

## **SUMMARY OF ADMINISTRATIVE MEETING**

**February 19, 2020 – 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 Logan, Haladay, O’Loughlin and Dean were present.

Staff present: Acting City Manager David Knoepke; Assistant to the City Manager Amanda Opitz; City Attorney Thomas Jodoin; Fire Chief Ken Wood; Interim Public Works Director Phil Hauck, City Engineer Ryan Leland; Parks, Recreation and Open Lands Director Kristi Ponzozzo; Acting Human Resources Director Sheri Hall; Community Development Director Sharon Haugen; Community Facilities Superintendent Troy Sampson; Helena Police Captain Curt Stinson; Public Information Officer Rebecca Connors; Sustainability Coordinator Patrick Judge; Chief Finance Officer Wayne Oberg, Budget Analysts Chris Couey and Sara Sikorski; and Interim City Clerk Dannai Clayborn.

Others in attendance included Brook Edwards, Sara Norcott, Steve Schmidt and Howard Skjervem of Nothwestern Energy; John Andrews HCC, Rex Seeley; Dr. Gregory Thomas and Jonathan Ambarian of KXLH.

**2. Commission comments, questions** –

Commissioner Haladay asked for an update from City Engineer Leland on the 5-Point and the Downtown Multi-Modal Studies. Mr. Leland stated the Front Street project had delayed the studies somewhat, but an update meeting was scheduled with the consultants for next week. Mr. Leland stated a rough timeline for the Multi-Modal would be approximately 3 months and fall of this year for the 5-Point project.

### **Board Appointments:**

Mayor Collins recommended appointments of Kalli Kind as a Helena School District representative to the TIF / URD Advisory Board, and Paul Ferry as representative to the Conservation Organization to the TenMile Forest Restoration Collaborative Committee.

**3. City Manager’s Report**

Acting City Manager Knoepke stated there would be several RFP’s being issued from finance for auditing services for FY21 through FY23, as well as printing, stuffing and mailing of utility bills, which the current contract would be expiring in July of 2020. Acting Manager Knoepke asked City Attorney Jodoin to update the Commission on the consulting firm to perform the recruitment of a permanent City Manager. Novak Consulting had performed the recruitment of the City Manager in 2018 and as part of the contract would provide additional recruitment free of charge, if the first contract did not result in a full two-year contract. Commissioner Dean asked if the previous candidate profile provided by Novak could be given to the Commission for review, prior to committing to using Novak. Commissioner Logan echoed the sentiment. Commissioner O’Loughlin stated support for using Novak again for recruitment, as did Commissioner Haladay. Acting Manager also asked the City Attorney to update the Commission on the Bus Depot Warranty Deed. Mr. Jodoin stated the revised deed would be brought back to

the Commission on March 9<sup>th</sup> for consideration. Commissioner O'Loughlin asked what the closing date would be if the revised deed was approved on March 9<sup>th</sup> meeting. Mr. Jodoin stated once the deed was approved the closing process would be quick, and closing could happen soon after.

#### 4. **Department Requests**

##### **Sustainability Coordinator –**

##### **a. NorthWestern Energy seeking permission to resume its project converting its cobra-head streetlights from high-pressure sodium lamps to LEDs.**

Sustainability Coordinator Patrick Judge updated the Commission on the NorthWestern Energy (NWE) owns approximately 3400 streetlights in Helena. The majority (approximately 2600) are "cobra-head" lights. Last year, NWE initiated a state-wide program to replace its high-pressure sodium lights with LEDs. Helena and Billings were selected as the first communities. Approximately 400 of Helena's lights were converted before the program was placed on hold due to a number of concerns. The first was the question of whether or not the replacement lights were compliant with the City's lighting standards ordinance (Title 10 of City code). The other principal concern was over aesthetics -- specifically the "color temperature" of the

light. These concerns were articulated in a letter from the HCC (attached). Since that time, measurements taken (both by NWE and the City) seem to indicate compliance with the lighting standards in all but a few circumstances (cul-de-sacs, narrow roads, curvy roads). NWE has committed to address those issues (which have to do with "light trespass" and "glare") on a case-by-case basis with additional shielding, re-directs, etc. to achieve compliance. With the directional nature of LED lights and good horizontal cut-offs, there seems to be good agreement that the "uplight" portion of the code (aka "dark skies") is satisfied.

As for the "color temperature" issue, LEDs tend to have a white/blue look to them, as compared to the orange/pink color of high-pressure sodium lights (2200K). The initial 400 lights had a rating of 3000K. NWE has agreed to reduce the color temperature from 3000K to 2700K for residential neighborhoods (areas currently served by 100W lamps). This is the value that was requested by the HCC. NWE is requesting assurance from the Commission that they may proceed with the change-out for the remaining cobra-head fixtures in 2020. The issues surrounding ornamental/decorative lights (Lexingtons, Acorns, etc.) have not yet been resolved, so this discussion pertains only to the cobra-heads.

Commissioner O'Loughlin asked how many lights had been installed prior to the halting of the project. Northwestern Energy representatives responded 486 lights had been installed to this point.

Commissioner Dean asked if any feedback had been received from residents after the installation. City Staff investigated the complaints and found that while the lights did not necessarily exceed the ordinance maximum standards for foot-candles, the lights were more intense than previous versions, and some mitigating measures could be taken to address some of the concerns. Commissioner Haladay asked if there were enforcement mechanisms for the situation Commissioner Dean was referencing, such as a meeting technical compliance but still considered intrusive by residents. Mr. Judge stated language within the ordinance would allow for addressing these situations.

Northwestern Energy representatives spoke to the concerns discussed in the Commission's questions and in Mr. Judge's presentation. Models of the shielding to be utilized to mitigate the intrusive lighting were presented for the Commission to review. The representatives stated the 1200 remaining cobra head lights would be installed systematically, and methodically to respond to the City and residents concerns as the lights were installed, and deal with these concerns proactively. However, the shielding would be used only up to a point where safety would not be compromised.

Commissioner Haladay asked Acting Manager Knoepke if the MyHelena App could have an option added to the list of concerns to include light trespass. City Staff stated they would work to add this option added to the app.

The Commission determined no formal action was required to allow the project to continue. Commissioner O'Loughlin asked if an update could have an update on a solution for the decorative lights at an upcoming Admin meeting.

Hugh Zackheim, resident, stated he lived in a neighborhood where the initial 400 lights were installed, and he thanked the City and Northwestern Energy's response on this matter.

## **7. Department Presentations**

### **Finance—**

#### **a. Overview presentation of the capital assets and major maintenance projects for the restricted funds.**

Budget Analyst Chris Couey updated the Commission This is the third and final portion of the Comprehensive Capital Improvement Plan presentations. It consists of department requests to buy new assets, replace existing assets and perform major maintenance on city assets. As per the guidelines set forth in the CCIP, the assets will cost more than \$5,000 with a life of at least 5 years and the projects will be less expensive than their CIP counterparts but still extensive enough to warrant additional funding outside of normal Maintenance & Operating budgets.

Commissioner Logan requested additional information from Fire Chief Wood on the purchase of a new Ladder Truck for the Fire Department. Chief Wood stated the manufacturer of the City's current ladder truck was no longer in existence and due to the unavailability of parts and the current number of repairs the truck would be needing for standard maintenance, it was determined necessary to replace the truck in the up coming fiscal year.

Commissioner O'Loughlin asked how much of the fire levy monies was anticipated to be put towards capital. Chief Wood stated approximately \$300,000.

Commissioner Haladay asked for an update on the projections for the Golf Course Fund. Director Ponzoso stated the Golf Course was budgeted as a deficit, but currently was considered revenue neutral. Commissioner Haladay asked for four years of budget numbers for the Golf Course to review.

#### **b. Presentation and discussion of the newly created Book of Fees for the city of Helena.**

Budget Analyst Chris Couey updated the Commission the Finance office was tasked with collecting, researching, providing cost recovery calculations for and organizing a Book of Fees for the city of Helena with the goal of housing all fees for the city in one

place to be reviewed and approved annually (does not include rates such as water usage rates or solid waste collection rates). Currently, most departments organize, present and adopt their fees individually. Then they are posted to the respective department's webpage. This book would provide a place for citizens to research the costs for things such as business licenses, building permits, park rentals, police/fire special requests, public works activities and much more.

Chief Finance Officer stated an alternate timeline could be considered in which one fee and rate schedule would be adopted prior to any levies and last the budget would be adopted. Mr. Oberg stated this would be a change from what the City currently follows but would be something for consideration.

Commissioner Haladay asked if the idea of a resident discount for golf fees, and a flat fee for all others. Parks & Recreation Director Ponzoso stated there would be consideration of new fee schedule to include both resident and non-resident fees, for the next fiscal year.

**c. Community Development - Update on Capitol Hill Mall URD; Cruse Avenue and Downtown RFP**

**Capitol Hill Mall URD.**

Community Development Director Haugen reported the professional services agreement for Better City for the work on the creation of the Capitol Hill URD is complete. The agreement is ready to be executed pending Better City providing updated proof of workers compensation coverage. Better City's Scope of Work entails all the elements of the original RFP. The City is contracting separately with Robert Peccia and Associates for the preparation of legal description of the district. Better City will begin the work when the agreement is signed. The creation of the district will take 6-7 months.

Commissioner Haladay asked if there was an appetite from the rest of the Commission and staff to consider a Redevelopment Agency to handle the existing and all future URD's and TIF's for the City. Director Haugen agreed this was an idea worth pursuing and stated she would begin talking with relevant parties about developing this idea further. Commissioners Dean and O'Loughlin also expressed support for this idea. Commissioner Haladay asked if a creation of such a Redevelopment Agency could be brought forth for consideration either in lieu of the creation of the URD's or at least in tandem with the adoption of the URD's in the interest of efficiency. Director Haugen stated she felt this was a good idea and would be a goal to work towards.

Commissioner O'Loughlin asked for clarification on the boundaries which were being considered for the URD and if the Commission could get an update at an upcoming meeting regarding the boundaries and its possible impacts to the surrounding neighborhoods.

**Downtown RFP and Cruse Avenue Redevelopment.**

A revised Scope for the Downtown portion of the original RFP. Staff has been working with Better City to find a consultant(s) to develop design renderings of the different scenarios surrounding the redevelopment of Cruse. Mike Dowling of Dowling Architects, who was going to assist WGM in this task has indicated a willingness to complete similar renderings for Better City and the City. As previously indicated by the Public Works Department, the conceptual plan for the redevelopment and redesign of Cruse Avenue is

90% complete. The Cruse conceptual design was developed with the City Commission at a few administrative and a few working meetings with stakeholders and the commission. Staff was given direction to not proceed with that design in order to hire a consultant to work on broader downtown redevelopment plans with stakeholders. A copy of the 90% design is attached to this memo. Outstanding issues of vacation of right of way and property transfer can be resolved according to the design approved by the Commission. The City has been awarded a \$15,000 Main Street Grant to partially fund a visualization and sub-area plan for the redevelopment of the Cruse Avenue right-of-way. The project represented in the application will help focus the direction the City takes for the reconfiguration, redesign, and vision for redevelopment of Cruse Avenue. This grant was designed to complement the work associated with the Downtown Economic Redevelopment RFP and Cruse Avenue project. Director Haugen stated Mr. Dowling would act as liaison and manage negotiations amongst all the stakeholders, including the Commission and the public. Director Haugen stated there had already been some interest expressed by several investment groups regarding the Cruse Ave redevelopment.

**7. Committee discussions – None received.**

**8. Review of agenda for February 24, 2020 Commission meeting –**

**9. Public comment –**

Lynn Boone offered public comment expressing concerns over the budget and city expenditures.

Dr. Gregory Thomas suggested the City Finance Department consider regular seminars for the public to illustrate how the taxpayer money was being used to fund all the different services the City provides.

**10.. Litigation Strategy – Subsector Solutions, Inc vs. City of Helena Draft Complaint**

City Attorney Jodoin gave an update to the Commission on the complaint filed by Subsector Solutions, Inc. Due to the possibility of litigation involved in this matter, Mr. Jodoin recommended any further discussion regarding this item happen in a closed session.

Mayor Collins closed the open portion of the meeting at 6:40 p.m.

Mayor Collins reopened the meeting at 7:07 p.m. Commissioner O’Loughlin stated the direction to the City Attorney to engage Subsector Solutions, Inc. in further conversations.

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

Acting City Manager Knoepke stated he understood his direction to include, developing an option on the MyHelena App for light trespass related to the installation of the LED lights, along with a method of communication with Northwestern Energy to monitor and follow up on complaints. Additionally, an agenda item would be added on the book of fees update at a future meeting; schedule a work session for a discussion regarding the formation of a Redevelopment Agency, along with schedule an April update on the Capital Hill URD boundary; and contact Novak Consulting to negotiate a

new contract for the City Manager recruitment, to include an update of the candidate profile.

- 12. Adjourn** – The meeting adjourned at 7:15 p.m.