

## **SUMMARY OF ADMINISTRATIVE MEETING**

**November 13, 2019– 4:00 p.m.  
Room 326, City-County Building  
316 N. Park Avenue**

**1. Call to order, introductions, opening comments** – Mayor Collins called the meeting to order. Commissioners Haladay, Noonan Wicks and O’Loughlin were present.

Staff present: City Manager Ana Cortez; Assistant to the City Manager Amanda Opitz; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O’Conner; Interim Police Chief Steve Hagen; Assistant Fire Chief Mike Chambers; Interim Public Works Director Eric Urban, City Engineer Ryan Leland, Water Maintenance Supervisor Heath LaFromboise; Transportation Systems Director David Knoepke; Parks, Recreation and Open Lands Director Kristi Ponzozzo; Human Resources Director Yolanda Franco; Community Development Director Sharon Haugen; Community Facilities Superintendent Troy Sampson; Public Information Officer Rebecca Connors and Interim City Clerk Dannai Clayborn.

Others in attendance included an HCC Chair Sumner Sharpe, HPAC Chair John Moore, Commissioner Elect Sean Logan, and Tom Kuglin Independent Record.

**2. October 30, 2019 Summary** – The October 30, 2019 administrative summary was approved as submitted.

**3. Commission comments, questions** –

a. Advisory Board Scope and Structure

Commissioner Haladay discussed the allotment of City Staff time for advisory boards and committees, stating concern over the volume of this staff time and stated he would like to discuss option for efficiencies in these processes. Commissioner Haladay stated at this time he would specifically like to discuss the boards and committees advising Parks, Recreation, Open Lands, and Civic Center. Commissioner O’Loughlin expressed support for this discussion in an effort to streamline the public forum.

Commissioner Wicks stated she agreed with the other Commissioners and saw this as a budgetary discussion, in the amount of labor hours spent working with these bodies by staff. Mayor Collins asked if there were specific numbers as to the hours spent by City Staff on working with the advisory bodies. Manager Cortez stated City Staff averaged a total of approximately 60 hours per month. Commissioner O’Loughlin stated there should be a discussion of quality of discussion and advisement by the boards over quantity. Manager Cortez stated fee setting was an example of the roles where the boards and committees play a role in City business, but other stakeholders should weigh in on this discussion, as well. Commissioner Haladay asked for a brief overview of what the next steps would be to move this item forward for consideration. Commissioner O’Loughlin asked for a proposal from staff on how to restructure the existing boards, to include feedback from current boards on their role as they see it. Commissioner O’Loughlin stated this would be an opportunity to discuss all boards and committees and their role with the City and their validity at this time. Commissioner Wicks stated this should include some board training. Commissioner Haladay asked the City Attorney to review the possibility of using audio only minutes with a posted agenda to satisfy the requirements of a permanent public record.

**4. City Manager's Report**  
**City Manager—HCTV / LED Update**

Assistant to the City Manager Amanda Opitz reported the County has agreed to contribute to the upgrade and infrastructure costs for the HD Buildout and the transport costs for the HCTV. Ms. Opitz also reported NorthWestern Energy has sent documents from a third party consultant, in which the findings stated the cobra head lamps were within compliance with the city ordinance. This is also the finding of City Staff. NorthWestern Energy has also stated they will be doing light meter readings on the approximately 400 previously installed LED lights, and shielding will be installed to the lights which are found to fall outside the light trespass parameters in order to address the violation. Moving forward, NorthWestern has stated they would be sending teams to identify areas where the light trespass would be an issue and the light shielding would be installed at the same time as the light. To satisfy customer concerns in the community over the warmth of the lighting, NorthWestern has stated they would be using 2700 Kelvin in residential areas, and the standard 3000 Kelvin lights will be used in the main thoroughfares. The discussion over the decorative lighting options remains ongoing. NorthWestern stated an alternative to the decorative lighting issue would be to pull the existing lights and replace with the compliant cobra head lights. NorthWestern estimates these costs to be approximately \$71,000. Commissioner Haladay asked for clarification if the \$71,000 costs would be passed onto residents, and Ms. Opitz stated it was her understanding this would be the case. Ms. Opitz stated the option for the City to purchase the entire light or to change the governing Ordinance both remain options. Commissioner O'Loughlin stated she had heard at the recent BID meeting where a NorthWestern representative indicated the City proposed decorative lights from an alternate vendor would be close to meeting compliance, but the lights may still violate the light trespass parameters set by the Ordinance. Ms. Opitz stated this could be the case, due to the variance of property lines. Commissioner O'Loughlin stated it may be worth City Staff speaking with NorthWestern on this specific topic, to make sure everyone has the same understanding of the matter. Commissioner O'Loughlin also stated she received feedback at the BID which indicated they were interested in the final product on Front Street and may have concerns over replacing the historic decorative lights with the cobra head lights, and it was suggested by the BID to make distinctions between residential and commercial areas as a way of meeting the needs of all interested parties. Commissioner O'Loughlin stated she assured the BID these discussions were ongoing.

**Facilities – ADA Parking**

Facilities Superintendent Troy Sampson reported Stahly Engineering had provided concept drawings for the North and South Parking lots for ADA parking. These options would be brought forth in the next month for review by the Commission. Manager Cortez stated this ADA project would be a priority in the coming weeks.

**City Attorney – City Trademark / Logo Redesign**

The purpose of an official seal is to secure or prove authenticity of the document to which it is affixed. A document to which a seal is affixed generally has legal significance, such as a deed, ordinance. The purpose of an official seal is to secure or

prove authenticity of the document to which it is affixed. A document to which a seal is affixed generally has legal significance, such as a deed, ordinance, or proclamation, and the authenticity of the document is generally presumed to be true. A logotype, or logo, does not have the same legal significance. Generally, a logo is merely an identifying symbol, such as

for the purpose of advertising or branding. The City's logo appears on the departments' letterheads, employee business cards, the City's website, City uniforms, and on whatever else the City wishes to associate with its "brand."

The current form of the City seal was adopted on Aug. 23, 1982. At the same time, the image of Helena's historic fire tower, as it was depicted on the new seal, was designated as the "symbol and emblem" of the City. Subsequently, that image of the fire tower was used to develop the City's logo. It appears the first city logo was registered as a protected trademark in 1985. However, the Montana Secretary of State's records indicate that the mark was first used in 1981. That logo contained the silhouette of the fire tower in an oval with the words "Guardian of the Gulch" above and "City of Helena" below. Trademark registration is valid for 10 years. Thus, a subsequent trademark was registered in 1995. That logo generally retained the look of the 1985 logo but removed the ornamental frame around the image and the words "City of Helena." The current form of the trademark was registered in 2005. The 2005 version of the logo re-incorporated the words "City of Helena" as part of the logo. The same version of the logo was renewed as a registered trademark in 2015. This trademark is set to expire on October 16, 2020.

Despite the registered trademark, various iterations and forms of the City of Helena logo have appeared in materials and City communication. As such, the City recognizes the need to define an official mark as a functioning logo. This is also an opportunity to revise and fine-tune the mark to address some technical concerns, optimize reproduction quality, and to define appropriate use of the logo.

1. The City's logo will be updated to the new proposed design and the trademark will be updated accordingly. The City's seal will remain unchanged.
2. A policy outlining the use of the City's logo by city employees will be implemented.

#### **Community Development – Building Code update**

Community Development Director Sharon Haugen reported on November 8<sup>th</sup>, the Montana Department of Labor and Industry stated the newest version of the Building Codes will adopted on December 6<sup>th</sup>, and the City of Helena will then have 90 days to adopt these codes, as well. However, the Department will not be adopting the new Energy Codes and this means the City will not need to adopt these, as well. Director Haugen and Fire Chief Wood would be discussing Wildland Urban Interface Code at a later date. Director Haugen stated the Code Adoption was projected for end of January or early February.

#### **5. Litigation Strategy – No report given.**

6. **Department Requests –  
Parks, Recreation, Open Lands and Civic Center –  
**Bill Roberts Golf Course Fees****

Golf Fees must be updated regularly to maintain revenue and remain competitive with similar courses. The Parks Department is requesting Commission Consensus to bring the Bill Roberts Golf Course Fee Schedule updates to the Nov.18th Commission Meeting to announce and set a public hearing date of the Dec. 9th Commission Meeting.

- Golf fee increases range from a 7-12% raise
- Golf fee increases have the potential to increase revenue by more than \$500,000 per year. This moves us closer to balancing the Golf Fund.
- One new fee option is the Tower Club - this aims to attract and retain more infrequent use golfers. It provides a potential diversified revenue source while also providing an affordable option for golf.

For introduced resolution on Nov. 18th, with hearing on Dec. 9th.

Commissioner Haladay stated golf fees have always been a general fund burden on the general fund. Commissioner Haladay asked if the discussion of resident and non-resident fees for City Services. Director Ponozzo stated this discussion for resident and non-residents had been discussed regarding other types of fees, such as the pool and waterpark. Manager Cortez stated due to time constraints in the meeting schedule, she would work with City Staff to bring this proposal of updated fees to the Commission at the beginning of the year as part of the “book of fees.”

**Bid Award for the Memorial Pool Liner Replacement Project PR9913**

The Memorial Pool PVC Liner is due for replacement and is showing signs of failure. PVC pool liners are effective for 10 years and then they need to be replaced so water doesn't infiltrate beneath the liner. It is important to properly maintain the pool for public safety and for compliance with state health codes. The city received three bids for the Memorial Pool PVC Liner Replacement Project PR9913 on September 27, 2019. The lowest responsible bidder for the project was Aquatic Renovation Systems, Inc. of Indianapolis, Indiana with a bid price of \$132,020. The other two bids were \$156,782 and \$180,000. Capital funds have been budgeted for this project which is a planned maintenance upgrade.

Consider awarding the contract to Aquatic Renovation Systems, Inc. which submitted the lowest responsible bid for the project in the amount of \$132,020. Installing a new PVC liner at Memorial Pool will keep the pool running smoothly for another 10 years without unexpected down time from liner failure. The new liner is also important in terms of public safety and compliance with state health codes. The new liner will come with a 10-year warranty. Staff is requesting consensus to bring the to the November 18th Commission Meeting the Memorial Pool Liner Replacement Project PR9913.

**Finance –  
Westside Wastewater Infrastructure Bonds**

The contracts have been awarded for the installation of wastewater infrastructure to the newly annexed westside. The intention is to issue bonds to finance this project. DNRC has approved us for \$2,754,000 to fund this project through their SRF program to be repaid over 20 years at 2.5%. A TSEP grant has also been obtained for \$750,000 to assist with this project. Total estimated project costs are \$3,504,000. Like the water bond passed in August, this will require 2 resolutions. One will update language on our outstanding wastewater bond with DNRC, and the other will authorize this new issue. Resolutions are expected from bond counsel November 4.

**City Attorney –  
Consider allowing certain encroachments by right within the City's right-of-way.**

Currently, when a property owner wants to have a retaining wall, fence, awning or overhang extend into the right-of-way, the property owner must apply for and obtain an agreement with the city for that encroachment. The agreement is also recorded with the Clerk and Recorder. Preparation of these agreements requires staff time, mainly from engineering and legal staff, as well as an added inconvenience for the property owner. In reviewing whether or not these types of encroachments create an issue for the city justifying the expenditure of resources, city staff has found that vast majority of these encroachment;

- do not present issues for the city's use of the right-of-way and as such are approved with minimal review or investigation;
- have been in existence for a long period of time especially in the older parts of the city; and
- no additional rights are gained by the city by having an agreement in place.

Staff proposes that the following encroachments be allowed in the right-of-way by right:

- Retaining walls;
- Fences;
- Awnings and overhangs; and
- Any portion of a structure, such as foundation, roof eaves, stoops, and stairs in existence as of the date of passage of the ordinance.

The last category is included to allow old buildings to continue to remain without the need for new agreements with every change in ownership but not allow any new permanent construction in the right-of-way. The proposed amendments to the ordinance also eliminate the requirements for an application, approval, and agreement process. Rather, the conditions to which all encroachments are subject to are listed directly in the ordinance. This change will free up staff time but will assure the city can remove any encroachment if needed. Furthermore, including these conditions in the ordinance itself should help raise public awareness of the conditions.

Finally, food trucks were addressed in both the Encroachments section and the Nonexclusive Right-of-Way Use section of the code. Staff recommends that food trucks

be permitted as a “Nonexclusive Right-of-Way Use” and be stricken from the Encroachment section. If, however, the Commission wishes to do the opposite, staff recommends that section 7-13-4B1 be revised accordingly.

If the Commission wishes to move forward with updating the ordinance staff recommends the following timeline:

- First passage: December 9, 2019
- Final passage: January 13, 2020

**7. Department Presentations**  
**Parks, Recreation, Open Lands & Civic Center –**  
**Beattie Street 90% Design for Commission Update**

The Parks and Streets Departments have completed public meetings for the final design of the Beattie Street Trailhead and Street Improvement Project.

The next steps will be to close the comment period, respond to any final comments and prepare the construction bid documents.

Commissioner O’Loughlin asked if there was an expected increase in the overall costs for the project due to the additional bulbouts being proposed in the updated plan. Director Ponozzo stated potentially there would be an increase. Manager Cortez stated the next time this plan would be brought forward to the Commission for review would be part of the CIP discussion, no policy direction would be required at this time.

**8. Committee discussions**

**9. Review of agenda for November 18, 2019 Commission meeting –**

City Attorney Jodoin stated it was his recommendation the Golf fees be adopted in some form in December and any amendment to the fees could be done in early 2020, as part of the book of fees, and this could include the distinction between resident and non-residents.

**10. Public comment –**

Commissioner Elect Sean Logan expressed concern about the Advisory Board discussion, stating the Commission should proceed with caution in the matter.

**11. Commission discussion and direction to City Manager – direction previously given.**

**12. Adjourn –** The meeting adjourned at 6:15 p.m.