

SUMMARY OF ADMINISTRATIVE MEETING
October 16, 2013 – 4:00 p.m.
Room 326, City-County Building

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Ellison, Elsaesser, Haque-Hausrath and Thweatt were present. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; Police Chief Troy McGee; Robert Ricker, Administrative Services; Fire Chief Sean Logan; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; Community Development Director Sharon Haugen; Human Resources Director James Fehr; Administrative Services Director Tim Magee; Parks & Recreation Directory Amy Teegarden; City Attorney Jeff Hindoien; HCC Coordinator Kelli McLane and City Clerk Debbie Havens. Others in attendance included: HCC representatives John and Cyndi Forbes, Carrie Severson, Mark Simonich and Pat Doyle.

2. October 2, 2013 Administrative Meeting Summary – The October 2, 2013 Administrative Meeting summary was approved.

3. Commission comments, questions –

Commissioner Elsaesser complimented Mayor Smith on his speech at the Montana League of Cities and Towns Conference. He also reported on the work session held on the recycling program on October 15th.

Commissioner Haque-Hausrath stated she had brought up at a previous administrative meeting the issue of smoking near the playground at Pioneer Park. She asked that this issue be put on a future administrative meeting agenda and that there be some advance notice to allow parents time to attend the meeting.

City Manager Alles gave an update on what staff has been considering to address the smoking near the playground at Pioneer Park. Manager Alles stated if the commission wants to bring this forward, he is ready to do so. Commissioner Elsaesser asked if this issue is something the Parks Board should weigh in on. Manager Alles concurred.

Commissioner Haque-Hausrath commented there would be support to install signs asking people not to smoke prior to the commission taking formal action.

Commissioner Elsaesser stated he would not object to signs being put up during the interim. There was commission concurrence to put the signs up and then bring the policy up for future discussion.

Commissioner Haque-Hausrath reported there currently is a rate case in front of PSC on how street lights are classified, the particular case involves the use LED lights and ownership of lights. Commissioner Haque-Hausrath noted if the commission is interested in submitting a letter of intent to intervene, the deadline is October 25th. She commented an actual motion to intervene is fairly simple and she would be interested in pursuing it.

Commissioner Thweatt stated he doesn't totally understand what this is exactly about. Commissioner Haque-Hausrath noted she doesn't have any additional comments; however, she is sure it has a broader implementation than the use of LED lights.

Commissioner Elsaesser stated he is very interested in going back to dark skies; the case being referred to is out of Billings and he believes it is appropriate to do the initial inquiry of intervening. Manager Alles noted he will meet with former Commissioner Cartwright to get additional information on this case.

Mayor Smith asked if there was commission concurrence to leave the final decision up to City Manager Alles and City Attorney Hindoien. Manager Alles noted the initial letter is a very simple and he will explore the entire process. Commissioner Thweatt stated if it would allow the use of LED he would support; however, it may take a lot of staff time.

City Attorney Hindoien stated he can take the initial step of intervening; once he has better information on what it takes to go forward he can report back to the commission. There was commission concurrence to send the initial letter to Public Service Commission. Commissioner Ellison asked if the city sends the letter, does the commission have the option to withdraw later on. City Attorney Hindoien stated yes.

4. City Manager's Report - City Manager Alles reported the city received the Rand McNally geocaching award and the bronze award as a biking community from the League of the American

Bicyclists. He stated he will report on this at the city commission meeting on October 21st. Commissioner Ellison stated he was planning on speaking on this issue at the meeting on Monday and offering some comments.

5. Department Discussions

Parks & Recreation

A. Park District Phase 2 – City Manager Alles reported Phase One is completed and the commission received a report at the last joint work session. Manager Alles asked if the commission wants to move forward with Phase Two of the project; the cost is approximately \$30,000.

Parks & Recreation Director Amy Teegarden gave an overview Phase One of the feasibility report; it also gave a range of alternatives which included a Regional Park District; Phase Two would help redefine what the district would look like.

Director Teegarden noted there would be decision points throughout Phase Two with the ultimate decision of putting a referendum on an upcoming ballot. The county has offered to oversee the project and have it wrapped up for a commission decision by June 2014.

Commissioner Elsaesser stated it was a very productive discussion with the representatives from East Helena and Lewis and Clark County and he would support moving forward with Phase Two.

Commissioners Thweatt and Ellison stated they too support moving forward with Phase Two.

Mayor Smith asked for the definition of a district. Kari Severson, Special District Coordinator with Lewis & Clark County explained Title 7-10-11 gives the authority for the three jurisdictions to create a parks district. Ms. Severson noted Phase Two will include a lot of public outreach to make a recommendation on what opportunities would be included in a park district. There is a lot of work to accomplish before any recommendation is brought back for commission consideration.

Mayor Smith commented it is his understanding a district would encompass a certain geographic area, operates under a board of directors and has the power to tax or levy. County Special District Coordinator Carrie Severson concurred and noted if there are different methods of assessing that would be explored during Phase Two. Mayor Smith stated he is very hesitant to establish any new districts and setting up any new taxing entities.

Commissioner Elsaesser noted a lot of the remediation at ASARCO could be addressed through this district. There are opportunities outside city limits that city residents could use.

Commissioner Thweatt asked if the governing body of each jurisdiction would have to decide to move forward. Ms. Severson explained each entity would have to approve a resolution. Commissioner Thweatt asked if outcome of any vote to create a district would be determined on the entire district and not each jurisdiction. Ms. Severson concurred.

Commissioner Ellison thanked Mayor Smith for his comments and stated he doesn't have an appetite to create another district; however, he does want to hear from the citizens on what they want and Phase Two would accomplish that.

Commissioner Haque-Hausrath stated she too has concerns with creating a parks district and does not see how the city is going to benefit and questioned if this is the best recommendation for the city residents.

Manager Alles noted there is \$15,000 in the FY14 budget to pay the city's portion of Phase Two. Commissioners Thweatt, Elsaesser and Ellison supported moving forward with Phase Two.

Commissioner Elsaesser asked that representatives from East Helena, Jefferson County and School District be invited to the December 5th joint work session.

Administrative Services

A. Impact Fees – Administrative Services Director Tim Magee gave an overview on Impact Fees/Status Report to include the following:

- Outline of the process to date
- Project costs
- 2006 through 2010 progress
- Joint Impact Fee Advisory Committee
- Reports/Drafts Developed to Date:
 - Impact Fee Study Feasibility Report
 - Impact Fee Service Area Report
 - Impact Fee Ordinance Draft
 - Impact Fee Advisory Committee – Final Report

- Statutory Definitions Relating to Impact Fees
 - Capital Improvements
 - Impact Fee
 - Public Facility
 - Service Area Report – budget component
- Recommendations
 - Proceed with ordinance drafting to establish City authority
 - No immediate action on setting impact fees.

Manager Alles spoke of moving forward with the ordinance; however, he would not recommend moving forward with any impact fees until the county is ready to do so. Manager Alles recommended the commission either move forward with the ordinance or take it off the table for further consideration..

Mayor Smith spoke on the process to date and asked if the county is interested in moving forward. Manager Alles stated the county is not interested in moving forward.

Commissioner Elsaesser noted the consulting firm did an excellent job in preparing the final report. He too stated the city should not advance impact fees until the county is ready to do so and stated he is very comfortable to table this issue at this time.

Commissioner Ellison concurred to table impact fees at this time. Mayor Smith stated he too does not want to move forward until the county is ready. He then asked if the city were to proceed and adopt the ordinance, could it be on the books and nothing else would occur. Manager Alles concurred and noted a resolution setting the impact fees would be brought forward at a later date.

Mayor Smith noted the ordinance could set as a draft until such time the commission was ready to consider it. Manager Alles concurred and noted he would want the city and county to move forward at the same time. Mayor Smith stated that was the original intent and he too would prefer to wait until the county is ready to move forward.

Commissioner Thweatt concurred with the previous statements and supports not moving forward at this time. Commissioner Haque-Hausrath agreed the city should work with the county. She commented DNRC is currently looking at the rules for exempt wells and the outcome may have an impact on development out in the county.

Commissioner Haque-Hausrath recommended the commission keep the ordinance in mind during this administrative rule making process. Manager Alles noted he discussed this with other city manager's and will follow the issue and report back. He will also ask to be added to the interested party list at DNRC.

Commissioner Elsaesser stated he is open to revisiting impact fees if there is a reason to do so. He continues to look at the growth patterns which include outside the city limits.

Mayor Smith summarized the commission is going to set impact fees aside; pending action from the county and the DNRC ruling.

Manager Alles recognized and thanked Tim Magee for his work on the impact fees.

B. Non-Motorized Transportation District Timeline – Administrative Services Director Tim Magee gave an overview of the steps and timing required to create a Non-Motorized Transportation special district. He referred the commission to the spreadsheet that included information on the following information, commission actions and date deadlines:

- Cost – Operating Budget and CCIP
- Resolution of Intent Draft
- Commission Discussion
- Public Hearing on Resolution of Intent Creating the District
- Public Notices for 60-day protest period
- Public Hearing on Resolution Creating the District
- Report to Department of Revenue

Manager Alles noted this is listed as #3 on the commission priority list. He then gave a general definition on what this district would look like and noted it will include discussions on street maintenance, additional services for non-motorized services, centennial trail and maintenance on trails within the city limits. If a district is created, a budget would be developed to address these issues.

Commissioner Thweatt asked if this would help fill the gaps in the city where there are no

sidewalks. Manager Alles stated it could, if it was defined in the scope of the district. Commissioner Haque-Hausrath stated she is very interested in including sidewalks at a minimum for citizens who have a hardship.

Commissioner Elsaesser stated he would like to advance the timeline to move this district forward. He suggested the commission may be able to move the earmarked funds from street maintenance into this district. He believes this would be considered as an assessment and he would like to move forward with certain projects that would also include ADA ramps and sidewalks.

Manager Alles noted the district has to be created before an assessment can be adopted.

Administrative Services Director Magee explained the process cannot be accomplished prior to December 2013, therefore; it could not happen any sooner than August 2014. Commissioner Elsaesser asked if the tree maintenance district followed the same process. Director Magee stated yes and explained the timeframe on when the tree maintenance district was created.

Commissioner Ellison stated he is confused; the commission just had the discussion of a parks district which would have to go to the voters; however, this district would not have to go on a ballot. Manager Alles explained the non-motorized district is a single jurisdiction where the parks district is multiple jurisdictions. Director Magee stated this too could be put on a ballot, if the commission decided to do so.

Commissioner Elsaesser commented the non-motorized district is different from the parks district; he asked if the county could also create a non-motorized district? Director Magee concurred and explained the process for each entity would have to be followed, if they chose to do so.

Mayor Smith commented his recollection was the priority list was not going to compel the commission to proceed with any one item. He then asked if state law requires the protests cards that are sent out to have the postage pre-paid. Director Magee stated state law does not require the cards to have the postage pre-paid.

Mayor Smith again reiterated this would be a district and would have the same three essential elements as a park district. Director Magee explained the district could operate under a board of trustees or it could be a city operation and not need a governing board.

Commissioner Thweatt asked if there are other funding options to use to retrofit sidewalks within the city limits. Manager Alles noted the city's ability to order in sidewalks and pay for them would not be restricted; there are other methods to pay for them such as the INTERCAP Loan Program. Mayor Smith asked if the budget for the sidewalk replacement program is \$150,000 with zero interest. Manager Alles noted the volunteer program is zero percent; however, if they are ordered in, an interest could be assessed.

Commissioner Haque-Hausrath asked if the commission were to order in a sidewalk would the costs be spread out for the property owner or would it be a one-time cost. Manager Alles stated it is the city's policy to spread it out for ten-years.

Commissioner Elsaesser stated he is interested in sidewalk financing and to make sure there is funding for non-motorized projects. There needs to be some very clear guidelines on the city's sidewalk replacement program.

Mayor Smith asked what the manager wants from the commission today. Manager Alles noted unless the commission tell him not to proceed, staff will move forward with the creation of the non-motorized transportation district. He also noted there has always been an unexpended balance in the sidewalk replacement program.

Commissioner Elsaesser compared the non-motorized district assessment to the landfill district, the commission is not creating a new assessment, this district would create more transparency in the street maintenance assessment and the non-motorized district.

There was commission concurrence to move forward. Commissioner Haque-Hausrath stated she would like to consider an option for installing sidewalks for those who cannot pay.

6. Committee discussions

a) ADA Compliance Committee, Audit Committee, Board of Health, Civic Center Board, Montana League of Cities and Towns – No report given.

b) IT&S, Non-Motorized Travel Advisory Committee (NMTAC), Board of Adjustment, Pre-Release Screening Committee – Commissioner Ellison reported the Board of Adjustment has been invited to meet with the Zoning Commission to discuss the sign ordinance. Community Development Director Haugen noted the Board of Adjustment deals with variances on signs and therefore should have the opportunity to discuss how the sign ordinance works.

- c) Audit Committee, City-County Weed Board, Montana Business Assistance Connection (MBAC), TCC– Commissioner Elsaesser reported the MBAC Executive Director is doing an excellent job. The TCC has selected Peccia & Associates as the consultant for the Greater Area Transportation Plan Update.
- d) BID/HPC, City-County Parks Board, TCC, L&C County Mental Health Advisory Committee – Commissioner Thweatt reported the county is ready to award the contract to build the Crisis House on Jackson Street.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee, Intergovernmental Transit Committee – Commissioner Haque-Hausrath reported the Public Art Committee is working on language to amend the resolution for board composition and increasing the number of members.
- f) Helena Citizens Council – HCC representative Cyndi Forbes noted the HCC continues to look for new members and are encouraging write in candidates.

7. Review of agenda for October 21, 2013 City Commission meeting –City Manager Alles referred the commission to the memo that outlined some changes to the transit plan. Commissioner Elsaesser asked where the expenditures are on this project. Assistant Public Works Director Hauck stated 100% of the funds have been expended.

Mayor Smith asked the commission if there are concerns on the new information to let the city manager other commission members know.

Commissioner Thweatt asked what the significance of accepting the report is. Manager Alles noted accepting the report does not commit the commission to implement all of the recommendations. If the commission were to adopt the report, there may be the expectations that everything in the report would happen. The report is a general policy guideline for staff to use.

8. Public Comment – No public comment was given.

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

10. Adjourn – Meeting adjourned at 5:35 p.m.