

## SUMMARY OF ADMINISTRATIVE MEETING

March 19, 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; Police Chief Troy McGee; Fire Chief Sean Logan; Public Works Director Randall Camp; Community Development Director Sharon Haugen; City Attorney Jeff Hindoi; Assistant City Attorney Thomas Jodion; Human Resources Director James Fehr; Chief Building Official Jon Pallister; Parks & Recreation Director Amy Teegarden; Community Facilities Director Gery Carpenter; Civic Center Manager Diane Stavnes and City Clerk Debbie Havens.

Others in attendance included HCC Representatives Doug Hunsaker and Colleen Brady and IR Reporter Al Knaubber.

**2. February 19, 2014 and March 5, 2014 Administrative Meeting Summaries** – The February 19 and March 5 Administrative Meeting summaries were not discussed; therefore, will be on the April 2, 2014 administrative meeting agenda for approval.

**3. Commission comments, questions** – Commissioner Haladay reported the MBAC Board met and voted to move forward with the Snowy Mountain loan/grant for the purchase of the Caird property and to move forward with the buy/sell agreement. Commissioner Haladay commented the financial package is somewhat different than originally presented to the city commission. Originally the assumption was the \$150,000 from Snowy Mountain was a grant with a 20% match requirement from MBAC. However, that is not the case and the financing is known as mezzanine financing, meaning if MBAC makes a profit from the sale of the property, the loan would have to be paid back; if no profit is made the loan would not have to be paid back.

City Manager Alles reported he had spoken to the Lewistown City Manager who is a board member of Snowy Mountain in reference to the grant versus a loan. It is not a given that the loan will have to be paid back. In addition, there may be additional financing available through RMDC who received a federal appropriation through HUD, specifically for the clean-up of the Caird property.

Commissioner Elsaesser asked if there was discussion of additional funding for future clean-up of the Caird property that would increase the value of the property. Commissioner Haladay explained there may be future funding through DNRC; however, that funding would have to be appropriated during the 2015 legislative session. In addition, Tetra-Tech will be doing another review of the property for clean-up requirements and there is the potential not to have to go as deep as originally anticipated on a portion of the property.

Manager Alles reported there are 35-lots on the property; what that means is the property could be divided up to various sized lots. The city may have an interest in some of the property for future traffic flow adjacent to Montana Avenue.

Commissioner Haque-Hausrath reported two administrative meetings ago there was discussion on the R&D home loan program and noted she is still interested in sending a letter to the congressional delegation. Mayor Smith stated City Manager Alles has directed staff to draft a letter after receiving additional information. Director Haugen reported she has been in contact with Anthony Preite, State Director USDA. and he has requested a formal interpretation of the R&D guidelines. Once that information is received, staff will move forward with drafting the letter.

Commissioner Ellison noted at the February 24<sup>th</sup> city commission meeting the joint recycling report agreement was discussed and the city commission had requested an addendum to the agreement. However, there would be additional costs and he asked City Manager Alles for an update on the process and how long will it take and will the HCC be involved. City Manager Alles stated the agreement has been signed and will move forward. At this time, the HCC has not been contacted; however, this is an issue the HCC should be involved in and a good resource for the consultant.

City Manager Alles noted the addendum has been added to the agreement and the scope of service is spelled out. Commissioner Ellison stated the city's investment will be approximately \$40,000 and he would like to get monthly updates on the consultant's work. Manager Alles asked what the expected completion date is for the report. Public Works Director Camp stated the completion date is the end of summer 2014. Manager Alles stated he will add regular updates to the city-county joint work session agendas. Mayor Smith asked staff to identify the stakeholders and what specific role will be the

responsibility of the city, county and the consultant. City Manager Alles commented staff will work with HCC and identify other stakeholders to add input on this issue.

Commissioner Elsaesser referenced Exhibit B and stated there were some clarifications by staff and it was agreed the word “may” would be taken out of the report and the consultant would take into account the avoided costs of recycling. Director Camp spoke on the consultant’s intent to include the “avoided costs” in the evaluation. Commissioner Elsaesser stated the other point was to use the current rate structure.

Manager Alles reported S.A.V.E. had another successful plastics drive; the city of Helena is preparing to begin to receive plastics in the next two weeks. Once everything is ready, city staff will prepare the necessary press releases and post it on the city’s web page.

Commissioner Elsaesser concurred the S.A.V.E. plastics drive was successful with assistance from great partnerships. He then noted at a prior administrative meeting, Commissioner Haladay brought forward the concept of creating a district to finance an alternative energy program and the potential to use the city’s Revolving Loan Funds to finance it.

Commissioner Elsaesser referenced a draft letter he had prepared to send to the MBAC Board of Directors in reference to exploring using City of Helena Revolving Loan Funds to finance alternative energy and water conservation investments in Helena. City Manager Alles stated the legal review of the alternative energy program has not been completed. If there is commission consensus to send the letter to MBAC, staff will prepare the letter from Commissioner Haladay as the commission representative on their board.

Commissioner Elsaesser stated he is interested in sending the letter and proposed reserving 50% of the RLF funds for this purpose. Commissioner Haladay stated if there are two commission members who want to send the letter, he would support it. However, he and Commissioner Elsaesser do not agree on the funding concept of the proposal. Commissioner Haladay stated Title 7 in the MCA clearly states the city has the authority under self-government powers to create alternative energy program district. Commissioners Haque-Hausrath and Elsaesser supported sending the letter to MBAC. Commissioner Elsaesser reiterated the city has the potential to create a district to fund an alternative energy program.

City Manager Alles noted the commission has also indicated an interest in creating a non-motorized transportation district and a parks district. He asked the commission if they want to also pursue the alternative energy program district. Commissioner Haladay stated that is why he would support sending the letter to MBAC and use the RLF in lieu of creating a district. He would like to move forward with the other two districts and then look at the alternative energy program district.

Commissioner Elsaesser stated the purpose of the non-motorized district would be to fund projects where street utility assessment funds could not be used for; it would be a volunteer district and the proposal is for a regional parks district.

Mayor Smith noted there is new language on the administrative meeting agenda asking for consensus direction to the manager. He noted when the alternative energy program was originally discussed, he did not feel there was a consensus direction. He then asked why the alternative energy district is on the fast track versus the other districts. Mayor Smith stated he would not support sending the letter.

**Consensus Direction to the Manager:** There was consensus from the commission to send the letter to MBAC in reference to using City of Helena Revolving Loan Funds to finance alternative energy and water conservation investments in Helena.

Commissioner Elsaesser asked if the commission is going to receive an update on the Tiger Grants. Manager Alles noted at the last administrative meeting the need for an EIS was discussed and the cost would be between \$100,000 and \$300,000; and that the city did not have the funds to do the EIS. In addition, that particular project would have required a match of \$700,000 for the Tiger IV Grant. At the same time, discussion was held on doing the West Main project, and that was a high priority. If there is commission concurrence to submit the grant, a discussion will need to happen to determine what other projects, including the West Main project, would need to be put on hold to have enough for the match for the round-about project. In addition, at the current time, there is no EIS prepared for any identified project.

Commissioner Haque-Hausrath asked if the city is applying for Tiger XI funds; City Manager Alles stated his recommendation would be not to at this time. City Manager Alles commented the city does a very good job when applying for grants; however, at this time there are no funds for the required match.

Mayor Smith noted the commission received staff's response to Commissioner Haque-Hausrath questions on residential parking districts. Mayor Smith reported that he, City Manager Alles and Public Works Director Camp will be traveling to Washington DC to pursue funding for the Upper Tenmile project and future water projects.

**Upcoming Appointment:** Mayor Smith recommended the following appointment:

**Board of Adjustment:** Appointment of Klint Fisher to the Board of Adjustment. The unexpired term will begin upon appointment and expire October 1, 2016.

**4. City Manager's Report** - City Manager Alles spoke on the following items:

A. Mayor Smith spoke on the new language on the administrative agenda "Consensus Direction to Manager" and gave several examples, including the non-motorized and park districts, of how this language will assist staff in determining commission direction. He then asked Manager Alles to address the new language.

Manager Alles commented with the new language there will be a record on what the consensus was and will assist staff with the direction the commission wants. Commissioner Elsaesser concurred this language will assist both the commission and staff with direction and gave the example of the alternative energy proposal and Tiger grants having consensus to be put on this agenda; however, they were not. The commission needs to hear from staff if a commission member has a conflict with a certain agenda item.

Manager Alles stated not every item is going to require commission consensus. No formal decisions are made at this meeting; however, it will assist staff and be on the record.

B. City Manager Alles reported the city commission adopted a preliminary budget for HATS which included a contingency of \$42,000. City staff had been in meetings with MDT staff to discuss the contingency line item and the intent to use those in the budgets. At that time, MDT gave no indication those contingencies could not be used. However, the city was notified this week by MDT that contingencies cannot be included in the budget. Therefore, at this time staff will meet with MDT to pin down why and if the answer is still no, the budget will have to be cut by approximately \$42,000. Staff will have to present a budget to the commission for adoption without the contingency funds of \$42,000. Manager Alles noted RMDC will also be affected by this decision and they too will meet with MDT. This budget is preliminary and the commission will review the HATS budget and may make a different recommendation.

Commissioner Haladay asked if the \$42,000 was allocated to the East Valley route and if that is the case will the East Valley route be discontinued. Manager Alles noted staff has not had the opportunity to refine the cut; the easiest component from an administrative point, would be to discontinue the East Valley route. There will be an opportunity for both the city and county commissions to try to find additional funding.

Mayor Smith stated the city has asked for additional assistance from the county and they declined. However, maybe the first entity to turn to is Lewis & Clark County.

Commissioner Elsaesser asked if the \$42,000 is grant funding and how much is the city's match. Assistant Public Works Director Hauck stated the \$42,000 is all 5311 funds, which included county and East Helena grant funding. To pay for the East Valley route would be \$100,000 and additional funding would be from the general fund.

Commissioner Ellison commented from his notes funding was received as follows: \$35,000 from Lewis & Clark County, \$30,000 from the city of Helena, \$2,500 from the city of East Helena and \$42,000 from 5311 funding. The county raised their contribution to the \$35,000 for FY14. Additional discussion was held on the funding package for the East Valley route. There is a small amount from fares, but not a significant amount. Further discussion was held on funding possibilities.

**5. Department Discussions**

**City Attorney** City Manager Alles reported city staff is moving forward with the west-side study for extending services and has entered into an agreement with Stahly Engineering to prepare a report.

**Extraterritorial Municipal Zoning Authority** – City Attorney Hindoien stated this subject was discussed with both the City Commission and the County Commissioners at a Joint Work Session on April 11, 2013. At that time, a Memorandum that broadly outlined several legal and policy issues was presented and discussed. (See attached Exhibit "A") During the course of that discussion, the following issues were also raised:

- What ability (if any) would the City have to assert extraterritorial zoning authority into any areas that were already the subject of “Part 1” zoning, i.e. petition-initiated zoning under the legal authorities related to county zoning (§ 76-3-101 *et seq.*, MCA)?
- What limits (if any) would the City’s existing Growth Policy impose with respect to the assertion of extraterritorial zoning authority?; and
- If an area were actually subject to extraterritorial zoning regulations imposed by the City, could it subsequently be the subject of any form of county zoning (i.e., either Part 1 or Part 2 zoning under Chapter 76, Title 3)?

Following that discussion, it was our understanding that our office would hold off in devoting further time and resources in addressing those issues (and the other issues outlined in the April 10, 2013 Memorandum) while Lewis & Clark County officials moved forward with certain review processes that they are undertaking with respect to their land-use planning and regulatory structures. Thus, apart from the additional research outlined below, our office has not taken any further steps to develop anything more in the way of a specific legal framework or road-map for the possible assertion of extraterritorial land-use authority.

**Objective:** In light of the above, our objective is to (1) have the Commission revisit this subject and (2) secure further guidance as to what additional work they would like to see undertaken by City staff (both our office and Community Development) with respect to this particular policy issue.

**Additional Research:** In terms of the additional research referenced above, we have conducted further inquiry into the issue of the limitations imposed on any extraterritorial assertion of authority to regulate *subdivision* as distinct from *zoning*. The attached Memorandum referenced the language in § 76-2-312, MCA, which provides that “[a] city or town that has as its plan of government the commission-manager plan shall be excluded from the provisions of 76-2-310 and 76-2-311 which define extraterritorial authority to review proposed *subdivisions*.” As indicated in the Memorandum, we were at that time viewing that reference as applying only to the statutory “commission-manager” form of government, and not to our charter form of government, i.e., as not limiting any assertion of extraterritorial authority in our particular case.

After conducting further research, however, we have concluded that the statutory language likely operates to limit any “general” assertion of extraterritorial regulation over subdivision by the City of Helena, i.e., the application of our subdivision regulations in a context other than specifically attendant to our annexation proceedings. The separate provisions of §§ 76-3-601(2)(d) and 605(2), MCA expressly require the consolidation of subdivision approval procedures with the annexation process, so the application of our subdivision requirements in that particular context should not be an issue under § 76-2-312, MCA.

In terms of broader authority, however, that particular statutory language (i.e., § 76-2-312, MCA) was the subject of both an Attorney General’s Opinion and litigation by the City of Bozeman back in the late 1980’s/early 1990’s, and the Supreme Court concluded that the statute operated to restrict the City of Bozeman – by virtue of its commission/manager form of government – from asserting extraterritorial subdivision final approval authority. *See City of Bozeman v. Racicot*, 253 Mont. 204, 832 P.2d 767 (1992). Although that litigation occurred prior to the point in time that Bozeman became a charter form of government, any distinction between a charter form of government vs. statutory form of government will not alter the limiting effects of § 76-2-312, MCA. As indicated in § 7-1-114(1)(e), a local government with self-government powers remains subject to “all laws that require or regulate planning or zoning”, i.e., Title 76, Chapter 2, MCA.

**Issues / Staff Guidance Going Forward:** As such, any discussion of the City’s extraterritorial authority under § 76-2-310, MCA going forward will be limited to the potential assertion of zoning authority, as the restrictive language of §76-2-312 refers only to subdivision. The Attorney General has already acknowledged the City’s authority to engage in extraterritorial zoning gestures in the absence of applicable county zoning regulations, and to even do so across county lines. (See 43 Op.Atty.Gen. No. 22). Moreover, the City has already done so in the context of the Open Space/Residential (OSR) zoning district created in 1989 that extends past the southern edge of the municipal limits. With that in mind, further work and research items remain on the subject of extraterritorial zoning authority to the extent the City Commission remains interested in pursuing that subject as a policy initiative.

Accordingly, City staff would like to secure guidance from the Commission as to what further steps it presently wants taken with respect to this subject.

Mayor Smith commented on the legislative action that has taken place; currently the city of Helena has both legal and practical impediments to move forward with subdivision review under the extraterritorial jurisdiction. The county is pursuing their growth policy and would then pursue zoning. If that were to happen, the city would not need to zone and could turn our attention to the Westside.

Commissioner Ellison asked if the city can or cannot pursue the extraterritorial annexations. City Attorney Hindoien stated the city can always annex properties in; what the city cannot do is assert general subdivision regulations authority. However, the city can assert general extraterritorial zoning authority. Commissioner Ellison asked on the Westside it would be zoning and annexation versus subdivision authority. Mayor Smith concurred.

Commissioner Haque-Hausrath asked under subdivision approval does the subdivision have to be consistent with the zoning. Attorney Hindoien stated yes. Mayor Smith stated the city would need both subdivision and zoning authority. City Manager Alles noted once property is annexed, the city has both zoning and subdivision authority. He reemphasized the city can assert the extraterritorial zoning authority but not the subdivision authority. Director Haugen noted most of the Westside is currently subdivided.

Commissioner Haladay commented based on this discussion, there is consensus among the commission the city needs more arrows in our clipper when it comes to addressing growth and development in county versus the city; whether it is the cost of building or engineering standards. The commission recognizes using the extraterritorial zoning and subdivision are two more powers that can be used. Commissioner Haladay thanked staff for the memo; however, he does not agree with all of the information within it and believes the city may have the authority for extraterritorial jurisdiction for zoning and subdivision regulations. He would like to leave the question of using the extraterritorial powers open.

Commissioner Haladay asked if the city of Helena is a charter form of government; City Attorney Hindoien concurred. Commissioner Haladay noted under 76-2-312 refers to "the commission/manager plan" and noted it should not apply to the city of Helena due to the charter form of government. Attorney Hindoien noted the city of Helena is a commission/manager plan form of charter government.

Commissioner Haladay asked if the determination is made the city of Helena is a charter form of government, what in state law stops the city of Helena from exercising the powers in 76-2-310 which define extraterritorial authority to review proposed subdivisions outside the city limits. City Attorney Hindoien stated he does not believe any language in 76-2-310 would stop the city from exercising the powers, if the city takes itself out of the exclusion.

In depth discussion was held on the statutory definitions of commission/manager form of government versus the charter form. Also discussed was the possibility of asking for an Attorney General's opinion on what powers the city of Helena would have under the charter form of government versus the commission/manager form in reference to 76-2-312.

Commissioner Haque-Hausrath stated the statute lays out, although the charter might be a way to lay out the form of government; however, the charter may lay out the type of government.

Commissioner Haque-Hausrath stated she would support requesting an AG opinion to clarify the language in 76-2-312. Mayor Smith commented the city of Helena can ask for an AG opinion; however, the city would have to make a determination on what form of government. Even if you do that, the legal question may be resolved; that does not resolve the extraterritorial authority questions.

Commissioner Haladay noted 76-2-310 has language that states "except as provided in 312" and except in locations where counties have adopted zoning and/or subdivision regulations. Commissioner Haladay stated the Lewis & Clark County web page has a dedicated page for the County's Subdivision Regulations. He then asked if the county has adopted subdivision regulations can the city do anything in the county regarding extraterritorial authority. City Attorney Hindoien stated the county currently has subdivision regulations and Commissioner Haladay is correct, the city has no extraterritorial authority for subdivisions. If the county had county wide zoning, the city could not assert any extraterritorial authority.

Commissioner Haladay clarified due to the county having subdivision regulations; it forecloses the city asserting any subdivision extraterritorial authority. The county has not implemented county wide zoning, except for Part 1 (spot) zoning and the city has extraterritorial authority for zoning.

Commissioner Elsaesser asked what the costs are for the Westside update report and who is paying for it. City Manager Alles reported the costs is approximately \$23,000 and will be paid by Community Development and Public Works Departments. Commissioner Elsaesser stated the Westside

is mostly zoned. Manager Alles noted most the Westside is zoned; however, there are wholly surrounded areas on the Westside and many of those outside the city limits are connected to city services.

Manager Alles reported he is working with the state SRF Fund to provide the infrastructure improvements to the area and use the city's rebate program to be reimbursed and pay the bond payment. This would encourage infill and annexation and property owners would not have to pay for an entire street infrastructure. After the Westside project is completed, Phase Two could be on the North side of the city.

Commissioner Elsaesser stated he does not agree with the Westside priority; he cannot see the commission ordering in sidewalks on Broadway, let alone ordering in annexation. He believes there are other priorities that include new growth on the North side of the city. Commissioner Elsaesser stated he is not sure on whether the city has the authority to assert extraterritorial zoning authority; the Westside seems to be slowly annexing. He again stated the city should be concentrating on the new growth on the North side of the city limits. Commissioner Haladay stated annexation and zoning does not have to be mutually exclusive.

Commissioner Haque-Hausrath stated she is still interested in pursuing extraterritorial zoning in regards to long-term planning for the city. She suggested putting this back on a joint work session agenda to continue discussions with the county commission.

Mayor Smith concurred with Commissioner Haque-Hausrath and noted this issue has been on-going. He stated he is very comfortable beginning on the Westside and spoke on the background of the urban growth policy and joint standards. The county has not finished their work regarding the urban growth policy and joint standards.

Commissioner Haladay referenced 76-2-311 and stated the way he reads it as long as the property is with-in the three-mile area, the city can treat it like it is within city limits so long as there is no self-initiated zoning. City Attorney Hindoen and Community Development Director Haugen concurred with Commissioner Haladay comments and reiterated any properties with self-initiated zoning in the county; the city would not have any authority to zone.

Mayor Smith stated he would like commission consensus to be to move forward with the Westside and put this topic on a joint work session for further discussion. The other option would be to ask for an AG opinion.

Commissioner Haque-Hausrath clarified there is not a need for an AG opinion on subdivision extraterritorial authority. Commissioner Haque-Hausrath stated the city has the authority for extraterritorial zoning.

Mayor Smith asked if the properties with self-initiated zoning were excluded, does the city have the authority to zone the other properties within the three-mile area. City Manager Alles noted the commission would have to adopt an ordinance to exert the city's extraterritorial zoning authority.

Commissioner Elsaesser stated when he thinks of the Westside, it is a fairly dense area; students are attending area schools and it is better for the tax base. He is unclear on what action is the city going to take. If the city zones all areas within the three-mile area, are we also going to provide infrastructure.

Mayor Smith asked the commission if there is concurrence to move forward with the Westside project and the extraterritorial zoning authority within the three-mile area as previously discussed.

Commissioner Haladay commented the city does not have to provide any level of services in conjunction with zoning. He then stated in regards to future annexation, would that facilitate the annexation if the areas were already zoned. Director Haugen noted the city's growth policy has set the stage for the city to do extraterritorial zoning by calling it "Urban/Rural Mixed Use". Properties need to be pre-zoned prior to annexation.

Commissioner Haque-Hausrath asked what the down size is to pursuing the annexation of the Westside properties. Mayor Smith noted the only down size might be the expense associated to bring in the infrastructure.

Commissioner Elsaesser stated he is not prepared to make a decision on moving forward with the Westside annexation. He believes the commission should not make a decision prior to the study being completed. City Manager Alles commented the Westside Plan will be updated by Stahly Engineering and the information will be presented to the commission. The city is looking to implement a program to move forward with the installation of water and sewer lines and develop a rebate program for the city to be paid back once lots begin to annex.

#### **Consensus Direction to City Manager**

**Continue with Preliminary Engineering Report on the Westside** – Commissioners Haque-Hausrath and Haladay and Mayor Smith.

**Pursuing Extraterritorial Zoning Authority** – Commissioners Haque-Hausrath and Haladay and Mayor Smith.

### **Community Facilities**

**Civic Center Fees** – Civic Center Manager Diane Stavnes reported the current basic fee schedule was adopted in July 2010. The three fee documents were reviewed and discussed by Civic Center staff, a Civic Center Board Committee and the full Civic Center Board. The Board voted to approve the attached fee documents at their February 4, 2014 meeting and recommended that they be submitted to the city commission for approval.

The proposal is to update the fee schedule for the Civic Center facility for the 2014-15 event season. The proposed document includes basic room rental increases, a full facility rental increase, select equipment rental increases and a Box Office Service fee that includes both a minimum and maximum rate, minimal language clarification and a returned per ticket increase.

Manager Alles reported staff is currently working to produce a couple of events each year to generate additional funding.

Commissioner Ellison thanked staff for a well written memo and he believes the recommendation is reasonable.

Commissioner Elsaesser asked how often is the Civic Center used. Manager Stavnes gave an overview of the current uses and noted staff is looking at ways to bring in additional use to the Civic Center.

Mayor Smith stated the increase in fees is a dilemma; the city subsidizes the Civic Center with general funds and has given the direction to run it as a business. Mayor Smith stated it is his understanding that there is not a lot of local use of the Civic Center; not too many of the local organizations can afford it.

Manager Stavnes clarified there is a lot of local use of the Civic Center; local use outweighs out of town use. The Civic Center board and staff are concerned with the recommendation; however, the cost of doing business has increased.

Civic Center Manager Stavnes gave an overview of the following policy:

*Civic Center's Right of First Refusal: Up to three tentative dates may be held for a single performance on a right-of-first refusal basis. If a date is held without a booking deposit paid, the date is considered tentative. If another client desires to book that date and has agreed to pay a deposit to challenge the date, the Civic Center management will attempt to contact the party holding the tentative booking and give the first party the right of first-refusal. Right of first-refusal means the opportunity to pay the required booking deposit or to release the date to the second party. If the Civic Center is unable to reach the first party within two working days, or if the booking deposit is not paid within the two day period, the date is automatically available to the second party who, again, must be willing to pay the required booking deposit in order to make the event a firmly booked date. Firmly booked dates, where the booking deposit has been paid, are not challengeable and will not be released to another party.*

Mayor Smith stated he had been contacted by Maestro Scott regarding this policy and that is why he had asked staff to review it. Commissioner Elsaesser stated he would like to see a survey of the users and hear any concerns they may have. He also would be interested in looking at some flexibility with the rates.

### **Consensus Direction to City Manager**

**Consensus to consider the resolution of intention at the March 24<sup>th</sup> city commission meeting** – Commissioners Ellison, Elsaesser, Haladay, Haque-Hausrath and Mayor Smith.

### **Community Development**

**Building Fees** – City Manager Alles stated the public hearing on the building fees is scheduled for Monday, March 24<sup>th</sup>. The Helena Area Realtors Association submitted a letter of support for the increase and the Helena Building Industry Association (HBIA) has submitted a letter requesting the commission table action up to 90-days to allow a working group made of contractors and staff to review

the recommendation and look at costs savings. The public hearing is scheduled for March 24<sup>th</sup> and staff continues to support the fee increase. The resolution does include alternative energy cost reduction language.

Manager Alles commented he has met with staff and it is their recommendation the commission adopt the proposed increase in building fees with the implementation date of July 1, 2015.

Mayor Smith stated he would support a delayed effective date and allow staff to work with the HBIA members. Manager Alles stated staff has done a great job working with contractors and with Mr. Pallister being hired as the Chief Building Official he has brought new ideas on how to improve all development review processes. The cash flow in the division can handle the delayed implementation date. Manager Alles stated with the anticipated increase in building; there will be a recommendation for a new administrative position in the building division.

Mayor Smith asked as drafted, does the resolution have a delayed implementation date. Manager Alles stated no; if there is support for the recommendation an amendment to the resolution would have to be adopted. Commissioner Haladay asked for clarification if the first proposal is for the commission to adopt the fees with immediate implementation and not with a delayed implementation date.

Mayor Smith stated if there is a delayed implementation date, this would allow the HBIA to look at improvements in the development review processes. Mayor Smith mentioned the idea of the city pursuing putting the water and sewer services in the Westside.

Commissioner Haladay asked if the commission approves a delayed effective date, would it automatically become effective. If that is not the case, he has concerns nothing will happen. Manager Alles stated no further action would be required and the fees would be effective to the date set in the resolution. He clarified the alternative energy program would have an immediate effective date.

Commissioner Ellison stated he likes the idea of a delayed effective date for fees and immediate effective date for the alternative energy program. Commissioner Elsaesser stated he too believes the effective date should be delayed; this will give notice to the contractors.

#### **Consensus Direction to City Manager**

**Appropriate motion can be made at the March 24<sup>th</sup> public hearing.**

#### **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 – No report given.
- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Parks Board, Transportation Coordinating Committee – 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 March 24, 2014 City 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 – Meeting adjourned at 6:00 p.m.**