

Special City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER: 3:15 PM**

**ROLL CALL:** City Commissioners present: Dona R. Stebbins, Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the City Manager, Assistant City Manager, City Attorney, Director of Public Works, and the City Clerk.

## **NEIGHBORHOOD COUNCILS**

**Stan Meyer, NC 5, sworn in.**

**1. Stan Meyer** was sworn in as a representative of Neighborhood Council District No. 5.

## **OLD BUSINESS**

**Revised Land Exchange Agreement with Cascade County. Approved. OF 1488.**

(Note: The original Land Exchange Agreement with Cascade County brought before and approved by the City Commission on April 7, 2009 (Agenda Item 7), as amended by Commissioner Bronson, was subsequently denied by Cascade County.)

### **2. REVISED LAND EXCHANGE AGREEMENT WITH CASCADE COUNTY.**

City Manager Gregory T. Doyon reported that this revised agreement describes the terms of the transfers of land between Cascade County and the City that was previously presented to the City Commission and ultimately rejected by the Cascade County Commissioners. The parties have since gone back to an earlier version that was offered by the County Commissioners. Mr. Doyon set forth the differences between the original and revised agreements.

Mr. Doyon reported that the parties have been meeting weekly for months. The City has discussed land values with its appraiser. The County was not the only party in this discussion process that was concerned about values. Based on feedback from the County and all things considered, including the timeframe to meet the obligation to the new Federal Courthouse, Mr. Doyon recommended the City Commission approve the revised agreement.

Commissioner Bronson asked a series of questions regarding paragraph 2, the issue of the road closure and the applicable statute and process, including whether it was in the public's interest. He also asked a series of questions and expressed his concerns about the \$13 per square foot land value in the agreement.

In response to Commissioner Bronson, City Attorney David Gliko discussed an Attorney General's Opinion, state statutes and closure versus vacation of streets. He reported that governments with self-governing powers, such as the City of Great Falls, can exercise authority under all statutes related to local government. Commissioner Bronson and Mr. Gliko agreed that, in this instance, closure of a road includes the process set forth in § 7-14-4114, MCA.

With regard to the land values, Commissioner Rosenbaum added that Phil Rowen performed an appraisal for the City. The County had access to that information. Mr. Rowen does not agree that the value is \$13 per square foot. Mr. Doyon explained that the values were negotiated based on all the contiguous project property as a whole. Commissioner Rosenbaum concurred that the parties were looking at the development costs and the whole package rather than an individual piece of property. In essence, the contribution it makes to the project is equal to the contribution of the other parcels. Commissioner Jolley commented that it was supply and demand. She understands the significance of the appraisal, but added if nothing else was going on in that part of the City, then that land would be worth less. It is a different story today.

Mr. Doyon explained that the parties have attempted to negotiate something that was reasonable. The City is facing a timeframe to complete the road, and the County will not let the City negotiate an easement for construction access without having a signed agreement.

Commissioner Bronson expressed concerns that if there were issues down the road regarding closure of the street, this body may feel pressure to pursue the closure process, rather than paying the money.

Commissioner Rosenbaum commented that he would like to see the County's plan and design to determine how it may impact the City.

The parties discussed TIF monies that would be used if the City had to compensate the County. Commissioner Bronson pointed out that money that could have gone to park improvements would not be available if the City had to go to the option of paying the County. Mr. Doyon responded that the City can move forward with the Park Master Plan. In time, money will become available for park improvements as that area grows.

Commissioner Beecher added that, at this point, the City's immediate need is this land to make the project move forward. If the project didn't move forward, the City wouldn't have monies from TIF for other projects. It can be recovered down the road.

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the Revised Land Exchange Agreement with Cascade County, and authorize the City Manager to execute the agreement and deeds of transfer.**

Mayor Stebbins asked if there was any further discussion amongst the Commissioners. No one responded.

Mayor Stebbins asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, stated his opposition and considers the entire project to be poorly thought out. He believes the City will feel

pressure to close the road rather than compensating the County.

**Erin Tropila**, NC 7, residing at 811 5<sup>th</sup> Avenue North. Ms. Tropila stated her opposition to closure of the street. She realizes the amount of work involved and the position the City is in, but doesn't believe closure is in the public's interest. She believes there will be grave consequences to the downtown area. Ms. Tropila encouraged the Commission to take road closure off the table and come up with the money to compensate the County.

Motion carried 4-1 (Commissioner Bronson dissenting).

### **ADJOURNMENT**

#### **Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Jolley, that the special meeting of April 15, 2009, be adjourned at 3:52 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

Minutes Approved: April 21, 2009