

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Boy Scout Troop 4

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bob Jones, Bill Bronson, Bob Kelly and Fred Burow. Also present were the City Manager and Deputy City Manager; Interim City Attorney; Director of Public Works; Interim Director of Planning and Community Development; Police Chief; Assistant Fire Chief; and the Deputy City Clerk.

PROCLAMATIONS: Mayor Winters read proclamations for Peace Officers' Memorial Day, Water's Worth It® Month, and Bike to Work Week.

**** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. ****

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from representatives of neighborhood councils.

CONSENT AGENDA

2. Minutes, April 16, 2013, Commission meeting.
3. Minutes, May 1, 2013, Special Commission meeting.
4. Total expenditures of \$2,590,100 for the period of April 6 through May 1, 2013, to include claims over \$5,000, in the amount of \$2,279,198.
5. Contracts list.
6. Lien release list.
7. Grants list.
8. Award bid for liquid aluminum sulfate for FY 2013/14 in the amount of \$381 per dry ton to Thatcher Company of Montana.
9. Award bid for liquid chlorine for FY 2013/14 in the amount of \$547 per ton to DPC Industries, Inc.
10. Award bid for anhydrous ammonia for FY 2013/14 in the amount of \$1.46 per pound to DPC Industries, Inc.
11. Approve three year contract for audit services with Junkermier, Clark, Campanella, Stevens, PC (JCCS).

12. Award contract in the amount of \$14,346,582 to Swank Enterprises for the Wastewater Treatment Plant Disinfection and Ammonia Removal Improvements. **OF 1633.0**
13. Award contract in the amount of \$380,382.50 to United Materials of Great Falls, Inc., for the 9th Street NW (NW Bypass to Smelter Avenue) Street Improvements. **OF 1653.4**
14. Award contract in the amount of \$221,369 to United Materials of Great Falls, Inc. for the Sunnyside Avenue Drainage Improvements. **OF 1611.7**
15. Approve Professional Services Agreement in the amount of \$285,053 with Robert Peccia & Associates for preparation of the Great Falls Area Long Range Transportation Plan. **OF 1662**
16. Approve Final Payment in the amount of \$22,060.66 to Dick Anderson Construction, Inc. and \$222.84 to the State Miscellaneous Tax Fund for the Water Treatment Plant Filter Building Ceiling Replacement. **OF 1519.5**

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented.

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

Commissioner Burow requested that Item #12 be withdrawn for separate discussion. Sletten Construction Company submitted a Notice of Protest citing Swank Enterprises deviated from the criteria in the Invitation to Bid by substituting an unapproved manufacturer. He noted the protest had been withdrawn, but questioned if the original protest was correct.

Public Works Director Jim Rearden reported the specifications allow for equals.

Craig Caprara, Water Section Manager, HDR Engineering, Missoula, explained that when the specifications list manufacturers or equals, the intent is to provide the contractor the scope, type and quality of the product that is allowed. The contractor is allowed to list other manufacturers. If the specifications list that no alternates are accepted, the contractor is not allowed to list others.

Commissioner Burow questioned the validity of the statement about the company not producing its own pumps.

Mr. Caprara responded that Flygt is a very reputable company that produces non-clog centrifugal pumps. Swank Enterprises will be required to submit a piece of equipment that meets the specifications.

Commissioner Bronson reported that Mr. Young, outside counsel for Sletten Construction Company, believes that City Engineer, Dave Dobbs, answered concerns of Sletten. Mr. Young also believes that Sletten has a great deal of respect for the views and opinions of Mr. Dobbs on the subject.

Commissioner Kelly questioned the discrepancies of bids for the various bid items.

Director Rearden responded the discrepancies are normal within the bidding process.

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

Ron Gessaman, 1006 36th Avenue NE, noted the Consent Agenda is made up of routine, day-to-day items. He does not consider Item #12, a \$14 Million dollar contract, to be a routine, day-to-day item. He delayed comment on Items #2 and #3 until Petitions and Communications.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

17. REAPPOINTMENT, DESIGN REVIEW BOARD.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission reappoint Mary Offerdal Klette to the Design Review Board for a three-year term through March 31, 2016.

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.

18. APPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.

Commissioner Bronson, moved, seconded by Commissioner Jones, that the City Commission appoint Charity Alonso to the Advisory Commission on International Relationships for a three-year term through March 31, 2016.

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.

19. REAPPOINTMENTS, PARKING ADVISORY COMMISSION.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission reappoint David Campbell and Charles Fulcher to the Parking Advisory Commission for three-year terms through April 30, 2016.

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.

20. REAPPOINTMENTS, GOLF ADVISORY BOARD.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission

reappoint Cam Cherry as the Women's Golf Association member and Lonnie Yingst as a Non-League member to the Golf Advisory Board for three-year terms through March 31, 2016.

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.

21. PRELIMINARY PLAT, WEST RIDGE ADDITION, PHASE VI.

Interim Planning and Community Development Director Craig Raymond reported this item is a request to approve the preliminary plat of West Ridge Addition, Phase VI, located north of 38th Avenue NE and west of 2nd Street NE. The preliminary plat applies to ±6.3 acres of land, and Phase VI will be comprised of 24 single-family lots accessed from the proposed extensions to 39th Avenue NE and 40th Avenue NE. The Planning Advisory Board/Zoning Commission recommended the City Commission approve the preliminary plat for West Ridge Addition, Phase VI, at a public hearing held on April 9, 2013. Approval of the preliminary plat is a prerequisite for annexation of the subject property with R-3 zoning consistent with previous phases of the West Ridge Addition.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Preliminary Plat of West Ridge Addition, Phase VI, and accompanying Findings of Fact subject to fulfillment of conditions stipulated by the 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.

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Joan Redeen, Business Improvement District (BID), 13 5th Street North, reported the north side of the 1st Avenue North underpass project was power washed last week, will be primed this week, and artists will begin working May 19th. Also planned are seven additional traffic signal boxes on 1st Avenue North, from Park Drive to 7th Street, which should be completed by the end of May. Flowers should also arrive by the end of May. She thanked City staff for helpful assistance on their many projects.

PUBLIC HEARINGS

23. ORDINANCE 3105, EAST INDUSTRIAL PARK COMPREHENSIVE DEVELOPMENT PLAN, INCLUDING A TAX INCREMENT FINANCING (TIF) PROVISION PURSUANT TO SECTIONS 7-15-42 AND 43 MCA.

Interim Planning and Community Development Director Craig Raymond reported that this is a public hearing to consider Ordinance 3105 adopting a Comprehensive Development Plan including a Tax Increment Financing provision for the East Industrial Park. The proposed East Industrial Park is ±400 acres and comprises the recently annexed AgriTech Park Addition and the American

Agri-Technology Addition, more commonly referred to as the “Advanced Bio-Fuels” site that was annexed in 1992. The East Industrial Park is generally located east of 52nd Street North and north and south of 18th Avenue North. The City Commission adopted Resolution of Necessity 10014 on March 5, 2013, declaring an infrastructure deficient area exists within the City of Great Falls in the area known as the East Industrial Park. On March 12, 2013, the Planning Advisory Board/Zoning Commission found the East Industrial Park Tax Increment Finance Industrial District (TIFID) Plan in conformance with I-2 and PUD (Planned Unit Development) with underlying I-2 zoning of the subject property. The Planning Advisory Board/Zoning Commission also found the East Industrial Park TIFID Plan to be in conformance with the City of Great Falls’ 2005 Growth Policy. The process will establish a TIFID with an effective date of June 6, 2013, whereby tax increment generated from development after January 1, 2013, will be invested to finance public infrastructure improvements in the district.

Interim Director Raymond reported the City hired consultants Janet Cornish, Community Development Services of Montana, and Lanette Windemaker to assist the process of expanding the TIFID.

Janet Cornish, Community Development Services of Montana, 954 Caledonia Street, Butte, reported tax increment financing districts enable local governments to set aside new property taxes that accrue from new development in a specific area to be reinvested in the area for a period of time to encourage the retention and development of secondary, value-adding industries.

Lanette Windemaker, 3135 Fieldstone Drive, Bozeman, offered to answer questions and provide additional information.

Mayor Winters declared the public hearing open.

Speaking in opposition to Ordinance 3105 were:

Kathleen Gessaman, 1006 36th Avenue NE, expressed concern regarding TIF districts and believes a fee should be set aside to fund police and fire protection costs. She also discussed potential concerns with a possible rail line bond.

Ron Gessaman, 1006 36th Avenue NE, believes TIFs are unfair. He noted that Sections 7-15-4282 and 7-15-4299, MCA, do not require a TIF for an industrial development plan. He referred to a letter in the *Tribune* last Wednesday regarding police and fire services. He stated that no money will be available from this TIF to support the increased police and fire protection needed in the area. He also discussed the lack of funds that will be available for the school district.

Speaking in support of Ordinance 3105 were:

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that TIF districts are a tool to make things happen that would not otherwise happen. Creation of the TIF district does not approve money for specific uses. The Commission will consider individual development agreements that will detail whether the tax increment should be used for certain types of infrastructure and the amount allocated. He noted the City will not be asked to front a bond; all of the risk will be on the developer and individual companies.

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

Commissioner Bronson asked Ms. Cornish if she agreed with Mr. Doney's assessment that the Commission is not allocating any increment that may arise from development in the district, but simply approving the creation of the district.

Ms. Cornish agreed the Commission is being asked to adopt the Comprehensive Development Plan that includes a provision to use tax increment financing. There is no allocation of funds until the Commission approves projects.

Commissioner Bronson questioned if the Commission could choose to reserve a portion of the tax increment funds to help fund the ECP settlement.

Ms. Cornish responded that, at any time, the City can choose to remit a portion of tax increment funds to the affected taxing jurisdictions in the portion that they have contributed. The portion that is remitted to the City could be used within budgeting rules and regulations.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3105.

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

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

Motion carried 5-0.

24. **ORDINANCE 3106, CENTRAL MONTANA AGRICULTURAL AND TECHNOLOGY PARK COMPREHENSIVE DEVELOPMENT PLAN, INCLUDING A TAX INCREMENT FINANCING (TIF) PROVISION PURSUANT TO SECTIONS 7-15-42 AND 43 MCA.**

Interim Planning and Community Development Director Craig Raymond reported that this is a public hearing to consider Ordinance 3106 adopting a Comprehensive Development Plan including a Tax Increment Financing (TIF) provision for the Central Montana Agriculture and Technology Park. The existing Central Montana Agriculture and Technology Park contains ±100 acres comprising Lot 2 - the MaltEurop malting plant; Lot 4 - the access road to the subject properties off US Highway 87, owned by Dali, Inc. but required by previous agreements to be dedicated as right-of-way to the City when determined needed; and Lot 5 - an undeveloped lot also owned by Dali, Inc.

The Central Montana Agriculture and Technology Park, generally located east of US Highway 87, north of the intersection with Bootlegger Trail, is proposed to be expanded by a further 100 acres to include the property recently annexed for the ADF project. The City Commission adopted Resolution of Necessity 10013 on March 5, 2013, declaring an infrastructure deficient area exists within the City of Great Falls in the area known as the Central Montana Agriculture and Technology Park. On March 12, 2013, the Planning Advisory Board found the Central Montana Agriculture and Technology Park Tax Increment Finance Industrial District (TIFID) Plan to be in conformance with the I-2 zoning of the subject property and in conformance with the City of Great Falls' 2005 Growth Policy. The process will establish a TIFID with an effective date of June 6,

2013, where tax increment generated from development after January 1, 2013, will be invested to finance public infrastructure improvements in the district.

Mayor Winters declared the public hearing open.

Speaking in opposition to Ordinance 3106 were:

Kathleen Gessaman, 1006 36th Avenue NE, stated agricultural land is typically taxed lower than land that is in use. The Malt Plant TIF is generating a fair amount of money to be used for infrastructure, but police and fire must also be supported.

Ron Gessaman, 1006 36th Avenue NE, referenced 7-15-4291, MCA, and noted that as soon as a TIF district is created, tax money goes to that district. He commented that ADF stated they would pay for their own utilities, but referenced an extension of the sewer main in the TIFID Plan. He questioned if the City would be reimbursed for program administration of the TIFID. He also questioned if selective information was being included in agenda reports.

Mayor Winters inquired and received confirmation from Interim Director Raymond that no deceiving information was included in agenda reports.

Speaking in support of Ordinance 3106 were:

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that the Commission determines allocation of TIF funds and believes paying for staff time is an eligible expense. As precedence for the Commission to return funds to the taxing jurisdictions, he noted that millions of dollars of the old downtown TIF were returned.

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

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3106.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

25. **NORTHVIEW ADDITION, PHASE 10 LOCATED IN SE1/4 SECTION 25, TOWNSHIP 21N, RANGE 3E, CASCADE COUNTY, MONTANA.**
- A. **RESOLUTION 10015 ANNEX SAID PROPERTY AND FINAL PLAT AND ANNEXATION AGREEMENT.**
- B. **ORDINANCE 3091 ASSIGNS ZONING OF PUD (PLANNED UNIT DEVELOPMENT) DISTRICT.**

Interim Planning and Community Development Director Craig Raymond reported that this is a

public hearing to consider Resolution 10015 for annexation, the Annexation Agreement and Final Plat of ± 6.26 acres of property, and Ordinance 3091 that would assign PUD (Planned Unit Development) to that property, all pertaining to Phase 10 of the Northview Addition residential subdivision. In conjunction with the annexation of Phase 10, the City proposes to annex the ± 0.2 acre 12th Street NE right-of-way prior to the construction of that segment of roadway using funds that are already in escrow. The 12th Street NE extension and connection would provide the second roadway access to Northview Addition from 36th Avenue NE, improving connectivity and traffic flow in the area.

The applicant is proposing that Northview Addition Phase 10 would contain 21 single family home lots accessed from the proposed extension of 12th Street NE, south from 41st Avenue NE. Staff advised the applicant throughout this process that as a condition of approval of the final plat they would be required to extend 40th Avenue NE to the east property line of the subdivision which would in turn result in the loss of one developable lot. The applicant opposes that condition arguing that the roadway extension was not part of the preliminary plat. Interim Director Raymond noted that the 2007 staff report stated that roadway connections should be made to the north and east and staff has supported a number of changes the applicant requested between the 2007 preliminary plat and subsequent final plats, which include amending phase lines to develop 10 phases in lieu of 7 phases as originally planned; amending the mix and location of single family homes and condos in several phases including Phase 10; and platting condos on separate lots instead of having multiple condos on one lot as originally planned. In addition, 140 total dwelling units are expected to be developed in Northview Addition if the roadway extension is constructed; that is the exact number of units proposed to be developed in the preliminary plat. Attachment A to Ordinance 3091 clearly shows the connection that would provide access to future development to the east and to Bootlegger Trail, improving future roadway connectivity and traffic flow in the area.

At a public hearing held on February 26, 2013, the Planning Advisory Board/Zoning Commission unanimously recommended the City Commission annex the subject properties into the City, assign PUD zoning to the property, and approve the final plat including condition #5 requiring the extension of 40th Avenue NE to the east property line and thereby reducing development in Phase 10 to 20 lots.

Commissioner Burow informed the Commission that he would abstain from voting on this agenda item because of a previous discussion and working relationship with Mr. Workman.

Mayor Winters stated he would also abstain from voting on this agenda item because he does not agree with the idea of making a road to nowhere.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 10015, the Final Plat and Annexation Agreement, and Ordinance 3091.

Speaking in support of Resolution 10015, the Final Plat and Annexation Agreement, and Ordinance 3091 were:

Bob England, 500 28th Avenue NW, representing the developer, Jim Workman Construction Company, and as realtor for the development, stated support of the annexation of the Northview

Addition, Phase 10, but not the east-west connection at 40th Avenue NE. He noted several reasons for not having the east-west connection, stating that 41st Avenue NE already connects to 12th Street NE and will go directly to Bootlegger to facilitate traffic. He believes the neighbors of Northview do not want through streets. He added that 40th Avenue NE is not conducive to going straight through to the adjoining subdivision to the east. He also believes it is too late to recover costs. He reported that Public Works has stated the 40th Avenue NE connection is not needed for their purposes. Also, further delays will cut into the building season.

Ron Anderson, 1109 40th Avenue NE, stated opposition to the proposed extension of 40th Avenue NE. He reported that a major factor in purchasing the lot to build a house in 2012 was the PUD site plan for the area delineated 40th Avenue NE ending at 9th Street to the west and 12th Street to the east.

Jim Workman, 1024 36th Avenue NE, believes the proposed extension of 40th Avenue NE should have been discussed prior to accepting the master plan. He also believes this greater expense will make it harder to build affordable housing in Great Falls.

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

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10015 and approve the Final Plat and Annexation Agreement, all pertaining to Northview Addition, Phase 10.

Commissioner Bronson noted that the use of the term “master plan” does not have legal significance with regard to discussions about a preliminary plat. As a member of the Planning Advisory Board/Zoning Commission in 2007 when the project commenced, he stated that he had no concept there would not be some level of connectivity with these particular streets. With the prospect of increasing population in that area, he does not want to deny the community any opportunities for various levels of connectivity.

Motion carried 3-0-2. (Mayor Winters and Commissioner Burow abstained).

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3091.

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

Commissioner Jones believes it important to consider the public safety issue to allow connectivity for fire trucks. He also believes this is very good planning.

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

Motion carried 3-0-2. (Mayor Winters and Commissioner Burow abstained).

26. **MARK 10A, RANCHOS GRANDE VISTA NO. 1, AND ABUTTING PORTION OF FLOOD ROAD, ALL LOCATED IN SE1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA.**

- A. **RESOLUTION 10016 ANNEX SAID PROPERTY AND ANNEXATION AGREEMENT.**
- B. **ORDINANCE 3107 ASSIGNS ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT.**

Interim Planning and Community Development Director Craig Raymond reported that this is a public hearing to consider Resolution 10016 for annexation, the Annexation Agreement and Ordinance 3107 that would assign R-1 (Single-family suburban) zoning on the ±8.9 acre property at 4201 Flood Road. The property owner intends to construct a single-family home on the property that will be accessed from Ferguson Drive to the north. For 911 purposes, the property will be addressed off Ferguson Drive. Annexation into the City would allow the property owner access to water and sewer services.

At a public hearing held on March 26, 2013, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve annexation and assigning R-1 zoning to the subject property.

Mayor Winters declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10016, the Annexation Agreement, and Ordinance 3107.

Mayor Winters declared the public hearing closed.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10016 and approve the Annexation Agreement, all pertaining to Mark 10A, Ranchos Grande Vista No. 1.

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

Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioners Jones and Kelly, that the City Commission adopt Ordinance 3107.

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

Motion carried 5-0.

27. **RESOLUTION 10017, CONDITIONAL USE PERMIT FOR A TWO-FAMILY RESIDENCE TO BE ESTABLISHED IN THE EXISTING STRUCTURE ADDRESSED AS 624 3RD AVENUE NORTH.**

Interim Planning and Community Development Interim Director Craig Raymond reported that this is the public hearing to consider adoption of Resolution 10017 approving a Conditional Use Permit to allow a two-family residence to be established at 624 3rd Avenue North. The subject property is

located in the R-9 Mixed residential zoning district. The existing building on the lot is a very large three-story historic home. At one time the home was converted into six apartment units. At a later date the building was partially renovated but left unoccupied. The new owner is planning to complete the renovation of the building and is requesting conditional use approval to convert the structure into a two-family residence. The structure is a contributing building in the Northside Residential Historic District and is listed in the Register of Historic Places.

On March 26, 2013, the Planning Advisory Board/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 support of or in opposition to Resolution 10017.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10017.

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

Hearing none, Mayor Winters called for the vote.

Motion carried 4-0 (Commissioner Kelly stepped out of the Chambers).

28. **ORDINANCE 3104, REZONE PROPERTY OWNED BY CALUMET MONTANA REFINING, LLC GENERALLY LOCATED SOUTH OF 3RD ST. NW AND NORTH OF 17TH AVE. NE.**

Interim Planning and Community Development Director Craig Raymond reported that this is a public hearing to consider Ordinance 3104 that would rezone ±15.05 acres of property owned by Calumet Montana Refining Company (formerly MRC) from C-2 (General commercial) to PUD (Planned Unit Development) with an underlying I-2 zoning. That subject property contains the former Westgate Mall building and the associated parking areas that were designated Lot 5 on the amended plat approved by the City Commission on January 15, 2013, but not yet recorded. On January 15, 2013, the City Commission approved the amended plat and rezoning of several properties owned by Calumet and Gendco to I-2 (Heavy Industrial), but remanded rezoning of proposed Lot 5 back to the Zoning Commission to consider a PUD (Planned Unit Development) with underlying I-2 zoning to allow the City more control over use and future development. At a public hearing held on March 12, 2013, the Planning Advisory Board/Zoning Commission recommended that the subject property be zoned PUD.

Key conditions of the PUD Ordinance are (1) the subject property contain no petroleum processing units, and Calumet would be able to use the former mall building for storage of industrial materials and could use the property in the future for uses associated with refining such as receiving, storage and shipping of petroleum products; (2) maximum height limits are established on the site - 35 feet for materials and equipment warehousing and 60 feet for any storage structures; and, (3) if development occurs, Calumet has committed to the improvements previously discussed, including

the screen wall and landscape buffer, separating and screening the PUD-zoned area from the areas of the Calumet property remaining commercial and a 10-foot wide section of paved trail to be constructed on the Calumet property generally adjacent to 17th Avenue NE, providing a much needed bike and pedestrian connection from Smelter Avenue to the Rivers Edge Trail.

Mayor Winters declared the public hearing open.

Speaking in support of Ordinance 3104 were:

Dexter Busby, Director of Government and Regulatory Affairs, Calumet Montana Refining, LLC, 1900 10th Street NE, thanked staff for their work on this project. He stated that he would be happy to answer any questions.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, believes the PUD is a good tool, allowing industrial development to happen, while giving the City enforceable controls to prevent negative impact on the neighborhood. He pointed out the importance of the tax base and the high wage, primary sector jobs, as well as continuing the revitalization of the riverfront on the west side.

Glenn Bliss, President of General Distributing Company, residing at 1128 Valley View Drive, believes the Refinery is a good employer for the community. They also try to do as much business as possible with local companies, and they are good corporate citizens.

Gene Thayer, 220 40th Avenue South, Chair of Great Falls Development Authority, agreed the Refinery is a good corporate citizen and a fine company.

Speaking in opposition to Ordinance 3104 were:

Jason Lehmann, 2800 4th Avenue South, speaking for himself and on behalf of nine adjacent property owners, provided a map of the adjacent properties involved in opposing the proposal. He referenced the recent incident near Waco, Texas, and provided a handout regarding heavy industrial in a commercially developed area. He discussed the e-mail he submitted for the April 16, 2013, City Commission meeting. He assumed that the significant impacts by expansion of heavy industrial uses should future redevelopment of the property occur, as noted in the Zoning Analysis, are inconsistent with the Missouri River Corridor Plan. He added that Calumet has not established a relationship with the City.

Kathleen Gessaman, 1006 36th Avenue NE, believes the proposal is inconsistent with the Missouri River Corridor Plan. She discussed future plans to add two additional rail spurs that would store up to 90 cars. She believes I-1 zoning would be adequate for storage, and she agrees Calumet does not have much of a track record with the City.

Ron Gessaman, 1006 36th Avenue NE, believes the common folk are opposed and the established group is in favor of this proposal. He discussed the Zoning Analysis and believes this proposal is not a compromise.

Alma Winberry, 423 15th Street South, does not believe the Refinery has been responsible for their commitment because they signed an agreement to purchase electricity from the City for a long

period of time, but “shafted” the City for approximately \$3 Million dollars.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3014.

Commissioner Bronson commented the Missouri River Corridor Plan is not a regulatory document, but rather an advisory document. The Plan does not prohibit the Refinery from expansion within close proximity to its existing property. He does not think that anyone on the Commission has any belief that the genuine concerns for public health or safety should be put aside. Should there be further expansion of industrial capabilities consistent with what would be allowed under a PUD, more than likely Calumet will have to go through other review processes with state and federal agencies. He added those review processes are designed in large part to ensure public health and safety.

Referencing Assistant Fire Chief Steve Hester’s memo, Commissioner Bronson does not read opposition to the development, but rather issues that must be addressed.

Commissioner Bronson noted that Commissioners do not make decisions based on the number of people who speak in favor or in opposition. The Commission listens to the quality of the arguments and exercises best judgment believed to be in the interest of the applicant and the community.

Commissioner Bronson commended the Planning and Community Development staff for their efforts to achieve the best compromise to satisfy all elements of the Growth Policy and considerations with development in the community.

Commissioner Kelly noted honest concerns for safety have been expressed. He asked Mr. Busby to take notice to Calumet that the Commission’s vigilance does not end and will expect that the reputation previous owners have established will continue. Because of safety concerns for the community, the highest level of safety possible is demanded. He asked for the word to go back to the corporate staff that this was not an easy decision for the community. Calumet’s economic principles and business in the community are valued, but so are the lives and the livelihood of members of our community.

Commissioner Burow stated refineries are regulated by state and federal agencies, and accidents can occur with any industry.

Mayor Winters believes the expansion is good for the community. He confirmed with each Commissioner there were no ex-parte communications with anyone from Calumet regarding the issue.

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

Motion carried 5-0.

OLD BUSINESS

29. 2013/2014 CDBG AND HOME ANNUAL ACTION PLAN.

Interim Planning and Community Development Director Craig Raymond reported that this is the final action on the allocation of 2013/2014 CDBG and HOME funding. The Community Needs Hearing was set on December 4, 2012, after former Deputy Director Wendy Thomas provided a status report on CDBG and HOME funding at the Commission Work Session. The Community Needs Hearing was held on December 18, 2012; funding allocations were established on January 2, 2013; the public hearing was set on March 19, 2013, (after CDC reviewed applications, heard presentations from applicants for Public Services funds, prioritized needs and made final recommendations); and, the public hearing was held on April 16, 2013.

The required 30-day public comment period is closed. Final action is requested in approving the use of funds as outlined in the Proposed Funding List. The requested action is to adopt the 2013/2014 Annual Action Plan for allocation of CDBG and HOME funds and authorize submittal to the U.S. Department of Housing and Urban Development.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission adopt the Annual Action Plan including the use of the 2013/2014 Community Development Block Grant funds and 2013/2014 HOME Program funds as recommended.

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

Commissioner Bronson reported that he met with the Board of the Downtown Development Partnership of Great Falls at a regular meeting regarding reservations and concerns he had expressed at the April 16, 2013, City Commission meeting about the proposed allocation of funds. He noted he may propose an amendment to the motion after public comments are received.

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

Joan Redeen, Business Improvement District (BID), 13 5th Street North, representing the Downtown Development Partnership (DDP), spoke in support of the \$50,000 allocation of CDBG funds to continue the technical assistance program. She also expressed appreciation for the Commission's support.

Ms. Redeen noted that Commissioner Bronson expressed concern about DDP's 501(c)3 status. She explained that DDP is recognized by the State of Montana, and is working on that recognition by the IRS.

Ms. Redeen referenced the housing issue concern expressed by Commissioner Bronson. She explained that with NeighborWorks Great Falls as a partner, the DDP can meet the requirement that at least one feasibility study must have a housing component. With the five feasibility studies that have been done, there will be a housing element in at least one of those projects.

Ms. Redeen noted that with the Historic Preservation Officer retiring, DDP discussed the possibility of hiring a consultant with these funds. Current Historic Preservation Officer Ellen Sievert noted she is willing to continue the assistance.

Commissioner Bronson commented that he was not sure that the regulations allow the funds to be used to hire someone.

Commissioner Bronson questioned if DDP receives the allocation, would they have access to resources to advise them appropriately regarding compliance of historic preservation guidelines.

Ms. Reeden responded that she believes the DDP is ready to make that commitment.

Mike Dalton, 1917 1st Avenue North, Executive Director of Sunburst Unlimited. Mr. Dalton reported the Community Hall Park orchard garden site is being developed over two acres. The produce from the orchard and garden will be dedicated to local pantries, kitchens, and after school pantries. All requested funds will be dedicated to the purchase and use of garden tools and an irrigation catchment system. On behalf of the Board, he thanked the Commission for considering their application.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

PETITIONS AND COMMUNICATIONS

30. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. **Alma Winberry**, 423 15th Street South, provided and read a handout on health and safety standards in Great Falls.
- B. **Sam Boor**, 15 Trapper Valley Road, believes the Commission should consider the river when there are issues involving the river. He stated that he would like to hear the Commission discuss the issue of raising money when considering obtaining over \$3 Million dollars to pay off the ECP issue. Mr. Boor suggested publicly discussing where the money will come from and how it will be paid off.
- C. **John Hubbard**, 615 7th Avenue South, believes the City would be in the black if politicians were held accountable and companies were made responsible for pollution.
- D. **Ron Gessaman**, 1006 36th Avenue NE, referenced comments made by Commissioner Burow in the Minutes of the April 16, 2013, City Commission meeting. Mr. Gessaman believes one must be sure to know the chronology of facts before making statements. He discussed a chronology of events regarding ECP since 2010.

CITY MANAGER

31. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that he, Commissioner Bronson, and Deputy City Manager Jenn Reichelt had the opportunity to observe a military exercise yesterday. A C-17 large cargo plane arrived at the airport for a nuclear incident practice. It was interesting to watch all the pieces of the federal puzzle converge to do an investigation.

Mr. Doyon congratulated the Library Board and Director Kathy Mora on receiving an Excellent Library Service Award from the Montana State Library.

Mr. Doyon congratulated Planning and Community Development Interim Director Craig Raymond on a good job at his first meeting.

Deputy City Manager Jenn Reichelt thanked Chief Bowen, Chief McCamley, and the 911 Dispatch Center for their participation in the military exercise. They played an integral part in the beginning phases of the exercise.

CITY COMMISSION

32. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Burow reminded everyone that the Commission's goal in 2010 was to extricate the City from ECP. If contracts with Southern Montana had been broken, he does not believe the City would be at the point of possibly getting out of ECP.

33. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Burow, to adjourn the regular meeting of May 7, at 9:48 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

Deputy City Clerk Lucy Hallett

Minutes Approved: May 21, 2013