

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Malmstrom Composite Squadron Civil Air Patrol

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; Deputy City Manager; Interim City Attorney; Directors of Fiscal Services, Planning and Community Development, and Public Works; Police Chief; and the Deputy City Clerk.

PROCLAMATIONS: Mayor Winters read proclamations for Black History Month and Walleyes Unlimited Month.

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

NEIGHBORHOOD COUNCILS

1. SWEARING IN CEREMONY, NEIGHBORHOOD COUNCIL 7.

Mayor Winters performed the swearing in ceremony for George Wheeler, representative of Neighborhood Council 7.

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. Judy Tankink**, NC 4, reported that GFPD Officer Clint Houston and his canine partner, Shep, gave a demonstration at the council's open house on January 24, 2013, at 6 p.m., at Lewis and Clark Elementary School. Also, Planning and Community Development Comprehensive Planner II Ida Meehan provided information on the City's growth policy update. Ms. Tankink questioned if the growth policy would be considered regulatory because of recent court rulings. Ms. Meehan responded that she did not believe it was regulatory but would check into it. The council's next meeting is February 28, 2013.
- B. Kathleen Gessaman**, NC 3, extended an invitation to attend the council's next meeting scheduled for Thursday, February 7, 2013, at 7 p.m., at Riverview School. Agenda items will include the proposed 36 apartment units, and a discussion with Park and Recreation Director Marty Basta regarding the development of Skyline Park.

CONSENT AGENDA

- 3.** Minutes, January 15, 2013, Commission meeting.
- 4.** Total expenditures of \$3,555,330 for the period of January 5-30, 2013, to include claims over \$5,000, in the amount of \$3,227,140.

5. Contracts list.
6. Lien release list.

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as submitted.

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, believes the ECP agreement for the sale of renewable energy credits for 2013 implies the \$9,107.65 will end up in ECP's pocket. He noted that since the facility was built with \$2 million worth of taxpayer money, any revenue generated belongs to the taxpayers.

Motion carried 5-0.

BOARDS & COMMISSIONS

7. **APPOINTMENT, PARKING ADVISORY COMMISSION.**

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission appoint Heidi Propp to the Parking Advisory Commission for a three-year term 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.

8. **APPOINTMENT, MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.**

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission appoint Kim Thiel-Schaaf to a three-year term ending December 31, 2015, to the Mansfield Center for the Performing Arts 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.

9. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

PUBLIC HEARINGS

10. **ADF INTERNATIONAL, INC., LOT 1A, BLOCK 1, OF THE INTERNATIONAL MALTING COMPANY, LLC ADDITION, LOCATED IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M.**
- A. **RESOLUTION 10005, ANNEXES SAID PROPERTY AND ANNEXATION AGREEMENT.**
- B. **ORDINANCE 3101, ASSIGNS ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT.**

Planning and Community Development Director Mike Haynes reported that this is a public hearing to consider Resolution 10005 for Annexation, the Annexation Agreement, and Ordinance 3101 that would assign initial zoning of I-2 Heavy Industrial on ±100 acres of property, all pertaining to the proposed ADF development. The ±100 acre subject property has already been created through a boundary line adjustment in Cascade County. The site is located east of US Highway 87, generally west and southwest of the MaltEurop plant.

The applicant, ADF International, Inc., a Canadian-based corporation, plans to construct a steel fabrication plant on the subject property. The plant would supply structural steel and steel components to major construction projects throughout the western United States.

As has been widely reported, ADF would employ several hundred workers initially with opportunities for future expansion. The proposed location is appropriate for, and has the infrastructure to support, heavy industrial development.

ADF has been working with Public Works over the past few months to determine what on-site and off-site stormwater improvements need to be made. The late revision to the Annexation Agreement simply provides ADF two acceptable alternatives for stormwater management as they further develop their site and engineering plans.

Mayor Winters declared the public hearing open.

Speaking in favor of approval of Resolution 10005, the Annexation Agreement, and Ordinance 3101 were:

Gene Thayer, 220 40th Avenue South, Chair of Great Falls Development Authority, believes ADF International, Inc. will be a great corporate citizen for Great Falls.

Jackie Burchard, 3226 5th Avenue North, representing D.A Davidson and Davidson Companies, commented that this is a vote for economic development.

Olaf Stimac, 57 Country Lane, remembering Great Falls Iron Works, looks forward to Great Falls iron and steel again going out into the world.

No one spoke in opposition to Resolution 10005, the Annexation Agreement, or Ordinance 3101.

Mayor Winters declared the public hearing closed.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10005 and approve the Annexation Agreement, all pertaining to the ADF International, Inc. development.

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

Commissioner Burow commented that approval of projects that will employ people may affect the need for low-income housing.

Mayor Winters called for the vote.

Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3101.

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

Motion carried 5-0.

OLD BUSINESS

11. **ORDINANCE 3100, REZONE PROPERTIES OWNED BY CALUMET MONTANA REFINING AND GENERAL DISTRIBUTING COMPANY (GENDCO), GENERALLY LOCATED SOUTH OF 3RD ST. NW AND NORTH AND SOUTH OF 17TH AVE. NE.**

Planning and Community Development Director Mike Haynes reported that the Commission conducted a public hearing on January 15, 2013. The Commission approved the amended plat that reconfigured the former Westgate Mall property into seven lots.

At that meeting, the City Commission indicated a general willingness to rezone two smaller properties owned by Calumet and the Gendco property to I-2, but expressed concerns about rezoning Lot 5 to Heavy Industrial without benefit of a site plan or development plan.

The City Commission tabled action on rezoning until tonight, requesting to consider options for zoning Lot 5. The original Ordinance 3100 included all four properties and could not be easily separated for legal purposes. The options offered tonight include action on all properties.

Option A would zone all four properties I-2 as requested by the two applicants. Option B would rezone the three smaller properties to I-2, leaving the current zoning of C-2 (General Commercial) on Lot 5, but would not allow Calumet to utilize the former mall building for warehousing. Option B, Sub-option 1, would remand the rezoning of Lot 5 back to the Zoning Commission to consider PUD (Planned Unit Development) zoning.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Ordinance 3100 Option B, providing for I-2 zoning only for the properties located at 430 17th Avenue NE, otherwise known as the Gendco property, and 1620 6th Street NE and 610 Smelter Avenue NE which are owned by Calumet.

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

Commissioner Bronson stated he believes Option B is the best option for the three properties that are affected. The Gendco property involves righting a mistake; the property has been continually used heavy industrial. Based on information developed, he does not believe there is any reason to not rezone the other two properties to I-2. One of the properties is the old Midas garage area and abuts I-2 property. The remaining parcel is already closely connected to I-2 properties.

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

Kathleen Gessaman, 1006 36th Avenue NE, believes an additional option should have been made available to keep the mall area zoned I-1.

Commissioner Bronson responded that no action has been taken on that parcel.

Ron Gessaman, 1006 36th Avenue NE, stated the building at 610 Smelter Avenue is not the Midas building, but rather the Mineke building.

Commissioner Bronson responded the property is the old Midas Muffler building.

Larry Rezentes, 2208 1st Avenue North, expressed concern for greater affluent coming from the refinery with expansion.

Gloria Smith, 31 Commanche Trail, questioned the kind of storage that Calumet plans at the Westgate property and requested a response from each of the Commissioners.

Commissioner Bronson called for a Point of Order and noted the rezoning of the old Westgate Mall property is not under consideration with the current motion.

Jason Lehmann, NC 9, provided a handout and discussed standard procedure for zoning, with reference to Municode. Based on the written portion of the application, he believes there is no evidence supporting I-2 zoning for any of the properties.

Director Haynes noted that Municode is the online version of the City Code.

Mr. Lehman supports rezoning 610 Smelter Avenue NE to I-2, but believes the other three properties should be submitted separately with the proper detail that the Municode demands.

Glenn Bliss, 1128 Valleyview Drive, President of General Distributing Company (Gendco), stated the only reason the property was purchased 18 years ago was because it was zoned heavy industrial. The company manufactures materials considered heavy industrial by the Department of Transportation, and the company is only trying to get back the zoning designation that was incorrectly taken from them.

Mr. Bliss discussed the contributions of the refinery to the community and expressed support of the Commission for sending a message to current and potential new businesses that Great Falls supports responsible business growth.

Ron Staley, 801 3rd Avenue SW, agreed with the comments made by Mr. Bliss.

Dana Leach, Vice President of Calumet Montana Refining, LLC, 1900 10th Street NE, commented that Billings has two refineries in town that are five times the size of Calumet Montana Refining, and they support that city very well. He added the refinery in Great Falls intends to continue to be a good neighbor.

Stuart Lewin, 615 3rd Avenue North, stated opposition to any expansion of the refinery and believes it should be closed or moved. He also believes the former Westgate Mall property should be turned into a park. He discussed concerns with having a refinery on the edge of the Missouri River. He referenced the Missouri River Corridor Plan, noting efforts would be made to move industry away from that area. He also believes this proposal does not meet § 76-2-304(1)(a), MCA.

Mr. Lewin expressed support for correcting the zoning mistake that was made to Gendco.

Olaf Stimac, 57 Country Lane, representing the North Central Building and Construction Trades Council, expressed support for the many good paying jobs, with benefits, provided by Calumet Montana Refining. Those jobs are very important to friends, neighbors, and the community.

Judy Tankink, 3620 9th Avenue North, noted that, as a lifelong resident, she has observed the improvements that have been made the past 20 years by Calumet Montana Refining to improve the property. She believes they are good neighbors who will provide better paying jobs for the community. She questioned if the Missouri River Corridor Plan or the Growth Policy are regulatory.

Dexter Busby, Director of Government and Regulatory Affairs, Calumet Montana Refining, LLC, 1900 10th Street NE, thanked the Commission for the hearing and consideration of Calumet's request.

Gene Thayer, 220 40th Avenue South, speaking on behalf of the GFDA, expressed support of the proposal.

There being no one else to address the Commission, Mayor Winters asked Commissioner Bronson to read an e-mail that was delivered to the Commission.

Commissioner Bronson reported that Commissioner Kelly received an e-mail yesterday from Doug Wicks, who is associated with the River's Edge Trail, expressing support of Calumet Montana Refining and what they propose to do in this general area.

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

Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission remand the rezoning of the 1807 3rd Street NW property owned by Calumet back to the Zoning Commission to consider PUD zoning on said property.

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

Commissioner Burow believes the proposal is the only way to allow Calumet to move forward. He noted that any company must grow with the times or close the door. He also believes that consideration must be given to personal property rights.

Commissioner Bronson noted that by remanding for consideration a PUD, the property rights of Calumet and other affected businesses and individuals residing in the area are being considered. He also believes Calumet Montana Refining has been a good citizen in the community. He hopes a plan will be developed to allow sufficient flexibility, but also balance community concerns. He noted that expansion of operations on the property in the future will require Calumet to satisfy a much larger number of federal and state entities.

Commissioner Jones believes the proposal is a good step for Calumet and a good step for the City.

Mayor Winters also stated support for the good balance provided by the proposal. He believes that concerns for potential explosives and fires will be addressed by City planners.

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

Dexter Busby, Director of Government and Regulatory Affairs, Calumet Montana Refining, LLC, 1900 10th Street NE, noted that Calumet has committed \$600,000+ to minimize the impact on the community and to enhance that area of the refinery.

Jason Lehmann, NC 9, emphasized proposals must be transparent and follow City Code, and he noted the refineries in Billings are on the outskirts of town and do not have river issues in regards to a refinery.

Commissioner Bronson responded that Billings does have river issues with a refinery, and the refineries can be seen from the center of that city.

Mayor Winters noted that Calumet Montana Refining is on the edge of the City; Black Eagle is a separate town.

Mayor Winters asked Director Haynes if he has received all the required information.

Director Haynes responded there have been requests for a site plan or development plan, but Calumet does not currently have plans for redevelopment of the site. He added every property in the City has an assigned zoning and many of those properties are vacant. Owners have the right to develop properties based on the standards of the zoning district.

Commissioner Jones noted that by sending the rezoning of this property back to the Zoning Commission to consider PUD zoning it does not provide I-2 zoning, and any development around the former Westgate Mall property would be PUD.

Director Haynes stated they will work with Calumet to develop a PUD ordinance for consideration by the Commission.

Kathleen Gessaman, 1006 36th Avenue NE, requested an I-1 Light Industrial district designation rather than I-2 Heavy Industrial PUD for the former Westgate Mall area.

Gloria Smith, 31 Commanche Trail, questioned the kind of storage that Calumet plans at the Westgate property that would warrant an I-2 designation.

Commissioner Burow responded that information is not necessary because Calumet is regulated by Federal and State governments, with regular inspections.

Commissioner Bronson restated that the rezoning of the old Westgate Mall property is not under consideration with the current motion. The recommendation is to remand the rezoning of that property back to the Zoning Commission to consider PUD zoning. When the Zoning Commission makes its recommendation, the public will have an opportunity to comment.

Ms. Smith believes a I-1 designation should be assigned to the property.

Ron Gessaman, 1006 36th Avenue NE, expressed concern that an I-2 designation, PUD, would place limited restrictions for the property. He discussed the City's growth policy, including recommendations to protect and enhance the Missouri River.

Commissioner Burow noted the policy is a recommendation, but is not regulatory.

Mr. Gessaman noted Calumet is a company with a short history, and he referenced various refinery sites around the country that are considered blighted areas.

Commissioner Burow noted Mr. Busby questioned if a PUD would allow previous commitments.

Dexter Busby, Director of Government and Regulatory Affairs, Calumet Montana Refining, LLC, 1900 10th Street NE, noted the items listed in the proposal must be compatible.

Director Haynes responded that staff will work with the applicant to determine reasonable and mutually agreeable conditions of approval.

Brad Talcott, 2801 4th Avenue North, commented that both the refinery and the Water Treatment Plant have been at their locations for many years and it is not realistic to make either facility move. He believes Calumet's use of the former Westgate Mall property is a win-win for the community.

Olaf Stimac, 57 Country Lane, representing the North Central Building and Construction Trades Council, discussed jobs that allow a person to raise a family.

Commissioner Jones added that many subcontractors do most of the work at the refinery.

Mr. Stimac agreed and noted those are local jobs.

Mayor Winters called for the vote.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS**12. RESOLUTION 10004, RESOLUTION OF INTENT TO VACATE GRAND STREET RIGHT-OF-WAY LOCATED IN THE AMENDED PLAT OF BLOCKS 1 AND 2, AMERICAN BREWERY ADDITION, GENERALLY LOCATED WEST OF 14TH STREET SOUTHWEST AND NORTH OF 5TH AVENUE SOUTHWEST.**

Planning and Community Development Director Mike Haynes reported that Resolution of Intent 10004 is a request to vacate a ±0.28 acre portion of Grand Street right-of-way off of 14th Street SW just north of 5th Avenue SW. The right-of-way exists on paper but has never been used, and the former brewery building at 414 14th Street SW, now occupied by Montana Metal Fabricators, was built over it. Montana Metal Fabricators is interested in acquiring the property from the current owner and needs to resolve this technicality in order to complete the real estate transaction.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution of Intent 10004 and set the public hearing for March 5, 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.

13. ORDINANCE 3102, ADOPTING FLOOD MANAGEMENT REGULATIONS AND AMENDING 5.16.200 AND TITLE 17 OF THE OFFICIAL CODES OF THE CITY OF GREAT FALLS.

Planning and Community Development Director Mike Haynes reported that this is a request to accept Ordinance 3102 on first reading and set a public hearing for March 5, 2013, to consider amendments to Title 5 and Title 17 of City Code related to Flood Management Regulations.

The catalyst for these proposed changes is the requirement for local adoption of the new Digital Flood Information Rate Maps (or DFRIMs) recently completed by the Federal Emergency Management Agency (FEMA) and the Montana Department of Natural Resources and Conservation, using GPS and digital technology to improve the resolution, quality and accuracy of the maps.

There are no significant changes in floodplain boundaries in Great Falls between the new DFIRM maps and the previous generation of Flood Insurance Rate Maps that have been used for many years. Adoption of the DFIRM maps will allow owners of property within the City that are in the floodplain to continue to be eligible to participate in the National Flood Insurance Program. The deadline for adoption is March 19, 2013.

Also, local communities are required to update their respective Land Development Codes as they pertain to Floodplain Management. This update does not represent significant changes to permit application procedures, development requirements, or floodplain permitting. The intent is simply to require local jurisdictions to adopt what is essentially a model code that standardizes definitions, terminology, and code organization with federal, state and local partners in Floodplain Management, as well as to specifically reference the new DFIRM maps.

There is benefit to the citizens of Great Falls in that the changes will consolidate floodplain regulations in Chapter 56, Floodplain Overlay Districts of the Land Development Code, and eliminate some floodplain regulations that are now referenced in other sections of the code. Adoption of Ordinance 3102 will bring the City of Great Falls into compliance with federal and state requirements, bring our floodplain regulations up to date, adopt the new DFIRM maps that apply to properties within City boundaries, and allow citizens with property in the floodplain to remain eligible for national flood insurance.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3102 on first reading and set a public hearing for March 5, 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.

PETITIONS AND COMMUNICATIONS

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

- A. **Rudolph Tankink**, 3620 9th Avenue North, cautioned the Commission to consider whether the new Growth Policy will be regulatory, and he discussed Agenda 21.
- B. **Linda Metzger**, 32 Windy Ridge Lane, provided a handout to the Commission, and she discussed the lack of a foster program at the Great Falls Animal Shelter. She also discussed a modern mission statement for a shelter and a model job description for a shelter operations director.
- C. **Aart Dolman**, 3016 Central Avenue, read a letter that he provided the Commission regarding the ECP Board and Yellowstone Valley Electric Cooperative-Southern Settlement Agreement. He requested the Commission inform the public what decision has been made in regard to the proposed agreement.
- D. **Ron Gessaman**, 1006 36th Avenue NE, commented on Agenda 21 and discussed the ECP meeting the past evening. He also suggested televising ECP meetings.

Commissioner Jones stated ECP issues will be addressed with the attorneys in Billings that represent the City, and the public will be informed when the attorneys provide instructions.

- E. **Kathleen Gessaman**, 1006 36th Avenue NE, believes the ECP Board should provide information to the public on upcoming meetings, appeals, etc.
- F. **Ron Staley**, 801 3rd Avenue SW, provided a DVD handout to the Commission and the Police Chief entitled "Agenda, Grinding America Down." He also requested paper towels be provided in the restrooms at the Public Library.

CITY MANAGER

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that he recently attended the Association of Defense Communities annual meeting. There continues to be a lot of uncertainty in the Department of Defense, and there was a sense of further consolidation as the branches of the military are preparing for some form of sequestration. Some folks from the Pentagon that normally attend and provide information were unable to travel.

The Air Force continues to state there is need for a base realignment and closure process to occur. They continue to state they have too many assets and too little budget to maintain them. Also, there is potential for additional missile reductions for all the installations.

Though Great Falls has been through these processes before, Mr. Doyon believes there are additional concerns after listening to some of the speakers.

A big theme across all of the branches of the military is partnerships as a way to reduce costs. They know the importance of the relationship between the installation and the community and are taking it a step further trying to help with the operational footprint. As the Commission has been briefed, Monterey, California, is being used as the poster child for that kind of relationship.

Mr. Doyon noted the budget time of the year has begun, and reviews with departments are being scheduled.

Mr. Doyon reported that application made in conjunction with GFDA for a Big Sky Economic Development Trust Fund grant was awarded to ADF International, Inc., as noted on the agenda.

The request for TIF creation and expansion continues to be explored. A TIF presentation is scheduled for a special work session on Monday, February 11, 2013, and there will be a separate meeting with potential applicants.

Mr. Doyon reviewed a letter of commendation from Officer Dilley with regard to the actions of Captain Shupe, Firefighter Paramedic Walter and Firefighter Kulbeck to save the life of a child that was choking.

CITY COMMISSION**16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Burow stated that he has made recent comments to emphasize that businesses create jobs, and non-profits do not contribute to the taxes that provide needed services.

Mayor Winters reviewed a letter from a tourist requesting the re-opening of the Park and Ponder building for users of Gibson Park.

Mr. Doyon noted the building has code issues, but believes there is an opportunity for the right person to make an investment.

17. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Bronson, to adjourn the regular meeting of February 5, 2013, at 9:42 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

Deputy City Clerk Lucy Hallett

Minutes Approved: February 19, 2013

DRAFT