

SUMMARY OF ADMINISTRATIVE MEETING
October 26, 2016 – 4:00 p.m.
Room 326, City-County Building
316 N. Park Avenue, Helena

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Ellison, Haladay and Noonan were present. Commissioner Farris-Olsen was excused. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Police Chief Troy McGee; Administrative Services Director Glenn Jorgenson; Community Development Director Sharon Haugen; Zoning Officer/ADA Coordinator Elroy Golemon; Community Facilities Director Gery Carpenter; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; Street Supervisor Harlan Erskine and City Clerk Debbie Havens.
Others in attendance included: IR Reporter Al Knauber

2. October 12, 2016 Meeting Summary – The October 12, 2016 administrative meeting summary was approved as submitted.

3. Commission comments, questions – Upcoming Appointments – Mayor Smith is recommending the following board appointments:

Bill Roberts Golf Advisory Board	Appointment of Susan Skinner-Bannon and Judy Reddy to the Golf Advisory Board. First terms will begin November 1, 2016 and expire October 31, 2019.
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Commissioner Ellison recognized those who have sent an email or personal note thanking the commission for the re-installation of the cross-walk at Highland and Montana. He then thanked staff for the quick response for getting the crosswalk painted.

Commissioner Noonan thanked Parks & Recreation Director Teegarden for working with the BID on the fire tower. He noted he recently visited Mountain View Park.

Mayor Smith asked if there will be lights on the fire tower this year. Parks & Recreation Director Teegarden stated there will not be lights on the fire tower; however, there will be spot lights on the tower for this season. There will also be a fundraiser to help with the repair of the fire tower. Director Teegarden noted Morrison & Maierle is doing a site analysis on the fire tire and will submit a range of options once the analysis is completed.

Director Teegarden spoke of the upcoming fundraising efforts and she will provide updated information when available.

Commissioner Haladay stated since the master plan has been adopted; he asked if the commission could get an update from staff regarding the city's responsibilities for implementation.

Mayor Smith stated he too was pleased to see the crosswalk was re-painted on Montana and Highland. He asked Attorney Jodoin if the city has any exposure regarding ADA compliance. Attorney Jodoin noted staff has plans to install the curbs and ramps in the spring to complete the project and bring the corner up to ADA standards.

4. City Manager's Report – City Manager Alles reported the two new fire trucks arrived on Monday, October 24th. Senator Tester and Congressman Zinke will be visiting the Fire Station to look at the trucks as they assisted in obtaining the grants.

5. Department Discussions:
Administrative Services

2017 Utility Bill Inserts – Administrative Services Director Jorgenson reported staff has prepared the 2017 Utility Bill Insert List for city commission approval. Staff has followed the guidelines set for in Resolution 19491 to establish the priority level of the inserts as follows:

1. City of Helena and its departments;
2. Helena Citizens' Council, City advisory boards and commissions (e.g. Zoning Commission, City-County Planning Board and City-County Board of Health), quasi-city government agencies (e.g.

- County Library), and non-profit entities with 501 (c) (3) status under the Internal Revenue Code (IRC) contracted with the city to provide government-type services (e.g. Humane Society);
3. Other government entities and agencies (e.g. County, State and Federal), quasi-governmental agencies, and non-profit-type entities with a 501 (c) (3) IRC status that privately provide government-type services (e.g. Prickly Pear Land Trust and Growing Friends of Helena); and
 4. Non-profit organizations with 501 (c) (3) IRC status and that have a Helena-based headquarters and serve as a partnership for federated giving programs for other eligible entities with 501 (c) (3) IRC status (e.g. Montana Shares and the United Way of Lewis and Clark County).

Attached to the staff memo was a list that shows all the requests for each month.

Consensus Direction to Manager – Staff’s recommended list will be on the November 14th city commission meeting agenda.

Tax Recertification Discussion – Manager Alles stated he thought this item would be an interest of the commission. Administrative Services Director Jorgenson reported the State Department of Revenue (DOR) settled with Northwestern Energy on the protested value of their newly taxable property. The settlement decreased the City’s newly taxable property valuation by \$602,169. This will amount to a tax revenue loss of \$100,588 (\$602,169 X .16732 (167.32 mills)) from what was originally certified. However, since it is all due to the valuation of newly taxable property, we didn’t collect taxes on it in past years and did not actually “lose” any revenue. We are just receiving a lower amount than anticipated from the original certified value.

The City could request a recertification from DOR. Staff recommends not requesting a recertification from DOR as the City would lose the revenue either way. The City is allowed to set its mills based on the prior year’s tax revenue, plus ½ the rate of inflation for the previous three years, plus new growth. If we requested recertification, the new growth amount would decrease and we would be levying the same mills against the lower taxable valuation resulting in the same loss. Recertifying would require a resolution at a regular commission meeting and would likely delay the County’s taxation process for no net revenue change to the City.

The City calculated receiving \$9,672,317 in general fund taxes and \$825,005 for our general obligation bonds for a total of 10,497,322. This was an increase of \$404,948 over the prior year. Since the DOR is constantly changing taxable values due to other protested taxes and corrections of errors this will not be the only change. Overall, this is a large decrease from one taxpayer for this year, but we normally lose \$80,000 to \$200,000 per year due to DOR changes from the time of certification, and it is therefore a normal part of our taxation process.

Mayor Smith asked why this is being classified as newly taxable property. Director Jorgenson noted DOR raised NWE taxes and ultimately ended up settling with them. Manager Alles stated the city of Helena did not include NWE property in the TIF District due to the uncertainty of the inventory at their site.

Consensus Direction to Manager – No consensus direction necessary.

Public Works

Snow Plan Discussion – City Manager Alles introduced the agenda item. Street Supervisor Erskine referred the commission to the Snow and Ice Control Plan that includes the following sections: Level of Service; Priorities; Operational Procedures; Special Requests; Record Snowfall Event; Street Division Snow Equipment List; City of Helena Staff and Shift Schedule; Appendix I - Emergency Snow Route Map; Appendix II – Utility Insert; Appendix III – Winter Comparisons/FAQ’s; Appendix IV – Helena City Code.

Manager Alles asked Mr. Erskine to review the type of individual complaints the street division receives and the reasoning on why the street department cannot plow individual driveways and sidewalks. Supervisor Erskine noted most complaints are that the driveways have been plowed in or snow on the sidewalks. He noted there are certain areas of town, including the upper west side and the upper east side that are difficult areas to plow due to individual circumstances; there are lots of variables the employees have to take into consideration.

Director Camp noted if we have an ice storm, the snow plows are useless on ice and the sanders will get out as soon as possible. This plan is being used as a template for the other larger cities in Montana. Assistant Public Works Director Hauck stated the newly annexed property will be added to the routes.

Mayor Smith asked for an update on the snow removal for last year. Manager Alles gave the following report: **Sidewalk Snow and Ice Report for 2015-2016 Season**
Received a total of 286 complaints.

- 155 locations were inspected and no violations were found
- 131 locations were in violation
 - 130 were sent to contractors to be cleared
 - 17 were not in violation upon contractor arrival
 - 113 were cleared
 - 107 bills sent
 - Received 26 appeals
 - 7 were granted
 - 19 other were denied
 - 1 was missed

Cost

- Penalties and Cost to Clear
 - Civil Penalties totaling \$4,030.77 (Received to date \$3,321.36)
 - Cost to Clear totaling \$8,571.36 (Received to date \$6,826.80)
16 bills have yet to be paid
- Total dollars spent to clear:
 - Contractors \$2,727.70
 - The rest was done by staff (figure to come soon)

City Attorney

Community Decay Ordinance Discussion – City Attorney Jodoin reported Chapter 11 of Title 7 of the Helena City Code currently contains the prohibition against the keeping of “community decay,” as well as the notice and enforcement procedures for abating such community decay.

The current language contains conflicting wording and a criminal prosecution procedure that makes enforcement problematic. The amendments can broadly be characterized into two categories. The first generally clarifies what the prohibited act is and the second decriminalize the offense of having community decay on a person’s property.

In terms of the first substantive change, the definition of “community decay” is deleted and incorporated into the substantive prohibitions. Currently, the definition of “community decay” and the specific materials prohibited to be stored or accumulated on a property are inconsistent. Similarly, the term “public nuisance” is deleted and incorporated into a general “catch all” provision which prohibits conditions on a property that threaten or endanger the public health, welfare, and safety, may reasonably cause disease, adversely affect and impair the economic welfare of adjacent property, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons.

The second substantive change creates a civil enforcement procedure and removes the provisions that violation of this chapter is a potential misdemeanor offense.

Clarifying the prohibited conditions will improve the city’s ability to respond to community decay complaints. A civil enforcement process eliminates the need to use the criminal justice system which is inefficient and aimed more at punishment rather than ameliorating the issue. This is especially critical because in most instances of community decay the owner is dealing with mental health issues. A civil enforcement process is much better suited to resolve the problem and potentially assist the property owner with clean-up of the property through the involvement of local mental health service providers.

Commissioner Noonan asked if most of the complaints come from the neighbors. Attorney Jodoin stated yes and the complaint has to be in writing. Zoning Officer Golemon concurred most all of

the complaints come from neighbors or the neighborhood. He noted it only takes one person to initiate the process.

Mayor Smith asked how we deal with a building that is half finished and work has stopped. Director Haugen stated if the structure is safe, the city does not have the authority to force them to finish or tear it down. However, with the change in language it will give staff flexibility and options to enforce the community decay ordinance.

Commissioner Ellison asked when the commission might see this on the agenda. Attorney Jodoin noted in December/January.

Mayor Smith spoke on the coordination efforts city staff has done with different agencies to assist residents who may suffer from mental illness to deal with their properties.

Commissioner Noonan asked if the Police Department gets involved. Chief McGee stated rarely does his department get involved; if staff requests assistance, they will assist.

Commissioner Haladay stated the commission had discuss animal refuse and asked if any of this language covers it. Attorney Jodoin noted he left the animal refuse in the animal control ordinance. He would prefer to leave it in the animal control ordinance.

Mayor Smith and Commissioner Haladay mentioned Central School and at what point does the school become community decay and is the property secure. Attorney Jodoin stated he could not speak on the condition of Central School.

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) Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – Commissioner Ellison noted the Montana League of Cities and Towns Conference was very successful with great speakers.
- 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 – Commissioner Noonan asked if the discussion of curfew has proceeded with the Parks Board. Director Teegarden noted staff continues to monitor the calls for service in the parks; curfew is being addressed through park hours and at this time the Parks Board is not interested in pursuing park hours.
- f) Helena Citizens Council – No report given.

7. Review of agenda for October 31, 2016 – No discussion held. Manager Alles noted there may be one person who will address the commission regarding a private fence going across city park property.

8. Public Comment – No public comment received.

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

10. Adjourn – Meeting adjourned at 5:05 p.m.