and tax-exempt status and apply for outside funding sources.

Commissioner Burow agreed that support of Resolution 10053 is needed so current contracts can proceed. He believes government has been allowed to try to be all things to all people for too long. Since tax income is not providing large increases, user fees are needed and must be increased as the cost of living increases, or programs and services must be cut. He believes the City has a responsibility to the community to provide police, fire, water, and sewer. He also expressed appreciation for the civil dialogue on the controversial issue, and he encouraged public/private partnerships.

Commissioner Kelly expressed support for the arts and believes income must be increased to keep the doors open, as is the case with any business. He welcomed further discussion and new and better ideas, as the issues are ongoing. He also expressed appreciation for the civil dialogue, but agreed that support of Resolution 10053 is needed so current contracts can proceed.

Mayor Winters stated support for pulling the proposed \$2 per ticket fee before adopting Resolution 10053, to allow more time to address that issue.

Manager Doyon responded that the \$2 fee is related to other aspects of the proposal included in Resolution 10053. He recommended adopting the resolution and a revision can be made at a later date.

Commissioner Kelly requested recommendations be made to modify the resolution at the next Commission meeting.

Deputy City Manager Jennifer Reichelt noted the \$2 fee has been included in the rent. Changes were made in how some of the costs have been covered, and the \$2 fee was added. The \$2 fee includes charges that no longer exist in the fee chart, so those fees may not be covered if that fee is eliminated.

Mayor Winters called for the vote.

Motion carried 4-1 (Mayor Winters dissenting).

Mary Sheehy Moe, Chairman, Mansfield Center for the Performing Arts Advisory Board, commented the Board is very open to discussions and hopeful that something fruitful will result. She encouraged participation at the Performing Arts Advisory Board at noon on Friday, February 21, 2014, in the Rainbow Room. She added that meetings will be held as often as needed prior to March 4th, in an effort to achieve a good solution.

10. **RESOLUTION 10050, ESTABLISHING FEES FOR ELECTRIC CITY WATER PARK, WATER TOWER, JAYCEE, AND NATATORIUM SWIMMING POOLS.**

Park and Recreation Director Marty Basta reported that this item is a request to conduct a public hearing and adopt Resolution 10050, establishing swimming pool fees. In many cases, swimming pool fees have not been increased in over a decade, while utility costs during the same period have tripled, chemical costs have more than doubled, and the minimum wage has increased by nearly \$3 per hour. Additionally, health department regulations regarding pool staffing have increased the operating costs for the pools. In the past the pool fund has been subsidized by the General Fund at a level that allowed fees to remain relatively unchanged for a period; this is not sustainable and the fees will need to increase if the pools are to continue to operate at current levels. At the December 3, 2013, Work Session, staff reviewed the proposed fees with the City Commission, and the public hearing was set at the February 4, 2014, City Commission meeting.

The proposed increase in fees is projected to generate \$85,000 in additional revenue, which could be used to reduce the reliance on General Fund support to balance the operating budget in this fund.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 10050.

Speaking in opposition to Resolution 10050 were:

Ron Gessaman, 1006 36th Avenue NE, requested details on how the proposed non-resident admission fee will work.

Director Basta responded the taxpayers in the Great Falls community are paying for pool improvements, and non-residents enjoy the same amenities. He has concerns on how to administer a non-resident fee, but included a fee that will be charged if a fair plan is determined.

Mr. Gessaman noted the proposed increases are much larger than the one-third percentage increase of the Consumer Price Index from 2001 to 2013. He believes the proposed increases are a result of the ECP losses, and he stated opposition to balancing those losses on the backs of the children in the community.

Mayor Winters agreed the swimming pool fees should not be raised for children.

Mike Witsoe, 510 11th Street South, expressed concerns that increased pool fees will result in more children drowning in the river. He believes increased fees will result in lower participation.

A comment in opposition to the increased pool fees was received from **Richard Liebert** through the City's Citizen Support Center. He expressed concern about lower attendance and pool use if

fees are increased.

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

Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission adopt Resolution 10050.

Manager Doyon commented that the engineering study done on the Natatorium a few years ago recommended approximately \$120,000 in needed maintenance. None of the capital outlay plan has been done because of the inability to meet operating costs. He reported the General Fund subsidizes the pools almost \$.5 Million. On an annual basis, the City may receive \$200,000 - \$300,000 in new taxes each year. He believes the Natatorium issue and costs to meet the capital deficiencies will be brought to the voters. Manager Doyon commented the increased fees will be helpful, but not adequate.

Commissioner Bronson expressed regret that Director Basta must have his integrity and competence questioned. He conveyed a great deal of confidence in Director Basta.

Commissioner Bronson acknowledged federal and state mandates that have increased costs. He noted the Park & Recreation Advisory Board endorsed the proposed fees.

Mayor Winters stated Director Basta's integrity is above reproach.

Commissioner Burow believes the City has excellent staff. He provided examples of mandates that require lifeguards and phones at spray parks.

Mayor Winters called for the vote.

Motion carried 5-0.

11. **RESOLUTION 10052, RESTORATION, REHABILITATION, EXPANSION, AND NEW CONSTRUCTION OF QUALIFIED HISTORIC PROPERTIES TAX ABATEMENT FOR ARVON BLOCK DEVELOPMENT, LLC, LOCATED AT 114 – 118 1ST AVENUE SOUTH.**

Planning and Community Development Director Craig Raymond reported that Resolution 10052 relates to an application for a property tax benefit due to the restoration, rehabilitation, expansion and new construction of certain improvements of the Arvon Block Property. The property owner, Arvon Block Development Venture, LLC, remodeled the building after it had been left vacant and in disrepair. Improvements were made to the commercial space on the ground floor (which is now known as the "Celtic Cowboy") and other improvements are underway to develop the remaining spaces into a boutique hotel.

Arvon Block Development Venture has submitted an application affirming and providing documentation that the project qualifies for the tax benefit and requesting that the City Commission approve the tax benefit.

The remodel tax benefit would provide the applicant with property tax abatement on a portion of the

additional City property taxes generated by the redevelopment. The abatement on new property taxes generated by the remodeling would be available to the applicant during the construction year, not to exceed 12 months, and for up to 5 years following completion. In subsequent years, 100% of the additional property taxes resulting from the improvements would be payable. The applicant in this case is requesting a tax benefit based on the \$1.7 million dollars of improvements.

Director Raymond noted that if this tax benefit is approved, it will significantly reduce the amount of TIF increment accumulated within the downtown TIF district. Long term, however, the TIF district will benefit after the five year tax benefit has expired.

The City Commission adopted Resolution 9004 in 1999 that established a policy to approve tax abatements for qualifying projects at the rates and according to the schedule established by the State of Montana.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 10052 were:

Ron Gessaman, 1006 36th Avenue NE, stated opposition to tax abatements and TIFs. He questioned the legality of the proposed abatement, as the law is clear that the work must be done after the application is made, and the work on this project was complete before the application was filed. He noted school districts are first to lose funding from tax abatements. He referenced tax abatement information in the February 14, 2014, Weekly Update and noted the abatement money associated with this project is equivalent to all other abatements that have been granted. He believes services should not be provided to entities that do not pay their share in taxes.

Speaking in support of Resolution 10052 were:

Max Smith, 200 Glenwood Court, stated the project clearly meets the criteria in the statute. He believes tax abatements were made to provide incentive for this kind of project, and the analysis that was done by those who invested risk and resources included reliance on the tax abatement. The business employs a number of people who pay taxes for the community, and he believes the increased value of the building will be a huge boon to the tax base for decades.

Peter Jennings, 215 Sun Prairie Road, a partner in the project, noted that though the City is not growing robustly, investing in those areas that are growing is important. He agrees the partners in this project have taken a great risk with the old building in that remote location, both to contribute to and take advantage of some of the cultural opportunities. He noted state and federal tax credits that exist for this kind of project are being used. He believes those credits are a government investment in old buildings and historic downtowns. He also believes that not supporting projects that are included in the statute would give the wrong message to people and be an unwise investment strategy.

Rebecca Engum, Vice President–Business Strategy, GFDA, expressed support for Resolution 10052 and agreed that a community that values the revitalization of buildings to attract rather than detract increases the value of a community.

Ellen Sievert, Historic Preservation Officer, reported that efforts toward downtown revitalization

have been ongoing for over 10 years, when the City of Great Falls became a Preserve America community, resolving to support historic preservation. The City has benefited from grants for feasibility studies in the downtown from that program. Later, the City became a Montana Main Street program, resolving to reaffirm the commitment. Ms. Sievert is tasked with incentivizing downtown development for the Downtown Master Plan, and many members of the community are volunteering to work on downtown revitalization. She reviewed handouts of studies on how property taxes affect downtowns in revitalization efforts. Taxes are frozen at the current level when tax abatements are approved; the abatement is only on the improvement over the base. She noted that the Cascade County Property Tax Revenue Profile: 2012 Tax Yield per Acre shows most of the taxes come from downtown Great Falls. Cascade County receives \$2 per acre in property taxes, and the City pays the County \$119 per acre. She added there is no incentive to renovate old buildings without a good package of incentives because of increased property taxes.

Mike Witsoe, 510 11th Street South, stated the property is a definite improvement to the neighborhood, and he applauded those who made it happen. He noted the \$322,513.20 that must be returned to Centene Corporation. He discussed the amounts of tax revenue not received due to abatement benefits since 2009, for a total of \$98,684.69. He believes downtown needs to be revitalized, but taxpayers pay the cost.

Gloria Bedker, 3333 17th Avenue South, expressed support for the Celtic Cowboy and its contribution to the downtown. She also expressed support for the downtown and efforts that are made to promote the downtown.

There being no one else to address the Commission, Mayor Pro Tempore Jones closed the public hearing and asked the will of the Commission.

Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission adopt Resolution 10052.

Commissioner Bronson discussed tax abatement concerns, particularly when the property is within an area subject to TIF. He also discussed state law that affords the tax benefit for a period of five years. He believes the proposed abatement should be approved because of the existing City policy. He invited the Commission to provide an initiative to staff to review the tax abatement issue and existing resolutions for future applicants.

Commissioner Jones expressed concern that the proposed abatement would take money away from the downtown TIF district where he believes the money would be better spent on improvements.

Commissioner Burow expressed concern that the TIF and tax abatement could be “double dipping”. He believes support of the abatement should result in the property being pulled out of the TIF district at the end of the abatement term. He discussed the downtown TIF and expressed concern for extending TIF districts.

Commissioner Kelly believes the issue is of great concern because the improvements to the property are over \$1.3 Million, with an abatement of \$23,000 - \$24,000 per year, for a total of approximately \$120,000. He believes the confusing policy must be addressed, but does not believe the parties who presented the opportunity to explore the conflict should be penalized.

Commissioner Jones discussed unfunded police and fire needs and believes the proposed abatement for the first year is \$34,549, and by year five any additional improvements will increase that amount. He discussed fairness and believes the issue needs to be corrected.

Ms. Sievert noted the State of Montana approved the tax abatement to encourage the proposed kind of development. Feasibility studies that were started six years ago included the abatement as part of the development package. She believes the downtown TIF was created in December of 2012 and was not in place for the proposed project.

Deputy Manager Reichelt commented that TIF funding is not available for the duration of the tax abatement.

Mayor Winters expressed concerns for raising fees with the left hand and giving away tax dollars with the right hand. He commended those who have made this investment in the downtown.

Mayor Winters stepped out at 9:08 p.m. and returned at 9:11 p.m.

Motion carried 4-1 (Mayor Winters dissenting).

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

12. **ORDINANCE 3098, ASSIGN CITY ZONING TO A TRACT OF LAND PROPOSED TO BE DESIGNATED AS LOT 5, BLOCK 1, DIVISION ADDITION LOCATED IN THE NE¼ OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. – VOYAGER APARTMENTS DEVELOPMENT.**

Planning and Community Development Director Craig Raymond reported that at the conclusion of a public hearing held on October 23, 2012, the Planning Advisory Board recommended the City Commission approve the annexation of Voyager Apartments, legally described as Lot 5, Block 1, Division Addition, in the City of Great Falls, Montana. The Zoning Commission recommended the City Commission approve assigning a zoning classification of R-6 Multi-Family High Density to the property being annexed.

On December 4, 2012, the City Commission accepted the ordinance on first reading and scheduled a public hearing for December 4, 2012. At that time, however, the applicant and property owner desired to vacate that hearing and instead proposed passage of a Resolution of Intent to Annex. Ultimately, this was successful and the City Commission adopted Resolution 10001.

Currently the developer is prepared to move forward due to successfully receiving different means of financing including Federal Tax Credits, State, and City HOME funds.

Annexation into the City with R-6 Multi-Family High Density zoning would allow the applicant to acquire the ±3.02 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.

Annexation into the city would allow the property owner access to water and sewer services.

Commissioner Kelly moved, seconded by Commissioners Bronson and Burow, that the City Commission accept Ordinance 3098 on first reading and set a public hearing for March 18, 2014.

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

Commissioner Burow inquired if the developer is a non-profit organization that expects public services without paying taxes.

Director Raymond responded that is correct.

Mayor Winters asked if there were any comments from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

13. **ORDINANCE 3117, AMENDING TITLE 5, CHAPTER 3, ARTICLE 3 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO PAWNSHOPS AND SECONDHAND STORES.**

Police Chief Dave Bowen reported that the Great Falls Police Department has been working with area pawnbrokers and secondhand stores over the years to combat the sale or transfer of stolen goods. Ordinance 3117 is being proposed in order to increase participation by local businesses and help reduce the resale of illegally obtained items. The proposed amendment to the existing City Code would require pawnshops, secondhand stores, and valuable article dealers to upload their transactions into the secured database provided by the Police Department to allow viewing by the Police Department and help locate reported stolen property. Since the Police Department pays the fee to maintain the software, this results in no out-of-pocket costs to the business owner. Businesses will be required to upload their transactions no later than 5 p.m. on Friday each week, and will be required to hold the merchandise for 14 days before disposing of it. Business owners who fail to comply with the Ordinance are subject to a fine which will be applied to maintain the cost of the database.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3117 on first reading and set a public hearing for March 4, 2014.

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

Commissioner Burow questioned if the stolen property can be listed online so business owners can know if the property is stolen before making the purchase.

Chief Bowen responded that this secure database is a nationwide program that requires the merchandise be kept secure, and that is why it is only with the Police Department. He noted that he would check to see if there may be a way to make that work.

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

Ron Gessaman, 1006 36th Avenue NE, expressed support for the program because of the amount of theft that occurs all over town. He asked for clarification of the last paragraph of Exhibit A of Ordinance 3117 prior to the public hearing.

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

Motion carried 5-0.

14. **ORDINANCE 3118, AMENDING TITLE 8, CHAPTER 52, SECTIONS 040 AND 050 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO ABATEMENT OF DISEASED VEGETATION.**

Park and Recreation Director Marty Basta reported that Title 8, Chapter 52, Sections 040 and 050 currently directs that the Park Superintendent shall cause infected trees or wood on public property to be removed or treated. Questions of the application of this ordinance have arisen as it is inconsistent with terms of other parts of the City Code which indicate that it is the adjoining property owners' responsibility to maintain the boulevard section or landscaping adjoining their premises, instead of the Park Superintendent. Moreover, the City no longer has a Park Superintendent on staff and those duties are performed by the City Forester. The ordinance does provide an exception for residents within the General Boulevard Maintenance District as previously established by City resolution.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3117 on first reading and set a public hearing for March 4, 2014.

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

Hearing none, he asked if there were any comments from the public.

Ron Gessaman, 1006 36th Avenue NE, referenced Title 17, Chapter 44, Section 2.040 and noted item six prohibits all non-living materials. He reported that type of landscaping exists all over town in residential areas. He believes that laws should not be in place if they are not enforced.

Michael Witsoe, 2612 1st Avenue South, questioned if a property owner who has a diseased tree can call the City Forester for removal, though the cost would be incurred by the property owner.

Director Basta responded the intent of the ordinance is to address diseased trees outside of the General Boulevard Maintenance District where the City maintains those trees.

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

Motion carried 5-0.

15. **RESOLUTION 10051, CALLING FOR A POLL ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

City Attorney Sara Sexe reported that the provisions of the Montana Constitution and Montana Statute require the City to call for an election to be held on June 3, 2014, on the question of conducting a local government review on the form of government and establishing a Study Commission. Pursuant to Montana Statute, the resolution also sets forth the ballot question that will be provided to the voters regarding the Local Government Review, and it is either for or against the review of the government of the City of Great Falls and the establishment of funding, not to exceed \$125,000, which is the equivalent of approximately 1.6 mills of a Local Government Study Commission consisting of five members. The minimum in statute is three members.

The purpose of the Study Commission would be to study the existing form and powers of a local government and the procedures for the delivery of local government services and compare them with other forms available under the laws of the State of Montana. The City of Great Falls operates under a Commission/Manager form of government established by the Charter with self-governing powers. The City Commission appoints the City Manager to direct the day-to-day operations of the City, which carry out the policies as set forth by the City Commission.

Should the electors vote for a review of the form of government, and the funding of a local government study commission, the qualified electors interested in serving on the Study Commission may begin filing as candidates with the Cascade County Election Office for an election to be held in November, 2014. Should the electors vote against a review of the City of Great Falls form of government and the establishment and funding of a local government study commission, the opportunity to review the form of government will be offered again in 2024 (10 years). The fiscal impact of this resolution would increase the property taxes on a home with a taxable market value of \$100,000 by approximately \$3.96 and approximately \$7.92 on a home with a taxable market value of \$200,000.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10051.

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

Hearing none, he asked if there were any comments from the public.

Ron Gessaman, 1006 36th Avenue NE, questioned how the proposed \$125,000 compares with the amount that was spent in 2004.

Mayor Winters responded that information is not available.

Mr. Gessaman also questioned where the balance of the \$125,000 would go if not needed for the Study Commission.

Fiscal Services Director Melissa Kinzler responded that Montana Statute states the unused funds would go to the General Fund.

John Hubbard, 615 7th Avenue South, believes Resolution 10051 would be a waste of money and an increase in taxes that is not needed.

Commissioner Burow noted that electors can vote again the initiative.

Deputy City Manager Jennifer Reichelt commented that the Study Commission would determine how the \$125,000 would be spent. The Commission decided how much was an appropriate amount, after reviewing records from the last 20 years.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. Eric Ray**, 3401 15th Avenue South, affirmed the efforts of the City Commission. He discussed the negative attitudes that have permeated City Commission meetings. He believes there must be respect for the opinions of others.
- B. Gloria Bedker**, 3333 17th Avenue South, thanked the City Commission and staff for working hard for the citizens of Great Falls to provide a fine place to live.
- C. John Hubbard**, 615 7th Avenue South, discussed increased fees, accountability, deregulation, and losses resulting from ECP.
- D. Ron Gessaman**, 1006 36th Avenue NE, noted travelers on 36th Avenue NE were appreciative of the snow removal last week. He complimented Mayor Winters for the good example he sets, on behalf of three ladies trying to leave Albertsons that noticed every driver was talking on a cell phone. He referenced the minutes of the February 4, 2014, City Commission meeting that stated the City had a contract with General Mills, rather than Electric City Power. He also noted that a City Commissioner advocated spraying lawns and flowers with Roundup at the February 4, 2014, City Commission meeting.
- E. Michael Witsoe**, 2612 1st Avenue South, discussed winter weather in Great Falls and recent and upcoming events. He questioned if the City is required to pay the \$322,513.20 for the Centene Corporation loan.

Commissioner Kelly stepped out at 9:56 p.m. and stood at the back of the Commission Chambers until 10:00 p.m.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that he attended an Association of Defense Communities conference with Dave Weissman, Chairman, Montana Defense Alliance the past week, along with

Colonel Harner, MAFB Mission Support Group Commander. The conference was a good opportunity for base leadership to explore public public partnerships that have been discussed over the past year. There is still a lot of uncertainty in the Department of Defense. The Air Force still wants a couple of BRAC rounds. There are too many assets and not enough resources to maintain those assets. He noted there seems to be some scrambling to meet budget requirements. He will provide a more detailed report to the Commission.

Deputy City Manager Jennifer Reichelt commented the letter from the Montana Board of Investments regarding Centene Corporation is an annual statement showing the amount of the loan that had been paid to the State of Montana.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

19. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of February 18, 2014, at 10:17 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

Deputy City Clerk Lucy Hallett

Minutes Approved: March 4, 2014