

SUMMARY OF ADMINISTRATIVE MEETING
March 5, 2014 – 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, Haladay and Haque-Hausrath were present. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Jeff Hindoi; Assistant City Attorney Thomas Jodoin; Police Chief Troy McGee; Fire Chief Sean Logan; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; City Engineer Ryan Leland; Planner Kathy Macefield; Community Facilities Director Gery Carpenter; Parks & Recreation Director Amy Teegarden; Parks Superintendent Craig Marr; Budget Manager Bob Ricker; Human Resources Director James Fehr; and Deputy City Clerk Robyn Brown.

Others in attendance included: IR Reporter Al Knaubler, Montana Independent Living Project representative Lloyd Sparks, Helena Building Industry Association Representative Jack Walsh, and Helena Citizen's Council Representatives Colleen Brady and Anne Gilkey.

2. Administrative Meeting Summary – The February 19, 2014 summary will be considered at the March 19, 2014 Administrative Meeting.

3. Commission comments, questions –

Commissioner Ellison reported the Board of Adjustment and Zoning Commission have been jointly meeting to review the city's Sign Ordinance and commended Planning Department and City Attorney's Office staff for their work composing and presenting the proposed revisions. He noted there has been a wonderful amount of public participation and staff has done an impressive amount of work on the proposal.

Commissioner Haladay stated he had been informed that the Tiger 6 grant would be available again this year and asked if the city had any intention of applying for it. Manager Alles confirmed he too is aware of the grant's availability and reported staff is exploring the possibility of applying for the grant. Detailed discussion was held on projects that could be submitted for the grant funding. These projects included upgrades to "mini-malfunction junction" and the larger "malfunction junction". Manager Alles explained the grant application needs to be for a project that has already been studied and evaluated; mini-malfunction junction has been. Since the larger malfunction junction has not been professionally assessed, it would not be likely to receive funding. Manager Alles confirmed the project chosen to be submitted for the grant will be the pleasure of the Commission

City Engineer Leland reported the city spent \$300,000 on the mini-malfunction junction study and it took six months to complete. That time and cost created a report detailed enough to apply for the funding. The application requires the project be ready to be built; the environmental assessment, design and public input must already be completed before the proposal is eligible for submission. He noted the city's previous attempt to apply for the Tiger 4 grant to upgrade mini-malfunction junction was hindered because the environmental requirements were not completed due to time constraints. Engineer Leland added the grant application is due in April.

Commissioner Elsaesser recommended the city apply for the grant. He stated if mini-malfunction junction is not submitted then another capital improvement project should be used. Assistant Public Works Director Phil Hauck discussed the monetary match requirements of the grant and commented if it is applied for discussion would need to be held to designate the priority level of projects already included in the Comprehensive Capital Improvement Program (CCIP).

Mayor Smith discussed the city's previous attempt to secure the funding and commented he felt the application may have been flawed in that the city was indecisive on what project to apply the funding to. Over the past year, he concluded if the Commission were to achieve consensus that a roundabout be installed at mini-malfunction junction and were able to get public support for the project through extensive community outreach; then would be the time for the city to apply for the funding.

Following additional comments on the Tiger 6 grant there was Commission concurrence to discuss the topic in detail at the March 19, 2014 Administrative Meeting. Staff will provide a formal report and recommendations. Manager Alles noted the West Main project is currently prioritized and may fit the

requirements of the Tiger 6 grant. Since funding is already identified for that project, if it were awarded the grant the funding already attached to it could be used for other projects.

Commissioner Haladay reported he has provided the Commission with correspondence proposing the city create a no-interest loan program, similar to the existing sidewalk program, for homeowners wanting to install solar energy projects. He asked his fellow Commissioners to review the concept and provide their input, thoughts and recommendations and noted he hopes it meets with their approval so it can be prioritized for reviewed and initiated by staff.

Commissioner Elsaesser stated he would be very supportive the kind of program proposed by Commissioner Haladay and reported he has been working on a similar proposal related to water conservation. It would be funded through the city's revolving loan fund and managed by Montana Business Assistance Connection (MBAC). Although his proposal is still in draft form, he has provided it to some MBAC staff members and will also distribute it to the Commission.

City Manager Alles explained it is his understanding that MBAC may have some loan opportunities waiting to use that funding source. If there is consensus to ask MBAC to hold off on lending that money out, Manager Alles recommended he send a letter on behalf of the Commission to formally notify the organization of the Commission's request. He indicated staff will need to research the issue because something similar, in terms of how the Caird proposal was engineered, may need to be done since the Commission had to make an exception to allow MBAC to loan itself money for the project. Manager Alles confirmed staff would work with the MT Department of Commerce and explore any and all legal matters related to the issue.

Commissioner Haladay indicated he would not be comfortable supporting Manager Alles' recommendation until the entire Commission has vetted his proposal for solar energy project installation loans. Mayor Smith concurred with Commissioner Haladay's comments and stated he is very hesitant for the Commission to direct their operation when the proposal hasn't been properly reviewed.

Commissioner Haque-Hausrath expressed support for Commissioner Haladay's proposal and indicated she would be in favor of a request being sent to MBAC asking them not to obligate any funding until the Commission has reviewed and made a decision on Commissioner Haladay's proposal.

Commissioner Elsaesser stated he is not ready to decide whether to ask MBAC to suspend approval of small business loans as Commissioner Haladay's proposal needs further review as it isn't yet known how much of the revolving loan fund would be needed to support program.

Commissioner Haladay clarified his proposal does not require the revolving loan fund be the source of funding for his proposal.

There was concurrence to discuss Commissioner Haladay's proposal further at the March 19, 2014 Administrative Meeting.

Commissioner Elsaesser relayed complaints he has received from constituents regarding current snow removal operations and offered suggestions that would allow the city to clear the streets more easily. He reported he would be providing an amendment to the Building Fee Resolution at the public hearing on March 24th.

Mayor Smith announced he and City Manager Alles would be attending "2014 Local Government Executive Academy" in Bozeman on March 6th & 7th.

4. City Manager's Report -

Manager Alles reported on the following items:

1. Snow plowing/removal policy - Manager Alles commented on current snow removal policy and operations and noted standard procedure is to leave slush untouched as it turns into very strong ice, making the issue worse. Mayor Smith asked where the removed snow is relocated to. Manager Alles explained the snow is moved to BNSF Railroad right-of-way off of Benton Avenue and commented it is a great arrangement.
2. MBAC loan documents - Manager Alles reported he has signed the loan documents for MBAC's acquisition of the Caird Property and gave an overview of the details of the agreement. He reported at one time RMDC received a special allocation, approximately \$200,000, through Congressman Rehberg related to the property. Staff is researching the possibility of tapping into those funds to afford additional cleanup. Commissioner Ellison commended the work Manager Alles is doing to perform additional cleanup of the property.

Commissioner Elsaesser requested staff be mindful of traffic issues adjacent to the property when evaluating funding options and how they will be used. Mayor Smith recommended staff inform the neighborhood's representatives of any changes from the original proposal.

**5. Department Discussions:
Parks & Recreation**

Boulevard Landscaping & Public Trees Ordinance – Parks Superintendent Craig Marr introduced the item and gave an overview of updates to the existing ordinance and the rationale behind the proposal.

Superintendent Marr reported in December, 2010, the city finalized an Urban Forest Management Plan (UFMP) that provides direction to maintain, enhance and preserve Helena's tree canopy. One recommendation included updating and revising the Helena Tree Ordinance. The current tree ordinance which was adopted in 1984 lacks purpose, the terminology is outdated and it does not include national specifications and standards for tree care. The UFMP also recommends that the department develop a companion document to the ordinance that would contain arboricultural standards and specifications that are subject to change over time. Subsequently boulevard landscaping is addressed in chapter 4 of Helena City Code and does not specify timeframes for adjacent landowners to plant boulevard vegetation. Staff plans to bring a resolution of intention (ROI) to the Commission for consideration in April.

Staff is proposing the following amendments:

1. Revise title 7 Chapter 10 of Helena City Code to consolidate and clarify responsibilities for boulevard landscaping and public trees. National industry standards for tree care would be incorporated into the ordinance and only qualified people would be permitted to do major pruning and removal of public trees. The revised boulevard landscaping and tree ordinance will provide guidance for planting, pruning, removing and other maintenance of boulevard and public trees. In addition, the revised ordinance identifies responsibilities for boulevard landscaping and establishes timeframes for adjacent landowners to plant boulevard landscaping.

2. Adopt the Helena Arboricultural Specifications and Standards Manual as a companion document to the Boulevard Landscaping and Public Tree Ordinance. The intent of the manual is to provide education and aid in development of the urban forest in Helena.

Mr. Marr explained the amendments in detail. The revised ordinance would clarify responsibilities for establishing and caring for boulevard vegetation and public trees, set timeframes for planting boulevard vegetation, and align Helena tree care with national industry standards.

Commissioner Haque-Hausrath referred to Section 7-10-5 of the proposed ordinance and asked for more information on why there are no minimum specifications listed for the number of trees that must be planted. She expressed concern that the way the requirement is written a property owner could comply with the ordinance using vegetative cover without planting any trees. Deputy Attorney Jodoin and Superintendent Marr explained the trees will be planted according to class and species, so it would be difficult to specify an amount within the ordinance. Following discussion on the requirement, Manager Alles gave examples of language that could be added to ensure a tree(s) would be required in the boulevard per the ordinance, in addition to vegetative cover, and confirmed staff would draft such language for incorporation into the ordinance.

Commissioner Ellison asked for the rationale behind the 18-month window allowed for homeowners to plant boulevard trees on their property. Director Teegarden explained staff felt that would allow the homeowner two growing seasons to plant their landscaping and also attempt to alleviate any financial hardship associated with the requirements. Superintendent Marr added the timeframe would allow for the cleanup from construction of the dwelling to be completed before planting to reduce the possibility of damaging the newly planted trees.

Commissioner Ellison referred to the types of trees allowed to be planted and asked why there are no evergreen trees on the list. Superintendent Marr explained evergreens typically become a sight obstruction issue. Also, the pinecones can become an issue as they fall on sidewalks and roadways.

Commissioner Haladay asked for more information on the penalty portion of the ordinance and praised staff for removing the previous penalty of jail time. He gave the following scenario: a property

owner violates the new ordinance by failing to plant their mandated landscaping within the required time period, is then issued a citation, pays the citation but continues non-compliance by not installing their landscaping. He asked if there is a mechanism for the city to “order in” the trees and charge the cost to the homeowner. Deputy Attorney Jodoin staff initially wanted to penalize homeowners in the same fashion as sidewalks where the cost is placed on the property owner’s tax bill. However, state law does not allow the same authority for landscaping. He noted at this point remedies will be explored once the city has to enforce the new ordinance on an offending property owner. He discussed the following options for non-compliance: fines, asking City Court Judge Bob Wood to “order in” the trees and related irrigation system at the offending property, and charging the offender with criminal or civil contempt charges. Discussion was also held on alternative relief and restitution options.

Commissioner Haladay asked for the property owner’s responsibility if the city decides to remove a boulevard tree due to death or disease. Superintendent Marr explained the process and noted staff works with the property owner and attempts to enlist the Growing Friends organization to provide a replacement tree.

Commissioner Haque-Hausrath referred to the boulevard tree planting timeframe and how it relates to the date of issuance of the certificate of occupancy. She asked how staff would handle a situation where there is a home that has been occupied much longer than 19-months and does not already have a tree in front of their home. Manager Alles noted there are a large number of homes with that situation; they can still be notified and staff does not believe it will weaken the ordinance at all.

Commissioner Haque-Hausrath expressed concern that green ash trees are still listed as an acceptable tree for planting. Superintendent Marr noted that type will be removed from the list as staff finalizes the proposal.

Commissioner Haque-Hausrath referred to the proposed requirement for one-million dollars worth of property and casualty insurance and asked if that amount of insurance would make it difficult for property owners to hire an arborist to do the work. Deputy Attorney Jodoin explained it is a new requirement and the reason for its inclusion. He stated staff does not believe it will be an issue.

Commissioner Elsaesser asked if a certified arborist is required for tree removal as well. Superintendent Marr stated yes and explained the reasoning behind the requirement. Parks & Recreation Director Amy Teegarden added that Helena has become the poster child for poor pruning practices so inclusion is necessary to ensure the quality of Helena’s urban forest in numerous ways.

Commissioner Elsaesser recommended staff find a method to direct stormwater towards boulevard trees.

Mayor Smith commented on the city’s policy and past practice regarding boulevard trees. He noted he has always been troubled by the city’s ordinance and believes the trees should be the property owner’s responsibility, not owned by the city. He feels the city is asking residents to do the city’s job but on their private property and with their money. He summarized he feels the ordinance takes advantage of Helena’s property owners.

Manager Alles concluded with an overview of how staff conceived and composed the proposed revisions to the ordinance.

Administrative Services

CCIP Review – Manager Alles introduced the item and noted a more detailed report would be given by Administrative Services Director Tim Magee during the budget process. (Remainder of staff report follows on page 5)

Budget Manager Robert Ricker reported for the past ten years to City has had a detailed Comprehensive Capital and Inventory Program which projects the future funding which will be needed to sustain City operations. Currently it shows:

| Supported CCIP - Next 10 Years | | | |
|---|---------------------------|-------------------------------|---------------------------------|
| | Percent Funded | Total CCIP Funding | Total CCIP Scheduled |
| 100 General Fund | 21.60% | 7,235,260 | 33,496,278 |
| General Fund - Excluding New Items | 26.12% | 5,968,210 | 22,846,898 |
| 201 Street Maintenance District | 20.17% | 8,388,504 | 41,582,303 |
| 240 Gas Tax (Street Capital) | 11.56% | 3,506,921 | 30,327,810 |
| 245 Storm Water | 22.58% | 5,232,583 | 23,173,390 |
| 521 Water | 31.34% | 24,604,334 | 78,504,100 |
| 531 Wastewater | 57.49% | 15,876,529 | 27,617,310 |
| 541 Residential Solid Waste | 100.05% | 2,788,391 | 2,786,870 |
| 542 Commercial Solid Waste | 100.32% | 1,809,902 | 1,804,110 |
| 545 Transfer Station | 59.64% | 2,156,446 | 3,615,700 |
| 546 Recycling | 18.15% | 24,355 | 134,170 |
| 551 Parking | 35.89% | 1,359,570 | 3,788,390 |
| 563 Golf Course | 88.77% | 2,540,387 | 2,861,870 |

For the last eight years the City Commission has addressed inflation plus specific additional rate increases. However, the magnitude of the unidentified funding is still a significant concern. Historically, to address major unfunded needs, we have obtained G.O Bond issues, tax levy increases, grants, rate increases and other funding sources, and/or considered cost/capacity to serve reductions.

Additional Current Considerations:

1. For General Fund dependent operations, the FY 2015 CCIP needs total \$1,690,920 but our projected funding is \$500,000 (29.6%). This shortfall is now annually consistent, and results in the accumulation of bigger annual capital funding needs year after year.
2. In the FY 2014 CCIP the new Centennial Trail Project was shown as \$1,267,050 to be funded by:

| | | |
|-----------|------------------|-----------------------------|
| \$ | 267,050 | Railroad Right-of-Way match |
| \$ | 700,000 | City CTEP, and |
| \$ | 300,000 | County CTEP. |
| \$ | 1,267,050 | Total |

Unfunded additions are also under consideration:

| | | |
|----|---------|---|
| \$ | 35,000 | Henderson Bridge Design (preceding a CTEP approval) |
| \$ | 295,000 | Henderson Bridge CTEP matching |

| | | |
|----|------------------|---|
| \$ | 415,000 | additional for Centennial Trail phase I |
| \$ | 532,000 | <u>Railroad Quiet Zone</u> |
| \$ | 1,277,000 | Total |

3. HATS is sustained by a 20 to 25% matching support from the General Fund. Increases in mass transit services through the HATS program are now under consideration which would need additional grant matching support.

Discussion was held on various components of the Comprehensive Capital and Inventory Program and the different projects currently funded and proposed for funding by it.

6. Committee discussions

- a) Audit Committee, City-County Board of Health, Civic Center Board, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns - Mayor Smith - No report given.
- b) Audit Committee, Board of Adjustment, Helena Chamber of Commerce Liaison, Information Technology Committee, Montana Business Assistance Connection– Commissioner Dan Ellison – No report given.
- c) Intergovernmental Transit Committee, Non-motorized Travel Advisory Board, Transportation Coordinating Committee–Commissioner Matt Elsaesser - No report given.
- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Parks Board, Transportation Coordinating Committee– Commissioner Andres Haladay – No report given.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – Commissioner Haque-Hausrath – No report given.
- f) Helena Citizens Council – No report given.

7. **Review of agenda for the March 10, 2014 City Commission meeting** – No discussion was held.

8. **Public Comment**– HBIA Representative Jack Walsh reported the HBIA would be providing detailed recommendations regarding the proposed increase in building fees at the March 24th public hearing.

9. **Commission discussion and direction to City Manager** –No direction given.

10. **Adjourn** – Meeting adjourned at 6:05 p.m.