

**SUMMARY OF ADMINISTRATIVE MEETING**  
**February 22, 2017– 4:00 p.m.**  
**Room 326, City-County Building**  
**316 N. Park Avenue, Helena**

**1. Call to order, introductions, opening comments** – Mayor Pro Tem Ellison called the meeting to order. Commissioners Farris-Olsen, Haladay and Noonan were present. Mayor Smith and Manager Alles were excused. Staff present was: City Attorney Thomas Jodoin; Assistant City Attorney Iryna O'Connor; Police Chief Troy McGee; Fire Chief Mark Emerit; Administrative Services Director Glenn Jorgenson; Community Development Director Sharon Haugen; Community Facilities Director Gery Carpenter; Civic Center Manager Angela Poole; Civic Center Administrative Assistant Bridget Johnston; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; Parks & Recreation Director Amy Teegarden; Recreation Supervisor Todd Wheeler and City Clerk Debbie Havens.

Others in attendance included: HCC Representatives Gary Spaeth and Paul Pacini; Consultant Martin Cohen, Cultural Learning Group; Civic Center Board members Judy Kline, Joann Christnacht and Brad Culver; CTAC Chair Theresa Ortega; Brian Copeland; Joel Peden, MILP and Eric Seidensticker, MBAC.

**2. February 8, 2017 Meeting Summary** – The February 8, 2017 administrative meeting summary was approved as submitted.

**3. Commission comments, questions – Upcoming Appointment** – There are no appointments.

**4. City Manager's Report** – No items to report on.

**5. Department Discussions:**

**Civic Center**

**Strategy Document Presentation Martin Cohen** – Community Facilities Director Carpenter introduced Martin Cohen who gave a PowerPoint on his findings and recommendations.

Mayor Pro Tem Ellison asked for comments from the Civic Center Board members. Board chair Judy Kline spoke on the process and outcome of the information and noted the survey has been very valuable. Ms. Kline suggested the Civic Center Board review the final report and brings forward a recommendation to the city commission.

Commissioner Farris-Olsen stated he would like to see the final report prior to making any comments. It sounds like there will be recommendations on how to generate revenue and programming for the Civic Center.

Commissioner Noonan stated he believes there are two issues that can be moved on; how to expand the rental capacity and possibly look at the policies and pricing recommendations. If some of the recommendations are adopted he believes the use will increase. Forming partnerships with others is a great recommendation. Commissioner Noonan recognized another issue is finding the right balance between bringing in additional groups and recognizing the size of the auditorium. Again, partnerships are very important.

Mayor Pro Tem Ellison recommended the final report be given to the Civic Center Board for review and they could forward any recommendations to the commission. Director Carpenter noted the Civic Center Board will be bringing in a new fee schedule forward to the commission for consideration. There are already changes happening at the Civic Center.

**Parks and Recreation**

**Resolution of Intention to Establish Fees to be charged for the Last Chance Splash Waterpark and Pool**

Director Teegarden reported the fees charged for admissions and programs at Last Chance Splash Waterpark and Pool have remained the same for several years, with the addition of season passes and various programs over time. This has led to a complex fee schedule with different fees charged for the various services and programs which can be confusing to guests. Additionally, as costs

for pool chemicals, energy, staff and other expenses increase over time, the cost recovery per user for admissions and programs is reduced.

In order to make the fee schedule easier for guests to understand and to support continued cost recovery of facility expenses, City staff recommends adjusting the categories of programs and services and increasing fees for some of the programs and services. Staff proposes the following changes to the existing fee structure:

1. Swim Lesson Sessions/Costs:

--Increase resident swim lesson fee from \$3.50/lesson to \$4.00/lesson, nonresident to remain \$5.00/lesson

--Offer morning lessons four days per week per two week session so that Fridays can be used for specialized programming and staff training instead of offering lessons five days per week.

--Offer evening lessons in 30 minute increments (instead of 40 and 55 minute lengths) two days per week over a four week session (Mon/Wed or Tue/Thu)

--For private swim lessons eliminate the 45 minute lesson/pricing and base all private lessons on 30 minute lesson pricing with slight increases to nonresident rates

2. Daily Admissions:

--Increase open swim individual admission fees by \$0.50 and introduce a senior admission category priced the same as the youth rate; eliminate the evening/weekend open swim rates

--Combine the various categories of water activities fees into one category that is priced the same as the open swim admissions with the introduction of a youth admission category

3. Punch cards:

--Combine the two categories of open swim and water activities punch cards into one "universal" punch card that can be used for both open swim and water activities

--The revised punch card pricing represents a 20% savings off daily admissions for residents and a 10% savings off daily admissions for nonresidents

4. Season Passes:

--Combine the two categories of open swim and water activities season passes into one "universal" season pass that can be used for both open swim and water activities

--Introduce a family season pass category to replace the adult companion pass category

--The revised season pass pricing represents a cost savings over daily admissions for guests that use the facility more than two times per week over the course of the season

5. Full Facility Rental

--This program continues to see strong demand so an increase is recommended to make fees comparable to other market providers

6. Swim Team:

--Shift the determination of swim team fees to the use agreement process that already is in place

The advantages are for morning swim lessons the time on Fridays can be used for specialized programming and staff training that has been difficult to schedule in the past. For evening lessons the 40 and 55 minute long lessons are too long for young children who often get chilled in the water. Shortening the lessons to 30 minutes will allow us to add a lesson time slot so that more children can participate in the swim lesson program. For punch cards and season passes the "universal" card/pass concept will increase convenience for guests and simplify the categories. The fee increases in the various categories will support continued cost recovery as expenses increase over time.

**Resolution of Intention to adjust the fees to be charged for park use and recreation services and programs by amending Resolution 19995.**

Director Teegarden reported in 2012, the Helena City Commission adopted the City's Park Use & Fees policies through a fee resolution. In 2013, a revised resolution was passed to clarify some categories that needed "tweaked" following initial implementation. The guiding framework recommends that these policies and fees be reviewed every three years. Last fall city staff and the City-County Parks Board initiated a review. The analysis included a review of: reservation data; documentation of uses not originally considered; and review of trends, challenges, issues and impacts. The main areas for policy discussion and recommendations focused on: the impacts from large organized groups; facility rental fees; and cost-recovery and impacts to sports fields and park turf.

1. Large group events (50 or more) regularly generate large amounts of garbage and impact the capacity of park porta-potties. Not all large groups order extra porta-potties or remove garbage as requested. The larger the group, the larger the impacts. There are often back-to-back park events that need "clean-up"

before the next event. Large groups also require a higher level of service of staff time. City staff developed and proposed a service fee proposal, based on direct costs.

2. There is high demand for the large pavilions at Centennial and Mountain View parks. The current rental fee is \$40.00 for a full day (more than 4 hours). Based on fee information gathered from Spring Meadow Lake State Park and the Fairgrounds which have similar facilities, it has been determined we are charging less than the market. City staff proposed fee changes for pavilion and other park buildings.

3. There has been an increase in demand and reservations for park and sports fields by both youth and adult teams. As a result, the parks are experiencing negative impacts to the turf, a higher level of maintenance, scheduling conflicts and a declining ability to recover costs. Field use fees range from \$1.00 to \$3.00 per field/courts per hour. User groups have commented that the fees seem to be underpriced for the value. City staff suggested incremental increases over the next several years.

Based upon the above discussion, recommendations for new fees or adjustment to existing fees have been made:

1. Establish Service Fees to address the impacts of large groups. Service fees will be applicable for activities for groups larger than 50 people for activities exceeding one hour in length. Service fees are based on direct costs for providing additional toilets, garbage containers and park labor services.
2. Increase fees for the reserved use of park pavilions, shelters, warming house and other structures.
3. Increase reserved field and court fees for both youth and adult use.
4. Adjust tennis fees for improved cost-recovery.
5. Miscellaneous: Adjustments to various damage deposits and fee categories for consistency.

The adjustments, increases and new fee categories will help provide improved cost-recovery efforts and enhance services resulting in improved customer satisfaction.

Mayor Pro Tem Ellison asked for public comment, none was received.

Commissioner Haladay noted the current season pass is \$45 and asked if that requires the person to select which kind of pass. Aquatics Manager Wheeler concurred and noted the recommendation is to have one season pass that would apply to both open swim and water activities. He explained his methodology for the recommendation to combine the two passes at the rate of \$81.

Commissioner Haladay asked how does staff determine residency. Director Teegarden stated it is difficult and staff believes it is better to establish resident charges for punch cards and season passes. Commissioner Haladay asked if the Parks Board has reviewed and made a recommendation on the resolution of intention. Director Teegarden stated yes.

### **Public Works**

**Grant Application Discussion** – Assistant Public Works Director Hauck referred the commission to the memos and budget information in the packet and stated the public hearings for the submittal of the grant is on Monday, February 27<sup>th</sup>.

Assistant Director Hauck reported the CTAC Advisory Committee recently completed its process for requesting and ranking projects using the FY2018 TransAde funding. The TransAde amount for this year is \$51,180.00. Two proposals were submitted to the CTAC. MILP/Capital Taxi's weekend and after hour's program and the City's Capital Transit operation. The CTAC membership voted for and is recommending the funding be split between MILP/Capital Taxi and the city's operation. The CTAC recommends \$27,000.00 for MILP/Capital Taxi and the remaining funding \$24,180.00 to the City's Capital Transit operation.

The funding for the TransAde projects would be included in Capital Transit's 5311 Operating Funds provided by MDT. The city would then be required by MDT to develop an agreement with MILP/Capital Taxi to receive these funds. Based on what we understand from MDT, the city would be the contractor and would be the agency responsible for MILP/Capital Taxi's compliance with the state/ federal requirements before the state would reimburse the city for this project.

A decrease in TransAde funding to Capital Transit of \$27,000 would impact the cash flow in an equal amount. This deficit would need to be made up by increasing the General Fund contribution, increasing the Lewis & Clark County contribution, or further eroding the capital reserves. The current cash flow also assumes a \$50,000 transfer from the Special Charters fund. This will not be a consistent source of revenue in the future.

At the end of the day the city would be responsible for ensuring that the money is spent legally by MILP/Capital Tax and according to MDOT requirements under Title II concerning transporting seniors, elderly and the disabled.

Mayor Pro Tem Ellison asked for public comment.

CTAC Chair Teresa Ortega addressed the commission and noted Assistant Director Hauck had correctly outlined CTAC's recommendation. She then invited everyone to a celebration on the Capital T on March 9<sup>th</sup>.

MILP representative Joel Peden explained MILP's program for evening and week-end services and spoke of the hours that Capital T operates which is only sixty hours per week. MILP's service helps people not become isolated by providing transportation in the evenings and weekends.

Director Jorgenson noted if the commission accepts the recommendation, there will be another \$27,000 taken out of the general fund. The city will also be responsible for monitoring the grant which will take additional staff time.

Commissioner Haladay asked if we know with the TransAde funds, does ridership on MILP's service count for the city's ridership. Assistant Director Hauck stated it does count; however, MDT has stated ridership is not necessarily a factor in determining the grant amount. Ms. Ortega concurred with Assistant Director Hauck's comments. Mr. Peden stated ridership will be a factor in determining the grant amount and explained how the funding is allocated.

Commissioner Haladay asked if the commission were to agree with the ranking of the \$27,000, for the purposes of revenues versus expenditures we would just increase that number by the \$27,000. Assistant Director Hauck stated it is a match and concurred the amount would be \$27,000.

Commissioner Haladay commented if the city is willing to tolerate the loss, we would have an ending cash balance of \$201,000 instead of the \$228,000. Assistant Director Hauck concurred and noted it would decrease the reserve on an annual basis.

Commissioner Haladay asked if there has been any movement on public pledges from larger organizations. Ms. Ortega noted there has been some talk; however, she is not sure where those discussions are.

Commissioner Haladay referenced the monitoring of grants and asked if MILP is monitored from the Washington Corp grant. Mr. Peden stated yes and explained the process they use for documentation and monitoring.

Commissioner Haladay asked what monitoring compliance would look like from the city. Director Jorgenson noted there is a unified guidance for grant monitoring. Internal controls need to be monitored and designed. The city would need to tailor the controls to the program. Commissioner Haladay commented the monitoring would include the initial determination of compliance the first year and then are there annual audits. Director Jorgenson stated one of the questions would be if the grant is required to be audited. City staff would need to receive documentation of how the funding is spent.

Assistant Director Hauck commented at this time staff does not understand what MDT would require for the city to monitor programs that use Title Two funds. The question is will MILP/Capital Tax meet all the requirements of Title Two funding. Director Jorgenson stated Title Two funding requires more monitoring than other grants.

Mayor Pro Tem Ellison asked if staff has quantified what the staff costs would be for monitoring the grant. Director Jorgenson stated this is the first year city staff has worked with the unified guidance regulations and staff is not certain what it all entails.

Commissioner Haladay asked if MILP has any other public partnerships in the state. Mr. Peden noted the pilot program with the city of Helena was successful a couple of years ago. Currently MILP is working with a group in Bozeman on a similar program; hopefully two months away from kicking the program off. However, there are no long term partnerships at this time.

Commissioner Haladay asked if the Bozeman program includes TransAde dollars. Mr. Peden stated there are TransAde dollars, but not through the city of Bozeman. MILP will continue to look for long-term partnerships.

Commissioner Haladay asked is there any oversight between the MILP and Capital Tax partnership. Mr. Peden stated no.

Commissioner Noonan asked how is the eligibility for the ridership determined for rides for the MILP service. Mr. Peden stated the service is for the disabled and elderly and it is an honor system at this time. The disabled and seniors automatically qualify for rides.

Commissioner Noonan asked if the comment from Tom Stuber from MDT regarding the TransAde appeal process was specifically aimed at the city of Helena's operation. Assistant Director Hauck stated he believes MDT was asked the question and a response was received from MDT. Commissioner Noonan asked if TransAde funding is not used, would it change any of the required oversight. Assistant Director Hauck stated there would be less red tape if the city or county increased their contribution in the amount of \$27,000 and not use TransAde money.

Commissioner Haladay clarified if the city chooses to keep the ranking as recommended and then come up with the additional \$27,000 and use it as a contribution there would be much less oversight; it would require an additional \$27,000 from the general fund. Attorney Jodoin noted if that were to happen, the city may have to go through an RFP process to assure prevailing wages. There is nothing that we can't overcome; however, oversight needs to happen. City staff is unsure where MDT is regarding monitoring of the grant and oversight requirements.

Mr. Peden offered to sit down with city staff and figure out how to make it work for both MILP and the city of Helena.

Mayor Pro Tem Ellison asked what is the status of the discrimination complaint filed by MILP against the city and individual commission members. Attorney Jodoin stated MILP originally filed a discrimination complaint alleging the city's para-transit service only provided service to those with a disability; which is remarkably similar to the service MILP is currently providing. Subsequent to that, the commission ranked the HATS funding ahead of MILP and they filed a second complaint claiming retaliation. The Human Rights Bureau investigated the complaint and found no cause and MILP has filed an appeal with District Court. However, the city has not been served with the latest complaint.

Mayor Pro Tem Ellison commented with the outstanding complaint against the city we would potentially have to provide oversight on a grant to an organization that currently has a case against the city. He then asked if there is any legal exposure to the city or conflict of interest. Attorney Jodoin recommended the two parties have legal counsel present whenever there was a meeting between the two parties. Mayor Pro Tem Ellison asked if the commission decides to accept the recommendation from CTAC with MILP as the number one position, we would be partnering with an organization that would require legal counsel to be present when discussing how to proceed. Attorney Jodoin concurred and stated ultimately it would be best not to have the lawsuit over the city's head and proceed together.

Commissioner Haladay asked Mr. Peden if the city agrees to the ranking with MILP receiving the \$27,000 and at the end of this year not only has the city hit the projected \$103,000 loss but has surpassed it due to the uncertainty of the cost of the second fixed route and next year the city decides the TransAde money has to stay to fund the operation of the second fixed route, what would be MILP's concerns and practical effects if that there were to happen. Mr. Peden noted MILP's commitment is to find a way to keep the program running. He spoke of MILP's service being an integrated service and not being the same as the city's para-transit service.

Commissioner Haladay asked if MILP got money this year and didn't get it next year, would it disable the program. Mr. Peden stated it wouldn't make it any easier.

Director Jorgenson stated with the pending lawsuit, it will make it very difficult for the city to audit the grant. With the pending litigation, if something was found during the audit it could be construed as retaliation. He suggested an outside counsel or auditors may have to be hired to monitor the grant. CTAC Chair Ortega asked if the lawsuit is still pending and when does a final decision have to be made.

Attorney Jodoin noted MILP has filed a complaint in district court; however, the city has not been served. He does not know what liability the city faces. Commissioner Farris-Olsen noted the time to file a lawsuit is three years.

Commissioner Noonan stated on the surface the program is good, it accomplished what the city wants to do. However, since the time he has been on the commission, the pending lawsuit is always in the background.

Mr. Peden stated he would like to find a way to move forward and have MILP and the city work together in a partnership.

## **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 – 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 – HCC Representative Gary Spaeth read into the record a Resolution for support of the Community Decay Ordinance changes. He then read the Resolution of the Helena Citizens' Council to support passenger rail service through Helena Montana. Chair Spaeth spoke of the content of the resolution in support of the rail service and recommended the commission adopt a similar resolution.

Commissioner Haladay commented if the commissioner were to adopt a resolution in support of the rail service; the same language could be used as in the HCC resolution. Mr. Spaeth concurred.

Commissioner Farris-Olsen noted if the commission were to adopt a resolution, who does the HCC want it sent to. HCC Chair Spaeth stated it should go on file and then if something happens regarding rail service the resolution could be sent to the appropriate parties.

- 7. Review of agenda for February 27, 2017** – Commissioner Haladay stated he has some questions regarding the demolition permit public hearing and will email them to staff by noon on Friday, February 24<sup>th</sup>.

Commissioner Noonan asked if the public give a presentation at the public hearing. Mayor Pro Tem Ellison stated he does not know what will be presented; what he intends to do is outline how the public hearing will be conducted under commission comments.

- 8. Public Comment** – No public comment received.

- 9. Commission discussion and direction to the City Manager** – No discussion held.

- 10. Adjourn** – Meeting adjourned at 6:00 p.m.