

## SUMMARY OF ADMINISTRATIVE MEETING

May 1, 2019– 4:00 p.m.

Room 326, City-County Building

316 N. Park Avenue

**1. Call to order, introductions, opening comments** – Mayor Pro Tem Haladay called the meeting to order. Commissioners Noonan, and O’Loughlin were present. Commissioner Wicks and Mayor Collins were excused.

Staff present: Acting City Manager James Fehr; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O’Connor; Interim Police Chief Steve Hagen ; Interim Fire Chief Ken Wood; Community Development Director Sharon Haugen; Public Works Director Randall Camp; Assistant Director Public Works Libbi Lovshin; City Engineer Ryan Leland; Helena Parking Tim Nickerson; Interim Parks & Recreation Director Craig Marr; Open Lands Manager Brad Langsather; Finance Director Glenn Jorgenson; Community Facilities Superintendent Troy Sampson; and Deputy City Clerk Dannai Clayborn.

Others in attendance IR Reporter Mike Woodel; Nancy Perry; Mary Hollow of PPLT; Evan Kulesa of PPLT; Andrea Optiz of Helena TBID; Micky Zurcher of HBID; Karena Bemis Helena Tourism Alliance

**2. April 17, 2019 Summary** – The April 17, 2019 administrative meeting summary was approved as submitted.

### **3. Commission comments, questions**

**Upcoming Appointments** – Mayor Pro Tem Haladay recommended the following board appointments:

Commissioner Noonan asked if the term limits were ever established for the Civic Center board members.

Deputy City Attorney O’Connor stated changes to the term limits for the Civic Center board would have to be addressed in a formal resolution. Commissioner Noonan stated no other information or action was requested.

#### **Civic Center**

Appointment of Bridget Holland to the Civic Center Board. The first term will begin upon appointment and expire March 1, 2022.

#### **Helena Open Lands Management Advisory Committee**

Reappointment of Karen Reese to a second term on HOLMAC. Term will begin upon appointment and expire June 30, 2022.

#### **Heritage Preservation and Tourism Council**

Reappointment of Patrick Rieley to a second term on the Heritage Preservation and Tourism Council. Term will begin upon appointment and expire June 30, 2022.

#### **Pre-Release Screening Committee**

Appointment of Troy McGee to the Pre-Release Screening Committee as a community representative. NOTE: There is not a specific term for members of the Pre-Release Screening Committee.

#### 4. **City Manager's Report**

Acting City Manager Fehr introduced Mary Hollow from Prickly Pear Land Trust.

Ms. Hollow presented on the Whyte Estate land acquisition update. Upon completion of the due diligence regarding the acquisition, the land would be presented to the Commission as a donation to the Mount Helena city park. The land parcel includes 72 acres, but when considering right of ways, the total is approximately 90 acres to be added to Open Space. Ms. Hollow also addressed the land has not been treated for fire mitigation, and this is an expansive public safety issue. The acquisition of the property would allow the City to address the danger of fire on the Wildland-Urban Interface.

Mid-June is the targeted closing date for the acquisition, and Ms. Hollow stated she would work with City staff to secure a date to approach the city at a regular City Commission meeting with a full presentation.

Ms. Hollow recommended keeping the temporary closure at LeGrande closed due to accessibility of those individuals with limited mobility as opposed to alternate entrances to the Mount Helena recreation area.

Commissioner Noonan asked if the County was involved in this acquisition, and what was the level of support for the project by the County. Ms. Hollow stated due to the lands location is almost entirely in County land ownership, County staff and the Commission have been involved at multiple levels. Ms. Hollow stated she had not had a formal discussion with the County, but due to the work on this project with the County Commissioners she felt confident they were supportive.

Commissioner O'Loughlin asked if the City would be responsible for fuel mitigation on the property after it was donated. Ms. Hollow stated city staff will be responsible for the fuel mitigation, however, was hopeful the County would be helpful in this matter.

#### 5. **Department Requests –**

**Public Works** – Public Works Camp reported on the execution of City Ordinance 7-4-6 Ordering in Sidewalks along Fee Street.

Currently, ADA compliant sidewalk access does not exist along Fee Street between 11<sup>th</sup> and Prospect. The current situation poses an impediment to people with mobility challenges and pedestrian safety. In order to rectify this situation, City Staff have been in contact with the adjacent property owners along Fee Street between 11th and Prospect. The property owner on the east side of Fee Street, the Days Inn, has agreed to install the sidewalk and staff is working out a schedule for the installation.

The property owner on the west side of Fee Street, FUDO Capital LLC of Greenwich, CT, has been unresponsive to several contact attempts. Staff has also been in contact with the Albertson's store about the sidewalk and the indications are that neither Albertson's nor the property owners are willing to install sidewalks unless ordered by the City Commission.

Pursuant to City Ordinance 7-4-6, the City Commission has the authority to order the construction of sidewalks for the west side of Fee Street between 11th and Prospect. Consistent with the ordinance, upon Commission direction, staff will issue the 30 day notice to the property owner delineating their responsibility to install sidewalks. If the property owner does not have the sidewalks installed in the 30 days, City Staff will hire a contractor to install the sidewalk and bill the property owner for the costs.

City Engineer Leland stated if the City Commission approved of staff's proposal on this project, it would be brought forward on May 20<sup>th</sup> at a regular city commission.

Commissioner O'Loughlin asked if this would be a regular item on the agenda. City Attorney Jodoin confirmed they would be regular and should the motion pass, the property owner would have 30 days to construct the sidewalk. If the sidewalk is not completed by the end of the 30 days, the city can then contract the installation, and a resolution will then be brought forward to the commission upon completion to allow the cost of installation as an assessment on the property.

Commissioner Noonan asked if a remodel of an existing building was adequate to require the installation of sidewalks, as in the case of two casinos in the vicinity of the Fee Street properties. Engineer Leland stated this would require an amendment to the city ordinance. However, Engineer Leland stated he has been in contact with the owners of both properties in question and if necessary, a resolution could be brought forward for those properties, as in the case of the Fee Street properties.

Mayor Pro Tem Haladay asked if the ordinance allowed the city to require sidewalk installs upon the resurfacing of a parking lot. Engineer Leland stated no, but an amendment to the ordinance would allow for this requirement.

Mayor Pro Tem Haladay asked for an update of sidewalk installation on National Avenue. Engineer Leland reported a water main replacement was required for the area, as well. City Staff is planning on coordinating the two projects at the same time.

**City Attorney** – City Attorney Jodoin reported on changing the penalty for violations of Section 4-2-2 of the Helena City Code, Sale of Tobacco, from a misdemeanor criminal offense to a civil penalty.

The City Commission adopted an ordinance regulating the sale of tobacco within city limits on November 20, 2018. As adopted, the ordinance made it a misdemeanor criminal offense to violate the ordinance. Section 7-1-111(8) of the Montana Code limits the penalty that a local government may impose associated with a misdemeanor criminal offense. As such, when city staff presented the proposed amendment to Title 4 of the Helena City Code to the Commission on April 22, 2019, the regulations specifying the penalty for a violation of the sale of tobacco ordinance were proposed to be updated to reflect the statutory limit for a misdemeanor criminal offense.

However, the Montana Code does not place limits on civil penalties imposed by local governments. If the Commission wishes to retain the previously established penalty amounts, the Commission may do so, however, the penalty would have to be classified as a civil penalty rather than a misdemeanor criminal offense.

If the City Commission wishes to retain the previously established penalty amounts for violations of the Sale of Tobacco ordinance, city staff will present that as a staff amendment at second passage of the ordinance eliminating outdated and duplicative business regulations by repealing Chapters 2 through 12 of Title 4, and adopting a new Chapter 2, Business Regulations, of Title 4 of the Helena City Code on May 20, 2019.

Mayor Pro Tem Haladay asked if it was the City Attorney Office's position that the City Court is applying an incorrect interpretation of the civil penalty provision. City Attorney Jodoin confirmed this.

Commissioner O'Loughlin asked if the public notice timeline was taken into account regarding the amendment. City Attorney Jodoin stated considerations were taken regarding public notification when bringing this matter forward to the Commission.

Consensus was met to move forward with the changes recommended by staff.

## **6. Department Presentations**

**Finance Department – Fiscal Year 2020 Budget** - Finance Director Jorgenson referred the commission to the handout and asked for commission comments/questions on the following:

### **Business Improvement District Work Plan and Budget**

Micky Zurcher presented the BID financial package. Ms. Zurcher highlighted Project Renaissance in the package.

Commissioner Noonan asked if the Project Renaissance was in conjunction with the city. Ms. Zurcher discussed the ten year report included in the financial packet provided, which is part of the renewal process for BID. Mayor Pro Tem Haladay asked for the timeline for the renewal. Ms. Zurcher stated August 1, 2020 is the deadline for the resolution of intent to be passed.

Commissioner Noonan thanked the BID for the process and discussions held with the city staff.

Commissioner O'Loughlin asked how the assessments have changed over the past few years. Ms. Zurcher stated they were around 208,000 to 220,000, and BID will be going through a formal process next year to increase the assessment.

Commissioner O'Loughlin asked how many commercial vacancies existed in the downtown area, and if there was any historical data on vacancies. Ms. Zurcher stated she did not have hard facts only anecdotal information, however MBAC and BID have talked about formulating a database for compiling this type of data. Ms. Zurcher agreed a database would be helpful for current and future endeavors.

Commissioner Noonan stated Carroll College students had worked on compiling similar data as part of classwork, and internships may be an option. He volunteered to contact the internship coordinator at Carroll College to propose the idea.

### **Tourism Business Improvement District Work Plan and Budget**

Andrea Opitz of Helena Tourism Alliance presented her work plan for the coming year, stating she had been working with BID, City Staff and Open Lands department, in order to continue promoting Helena as a unique destination.

Commissioner O'Loughlin inquired about the construction timeline of the Historical Society Heritage Center Museum, and how this new facility was being considered as it pertains to tourism in the Helena area. Ms. Opitz stated she has been working closely with the historical society and felt it was hugely beneficial to their common goals. The historical society was a large part of their online traffic, and they continue to promote it as a resource for tourism in the community.

## **Assessments / Rates Follow-Up Discussion**

Finance Director Jorgenson reported follow-up discussion to the Special Rates Meeting will be presented at the next Admin meeting, due to time constraints. Director Jorgenson stated there was a question regarding the county road assessment, and it was confirmed this assessment is only charged to residents outside the City limits.

Commissioner Noonan stated there were some concerns from community members over having a meeting on a Sunday.

Commissioner O'Loughlin thanked staff for all of their hard work and preparation for the special meeting. Mayor Pro Tem Haladay also thanked the staff and thought the material was thoughtfully provided and the information would be very beneficial in the decision making process.

### **7. Committee discussions**

Helena Citizens Council – Tom Woodgerd reported at the March HCC meeting the City Manager had discussions with the HCC on the continuation of the plastics recycling program. They were asked to offer their opinion / recommendation to the commission regarding the value of this program.

Mayor Pro Tem Haladay stated there was no current proposal to discontinue any recycling programs, and as of right now the status quo was expected in this matter, and there were ongoing discussions with the County regarding the Sustainability Coordinator as a joint effort, which may further impact these concerns.

Commissioner O'Loughlin asked for an update on curbside recycling programs. Director Jorgenson stated last month 903 residents were participating, as opposed to 775 last year at this time.

### **8. Review of agenda for May 6, 2019 Commission meeting – No discussion held.**

**10. Public comment** – Jim Tucker, General Manager Comfort Suites, stated in response to the inquiry about the timeline of the Heritage building, and discussed some estimation on funding of the project.

**11. Commission discussion and direction to City Manager** – none given.

**12. Adjourn** – The meeting adjourned at 5:17 p.m.