

SUMMARY OF ADMINISTRATIVE MEETING
July 25, 2018– 4:00 p.m.
Room 326, City-County Building
316 N. Park Avenue

1. Call to order, introductions, opening comments – Mayor Collins called the meeting to order. Commissioners Farris-Olsen; Haladay and Noonan were present. Commissioner O’Loughlin was excused. Staff present was: City Manager Dennis Taylor; City Attorney Thomas Jodoin; Police Chief Troy McGee; Community Development Director Sharon Haugen; Parks & Recreation Director Amy Teegarden; Parks Superintendent Craig Marr; Public Works Director Randall Camp; City Engineer Ryan Leland; Engineer David Knoepke; Solid Waste Supervisor Jim Lang; Transit Supervisor Elroy Golemon; Community Facilities Superintendent Troy Sampson; Administrative Services Director Glenn Jorgenson; Budget Manager Libbi Lovshin; Human Resource Director James Fehr and City Clerk Debbie Havens.

Others in attendance included: American Legion Baseball representatives; Lewis & Clark County Health Department representatives; American Cancer Society, Cancer Action Network representatives; Bob Hizer and Brian Coplin.

2. July 11, 2018 Administrative Summary – The July 11, 2018 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Upcoming Appointments – Mayor Collins is recommending the following appointments:
ADA Compliance Committee Reappointment of Brian Coplin to the ADA Compliance Committee. Second term will begin upon appointment and expire September 2, 2021.

City-County Consolidated Planning Board Reappointment of Dennis Dean as the joint City-County member on the Planning Board. Second term will begin upon appointment and expire September 1, 2021.

Helena Housing Authority Appointment of Matt Dalton to the Helena Housing Authority. First term will begin on August 2, 2018 and expire August 1, 2023.

Helena Regional Airport Authority Appointment of Tom McGee to the Airport Authority. First term will begin on September 2, 2018 and expire on September 1, 2021.

Reappointment of Rick Hays as the joint City-County member. Second term will begin upon appointment and expire September 2, 2021.

Commissioner Noonan stated he has received several emails regarding the quiet zone and the train horns still being blown. He asked for clarification on when the horns can be blown; if staff has kept track of the complaints received and how do we keep the citizens informed.

Commissioner Haladay also asked for clarification on where the city has jurisdiction regarding the quiet zone.

Engineer Leland stated MRL is not required to blow the horns and have not been at the National and Roberts Street crossings. The complaints he has received are from the crossings located on Head Lane and the Green Meadow Country Club, which both are outside the city limits. The sound does carry and the residents can hear it. The city has no jurisdiction over the crossings outside the city limits.

Commissioner Haladay referenced an email the commission received regarding sidewalks not being installed on Euclid Avenue and asked where staff is with working with MDT on the waivers. Attorney Jodoin stated the city has been signing the sidewalk agreements with MDT and the one on Euclid/Glendale is currently going through the design process at MDT.

Commissioner Noonan reported on the walk a mile on their crutches and ride a mile in their chairs week-long event planned for the fall. The purpose is to invite property owners to check the accessibility into their buildings

4. City Manager's Report – Manager Taylor reported on the following items:

- The emergency stormwater project on 11th Avenue is near completion;
- Staff is preparing a presentation on the larger sidewalk discussion for the August 8th administrative meeting;
- Urban Renewal public meeting went well and staff will provide a summary to the commission;
- The community conversation went well and was well attended; a summary will be provided in the next couple of weeks. Commissioner Noonan thanked Mayor Collins and staff for organizing the meeting.
- Due to two county commissioners being gone for the August 2nd joint work session, he recommended cancelling it. There was commission concurrence.

Sweet-flavored Tobacco Products – Manager Taylor referred the commission to the May 22nd letter they received regarding the sweet-flavored tobacco products, including e-cigarettes that target local kids in the convenience stores and the draft ordinance prepared by Attorney Jodoin.

A separate item the commission would like to discuss is implementing a specific distance from an indoor public place into the clean air ordinance.

Public Comments – Lois with the American Cancer Society, Cancer Action Network; noted they are the advocacy arm of the American Cancer Society and strongly encourage the commission to consider an ordinance prohibiting self-service display of tobacco products and the sale of flavored tobacco products in stores except in adult only tobacco sections.

Karri with the Cancer Action Network spoke of their strong opposition to targeting youth with the sweet flavored tobacco product and asked the commission to move the ordinance forward.

Karen Lane, Lewis & Clark County Health Department stated that most people who currently smoke, began at a very young age. Tobacco industry targets the youth.

Commissioner Farris-Olsen noted there is a large community support to move forward with the ordinance. The ordinance would move the tobacco products away from the line of site of the youth and clarifies where tobacco products could be located in the businesses.

Commissioner Noonan stated the ordinance is a good idea and asked how it would be enforced. Attorney Jodoin stated the recommendation is it would be a civil penalty and the police would not be involved in the enforcement. However, it may have the same issues as the social host ordinance, which originally had a civil penalty and was amended clarifying it is a municipal infraction. Currently the Municipal Court views this as a small claims issue and only six can be filed per year and the city attorney's office cannot be involved.

Commissioner Haladay stated putting aside complications of prosecuting; could part of the penalty be revoking the city's business license from the business if they were in violation of the ordinance. Attorney Jodoin stated if a business was found in violation the business's license could be revoked.

Attorney Jodoin stated he will get additional information on what penalties could be included and clarification on the enforcement question and report back to the commission.

Commissioner Farris-Olsen stated the stores are inspected by a state agency; which contracts with the FDA to conduct inspections on the FDA's regulations on tobacco retailers.

Police Chief McGee commented it would be a commission decision on what city staff would do the inspections and issue the citations. He does not see the police being involved in this one.

Commissioner Haladay asked if there is language where Municipal Courts says it is a small claims case.

Indoor Air Ordinance – Commissioner Haladay asked if there is a definition of "indoor public place" in the ordinance. Attorney Jodoin stated the "indoor public place" is defined in the ordinance.

Commissioner Farris-Olsen stated an indoor public place would encompass anywhere the public is welcome. Discussion was held regarding the distance of public doors regarding amending the ordinance to include a specific distance of 30'.

Commissioner Haladay asked if the patio encroachment permits could have conditions attached to them. Attorney Jodoin concurred that the patio encroachment permits could have conditions attached to

them. He will look at the language with the current encroachment permits and see if they could be amended to add conditions.

Commissioner Haladay asked what the estimated timeline is to look at these two issues and bring them back before the commission. Attorney Jodoin stated he would suggest having them back on the agenda by the end of August.

5. Department Discussions Parks and Recreation

Future Use of Kindrick Legion Baseball Field – Director Teegarden stated at the May 16, 2018 administrative meeting, the City Commission instructed city staff and members of American Legion Baseball to work with Mr. Wagner from the collegiate Expedition League to “review” combined schedules. Each team submitted proposed 2019 schedules for games and practices.

- L&C Expedition League: The Expedition League proposes to use KLF starting on May 24 through August 4, 2019, with a total of 32 home games. There would also be periodic practices.
- Helena American Legion: American Legion proposes to use KLF from April through August. They provided a schedule that includes three teams and multi-day regional tournaments. Approximately 100 home games would be played at the field. They would also require the field for practices.

Field Capacity:

In reviewing the combined schedules, several concerns are raised from a field maintenance perspective. In order to maintain safe and quality playing field conditions, there should be one field rest day per week during March, April and May and best efforts made to allow no less than one day every ten days in June, July and August. Past practices working with the Helena Brewers, the goal was to limit total (both leagues) home games to 90-100 per season. The proposed schedules do not allow for adequate field rest. The overlap of proposed schedules would result in more than 130 games being played. In addition, more games would be played in a shorter period of time, meaning the seasons would overlap more tightly; May through August, rather than June-September as with the Brewers.

An additional scheduling concern is the time of day that the Expedition League would allow American Legion teams to play. Most of the shared days in May and early June would require the youth teams to play their home games during school hours; American Legion would be required to be off the field by 3:30. Not only does this require kids to be out of school, it also limits spectator attendance and parent support. Volunteer parent involvement is critical to the American Legion operations.

In addition to comparing the combined schedules, City staff called references that were provided by Mr. Wagner in other communities that host the Expedition League and share a field with American Legion. In summary, the communities where “shared-use” was successful were in cities that had more than one field or artificial turf. Multiple fields allowed both leagues to space out their practices, games and field rest. In cities that only had one field, it was difficult and there were strained relationships between the leagues. In general scheduling was an issue in every community.

On the positive side, some references said that the Expedition League does try to engage in the community with free youth baseball clinics and support of charitable organizations.

Community Benefit:

In addition to reviewing the amount of use the field can sustain, city staff also evaluates recommendations based on community benefits; economically, socially and opportunities for growing the city’s recreation program.

With the Helena Brewer’s leaving at the end of the 2018 season, American Legion Baseball has the opportunity to grow their program. They would be able to increase local youth participants, partner with local businesses for sponsorships and sign revenue as well as host larger and more regional tournaments.

Youth baseball in Helena struggles to find enough fields to play on. The Ryan Fields (L&C County) are geared towards younger league (Babe Ruth) and it is difficult to accommodate the field requirements for Legion level baseball at Ryan Fields. With only one adequate field in town, it is difficult for American Legion to expand their program when they must share the field with another league.

One of the main revenue generators for the Helena Brewers and other for-profit leagues is sign sponsorships from local businesses. The American Legion team in Bozeman generates approximately \$170,000 in revenue from sign sponsors. Bozeman does not have a minor league or college level league.

American Legion believes there would be strong support from local businesses and are not concerned about the additional "rent costs" of the facility.

In the past American Legion has not been able to host Class AA or A regional tournaments. Kindrick Legion Field is well suited for hosting tournaments. There would be an economic impact on Helena from tournaments. Currently American Legion tournaments results in approximately 702 hotel stays per summer. Additional proposed tournaments would result in more than double (1,476) hotel room stays. The TBID estimates that the economic impact of an overnight stay in Helena equals \$300.

In addition to expanding tournaments, American Legion has a desire to enhance their partnership with Babe Ruth Baseball and other sports organizations by hosting championship games at the field, conducting youth sports camps, etc.

City staff would like to explore the potential for hosting non-baseball special events at the facility such as music festivals or adult recreation league to name a few. The facility could be used for than baseball, providing a larger benefit and asset to the broader Helena community by providing additional recreational opportunities.

In the event the Helena had more than one baseball field and stadium, city staff would welcome the opportunity to work with the Expedition League. However at this time, city staff proposes a two year delay in negotiating with a new league in an effort to allow Legion baseball to expand their program and evaluate the potential community benefits of different recreational uses of the facility.

An advantage is Legion baseball has the opportunity to grow their program and continue to foster youth baseball in Helena. A disadvantage is there may not be interest in the future by other leagues.

Mayor Collins stated he has received emails in support of the Expedition League and will forward those to staff.

Public Comment – The following person spoke in support of staff's recommendation for a two year delay in negotiating with a new league in an effort to allow Legion baseball to expand their program: American Legion Baseball General Manager Craig Thornquist; Dave Thennis, former American Legion Baseball coach; Nick Miller, Babe Ruth baseball representative; Bob Hizer and Elroy Golemon.

The comments included the need for additional fields; giving the local youth the opportunity to play legion baseball; reduce the travel for the local teams and expand the program. Mr. Hizer encouraged the city to continue to work to bring in another minor league team.

Commissioner Farris-Olsen stated he supports the recommendation to delay negotiating with a new league for two years. Commissioner Noonan also concurred with staff's recommendation and likes the idea of giving the local youth an opportunity to play baseball.

Commissioner Haladay asked what the Expedition League is proposing for an agreement. Director Teegarden stated the proposal is for a five year agreement with an option to renew. Commissioner Haladay asked if staff has discussed the recommendation with the Expedition League. Director Teegarden stated she has had discussions with Mr. Wagner and spoke on a process that could be used in two years.

Commissioner Haladay stated he is mixed on a delay; a community the size of Helena and having a minor league baseball team is cool. The proposal to grow the American Legion program is good; however, the attendance will not always be what is being predicted. He will support a two year delay; however, want to begin the process of bringing in another minor league prior to the two years.

Director Teegarden stated there are requirements from the Expedition League that certain field improvements would be done; she discussed with Mr. Wagner what facility upgrades and higher level of service for the field condition would be required. Director Teegarden noted the ADA upgrades to the facility is a higher priority for city staff.

Commissioner Haladay stated he is okay for the two year delay and then look who is out there that may be interested in bringing in another minor league team to Helena.

Commissioner Farris-Olsen concurred with Commissioner Haladay's comments to start the process earlier than two years with the understanding there is no obligation to bring in another team.

Manager Taylor summarized that staff will proceed with a two year use agreement with American Legion Baseball and move forward with reaching out to other minor league teams prior to the two years.

Administrative Services

FY 2018 Year-End Discussion (COLA) and Pay Plan Philosophy –

Manager Taylor introduced the agenda item. Human Resource Director Fehr referred the commission to the memo regarding the city's pay plan philosophy and methodology used for many years. Overall, we use the median of the market of the six largest cities in the State based on comparable cost of living and median income. The COLA percentage is the CPI-U for the prior calendar year.

Director Fehr reviewed the criteria that has been utilized in selecting a comparable labor market to include: Geographic proximity to the City of Helena; Employer size; and Nature of Services provided. He then reviewed the specific information included in his memos and noted there is always room for discussion on how to improve a pay plan philosophy.

Manager Taylor noted the pay plan philosophy needs to be equitable and sustainable. He asked if the commission has any ideas regarding the pay plan, now would be a good time to address them with the new city manager.

Commissioner Noonan stated he believes the commission should emphasize COLA's. When adopting both the market adjustments and COLA, it has a major impact on the budget. The commission and staff need to take into account the salary structures within the community and see how the city's increases relates to the community's salaries.

Commissioner Haladay stated the commission has prioritized affordable housing, improvements to downtown, two TIF's and economic development. How do we do that when most years we break even. Commissioner Haladay stated a COLA is more equitable than market base increases; however, he continues to struggle with giving a COLA since it is one of the few areas the commission often funds at 100%. All departments are not always funded at 100%; specifically the capital funds.

Commissioner Farris-Olsen stated giving a COLA makes more sense than market rate adjustments as it is more equitable for all employees.

Commissioner Haladay referred to the total revenues; total expenses and asked for an overview. Budget Manager Lovshin spoke on general fund cash flow in the packets and reviewed the information.

Manager Taylor stated the Commission direction at budget adoption was to budget for a 2.1% cost of living adjustment (COLA) for fiscal year 2019, but not implement any COLA until fiscal year 2018 actual financial results were available. Based on the financial results and the current pay plan methodology, he recommended that the city adopt a 2.1% COLA, effective July 1, 2018.

Manager Taylor did not recommend any changes to the current pay plan until the new City Manager is hired. Commission strategic planning is underway and the Commission and City Manager have an opportunity to discuss and craft any changes to our current approach. It may be important that a pay study based on any changes be completed prior to building the FY 20 preliminary budget and preparing for collective bargaining.

Also included in the packet was an updated cash flow for the General fund with actual amounts and a spreadsheet showing the cost of implementing a 1% and 2.1% COLA for informational purposes. The 2.1% COLA is included in the FY19 budget and any changes would result in additional savings in the funds. The general fund portion of the 2.1% COLA equals \$272,818.

Manager Taylor stated the commission can approve a COLA from 0% up to a 2.1%.

Commissioner Farris-Olsen stated he is good with the 2.1% COLA

Commissioner Haladay stated he will support the 2.1% COLA if there is commission consensus; he would be comfortable with a 1% COLA.

Commissioner Noonan stated he will support the 2.1% and then seriously take into account all of the concerns and needs as we adjust the pay philosophy. Commissioner Farris-Olsen and Mayor Collins concurred.

Manager Taylor stated there is commission concurrent to approve a 2.1% COLA and to review the city's pay philosophy in January/February 2019 and begin prior to budget considerations.

City Attorney

Apprenticeship Resolution – Attorney Jodoin reported the resolution, if passed, would require contractors working on City projects to use a certain percentage of workers as apprentices on the project. The only decision point remaining is at what contract value should the apprenticeship requirement apply.

Since 2009 the following is the total (for example, non-purchase) contracts have been entered into:

<\$50,000: 1243 (inclusive of equipment and goods purchases)
\$50,000 to \$80,000: 32
\$80,000 to \$100,000: 11
\$100,000-\$150,000: 13
\$150,000-\$200,000: 8
\$200,000 to \$300,000: 14
\$300,000 to \$400,000: 5
\$400,000 to \$500,000: 7
\$500,000 to \$1M: 5
\$1M to \$2M: 3
>\$2M: 4

The Montana Department of Labor currently recognizes about 80 apprenticeship occupations, while the United States Department of Labor recognizes 1,200 occupations. Notable is Montana's lack of apprenticeship programs in highway/road construction and water/sewer/stormwater main installation occupations. A copy of the Montana recognized apprenticeship occupations, as well as the independent apprenticeship programs within Lewis and Clark County, is attached.

A detailed listing of service contracts exceeding \$50,000 was included in the packet. Staff recommends that the threshold for requiring apprentices be initially set at \$1,000,000 so as not to potentially reduce the pool of potential bidders on city projects. Since 2009 that would be potentially 6 contracts involving the apprenticeship occupations. Those potentially eligible contracts are bolded on the attached list of projects. Additionally, the commission may want to consider adding the United States Department of Labor to potentially eligible apprenticeship programs.

Because the resolution is drafted on the basis of amount rather than particular occupations, all service contracts over \$1,000,000 would be required to comply. If no apprenticeship occupations exist a waiver would need to be granted. For that reason staff recommends the resolution authorize the city manager, upon a documented showing of unavailability of apprentices or a disproportionately high ratio of material costs to labor hours, the power to adjust or waive the apprenticeship requirement, rather than reserve that authority to the commission. If the commission were to reserve that authority it is that waiver decision would need to be accomplished at a regular commission meeting and is expected to extend the bid process.

Commissioner Haladay asked if the 1-million recommendation would reduce the number of potential bidders. Attorney Jodoin stated staff's concern is if we set the number too low and with having limited amount of contractors, they may choose to not to bid. The lower the amount of the requirement, you run into smaller shops not bidding projects.

Commissioner Farris-Olsen asked if this resolution would have much of an effect if it is set at 1-million. Engineer Leland noted the city will be seeing more projects over 1 million. Public Works Director Camp noted he would like to discuss this proposal with the contractors and see what their input is.

Commissioner Farris-Olsen stated he supports moving forward with the resolution; allowing the city manager to grant a waiver and would set the project amount for three years as follows: \$500,000 for the first year; \$250,000 for the second year and \$100,000 for the third year and keep it at the \$100,000 project amount going forward.

Commissioner Noonan supports Farris-Olsen's recommendation and then after the third year evaluate the program. He believes the recommendation would encourage more apprenticeships and not discourage them.

Commissioner Haladay stated he is comfortable with that approach.

Public Comment – Bob Funk with the American Federal of Labor, spoke in support of the resolution and of Commissioner Farris-Olsen's implementation recommendation.

Commissioner Farris-Olsen noted there is a tax credit available for companies that use apprenticeships.

Attorney Jodoin clarified the resolution would apply only to the contracts entered into after the resolution is adopted.

Manager Taylor summarized staff will prepare the resolution and put it on an upcoming commission meeting agenda and will include the city manager have the authority to grant a waiver and the three year schedule.

6. Committee discussions

- a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns -- Mayor Wilmot Collins – No report given.
- b) Mayor Pro-Tem, Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Public Art Committee - – Commissioner Andres Haladay – No report given.
- c) Board of Adjustment, Civic Center Board, Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – Commissioner Rob Farris-Olsen – No report given.
- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Administration Building (CCAB), Montana Business Assistance Connection – Commissioner Ed Noonan – No report given.
- e) Audit Committee, City-County Parks Board, Transportation Coordinating Committee - Commissioner Heather O’Loughlin – No report given.
- f) Helena Citizens Council – No report

7. Review of agenda for July 30, 2018 Commission meeting – No discussion held.

8. Public comment – No public comment received.

9. Commission discussion and direction to City Manager – No discussion held.

10. Adjourn – The meeting adjourned at 5:40 p.m.