

Helena Business Improvement District
Board of Trustees Minutes
Tuesday, June 14th, 2022 – 3:30 p.m.
330 Jackson St. & Zoom

Board Members Present:	Rex Seeley, Chair; Seth Brandenberger, Vice-Chair; Lee Shubert; Mark Roylance, Sean Morrison; Alicia Pichette; Ryan Stavnes	
Board Members Absent:	None	
Public: In Person; Zoom	Chris Brink, CB, Nathan Bilyeu, Becky Doctor	
Staff:	Micky Zurcher, Executive Director; Jordan Conley, DHI Operations Director	
<u>Agenda</u>	<u>Discussion</u>	<u>Motion/Action</u>
Welcome & Introductions	Meeting was called to order by board chair, Rex Seeley, at 3:30 p.m. Introductions were made. Commissioner Dean informed Micky she was not going to make today's meeting.	
Public Comment	None	
Discussion with Nathan Bilyeu	<p>Nathan Bilyeu with Jackson, Murdo & Grant, P.C. attorneys at law presented and discussed his May 18, 2022, memo regarding the boards February retreat question on a "grace period" for the creation process. Nathan analyzed the state statues that govern the renewal of a BID, specifically, seeking clarity around the timing as to when there ought to be a re-creation and period for collecting signatures. In short, there is not a definite answer in Montana law. He suggested a couple of approaches for providing a recommendation and answer to the grace period question.</p> <p>The state statute is not structured to answer these questions, but the Court (2009 Montana Supreme Court) gave significant difference to the City of Kalispell in making reasonable judgments regarding the formation of the BID. All affected landowners received notice and had an opportunity to protest (15 days) before any final action is heard. An amendment was added to HB616 for a 10-year process in order so that there was a way for owners to dissolve the BID.</p> <p>City Resolution 20589 does not state a deadline for when the city expects to see the 60% signatures for the 2030 re-creation. Nathan suggested it might be useful to amend the resolution whereas a reasonable time would allow for the grace period after the ten years. This would give the BID a target date to work towards collecting the required petitions. The BID could approach the city and put in writing how we are going to accomplish the renewal.</p> <p>Discussion followed Nathans presentation and review of his memo. Sean asked about a recall for dissolution after the creation. Nathan replied with this is not ringing a bell.</p> <p>Nathan added, what is the date we need after the ten-year period? What is the mechanism for starting the process of the creation? What is the cities approach? Commissioners and staff change so what could be in writing for a foundation and reference? Nathan stated the BID is a sub-unit of the City of Helena.</p> <p>City Attorney, Becky, ask why would our drop-dead date not be ten years from the last creation? Micky and board members replied with the question really stemmed from wondering how much time we get to collect the petitions if we have not secured the 60% by the January 13, 2030, date. How does this work for funding? Does the city continue to collect taxes? Does the BID have latitude do continue operating for a set amount of time to pound the pavement and continue to get the 60%? Nathan suggested it would be good to get in writing what the timeline is for signatures. Is a</p>	Action: Micky will work with the city attorney to come up with language that would seem reasonable/valid for legal documentation of property owners' signature to re-create the district.

	<p>signature good for 18 months prior to the Commissioners vote? It seems the one-year timeframe made sense for signatures.</p> <p>Discussion on how the signatures is weighed to meet the 60% threshold. Nathan responded with ownership per parcel of land.</p> <p>Nathan stated the district is adding recognized value.</p> <p>Conclusion from Rex and Nathan are to get something formalized, an opinion letter or something, that we can use to plan when the signatures can begin to be gathered to meet the January 13, 2030, deadline.</p> <p>Conversation concluded at 4:15 p.m.</p>	
Introduction of Community Development Director, Chris Brink	<p>Chris elected to be on zoom as he is in the workings of finding a home. He and his family moved from the mountains of South Carolina. He has spent his career in county government. Chris is here to support the BID and requested we tell him what the BID wants. Chris has an open-door policy and stated he is having an open house next Tuesday-Friday from 2:00 p.m. – 4:00 p.m.</p> <p>Micky added she met with Ellie and Chris to talk about the CIP and Multi-modal plan and to discuss funding for one of the strategic goals for FY23, the downtown walking mall masterplan. During that conversation, Ellie suggested we see what details are missing from the current study and then decide what answers we still need. We might be looking at a PER or PAR instead of a master plan. Chris mentioned this might be the sort of thing in house staff could do.</p>	
Introduction of City Attorney, Becky Dockter	<p>Becky stated she is in her sixth week. She was chief legal counsel at FWP 22 years. She stated what is new in her current role is the process. She feels there is a lot of cross-over which provides comfort. Beck said she has been lucky and honored to be a part of the city team, adding, we are on a good path, and we are committed to being partners with you (BID) and working with you.</p> <p>Becky said her ultimate client is the city, but whenever there is a crossover, she is willing to extend answers to questions and happy to provide assistance whenever she can. Becky needs to check about her time with Tim (city manager), but where there is overlap in interest and our work, she can answer questions.</p> <p>Becky has seen the evidence of the work we do. She is regularly in the downtown and personally values what the BID does.</p> <p>Nathan, Chris, and Becky leave at 4:28. CB drops off.</p>	
DHI Update	<p>Jordan gave an update on Alive at Five. Numbers are still down. Weather has been iffy. There is interest in putting together a permanent stage committee.</p> <p>She is also working with the city on a crowd management training for event planners.</p>	
Approve April financials	<p>Mark had a question about the STIP negative. Micky answered with Jody must receive the STIP invoices to update this and that it has been corrected for next month.</p>	<p>Motion by Lee to approve the April financials. Seth seconds. Motion passes.</p>
Approve April work session minutes		<p>Motion by Sean to approve the April work session minutes. Mark</p>

		second. Motion passes.
<p>Old Business</p> <ul style="list-style-type: none"> a. Downtown CIP b. Fencing 	<ul style="list-style-type: none"> a. Micky reminded everyone that the CIP portion of the study will happen on July 13th at the RPA offices over lunch. b. Micky stated at the DHI meeting there was discussion about the fencing. The discussion led to redirecting the fencing back to the city. 	Action: Jordan and Micky will work with the city to see if the city is interested in housing the equipment for events such as Parade of Lights, Gov. Cup, Vigilante, and the Stampede.
<p>New Business</p> <ul style="list-style-type: none"> a. Trash and Recycling options b. 501c (3) c. Board liaison to DHI d. Business and Community Grant approval e. Methodology update 	<ul style="list-style-type: none"> a. Waiting on the June 15th Solid Waste Plan to see what action steps are taken. b. Lee and Sean will relook at the Heart of Helena. Riley Tubbs stated he is interested in being on this board. c. Jordan and Micky would like to reintroduce a board member from their respective boards be present during board meetings. Micky suggested asking each month who can come the following month since appointing someone for a whole year was not successful. Alicia agreed to come to the DHI meeting in July and Sean in August. d. Mark would like to discuss further what we are going to be funding. There needs to be a public benefit and challenged everyone to see if other BID's offer these types of funding. Mark found instances were BID's help to pay for startup fees like a business license to encouragement businesses. e. The ad-hoc committee felt there was not a lot of commitment from Tim or Sheila during the methodology conversation (May 19th) regarding the cities willingness to contribute more dollars towards the methodology. Board discussed how the current methodology is not fair and equitable. The BID will work with the Commission and then negotiate with staff. The BID feels we need to get the Commission to agree to an amount. 	<p>Action: Micky will draft a document to present to the city for taking on trash on the ped mall. Micky will follow up on recycling options next to our trash bins.</p> <p>Action: Micky will continue to circulate the Business and Community grant for additional amendments to the draft.</p> <p>Action: Micky will meet with Commissioner Dean to discuss options as to a number that the city is willing to negotiate for funding.</p>
News & Announcements	<p>Flower baskets went up yesterday.</p> <p>Micky said a press release will go out on Thursday recognizing our designation as an Accredited Main Street.</p> <p>Lee extended a tip of the hat on graffiti removal. Sean suggested we get photos of the removals and that we soon do a press release.</p>	
Next Meeting	July 12 th , 2022	
Adjourn	Meeting adjourned at 5:03 p.m.	