

SUMMARY OF ADMINISTRATIVE MEETING

June 4, 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; Community Development Director Sharon Haugen; City Attorney Jeff Hindoien; Parks & Recreation Director Amy Teegarden; Public Works Director Randall Camp; Administrative Services Director Tim Magee; Community Facilities Director Gery Carpenter; Human Resources Director James Fehr; Wastewater Superintendent Don Clark; Parking Director Dave Hewitt; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included IR Reporter Al Knauber, Howard Skjervem, Northwestern Energy and HCC Representative John Forbes.

2. May 14, 2014 Administrative Meeting Summary – The May 14, 2014 Administrative Meeting summary was approved as submitted.

3. Commission comments, questions –

Board Appointments: Mayor Smith recommended the following board appointments:

Helena Housing Authority Appointment of Krystal Craft, resident representative, to the Helena Housing Authority. First term will begin upon appointment and expire August 1, 2016.

Non-Motorized Travel Advisory Council Appointment of Robert Rasmussen to NMTAC. The unexpired term will begin upon appointment and expire March 31, 2015.

Commissioner Ellison reported there is the alternate member vacancy on the Board of Adjustment. He asked if anyone knows of an interested person who may be interested in serving, please encourage them to apply for the Board of Adjustment.

Commissioner Haque-Hausrath stated she was approached by a parent who wants to assure the playground at Centennial Park will have an ADA accessible surface. Director Teegarden explained the new playground will meet the ADA certification for wood chips and those being installed at Centennial Park have been certified. In addition, city staff is currently in the process of being certified as accessible playground equipment inspectors. Director Teegarden invited the commission and staff to the Centennial Park Playground celebration on June 10th.

Commissioner Elsaesser stated he will be out of town on Monday, June 9th; the Blackfoot Brewery has an 1864 ale to commemorate Helena's 150th and if time allows at the end of the meeting he would like to discuss a proposal to divert stormwater to water boulevard trees under the tree boulevard ordinance.

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

- a. Golf Division staff is finishing up the irrigation project;
- b. A city water line on Rimini Road was hit by a utility company earlier today; city staff is monitoring the situation and at this time the water system is operational;
- c. Missouri River Treatment Plant is operational; there is one pump that is not working and staff is working on it;
- d. California Street is being overlaid by the Street Division;
- e. NorthWestern Energy will be doing some utility work this summer;
- f. Tonight is the first 2014 Alive at Five at Women's Park.

5. Department Discussions

City Attorney

Fire Service Fee – Manager Alles introduced the fire service fee and asked City Attorney Hindoien to give the staff presentation.

City Attorney Hindoien addressed the request for review and possible re-consideration of Fire Service Area and accompanying Fire Service Fee.

Historical Context: Commissioner Haque-Hausrath has requested that the subject of a fire service area and accompanying fire service fee be brought forward to an Administrative Meeting for discussion and consideration. I have undertaken some initial research and review of this subject, and can provide the following chronology:

August 1994: Helena City Commission passed Resolution No. 10773 creating a Fire Service Area with the intention to have the FSA include all fire service costs for FY 1996, with a corresponding reduction in the property tax mill levy. The Resolution established a fee of \$.008/sq. ft. in all structures, and a flat rate for vacant property and trailer court spaces. The staff reporting materials characterized the concept as “new and untested”, and indicated that there was “a need for nine additional firefighters” that the City “simply [could not] absorb . . . within the confines of I-105”. The materials further noted that, with the creation of the fire service area, those nine firefighters could be funded”, and that eventually the cost of the entire fire department would be assessed through the fire service area charges.

City Manager Verwolf indicated at the time that this approach “is a more equitable way of paying for fire protection, as every structure (taxable and tax-exempt” will contribute based upon the square footage of the structures.” However, there was opposition expressed at the Commission meeting to including properties owned by the State of Montana and Helena School District # 1.

July 1995 In response to a request from the Department of Administration, Attorney General Mazurek issued a formal opinion declaring that the City of Helena was precluded from assessing fire service fees to state property, since the fees are in reality a tax rather than an assessment commensurate with a specific benefit conferred on the property assessed. The opinion tied back to a historical body of case law and prior AG opinions involving the following concepts:

- A tax is levied for the general public good and creates a lien. An assessment is imposed against specific property to defray the cost of a specific benefit to the property, the benefit to be commensurate with the assessment.
- The difference between a “tax” and an “assessment” is not determined by how it is referenced, but rather how it is calculated and whether it benefits the public generally or operates to benefit a specific piece of property;

General Mazurek’s determination that the fee constituted an impermissible “tax” was based, *inter alia*, on the following conclusions:

- There was no direct correlation between the amount of fee charged to each piece of property and the value of the fire protection benefit conferred on the property – the fees were not necessarily based on the value of the fire protection rendered to each specific structure or each specific vacant lot;
- The fees could not be traced to the cost of providing the specific benefit of fire protection to each specific piece of property or structure – the revenue from the fee covered not only the cost of fire suppression, but also tied to EMS, hazardous materials response, fire safety inspections and education.

In terms of the latter, the AG noted that “[t]he general public, rather than a specific property owner, benefits from these worthy and necessary services, and clearly the cost of these benefits cannot be calculated on the basis of square footage of a structure. These services paid for by the fire service fees are provided for the general public good and not to any specific piece of property, and therefore, the fire service levies to pay for these services must be considered a tax.”

May 1996 MT Department of Administration develops an “Issues Paper” addressing the Fire Service Area fee, noting that the State, Helena Public Schools and the Catholic Diocese all questioned the City’s ability to impose such a fee. The Issue Paper noted that “[t]he City continues to search for ways to increase revenue to the fire department, and is using the [AG’s] opinion as a basis for restructuring the assessment to qualify it as a fee rather than a tax”, and that the State “continues to question of the viability of this approach since the AG only replied to a few of the points in question.”

The Issue Paper indicated that the State and City have met to discuss the issues and that the State had indicated that it might be possible – as a matter of fairness – to negotiate a fee as allowed by § 2-17-112, MCA1 for fire protection services for the Capitol Complex. The Paper noted that the Legislature had provided a line item appropriation of \$60,000 for fire protection, and that the State would be interested in receiving certain inspection, fire planning and evacuation planning services. The Paper further noted that the State would not anticipate any fee would reach the \$60,000 mark, and that if the City were successful in establishing a new FSF, the negotiated fee would be replaced with that.

Sept 1996 Helena Fire Chief Don Hurni directed a Memo to City Manager Verwolf to “address the issues raised in [the AG’s opinion”, indicating that “after careful review”, the HFD believed it had developed a different funding methodology that would “meet the criteria of the law.” The HFD proposal at that time was:

- To assess properties solely for the cost of providing fire protection in a manner proportionate to the benefit received to the property, i.e., to cover only the costs of providing fire suppression and administrative functions. Funding for EMS and other non-suppression activities would remain in the GF; and
- To develop an assessment methodology that “would be calculated based on the square footage of the property and the degree of difficulty in suppressing or mitigating a fire emergency.

Jan 1997 Helena City Attorney David Nielsen directed a letter to Debra Fulton, at the Department of Administration / General Services Division, advising that HFD had “recently compiled information on what the cost would be to the State for the Fire Department to provide pre-planning and inspections of thirteen (13) state-owned buildings in Helena”, that the cost would be \$42,500 and that the service would be for a one-year period. The bulk of the letter centered on a discussion of false alarm fees, and noted that the \$42,500 fee would cover the past alarm fees, but would not cover any prospective fees.

1998 Billings Fire Department developed a document entitled “Fire Suppression Assessment Fee Analysis”, with a stated purpose to “explore the feasibility of implementing a fee structure for the City of Billings and to design and evaluate this fee structure to fund fire suppression inside the city limits of Billings, Montana.”

The Analysis document indicated that Billings officials had met with General Mazurek in March of 1998 to discuss this subject in general, and had inquired as to the possibility of perhaps forming either (1) a Fire Service Area under § 7-33-2401 *et seq.*, MCA or (2) a Fire District under § 7-33-2101 *et seq.*, MCA. The document noted that General Mazurek felt that both legal frameworks were ostensibly available only in “unincorporated areas” and thus not appropriate legal mechanisms for establishing such areas or districts inside a municipality. Thus, the Analysis document indicates that “[a] consideration might be to NOT form a Fire Service Area or Fire District for the City of Billings but rather to keep the concept of a municipal fire department and utilize an assessment fee as a funding mechanism for suppression activities of the Billings Fire Department.” (emph. in original)

The Analysis document goes on – in response to the Helena AG’s opinion – to attempt to “develop a fee formula that would assess structures solely for the cost of providing fire suppression in a manner proportionate to the benefit received by that structure.” The proposed fee structure generally involved determining a dollar amount for the fire suppression services and then:

- o Compiling a square-footage database for taxable properties;
- o Compiling a square-footage database for tax-exempt properties;
- o Determination of factors to account for degree of difficulty in suppressing fires in individual properties (e.g., size, number of stories, construction type, use and occupancy); and
- o Developing a fee formula that shows a correlation of benefits received by individual structures to fees charged to those structures.

The “next steps” identified in the 1998 Billings Analysis document were as follows:

(1) Should Billings City Council decide to implement the Fire Suppression Assessment Fee, all statistics should be verified by field survey or by in-depth examination of available databases. This would be labor intensive and could involve two people for possibly a year’s time to conduct the verification.

(2) City Attorney, Jim Tillotson, needs to review the legalities of the proposed Fire Suppression Assessment Fee Program. It must be remembered that the ultimate determination of the legality of the implementation of a Fire Suppression Assessment Fee could be decided in court.”

Current Situation / General Analysis: I have been unable to locate any materials relating to any further discussion of this subject by either the City of Helena or the City of Billings after 1998. Although they are still looking, the Billings City Attorney’s Office has advised that they are not aware of any legal analysis ever being undertaken of the 1998 BFD proposal, and I have not been able to locate any legal analysis of the proposal outlined in Chief Hurni’s 1996 Memorandum to City Manager Verwolf. Put differently, the dialogue on this particular subject appears to have gone “radio silent” over a decade and a half ago.

That being said, the question today is essentially the same question noted by Chief Hurni in 1996, i.e., “the issues of the difference between a “tax” and an “assessment”, and the benefits to a specific piece of property versus the general good, are pivotal to the legality of the funding for the City’s fire service area.” Even assuming the assessment structure and methodology were approached differently (i.e., in a manner along the lines of that proposed in the Billings Analysis), there remains significant legal

uncertainty as to whether those changes would be sufficient to have the assessment viewed as a true “assessment” versus a “tax. As or more importantly, the 1995 AG’s opinion was narrowly focused on that particular issue alone, and did not address what were apparently several other legal challenges to the original assessment/fee.

From a broader perspective, courts have sustained these types of fire protection “assessment” mechanisms under circumstances where they were authorized by legislative action. See e.g., *City of San Diego v. Holodnak*, 157 Cal. App. 3d 759, 204 Cal. Rptr. 797 (1984) (noting that California Government Code § 50078 et seq. specifically authorizes financing fire suppression services by special assessment); 68 *Ops. Cal. Atty. Gen.* 223 (1985) (noting that California Legislature had “recently empowered fire protection districts, among others, to impose voter-approved special taxes and special assessments to finance the furnishing of their services); *King County Fire Protection Districts v. Housing Authority of King County*, 123 Wn.2d 819, 872 P.2d 516 (1994) (noting statutory availability of funding for fire protection districts in the form of property taxes, service charges and benefit charges, and holding that benefit charges did not constitute “tax”); *Alfonso et al. v. Diamondhead Fire Protection District et al.*, 122 So.3d 54 (MS 2013) (monthly fire protection service fee deemed to be assessment “for services rendered”, not a tax).

On the other hand, “assessment” or “fee” – type structures for fire protection services have also been viewed as an impermissible “tax” by authorities other than the Montana Attorney General:

“ The AFSA charge fails, however, to comply with another essential characteristic of a fee. Fees are legitimate to the extent that the services for which they are imposed are sufficiently particularized as to justify distribution of the costs among a limited group (the “users”, or beneficiaries, of the services), rather than the general public. The benefits of the “augmented” fire protection are not limited to the owners of AFSA buildings. The capacity to extinguish a fire in any particular building safeguards not only the private property interests of the owner, but also the safety of the building’s occupants as well as that of surrounding buildings and their occupants. In more sparsely populated areas, it may be possible to isolate private property interests in fire suppression from the property and safety interests of the public at large. In a large, densely populated city like Boston, ‘the prevention of damage to buildings by fire is an object which affects the interest of all the inhabitants and relieves them from a common burden and danger’”

See *Emerson College v. City of Boston et al*, 391 Mass 415, 462 N.E.2d 1098 (1984) (legislatively authorized “augmented fire services fee” constituted “tax”, not “fee”); See also E. McQuillan, *The Law of Municipal Corporations*, § 44:24 at p. 106 (2014)(noting that “[f]ees for providing fire protection and other traditional core government services are usually considered taxes and are subject to constitutional limitations”); 2001 *N.D. Op. Atty. Gen. F-09* (opinion of North Dakota Attorney General that North Dakota Constitution “prohibits a home rule city from establishing a special assessment district that would include tax exempt property in order to require tax exempt properties to pay a portion of city police and fire protection costs.”)

In short, there are legal authorities on this particular subject from jurisdictions other than Montana that can be used either way, i.e., to support the proposition that a true “assessment” can ultimately be structured here or to argue that it somehow cannot be. Approximately five years after the City of Helena opinion, General Mazurek issued another opinion declaring certain solid waste management fees to be a true “assessment” as opposed to a tax (and thus assessable against tax-exempt properties), so that opinion also provides some new legal authority that would have to be factored into the mix. See 48 *Op. Atty. Gen. No. 21* (School districts not exempt from paying reasonable solid waste management fees which do not exceed the cost of the services they use).

Conclusion/Staff Direction: The content outlined above should provide some historical context and a starting point for the Commission’s discussion of this subject at Wednesday’s Administrative Meeting. From a staff perspective, the Commission discussion will hopefully provide both my office and the Helena Fire Department management with some idea as to what “next steps” – if any – they would like to see taken with respect to this subject.

On my end, I view this particular subject as involving considerable legal uncertainty and complexity that extends well beyond simply making a few changes to the assessment/fee structure that was reviewed by General Mazurek in 1995. As noted above, there were apparently several other bases raised by the State of Montana in challenging the fee that were not addressed by the AG. Chief Logan can speak for his Department but, as noted in the 1998 Billings Fire Department materials, the staff effort on HFD’s end to develop the type of database that would be necessary to implement a modified assessment/fee structure would likely be significant. Thus, if the City Commission consensus is to initiate and pursue further work

on this subject, we will need to decide how best to coordinate and sequence that further work between my office and Chief Logan's Department.

Manager Alles stated outside of pursuing the fire service fee; he has talked and would recommend moving forward with the following three-pronged approach:

1. Continue discussions with the VA Administration and Fort Harrison for fire protection at both facilities;
2. The city is working on extraterritorial jurisdiction and annexation for properties on the westside of town and those properties may be added to the city's tax base;
3. Given the statute allows the Montana State Department of Administration to negotiate with local jurisdictions for fire protection, Manager Alles would like the opportunity to negotiate with the state for fire protection for state owned facilities. The city of Bozeman has a contact with MSU and he believes the city would be in a better situation to try and negotiate with the state and not force a fire service assessment. The city could also work with all non-profit and tax exempt entities.

Commissioner Haladay asked going back to the annexation question, do we know when we annex these properties does this cause the reshuffling of whatever deal we have with Lewis & Clark County to provide those services. Is there the assumption the taxable value of properties is higher when annexed into the city and generates more revenue than what the city receives through an agreement. Manager Alles concurred and explained how the Fire Protection Service Area Agreement works and agreed the tax base and the revenues collected by the city would exceed what the city receives through an agreement.

Commissioner Haladay then asked was the authority the city originally tried to create a fire service area in the old Title 7; which was pre special districts. Attorney Hindoien concurred the original attempt was pre general special districts and he did not know what authority the city originally looked at in 1994.

Commissioner Haladay referenced the follow portion of AG Mazurek's opinion: General Mazurek's determination that the fee constituted an impermissible "tax" was based, *inter alia*, on the following conclusions:

- There was no direct correlation between the amount of fee charged to each piece of property and the value of the fire protection benefit conferred on the property – the fees were not necessarily based on the value of the fire protection rendered to each specific structure or each specific vacant lot;
- The fees could not be traced to the cost of providing the specific benefit of fire protection to each specific piece of property or structure – the revenue from the fee covered not only the cost of fire suppression, but also tied to EMS, hazardous materials response, fire safety inspections and education.

He then asked Attorney Hindoien for his thoughts, given the new special districts statute in Title 7, specifically 11-7-1024 the financing of the district, and the way he reads it under Subsection 3, the city can assess each lot or parcel of land for the assessable area that it represents within the district. It does not seem to say it has to bear any level of relation to or nexus with the service provided. Does the city have the argument that legislation has superseded Attorney Mazurek's opinion.

Attorney Hindoien stated he is looking at the same statutes and needs to go back and look at the root of all of this. It may be a constitutional analysis the AG has relied on and this is the standard used when deciding if it is an assessment or a tax. Attorney Hindoien stated the only authority he can find where the city has the authority to create a Fire Service Area is under Chapter 11, Part 1, Special.

Commissioner Elsaesser asked what outcome the City Manager would be pursuing with the VA and Fort Harrison. Manager Alles explained he would look at either having the city of Helena provide fire protection under a contract to the VA and Fort Harrison or have them provide protection to a specific area through their current workforce. Commissioner Elsaesser asked if that would include a new fire station. Manager Alles stated he does not anticipate a new station being built. There are many details that would need to be discussed prior to any agreement being signed.

Commissioner Haque-Hausrath asked if an agreement with DOA be voluntarily with the state agreeing to sign it. Manager Alles noted state statute allows the state to enter into these types of agreements. The legislature would need to allocate additional funds.

Commissioner Haque-Hausrath asked Manager Alles would the thought be if the commission holds back on the creation of a Fire Service District, it would allow him time to see if negotiations with the Department of Administration proceeds. Commissioner Haque-Hausrath stated she would be interested to hear what the state of Montana's response is. A fire service assessment could address some of the additional costs of fire protection.

Commissioner Haladay referenced City Attorney's Hindoien's memo where it references the city of Billings analysis took two people a year to complete the analysis; if the city of Helena uses one of the five assessment methods, would it take as long as it did Billings. Manager Alles and Attorney Hindoien stated yes. Attorney Hindoien further explained it would depend on the type of assessment methodology and asking for and receiving an AG opinion.

Commissioner Haladay stated he would be interested in knowing what AG Mazurek addressed in his opinion regarding assessment methods. Director Magee spoke on the taxable value and noted that information is not available through the Department of Revenue for non-exempt properties. If the commission were to move forward, that information would have to be obtained.

Commissioner Haque-Hausrath asked if the commission decides to do a more specific form of valuation, could they flip the burden by informing the property owners of their valuation and it would be up to the property owner to provide information if they believe it is incorrect. Attorney Hindoien stated it would require upfront work from city staff even to send out the first assessment. Commissioner Haque-Hausrath asked what the anticipated amount of additional support from the three-pronged approach. Manager Alles stated he could not give the commission an answer until further information is available. He further explained how the contract works in Bozeman.

Commissioner Haladay asked with the three-pronged approach would the entire fire department budget be removed from the general fund. Manager Alles stated he does not have that information available at this time. His proposal will take time to develop prior to bringing it back before the commission.

Commissioner Elsaesser asked if the city could request an Attorney General opinion on this proposed fire serve district. Attorney Hindoien explained the AG process has been narrowed down and at this time there are limits on the type of question that can be asked for an AG opinion. He would like the opportunity to further look at this option and report back to the commission.

Commissioner Elsaesser asked if the commission adopted an assessment method would it also impact city property. Director Magee stated all tax exempt properties would be subject to the assessment. Without having a data base and the type of assessment, staff cannot give an estimate of the impact.

Commissioner Elsaesser asked if the three pronged approach is workable, what the anticipated revenue is. Manager Alles again stated he cannot answer that until further analysis has been completed.

Commissioner Ellison asked is there any school district that currently pays a fire district assessment. Attorney Hindoien stated to his knowledge there is not a fire service assessment in Montana. Manger Alles noted counties do have some authority for fire service areas and assessments.

Consensus Direction to Manager:

Mayor Smith stated he recalls the fire service study that was originally completed. At this time he is hesitant to support a new taxing entity. He is interested in the contractual arrangement that Manager Alles has mentioned including the state of Montana, Fort Harrison and the VA Center.

Commissioner Haladay stated he appreciates not creating a new assessment; however, this is a different situation as general funding expenses would be removed and placed it in a district. He sees this as a way of equitable assessment as it would include tax exempt properties. He would be interested at a minimum to look at what type of assessment and pursue Manager Alles' three pronged approach.

Commissioner Haque-Hausrath concurred with Commission Haladay's comments and would support moving forward with both approaches and look at the simplest assessment method as possible.

Commissioner Elsaesser stated this has to be part of the discussion of the proposed extra territorial zoning and annexation. Commissioner Elsaesser stated he would like to see a legislative fix to allow the city to modify the building codes in order to ban cedar shakes.

Commissioner Elsaesser stated he wants to have the conversation on the proposed extra-territorial and annexation policy. Currently 70% of the city's revenues come from fees and assessments. Just going after the exempt properties does not seem to be the most productive approach. He would like to hear further information from Manager Alles on the three pronged approach.

Commissioner Elsaesser stated he would support staff pursuing an assessment methodology; however, not taking an excessive amount of time.

Mayor Smith and Commissioner Ellison stated they would not support moving forward with the fire service fee.

Community Facilities

Energy Use Report, Northwestern Energy LED Update – Community Facilities Director Gery Carpenter gave an overview of the city's energy use and . City staff has developed the city's data base on energy use which includes the following:

1. 2014 City Electrical Usage
2. 2014 Gas Usage
3. Electric Usage from FY 2010-FY2014 during August
4. Total Electric from 2010-2014
5. Total Gas from 2010-2014
6. Parking Ramps for FY2013
7. FY14 Energy Projects
8. FY 15 Energy Projects

NWE Representative Howard Skjervem recognized Gery Carpenter and Don Clark for their efforts in energy savings. He then gave an overview on NWE energy saving programs. The LED program continues to change rapidly and new products are forthcoming.

Mr. Skjervem stated NWE continues to monitor the changes in LED lights and he believes in a short time period they will be using the new LED lights, once the market settles down.

Two pilot projects using LED lights are being down, one in Bozeman and one on Euclid Avenue. These pilot projects will provide data to interested parties.

Commissioner Elsaesser asked if the city creates a new lighting district, would NWE consider using LED lights. Mr. Skjervem stated NWE currently does not have a package to include LED lights; however, he believes NWE would entertain the question.

Commissioner Elsaesser asked Don Clark if he anticipates putting any of the engines at the WWTP being run by methane. Wastewater Superintendent Don Clark stated until there is a reliable source, he would not support moving forward. At the current time, the plant uses methane to reduce natural gas usage.

Director Carpenter explained the Civic Center purchases natural gas through the state of Montana and NWE owns the pipes to transmit the gas.

Commissioner Elsaesser asked that the commission get an electronic copy of power point presentation.

Consensus Direction to Manager – Continue to work on energy savings projects to include the west parking lot of the City-County building.

Administrative Services

Budget Wrap-Up – Manager Alles stated there is no presentation from staff; if the commission has questions he is ready to answer them. Commission will consider the budget at the June 23rd meeting.

Commissioner Elsaesser stated he may offer an amendment to the residential recycling program. Manager Alles asked if any amendments be submitted prior to the June 18th administrative meeting.

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 reported League of Cities and Towns Board is conducting a search for the Executive Director position.
- b) Audit Committee, Board of Adjustment, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee — 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, Montana Business Assistance Connection – No report given.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – Commissioner Haque-Hausrath reported the Public Art Committee has proposed a resolution for the reconfiguring of their membership and they are asking for a timeline when the commission will consider it; City Manager Alles will follow-up on the resolution. The PAC is also asking if they could hold a fundraiser at the Blackfoot Brewery. Manager Alles stated staff will research the question and report back to the commission. Further discussion was held on the PAC budget and other options that may assist with a fundraiser.
- f) Helena Citizens Council – HCC Representative John Forbes reported the Friends of the 400 Block presented at the last HCC meeting. HCC continues to discuss the recycling program and solicit ideas. HCC Coordinator Judy Garrity reported the HCC is also concerned with the proposed sign ordinance; the community discussion on schools; and county growth and how it affects the city.

7. Review of agenda for June 9, 2014 City Commission meeting – Commissioner Elsaesser handed out a proposed amendment to allow storm water collection and parking with permeable surfaces between boulevard trees. He asked the commission consider including the illustrations in the ordinance. Attorney Hindoien stated he has prepared an amendment for consideration at the June 9th commission meeting.

Attorney Hindoien further stated parking in the boulevard is currently prohibited under Section 8 of the City Code. Therefore, if the commission were to approve Commissioner Elsaesser's amendment, staff would bring forward an ordinance amending Section 8.

Parks & Recreation Director Teegarden asked Commissioner Elsaesser what advantages he sees in allowing parking in the boulevard. Commissioner Elsaesser stated vehicles currently park in the city right-of-way along 11th Avenue. If his amendment were adopted, it would allow for narrower streets, the permeable pavers would accommodate parking and the boulevard trees would still be watered.

Commissioner Elsaesser stated another amendment he will be offering is to allow fruit trees to be planted in the boulevards.

Commissioner Haque-Hausrath stated she has worked with City Attorney Hindoien on an amendment to include a minimum spacing of boulevard trees.

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.