

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE – Commissioner Bronson expressed condolences and hope to the victims and families of the recent tragedy in Newtown, Connecticut.

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

Mayor Winters introduced Robert (Bob) Kelly as the person selected to be appointed to fill the vacancy on the Commission.

SWEARING IN CEREMONY: Mayor Winters performed the swearing in ceremony for Jason Lehmann, representative of Neighborhood Council 9.

PRESENTATION: Mayor Winters presented Commissioner Mary Jolley with a plaque and Resolution of Appreciation for her service to the City of Great Falls and its citizens.

**** 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.

Tracy Houck, NC 7, reported that the council voted in support of recommending that the Commission consider funding both City projects and non-profits in the upcoming CDBG cycle.

BOARDS & COMMISSIONS

2. REAPPOINTMENT, CITY-COUNTY HEALTH BOARD.

Commissioner Burow moved, seconded by **Commissioner Bronson**, that the City Commission reappoint **Sue Anne Warren** to the City-County Health Board for a three-year term through **December 31, 2015**.

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

Motion carried 5-0.

3. APPOINTMENT, BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Commissioner Jones moved, seconded by **Commissioner Burow**, that the City Commission

appoint Travis Neil to the Business Improvement District Board of Trustees to fill the remainder of a four-year term expiring June 30, 2016.

Mayor Winters asked if there was any discussion amongst the Commissioners. He expressed his support and preference for the appointment of Mark Smith.

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

Motion carried 4-1 (Mayor Winters dissenting).

4. APPOINTMENT, GOLF ADVISORY BOARD.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Roy Aafedt as the Men's Golf Association member to the Golf Advisory Board to fill the remainder of a three-year term expiring March 31, 2014.

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

Motion carried 5-0.

5. APPOINTMENTS, GREAT FALLS PLANNING ADVISORY BOARD.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission reappoint J. Scot Davis to a three-year term ending December 31, 2015, and appoint Sophia Sparkin and Mark Striepe for three-year terms beginning January 1, 2013, and ending on December 31, 2015, to the Great Falls Planning Advisory Board.

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

Motion carried 5-0.

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

PUBLIC HEARINGS

7. RESOLUTION 10002, CONDITIONAL USE PERMIT FOR AN UNCONCEALED TELECOMMUNICATIONS FACILITY AT PROPERTY ADDRESSED AS 2100 21ST AVENUE SOUTH.

Planning and Community Development Director Mike Haynes reported that on November 20, 2012, the Commission set the public hearing for this evening to consider adoption of Resolution 10002. Approval of the Conditional Use Permit will allow an unconcealed telecommunications tower as part of a proposed Optimum Facility to be developed at 2100 21st Avenue South.

The subject property is Lot 3E in the Med-Tech Park that is currently owned by the City of Great Falls, but subject to a bid offer of \$265,000 by the applicant contingent upon approval of this request for a Conditional Use Permit. The applicant is proposing to consolidate its local operations into a 12,961 square foot building to be constructed on Lot 3E. The building would contain a customer service center, office space, warehouse, and telecommunication rooms, all permitted in the M-1 (Mixed Use) zoning district. At the rear of the building would be four satellite dishes and a 50-foot high communications tower to transmit signals; that component requires conditional use approval in the M-1 zoning district.

A key condition of approval is the installation of a 15-foot wide continuous evergreen landscape buffer at the rear of the property to provide some screening of the telecommunications equipment. Approval of this Conditional Use Permit would allow the applicant to close on the City-owned property, get the property back on the tax-rolls, and accommodate significant development on the site, all accommodating the consolidation of Optimum's local operations.

On October 23, 2012, the Zoning Commission recommended that the City Commission approve the Conditional Use Permit subject to conditions of approval.

Mayor Winters declared the public hearing open.

No one spoke in opposition to or in support of Resolution 10002.

Jason Haentges, 2907 Central Avenue West, inquired if the public could use the tower. Director Haynes responded that the 50-foot tower is for Optimum's use to transmit its signal.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission adopt Resolution 10002.

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

Motion carried 5-0.

8. CDBG & HOME GRANT/CONSOLIDATED PLAN COMMUNITY NEEDS PUBLIC HEARING.

Planning and Community Development Director Mike Haynes reported that this is the needs hearing for CDBG & HOME funding. It is an opportunity for applicants to share with the City Commission needs of their organizations that could be funded with CDBG and HOME funds. Staff conducted a workshop for potential applicants on December 6th inviting them to submit eligible applications for funding by the submittal deadline of January 18, 2013.

At the work session on November 20, 2012, Deputy Planning Director Wendy Thomas provided the City Commission information regarding challenges to the program given anticipated funding levels and opportunities to streamline the program.

At the meeting scheduled for January 3, 2013, the City Commission will be asked to set percentage funding allocations to provide the Community Development Council (CDC) with parameters for funding, before the CDC hears requests to fund specific projects and programs in February and March, 2013. The City Commission will consider recommendations of the CDC in March and April, 2013.

The only requested action is that the City Commission conduct the Needs Public Hearing.

Mayor Winters opened the needs hearing.

Addressing the City Commission were:

Tracy Houck, 1016 3rd Avenue North, representative of Neighborhood Council 7 and Executive Director of Paris Gibson Square, discussed the many benefits CDBG funding has provided to Paris Gibson Square and other non-profits in the Neighborhood Council 7 district area. With federal funding getting harder to access, she requested that the City continue to help non-profits access that funding.

Shyla Patera, 1013 7th Avenue NW, representative of North Central Independent Living, requested that the Commission particularly consider housing needs of low income, homeless and disabled citizens.

Nichole Emerson, 2916 3rd Avenue North, Director of Young Parents Education Center, reported that without CDBG funding, this non-profit would not be able to assist teen and young parents with daycare and housing expenses to complete high school at Paris Gibson Education Center and go on to be successful, independent parents.

Stephanie Schnider, 113½ 33rd Street North, Executive Director of Habitat for Humanity, reported that Habitat for Humanity partners with low income families in the community to build two to three houses per year. In the past CDBG funding was mainly used for infrastructure needs. Should the CDBG funding allocation for public services change, Habitat for Humanity would partner with NeighborWorks and request an increase in the CDBG housing allocation from \$108,000 to \$120,000.

Tom Kotynski, 3440 12th Avenue South, Supervisor of Career and Technical Education for the Great Falls Public Schools, oversees the teachers who instruct the Construction and Technical classes that build two high school houses each year which are sold to low to moderate income people. The classes are made possible by the collaboration the School District has with NeighborWorks and its CDBG affordable housing allocation. The School District enthusiastically supports NeighborWorks' request.

Pete Paze, 1112 18th Avenue SW, Great Falls High School Teacher, High School House Program, commented that he sees firsthand the significant impact that NeighborWorks and the Great Falls Public Schools has on his students. The program would not be able to continue without the support of NeighborWorks.

Lynda Adams, 304 1st Avenue SW, spoke in support of affordable senior housing; specifically, the use of HOME funds for the Voyager Apartment Complex being proposed by Accessible Space.

Kris Kleinschmidt, P.O. Box 71, expressed support for the use of HOME funds for the Voyager Apartment Complex being proposed by Accessible Space. There is a need in the community for more accessible housing.

Mike Dalton, 1917 1st Avenue North, Executive Director of Sunburst Unlimited, collaborates with the Great Falls Community Food Bank and Montana Farmers Union in putting together a developmental program to reduce food insecurity in the community. That program involves the development of gardens, orchards and greenhouses, to develop a licensed community kitchen and a food processing plant. Sunburst Unlimited will be applying for monies to support project start up costs.

Ginger King, 170 Highwood Drive, representative of Family Connections, reiterated the need for childcare scholarships funding in Great Falls. She reported that there is a population in need of scholarships because they fall above the 150% poverty level and, therefore, are over the scholarship requirements for State funding. With the help of CDBG funds, Family Connections can provide scholarships to help folks in the community not making it on their own.

Susan Wolff, 2226 2nd Avenue North, CEO-Dean of Great Falls College-MSU, spoke in support of its program with NeighborWorks. Students and faculty members are currently involved in building a triplex. Students are learning on the job skills, project management skills, work place skills and civic engagement. Being new to Great Falls, she expressed the importance of NeighborWorks to attract more people to the community and grow the economy.

Karla Seaman, 2518 1st Avenue South, representative of Opportunities, Inc., discussed the need for facilities to provide services for individuals in need and assistance for non-profits. Opportunities, Inc. has a vital need to upgrade its heating system. CDBG funds would be used for a facility to provide intake and the work they do for other non-profits in the community.

Joe Kleinschmidt, P.O. Box 71, reported that he has worked for Accessible Space Inc., in the past. They are a good quality managerial and building organization for low income, affordable housing. They currently have three buildings in Great Falls, and the proposed Voyager Complex will be a good quality building that will be well managed.

Heidi Gibson, 915 1st Avenue South, Center for Mental Health, spoke in support of CDBG funding for non-profits and community needs. The mental health needs in the community are very strong.

Robin Baker, 1518 11th Avenue South, Chair Neighborhood Council 6, reported on the projects that NeighborWorks has provided in the council district area. She noted that the money that is allocated to NeighborWorks also comes back to the City by increasing the tax base. As a NeighborWorks board member, Ms. Baker expressed the gratitude she hears monthly from home owners. She concluded that it is instilling hope in people and she hopes the Commission considers that as part of its funding basis.

Dr. Cheryl Crawley, Superintendent of Great Falls Public Schools, commented that the School District partners with many of these organizations that receive CDBG funds. The District has a strong partnership with NeighborWorks. By funding these organizations, the City is looking long range at the health of Great Falls.

Representative Carlie Boland, 1215 6th Avenue North, House District 23, spoke in support of NeighborWorks. She represents half of the downtown area, the lower north and south side, that includes over 100 homes that NeighborWorks has brought a dream come true to the new families moving in to those homes. She noted that NeighborWorks also partners with the Neighborhood Watch and Business Watch Programs. NeighborWorks is also working in partnership to bring clean drinking water and proper sewage disposal to the Trailer Terrace area.

Jason Haentges, 2907 Central Avenue West, commented that he is buying his home due to the help of NeighborWorks.

Linda Daggett, 415 6th Avenue South, volunteer with NeighborWorks, commented that NeighborWorks leverages the money received through its programs. The money comes back to the City monetarily, and socially enhances the community.

Joan Redeen, 13 5th Street North, Business Improvement District (BID), commented that the newly formed downtown partnership will be submitting an application for CDBG funds to put towards continuing the feasibility study program. Five studies have been completed on downtown buildings. Three projects are currently in the works. The BID contributed \$5,000 towards that grant, and the return on investment is \$5 million worth of downtown redevelopment. The BID is strongly in support of downtown revitalization. She urged the Commission to continue the downtown feasibility program.

Sheila Rice, 913 3rd Avenue North, Executive Director of NeighborWorks, commented that the City formed a partnership with NeighborWorks over 30 years ago with CDBG funds. She provided a handout and discussed why affordable housing should be part of the allocation. She stressed the importance of having a very strong community development organization to be able to take advantage of opportunities. She reported that NeighborWorks adopted a rental strategy and brokers deals. She also spoke in support of the application for HOME funding due to the rental needs and senior rental housing needs in the community. She further pointed out that HOME funds cannot be substituted for CDBG funds. She urged the Commission's continued support of NeighborWorks and Habitat for Humanity, and to increase the CDBG affordable housing allocation to 17%.

John Hubbard, 615 7th Avenue South, read portions of Ed Bucko's letters to the editor suggesting covering Central to 6th Street with solar panels and to allow full gambling.

Bethany Salmon, 801 4th Avenue North, NeighborWorks employee, provided a handout and requested the Commission also consider funding historic preservation and downtown revitalization.

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

OLD BUSINESS

NEW BUSINESS

9. **AUDIT REPORT, FISCAL YEAR 2011-2012.**

Fiscal Services Director Melissa Kinzler reported that the Comprehensive Annual Financial Report, the audit report, and the audit have been completed. Pursuant to State statute, the City is required to have an annual financial audit and file a fiscal year-end report within six months after year-end with

the State of Montana. The financial report was presented and accepted by the City's audit committee on December 5, 2012. Included with the audit report were a Required Client Communication Letter and the City's responses. The letter has one new recommendation that the City adopt a policy in assessing how the cash deficits of certain funds should be presented, either short term or long term. Two prior year comments that are still recommended are cash and bank reconciliation, and compliance with Ordinance 2925 dealing with the Electric Fund.

Loran Stensland, Certified Public Accountant with Junkermier, Clark, Campanella, Stevens, P.C. (JCCS), reviewed sections in the CAFR, and the summary of Auditor's results on page 184. He commended Fiscal staff for their work on the CAFR and prior years' Certificates of Achievement for Excellence in Financial Reporting awards. Mr. Stensland referred to pages 28 and 73, and pointed out the extraordinary item reported dealing with the Electric Fund and the security agreement deposit of \$1.4 million dollars that was assigned to Southern and used as collateral to PP&L. In January, 2012, the City was notified that the full amount was applied to Southern's note obligation.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission accept the FY 2011-2012 Comprehensive Annual Financial Report (CAFR), Responses to the Required Client Communication Letter recommendations as presented, and authorize staff to submit the related reports to other government agencies and financial institutions as necessary.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any comments from the public.

Ron Gessaman, 1006 36th Avenue NE, commented that he didn't believe the motion was accurate, and that the CAFR wasn't available to the public until late this afternoon. He pointed out items on pages 22, 49 and 72 in the CAFR dealing with the general fund balance, monies due from other City funds, and the Electric Fund he felt were significant to the public

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

10. ORDINANCE 3097, TO ASSIGN CITY ZONING TO AGRITECH PARK ADDITION.

Planning and Community Development Director Mike Haynes reported that the requested action for this item is to accept Ordinance 3097 on first reading and set a public hearing for January 15, 2013, to consider zoning of PUD (Planned Unit Development), the Annexation Agreement, and the final plat for the ±196.549 acre AgriTech property, annexed into the City on November 7, 2012, through adoption of Resolution 9993. The subject property is located adjacent to Giant Springs State Park and conservation land owned by PPL Montana and maintained by Montana Fish, Wildlife and Parks.

The applicant, Great Falls Development Authority (GFDA), proposes to develop the property, which is now crop land, with a rail-served heavy industrial park containing 10 lots. While the applicant's initial request was for I-2 (Heavy Industrial) zoning on the property, GFDA has agreed to revise that request to PUD (Planned Unit Development). The zoning in Cascade County is I-2 (Heavy Industrial) west of 67th Street North and AG (Agricultural) east of 67th Street North. PUD

zoning has the benefit of making conditions of approval memorialized in the PUD Ordinance, and, by reference in the Annexation Agreement, clearly enforceable by the City in the same way as are Land Development Code regulations.

At a public hearing held on December 11, 2012, the Planning Advisory Board/Zoning Commission recommended that the City Commission assign an initial zoning of PUD (Planned Unit Development) to the subject property, and approve the final plat.

Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3097 on first reading and set public hearing for January 15, 2013.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any comments from the public.

Ron Gessaman, 1006 36th Avenue NE, doesn't believe this item is ready for a public hearing. The agenda report doesn't indicate that a professional study has been submitted, reviewed and approved by the Public Works Department as set forth on page 7 of the Annexation Agreement. He doubts the trustees of the Doney and Loy trusts are interested in participating in all the activities outlined in the Agreement. Mr. Gessaman commented that there is nothing different about the PUD zoning designation than what was contained in the original I-2 Heavy Industrial designation. He further expressed opposition because the types of industrial uses and specific businesses that may locate in the AgriTech Park are unknown. He also expressed his opposition to TIF districts.

Stuart Lewin, 615 3rd Avenue North, commented that he is disappointed that the Commission is considering industrializing this sensitive area. He suggested the Commission put its time and energy into the industrial area north of town. Mr. Lewin commented that this project goes against the principals of the Missouri River Corridor Plan.

Brett Doney, Great Falls Development Authority, commented that PUD incorporates everything promised into an agreement. He thanked City staff for working through all the details and the Planning Advisory Board/Zoning Commission for moving this project to the next step. He noted that work started on this project two and one-half years ago. When companies are interested in expanding or moving to Great Falls, he reported that GFDA lays out every potential site on the table to try to land that investment in Great Falls.

Jason Haentges, 2907 Central Avenue West, commented this is an important decision, and he doesn't believe the Commission is prepared.

Mayor Winters asked Director Haynes if documents could be updated for clarification prior to the public hearing and was responded to affirmatively.

Commissioners Jolley and Jones also pointed out that the property description in the first paragraph of the Ordinance needs to be corrected.

Mayor Winters expressed his concern of not knowing what businesses will locate there.

Brett Doney responded that GFDA doesn't have anything to market until the AgriTech Park is approved. He added that Great Falls doesn't have any shovel ready lots for GFDA to sell.

Commissioner Bronson reminded everyone that the only issue before the Commission tonight is the setting of the public hearing. Typographical errors are not sufficient to prevent this matter from moving forward. If the Commission were to deny the applicant a request for a public hearing tonight it would be violating the applicant's due process rights and exposing the City to legal action. The public hearing in January is the time to consider the substantive arguments. He also noted that whenever any type of project like this is approved, not every lot in the subdivision is sold and known in advance.

Motion carried 5-0.

11. ORDINANCE 3099, TO ASSIGN CITY ZONING TO PRAISE TABERNACLE CHURCH LOCATED AT 2121 13TH AVENUE SOUTH AND LEGALLY DESCRIBED AS LOTS 1-8 AND VACATED ALLEY, BLOCK 8, FINLAY SUPPLEMENT TO PROSPECT PARK ADDITION.

Planning and Community Development Director Mike Haynes reported that this item is a request to set a public hearing for January 15, 2013, to consider Ordinance 3099 that would assign initial zoning of R-3 (Single-Family High Density) to ± 1.31 acres of property to be annexed into the City. Praise Tabernacle Church is located at the northwest corner of 13th Street South and 21st Avenue South, in unincorporated Cascade County, but adjacent to City limits. The church property is ± 0.66 acres in size and the adjacent rights-of-way to the south and east comprise ± 0.65 acres for a total of ± 1.31 acres.

The City-County Health Department has identified issues with the existing drain field on the site. The applicant wants to annex into the City to obtain City water and sewer services.

At a public hearing held on May 8, 2012, the Planning Advisory Board/Zoning Commission recommended that the City Commission annex the subject property into the City, assigning an initial zoning of R-3, and a Conditional Use Permit allowing a Worship Facility to continue on the site.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3099 on first reading and set public hearing for January 15, 2013.

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

Motion carried 5-0.

12. ORDINANCE 3100, TO REZONE PROPERTY OWNED BY CALUMET MONTANA REFINING COMPANY AND GENERAL DISTRIBUTING COMPANY GENERALLY LOCATED SOUTH OF 3RD STREET NW AND NORTH AND SOUTH OF 17TH AVENUE NE.

Planning and Community Development Director Mike Haynes reported that this is a request to set a public hearing for January 15, 2013, to consider Ordinance 3100 that would rezone property owned by Calumet Montana Refining Company (formerly MRC) from C-2 (General Commercial) and I-1 (Light Industrial) to I-2 (Heavy Industrial). Ordinance 3100 would also rezone property owned by

Gendco from I-1 (Light Industrial) to I-2 (Heavy Industrial).

The catalyst for these actions was MRC's acquisition of the adjacent former Westgate Shopping Center property in 2011. The refinery, now owned by Calumet, is a heavy industrial use that has been in operation in its current location for over 90 years. Calumet is requesting to rezone a portion of the Westgate property, including the existing building on the site, in order to use the building for storage of bulk materials.

Director Haynes reviewed Exhibit G in the Agenda Report that depicts a number of benefits to the community that would be accommodated by approval of the rezoning and from an amended plat.

Calumet is requesting simultaneous rezoning of two other properties in its ownership from C-2 and I-1 to I-2 to unify zoning of the property and bring City zoning into conformance with actual use of the property.

Redevelopment by the proposed rezoning would trigger beneficial improvements for the City that are generally consistent with the Growth Policy and Transportation Plan. He noted that while Calumet has no current plans for expansion, rezoning of the property would allow future redevelopment of the property.

As part of an associated application, Gendco, a manufacturer and supplier of industrial, medical and specialty gases at 430 17th Avenue NE, is requesting rezoning from I-1 to I-2. The property was formerly zoned heavy industrial, but in the 2005 city-wide rezoning it was assigned I-1 zoning. The requested I-2 zoning would reflect the heavy industrial use of the property. Given the intensity of development on the site it is unlikely to spur expansion or redevelopment.

At a public hearing held on November 13, 2012, the Planning Advisory Board/Zoning Commission recommended that the City Commission rezone the subject properties to I-2 and approve the amended plat.

Commissioner Jolley moved, seconded by Commissioners Burow and Jones, that the City Commission accept Ordinance 3100 on first reading and set public hearing for January 15, 2013.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any comments from the public.

Johnathon Kenneway, Official Delegate NC 3, reported that Neighborhood Council 3 recommends that the City Commission not approve rezoning the property to I-2 Heavy Industrial.

Jason Lehmann, NC 9, opposes expansion of heavy industrial within the inner-City limits. He reported that he has family members and friends that own adjacent property within the 150 foot area of the proposed change. In reading through the prior agendas and minutes, he couldn't find that an impact evaluation was conducted to show the long term impact of expanding heavy industrial into residential or commercially zoned property. There are commercial adjacent properties within the area that it would impact, as well residential properties across the road from the amended plat. Mr. Lehmann put the Commission on notice that he has signatures of over 25% of the commercial property owners within the 150 foot area, and his intent is to appeal a motion of approval to the

Director of Planning in accordance with §76-2-305, MCA, and OCCGF 17.16.40.040.

Brett Doney, GFDA, 300 Central Avenue, urged the Commission to schedule a public hearing on this matter. The plan provides landscape buffers that open up opportunities to improve the neighborhood by bringing in retail and dining opportunities that will continue the revitalization of the area. Great Falls needs high paying jobs and the tax base.

Phyllis Hemstad, NC 2, concurred with Mr. Lehmann's comments. Ms. Hemstad reported that a great deal of money was spent in 2005 for a consultant to rezone the City, and for clean-up of contaminated areas. Many heavy industrial businesses were relocated out of the City limits. The Missouri River should be appreciated and open to view by everybody in the community. Permitting expansion of heavy industry by the river or park is regressing.

Kathy Gessaman, 1006 36th Avenue NE, commented it is important for the Commission to hear some of these issues and ideas before the public hearing. Neighborhood Council 3 was disappointed with the Planning Advisory Board/Zoning Commission for not asking questions of Refinery personnel at the hearing other than about the sidewalk. Neighborhood Council 3 discussed the designation of I-1 being adequate for the current refinery needs.

Stuart Lewin, 615 3rd Avenue North, suggested not setting the public hearing and making it clear to Calumet to expand away from the river. He further suggested that the City help Calumet migrate to the North Industrial Park within the next 15 years. Refineries are dirty and cause pollution. The Commission has the opportunity to improve the situation and properly plan the community.

Ron Gessaman, 1006 36th Avenue NE, spoke in opposition to setting the public hearing. Mr. Gessaman read a portion of the Findings of Fact stating that, "The proposed use of the southern portion of the Amended Plat includes extending refinery operations, which is a heavy industrial use. At this time, Calumet Montana Refining does not have any specific development plan for the site but they have indicated that they may, in the future, expand the bulk fuel or crude oil storage to this site. Since there are no proposed development plans for the City to review, it is not possible to assess impacts. Should additional storage tanks be constructed, it will affect the view corridor to and from the Missouri River." Based on his past experience, he doesn't think there will be restaurants outside of the industrial facility, there will only be minimal jobs and, more than likely, there will be more pollution. DEQ expressed 31 areas of concern with this facility. He also pointed out that there was time to update the agenda report to include Neighborhood Council 3's latest recommendations. Further, he doesn't feel MRC has been a good neighbor as MRC was obligated to continue buying power from Electric City Power for 16 more years, and did not go through the proper procedures to negotiate an end to its contract. He concluded that it is clear how the residents feel about an expansion in this case.

Jason Haentges, 2907 Central Avenue West, suggested the Commission postpone action until the Commission considers the concerns addressed by the citizens, and to help Calumet expand at another location.

Motion carried 4-1 (Mayor Winters dissenting).

CONSENT AGENDA

13. Minutes, December 4, 2012, Commission meeting.
14. Total expenditures of \$2,534,976 for the period of November 22 – December 12, 2012, to include claims over \$5,000, in the amount of \$2,288,377.
15. Contracts list.
16. Set public hearing for January 15, 2013, on Resolution 9976, Remodeling, Reconstruction or Expansion of Buildings or Structures Tax Benefit for 609 and 611 Central Avenue.
17. Approve cancellation of City of Great Falls checks that remain outstanding and unpaid for a period of one year or longer as authorized by § 7-6-4303, MCA.
18. Approve final payment to United Materials of Great Falls, Inc. in the amount of \$16,382.03 and the State Miscellaneous Tax Division in the amount of \$165.48 for the Grande Vista Park Storm Drain Extensions. **OF 1542**

Commissioner Jolley moved, seconded by Commissioner Burow, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Stuart Lewin**, 615 3rd Avenue North, complimented the school system as he is more impressed every year seeing our young people expressing themselves clearly at school debates. Mr. Lewin thanked Commissioner Mary Jolley for her years of service on the Commission and wished her the best in her new position.
- B. **John Hubbard**, 615 7th Avenue South, discussed his unhappiness with government fiscal deficits not being addressed.
- C. **Phyllis Hemstad**, 931 1st Avenue NW, also thanked Commissioner Mary Jolley for her service and wished her well on behalf of Neighborhood Council 2. She also thanked the City Commission and wished everyone a Merry Christmas.

CITY MANAGER

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon commented it has been a pleasure working with Commissioner Mary Jolley and he wished her well. He is also looking forward to working with Mr. Kelly. He wished everyone a Merry Christmas.

Deputy City Manager Jennifer Reichelt reminded everyone that the next Commission meeting is scheduled for Wednesday, January 2, 2013, due to Tuesday, January 1st being an official holiday.

CITY COMMISSION

21. APPOINTMENT, CITY COMMISSIONER.

Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Robert (Bob) Kelly as City Commissioner to fill the vacancy on the City Commission until the next regular City election.

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

Motion carried 4-0 (Commissioner Jolley abstained).

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters wished City staff a Merry Christmas. He hopes the New Year is less contentious.

23. COMMISSION INITIATIVES.

Mayor Winters reported that, with the backing of Commissioners, he asked the City Manager to schedule a work session to provide an emergency services update and discuss how Great Falls is protected from similar acts that recently occurred in Connecticut.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jolley moved, seconded by Commissioner Jones, to adjourn the regular meeting of December 18, 2012, at 9:51 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

City Clerk Lisa Kunz

Minutes Approved: January 2, 2013