

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
October 21, 2013
6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, October 21, 2013 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present*** Mayor Smith indicated for the record that Commissioners Elsaesser, Ellison, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, City Attorney Jeff Hindoien and City Clerk Debbie Havens were present.
- Pledge of Allegiance*** Mayor Smith asked those present to join him in the pledge of allegiance.
- Minutes*** The minutes of the regular City Commission meeting of October 7, 2013 were approved as submitted.
- Consent Agenda*** CONSENT AGENDA:
A. Claims

City Manager Ron Alles recommended approval of the claims.
- Public comment Mayor Smith asked for public comment, none was received.
- Motion*** **Commissioner Ellison moved approval of item A on the consent agenda.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- Communications*** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Ellison reported the City of Helena hosted the annual League of Cities and Towns convention and it was very successful.
Commissioner Ellison recognized and congratulated Helena Fire Marshall Craig Trapp for being named the Helena Fire Department's 2013 Firefighter of the Year and noted that Fire Marshall Trapp donated the cash portion of the award towards buying smoke detectors.
Commissioner Ellison also reported the City of Helena has been listed in the top 100 livable communities from the organization www.livability.com; approximately 1700 communities were surveyed.
Commissioner Ellison reported Helena has been awarded a bronze rating as a bicycle-friendly community from the League of American Bicyclists. He recognized VISTA Mathew Cramer for the work he did on the application and invited him to speak to the Commission. Mr. Cramer addressed his work on the application and discussed how he has enjoyed working as a VISTA in Helena.
Commissioner Elsaesser reported on October 23rd city and county employees will participate in an earthquake drill. He also recognized and thanked the Montana Conservation Corps volunteers for their work trimming trees in the city. Five members of the Conservation Corp introduced themselves and spoke of their experiences working in Montana and specifically Helena.
Mayor Smith also recognized and thanked city staff that worked on the Montana League of Cities and Towns convention.

Mayor Smith reported the USS Helena returned to Norfolk, Virginia on October 15th after a five month extended deployment. He also read a portion of the news release announcing their homecoming.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Hindoien reported he had researched the possibility of intervening in the street lighting case with the Public Service Commission and at this time he would recommend not moving forward. The case has been going on for over three years and has gone back and forth. Attorney Hindoien stated the better option for the City of Helena would be to request to be put on a list to receive all notifications of any future proceedings.

Commissioner Elsaesser thanked Attorney Hindoien for the report and stated he is comfortable with the recommendation. Mayor Smith concurred.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. ASSISTANT FIRE CHIEF PROMOTIONS

City Manager Alles invited Fire Chief Sean Logan up to introduce the two new Assistant Fire Chiefs.

Chief Logan introduced Assistant Chiefs Kelly Tuck and Ken Wood and summarized their backgrounds with the Helena Fire Department (HFD).

Assistant Chief Tuck thanked City Manager Alles and the Commission for the opportunity to serve as an Assistant Chief for the department. He then introduced his wife Lynn Tuck, who was in attendance.

Assistant Chief Wood also thanked City Manager Alles and the Commission for the opportunity to serve in his new role with the HFD. He too recognized his wife and his in-laws for their support.

Both Assistant Chiefs Tuck and Wood commended the employees of the HFD.

Commissioner Ellison congratulated both Assistant Chiefs on their promotions. Commissioner Elsaesser concurred with Commissioner Ellison.

Mayor Smith noted he frequently visits with firefighters and has received great feedback regarding the changes in the management team at the HFD.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

There was no HCC member was present to provide a report.

Regular Items

REGULAR ITEMS:

A. CONSIDER ACCEPTANCE OF THE 2013-2018 UPDATE OF THE TRANSIT DEVELOPMENT PLAN.

Staff Report

HATS Supervisor Steve Larson reported approximately every five years the Montana Department of Transportation Transit Division, requests that the local public transit providers update their transit plan. The transit plan update process began in August of 2012 and has included three public meetings, 32 individual stakeholder interviews, a community stakeholder roundtable, a HATS open house, two meetings

with the city commission, six weeks of web surveying and route suggestion and several news articles.

Supervisor Larson noted the proposal is to accept the final report from Current Transportation Solutions. The acceptance of the transit plan update does not commit the City Commission to implement any or all of the recommendations but rather provides options the Commission could consider in regards to providing public transit. By accepting the report the Commission is acknowledging the consulting company has completed its work.

Improving and increasing public transit options for customers may reduce reliance on personal vehicles for choice riders, while continuing to provide an important safety net service for disadvantaged riders.

By increasing the public transit options for Helena, we increase the opportunity for customers to choose public transportation over using private vehicles. Additionally, by having fewer vehicles on the streets emitting pollution gases we are helping keep Montana's air cleaner.

Supervisor Larson explained a memo the Commission received regarding several grammar errors in the plan and the inclusion of language recommended by Community Development Director Haugen.

Supervisor Larson recommended the Commission accept the HATS Transit Development Plan Update (2013-2018) with the corrections outlined in the memo dated October 16th.

Commission Comment Commissioners Elsaesser asked for the cost of the plan and what funding sources were used. Supervisor Larson explained the study cost approximately \$40,000 with 80% funded by MDT and 20% from the city's general fund.

Public Comment Mayor Smith asked for public comment.
Cindy Barrel, Helena; encouraged the Commission to accept the plan.
Jerry Hutch, Helena; expressed concern there is not weekend service and stated it is difficult to receive service from the city to Fort Harrison.

Motion **Commissioner Haque-Hausrath moved to accept the HATS Transit Development Plan Update (2013-2018).** Commissioner Elsaesser seconded the motion.

Commissioner Haque-Hausrath commented she looks forward to implementing some of the recommendations outlined in the plan. Commissioner Elsaesser noted the update of this plan has engaged many community partners.

Commissioner Ellison stated he is glad the report is finalized and the Commission will be studying the recommendations to ensure the bus service is both cost and ridership effective.

Vote All voted aye, motion carried.

Public Hearing PUBLIC HEARING:
A. CONSIDER A RESOLUTION TO CLOSE THE FULL WIDTH OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY BETWEEN OLIVE STREET AND HAMILTON STREET IN THE WASHINGTON PLACE SUBDIVISION IN THE CITY OF HELENA.

Staff Report

City Engineer Ryan Leland reported Mike Menehan and Stacy Tureck, the applicants, are requesting a closure of a portion of this alley because they weight and vibration of vehicle traffic in the alley is contributing to problems with the foundation of their home. The closure will eliminate vehicle traffic but will allow adjacent residents limited access and parking. The alley is located between Lots 8-11 and 13-16 in Block 1 of the Washington Place Subdivision.

Staff received objections from emergency services and an adjacent land owner. The city street department will not maintain the closed alley for vehicle traffic and it could become a week problem that would have to be addressed by the city. The utility company originally objected to the closure; however, since it is not a vacation they withdrew their objection.

Staff does not see a practical way to close the alley for only limited access to adjacent landowners other than a locked gate and the city would have to issue keys.

Engineer Leland stated staff does not have a recommended motion; the Commission can move to approve, table or deny a resolution to close a portion of the east-west alley right-of-way between Olive Street and Hamilton Street in the Washington Place Subdivision.

Commission Comments

Commissioner Haque-Hausrath asked if the "fly-swatters" were placed in the middle of the alley, would emergency services still object. City Engineer Leland stated he cannot speak on behalf of emergency services.

Public Testimony

Mayor Smith declared the public portion of the hearing opened and called for any persons wishing to address the commission.

Mike Menahan, 40 Olive Street, applicant; spoke in support of the closure. He explained what measures he has taken to take care of the excessive stormwater drainage. He added that he had originally considered petitioning to close the alley in 2007.

Matt Culp, 1 Washington Place; spoke against the closure and on the importance of having access to the public alley. He stated off-street parking options in the alley are an asset to the property owners.

Joel Chavez, spoke in support of the proposal.

There being no further persons wishing to address the commission, the public portion of the hearing was closed.

Commission Comments

Commissioner Thweatt asked Mr. Mennahan if he knows who is driving up and down the alley other than the residents and guests. Mr. Mennahan stated he does not know.

Commissioner Ellison asked City Engineer Leland if there is a portion of the alley that is not included in the closure. City Engineer Leland explained the petition is to close a portion of the alley due to one of the residents needing access to their garage.

Commissioner Haque-Hausrath asked if putting the "fly-swatters" in the middle of the alley would create a problem. City Engineer Leland commented if someone who didn't know the alley was closed entered the alley, they would either have to turn around or back up. Commissioner Haque-Hausrath asked if signs would be installed at each end of the alley informing citizens it was closed. City Engineering Leland stated yes. Commissioner Haque-Hausrath asked if emergency services are aware they can drive over "fly swatters". Fire Chief Logan noted he has

no practical experience driving over them; however, if they have to drive on them he would be concerned with possible damage to emergency response vehicles. Chief Logan summarized he has concerns with the proposal to install "fly swatters".

Commissioner Elsaesser asked if some other device could be used for traffic control instead of closing the alley. City Engineer Leland stated the petition was to close the alley and any action taken would essentially close the alley.

Commissioner Elsaesser asked for final comments from Mike Menahan. Mr. Menahan commented he has not discussed the installation of "fly swatters" with the surrounding property owners.

Motion

Commissioner Haque-Hausrath moved to deny a resolution to close the full width of a portion of the east-west alley right-of-way between Olive Street and Hamilton Street in the Washington Place Subdivision in the City of Helena. Commissioner Thweatt seconded the motion.

Comments

Commissioner Haque-Hausrath stated would not support the proposal as she continues to have concerns with closing the alley and leaving access to one property owner and not the others, and the objections from emergency services.

Commissioner Elsaesser stated he would support the motion. He commented the process of holding the public hearing for all parties to be heard.

Commissioner Thweatt asked City Manager Alles for his comments. Manager Alles noted staff has discussed various solutions; however, does not have a recommendation.

Commissioner Ellison shared the comments of the other Commissioners and noted he appreciates the public comment given. He stated he too is struggling with one property owner being allowed access, while the other property owners do not have the same right.

Mayor Smith stated he also would support the motion to deny the proposal. He noted the neighborhood is difficult to access and suggested staff look at installing some type of signage.

Vote

All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is October 30, 2013 and the next Commission Meeting is November 4, 2013.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:20 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission