

SUMMARY OF ADMINISTRATIVE MEETING

April, 3 2019– 4:00 p.m.

Room 330, City-County Building

316 N. Park Avenue

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

Staff present was: City Manager Ana Cortez; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O’Connor; Acting Police Chief Hagen; Interim Fire Chief Ken Wood; Community Development Director Sharon Haugen; Public Works Director Randall Camp; City Engineer Ryan Leland; Interim Parks and Recreation Director Craig Marr; Finance Director Glenn Jorgenson; Parking Director Dave Hewitt; Community Facilities Superintendent Troy Sampson; Human Resource Director James Fehr and Deputy City Clerk Dannai Clayborn.

Others in attendance was Lee Schubert, Chairman BID; HCC members John Andrews and Sumner Sharpe

2. March 20, 2019 Summary – The March 20, 2019 administrative meeting summary was approved as submitted.

3. Commission comments, questions

Commissioner Noonan stated the Commission had discussed a contribution of \$5,000 to the Equity Fountain project. After discussions with the HPAC, it was found the HPAC was intending on a contribution to the Equity fountain, as part of the \$7300 annual fund from the city. As a result, the commission would step back and allow the \$7300 annual fund to the HPAC go forward, with the understanding \$5000 would be given to the fountain project on behalf of the city.

Commissioner Wicks inquired if there was an existing determination as to how the additional \$2300 would be utilized. Commissioner Noonan confirmed the additional funds were to be utilized for other art projects throughout the city.

Manager Cortez confirmed the consensus is to not commit \$5000 from the Commission and deny the cut to the HPAC budget and allow \$7300 from the HPAC budget, which would be partially used to fund the fountain project.

Commissioner Wicks stated she had received concerns regarding potholes on City streets, and asked staff to forward the Commission information as to where citizens can report potholes to the city, and what the timeline would be for the high density traffic areas for repairs.

Director Camp stated the general complaint form on City of Helena website allows citizens to report. The street department is actively working on fixing potholes, but a permanent fix will not be available until the pavement and underlying soil conditions improve. Director Camp further reported approximately 200 potholes have been repaired to date.

4. City Manager’s Report

Reese Martin, Disaster and Emergency Services Coordinator, gave a report regarding the Emergency Operations Plan. Coordinator Martin reported on updates to the plan, which is an interlocal agreement between Lewis and Clark County and the City of Helena.

These updates included changes to the structure and administration of the Flood Annex Plan, and the decision not to coordinate or provide sandbags to residents, due to restrictions of reimbursement from the Federal and State resources.

Commissioner Noonan noted several groups have arisen to help with sandbag operations, to fill the void where the county had provided them previously.

Manager Cortez reported an update of the Emergency Evacuation Plan would be provided at a future Administrative meeting, in coordination with the fire department. This update should occur sometime in mid-May.

5. **Department Requests**

Community Development – Community Development Director Sharon Haugen gave a report on the sale of 630 N Last Chance Gulch (Bus Depot)

Director Haugen reported asbestos and lead were found in the walls and mitigation was needed for the facility, if it was to be sold as surplus. No storage tanks were found, so limited ground contaminations would be expected, if any. The City Commission has indicated to City Staff that using a Request for Proposal (RFP) or similar process for the disposal of this property would be ideal to not only obtain new proceeds from the sale, but also evaluate a desirable new purpose for the site. The City and MBAC will work together to develop the appropriate procurement document and to assemble a review panel composed of subject matter experts that will evaluate the proposed concept, project finances and capacity of proponent to deliver both price and use. Staff recommends a committee composition that will include: MBAC, HBID, national and economic development intermediaries. The procurement process will include the following criteria: a) Downtown impact. b) Housing. c) Mixed use. d) Community benefit. e) Capacity. The purpose of the proposal is to dispose of the property at 630 Last Chance Gulch and encourage its redevelopment in such a manner that supports the goals of the Downtown Master Plan and other goals set by the City Commission.

If the Commission agrees with the criteria and the proposal from staff, a RFP could be completed by the first week in May. Commissioner O’Loughlin asked how firm the date of disposition is in June. Director Haugen stated no specific timeline was determined, and most important was receiving the best proposal and best recommendation regardless of the June deadline. Commissioner O’Loughlin encouraged 45 days for RFP process at a minimum, stating being flexible in date of disposition would allow for those groups who might be working to develop the property for affordable housing options.

Commissioner Wicks asked if we have ever done an RFP process where the proposal is preliminarily proposed, and then opened up for further qualifying factors. Director Haugen stated staff could use alternative timelines and would look at all options, including using a ‘staged approach.’

Manager Cortez asked for clarification on direction, stating housing means the RFP would need to be geared specifically for that use, and if the commission wanted to channel efforts in that direction, it would also stretch the timeline of the process. Commissioner O’Loughlin stated she had not intended to direct the use of the property for housing, strictly. Commissioner Haladay, Commissioner Wicks, Commissioner Noonan all expressed interest in keeping the criteria for the RFP as it is in the current proposal, and discover through the process what the interest in the property use would be.

Director Haugen confirmed staff will begin the process working with the City Attorney to begin the resolution of intent for the property sale.

Public Works—City Engineer Ryan Leland gave a report on Montana Avenue and Highland Sidewalks and Bulbouts Project, City Project 19-9.

Engineer Leland reported last fall the City Commission directed staff to start a project to construct bulbouts at the intersection of Montana and Highland and include sidewalks for one block each direction. Staff hired TD&H Engineering to design and manage the project. TD&H

has completed 60% design plans with two different configurations for the crossing. The engineer's estimate for the project is \$335,000.

Staff presented the plans at the NMTAC, where we received positive comments for the project and a few suggestions. TD&H and staff held a public meeting at Jefferson School on March 12th where we received again very positive comments and a few suggestions. TD&H also mailed out a brochure to the adjacent property owners informing them of the project and where to get more information.

Staff and TD&H gave a brief presentation of the project, summarized public comments, timelines of the project, and answered questions. This project will allow for a safer crossing of Montana and Highland. Staff will be looking for direction on which intersection design the commission prefers, with a timeline to complete improvements before start of school in fall 2019.

Public comments included the use of a flashing beacon, however, TD&H recommends using the proposed recommendations for a period, prior to installing a beacon. This allows for feedback from the community on the changes, prior to investing a significant amount of additional funds for a beacon without a full understanding of the strategic placement of such a device, or if it is needed at all.

Discussion regarding the proposed options from TD&H, and City Ordinance pertaining to sidewalk installations occurred. If the City chooses to enforce the Sidewalk Ordinance, there would be a total of 24 homes affected, with the possibility of a 0% interest loan through the City's sidewalk program.

The Commission reached a consensus of striping alternative 1 in the TD&H options provided. Additional discussion occurred regarding the enforcement of the sidewalk installation ordinance. Staff and Commission discussed the 'safe route to school' policy, and using it as a guideline as to the financial responsibility of the City versus the homeowner for sidewalk installation. Manager Cortez asked for clarification on the policy regarding the enforcement of the City's Ordinance. Commissioners O'Loughlin and Haladay agreed the responsibility should fall to the City within the 'safe route to school' districts. Commissioner Noonan added consistency was essential to such a policy being successful. Manager Cortez stated staff would develop a sidewalk installation policy for review using the 'safe routes to school' program as its basis, stating if the sidewalk installation falls within in the safe route zone, the City will cover costs, if not, then it is the responsibility of the homeowner.

Commissioner O'Loughlin asked City Engineer Leland for a status of the Neill Ave. project. Engineer Leland stated the project was in process, but due to negotiations with MDT and KLJ Engineering, he was unable to say whether or not the project would be finished by the end of summer 2019.

City Attorney—City Attorney Thomas Jodoin stated staff and the City Manager seeks direction as to the continuation or dissolution of the HPC. If the Commission wishes to continue utilizing the HPC, staff will empanel this body. If the Commission wishes to dissolve the HPC, the Commission may use other community based bodies such as the BID and HCC for input. City Attorney Jodoin reported at this point the Parking Commission has limited statutory authority left, and a clarification by the Commission would resolve confusion about the role and authority of the Helena Parking Commission.

The Commission and staff discussed the impact to the current members of the Parking Commission and the financial cost of the Parking Commission, as to the continuation and dissolution of the Parking Commission. Director of Finance Glenn Jorgenson expressed concern

regarding the ability of the Parking Commission's ability to set fees, despite being a mostly advisory body only. Director of Helena Parking Commission added the Parking Commission did still have the ability to approve budgets, in addition to setting fees. The Commission discussed the outcomes should the Parking Commission be dissolved, including the possibility of reinstating another iteration at a later time, and what the representation of the City would be in any new advisory board dealing with Parking.

Manager Cortez stated the intent is to present the commission with a book of fees annually, to allow the Commission to make decisions over the fee rates. With the new model of the Parking Commission as an advisory board only, these fees would have passed through the board and the community for feedback.

Lee Schubert, Chairperson of BID, advocated for the continuance of the parking commission, stating parking is instrumental to the business district. Due to the importance of parking to the BID, Mr. Schubert feels the BID should have regular input in the matters. Mr. Schubert stated the efficiency of a committee and/or commission, outside of the municipality's government constraints, allowed for a "nimble" response.

The commission came to a consensus, an advisory a body of some kind should exist, either created or through the BID for parking matters; however, the Parking Commission as it stands now should be dissolved. Direction was given to staff to draft a Resolution of Intent to repeal the Parking Commission.

Finance—Medical Marijuana fee information

Finance Director Glenn Jorgenson reported Staff seeks direction from the Commission on the desired price point for medical marijuana businesses licenses. In providing direction, staff includes consideration of two elements: 1. Fee justification and 2. Other City Comparables.

When considering fee justification, city fees are based on costs associated with the activity. HPD indicates that this type of business is not expected to increase the burden on police services. Furthermore, HPD indicates that since the State regulates marijuana businesses, enforcement is already addressed. When examining other comparable cities policies, staff researched fees charged by the five largest towns and Butte. Only Bozeman has a fee that is different from their normal business license fee. Billings and Great Falls do not allow medical marijuana businesses within their city limits.

Fees charged are:

<u>Bozeman</u> -	\$150 per year (\$50 for most all other business licenses)
<u>Missoula</u> -	Commercial: \$148 minimum, \$37 per FTE over 4 Home Based: \$92 minimum, \$23 per FTE over 4
<u>Butte</u> -	0-2 FTE = \$35, 3-5 FTE = \$50, 6-20 FTE = 100, 21-35 FTE = 200, over 35 FTE = \$200
<u>Kalispell</u> -	No license fees are collected for most businesses

The City will receive license fees from this type of business the same as other businesses. Staff recommendation is to charge a general bus license. The current fee structure for a general business license is graduated depending on the type and size of the business, with costs ranging from \$25 to \$150. It was determined by staff there was no justification for an additional cost for a Marijuana related license beyond the general retail license. The Commission stated they were comfortable with the current rate schedule.

Community Development—Zoning Commission Medical Marijuana

Community Development Director Sharon Haugen reported on the results of the Zoning Commission's recommendations for Medical Marijuana businesses and the public commentary received, stating while a few comments were received expressing concerns with medical marijuana businesses within City limits, all the public comment received at the work session and at the public hearing spoke in favor of the changes that the Zoning Commission were recommending. City staff also met with the Helena Citizen Council to inform them of the Zoning Commission's proposal and to gain any public comments. None were received from the HCC. In addition to the HCC, over 50 notices were sent out to interested persons who had attended the public meeting and the Zoning Commission work sessions.

The Zoning Commission made the following recommendations: Medical Marijuana dispensary would be allowed in the all the districts which a general retail license was allowed. Grow Operations should be a CUP in the CLM, and Manufacturing/Industrial districts. Definitions were also created or amended for the language in Title 11, these included: Medical Marijuana Dispensary; Grow Operation; Horticulture. Supplemental Requirements were also proposed stating dispensaries shall not be located within 500 feet of school property, and grow operations shall not be located within 1000 feet of school or residential property. Lastly, it was recommended medical marijuana or grow operations should not be allowed as home occupations. These proposed changes to Title 11 will be considered by commission at the April 22nd Regular City Commission meeting.

Discussion occurred regarding the acquirement of the general retail licenses prior to the adoption of any changes to Title 11. Seven General Retail licenses were allowed for Medical Dispensaries, all of which currently operate in what would be the proposed allowable zones. No licenses have been given or seriously pursued for grow operations. It was proposed the language in the supplemental requirements include 'private' schools, as well as, public schools.

City Attorney- Proposed Redraft of the Title 4 Business Regulation for the Helena City Code.

City staff proposes that the City Commission repeal Title 4 of the Helena City Code in its entirety and re-adopt parts of the title with a new organizational structure.

Many of the regulations contained in Title 4 have been superseded by state or federal law or do not fit with the current operations of the city. The proposed readoption of Title 4 will eliminate conflicting, duplicative, or unnecessary provisions, move certain sections to within other titles of city code for easier referencing, and clarify the regulations, process, and administration of business licenses within the city. The proposed new structure will be as follows:

- **Chapter 1:** Business License – will outline the regulations with respect to business licensing requirements, endorsements for particular types of business, application requirements, fees, and revocation and suspension process.
- **Chapter 2:** Industry Specific Requirements – will consolidate any additional regulations applicable to specific types of businesses.
- **Chapter 3:** Going Out of Business Sales Regulations
- **Chapter 14:** Sale of Tobacco

An outline of the proposed changes to the specific chapters within Title 4 and their impact was summarized by the City Attorney staff and discussed by the Commission. These changes would include clarifications in the general business licensing regulations, processes, and

the administration of those licenses. These clarifications will be relevant and more prominent with the City's adoption of new ordinances pertaining to medical marijuana operations.

Commission discussion included the suspension and revocation processes, fee/civil penalty options by the commission, the elimination of Chapter 9, and the addition of definitions to title 4.

6. Department Presentations

Finance— Manager Cortez and City Finance Director Glenn Jorgenson gave a presentation on the Fiscal Year 2020 Budget – Target Funds included,

911/SSD

Golf

Parking

Fire

Civic Center

Capital Transit

Commission discussion included: an update to the 17 year old 911 computer dispatch system and records management system for SSD; the cost of operations and management of the Golf Course and parking facilities based upon projected revenues; the creation of a Fire District to alleviate practical and financial strain on the Fire Department. Staff was directed to begin researching the fire district option, including the extent to which the option would be cost effective, for presenting to the Commission at a later date; possible changes in the business model of the Civic Center and Capital Transit system. A RFI would be released for the Civic Center to outside entities. The Manager would inform the Civic Center board of the decision. Regarding Capital Transit, staff was given direction to begin researching other communities across the state, looking for innovations and similar struggles other communities who offer public transit systems, understanding this may be a service provided by the city which will need to be subsidized indefinitely.

7. Committee discussions

Helena Citizens Council – No report

8. Review of agenda for April 8, 2019 Commission meeting – No discussion held.

10. Public comment – None received

11. Commission discussion and direction to City Manager – No discussion held.

12. Adjourn – The meeting adjourned at 6:50 p.m.