

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**February 23, 2015**  
**6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, February 23, 2015 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, Haque-Hausrath and Haladay were present. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Dick Sloan representing the Helena Citizens Council.
- Pledge of Allegiance*** Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes*** The minutes of the regular City Commission meeting of February 9, 2015 were approved as submitted.
- Board Appointments*** BOARD APPOINTMENTS:  
A. Civic Center, Non-Motorized Travel Advisory Council (NMTAC)  
  
Mayor Smith recommended the following board appointments:  
  
Civic Center Board - Appointment of Rick Schlenker to a first term on the Civic Center Board; term will begin March 1, 2015 and expire March 1, 2018.  
Reappointment of Joann Christnacht, Mike DaSilva, Tammy Andridge, Bonnie Lorang and Tim Andridge. Terms will begin on March 1, 2015 and expire March 1, 2018.  
  
Non-Motorized Travel Advisory Council - Reappointment of Ryan Kettel to a 2nd term on NMTAC; term will begin on March 31, 2015 and expire March 31, 2018.
- Public comment Mayor Smith asked for public comment, none was received.
- Motion*** **Commissioner Haladay moved approval of the appointments to the Civic Center Board and NMTAC as listed above.** Commissioner Ellison seconded the motion. All voted aye, motion carried.
- Consent Agenda*** CONSENT AGENDA:  
A. Claims  
B. Amended plat dedicating Right-of-Way (ROW) for Caird Property along North Montana Avenue  
  
City Manager Ron Alles recommended approval of the claims and the consent agenda.
- Public comment Mayor Smith asked for public comment, none was received.

**Comment** Commissioner Elsaesser thanked all of the parties involved in making Item B come to fruition.

**Motion** **Commissioner Ellison moved approval of items A through B on the consent agenda.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser spoke to recent discussion held on Centennial Trail west at the February 18th Administrative Meeting. He gave an overview of and commended the design proposed by the consultant, as it will not only connect the east/west portion of the trail but also improve safety in the area and the level of service at the Joslyn/Country Club Avenue intersection.

Commissioner Elsaesser announced his desire to make a motion to reconsider a previous action by the Commission related to a sidewalk variance request for property owned by Habitat for Humanity on Spencer Street. The previous hearing resulted in a vote of 2-2.

Manager Alles indicated one of the Commissioners who voted against the variance would need to make the motion to resurrect the item and explained the process to bring it back to the Commission for reconsideration. He noted the tie vote on January 26, 2015 meant the Commission failed to take action on the proposal.

Commissioner Elsaesser gave a brief description of the details surrounding the application for the sidewalk variance and indicated if it is reconsidered he would still support a requirement that sidewalks be installed if a neighboring property is developed.

**Motion** **Commissioner Elsaesser moved to bring back the sidewalk variance for Habitat for Humanity property located on Spencer Street for reconsideration by the City Commission.** Commissioner Ellison seconded the motion. Motion carried 4-1, with Commissioner Haladay voting no.

Commissioner Haladay echoed Commissioner Elsaesser's comments regarding the Joslyn Street intersection and commented the proposed design is a simpler, cheaper solution for safety issues, along with securing trail connectivity, which fits within the city's restrained budget. He commended the proposal, noting it is exactly the type of idea he has been championing for over the past few months. The alternate solution for the installation of a roundabout at the intersection is too costly and will not be possible without funding partnerships with Fort Harrison and Lewis & Clark County.

**Report of the City Attorney**

REPORT OF THE CITY ATTORNEY

No report was given.

**Report of the City Manager**

REPORT OF THE CITY MANAGER

Manager Alles invited citizens to call the Street Department at 447-1566 to report potholes, as the patch truck is in service. He announced city crews are also out trimming alleys and street sweepers are picking up the sand left over from winter storms.

He reported there were 907 riders on the Capitol Shuttle last week and noted it will not be in service during transmittal break.

Commissioner Elsaesser referred to variances and/or right-of-way easements being applied for on the Walking Mall and stated he would support those proposals be discussed at an upcoming Administrative Meeting so they can move forward quickly.

Manager Alles concurred and explained basically, an application has been submitted to build a patio on the Walking Mall. He indicated it would be discussed at the next Administrative Meeting since the logistics may be different than usual.

Commissioner Haladay asked for more information regarding a meeting being held at Kessler School tonight related to the city's Westside annexation project. Manager Alles explained it is a citizen-initiated meeting and the city was not invited to attend or participate; he is not sure if a member of city staff will be attending.

***Report from the  
Helena Citizens  
Council***

**REPORT FROM THE HELENA CITIZENS COUNCIL**

HCC member Dick Sloan reported the HCC is working on recommendations to the City's snow removal policy for sidewalks and streets and will also be providing a recommendation on recycling to the Commission at an upcoming Administrative Meeting.

Mayor Smith asked Mr. Sloan if the HCC is involved in the Westside meetings regarding proposed annexation by the City of Helena. Mr. Sloan indicated the subject has not been discussed at the Council level and he is not aware of anyone being invited or attending the meeting being held tonight.

***Regular Items***

**REGULAR ITEMS:**

- A. CONSIDER THE FY 2016 PRELIMINARY GRANT BUDGETS FOR THE HELENA AREA TRANSIT SERVICE (HATS), EAST VALLEY, HEAD START, AND THE FY2016 COORDINATION PLAN.

**Staff Report**

HATS Superintendent Steve Larson reported the Montana MDT Section 5311 Transportation Assistance grant is a primary funding source for the HATS public transit service. In FY 2016 HATS will be requesting \$707,117.16 of operating funds and \$197,800.00 of capital funding.

Applications are due March 2, 2015. Public notice of the grant requests was advertised in the Independent Record on February 12 and 19, 2015. Approval of this preliminary grant request does not indicate final Commission approval of the transit budget. These budgets will be reviewed and may be increased or decreased by the commission during the regular budget process.

Superintendent Larson recommended approval of the budgets as grant submittal for these proposed budgets will provide the City with the necessary funding to continue public transit service to Helena area residents. Throughout the country it has been demonstrated that by having a public transit system you can improve your community's economic standing, improve individual's health and reduce the impact of single driver vehicles on our streets.

He cautioned the Commission that Federal/MDT funding grants are not finalized until May 2015 and may not meet all of the funding requests. The HATS system is competing with other applicants for these funds.

He indicated the Coordination Plan was not included in the Commission Packet as HATAC did not approve it until after the deadline

for agenda item submission. Manager Alles recommended acceptance of the plan be scheduled for Commission consideration at the March 9, 2015 Commission Meeting.

#### Discussion

Commissioner Elsaesser asked for confirmation that the capital request of approximately \$200,000 is separate from the operating budgets for HATS, Head Start, and the East Valley Bus. Superintendent Larson gave the operating budgets for the three programs and clarified the \$200,000 represents the city's match portion for its capital items.

Commissioner Ellison spoke to an email written by Manager Alles recommending delaying the submission of the Coordination Plan. Manager Alles agreed and explained MDT will allow the City to submit the Coordination Plan separate from the budgets in order to give staff and the Commission time to review and discuss the plan. Tonight the Commission can vote to authorize submission of the preliminary budgets to MDT without the Coordination Plan, and the Commission will then be afforded time to discuss the plan and any amendments proposed to it by staff. It will then be placed on a future Commission Meeting agenda for acceptance by the Commission and submittal to MDT.

Commissioner Haladay asked why the city is poised to receive an additional \$71,000 in funding this year. Superintendent Larson explained the State of Montana breaks down funding between different areas of the state, Helena is in the same area with Butte and Bozeman and the State increased that area's funding by 5%. In the last quarter of the past year the City of Helena did demonstration projects with the Montana Independent Living Project (MILP) and Capital Taxi, and accelerated some maintenance projects. The State took those total expenditures into account and is in essence giving the City an extra 10%. Commissioner Haladay asked if using all of the grant funds in this past year resulted in a boon for the City this next funding cycle. Superintendent Larson stated yes.

Commissioner Ellison asked if the Capitol Shuttle ridership could be counted towards the allocation the City requests and receives this year. Mr. Alles explained if it is counted, it would be applied to the FY2017 budget.

#### Public comment

Mayor Smith called for public comment.

The following persons spoke in support of the agenda item: Elizabeth Andrews, 727 12<sup>th</sup> Avenue, HATAC Chair; Brian Johnson, 517 Knight Street, Executive Director of the United Way & HATAC Member; Charlie Briggs, Easter Seals-Goodwill Representative & HATAC member; Trish Sorrenson, Helena Area Riders Council Representative & HATAC member; Jerry Hutch, 1206 Walnut Street; Bob Maffit, 1500 Garfield Street, CEO of the MILP & HATAC member; Deborah Swingley, CEO of the Montana Council on Developmental Disabilities & Vice-Chair of HATAC; Adam Gill, HCC member- District 6; Jessica Peterson, 1024 11<sup>th</sup> Avenue, Inside Edge Design- consultant for the newly formed Capital Transit Coalition; and Mike Ruska, Capital Taxi & HATAC member.

The following person spoke negatively regarding the operation of the HATS program: Jen, Helena.

#### Motion

**Commissioner Elsaesser moved approval of the proposed FY2016 budgets for the Helena Area Transit Service, East Valley and Head Start transit services, and authorized staff to complete**

**and submit the Section 5311 grant application.** Commissioner Ellison seconded the motion.

#### Discussion

Commissioner Elsaesser stated it is vital for Helena to have public transit that is useful. The current system, which lacks basic fixed routes, is not worth increased funding and forming partnerships with local organizations. By increasing regular and accessible service via fixed routes, the increases in funding, partnerships and resources will be worth it. Related to mobility management, an effective basic system with fixed routes will pull pressure off the main agencies and allow for better use of resources that can provide paratransit services.

Commissioner Ellison thanked Commissioner Elsaesser for his participation on HATAC. He expressed concern over MILP CEO Bob Maffit's comments advocating increased communication, coordination, funding and partnership; yet on February 6, 2015 he filed a discrimination complaint against the City of Helena and the HATS system with the Department of Labor's Human Rights Bureau alleging discrimination. Commissioner Ellison stated given that the Department of Labor's process for these complaints often leads to District Court, going forward he will be very careful when commenting on transit and in discussions on the issue.

Commissioner Ellison also strongly disagreed with the public comment made by Jen referring to HATS as a terrible service. He indicated he has used the HATS system many times and will not endorse her statements.

Commissioner Haladay asked for clarification of funding listed in the preliminary budget related to the new fixed route and paratransit route. Manager Alles gave a detail explanation and commented the City will need to find the additional funding needed but it will not "break the bank". He also identified Lewis & Clark County's commitment to a portion of the funding.

#### Amendment

**Commissioner Haladay moved to amend the proposed budget to add/reinstate \$37,500 as presented in the original budget to reflect an inter-fund transfer of \$375,000 in HATS fund 580.** Commissioner Haque-Hausrath seconded the motion.

Commissioner Elsaesser asked if the intent of the amendment is to get the additional fixed route in place at the start of this fiscal year. Commissioner Haladay stated yes and commented it might be a pittance to what is needed overall for the system, but unfortunately may be the most realistic increase available at this time. He spoke in support of the additional fixed route and commented on the need to strive to get people to use the system using innovative ideas, such as the Capitol Shuttle. He stated there have been no solutions presented by the Commission or staff to reduce the current budget or maintain the status quo in order to aid the system, so increasing the budget appears to be the only option.

Commissioner Haque-Hausrath stated she would support the amendment and spoke to the need for transit that works in Helena; a 2<sup>nd</sup> fixed route may better the system enough that \$75,000 will be sufficient to backfill the reduction to the paratransit system. She spoke to the importance of the Coordination Plan and a shared vision for better transit services in the community.

#### Vote on amendment

Motion carried 4-1, with Mayor Smith voting no.

**Comment** Commissioner Elsaesser clarified the addition of a 2<sup>nd</sup> fixed route means virtually 3 fixed routes in the Helena area with the inclusion of the East Valley route.

**Vote** Motion carried, 4-1 with Mayor Smith voting no.

B. CONSIDER A RESOLUTION ESTABLISHING A TOBACCO-FREE POLICY FOR DEVELOPED PARKS AND RECREATION FACILITIES.

**Staff Report**

Parks and Recreation Director Amy Teegarden reported in December, 2012, the City Commission passed Resolution No. 19977, establishing a tobacco-free policy for Centennial Park. The resolution highlighted the opportunity and intention to assess community acceptance of the policy and to consider the adoption of a broader tobacco-free policy for other City parks and recreation facilities.

Following the first 12 months of policy implementation and signage, assessment efforts of the tobacco-free policy were conducted from June through August, 2014. Efforts included: community surveys, stakeholder and city staff interviews, observational surveys and a park litter pick-up day. Assessment results indicate strong community support for tobacco-free playgrounds, parks and other outdoor recreation facilities. Assessment results show a majority of survey participants did not know that Centennial Park had a tobacco-free policy. This indicates a need for improved signage and awareness campaign.

Assessment results were presented at the September, 2014 City-County Parks Board meeting. The Board discussed a range of options for tobacco-free policies such as designating specific areas of parks as smoke-free (i.e. playgrounds), tobacco-free events, or designating all City parks as tobacco-free.

Following thorough discussion, the City-County Parks Board unanimously approved recommending to the City Commission a continued tobacco-free policy at Centennial Park and to expand the policy to other developed City parks. Non-developed parks such as Helena Open Lands were discussed and not included in the recommendation. In addition, the Lewis & Clark City-County Health Department submitted a letter of support to continue the tobacco-free policy at Centennial Park and to extend the policy to other developed City parks.

A tobacco free policy for all City developed parks and recreation facilities may have the following advantages:

- a. Encourage healthy life-style choices
- b. Enhance park users' experience
- c. Minimize the amount of cigarette and tobacco products debris in parks
- d. Potential to minimize fire risk
- e. Result in improved opportunities for a broader, more successful educational and awareness campaign

Director Teegarden recommended approval of the proposed resolution.

**Discussion**

Commissioner Ellison asked if discussions held on this item had included designating a smoking area at the Veteran's Memorial in

Memorial Park. Director Teegarden stated it was not discussed by the City/County Parks Board.

**Public comment**

Mayor Smith called for public comment.

The following persons spoke in support of the resolution: Kylie Davidson, Bryant Elementary, Helena; Colleen Smith, Youth Connections Director; Pay Doyle, Chair- City/County Parks Board; Anne Weber, Chair- City/County Board of Health; Teri Wright, YMCA Representative; Dr. Richard Sargeant, Helena; and Ken Wallace, 1880 Dry Gulch Drive.

The following person spoke in opposition to the agenda item: Jen, Helena.

**Motion**

**Commissioner Haladay moved approval of a resolution establishing a Tobacco-Free Policy for developed parks and recreation facilities.** Commissioner Haque-Hausrath seconded the motion.

**Discussion**

Commissioner Haque-Hausrath asked why the golf course is excluded from the proposed ban. Director Teegarden explained when this proposal was first visited approximately two years ago research showed that nationally most municipal golf courses are not included in tobacco-free policies. Also, there was a feeling that the course users are paying to be there and use the services and facility, and by doing so are making a choice to be there and are aware they may be around tobacco smoke.

Commissioner Haque-Hausrath recommended the golf course adopt the same policy and asked Director Teegarden to convey her sentiments to the Golf Board.

**Vote**

All voted aye, motion carried. **Res #20147**

**Public Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is March 4, 2015 and the next Commission Meeting is March 9, 2015. The next City/County Joint Work Session will be held March 5, 2015.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 7:59 p.m.

/S/ James E. Smith

Mayor James E. Smith

ATTEST:

/S/ Debbie Havens

Clerk of the Commission