

SUMMARY OF ADMINISTRATIVE MEETING
March 16, 2016– 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, Farris-Olsen, Haladay and Noonan were present. Staff present was: Acting City Manager Thomas Jodoin; Executive Assistant Sarah Elkins; Community Development Director Sharon Haugen; Police Chief Troy McGee; Fire Chief Mark Emert; Assistant Public Works Director Phil Hauck; Parks & Recreation Director Amy Teegarden; Parks Superintendent Craig Marr; Parks & Recreation Administrative Assistant Jennifer Schade; Code Enforcement Coordinator Greta Dige; Open Lands Coordinator Brad Langsather; Parking Commission Director Dave Hewitt; City-County Building Manager Troy Sampson; ADA Coordinator Elroy Golemon; Administrative Services Director Glenn Jorgenson; Human Resources Director James Fehr and City Clerk Debbie Havens.

Others in attendance included: John McGovern, RAC; MLTC Executive Director Tim Burton; David Nielsen; Dr. Laurie Kerzicnik; Lloyd Sparks, MILP; Bob Warner; Paul Cartwright; Bob Throssell and IR Reporter Al Knauber.

2. March 2, 2016 Meeting Summary – The March 2, 2016 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Board Appointments – Mayor Smith recommended the following appointments:

Civic Center Board	Appointment of Steve Crider and Glenda Seipp to unexpired terms on the Civic Center Board. Terms will begin upon appointment and expire March 2, 2019.
--------------------	--

Helena Housing Authority	Appointment of Sherri Downing to an unexpired term on the Helena Housing Authority. Term will begin upon appointment and expire August 1, 2017.
--------------------------	---

Tourism Business Improvement	Reappointment of Jim Tucker to a second term on the District TBID. Term will begin upon appointment and expire April 20, 2020.
------------------------------	--

Transportation Coordinating Committee	Reappointment of Melinda Barnes to a third term on the TCC. Term will begin upon appointment and expire December 31, 2017.
---------------------------------------	--

4. City Manager's Report

Request for Amicus Brief, Tim Burton & David Nielsen (MLCT) – Acting City Manager Jodoin referenced the Citizens for a Better Flathead County and reviewed the case.

Commissioner Haladay stated he originally brought this forward from a citizen inquiry.

MLCT Executive Director Tim Burton and Attorney Nielsen addressed the commission regarding the exempt well case and noted the oral hearing is scheduled for April.

Executive Director Burton noted the MLCT is hearing from both sides of the issue regarding the Flathead County case; there are both opponents and proponents regarding filing an amicus brief. Ultimately this issue will be taken to the Executive Board of the MLCT for a final recommendation. Staff has not made a recommendation.

Attorney David Nielsen stated he has read the decision and noted there are three issues on appeal. Attorney Nielsen reviewed the pros and cons of the case and what specific issues could be addressed in the amicus brief. He has talked to Kalispell and Whitefish are neither one is a party to the lawsuit. The city of Whitefish has filed another suit and Attorney Nielsen recommended following this case and not the citizens case.

Executive Director Burton stated there is not a structured process with the MLCT on whether to or not to file an amicus brief. Ultimately, he will bring this issue before the executive board for a decision.

Commissioner Farris-Olsen asked Acting Manager Jodoin for his concerns. Acting Manager Jodoin echoed Attorney Nielsen's concerns, what does compatible mean. Commissioner Farris-Olsen commented is this the right case, looking at it being compatible or requiring it.

Commissioner Haladay stated the MLCT will make the ultimate decision on whether to file an amicus brief; he is happy to hear that Whitefish has filed a suit and will present a cleaner case for the league to monitor. He does not see the need for the city of Helena to formulate a recommendation.

Commissioner Ellison stated he appreciates Director Burton and Attorney Nielsen's comments and he too would be comfortable supporting a case where the city of Whitefish is involved. Commissioner Noonan concurred.

Mayor Smith asked for public comment, none was received.

Mayor Smith asked where the city of Whitefish case is in the pipeline. Attorney Nielsen stated it has been filed in district court; however, he could not give a specific date on when the case would be heard.

Commissioner Haladay asked is the city of Whitefish case subject to the same decision as the suit filed from the citizens group. Attorney Nielsen stated he does not believe the decision from the citizens' group suit will be precedent setting.

There was commission consensus not to pursue filing an amicus brief through the Montana League of Cities and Towns.

Public Records Request Resolution – Acting City Manager Jodoin reported Resolution 19214, passed on May 9, 2005, and established the current fee structure for fulfilling requests for public information. In 2015 the state law governing the fees that may be imposed by a public agency was amended to allow a local government to recoup the actual costs of production of public information (§ 2-6-1006, MCA).

The current labor charge of \$11.54 per hour does not accurately represent the costs to produce public information. This is especially true with regard to production of electronic mail as those requests require the involvement of IT staff and an attorney in the City Attorney's office.

Acting Manager Jodoin referenced the recent request for all email correspondence regarding the human rights complaint. Commissioner Haladay asked what the actual costs were to complete the search. Acting Manager Jodoin stated he would have to get the amount to the commission; it was three to four times the total amount the city charged. Commissioner Haladay stated any new request has the potential to be more expensive. Acting Manager Jodoin concurred.

Discussion was held on how specific requests and how the charges are determined. Acting Manager Jodoin noted most requests take very little staff time and there is no charge for the request, except for copies if requested.

Mayor Smith asked for public comment – Paul Cartwright noted he has experience that some levels of government put their top people on the case. Does the resolution outline the estimated costs. Acting Manager Jodoin stated what specific staff works on the request, would again depend on the specific cases; most cases involve legal and his office will be involved. The vast majority takes little time; however, this resolution outlines the costs.

Commissioner Farris-Olsen stated the city should not make it cost prohibitive for citizens to request public information. Mayor Smith noted Commissioner Farris-Olsen could offer an amendment at the March 21st commission meeting.

5. Department Discussions:

Parks & Recreation

Emerald Ash Borer Presentation - Parks & Recreation Director Teegarden reported a high percentage of Helena's urban trees are green ash. Across the nation, green ash is threatened by the Emerald Ash Borer (EAB), an insect that is established in more than 25 states. What would our community look like if our trees disappeared.

In an effort to raise awareness, share information and discuss proactive measures to limit the potential effects of the EAB t Helena's urban forest, city staff invited Laurie Kerzicnik, from MSU to speak. Director Teegarden introduced Dr. Laurie Kerzicnik, Insect Diagnostician from MSU. Dr. Kerzicnik gave a presentation on the emerald ash borer.

The primary goal of Helena's Urban Forestry division is to provide proactive management, maintenance, and preservation of trees within our municipality and to provide quality customer service, education resources, and volunteer opportunities to ensure the long term safety, health, viability, and aesthetic quality of trees in our community. EAB is a potential threat and proactive practices need to be implemented in order to minimize the threat. The more we learn and move into action, the better off our urban forest will respond to the threat.

Dr. Kerzicnik answered several questions from the city commission and Growing Friends members.

Parking

15th Street Parking Structure Agreement with Montana State Fund – Administrative Services Director Jorgenson reported in 2009 the City contracted with the State Fund and MT Board of Investments to build the 15th Street Parking garage. The City Commission, Parking Commission, and BID wanted to keep the State Fund in the downtown area to add value and additional business potential and recommended building the garage.

The City issued \$8.9 million of bonds to build the garage and completed it approximately two years later. In return, the State Fund guaranteed the purchase of all 350 spaces in the garage for the life of the bonds. The City now has the opportunity to advance refund the current bonds to save approximately \$60,000 to \$70,000 in annual debt service costs. Staff put together a proposal to the State Fund to see if they were interested in purchasing the garage prior to refunding the bonds since the State Fund's annual permit revenue only covers approximately 50% of the annual debt service costs of \$600,000. Once refunded we would not be able to refund the bonds for 10 years due to normal bond covenants so this was the opportune time to approach the State Fund.

The benefit to the City is a net \$300,000 annual savings to the Parking Fund. The downtown parking system revenues fund approximately 50% of the debt service on the garage. Also, the garage is not a major factor in our downtown parking system as it mostly supports one entity, even though anyone can purchase a permit to park there. The City would also save approximately \$11,750,000 in debt service payments over the next 23 years, of which approximately 50% would be paid by parking revenues other than the State Fund, allowing us to keep parking permits lower and improve our cash flow for needed improvements.

The benefit to the State Fund would be to own their own parking and not have to purchase 350 permits annually. Their building value would also increase accordingly along with the resale potential.

State Fund personnel were interested in the proposal and we issued a joint bid proposal for appraisal services. Elkhorn Appraisal provided the lowest bid and performed the work. The appraisal provided the following values:

State Fund Building	\$	28,000,000
Parking Garage		7,500,000
Added Value if Single Ownership		1,500,000
Combined Value	\$	<u>37,000,000</u>

Based on the appraisal of \$7.5 million and apportioning \$200,000 of the added value to the garage, the City Manager asked the State Fund if they would be willing to purchase the garage for \$7.7 million. State Fund staff presented this to their board on March 11th and they preliminarily agreed to the proposal with the final decision to be made in May. In April, State Fund and City leadership will meet with a legislative committee to discuss the proposal. The final decision will be dependent upon City Commission approval.

If sold the City would have to fund an escrow account that would pay the principal and interest through 2018 and then call the remaining bonds. The exact escrow account amount required will not be known until the date of sale due to changing interest rates for US Securities purchased that help fund the escrow. The latest estimate showed the following costs:

Escrow Amount Required	\$ 8,853,634
Sale Proceeds	(7,700,000)
Debt Service Reserve (Bond Proceeds)	(597,290)
Other City Reserves with Paying Agent	(298,052)
Other Parking Cash Needed	<u>\$ 258,292</u>

The Economics Affairs Committee will meet in April to discuss the proposal.

Staff will use what parking reserves are available and loan them the rest from other sources for a reasonable time frame to fund the escrow.

Steps to complete the sale:

- Obtain a second appraisal as required by Ordinance 1-4-17
- Complete the Community Development pre-application process for a minor subdivision
- Hire a surveyor to split the property between the parking garage and parking lot
- Publish notice and mail to properties within 300 feet of the property
- Hold a public hearing

Parking Commission Director Dave Hewitt addressed the commission and confirmed the parking facility is used by State Fund employees. Community Facilities Director Carpenter noted the proposal will benefit both the parking commission and the State Funds.

There was commission consensus to proceed as recommended by Director Jorgenson. Commissioner Farris Olsen asked if this proposal would affect the Downtown Master Plan. Director Jorgenson stated there would be no negative impact, could be helpful.

Consensus direction to Manager – Proceed with process and bring it forward to the city commission meeting.

Community Development

ADA Transition Plan Presentation – Community Development Director Sharon Haugen reported the Americans with Disabilities Act (ADA) requires state and local governments to conduct a Self-Evaluation of its facilities, services, programs, and activities to identify barriers. Once the barriers to people with disabilities are identified, the ADA requires a Transition Plan be established to remove barriers in order to ensure accessibility.

A Transition Plan establishes the steps necessary to complete the changes identified through the Self-Evaluation process. In addition, a Transition Plan establishes the schedule for completing the needed changes and allows for prioritization of those changes. Transition Plans are reviewed and updated on a regular basis as projects are completed and programs made more accessible.

BACKGROUND:

The first transition plan for the City was adopted by the City Commission on January 22, 1993. In 2009 the Federal Highway Administration (FHWA) investigated a complaint submitted to the US Department of Justice (USDOJ). The FHWA investigation found that the Self Evaluation and 1993 Transition Plan focused primarily on employment provisions and ADA administration, and identified improvements needed for some City facilities. The FHWA investigation determined that the City's 1993 Transition Plan failed to include schedules for program accessibility, especially on public right-of-way within the City's jurisdiction, and the plan was not current. The FHWA recommended that the City update its Transition Plan.

Since 2009 the City and the ADA Committee have worked together to complete numerous projects to improve accessibility in the City, such as: a) updating the ADA Complaint Grievance process, b) reviewing and updating City policies, forms, and website to increase accessibility, c) development of a map of accessible routes in the downtown area, d) completion of an inventory of curb ramps in the City, e) development of a priority funding map indicating the routes and related ADA curb ramps to target as funds come available, and f) the snow removal ordinance has been updated. In September 2012 Stahly

Engineering conducted an accessibility audit of Lockey Park and an accessibility audit of the 1st floor of the City County Building.

Due to the complexity and number of City owned facilities and parks, the ADA Committee recommended that the City secure the services of a consultant to assist with creating a self-evaluation and proposed transition plan for the City. In March of 2015, the City of Helena contracted the services of Recreation Accessibility Consultants (RAC) to develop a new Transition Plan for City owned facilities and parks. As part of the update process, city staff and RAC conducted new Self-Evaluations of each facility and park location to determine what types of access barriers exist for individuals with disabilities. As part of the process, the ADA Committee conducted a public outreach meeting held on February 17, 2016 (see attached summary). The draft Transition Plan update was placed on the City website, and publicly noticed prior to this meeting. In addition to the web, copies of the draft Transition Plan were made available upon request to any member of the public or interested group. Invitations to the public outreach meeting were sent to over 20 organizations and government entities.

The proposed Transition Plan is only for existing City owned facilities and parks constructed before March 15, 2012. All new construction or renovations completed on or after March 15, 2012 must comply with the ADA. Any renovations or new construction initiated and completed on or after March 15, 2012 found to be non-compliant cannot be incorporated for correction in a proposed 2016 Transition Plan and must be corrected to meet current ADA requirements.

The 2016 Transition Plan will replace the 1993 Transition Plan and will be reviewed annually for updates and changes by City staff, the ADA Committee and City Commission. In addition, the 2016 Transition Plan will be used to help guide future planning and implementation of necessary accessibility improvements. Finally, the the 2016 Transition Plan establishes the city of Helena's ongoing commitment to providing equal access to all its public facilities, programs, services, and activities for citizens with disabilities.

NEXT STEPS:

1. Accept RAC's Transition Plan recommendation for facilities and parks which will be incorporated into an overall city Transition Plan that includes other compliance elements such as communication, service, programs, curb ramps and sidewalks.
2. Identify the priority method to address improvements at facilities and parks and city services.
3. City staff and the ADA Committee will develop a draft list of priorities and time lines for incorporation into the plan. Once the draft plan is completed, the city will conduct another public meeting to take comment on the proposed plan to ensure those priorities are in line with the needs of the public.
4. After the public meeting, city staff and the ADA Committee will finalize the draft plan and present it to the City Commission for final acceptance.
5. There will be a review, and if needed, an update of the Transition Plan on an annual basis. The review will also be part of the city's budget preparation process.
6. Staff estimates that the draft of the complete Transition Plan will take six months.

Director Haugen introduced John McGovern, RAC, who gave a presentation on the Final Report to the City of Helena, Conclusions and Recommendations.

Mayor Smith called for public comment. Lloyd Sparks with MILP thanked the city for undertaking this process. Mr. Sparks recommended the city take the recommendations and move forward. He asked how the city provides program accessibility.

Mayor Smith asked what the project that costs \$50,000. Mr. McGovern stated he did not recall the exact project; however, staff and get the answer to the commission.

Acting Manager Jodoin stated it is staff's recommendation the commission accept the final report and move forward. Accepting the transition plan will be on an upcoming city commission meeting agenda.

Commissioner Noonan referenced a previous discussion where it is staff's recommendation to move forward with the smaller projects, at little to no costs, and then prioritize the larger items for the FY18 budget discussions.

Mayor Smith suggested staff keep track of all recommendations that are completed. Director Carpenter noted there is a documentation plan included in the overall plan.

Mr. McGovern stated the recommendations in the plan may tie into other projects that are already being brought forward.

6. **Committee discussions**
 - a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns – No report given.
 - b) Mayor Pro-Tem, Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – No report given.
 - c) ADA Compliance Committee, Audit Committee, City-County Parks Board, Civic Center Board – No report given.
 - d) Board of Adjustment, City-County Administration Building (CCAB), Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – No report given.
 - e) Business Improvement District/Helena Parking Commission, Montana Business Assistance Connection, Public Art Committee – No report given.
 - f) Helena Citizens Council – No report given.
7. **Review of agenda for March 21, 2016** – No discussion held.
8. **Public Comment** – None received.
9. **Commission discussion and direction to the City Manager** – No discussion held.
10. **Adjourn** – Meeting adjourned at 6:00 p.m.