

JOURNAL OF COMMISSION PROCEEDINGS
August 3, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. Also present were: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Finance Director Melissa Kinzler; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; City Attorney Sara Sexe; and, Police Chief Jeff Newton.

Public participation is welcome as follows:

- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, August 3, 2021, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The public may view and listen to the meeting on cable channel 190, or online at <https://greatfallsmt.net/livestream>.

AGENDA APPROVAL: City Manager Greg Doyon reported that the Montana Air National Guard was unable to provide a briefing due to actively fighting fires. There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

MILITARY UPDATES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MONTANA AIR NATIONAL GUARD (MANG).

Due to the Montana Guard Bureau's involvement in fighting fires, Colonel Trace Thomas was unable to attend this evening to provide an update.

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PETITIONS AND COMMUNICATIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Joan Redeen, Business Improvement District, presented the Downtown Safety Alliance Safety Plan 2021 and Achievements. She encouraged attendance at the Downtown Safety Alliance meetings held at 9:00 AM on the first Tuesday of every month at 509 1st Avenue South.

A copy of the updated Safety Plan will be provided to the Crime Task Force.

Rae Grulkowski, Stockett, commented that she has met more people that have no idea about the National Heritage Area (NHA), and asked that the Commission take its time and consideration of any establishment or engagement in that project. She reported that she has not received any response from the corporation to her July 21st letter. She is hoping to engage in community meetings, stating that less than 2% of the population have any idea about this NHA. She concluded that without the opportunities to educate citizens she thinks there is some nefarious reasons to establish a heritage area.

John Hubbard, City resident, commented that infrastructure taxes have been paid. He discussed a personal situation that occurred with his granddaughter while working at Walmart and another incident involving his daughter and items being held at the Police Department.

Kim Gloege, City resident, commented it would be a good idea to have a meeting to discuss the pros and cons of the NHA.

Marc Bumgarner, Belt, as a property owner he was curious why the NHA wasn't more publicized so more people know about it. He couldn't believe a prior commissioner would push something like this on other people's property. He is against the NHA and hopes the Commission will give it more time to let people speak out and learn more about it.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the following:

Aim High Big Sky Recreation Center (OF 1770):

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- The design is almost entirely complete.
- Bid documents are being prepared with a list of alternatives.
- Bids are due tomorrow for relocating the water main that runs through the park. Award of that project by the Commission will be the commencement date for the project.
- The drawings are almost completed for the facility and will be submitted to Planning and Community Development. The City plans to move forward with bid solicitation for the construction in late August, with March for the project start date. The Office of Local Defense Community Cooperation (OLDCC) concurs, and doesn't have a concern with the City starting facility construction in the spring. This may work out more favorably as the supply chain is a little challenged at the moment and material costs are higher. A little bit of a delay will be more helpful in terms of giving potential bidding companies an option to lay out their construction schedule for next year under a more favorable timeframe. OLDCC further concurred with a modified completion date from July 2023 to March 2024.
- There was a delay with regard to financing and some other processes because there was a pending complaint against how the City secured professional services for the grant. Mr. Faccenda alleged that the City violated 2 CFR Part 200. Manager Doyon received a copy of a letter sent to Mr. Faccenda today that basically said OLDCC, upon their investigation, found that there were no violations of the procurement guidelines. Those complaints were found not to exist and the City can now move forward with the financing.

Great Falls Fire Rescue advises that it is going through another ISO (Insurance Services Office) review. That is the entity the insurance companies use to rate, validate and provide insurance quotes to the public with regard to how the City meets certain requirements for fire services and medical services. Basically, they verify how well equipped the department is to respond to fires or emergency calls and use that information to determine insurance rates. As part of their determination, they will also look at the water distribution system, dispatch services, the time frames responding to alarms, and training. He will let the Commission know when the evaluation is complete.

Great Falls Police Department held a promotional ceremony today for Doug Otto, promoted to Captain; Tony Munkers, promoted to Lieutenant; Katie Cunningham, promoted to Sergeant; Dereck Mahlum, promoted to Sergeant; and Josh Gardner, promoted to Sergeant.

CourseCo will be providing its payment in the approximate amount of \$264,000 with regard to their operations at the golf courses. Staff is happy with the way they operate the courses and the success that they have had in their ability to generate revenue that has allowed us to pay on the debt that is owed to the general fund. Other capital obligations will need to go back into the facility.

Mayor Kelly inquired the amount of monies spent to defend Mr. Faccenda's complaints.

Manager Doyon responded that, because Sara Sexe was part of the procurement process, she was conflicted out. The City retained outside counsel to provide guidance and a response to OLDCC's

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general counsel. The first bill was \$7,000-\$8,000. Mr. Faccenda modified his complaint in the midst of the first complaint, which we had to process again. He is anticipating a \$12,000 - \$14,000 bill to address the complaint that was made.

Manager Doyon left the meeting at 7:26 PM.

CONSENT AGENDA.

6. Minutes, July 20, 2021, City Commission Meeting.
7. Total Expenditures of \$2,844,884 for the period of June 27, 2021 through July 21, 2021, to include claims over \$25,000, in the amount of \$2,201,168.
8. Contracts List.
9. Grants List.
10. Approve a Professional Services Agreement in the amount \$135,598.50 to Great West Engineering Inc., for the Central Ave / 3rd St Drainage Improvements project, and authorize the City Manager to execute the agreement documents. **OF 1779**
11. Approve the purchase of one new Elgin Whirlwind vacuum sweeper from Titan Machinery of Great Falls, through Sourcewell, formerly known as NJPA, for a total of \$302,251.16, including shipping.
12. Approve the Final Payment for Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain in the amount of \$31,681.98 to MRTE, Inc., and \$320.02 to the State Miscellaneous Tax Fund and authorize the City Manager execute the necessary documents and to make the payments. **OF 1658.1**
13. Set a public hearing on Resolution 10426, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center for August 17, 2021.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as presented.

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

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14. RESOLUTION 10415, TO LEVY AND ASSESS THE GENERAL BOULEVARD MAINTENANCE DISTRICT NO. 3570.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that the Park and Recreation Department, Natural Resources – Boulevard Division is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are pruning, tree removal, planting, and streetscape design.

After calculating all factors pertinent to the operation of the Natural Resources – Boulevard Division, an assessment amount for the next fiscal year is calculated and proposed to the City Commission. The estimated assessment amount for the General Boulevard Maintenance District for the next fiscal year is reflected in the Fiscal Year 2022 Budget. No assessment increase has been proposed for FY 22 to aid in the economic recovery from Covid-19.

The estimated assessment amount for the General Boulevard Maintenance District for the next fiscal year is \$405,892, and will result in an approximate assessment of \$85.85 for an average size lot of 7,500 square feet.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10415.

John Hubbard, City resident, commented that last year he raked leaves on two lots that were neglected to be picked up. He suggested a decrease in the assessment.

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

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10415.

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

Commissioner Tryon inquired if there was an issue with leaf collection last year.

Park and Recreation Director Steve Herrig responded that there could have been a delay in schedules, due to early snowfall. When snow covers the leaves or the snow melts and freezes, staff can no longer pick the leaves up. There was not an increase in the boulevard district last year as well.

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

Motion carried 5-0.

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15. RESOLUTION 10416, TO LEVY AND ASSESS GREAT FALLS PARK DISTRICT NO. 1.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that, on June 5, 2018, the City Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. The boundaries of the District are the current incorporated limits of the City, as well as all properties later annexed thereto.

The Park District's overall purpose is to utilize assessment dollars and direct those monies to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or
- Other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department.

The Park District's revenue may not be used for programming.

The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1,500,000 annually. Fiscal Year 2022 is year four of the assessment. The annual assessment is based on the taxable value of each parcel within the District for a total of \$1,500,000 district-wide. The Fiscal Year 2022 Adopted Budget includes a debt service payment of approximately \$725,443 from the Park District Fund for the issuance of \$10.0 million in bonds that will be the grant match for building a new recreation and aquatics center. This leaves approximately \$774,000 available for other Park District projects.

Based on last year's valuations, the estimated annual assessment for a \$100,000 market value property would be \$25.64.

Mayor Kelly asked if the Commission members had any questions.

Mayor Kelly asked what assumptions were used for the debt service payment anticipated for the \$10 million.

Director Kinzler believes it was 17 years at about 4% or less.

Commissioner Tryon commented that there is a possibility of going over budget on building the aquatic center and inquired if money to pay for that could come out of the park assessment.

Director Kinzler and Deputy City Manager Chuck Anderson responded that would be something that would be brought to the Commission for consideration.

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Commissioner Tryon inquired how future programming would be subsidized if it were more than assumed.

Deputy Manager Anderson responded that is part of the business plan staff is working on with the consultant for the project itself and the recreation center on how programming will cover expenses.

Director Herrig commented that it is correct that programming operations cannot come out of the park district. Currently, a small subsidy from the general fund is received for recreation and aquatics. The goal is to maintain the programming level within that subsidy along with new revenue streams. The consultant is looking at all of that.

Commissioner Tryon inquired what projects were proposed for the \$774,000 that is available.

Director Herrig commented that the projects were listed during the budget process this year – pavilion roof replacement, outdoor fitness equipment, padding at Gibson Park, sport courts, irrigation upgrades, work at the disk golf course at Warden Park, River’s Edge Trail improvements, tree replacement and turf maintenance, as well as annual forestry staff, park laborer, seasonal laborers, and forestry and parks ERS replacement schedule.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10416.

John Hubbard, City resident, opposed the assessment.

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

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10416.

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

Motion carried 5-0.

16. RESOLUTION 10417, TO LEVY AND ASSESS PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICTS.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that there are currently 27 Special Improvement Lighting Districts (SLD’s) with approximately 9,429 roadway lights. The majority (97%) of the roadway lights are owned by NorthWestern Energy. The City pays a maintenance fee to NorthWestern Energy for these lights in addition to a fee, which covers the electrical transmission and distribution. The electrical supply for the street lights is currently being furnished by Energy Keepers. The remaining 3% of the roadway lights is City-owned.

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The purpose of the Special Improvement Lighting District Fund is to maintain the lights and poles and furnish electrical supply for the lighting districts throughout the year.

Adoption of Resolution 10417 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

The estimated assessment amount for the Special Improvement Lighting District Funds for the next fiscal year is \$1,111,842. The total assessment amount reflects an aggregate 1.0% decrease from the prior fiscal year.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10417.

John Hubbard, City resident, spoke in favor of the decrease in this assessment.

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

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10417.

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

Motion carried 5-0.

17. **RESOLUTION 10418, TO LEVY AND ASSESS THE PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.**

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that, in February 1977, the Commission adopted Resolution 6913 that created the Special Improvement Maintenance District 1195 for the purpose of maintaining the Green Belt of the Portage Meadows Addition. The assessment covers the costs of materials, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning, which was part of the original Planned Unit Development. No assessment increase is proposed for FY22 to aid in the economic recovery from Covid-19.

Adoption of Resolution 10418 will allow the City to finance the cost of repairs and maintenance required each year in the Portage Meadows Maintenance District.

The estimated assessment amount for the Portage Meadows Maintenance District No. 1135 for the next fiscal year is the amount reflected in the Fiscal Year 2022 Budget that equates to a total of \$65,252, and will result in an annual assessment of approximately \$348.90 for an average lot of 4,501 square feet.

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Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10418.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10418.

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

Commissioner Houck commented that this was a unique, successful partnership model.

Motion carried 5-0.

18. RESOLUTION 10419, TO LEVY AND ASSESS THE STREET MAINTENANCE DISTRICT.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that the Street Division maintains approximately 383 miles of streets and alleys within the City limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, the Traffic Operations Division is responsible for the maintenance of all roadway signs, signals and pavement markings.

During the budget process, information is gathered regarding the actual and anticipated expenses of the Street District Fund. Future capital projects are reviewed and the street maintenance assessment for the next fiscal year is discussed. No assessment increase is proposed for FY22 to aid in the economic recovery from Covid-19. The last assessment increase was in 2016.

Adoption of Resolution 10419 will allow the City to fund the costs of work, improvements and maintenance within the Street Maintenance District. The total estimated assessment for the District is \$4,583,265, and will result in an annual assessment of \$110.75 for an average size lot of 7,500 square feet.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10419.

John Hubbard, City resident, spoke in favor of Resolution 10419, fixing potholes and replacing his damaged sanitation container.

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

Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10419.

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Motion carried 5-0.

19. RESOLUTION 10421, TO AMEND RESOLUTION 10096 TO MODIFY THE EXISTING CONDITIONAL USE PERMIT (CUP) FOR HELENA AGRI-ENTERPRISES, LLC AT 6201 18TH AVE N TO ALLOW THE PERIODIC STORAGE OF ANHYDROUS AMMONIA (NH₃) ONSITE IN ORDER TO MANUFACTURE AMMONIUM POLYPHOSPHATE (APP).

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that this item is a public hearing to consider Resolution 10421 amending Resolution 10096 which granted a Conditional Use Permit to Helena Chemical to construct and operate a business that handles hazardous substances on property addressed as 6201 & 6301 18th Avenue North.

The applicant, Helena Agri-Enterprises, LLC (Helena Chemical), is a national fertilizer company that has been in operation since 1957 and has been established in Great Falls at AgriTech Park on Lot 3A since 2016. Helena Agri-Enterprises, LLC receives large quantities of dry and liquid fertilizer from rail and truck, then will mix, blend, repackage, store, and redistribute large quantities of fertilizer to farmers across Montana. The type of product redistributed depends on the specific need from each individual farmer.

During the 2015 CUP review process, Staff identified two chemicals as not being permitted to be brought into the facility, ammonium nitrate and anhydrous ammonia. The caution at the time was related to the flammable nature of these chemicals. However, Staff has recently been contacted by the applicant requesting that the CUP be modified to allow anhydrous ammonia because of the need to supply ammonium polyphosphate to local farmers. The amendment requested will allow Helena Chemical to periodically store anhydrous ammonia onsite in order to manufacture ammonium polyphosphate. The proposed process would include importing material on trucks to be staged at the facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished ammonium polyphosphate and will use all the anhydrous ammonia stored in the trucks in approximately twenty-four hours. The rail trucks will be connected to the vessels and attached to the blending unit by hose. The ammonia will be discharged from the unit by hose to existing plumbing and tanks. At this point, Helena Chemical anticipates the blending operation will be needed two times per calendar year. That being said, the approval of the CUP does not restrict how many times per year the mixing operation can take place.

Staff from various departments, including Fire Rescue, have reviewed the proposal and find that this amendment is a reasonable modification of the 2015 CUP. The Staff recommendation is based on the ongoing efforts that Helena Agri-Enterprises, LLC has taken over the years to ensure safety in their chemical handling processes. Additionally, the specific process proposed minimizes risk because the anhydrous ammonia is connected directly from its transport container to the on-site mixing tank.

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Finally, subsequent to the last meeting in which the Commission set the public hearing, staff has been working with Helena Chemical to address specific questions or concerns that the Commission mentioned. Additional information has been added to the staff report that addresses those questions. Additionally, representatives from Helena Chemical are present this evening to answer any other questions or to clarify the operations and safety process. Staff recommends that the Commission approve the CUP to operate a business handling hazardous substances at the AgriTech Industrial Park.

Mayor Kelly asked if the Commission members had any questions.

In response to Mayor Kelly, Director Raymond reported that Malmstrom Air Force Base has not said anything regarding this process.

Mayor Kelly inquired if Great Falls Fire Rescue would be alerted when the trucks bring in the product.

Fire Chief Jeremy Jones responded that a heads up when the process is going to take place would be good. With the processes the company has in place, their impeccable safety record, and the products that are being used, he isn't too concerned. In the event there was a release, due to the location of the facility, it will go away from immediate danger to life and health of the public. There is a hazmat team to mitigate those type of situations if they arise. Having the product come in twice a year to this facility is not going to impede or be any more dangerous than any given day in the community.

Applicant, **Gareth Davis**, Project Manager for Helena Chemical, reported that APP is one of the basic materials that they supply to local farmers and retailers that supply to farmers. There are three major components to growing crops, macronutrients, nitrogen phosphorus and potassium. This particular product provides nitrogen and phosphorus all in one product. Because of Covid and other challenges in the supply chain they have brought in APP finished by rail car. With the supply chain issues, they have found an issue trying to get that product to their customers in a timely manner.

With the region being mainly dry land farming, obviously fertilizing crops is very critical because you're depending on mother nature to provide that water to grow your crops. This will give them another option to supply that material and will still supplement through the year with whatever finished product they could get as well. From the standpoint of the cost effectiveness and the logistics of scheduling the railcars, the trucks, and the contractor to do it, they anticipate this process two times a year. Rail wouldn't be an option at this current moment, but they want to keep that in the proposal in case BNSF upgrades their systems to allow the receiving of anhydrous cars.

Project Manager Davis concluded that the company will communicate with and provide notification to the Fire Department regarding this process.

Mayor Kelly asked if there were any questions from the Commissioners.

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Commissioner Moe inquired if the company has done this particular operation in other states and if they have ever had an accident.

Project Manager Davis responded they have not had an accident at this point in time. This year they have done over 30 portable processes of blending APP. They have a couple locations that have permanent anhydrous tanks on site that are supplemented by delivery trucks, and they have a stationary unit that uses NH₃ and a stationary acid tank.

Commissioner Moe commented that there was mention that a potentially affected area was Giant Springs State Park. She inquired if they have been contacted.

Director Raymond responded that he is unaware at this time if the park was directly contacted. The general notification for public hearings is those within 150 feet of the property.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10421.

Brett Doney, Great Falls Development Authority, commented that this company has been a wonderful partner in the Agri-Tech Park. This type of business is the reason for industrial parks. The detention pond on-site is a safety feature for all park tenants. This company is the service center for the Golden Triangle and provides an important service to farmers.

John Hubbard, City resident, asked if there would be security on-site to prevent the product from being stolen to make meth.

Paige Turoski, City resident, commented that the product is a basic chemical and is stored as a liquid only under immense pressure. Thieves would have to have a way to steal a giant tanker and have the right hookups in order to be able to transfer the product. Even when mixed with water it is something that is just irritating to the eyes and lungs and is not a hazardous material. She urged the Commission to support the proposal.

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

In response to Mr. Hubbard's inquiry, Police Chief Jeff Newton commented that, due to legislative changes and other precursors for making methamphetamine, he is not seeing people siphoning off anhydrous ammonia to manufacture methamphetamine anymore.

Branch Manager of Helena Chemical, **Brooks Hammel**, added that, as far as anhydrous ammonia security, it will never be left alone due to their process and is a non-issue at this point in time.

Branch Manager Hammel commented that they have been working on this for a long time. It takes more than just one approval, including a corporate audit, an EPA registration number, as well as approval from the Montana Department of Agriculture, the Neighborhood Council, and now the City Commission for final approval. They appreciate the City of Great Falls and enjoyed how they have been treated in Great Falls.

Mayor Kelly asked the will of the Commission.

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Commissioner Robinson moved, seconded by Commissioners Houck and Tryon, that the City Commission adopt Resolution 10421 to amend Resolution 10096 to modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Avenue North and the accompanying Findings of Fact/Basis of Decision.

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

Commissioner Tryon appreciated staff's concise, thorough report that addressed the Commission's concerns from the last meeting. He also expressed appreciation to Helena Chemical and what they do. This additional component to what they do is important to the ag community.

Commissioner Houck was impressed with the impeccable safety record, and appreciated the time it took to obtain all the other permit approvals. She concluded that it speaks volumes to how they plan to do their operations.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson noted that he has had problems in the last week with a couple of fires and had to evacuate to different places. He expressed appreciation to all of the people who have reached out to him and for the support of this community.

21. COMMISSION INITIATIVES.

In summary response to comments about the Big Sky Country National Heritage Area (BSCNHA) or NHA:

Commissioner Houck commented that the City Commission is not the governing body and the commenters are not City residents. She took exception to some comments made about lack of notice and NHA board members receiving money. For fairness to both sides of the issue and for clarification, she suggested a work session or consideration of a resolution.

Commissioner Tryon agreed this matter should be brought up at some point for Commission discussion. He doesn't think it's right for the City of Great Falls to advocate for a private corporation and use the resources and platforms of City boards to promote or advocate for the BSCNHA that goes beyond the City Commission's jurisdiction. He suggested the Commission adopt a resolution and go on record as being neutral in this matter, to amend the portion of the 2013 Growth Policy that mentions a NHA, and to look at the various City boards that have subcommittees dedicated to BSCNHA.

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Commissioner Moe commented that the planning process in place allows for concerns to be addressed about growth in a systematic and comprehensive way. She would rather the long overdue Growth Policy be revisited rather than picking at parts of it. The NHA comments boil down to one central complaint that private property rights, particularly in the agricultural section, will be impinged upon. She suggested the most helpful action would be for the Commission to ask the City Attorney to pose that question specifically to the National Park Service, and then see this go through the usual process for growth policies.

Mayor Kelly expressed appreciation that Rae Grulkowski reached out to another organization to find out some clarity and wished her luck. He expressed concern about the role of the Commission and being a facilitator for a community conversation on something that is really out of the Commission's wheelhouse. This is a federal decision that will be made by the delegates in Washington DC. A prior Commission has offered support to the idea at a time when it wasn't a controversial topic and was really a tourist designation. He agreed that it makes more sense to ask a few direct questions to people that have direct responses and credibility to issue those responses. He also pointed out that in the near future there's an election and possibility of three new seats that have a different opinion on how to go about with what they perceive as their jurisdiction or not. They may also have input along with the community on what goes into the Growth Policy. As far as putting forth a resolution to become neutral, Mayor Kelly suggested Commissioner Tryon was welcome to gather the support of the Commissioners if he wishes to do that. In the meantime, this Commission will continue to welcome people who come here to speak on issues that concern them and our community. In order for the Commission to have a formal discussion on this matter, it needs to be on an agenda. This item is not on the agenda.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of August 3, 2021, at 8:40 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: August 17, 2021