

SUMMARY OF ADMINISTRATIVE MEETING

July 2, 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 Elsaesser and Haque-Hausrath were present. Commissioners Ellison and Haladay were excused. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; Police Chief Troy McGee; Community Facilities Director Gery Carpenter; Community Development Director Sharon Haugen; Assistant City Attorney Thomas Jodion; Parks & Recreation Director Amy Teegarden; Assistant Public Works Director Phil Hauck; Administrative Services Director Tim Magee; Human Resources Director James Fehr; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included Allyson Batch, S.A.V.E and Lloyd Spark, MILP.

2. June 18, 2014 Administrative Meeting Summary – The June 18, 2014 Administrative Meeting summary was approved as submitted.

3. Commission comments, questions –

Board Appointments: Mayor Smith recommended Judy Nielsen be reappointed to the Helena Housing Authority. Term to begin upon appointment and expire August 1, 2019.

Commission Comments – Commissioner Elsaesser inquired about the bidding process for the CTEP projects, specifically Centennial Trail, Phase One.

City Manager Alles reported three bids were received and opened on Tuesday, July 1, 2014. All three bids came in over the estimated engineering costs; staff will review the bids and have a recommendation ready for the July 16th administrative meeting and the July 21st city commission meeting.

Commissioner Elsaesser asked if the bids were higher than the most recent engineer's estimate. Manager Alles concurred.

Commissioner Elsaesser stated he continues to be concerned that the open bidding process was not used. Mayor Smith asked if the project had been legally advertised. City Manager Alles stated the legally required bidding process was followed and in addition staff requested the consultant to personally contact contractors and invite them to participate in the bidding process.

Commissioner Elsaesser again stated he is concerned that an open bidding public process was not used. The legal ad was published three times in the paper, one was run just two days prior to a mandatory pre-bidding conference and the third ad was published after the mandatory pre-bidding conference. Again, Manager Alles noted the legal process was used and in addition phone calls were made to ensure participation.

Commissioner Elsaesser noted the bids received were from local contractors who have previously had contracts with the city and the legal ad was only advertised in the Independent Record. Commissioner Elsaesser stated he would like confirmation the city met all legal requirements for federal projects and CTEP projects. Mayor Smith asked what other confirmation Commissioner Elsaesser is looking for; the requirements the city is bound by law have been met. The commission may choose to further discuss the bidding process at a later date.

Commissioner Elsaesser reiterated he did not feel the process was open and did not allow for all interested contractors to bid. He stated he would like to have further discussion on how the city's Request for Proposals (RFP) are done. This was not good public notice when the 3rd notice was published after the mandatory meeting.

Commissioner Haque-Hausrath summarized that Commissioner Elsaesser's main concern is the 3rd notice was pointless if the mandatory pre-bid conference already occurred. Assistant Public Works Director Hauck gave an overview of the legal requirements of when the notices have to be published. He noted the three bids received were from local contractors and many times out of town contractors do not bid unless it is a multi-million dollar project.

Manager Alles reemphasized the third notice is a requirement of legal notices under Montana Code Annotated. Assistant Public Works Director Hauck stated the bids received are reasonable and many of the Phase One project will be completed.

Commissioner Elsaesser stated with specialized projects the city needs to look at further outreach. Mayor Smith stated if the commission wants to review bidding process, they could do so at a future date. However, at this time, he does not get the feeling there is consensus to do so. Manager Alles noted at a

future date, staff will bring forward the bidding procedures for commission review.

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

A. HATS – MDT has notified staff that they will allow in-kind matches and there may be an opportunity for the city to receive a reimbursement from the grant funding left over in FY14. The FY15 budget has 100% allocation; therefore, there will be no additional reimbursement available.

Lewis and Clark County notified the city that they will provide contingency funds of \$18,000 to keep the east valley route running five days per week. Manager Alles stated if there is commission concurrence, staff will notify the east valley ridership of the expanded hours.

Commissioner Elsaesser asked what the county is looking at in regards to a commuter route. Manager Alles noted HTAC is looking at the needs of the ridership in the east valley. HTAC and staff are also looking how to modify and improve the current fixed route. The \$18,000 is not contingent upon the city modifying the fixed routes.

Commissioner Elsaesser noted this commission has given direction to look at the Westside commuter route and fixed routes. Manager Alles explained the FY15 HATS budget included three days a week for the east valley route; however, staff left it at four days due to some grant funding flexibility. With the county providing the \$18,000, it will allow the east valley route to operate five days per week. The county's total contribution is \$50,000.

Commissioner Elsaesser again stated the commission's priority is to shift toward fixed routes and to serve the ADA population. Manager Alles concurred. He then explained the new route match software will be up and running shortly and will assist staff in making better decisions on the fixed routes.

Manager Alles stated HTAC has been working hard and he will work with the membership to encourage them to work with staff to provide joint recommendations to the city commission.

Commissioner Elsaesser concurred and stated the data is available and he is looking forward to the fixed routes.

Manager Alles reported he received a letter from the Secretary of Transportation notifying the city that the 5311 funding may be seeing changes to the program. Commissioner Elsaesser asked what the timeline is when those changes may occur. Manager Alles noted it would be within this operating year.

B. Quiet Zone – The city has contracted with KLH Engineers to complete an update on the original study, it should be available within a month.

5. Department Discussions

City Clerk

Public Arts Committee Recommendation – City Clerk Havens referred the commission to the PAC's original recommendation to expand the membership of the Public Art Committee. She also outlined the current membership versus the proposed membership. Mayor Smith has requested that a member of HCC be a permanent member of the PAC.

Manager Alles noted he would recommend the Parks Maintenance staff person and the project manager is not included in the list of membership. If there is a specific project staff needs to be involved with, they are more than willing to do so.

Commissioner Haque-Hausrath stated she does not believe the members of the Public Art Committee would object to the removal of the parks maintenance staff person and the project manager. She explained the changes in membership would allow anyone interested in art, the ability to serve on the committee. She noted she is unclear on what the project manager slot was identified as and does not remember the discussion.

There was commission concurrence to bring forward a resolution that would include the following membership for the Public Art Committee:

- 1 – City Commission Member
- 1 – Helena Citizens Council Representative
- 2 – Citizens at Large

Up to nine members who would represent artists, art organizations, design related business, education and business.

Mayor Smith asked that the draft resolution come back to an administrative meeting prior to being on a commission meeting agenda.

Administrative Services

Non-Motorized District Resolution of Intention – Administrative Services Director Magee reported a city-wide special district for Non-Motorized Transportation Improvements, Repair and Maintenance are under development using the protest option. A public hearing for the resolution of intention is on the July 7th city commission meeting agenda.

Director Magee then referred the commission to the Special District Creation – Schedule of Statutory Requirements/Timing.

Commissioner Elsaesser asked if the commission could decide on Monday to amend the resolution of intention and go directly to a referendum vote. Director Magee explained there was commission concurrent to draft the resolution of intention using the protest process. If the commission wants to go directly to a vote, this resolution of intention would need to be denied and staff would bring forward a resolution of intention using the referendum process. There is no room to modify this resolution of intention.

Manager Alles asked if the legal notifications of this resolution of intention are fine; however, a substitute resolution of intention could not be considered as it is not on the agenda. Administrative Services Director Magee agreed the additional resolution of intention would need to be on the agenda in order for the commission to consider it.

Commissioner Elsaesser stated it was his understanding the commission would have to option to use the referendum or protest process. Manager Alles stated staff would recommend if the commission wants to use the referendum process that they deny the resolution of intention that is on the agenda and staff will then bring forward a resolution of intention to use the referendum process.

Discussion was held on the schedule to get the referendum language on the next general election ballot or conduct a separate mail ballot election and the costs associated with both.

Commissioner Elsaesser noted the protest process is much cheaper than the referendum process. He then asked for clarification on whether there is time to get this on the November 2014 ballot with the requirement of property owners having the right to vote on the referendum. Staff would need to review the requirements to place a referendum on the November ballot or conduct a mail ballot. Additional discussion was held on the process, putting the referendum on the November general election ballot, conducting a mail ballot and who would be eligible to vote.

Mayor Smith stated there was commission concurrence to use the protest method to move this forward.

Commissioner Haque-Hausrath stated she supports moving forward with the protest process. She noted the last time she spoke with Commissioner Haladay; he too supported moving forward with the protest process. Commissioner Elsaesser stated he is asking if the ballot referendum is an option; he raised this question and he had the understanding that it would be possible.

Manager Alles commented the commission has the option to deny the resolution of intention using the protest process and a different resolution of intention could be brought forward with the referendum process.

Public Works

Tenmile-South Helena Forest Restoration Collaborative Committee – City Manager Alles referred the commission to the draft resolution establishing the Tenmile-South Helena Forest Restoration Collaborative Committee. This committee is consistent with the former committee and includes many of the same stakeholders. He recommended adding a representative from Jefferson County.

Manager Alles then spoke of the following objectives the committee will work to fulfill:

- A. Provide recommendations to State and Federal agencies on projects being proposed in the Tenmile Municipal Watershed and South Helena area. This may include watershed restoration, vegetation management, wildfire mitigation, mineral development and mine reclamation, recreation and other projects;
- B. Identify potential project design and implementation issues and seek solutions early in the site selection and project planning process;
- C. Offer the agency input/knowledge regarding the potential effects of a proposed action/activity.

Manager Alles stated he plans on bringing the resolution forward to the July 21st city commission meeting. Manager Alles noted another advantage of this committee is that collaboration and collaborative committees are mentioned in the agricultural bill. The Forest Service and the Department of Natural

Resources has agreed to fund a facilitator position, versus entering into a contract. This person will be a city employee to work with the committee.

Commissioner Elsaesser commented it is a great idea to recreate the committee. He then referenced Section One and asked for clarification if under membership would there be one representative for both "Motorized and Non-Motorized Recreational Users" or one for motorized and one for non-motorized. Manager Alles explained the intent is to have an odd number of committee members and therefore there would be one member representing both the motorized and non-motorized.

Commissioner Elsaesser asked if the three citizens at large would be residents of Helena. Manager Alles stated it would be his intent the citizens would live either in Helena or Rimini. There would be one representative from the city of Helena; however, the committee would have the resources of the entire city staff, when appropriate.

Mayor Smith welcomed Forest Supervisor Bill Avey to the meeting and thanked him for the support from the Forest Service. Bill Avey, Forest Service, thanked and recognized the city commission and city staff for their work on these projects. The Forest Service continues to support moving forward with the Red Mountain Flume project. They are also committed to moving forward with the collaborative efforts. He then invited the city commission and staff to attend the open house at Baxendale Fire Department on July 9th at 3:30 to 7:00 p.m.

Commissioner Elsaesser thanked Mr. Avey for the Forest Service commitment to the Tenmile projects. Mayor Smith asked how the latest move by the objectors would affect the project. Mr. Avey stated at this time the Forest Service is not prohibited from moving forward; no preliminary injunction has been filed. If a preliminary injunction is filed, the Forest Service is prepared to present an argument.

Mayor Smith stated in the absence of a preliminary injunction, the Forest Service will move forward. Mr. Avey concurred.

Mayor Smith stated with the lawsuit being filed, the city should consider filing a friend of the court brief. If the time comes, the city is prepared to assist.

Mr. Avey stated the Forest Service would welcome any party that wants to request and obtain intervenor status. He recommended talking with City Attorney Hindoien for clarification on the process. Mayor Smith stated he would support the city doing so. Commissioner Elsaesser stated he would trust the city manager to bring this forward when appropriate. Manager Alles stated staff is exploring all options and will bring forward a recommendation.

Commissioner Elsaesser stated he is interested to know what the NEPA requirement will be in regards to the larger projects to protect the city's watershed. Manager Alles noted he has had conversations with the Forest Service and the Department of Natural Resources on the requirements and the agencies are all working together to accomplish moving forward to have a full scaled project.

Mr. Avey noted the Forest Service currently does not have an identified project; however, they are working with city staff to gather the necessary data. Commissioner Elsaesser stated he has no idea of what the timelines are; however, he is satisfied the process is moving forward. He then asked if there has been any discussion on doing smaller projects on city property.

Manager Alles stated the commission did allocate resources in the budget for the Tenmile project. Mayor Smith asked if there is consensus to direct Manager Alles to move forward on obtaining the intervening status. He asked Manager Alles to report back to the commission on the process to do so. Manager Alles stated staff is looking at all options.

Commissioner Elsaesser recognized the work of the first collaborative effort; it has made this next step much easier.

Community Facilities

HCTV Contract – City Manager Alles introduced the subject and spoke on the partnership between the city and HCTV.

Community Facilities Director Gery Carpenter referred the commission to the HCTV Agreement; he then reviewed the proposed changes.

Commissioner Elsaesser stated the agreement looks great and it is a good partnership between the city and HCTV. Commissioner Haque-Hausrath stated the changes look good and the fiscal integrity will be monitored through Administrative Services.

Commissioner Elsaesser asked if there are any plans for HCTV to begin to produce or telecast. Community Facilities Director Carpenter explained HCTV representatives requested the addition of Telecast; as they will be telecasting in the future. Director Carpenter noted that HCTV is looking at

digitizing their entire system within the next two years and city staff has been working with them. Commissioner Elsaesser stated he generally supports the contract, including telecasting.

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 the MLC&T Board is actively recruiting for a new Executive Director. Mayor Smith noted the Board of Health has submitted a letter of support for the non-motorized district; however, he did not support sending the letter.
- 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 – Commissioner Elsaesser reported the resolution that created the Intergovernmental Transit Committee is on the July 7th commission meeting agenda for consideration to be rescinded. NMTAC members continue to be very interested in the CTEP projects and are engaged with the TCC in the Greater Area Transportation Plan discussions.
- 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 – No report given.
- f) Helena Citizens Council – HCC Coordinator Judy Garrity reported the HCC met last week, City Manager Alles, City Attorney Hindoen and Community Development Director Haugen all attended the meeting. It was a great conversation between the HCC members and city staff. A representative from the HCC will begin attending the Parking Commission meetings.

7. Review of agenda for July 7, 2014 City Commission meeting – Commissioner Haque-Hausrath referenced to the increase in the Open Space Maintenance assessment and asked if the commission would have the opportunity to change that number. City Manager Alles explained the commission will consider the resolutions of intention for all assessments on July 7th and can amend any of the proposed assessments.

Commissioner Elsaesser asked if the commission could tell from the resolution of intention what the impact would be if they change the impervious surface area. Manager Alles noted staff will have the information available on Monday, July 7th.

8. Public Comment – No public comment received.

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

Commission comments continued - Mayor Smith reported the city commission will ultimately need to make the decision on demolition permit for Central School. He also stated there is a rumor that the city commission has already made their mind up in regards to the demolition permit. Mayor Smith stated he has not discussed this with anyone, including other commission members. Mayor Smith stated the city commission is not anywhere near making a decision.

Commissioner Elsaesser stated he was asked for his opinion and he thought some commissioners had expressed opposition and had submitted letters in opposition to the demolition of Central School.

Commissioner Haque-Hausrath stated she has submitted comments as an individual; she was not speaking on behalf of the commission.

Mayor Smith stated it is fair to say this commission has not had the discussion and no decision has been made.

Manager Alles noted Superintendent of Schools Kent Kultgen will attend the July 10th joint work session.

Community Development Director Haugen explained the formal process to allow the demolition of any historic building. There is a specific application and criteria spelled out in the city code. There is a two-step process; the School District has to consult with the Heritage Preservation and Tourism Council

who has to hold a public hearing and then submit a recommendation to the city commission. The city commission will also hold a public hearing and then made the decision on the demolition permit. Staff is currently working with the Heritage Preservation and Tourism Council representatives to assure the public process is followed.

Commissioner Elsaesser asked if the Heritage Preservation and Tourism Council (HPTC) should be inviting him to meet with them. Director Haugen stated the city commission members should not be meeting with the HPTC.

Commissioner Haque-Hausrath noted although the HPTC should not have a formal recommendation until after the public hearing, the individual members of the committee should be able to contact the commissioners about the proposed demolition permit.

Mayor Smith asked if this would fall under a quasi-judicial situation. Assistant City Attorney Jodoin stated the commission is in a quasi-judicial situation and should not be discussing this item until the official public hearing. If there are conversations that have occurred, they should be disclosed at the public hearing.

Mayor Smith commented the school district has not formally applied for the demolition permit. Interested citizens will have the opportunity to speak at the Heritage Preservation and Tourism Council public hearing and the city commission public hearing.

Commissioner Elsaesser stated he will direct people to HPTC and City Clerk Havens.

10. Adjourn – Meeting adjourned at 5:30 p.m.