

Regular City Commission Meeting

Mayor Stebbins presiding

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** City Commissioners present: Dona Stebbins, Sandy Hinz, Diane Jovick-Kuntz, Bill Beecher and John Rosenbaum. Also present were the Assistant City Manager, City Attorney, Directors of Community Development, Park and Recreation, Public Works, Library, Planning and Fiscal Services, and the Police Chief, Fire Chief, and City Clerk.

**PRESENTATION:** Welcome – Russian delegation.

**PROCLAMATIONS:** Mayor Stebbins read proclamations for Constitution Week and American Heritage Indian Day.

**NEIGHBORHOOD COUNCILS**

1. There were no reports or announcements from Neighborhood Council representatives.

**PUBLIC HEARINGS**

**Res. 9682 and Ord. 2979, annexation and zoning for Meadowlark Addition No. 5. Adopted.**

- 2A. **RESOLUTION 9682 ANNEXES MEADOWLARK ADDITION NO. 5, CONSISTING OF 20 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED SOUTHWEST OF GRANDE VISTA PARK.**
- 2B. **ORDINANCE 2979, ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY, HIGH-DENSITY DISTRICT.**

Planning Director Ben Rangel reported that property owner and developer, Tom Skovron, proposes to develop a 20 unit single family residential subdivision, titled Meadowlark Addition No. 5. The subdivision is located in southwest Great Falls and is more specifically located southwest of Grande Vista Park and immediately east of Flood Road. Mr. Skovron's overall proposal includes the referenced subdivision, its annexation and the establishment of City zoning.

On August 21st, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested the Commission adopt Resolution 9682, which would annex the subdivision and to adopt Ordinance 2979, which would assign a zoning classification of R-3 single family residential, and to approve the final plat and annexation agreement.

The City Planning Board/Zoning Commission unanimously recommends Commission approval.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9682 and Ordinance 2979.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9682 and approve the Final Plat and Annexation Agreement.**

Motion carried 5-0.

**Commissioner Hinz moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Ordinance 2979.**

Motion carried 5-0.

**Res. 9687 and Ord. 2981, annexation and zoning for Flying J Travel Plaza Addition, Phase II. Adopted.**

**3A. RESOLUTION 9687 ANNEXES FLYING J TRAVEL PLAZA ADDITION, PHASE II.**

**3B. ORDINANCE 2981, ASSIGNS ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT.**

Planning Director Ben Rangel reported that the Great Falls Community Ice Foundation is the owner and developer of property being platted as Flying J Travel Plaza Addition, Phase II. The property is located on top of Gore Hill, just south of the Flying J Truck Stop. The Ice Foundation is currently building an ice arena on the site. The Foundation's overall proposal includes the referenced subdivision, its annexation and the establishment of City zoning.

On August 21st, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested the Commission adopt Resolution 9687, which would annex the subdivision and to adopt Ordinance 2981, which would assign a zoning classification of C-2 general commercial, and to approve the minor plat, the Findings of Fact and annexation agreement.

The City Planning Board/Zoning Commission unanimously recommends Commission approval.

Mayor Stebbins declared the public hearing open. Speaking in favor of Resolution 9687 and Ordinance 2981 was:

**Andrea Hedges**, P.O. Box 2869, President of the Great Falls Community Ice Foundation, thanked the Commissioners and City staff for the attention given to this project.

No one spoke in opposition to Resolution 9687 and Ordinance 2981.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9687 and approve the Minor Plat, Findings of Fact and Annexation.

Motion carried 5-0.

**Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission adopt Ordinance 2981.**

Motion carried 5-0.

Commissioner Rosenbaum thanked the Ice Area members and all volunteers, and stated it was a community effort for a great cause.

**Ord. 2980, Prairie Ridge Estates Subdivision, revised Final Plat and Development Agreement. Adopted.**

**4. ORDINANCE 2980, PRAIRIE RIDGE ESTATES SUBDIVISION, FORMERLY PROCESSED AS UPPER RIVER ROAD ESTATES SUBDIVISION, CONSISTING OF 20 SINGLE-FAMILY RESIDENTIAL LOTS AND ONE LOT WHEREIN 12 RESIDENTIAL CONDOMINIUMS UNITS ARE PROPOSED.**

Planning Director Ben Rangel reported that Gene Thayer is the owner and developer of property located near the corner of Upper River Road and 40<sup>th</sup> Avenue South. Mr. Thayer proposes 20 single-family homes and 12 residential condominiums in an area previously processed as Upper River Road Estates Subdivision, now to be referred to as Prairie Ridge Estates Subdivision. The final plat also includes an adjoining lot in Southridge First Addition and a portion of property described by Certificate of Survey. Mr. Thayer proposes to rezone the properties within the new subdivision. The property was previously annexed into the City as a part of the Upper/Lower River Road Water and Sewer District, Phase 1 project.

On August 21st, the Commission set public hearing for this evening. After conducting the public hearing, Mr. Rangel requested the Commission approve the final plat and development agreement and to adopt Ordinance 2980, as amended, which would rezone the subdivision from R-1 single family residential to PUD planned unit development.

The City Planning Board/Zoning Commission unanimously recommends Commission approval.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Ordinance 2980.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

**Commissioner Hinz moved, seconded by Commissioners Rosenbaum and Beecher, that the City Commission adopt Ordinance 2980 as amended.**

Motion carried 5-0.

**Res. 9681, To Levy and Assess Special Maintenance Lighting Districts. Adopted.**

**5. RESOLUTION 9681, TO LEVY AND ASSESS SPECIAL MAINTENANCE LIGHTING DISTRICTS.**

Fiscal Services Director Coleen Balzarini reported that this is an annual resolution that she asks the Commission to hold a public hearing on and then adopt. It allows the City to assess the cost for lighting all the street lighting districts throughout the City. There are in excess of 10,000 lights and the anticipated annual assessment bill will be approximately \$1,100,000.

Mayor Stebbins declared the public hearing open. No one spoke in favor of Resolution 9681. Speaking in opposition to Resolution 9681 was:

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated that he tried to determine whether or not the cost to the City for this lighting district is reasonable compared to what it was, and compared to what it will be, because we are now involved with SME. The staff has not made it clear what those numbers really mean. Mr. Lewin asked that before the Commissioners approve the assessment for these lights with SME power, find out what it is costing compared to what it was costing.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9681.**

Commissioner Rosenbaum requested that Ms. Balzarini clarify that this doesn't have anything to do with what Mr. Lewin thought it had something to do with.

Fiscal Services Director Coleen Balzarini stated that, first of all, she is not aware of any inquiries from the public with regard to any street lighting maintenance districts. Ms. Balzarini reported that in fiscal year 2004/2005 when the City first started serving its own electricity needs, the street lighting assessment dropped from \$1,183,000 to \$1,117,000. Since then, in fiscal year 2007/2008, the City had added additional street lighting districts and the cost had gone up. It is now up to \$1,180,000. With inflation and power being provided, the costs are still less than in fiscal year 2003/2004

to serve the lighting district.

Motion carried 5-0.

### **OLD BUSINESS**

**Ord. 2972, Amending  
OCCGF 13, Chapter 2,  
Section 070(C)  
Permitting the Extension  
of Utility Services Beyond  
City Limits.  
Adopted.**

**6. ORDINANCE 2972, AMENDING OCCGF 13, CHAPTER 2,  
SECTION 070(C) PERMITTING THE EXTENSION OF  
UTILITY SERVICES BEYOND CITY LIMITS.**

Assistant City Manager Cheryl Patton reported that Ordinance 2972 would permit the extension of the City's utility services beyond City limits where there are uniquely exceptional circumstances that are not conducive to immediate annexation; and, where the City utility system has the capacity to serve such extension; and, where appropriate, the party requesting services provides an engineering analysis demonstrating the feasibility of the extension; and, where the developer or land owner enters into a contract with the City based on 16 conditional criteria that would include but not be limited to: a written consent to annexation on the City's initiative; and, payment for the costs of such extension, service fees and fees in lieu of taxes; and, agreement to be bound by the rules and regulations of the City's utility system.

On September 4<sup>th</sup> the City Commission conducted a public hearing on Ordinance 2972 and all persons wishing to address this issue were allowed the opportunity to speak. After closing the public hearing, the City Commission tabled the ordinance and requested additional information from staff.

Staff has provided copies of the ordinances from Billings, Missoula, Helena and Bozeman as was requested. Also, with your agenda materials is a response from the City Manager and Planning Director to a number of questions raised by various speakers during the public hearing. This memorandum has also been posted on the City's website since last Friday.

Ms. Patton reported that staff recommended the City Commission remove Ordinance 2972 from the table and approve the Ordinance as was presented on September 4<sup>th</sup> with the 16 criteria that would need to be met before the City could consider an agreement relative to a specific piece of property requesting utility service outside the City limits.

Mayor Stebbins asked for the direction of the City Commission

**Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission remove Ordinance 2972 from the table.**

Motion carried 5-0.

**Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Ordinance 2972.**

Commissioner Hinz commented that she struggled a little bit with this. But, because each project has to be considered by the City Commission at the time, separately and, in all respects, meet all 16 criteria, she is comfortable that the sitting City Commission can make the right decision. She is supporting this as another development tool that could come in handy at some point.

Motion carried 5-0.

## **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**Ord. 2984, Establish City Zoning Upon Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition. Accepted on first reading and set public hearing for October 16, 2007.**

**7. ORDINANCE 2984, ESTABLISH CITY ZONING UPON LOTS 1A AND 10A, BLOCK 14, FINLAY'S SUPPLEMENT TO PROSPECT PARK ADDITION.**

Planning Director Ben Rangel reported that Michael & Tammy Gittins and Earl & Helen Burow are the owners of property near 19<sup>th</sup> Street and 21<sup>st</sup> Avenue South. This year, the City installed a water main in a portion of 21<sup>st</sup> Avenue South near these properties. These property owners would like to annex their lots to receive water services. Mr. Rangel requested the Commission accept Ordinance 2984 on first reading and to set public hearing for October 16<sup>th</sup> to consider assignment of City zoning. At that time the Commission will also be asked to approve the annexation of their lots.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 2984 on first reading, and set public hearing for October 16, 2007.**

Motion carried 5-0.

**Res. 9691, Intent to Create Special Improvement Lighting District, City-Owned Residential Lighting No. 1310. Accepted on first reading and set public hearing for October 16, 2007.**

**8. RESOLUTION 9691, INTENT TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT, CITY-OWNED RESIDENTIAL LIGHTING NO. 1310.**

Fiscal Services Director Coleen Balzarini reported that the developer of Meadowlark Addition No. 5 has requested that the City begin the process to create a special lighting district for the installation of twelve 100 watt, high powered sodium street lights on 17 foot fiberglass poles.

**Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Resolution 9691,**

**and set public hearing for October 16, 2007.**

Mayor Stebbins asked if there were any members of the audience that would like to make a comment.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated that the City should not be creating special lighting districts when it is not clear what the cost is because of the relationship with SME.

Motion carried 5-0.

**Res. 9693, Set Mobile Home Park License Fees. Adopted.**

**9. RESOLUTION 9693, SET MOBILE HOME PARK LICENSE FEES.**

Community Development Director Mike Rattray reported that this resolution will reinstate the mobile home licensing fees that were inadvertently omitted upon adoption of the City's land development code. This does not constitute any fee increase.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9693.**

Motion carried 5-0.

**Consent Agenda. Approved as printed.**

**CONSENT AGENDA**

10. Minutes, September 4, 2007, Commission meeting.
11. Total Expenditures of \$1,293,189 for the period of August 31<sup>st</sup> through September 18, 2007, to include claims over \$5,000, in the amount of \$1,150,318.
12. Contracts list.
13. Set public hearing for October 20, 2007, on the Justice Assistance Grant recommendation.
14. Set public hearing for October 2, 2007, on Res. 9694, Cost Recovery for Hazardous Sidewalk at 325 1<sup>st</sup> Avenue North.
15. Set public hearing for October 2, 2007, on Res. 9695, Cost Recovery for Hazardous Sidewalk at 1100 1<sup>st</sup> Avenue South.
16. Approve short term construction loan to Great Falls Port Authority in an amount not to exceed \$491,372 related to the final phase of Centene facility construction.
17. Approve final payment to Shumaker Trucking and Excavating and the State Miscellaneous Tax Division in the amount of \$12,484.34 for the 25<sup>th</sup> Avenue Northeast Water Main Extension. OF 1442.
18. Approve final payment to United Materials of Great Falls, Inc. and the State Miscellaneous Tax Division in the amount of \$3,624.07 for the Morony Natatorium Parking Lot. OF 1393.3.
19. Approve construction contract award for the 2007 Community Development Block Grant Sidewalk Replacement Program to Kuglin Construction in the amount of \$62,286. OF 1507.2.

20. Award bid for 25 In-Car Video Camera Systems to ICOP Digital Incorporated in the amount of \$126,400.
21. Approve amended plat of Lot 13A, Block 1, Riverside Townhomes Addition which subdivides property located along the east bank of the Missouri River into two lots.

**Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission approve the Consent Agenda as presented.**

Mayor Stebbins inquired if there was any comment from the public regarding the consent agenda.

**Richard Liebert**, 289 Boston Coulee Road, inquired if Item 21 was cleared through the Planning Board.

Planning Director Ben Rangel answered that it processed through the Planning Board on Tuesday of last week.

Motion carried 5-0.

#### **BOARDS & COMMISSIONS**

##### **22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

#### **CITY MANAGER**

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

#### **CITY COMMISSION**

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

Mayor Stebbins commented that she had coffee with the Russian delegation this morning and it was delightful to have a chance to visit with them and ask what they thought of our city. They thought it was terribly small. They are all from large, 800,000 plus, cities.

#### **PETITIONS AND COMMUNICATIONS**

##### **25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**Free Speech. Criminal investigation.**

**25A. Rick Valois**, 1606 Adams Blvd., stated he prefaced his remarks that, unless he is in violation of an ordinance or a state law, he will never allow himself to have hands put on him and removed. He will invoke citizens arrest procedures if that ever happens. This is about free speech. Mr. Valois



stated he is a working guy and lives by the golden rule. In his work, he meets a lot of people. Over the last several months he has heard concerns from citizens in the course of his work. Mr. Valois said that people perceive a lack of accountability in this administration. He strongly believes a criminal investigation should begin on this administration, Great Falls Police Department and the animal foundation.

**Ord. 2972. Growth Policy.**

**25B. Claire Baiz**, 105 6<sup>th</sup> Street North, stated she is a Great Falls native and 2007 Great Falls Business Woman of the Year. She stated that she is opposed to Ordinance 2972 because it violates the growth policy. Ms. Baiz stated she has a degree in history and political science. Ms. Baiz read a portion of the Great Falls growth policy. She stated that Ordinance 2972 is an attempt to tailor the rules to a particularly poorly chosen industry, and opined that this is dangerous politics and bad business. She stated that the citizens of Great Falls want to put a stop to the coal plant. Ms. Baiz then read a portion of AG Opinion 23 with regard to the Planned Community Development Act of 1973. She asked for an answer, for the record, can a property owner agree to future annexation to get approval for something, even if the annexation is not legally allowed. Ms. Baiz then read a portion of the Ordinance 2972. She asked if Highwood Generating Station is such a good idea, why weren't the people given a voice in the first place. She stated that she understands it is common practice for our City Manager to sign some documents before they come to a final vote of the City Commission. On May 30<sup>th</sup> John Lawton signed contracts regarding Ordinance 2972, six days before the City Commission voted to approve those contracts. Common practice or not, Ms. Baiz asked the Commission to consider how bad this looks from the outside looking in.

**Ord. 2972.**

**25C. Andrea Deligdish**, 3016 Central, made comments regarding Ordinance 2972 and inquired if the City goes ahead with this project, at what point is there going to be a public hearing about the different businesses that are going to request an extension of utility services beyond city limits. Ms. Deligdish stated that she read the 16 points and it is not clear to her if there is going to be a public hearing or if the Commission approves the projects without a public hearing.

Assistant City Manager Cheryl Patton responded that, normally, contracts do not require a public hearing. However, the Commission allows for comment on an agenda item not previously discussed.

Ms. Deligdish asked how will the public comment on it before the Commission approves it.

Ms. Patton answered that each project would develop a contract and that contract for that specific project would come before the City Commission for approval. It would be on the formal agenda and people would have an opportunity to comment before it is voted on.

Ms. Deligdish stated that spot zoning makes a mess.

**Free Speech. HGS.**

**25D. Larry Kralj**, 210 24<sup>th</sup> Avenue South, stated that he has his watch and he will let the Commission know when his five minutes are up. Mr. Kralj stated that, since it is Constitution Week, he will not be removed or arrested by any plain clothed policeman that might be lurking in the audience, and that he will stay here and claim his five minutes of free speech. Mr. Kralj stated that it makes him sick to see people on this administration singing praises of the Constitution while conducting one of the most tyrannical government policies that he has ever seen. Mr. Kralj stated that no one in Great Falls wants the coal plant, the Commission took away their right to vote on it, limited comments to three minutes, and was upset that a person was hauled off when they didn't like what she had to say. Mr. Kralj opined that the citizens are outraged on how this is being pushed through.

**Ord. 2972. HGS.**

**25E. Kathy Gessaman**, 1006 36<sup>th</sup> Avenue N.E., stated that she is disappointed with the action taken by the Commission this evening. Mrs. Gessaman stated that she sent an email to the Commissioners and the Mayor and hand-delivered a hard copy to the City's secretary. To date, she has not received a response. She stated that she is not sure how citizens can have an impact on the City's policies when no one on the Commission or the Mayor will talk to them or have a dialogue. Mrs. Gessaman stated that good points were submitted on how to make Ordinance 2972 better, and would like the Commission to work with the non-elected, nine member City Planning Advisory Board. She stated they all want the best for this community; that the environment be healthy; and, that the citizens won't be contaminated by unnecessary coal plants. Mrs. Gessaman opined that it is unnecessary in this day and age.

**Ord. 2972.**

**25F. Richard Liebert**, 289 Boston Coulee Road, stated that democracy is the worst form of government, but it is far better than the alternatives. Mr. Liebert wants to know why the Planning Board was not involved in the development of Ordinance 2972, because it is everything about annexation, services, and growth policy. Mr. Liebert thought they should be involved in any application for any business outside of the City boundaries.

Planning Director Ben Rangel responded that Ordinance 2972 deals with the OCCGF Title 13, which involves utility extensions, and is the section dealing with service areas by which the City would provide sewer and water services. In all intents and purposes, that section is a section of City Code that does not routinely involve the City Planning Board in regard to reviewing issues with them dealing with utility extensions that do not involve annexation. In terms of the growth policy and issues of review of proposals from developers or individuals interested in receiving City utilities, but not annexing under this particular provision, are issues that have been brought up by others, per se, it is not a planning issue. The growth policies that are being dealt with, the zoning ordinances, the subdivision regulations and so forth that are applicable to these types of properties beyond the City limits, are properties governed by

the County planning operations. This ordinance is relying upon the planning requirements that are in place in the county areas that the properties requesting City services would be subject to, would need to meet those requirements. If they do, their next interest is to receive City services. Then this is, in essence, a request for provision of utilities. The planning issues and growth policy issues would be applied in the county where the properties are under county planning and jurisdiction. The City of Great Falls does not have jurisdiction regarding planning beyond the city limits.

Mr. Liebert said planning means development and growth. Mr. Liebert stated that maybe the City/County Planning Board needs to be formed together to deal with these issues. He said the Montana Constitution, Article 2, Section 9, the public's right to know, goes hand in hand with the First Amendment.

HGS.

**25G. Oly Stimac, Jr.**, 57 Country Lane, stated that he disagrees that the whole City doesn't want the Highwood station. He wants it. The workers that he represents want it. They can't be here to talk for themselves because they have to work out of town to make a living. It was industry that bought his family to this country, and hopefully it will be industry that brings his brothers back to this community. He stands in support of the Highwood station. He applauds SME for signing the project labor agreement with the local union so that it is built with Great Falls labor.

HGS.

**25H. Homer Friholtz**, Box 211, Gildford, stated he doesn't understand that it is just a handful of people that want this generating thing. Chouteau County, Big Sandy, Fort Benton, and Rocky Boy Reservation have signed against it. Mr. Friholtz stated that there is too much cancer. Mr. Gregori said in the paper yesterday that this plant is going to be built. Mr. Friholtz said, "I am telling Mr. Gregori it is not going to be built."

HGS.

**25I. George Golie**, 316 20<sup>th</sup> Avenue South, stated that he is the business manager for the Local 400 of the Operating Engineers Union. Mr. Golie said that membership supports the Highwood Generating Station. He thanked the Commissioners for supporting the ordinance change.

ECP. HGS.

**25J. John Hubbard**, 615 7<sup>th</sup> Avenue South, stated that, apparently, he lives in hell. Mr. Hubbard said the Great Falls tax payers are paying the piper for Electric City Power. He said it looks like a bunch of bad decisions have been made. Mr. Hubbard said he read the Supreme Court's Decision and read it to the County Commissioners. He said the Supreme Court has told the EPA to curb this behavior. It is against the Clear Air Act.

HGS.

**25K. Sandra Dimauro**, 4215 7<sup>th</sup> Avenue North, stated that clean renewable energy is critical to the health and prosperity of the City. Ms. Dimauro stated that the coal plant means the production of toxic pollutants, and that there is no such thing as clean coal. There is no method today that will mitigate the pollutants created by the coal fired plant. She stated that we have a moral obligation not to add to the environmental consequences of pollution, and the

citizens will have to live with the results of the Commission's decision.

**HGS.**

**25L. Carol Fisher**, 500 53<sup>rd</sup> Street South, stated she is confused now that Ordinance 2972 has passed. She inquired if the Commission is going to go back and re-do the utilities to the coal plant that was already approved before the ordinance was passed. Also, she doesn't see how the City is going to save money with all the money that is going to be invested in the coal plant. Ms. Fisher that that, doing the math, she doesn't see the logical sense for the coal plant.

**HGS. City Manager.**

**25M. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated he can see that being a commissioner is not an easy job. He stated that it reminds him of rearranging the deck chairs on the Titanic. Mr. Lewin stated that it isn't so much about the coal plant as it is the process, and opined that the process has completely broken down. He stated that the Commission didn't question enough the City Manager when they voted him in, and one thing leads to another. The decision about where to build will be made by the County growth policy plan. Mr. Lewin stated that he wrote the Commission a letter this summer telling them that it was a big mistake to decide who the new City Manager will be until after the people had a right to vote and decide who will sit in these chairs. Mr. Lewin stated that the Commission continues on listening to the doubletalk of the City Manager.

**HGS. SME. ECP.**

**25N. Larry Rezendes**, 2208 1<sup>st</sup> Avenue North, stated that he appreciates what the union representatives had to say. He doesn't think it is correct for those who have said no one supports the Highwood Generating Station. People that support the plant are those who, understandably, have a need to raise families and earn a living. But, they are being influenced by the economic short term to the detriment of what the long term implications of this plant are. Mr. Rezendes opined that 1.3 million dollars is owed to SME, for contracts getting the benefit for under priced power. Mr. Rezendes opined that the City Commissioners have been remiss in allowing the approach to sell power by ECP. Extension of utility services to the plant is another way the City has gone about providing resources in a way around what should be done in accordance with normal protocol and procedure.

**Thanked Commissioners  
for Ice Arena project.  
City Manager.**

**25O. Martin Triplet**, 625 Carol Drive, thanked the Commissioners for the Flying J project and believes the kids will reap the benefits of the hockey rink. Mr. Triplet stated that the people elected the Commissioners. The voters made a decision when they elected this Commission and they should make their decision on a new City Manager. That is what the Commission was elected to do. Mr. Triplet said it is time to get that process started and John Lawton gave plenty of notice.

**HGS.**

**25P. Vickie Friholtz**, Gildford, stated that coal fired generators are a thing of the past. More laws are coming out regulating them and more people are condemning them. Ms. Friholtz said the Commission should go with the health of the people, which is more important than coal fired generating.

HGS.

**25Q. Ken Thornton**, 31 Paradise Lane, stated that he read in the paper today that Tim Gregori said we are going to capture the carbon, take the Air Force's carbon and put it in the same pipe and sequester it. Mr. Thornton said he inquired how much this project will cost. Mr. Thornton said there is no agreement that the federal government will pay for sequestration. There are 1,100 other plants that will be fighting for money. There is nothing about this plant that makes it perfect for a carbon capture sequestration project. The other plants will be competing. Mr. Thornton said the predicted costs need to be added into what the power can be sold for. Mr. Thornton said there is no way to tell what is down the road 30 years from now, and requested the Commission reconsider their decision.

Ord. 2972.

**25R. Mary Jaraczski**, Great Falls attorney, stated she is here on behalf of SME, and wanted to share comments regarding Ordinance 2972. Ms. Jaraczski stated there was discussion regarding the City and the County growth policies. She stated that it is strictly a policy and not a mandate. A policy is a document intended to guide the Commission as a decision maker. It is not a document that directs the Commission's decision. Both policies provide for, as an objective, the City and the County to grow economically. There were also comments regarding the Planning Department and their role in Ordinance 2972. The Planning Department deals with land use. Ordinance 2972 concerns itself with a provision of services. It is two separate things. Ms. Jaraczski commended the Commission for looking at the other ordinances and making its own ordinance the best it can be. Ordinance 2972 on its face does not per se only apply to the Highwood Generating Station. Ordinance 2972 provides a benefit to the City and County in general.

HGS.

**25S. Tim Gregori**, General Manager of Southern Montana Electric Generation and Transmission Cooperative stated that, over the course of the past few years, this project has demanded a great deal of Commission time. Mr. Gregori stated that earlier this evening we heard a presentation on the commemoration of the institution of the Constitution of the United States. He said one thing we may have lost sight of over the past few years is we should be thankful to rise up and speak for and against issues that we feel strongly about. As we exercise those rights as Americans, we should treat each other with respect when we address one another. Mr. Gregori thanked the Commission for the integrity and dignity that he had seen them exercise in their duties and responsibilities. Mr. Gregori said it has not been easy for the Commissioners to sit on the peripheral edges of this project and take the abuse they had to take. He stated there is a process in place for people to voice their feelings on the project. There have been multiple hearings and comment periods on every phase of the project. He would hope that the people would use the process as was intended, and funnel those comments at the appropriate time.

HGS.

**25T. Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented that he liked seeing the agenda on the screen that he suggested. Mr. Gessaman stated that

he has had difficulty about the implications of Ordinance 2972 and not given the courtesy of a response. He does not feel that it represents the best possible ordinance we could have on the service area. Regarding the Highwood Generating Station, Mr. Gessaman stated that it has split the community. Mr. Gessaman said on February 6, 2007, he asked for details from Mr. Lawton regarding the representation that the process to be used for the Highwood Generating Station is the absolute latest technology and wanted to see articles from engineering journals, and has not received a response. Mr. Gessaman stated that he works for Sasol, the largest coal to liquid generation facility in the world. Carbon is a valuable commodity to a coal to liquid plant, so he is not sure why they would send it over in a pipe to Mr. Gregori's plant. Mr. Gessaman commented on the memo provided with regard to questions on Ordinance 2972 and opined that it is a smokescreen. There is nothing mentioned about the Tischler Bise studies, or Commissioner Jovick-Kuntz's request for the City Attorney to address the legal issues of the Attorney General.

**SME.**

**25U. Randy Boysen**, 1009 35<sup>th</sup> Avenue N.E., stated that he is a consulting accountant for SME and would like to clarify items that he read and heard in regards to a 1.4 million deposit. As an accountant for SME, some of the assigned responsibilities that he had been given over a course of time were to see that SME meets all of its obligations with regard to any power supply contracts. Certain suppliers of power require guarantees. In one particular case, a letter of credit. This is in no way, shape or form any type of method for SME to request repayment on any type of debt at this time. It is not a debt repayment. It is a deposit that supports the letter of credit. Mr. Boysen said it isn't any different than paying your landlord. If you don't pay your rent, there goes your deposit.

**SME.**

**25V. Ed McKnight**, 906 3<sup>rd</sup> Avenue North, read findings that he received from Coleen Balzarini. Mr. McKnight gave an example of the transmission rate between SME and NorthWestern and opined that the City is not saving any money on the lighting district and is losing money. Mr. McKnight said there was an estimate that the City is into this investment 3.5 million dollars now, and the amount of money being paid on the initial loan is more than \$100,000. He stated the City is losing hundreds of thousands of dollars on the buying and selling of electricity, all in an attempt to theoretically save \$70,000 per year.

**25W. Eric Brokl**, 1013 10<sup>th</sup> Avenue S.W., stated that he came here as a student of the University of Great Falls for a government class, and stated he is in awe of this whole process. He stated that he can't believe that the Commissioners can sit there with unhappy people and be calm and stoic and not react. He applauds that. There is no way to agree with everybody. He stated that he wants them to realize that the loudest voice they hear is not always the voice of the populus. He stated that he is against the Highwood Generating Station with what little he knows about it. He said, however, if you are looking down the road, none of us could know what is going to

happen and we can't predict the future. He thinks that the Commission is doing what is in their heart and mind. Since the Commissioners are elected, he believes they will do the right thing and that is why they are here. And as far as the City Manager, he believes that the Commission will do the right thing and pick the right person. He stated that he will come more to the meetings, and that it wasn't as educational as he thought it would be, but was good viewing.

### **ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum that the regular meeting of September 18, 2007, be adjourned at 9:00 o'clock p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk