

**JOURNAL OF COMMISSION WORK SESSION**  
**April 7, 2009**

City Commission Work Session

Mayor Stebbins presiding

**CALL TO ORDER:** 5:30 p.m.

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

**1. PUBLIC SAFETY LEVY**

City Manager Gregory T. Doyon discussed the proposed public safety levy options, presented as one combined resolution for the Fire and Police Departments, and as separate resolutions. The recommended date for a mail in ballot election is August 4, 2009, which would require the Commission to take action on the resolution(s) on May 19, 2009. An approved resolution(s) would be due to the County Election Department on May 21, 2009. The earliest date the City could collect on this increase is December, 2009. Mr. Doyon recommended the ballot questions be separate, rather than combined, because he believes it gives the voters a better ability to make a decision on what they feel are the priorities of the City in terms of services and additional taxes. He directed the Fire Chief not to make any hires until the latest possible timeframe under the SAFER grant, because he was operating under the premise that the City was not going to hire the firefighters if the levy does not pass. The last time there was a request for additional mills for either fire or police services was over 40 years ago, when the fire stations were built and equipment purchased.

Mr. Doyon noted the proposed Fire Department resolution states current firefighter staffing levels are substantially below National Firefighting Ground Standards as promulgated by the National Fire Protection Agency and Occupational Safety and Health Administration and as adopted by the Department of Homeland Security. The proposed resolution(s) states that insufficient fire ground staffing has been determined to be a leading cause of firefighter deaths and injuries. The fire resolution shows the amount the grant would provide over the term, not only to employ firefighters, but to properly gear them for their duties. It also shows the additional millage that would occur over those five years, and continuing thereafter.

Fire Chief Randy McCamley stated that the numbers on the table are based on 2008 taxable valuations, but he thinks they are close. Chief McCamley noted that in year one, the 5.73 mills represents about \$65,000 in personal protective equipment that will be needed. Application will be made for a firefighter grant in that year reducing the City's cost to about \$.20 on the dollar. Being a recipient of a SAFER grant gives the City of Great Falls priority.

Commissioner Rosenbaum asked if Great Falls was ahead or behind the curve amongst the rest of the major cities in Montana, or if any of them have applied for this grant. Chief McCamley responded that he did a survey of the major cities in Montana that actually used a safety levy or a

G.O. bond. Billings passed a levy to add approximately 20 firefighters and to build their seventh fire station with equipment. They also did a joint one with the police department. Bozeman also approved a safety levy. They're building a station and adding staff. Missoula is probably the best comparable for staffing because of the population they protect. Their population is a few thousand over Great Falls. Missoula's uniformed firefighters total is 90 compared to Great Falls at 65. Even with 16 additional firefighters, Great Falls would only be at 81. Great Falls is still on the low end of what is required for staffing. Commissioner Bronson questioned if Missoula was a good example because years ago they had several small fire districts in the surrounding area. Chief McCamley responded that Missoula has the Missoula Rural Fire District that is quite large.

City Manager Greg Doyon reported that Police Chief Corky Grove has detailed the needs of sworn personnel and the civilian support staff for the Police Department. Mr. Doyon noted that with increased activity out in the field, invariably, more paperwork will be generated and additional support will be needed; hence the need for additional civilian employees. Chief Grove said he tried to look at areas he thought the community was really interested in when looking at staffing issues, and he believes that included community-oriented policing.

Chief Grove reported that the Department has been undermanned for many years. A study in 1965 indicated Great Falls should have had over 100 officers at that time. Another study in the 70's showed the same number. Chief Grove stated that, if the public gets a chance to voice their opinion, the department will have direction to proceed. If passed, the department can return to community-oriented policing. If it doesn't pass, it will indicate to him that the community is interested in traditional policing.

City Manager Doyon asked the Commission for a consensus to either combine the proposed public safety levy options for the Fire and Police Departments, or separate them. Mayor Stebbins and Commissioners Jolley and Bronson agreed to separate them. Commissioners Rosenbaum and Beecher expressed interest in combining them. Commissioner Rosenbaum said he would like both resolutions to pass, but is concerned with the decision making process when people are asked to choose either one or two.

Mr. Doyon informed the Commissioners that staff will move forward with final drafts of separate resolutions for the Fire and Police Departments for them to consider. Mayor Stebbins noted that statistics should be included in the firefighter resolution relating to insufficient staffing, firefighter deaths, injuries and property losses. Commissioner Rosenbaum suggested that similar police statistics should also be included. Mr. Doyon responded that staff would pursue bona fide resources to provide those statistics.

## **2. WEST BANK ROADWAY PROJECT STATUS REPORT**

Public Works Director Jim Rearden reported that the City was tasked with getting access to the Federal Courthouse by May 15<sup>th</sup>. After several iterations of the design, including 4th Avenue NW, the parties finally ended up with 3<sup>rd</sup> Avenue NW. A Burlington Northern Santa Fe Construction and Maintenance Agreement and Easement were signed November 18, 2008. All crossing and signal equipment is on site, and installation began Monday, April 6, 2009. MDT issued an approach permit and an encroachment permit for access at 3<sup>rd</sup> Street NW on March 10,

2009. MDT will still review Talcott's future development impact on the Central West intersection, as well as access to Mountain West Bank.

Early investigation showed a plume of contaminated soil on the county site, as well as a limited amount at West Bank Park. After meeting with DEQ, further soil testing was performed and no contamination was found down to a depth of 15 feet. The water main is only going down about 7 feet. There is some contamination at the groundwater level, and that can be pumped and purified at any time, whether there is a roadway or not. The City will clean up any contamination encountered during construction.

Commissioner Mary Jolley asked for clarification on access to the Federal Courthouse. Mr. Rearden explained that there is right-in and right-out only access to Central Avenue West.

Mr. Rearden reported that under Phase I construction, a roadway will be installed east of the tracks, through the Burlington Northern crossing, with water lines up and across the tracks. BN is currently installing a crossing, and signal equipment will be next. Completion is scheduled for April 17<sup>th</sup>. Mitchell Development is constructing a connecting roadway to the Federal Courthouse on their property. Phase 2 is on the Agenda tonight for a bid award involving completion of a small portion of water main and roadway to 3<sup>rd</sup> Street NW, with paving of the entire area. The completion date in the contract is May 15<sup>th</sup>.

Mr. Rearden explained that several land transfers were required to complete access to the Courthouse. A perpetual easement was granted in November, 2008, from BNSF for the new crossing. A Memorandum of Understanding with the Montana Cowboy's Association was signed on March 11<sup>th</sup> for a land swap, with a net dollar amount due the Cowboy's. Cascade County approved a negotiated agreement today, and it is on the City Commission's agenda tonight for consideration. The proposal includes a land trade, in addition to vacating 4<sup>th</sup> Street North between the County Courthouse and the County Annex. All transfers will be formalized with deeds.

City Manager Greg Doyon explained that the City has been trying to meet the timeframe and come up with an agreement that will be palatable with the parties involved. When the appraisals came back, the County was concerned with the differences in the square foot values, and submitted a proposal to the City to vacate 4<sup>th</sup> Street North, so they can do some aesthetic and parking improvements to create a campus area. There have been some concerns from some of the Neighborhood Councils about how that will affect traffic flow.

Mr. Rearden reported that Brad Talcott signed a right-of-way agreement today, and this agreement is also included on the agenda tonight. The agreement includes purchase of .35 acres and the City vacating .25 acres. The agreement also includes some additional tax increment provisions. Part of the agreement with the City is that 10% of the parking spaces can be shared with the Talcott development. Mr. Talcott is also trying to obtain a piece of property from BN, possibly a short or long-term lease for parking and storm drainage use.

Commissioner Rosenbaum asked about the distance to off-site parking. Commissioner Jolley responded that she thinks it is 400 feet. Mr. Rosenbaum suggested that in the long term, Mr. Talcott could purchase property from the County, or contract with the Fairgrounds or Mountain West Bank. He could also designate other property for parking rather than building sites.

Mr. Rearden explained that Tax Increment Financing was approved by the City for streets, sidewalks, curb and gutter (excluding all parking lots), power lines, storm drain systems, City water and sanitary sewer mains. There was a question on other utilities. Part of the negotiation included burying Bresnan and Qwest lines. There was also a question on reimbursing for another roadway.

Commissioner Rosenbaum asked if the 4<sup>th</sup> Avenue entrance will be the only access to the Cowboy's. Mr. Rearden answered that the Cowboy's is considering another entrance. Currently there are three driveways on 3<sup>rd</sup> Street. All but one of them will be closed.

Mr. Rearden noted that they had hoped to bury the power line as far as possible to the south. NorthWestern Energy explained that the power line goes over the Pizza Hut building so it would have to be buried around the building and still provide service to the other buildings, a very complicated process.

Mr. Rearden showed slides of construction progress being made at the West Bank location. He also pointed out parcels of land that were proposed to be traded or sold between Cascade County and the City of Great Falls and Talcott.

There was discussion on the proposed 4<sup>th</sup> Street North vacation. Mr. Rearden reported that the County plans include access for angle parking. However, MDT will probably require modifications to the signals. County plans are to tie the two facilities together in a campus area. City Attorney Dave Gliko explained that there are two statutes for vacating streets and alleys. They provide for notice to the interested parties. Hence, they provide for due process, allow for protest, etc. Being a self-governing city with a charter, Great Falls has a special authority and power under State law. The Montana Constitution provides that local governments with self-governing powers may exercise any power not prohibited by the Constitution, law or charter, and have all the right and authority to exercise under any of the statutes that relate to local government. Mr. Gliko noted that the City could choose either statute to effect a vacation. One statute requires the property owners to be personally served, and the other statute allows the notice to be made by publication. The notice goes to the parties abutting the right-of-way to be vacated.

Commissioner Bronson expressed concerns that the City is talking about entering into an agreement to vacate a street. He questioned how the City could agree to a result that ultimately requires a process where the result could be contrary to what was agreed upon. Mr. Gliko responded that the agreement should provide for the City to exercise its authority to proceed with the process to vacate. Sufficient protest would stop the procedure and the agreement would become void. City Manager Doyon suggested the Commission amend the motion, making it clear that it is conditioned upon this process, giving the County Commissioners an opportunity to communicate back to the City. Commissioner Bronson agreed to word the amended motion.

Fiscal Services Director Coleen Balzarini reported on the process for implementation of the tax increment financing and the development agreements. Regarding the federal building TIF district, the Commission needs to approve a resolution prescribing the forms and terms of the financing. She is waiting for the legislature to determine how the property revaluations are determined. She said that by the end of the month, she hopes to know what type of statutes she will have to work with for reappraisal.

Ms. Balzarini noted that the other TIF financing is the Talcott project. Before authorizing the lien note of \$900,000, there are a few requirements. The right-of-way agreement is in place. A Development Agreement needs to be prepared. A revised ordinance is needed to make sure that the project that was approved is the project being financed. A resolution is also required awarding the sale on that financing. Talcott will be carrying a note on his portion of the financing until the time the StayBridge project is complete and the City can certify the amount of tax increment that will be generated. At that point, the City could roll that note into bond financing that would be on parity with the federal building financing.

### **ADJOURN**

There being no further discussion, Mayor Stebbins adjourned the work session of April 7, 2009, at 6:43 p.m.