

**ADMINISTRATION AND FINANCE COMMITTEE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
October 21, 2009 1:05pm**

Members present: Stacy Rye, Chair; Ed Childers; Marilyn Marler; Renee Mitchell; Pam Walzer; Dick Haines; John Hendrickson; Dave Strohmaier; Jon Wilkins; Bob Jaffe.

Members absent: Lyn Hellegaard; Jason Wiener.

Others present: Denise Alexander, Roger Millar, Dee Krevey, Brentt Ramharter.

I. Administrative Business

A. Approve committee minutes dated: [October 14, 2009](#)-approved as submitted.

B. Public Comment on items not listed on the agenda-None

Stacy Rye made an announcement that state law has changed and after this election the wording on ballots will change from Aldermen to Council member.

II. Consent Agenda

A. Approve claims (accounts payable). -Consent Agenda (Brentt Ramharter)

Motion: The committee recommends the City Council approve [claims](#) totaling \$289,863.04 ([Detailed claims](#))10/27/09.

B. Consider a resolution relating to Special Improvement Districts No. 534 and 536; amending resolutions No. 6998 and 7061 to delete section 6.7 thereof; and providing for an immediate effective date ([memo](#)).—Regular Agenda (Brentt Ramharter) (Referred to committee: 10/19/09)
REMOVE FROM AGENDA

Motion: The committee recommends the City Council adopt a resolution relating to Special Improvement Districts number 534 and 536; amending resolutions number 6998 and 7061 to delete section 6.7 thereof; and providing for an immediate effective date.

Brentt Ramharter, Director of Finance, explained that several years ago the City was involved in some sewer system lawsuits and two of the Special Improvement Districts (SID'S) were able to go forward if the City pledged its sewer utility system revenues as back stopping that SID. Because the existing lawsuits have been dismissed, The Administration is requesting the City Council adopt a resolution to remove this pledge as it is no longer needed and it will free up the sewer fund to pick up other projects.

Ed Childers moved to adopt the resolution to amend resolutions 6998 and 7061 to remove section 6.7 thereof.

Upon a voice vote the motion passed unanimously.

C. Consider a resolution revising fees for services related to the review and processing of land use applications pursuant to city adopted regulations pertaining to zoning, subdivision and floodplain services ([memo](#)).—Regular Agenda (Denise Alexander) (Referred to committee: 10/09/09)

Denise Alexander, Principle Planner, Office of Planning and Grants, reviewed a [PowerPoint](#) Presentation on the proposed land use fees and answered questions from the committee.

Dave Strohmaier asked in regards to *Zoning Officer Opinion Fees* at what point is asking for advice something we would charge a fee for.

Roger Millar, Director, Office of Planning and Grants, replied this is something that is not just someone asking for advice. We get attorneys and developers doing due diligence on a property that ask us to write a letter stating what they can and can't use the property for. That letter has value in their due diligence process. We don't mind writing the letters but it takes up staff time to do so and feel it's something we should charge a fee for.

Stacy Rye asked if it is a letter that they would take to the bank.

Mr. Millar said yes, and added that he had gotten a request that morning from someone who had applied for a grant and needed a letter written by 5pm that day or the deal would fall through. So a staff member spent most of the morning putting that letter together. We are happy to do it, but this letter is worth a lot of money to that individual.

Mr. Strohmaier asked how much time is spent per year on these tasks.

Mr. Millar said he doesn't know as they don't charge a fee for it. If we collected a fee I would be able to answer that question.

Dick Haines supported Mr. Strohmaier's opinion.

Mr. Millar reminded Council when they discussed the Zoning Officer's duties; one of the duties of the Zoning Officer is to issue Zoning Officer opinions that are reviewed by the City Attorney. He said that activity- the issuance of formal Zoning Officer opinions that are concurred by the City Attorney and go on the books are what the \$200.00 fee should be charged for. He said he wants to have a mechanism in place for those formal opinions.

Jon Wilkins asked if part of this fee goes to the attorney

Mr. Millar said no, not yet.

Jason Wiener arrived at 1:27pm.

Mr. Wilkins commented that he thinks some of the fees are ok and some he dislikes immensely.

Ed. Childers expressed concerns about charging an applicant when the Zoning Officer has to make a determination upon which city ordinance prevails under conflict, and requested a [tickler list](#) be created for items that need further discussion. He added that if OPG can charge \$200 for formal Zoning Officer opinion letters that was fine.

Bob Jaffe asked about the fee for the appeal of the Design Review Board decision and requested that it be placed on the tickler list as well.

Mr. Jaffe also wanted clarification for the overlay fees on slide 12 and asked if that is a fee reduction.

Mr. Millar said yes, he wanted the Council to know OPG recommended a reduction in overlay fees.

There was much discussion on the neighborhood character overlay fees and the process in which they are created and the ability for the Council to initiate one at no charge.

Mr. Haines asked if the fees go into the General Fund.

Mr. Millar said yes the fees do go to the General Fund, then are transferred to the County.

Ms Rye asked if a property owner could opt out of an overlay as well.

Ms. Alexander replied that if someone wanted to opt out they could rezone their property.

III. Held in committee

- A.** [Resolution](#) revising the City's sewer use fee structure and increasing sanitary sewer rates by 5% per year for four years to support infrastructure improvements required to operate the city's sanitary sewer system. ([A&F](#)) ([Slideshow presentation as a webpage](#)) (Returned from Council floor: 11/03/08)
- B.** An ordinance amending the municipal code as it relates to bike licensing. ([A&F](#)) (Returned from council floor: 12/15/08)
- C.** Amend City Council Rule 21(a) to clarify quorum requirements ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 04/28/08) (*Tabled in Committee on 02/11/09*)
- D.** Implications of establishing maintenance districts. ([memo](#)) – Regular Agenda (Bob Jaffe) (Referred to committee: 05/11/09)
- E.** Review the FY 2010-14 CIP projects in committee ([memo](#)).—Regular Agenda (Brentt Ramharter) (Referred to committee: 03/23/09)
- F.** Consider the establishment of Parks and Street Maintenance Districts ([memo](#)).—Regular Agenda (Bob Jaffe) (Referred to committee: 05/04/09)
- G.** Clarify position of council member who also serves on the board of a non-profit agency that has dealings with the city. ([memo](#)) – Regular Agenda (Ed Childers) (Referred to committee: 07/20/2009)
- H.** [Resolution](#) of the Missoula City Council establishing a tourism business improvement district consisting of non-contiguous lands within the City of Missoula for the purpose of aiding tourism, promotion and marketing within the district. ([Exhibit A](#)) ([Exhibit B](#)) ([memo](#)) ([A&F](#)) (Returned from Council floor: 10/05/09)

IV. Adjournment

The meeting was adjourned at 2:00pm

Respectfully submitted,

Dee Krevey

Administrative Secretary
Finance Department