

**ADMINISTRATION AND FINANCE COMMITTEE  
CITY COUNCIL CHAMBERS  
140 WEST PINE STREET  
MISSOULA MONTANA  
December 2, 2009 1:05pm**

**Members present:** Stacy Rye, Chair; Ed Childers; Marilyn Marler; Renee Mitchell; Pam Walzer; Jason Wiener; Dave Strohmaier; Jon Wilkins; Bob Jaffe.

**Members absent:** Lyn Hellegaard, Dick Haines, John Hendrickson.

**Others present:** Joel Baird, Geoff Badenoch, John Engen, Dee Krevey.

**I. Administrative Business**

A. Approve committee minutes dated: [November 18, 2009](#) approved as submitted.

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

**II. Consent Agenda**

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

**Motion: The committee recommends the City Council approve the [claims](#) totaling \$804,426.46([Detailed claims](#)) 12/01/09**

**Motion: The committee recommends the City Council approve the [claims](#) totaling \$424,799.86([Detailed claims](#)) 12/08/09**

B. Confirm the re-appointment of Beth Antonopulos to the Library Board for a term commencing January 1, 2010 and ending December 31, 2013 ([memo](#)).—Regular Agenda (Mayor Engen) (Referred to committee: 11/23/09)**REMOVE FROM AGENDA**

**The committee recommends the City Council confirm the Mayor's re-appointment of Beth Antonopulos to the Library Board for a term commencing January 1, 2010 and ending December 31, 2013.**

Mayor John Engen requested the re-appointment of Beth Antonopulos to the Library Board.

Ed Childers moved to approve the re-appointment.

Upon a voice vote the motion passed unanimously.

C. Confirm the reappointment of John Rettenmayer to the Missoula Civic Television Advisory Committee for a term commencing January 1, 2010 and ending December 31, 2013 ([memo](#)).—Regular Agenda (Missoula Civic Television Advisory Commission) (Referred to committee: 11/23/09)**REMOVE FROM AGENDA**

**The committee recommends the City Council confirm the Mayor's re-appointment of John Rettenmayer to the Missoula Civic Television Advisory Committee for a term commencing January 1, 2010 and ending December 31, 2013.**

Mayor John requested the re-appointment of John Rettenmayer to the Missoula Civic Television Advisory Commission.

Jason Wiener moved to approve the re-appointment.

Upon a voice vote the motion passed unanimously.

- D. Adopt a resolution supporting the Community Access Preservation (CAP) Act of 2009 (H.R. 3745), which protects the funding for PEG channels and ensures their content is treated equitably when assigned cablecast spectra ([memo](#)).—Regular Agenda (Mayor Engen) (Referred to committee: 11/23/09) **REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council adopt a [resolution](#) supporting the Community Access Preservation (CAP) Act of 2009 (H.R. 3745) which protects the funding for the PEG channels and ensures their content is treated equitably when assigned cablecast spectra.**

Joel Baird, General Manager of Missoula Community Access Television (MCAT), explained that cable television is funded through local municipalities. He said that in recent years phone companies have begun to offer cable television service. In obtaining their franchise agreements, the phone companies have circumvented some of their obligations to the community. Legislation has been introduced into congress to reaffirm the commitments that the telecommunication distributors have to local municipalities. That is how the Community Access Preservation (CAP) Act was created. This request is to join a letter of support for the 23 states that have suffered under state-wide franchising.

Geoff Badenoch, MCAT Board liaison to the MCTAC Commission, explained that what could potentially happen in Missoula and has happened in 23 other states is that is that these cable and phone companies grow larger by acquiring smaller companies and become interstate conglomerations. As the companies become larger the cable franchise agreements become burdensome and it's easier for these companies to go to the state and propose a one size fits all bill, which is not always in the best interest for the individual communities affected. Every 15 years the City of Missoula and Bresnan renegotiates a lengthy, involved, detailed franchise agreement for their use of our right of way. That agreement is very important and could become a dinosaur if this trend of state by state strategy continues.

What this bill does is asks the FCC to stop and examine what it means to local community access television stations like MCAT if this trend continues. It's a very serious issue of public policy because we are the public education government channel. The programming we provide is probably the most access the citizens of Missoula have to see what their local government is doing. One of the values that a democracy always treasures is knowing what their elected officials are doing and what issues are being deliberated. Anything that would undermine that is not a good thing for democracy and not good for local government. He requested the Council endorse this bill.

Stacy Rye asked about the state wide franchising and excise tax.

Mr. Baird replied that the each one the 23 states who have implemented state wide franchising, have seen their public access government channels suffer as a result.

Ms Rye requested the resolution be cleaned up.

Jason Wiener agreed.

Jon Wilkins said his understanding is that California is facing this crisis and has actually stopped some public access television. What is the reason behind this?

Mr. Baird replied that because of California's economic situation, legislators are being pressured to pull in their budgets, particularly anything that could be considered extra. In addition, the state law has passed there which restricted funds and in some instances funds can only be used for equipment and not operations.

Ed Childers commented that its likely there is some opposition to this coming from the phone companies and asked how its coming along in congress.

Mr. Baird said that there has been progress. When they first met with MCTAC they had 14 co-sponsors now they have 37. They are looking for a companion bill in the senate.

Mr. Childers suggested some text changed in the resolution.

Mr. Wiener supports this resolution.

Dave Strohmaier moved the resolution with changes in the resolution text.

Pam Walzer asked if there was any opportunity for satellite television providers to pay a fee and broadcast MCAT.

Mr. Baird said possibly someday.

Ms. Walzer pointed out that in Missoula MCAT is a largely viewed channel and it may be in the best interest of the satellite providers to broadcast MCAT.

Mr. Badenoch said that at the City's next negotiations with Bresnan make sure they are aware how popular MCAT is and bargain hard for it.

Mr. Wilkins said he fears that cable will become history and it will all become wireless and said we need to take steps now to protect MCAT. He is in support of the resolution.

Mr. Wiener commended MCAT for broadcasting live over the internet on their website. So those who have internet service can watch it live, which was helpful when he broke his leg and couldn't attend meetings.

Upon a voice vote the motion passed unanimously.

- E. A resolution of the city council awarding neighborhood project fund grants to certain organizations and directing staff to negotiate contracts with said organizations for the Mayor's signature ([memo](#)).—Regular Agenda (Erin Scott) (Referred to committee: 11/23/09)  
**REMOVE FROM AGENDA**

**Motion: The committee recommends the City Council adopt a resolution of the City Council awarding neighborhood project fund grants to certain organizations and directing staff to negotiate contract with said organizations for the Mayor's signature.**

There was no staff available for discussion, so the committee discussed the merits of the Neighborhood Project Fund Grants.

Mr. Childers commented on the trail in Franklin Park. He said the right of way is uncertain. He moved to adopt the resolution.

Ms. Rye asked what the total amount of money was.

Mr. Jaffe said \$18,000 and \$1,000 of it is going to small projects fund which is new this year. In past years we had a separate fund for small projects. He also supported the resolution.

Mr. Wilkins said we had a separate fund of \$2,000 for small projects grants.

Mr. Jaffe noted that many of the projects this year are parks projects.

Mr. Wiener and Mr. Wilkins both would have liked to have kept the \$2,000 available for small projects.

Mr. Wilkins discussed the many projects and highly supports this program.

Mr. Jaffe commented that it is some of the better money we spend.

Mr. Wilkins said he wished he could give them more money

Upon a voice vote the motion passed unanimously.

**III. Held in committee**

1. An ordinance amending the municipal code as it relates to bike licensing. (A&F) (Returned from Council floor: 12/15/08)
2. 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*)
3. Implications of establishing maintenance districts. (memo) – Regular Agenda (Bob Jaffe) (Referred to committee: 05/11/09)
4. Review the FY 2010-14 CIP projects in committee (memo).—Regular Agenda (Brentt Ramharter) (Referred to committee: 03/23/09)
5. Consider the establishment of Parks and Street Maintenance Districts (memo).—Regular Agenda (Bob Jaffe) (Referred to committee: 05/04/09)
6. 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: (7/20/2009)
7. **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)
8. 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) (**Revised resolution 10/21/09**).—Regular Agenda (Denise Alexander) (Referred to committee: 10/09/09)
9. Review and determine whether City Council actions pertaining to the adoption of ordinances in general comply with state law MCA 2009 7-5-103 Ordinance requirements and city council rules for the conduct of meetings and business (Rule 24 Adoption of Ordinances) (memo).—Regular Agenda (Renee Mitchell) (Referred to committee: 10/26/09)

**IV. Adjourned**

The meeting was adjourned at 1:35pm

**Respectfully submitted,**

*Dee Krevey*  
**Administrative Secretary**