

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 and Fred Burow. Commissioner Bob Kelly was excused. Also present were the City Manager; Deputy City Manager; City Attorney; Directors of Fiscal Services, Planning and Community Development, and Public Works; Interim Director of Park and Recreation; Police Investigations Captain; and the City Clerk.

**AGENDA APPROVAL:** City Manager Greg Doyon requested that agenda item 6 be moved from the Consent Agenda to New Business. The agenda, with the requested change, was approved.

**PROCLAMATION:** Mayor Winters read a proclamation for the 50<sup>th</sup> Anniversary of the Wilderness Act.

Great Falls Fire Rescue Emergency Planner Kristal Kuhn announced that September is National Emergency Preparedness Month, and that a community preparedness forum is scheduled for September 18, 2014, at 6 pm, at North Middle School Cafeteria.

**\*\* 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 Neighborhood Council representatives.

#### **CONSENT AGENDA.**

2. Minutes, August 19, 2014, Commission meeting.
3. Total Expenditures of \$3,942,135 for the period of August 1-22, 2014, to include claims over \$5,000, in the amount of \$3,645,039.
4. Contracts list.
5. Grants list.
- \*6. Approve labor agreement with the Great Falls Police Protective Association.  
\*This item moved to New Business.

7. Approve Change Order #1 in the amount of \$3,667.50 for the Repair and Preventive Maintenance of the North Parking Structure, and approve Final Payment in the amount of \$5,950.80 to Brown Brothers Concrete & Asphalt and \$60.11 to the State Miscellaneous Tax Division. **OF 1663**
8. Award Contract in the amount of \$247,253 to David W. Kuglin Construction for the 23<sup>rd</sup> Street South Sidewalk Improvements (CTEP) (Bid Schedule B), contingent upon Montana Department of Transportation concurrence. **OF 1671**
9. Award contract in the amount of \$104,500 to A & A Painting of Ohio, LLC for the Historic 10<sup>th</sup> Street Bridge Coatings, Phase 3. **OF 979.7**
10. Award contract in the amount of \$261,980 to United Materials of Great Falls, Inc. for the 18<sup>th</sup> Street South Storm Drain Improvements Phase 3 Chowen Springs Detention Pond. **OF 1462.3**
11. Approve Final Payment in the amount of \$8,705.77 to Dick Anderson Construction, Inc. and \$87.94 to the State Miscellaneous Tax Division for the Crescent Drive and Henderson Heights Water Main Replacements. **OF 1465**
12. Approve Final Payment in the amount of \$2,602.39 to Phillips Construction, LLC and \$26.29 to the State Miscellaneous Tax Division for the 18<sup>th</sup> Street South Storm Drain Improvements Phase 1-A Sand Hills Storm Water Detention Pond Expansion. **OF 1462**

**With the exception of Item 6 being moved to New Business, and Item 9 for additional discussion, Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.**

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

With regard to Item 9, Commissioner Burow asked staff to clarify the funding sources for the contract award for the Historic 10<sup>th</sup> Street Bridge project.

Public Works Director Jim Rearden commented that the City owns the bridge. The project is being accomplished with a grant from Fish, Wildlife and Parks and the balance of the funding from Preservation Cascade.

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

Motion carried 4-0.

### **BOARDS & COMMISSIONS**

13. **MINOR SUBDIVISION OF THE AMENDED PLAT OF LOT 1A, BLOCK 1, INTERNATIONAL MALTING COMPLANY, LLC ADDITION.**

Planning and Community Development Director Craig Raymond reported that the City of Great Falls and ADF International entered into an agreement during the Montana Board of Investments loan process whereby the City would maintain ownership of the subject property until such time

that the MBOI loan was paid in full. A stipulation therein set forth that ADF International would be permitted to carve out certain portions of the property and regain ownership of those specific parcels subject to conditions. ADF International wishes to exercise its option at this time to carve out a portion of the property where its new paint shop is being constructed. After the property has been segregated, ADF International will own the property and will be subject to paying property taxes for that portion which has been deeded back to them.

Therefore, ADF International is requesting a minor subdivision of the subject property, which consists of approximately 100 total acres. The request is to subdivide the property into two lots. The northern parcel, Lot 1A2, will be approximately 2.47 acres and the proposed southern parcel, Lot 1A1, will be approximately 97.45 acres. Access to Lot 1A2 is provided through an access easement via Great Bear Avenue. The subject property is zoned I-2 Heavy Industrial and the proposed paint shop is accessory to the primary use and is consistent with I-2 zoning. Adequate utilities are readily available to serve both lots as proposed.

At a meeting held August 12, 2014, the Planning Advisory Board recommended that the City Commission approve the Amended Plat.

**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. Hearing none, Mayor Winters asked if there were any comments from the public.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, noted that ADF has topped 130 employees.

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

Motion carried 4-0.

#### **14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

#### **PUBLIC HEARINGS**

#### **15. VOYAGEUR APARTMENTS ASSISTED LIVING, 1630 DIVISION ROAD.**

Planning and Community Development Director Craig Raymond reported that this public hearing is to take public comment on whether Accessible Space, Inc. and the Voyageur Apartments Assisted Living will meet a community need. Pursuant to state statute, public hearing notices were published in the *Great Falls Tribune* on August 8 and 23, 2014.

Accessible Space, Inc. (ASI) is a national, nonprofit organization that provides accessible, affordable housing to income qualifying adults with physical disabilities, brain injuries and

seniors, including the frail elderly. Incorporated in 1978, ASI is now the largest provider of HUD Section 811 accessible, affordable housing in the nation with an annual budget of \$33 million and over 550 dedicated employees.

ASI currently operates 11 accessible, affordable and supportive housing developments in Montana including three apartment buildings in Great Falls. Meadow Lark Apartments and Southwinds Estates are designed for very low income adults with physical disabilities. ASI's other apartment building in Great Falls, The Portage, is a 48-unit wheelchair accessible, affordable apartment building for seniors age 62 and older, including frail elderly.

The Voyageur Apartments will provide long-term affordable rental housing for low and very-low income seniors and the disabled that earn 60% or less of the area median income.

Director Raymond further reported that the property in question does appear to be appropriately zoned for this type of use; however, ASI will be required to apply for the appropriate zoning and building permits prior to construction.

Director Raymond concluded that the request is to hear from the applicant and then open the public hearing to provide the public an opportunity to comment on whether the Voyageur Apartments meets a public need. Following the hearing staff will forward the public comment on to the Montana Board of Housing. No action is required by the City Commission except to provide for public comment on the project.

Mayor Winters declared the public hearing open.

**Dan Billmark**, ASI Director of Real Estate Development, St. Paul, MN, reported that primary financing for the development of the project is through State low income housing tax credits. He further credited the City's support through the use of HOME funding. Mr. Billmark commented that 20% of the units in the senior buildings are 100% Type A wheelchair accessible units for seniors to live independently longer in their homes.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, emphasized how important affordable, quality housing is for all residents of our community and especially seniors and those with physical challenges. ASI has a good track record in Great Falls and across the country.

**Terry Thompson**, 317 34<sup>th</sup> Avenue NE, commented that Neighborhood Council 3 sent a letter in support of this project. They are very much in favor of growth and development and providing housing for seniors in the community.

**Sheila Rice**, NeighborWorks Great Falls Executive Director, 509 1<sup>st</sup> Avenue South, commented that, as a member of the Board of Housing, she saw 15 applications come in and this project was one of four chosen. It is a high quality project. Voyageurs and ASI deserve a lot of credit for sticking with this project. It was not an easy one to get funded. Ms. Rice concluded that she cannot speak enough about the need for housing, especially senior housing, in Great Falls. There is a huge shortage of rentals. Imagine what it is like being a senior in a wheelchair trying to find a rental. This project will fill that need.

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

16. **ORDINANCE 3124, TO REZONE LOTS 12-14, BLOCK 356, GREAT FALLS FIRST ADDITION, ADDRESSED AS 1201 1<sup>ST</sup> AVENUE SOUTH, FROM R-3 SINGLE-FAMILY HIGH DENSITY TO R-5 MULTI-FAMILY MEDIUM DENSITY.**

Planning and Community Development Director Craig Raymond reported that this public hearing is to consider Ordinance 3124 which would rezone the subject property from R-3 Single Family High Density to R-5 Multi-Family Medium Density. Historically, the subject property has been an under-utilized paved parking area. The applicant has not proposed a specific development at this time but desires the R-5 zoning in order to generally develop up to 12 units of multi-family housing. Currently, the Land Development Code allows up to 12 units based on the size of the subject property. Planning and Community Development continues to encourage residential infill development or redevelopment and specifically the conversion of properties into higher density uses where appropriate. Naturally, the developer will have to comply with all provisions of the Land Development Code for the R-5 zoning district including off-street parking, landscaping and other dimensional requirements.

At a public hearing held on July 8, 2014, the Planning Advisory Board/Zoning Commission recommended that the City Commission rezone the subject property to R-5 Multi-Family Medium Density subject to certain conditions.

Mayor Winters declared the public hearing open.

Speaking in support of Ordinance 3124 were:

**Neil Fournier**, NeighborWorks Great Falls Director of Rental Development, 509 1<sup>st</sup> Avenue South, reported that what is being proposed are 12 units of three bedroom units for work force housing families. There is a shortage of work force housing in Great Falls. This project will serve a portion of that need.

**Terry Thompson**, Great Falls Association of Realtors CEO, reported that, as a result of a workforce housing conference held in June in cooperation with the City of Great Falls Planning Department, Home Builders Association, Benefis, and the Housing Office of Malmstrom, the Great Falls Association of Realtors identified and made it a primary goal to continue the conversation of the rental shortage in the community. There is a significant need for workforce housing. The current rental situation needs to be improved and more rentals need to be built.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, concurred with Ms. Thompson and added that GFDA has been supporting the high quality rental developments to meet the needs of residents and future residents in the area. Even with the projects underway, he believes there will still be a shortage of hundreds of units. Mr. Doney further noted that this project is very consistent with the downtown master plan. This will be a quality development and it will be nice to see three vacant lots put to use and generating taxes.

**Cheryl Patton**, President of Board of Directors of NeighborWorks Great Falls, reported that for the past two years the Board has been listening to residents in the community and business

recruiters discuss the need for modern, up-to-date rental apartments. NeighborWorks Great Falls has acquired three lots located one block off of Central Avenue to build affordable, modern apartments. This is a great infill project and transition from the commercial to residential district.

No one spoke in opposition to Ordinance 3124.

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

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3124.**

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

Commissioner Burow inquired if NeighborWorks is a non-profit entity and if it would be the owners of this property.

**Sheila Rice** responded that NeighborWorks is a non-profit organization and will be the owners and operators of the apartment.

Commissioner Burow indicated he supports NeighborWorks for the work it does getting people into houses, but finds it hard to support non-profits that use City services and don't give back in the way of taxes.

**Neil Fourtier** clarified that, because this is a multi-family development, NeighborWorks will be responsible for paying real estate taxes on this parcel. There will be some federal funding, but no resources directly from the City of Great Falls in the form of grants for this project.

Commissioner Bronson also clarified that, for the purpose of approving a rezoning request, the question of whether a property is subject to taxes or not, is not appropriate criteria for the Commission to consider.

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

Motion carried 4-0.

17. **ORDINANCE 3125, AMENDING TITLE 5, CHAPTER 3, ARTICLE 3 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO PAWNSHOPS AND SECONDHAND STORES.**

City Attorney Sara Sexe reported that Ordinance 3125 amends Ordinance 3117 relating to Pawnshops and Secondhand Stores. Subsequent to the adoption of Ordinance 3117, representatives of the Great Falls Police Department, and representatives of Pawnbrokers, Second Hand, Valuable Article and Recycling businesses held several meetings to arrive at recommendations as to mutually agreeable exceptions and exclusions. Afterward, Police Chief David Bowen approved exceptions and exclusions to the OCCGF. Additionally, as a result of the meetings with affected business representatives, two revisions are being recommended: 1) changing the time limit that items have to be held from 14 to 7 days, and 2) increasing the fine

from \$50.00 to \$100.00.

Staff recommends the adoption of Ordinance 3125 that will provide the Police Department the ability to have additional enforcement ability through increased fines, while allowing the affected businesses more flexibility in terms of turning over their inventory more quickly.

Police Captain John Schaffer added that the Police Department and several community members were tasked with putting together a working group to come up with exclusions and exceptions to the criteria set forth in the Ordinance. It was a very successful working group in that everyone understood the need to have a working document that would benefit not only the businesses in our community but also assist the Police Department with recovering stolen property and holding the thieves accountable that will be beneficial to the whole community.

Mayor Winters declared the public hearing open.

No one spoke in support of or opposition to Ordinance 3125.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, made several inquiries regarding whether the Ordinance pertained to people bartering or trading items, such as buying items from garage, rummage or estate sales.

Captain Schaffer clarified that the Ordinance pertains to pawn shops, second hand, valuable article and recycling businesses with a City business license.

Commissioner Bronson pointed out that the Ordinance being considered pertains to two amendments to an Ordinance previously adopted.

There being no one further 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 Ordinance 3125.**

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

Motion carried 4-0.

**OLD BUSINESS**

**NEW BUSINESS**

**\*6 LABOR AGREEMENT WITH THE GREAT FALLS POLICE PROTECTIVE ASSOCIATION.**

City Manager Greg Doyon reported that approximately 75% of the City's work force is under a collective bargaining agreement. The remainder is exempt employees that are not subject to collective bargaining. The Police Protective Association negotiates for the police officers. He

reported that a lot of the adjustments in this agreement that are being proposed are market driven and usually tied with a cost of living adjustment. He noted that some other communities have public safety levies that help them pay for the cost of additional personnel. In this case with the Police Protective Association the police officers are paid from the general fund. Manager Doyon reviewed the specific changes to this proposed three-year agreement with the Police Protective Association as set forth in the agenda report.

**Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission approve the labor agreement between the City of Great Falls and the Great Falls Police Protective Association, and authorize the City Manager to execute the agreement.**

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

Commissioners Bronson and Jones expressed appreciation for the efforts of City staff and the Police Protective Association in reaching this agreement.

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

Motion carried 4-0.

### **ORDINANCES/RESOLUTIONS**

**18. RESOLUTION 10087, TO LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that in July, 2014, the Tourism Business Improvement District (TBID) presented its proposed work plan and budget for fiscal year 2014/2015 to the City Commission. After conducting a public hearing on August 5, 2014, the Commission approved the TBID's 2015 work plan and budget. This is the final action required to levy an assessment on the properties within the district. The assessment for fiscal year 2015 will generate \$456,334 in assessment revenue.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10087.**

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 4-0.

**19. RESOLUTION 10086, TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT.**

Fiscal Services Director Melissa Kinzler reported that in July, 2014, the Business Improvement District (BID) presented its proposed work plan and budget and recommended a method of



levying an assessment on the properties within the district that best ensures that assessment on each lot or parcel is equitable in proportion to the benefits to be received for fiscal year 2014/2015. After conducting a public hearing on August 5, 2014, the Commission approved the BID's 2015 work plan and budget. This is the final action required to levy an assessment on the BID properties within the district. The assessment for fiscal year 2015 will generate \$205,811 in assessment revenue.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10087.**

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 4-0.

**PETITIONS AND COMMUNICATIONS**

**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. **Brett Doney**, Great Falls Development Authority, 300 Central Avenue, announced that Great Falls was the only city in Montana to secure Brownsfield Loan Funds from the Environmental Protection Agency (EPA) this year. GFDA was awarded \$200,000 for loan funds to help redevelop commercial properties. He concluded that the EPA recently published success stories about its Brownsfield Loan Fund Program and the first success stories are about Great Falls.
- B. **John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed notarized documents, automated garbage trucks, and he displayed items he picked up with a magnet from his alley.
- C. **Mike Witsoe**, 510 11<sup>th</sup> Street South, thanked those that were involved or participated in recent community events.

**CITY MANAGER**

**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from the City Manager.

**CITY COMMISSION**

**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Burow discussed an article in *The Bismarck Tribune* regarding publicly financed incentives to attract new businesses. He noted that every state and community vies for businesses that bring in high paying jobs. He concluded that with its limited finances, Great Falls was fortunate to attract a company like ADF.

Commissioner Bronson reported that at the groundbreaking for the Talus Apartments a representative of the Ferrin Group commented how much he appreciated working with the City Planning and Community Development Department and the efforts of staff and the Commission

to bring the project to fruition as opposed to another Montana community they are currently working with on a similar project.

23. **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 September 2, 2014, at 8:19 p.m.**

Motion carried 4-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: September 16, 2014