

City of Hamilton
Committee of the Whole
January 28, 2020
7:00 pm

Agenda

Public Comment

Approval of Minutes from January 14, 2020.

Agenda Items

- Discussion Regarding Downtown Clock Maintenance
- Amended MOU for BEAR Ropes Course in Hieronymus Park

Non-Agenda Items

Topics for Consideration for a Future Meeting

- Noise Ordinance
- Potential North/South Routes for Bike/Pedestrian Path
- Portion of Adirondac Avenue Owned by Ravalli County

Adjourn

**CITY OF HAMILTON
COMMITTEE MINUTES**

DATE: January 14, 2020

NAME OF COMMITTEE: Committee of the Whole

MEMBERS PRESENT: Council President Claire Kemp,
Councilors Bielski, Kemp, Pogachar, and Mitchell.
Councilor West arrived late.

MEMBERS ABSENT: None.

NOTE TAKER: Cynthia Fleming, Deputy Clerk

STAFF MEMBERS PRESENT: Matthew Rohrbach, City Planner, Donny Ramer,
Public Works Director, Dominic Farenkopf, Mayor

Council President Kemp opened the meeting at 7 pm. She asked everyone to please turn off their cellphones and advised the audience that the Committee can receive public comment for items not on the agenda during the Public Comment period.

Public Comment:

Wendy Fawn, Education Coordinator Programs Manager for the Valley Oaks Education Resource Center, would like to see students more engaged in what government does. In reference to a meeting of the ZBA (Zoning Board of Adjustment) board she feels that the meeting was positive. That it was a great example of how opposing sides can come together in a respectful way. She believes that trying to get students to come to meetings would help foster an understanding of government.

Kent Barbian, 116 Cottonwood Court. Mr. Barbian agrees with Ms. Fawn. He feels that the Committee should listen to what we have to say, whether it is in the Councilors jurisdiction or not. I feels that Councilors should encourage people to come and make comments and then listen to what the public has to say. Mr. Barbian commented on the ZBA meeting held the previous night. He thought it was a great discussion and he hopes that this happens with his complaint as well. He said that the ZBA chair, Darwin Ernst, has done a great job of managing the meetings. He would be happy to see some positive outcomes. He encourages change for the good of Hamilton.

Approval of Minutes from 12.10.2019

Councilor Bielski moved to approve the minutes. Councilor Pogachar seconded. The minutes were approved unanimously.

Agenda Items

- **Review Resolution Establishing a Community Development Fee Schedule**

City Planner, Matthew Rohrbach, addressed the Committee saying that at last week's City Council meeting the ordinance was changed in order to be able to change the fee schedule by resolution. The fees at this time remained unchanged. Going forward he and the Public Works Director want to review the schedule and try to get realistic fees in place. At this time we just want to get this established and would like the Committee to move the resolution to Council.

RECOMMENDATION:

Councilor Bielski moved to send the resolution to City Council. Councilor Pogachar seconded. The motion passed unanimously.

- **Goals for 2020 (agenda item moved)**

Council President Kemp asked that this agenda item be moved to the end so that Councilor West who is late can be a part of the discussion.

Councilor Mitchell moved to move this agenda item to the end. Councilor Bielski seconded. The motion passed with Councilors Pruitt, Mitchell, and Bielski voting aye. Councilor Pogachar voting no.

- **Consider Uses for Annex Building**

Council President Kemp began the discussion. She said the plan when constructing the new Justice Center was then to pare down some of the City properties and have the money go towards paying for the new building. Not all of the money from the sale of the Annex building would go to the Justice Center. The proceeds would be divided accordingly between three City funds. When all is said and done she doesn't believe a lot of money will go towards the cost of the new building. The City is not in the business of buying properties. She feels that there may come a time when we wish that we still owned the property and the City should look at some creative uses for this property. Tearing the building down and putting in a parking lot was a suggestion that Councilor Kemp had heard from a resident. City Planner, Matthew Rohrbach did not feel it was a good use of the property. Mayor Farrenkopf provided additional details about the Annex building, saying it was originally paid for with water and sewer funds. During the lead up to the Bond election, the City told voters that proceeds from the sale of the Annex would be go towards paying the General Obligation Bond that was passed to purchase the Armory and Claudia Driscoll Park. He wonders if the City were to decide to rent the space would we be competing with other businesses. As far as offering to rent it to a non-profit organization, what organization would be the best fit? He also feels that when and if the Fire Department moves it will be a challenge to decide what to do with that building. City Planner, Matthew Rohrbach commented that he recently attended a planning conference of mountain and resort towns. He told the Committee that one thing they all have in common is a housing crisis. People can't afford to live in their towns. He doesn't believe that Hamilton is quite at the place that many of these town are now. If these towns could go back 40 years what would they have done. Government isn't triggered to plan for housing projects and he thinks affordable housing gets a bad rap. There are many ways to work with a low income housing development including giving them land or selling it at a below market rate.

Councilor Bielski asked what the cost is to maintain the Annex building is. Mayor Farrenkopf said he does not have any numbers but there is some maintenance. The lot is fairly small, about

7,000 square feet. It have been used as an office and the space is configured that way. He added that it is older, but it is not falling apart. The Committee continued to discuss options for the Annex building as well as City Hall, with Councilor Mitchell saying that there is a lot of underutilized space and he asked how much we could expect to get in the sale of the property. Councilor Kemp responded that we would need to do an appraisal and the property would be sold through public auction unless we feel there is a better use. Councilor Mitchell thinks that it is a lot of space that is not getting used. Councilor Kemp stated that is something we need to start thinking about. Councilor Bielski feels that it should not be left empty for a long time and also feels that it is hard to give up prime real estate.

Public Comment: Julie Brumfield, 504 N 4th Street. She feels that the City should hang onto the building and the land. It will be valuable later.

Public Comment: Wendy Fawns suggested that the Committee entertain working with a Civics class. Turn the problem over to them and ask them to come back to you with 4 options. It would be a good learning opportunity and wouldn't delay the decision making process.

Kent Barbian, 116 Cottonwood Court asked if the sale proceeds would go to the water and sewer fund. Donny Ramer, the Public Works Director responded that some of it would. It is a relatively small amount in the big scheme of things. Mr. Barbian doesn't feel the City should let go of the property. It will be harder to get property later. He feels that a tenant would be a good option. He suggested that the City rent it cheap. Then at least you have someone who is paying the power bill and helping to take care of the building. He feels that property is hard to acquire.

Councilor West feels it is a good idea to keep it and suggested renting it to the Bitterroot Chamber of Commerce, stating it would be a good place for their headquarters, with more room, a conference area and better central location. Mayor Farrenkopf told the Committee that we are waiting to get an appraisal, but we can put a pause on it.

Councilor Pogachar moved to put off getting an appraisal at this time. Councilor Mitchell seconded. The motion passed unanimously.

RECOMMENDATION:

Keep in Committee and research other possibilities for use.

- **Goals for 2020**

Councilor West began the discussion by saying we have a lot of good things coming. A great goal would to get the money for the wayfinding signs for 2020.

Responding to Councilor West's comment, Matthew Rohrbach said he is not sure how everything will shake out. His hope is to get this done on a project by project basis. We will probably not have a lot of money in the budget to begin with. He and Mr. Ramer will work on seeking out grants to help with the costs. He believes that some of the wayfinding plan can be accomplished fairly inexpensively and as soon as possible he would like to begin implementation of the plans.

Public Works Director, Donny Ramer, outlined many of his goals for the coming year including saving for projects that have not yet been funded and says that he will need to figure out what he can accomplish with the staff and funds he has available.

Councilor Bielski asked what the status of the sidewalk repairs. Mr. Ramer replied that they'll be ready to go as soon as the weather is nicer. Councilor Bielski also asked about water leak detection in the City. The Public Works Director responded that we were able to determine that we are leaking nearly 700 gallons of water a minute. Which is a 40% water loss. The water lines along Big Corral need to be replaced. When that is done he hopes to bring back some better numbers.

Councilor Pogachar would like to see flashing beacons installed at least 1 or 2 of the pedestrian crossing. The City Planner addressed the beacons saying that MDT has a process for identifying the need for a flashing beacon. The City will need to through the process to determine the need. We need to get pedestrian counts. He would like to get a pedestrian counter.

Councilor West asked if it time for the City to do a Growth Policy update. Mr. Rohrbach replied that we are doing a training with Community Builders and he hopes this will start the conversation. He feels that the Growth Policy could stand for some updates.

2019 was a good year for our Budget discussions Mayor Farrenkopf stated. He was pleased with the consistency of the meetings. He feels the Councilors should start thinking ahead about projects and what we want to accomplish.

A review of the food truck or mobile vendor policies is something Councilor West would like to accomplish. We were interested in having a food court, the City Planner responded, but it became a more complicated issue. We will need to work with the County and look at how to mitigate impact. He feels that mobile food vendors provide a lot of food options and increased vitality for downtown. It is still on his list of things to work on.

RECOMMENDATION:

Councilor West recommended that once a month we look at projects and prioritize. Councilor West would like to see the finalization of the City's website.

Non-Agenda Items:

None.

Adjourn

Councilor West moved to adjourn. Councilor Mitchell seconded. The meeting adjourned at 7:54pm.

Topics for Consideration at a Future Meeting

- Potential North/South Routes for Bike/Pedestrian Path
- Noise Ordinance

AFTER RECORDING return to:
Hamilton City Clerk
223 South 2nd Street
Hamilton, MT 59840

THIRD AMENDED MEMORANDUM OF UNDERSTANDING

BITTERROOT ECOLOGICAL AWARENESS RESOURCES, a Montana non-profit corporation located at 1105 W. Main St. in Hamilton, MT (hereafter BEAR), and the CITY OF HAMILTON, a Montana municipal corporation located at 223 South 2nd St. in Hamilton, MT (hereafter City), understand and agree as follows:

1. BEAR has requested the use of a small parcel of land in Hieronymus Park upon which it wishes to construct a Ropes Challenge Course. The City has agreed to BEAR's use of a small parcel within Hieronymus Park for that purpose. Both parties agree that the terms and conditions to follow shall govern BEAR's project within the Park.

2. The parcel in the northeast corner of Hieronymus Park upon which the Ropes Challenge Course shall be constructed has been surveyed by Steve Powell, a Montana licensed surveyor. It is legally described in Exhibit A to this MOU which is attached and incorporated herein by this reference.

3. BEAR shall have the City's permission to use the parcel described in Exhibit A for so long as it is used for a Ropes Challenge Course or for another BEAR purpose acceptable to and approved by the City. In the event that BEAR shall cease to use the parcel for a purpose acceptable to and approved by the City, or in the event that BEAR shall fail to perform one or more of its obligations under this MOU, BEAR's use of the parcel shall terminate immediately, and the use of said parcel shall revert to the City.

4. BEAR agrees that it shall be its responsibility to undertake and to pay for: (a) the construction of the Ropes Challenge Course; (b) the maintenance of the Ropes Course and of the entire parcel; (c) the establishment of water and power, if any; and, (d) in the event that BEAR's use of the City's parcel is terminated for any reason or BEAR ceases its efforts to construct, maintain, and/or continue using its Ropes Challenge Course, all removal and reclamation.

5. If BEAR decides to cease operation of the Ropes Course, it shall notify the City in writing and the City will have thirty (30) days to exercise its option to assume responsibility for the Ropes Course. If the City decides to assume responsibility for the Ropes Course, it shall notify BEAR in writing and BEAR shall be released from its responsibility for removal.

In the event the City decides not to assume responsibility for the Ropes Course and removal

and reclamation become necessary, BEAR agrees that it will pay any amounts charged for removal and reclamation to the Director of Public Works satisfaction.

6. BEAR agrees that it has completed construction of all ropes course elements anticipated at this time. Should BEAR decide to add any ropes course elements, it shall first notify the Director of Public Works to provide notice and obtain approval of a suitable time to perform the work. No elements shall be added that expand use beyond the surveyed parcel unless appropriate City approval is first obtained in writing

7. BEAR agrees that its Ropes Challenge Course shall be designed and constructed by a licensed contractor with a reasonable amount of experience in the design and construction of such structures, and it agrees that the course constructed shall be examined and inspected at least annually. BEAR agrees that construction drawings of the course to be built shall be submitted to the Public Works Department of the City prior to the commencement of construction, and BEAR shall obtain any and all necessary permits prior to construction. The City shall have the right to review the drawings and applications and all significant changes before approval.

8. BEAR agrees that it shall continue to pay the City rent in the sum of One Hundred Dollars (\$100.00) each year for the use of its parcel. The first rent payment shall be due ten (10) days following the execution of this MOU, and such payments shall thereafter be due and payable on the first day of May in each year. In the event that any rent payment is more than two (2) months late, the City, at its sole discretion, may declare this MOU null and void and demand the removal of BEAR's materials and equipment and the reclamation of the parcel.

9. The City agrees that BEAR may place a reasonably-sized and unobtrusive tool shed on the parcel as well as benches, picnic tables and the like, provided these structures receive any necessary permits prior to construction or installation. BEAR agrees to provide trash receptacles and to keep the parcel free of the accumulation of trash at its own expense. Further, BEAR agrees that it shall either provide portable bathrooms for use by course participants or it shall make a written agreement with a nearby business for the use of its bathroom facilities by course participants and provide a copy of this agreement to the City prior to use of the Course.

10. It is BEAR's intent that its Ropes Challenge Course shall be used by its organized and scheduled participants only in sessions supervised by its instructors and staff. BEAR agrees, however, that such courses may attract unscheduled, unapproved, unsafe and unsupervised use by random children or adults from time to time. In an attempt to discourage such unsafe use of its course, BEAR agrees to fence, at its sole cost, the entire Ropes Challenge Course, to include all structures, and to Adisable@ its course equipment so that it cannot be used by unsupervised persons.

11. BEAR agrees to release and hold harmless and to defend and indemnify the City, its agents and employees, from and against all claims, demands, suits, causes of action, injuries, damages, awards, fees, costs and expenses which arise or may arise out of, or in any way result from, BEAR's use of the parcel described in Exhibit A in any manner. BEAR shall not be responsible for the negligence, recklessness, or intentional misconduct of the City or its employees.

12. BEAR agrees that it shall provide liability insurance that will cover the risks and expenses related to its Ropes Challenge Course with minimum limits of \$750,000 for each claim and \$1,500,000.00 for each occurrence. BEAR agrees that it shall have the City included in such policy as an additional insured party with a right to notice of pending termination of the policy for any reason.

13. The terms of this MOU may only be modified with the consent of both parties and in a written instrument signed by both parties.

14. The City may choose, at its discretion, to record this MOU in the records of the Ravalli County Clerk and Recorder.

DATED effective the 5th day of April, 2011.

AMENDED the 20th day of May, 2014.

AMENDED the 7th day of June, 2016.

AMENDED this 4th day of September, 2018.

AMENDED this ____ day of November, 2019.

CITY OF HAMILTON

BITTERROOT ECOLOGICAL AWARENESS
RESOURCES (BEAR)

By: _____
DOMINIC FARRENKOPF
Mayor

By: _____
Board Chair

Attest: _____
ROSE M. ALLEN, City Clerk

By: _____
Diane M. Olsen
Executive Director