

**SUMMARY OF ADMINISTRATIVE MEETING**  
**October 10, 2018– 4:00 p.m.**  
**City Commission Chambers, Room 330, City-County Building**  
**316 N. Park Avenue**

1. **Call to order, introductions, opening comments** – Mayor Collins called the meeting to order. Commissioners Noonan, Haladay, and O’Loughlin were present. Staff present was: Interim City Manager Police Chief Troy McGee; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O’Connor; Community Development Director Sharon Haugen; City Engineer Ryan Leland, Parks & Recreation Director Amy Teegarden; Administrative Services Director Glenn Jorgenson; Human Resources Director James Fehr; Community Facilities Superintendent Troy Sampson; Assistant to the City Manager Alan Miller; and Parks & Recreation Administrative Assistant Jennifer Schade.

Others in attendance included: HCC District 3 Representative Sumner Sharpe; HCC District 4 Representative Douglas Hunsaker; HCC District 6 Representative Terry Ray; Citizen Will Garvin; Rose Casey, Midtown Neighborhood Association; Kathryn QuannaYahu, Helena Move to Amend Chapter; Reporter Michael Woodel, Independent Record; HCC District 6 Maureen Kiely; Reporter Evelyn Schultz, KTVH.

2. **September 19, 2018 Administrative Meeting summary** – The September 19, 2018 summary was approved as submitted.

3. **Commission comments, questions**

**Upcoming Appointments** – Mayor Collins will be recommending the appointment of Ann Schwend to the City-County Planning Board at the October 15<sup>th</sup> city commission meeting.

Commissioner Haladay stated he sent the commission a letter which he would like to address at this time. In particular, Commissioner Haladay would like to revisit the thought of placing a moratorium on projects as they relate to our trails. Recently he received an image from a concerned citizen about other trail improvements taking place (bike jumps specifically). In light of the Beattie Street Trailhead project concerns, Commissioner Haladay feels we are building ill will and the citizens don’t see us being serious about the discussion.

Commissioner Noonan stated he was very clear on how he felt about the testimony presented at the last commission meeting, but does agree with Commission Haladay that we need to take a step back and double check ourselves that we don’t inadvertently set off negative conversation. Commission O’Loughlin agreed that we should move a substantive conversation about this to the October 24, 2018 meeting. She believes there needs to be further conversation and a process of transparency.

Chief McGee asked if there are projects going on now. Commissioner Haladay stated that there seems to be an issue with a bike jump being installed.

Director Teegarden requested that we receive approval to complete the seeding of this project. We won’t proceed with jumps at this time; however seeding is an important part of the project once it has been roughed in. The Commission agreed that we can continue the seeding process and halt on the man-made structures until further approval.

Commissioner Noonan thanked everyone that participated in the Week of “Walk-A-Mile” project.

4. **City Manager’s Report**

**Proposal to Abolish Corporate Personhood**

Mr. Garvin, citizen and Professional Engineer presented on a proposed resolution to abolish corporate personhood. There is a group in Helena who would like to see city of Helena go on record requesting our congress delegation and state legislatures to begin (if they haven’t already) actions to amend our United States Constitution regarding two matters: 1. the idea that corporations are persons, and 2. the idea that money is free speech. In November of 2012, 75% of Montanans stated by an

initiative that this is what we want. Not only that, but also that 75% statewide included that our 56 counties passed this with the majority. Thirteen months later, the First District Court of Lewis and Clark County struck down language compelling legislators to ratify an amendment contrary to the Citizens United decision.

Commissioner O'Loughlin stated there have been two efforts by a number of groups over the last several years about whether such an amendment should be addressed by Congress and the individual states or through a constitutional convention. Commissioner O'Loughlin said she had concerns about the possibility of a constitutional convention due to the wide variety of organizations seeking amendments on other topics. Kathryn QuannaYahu, member of Move to Amend, stated that Move to Amend is an organization supporting Garvin's resolution. She clarified that they support a congressional amendment rather than a new constitutional convention.

If there is consensus by the commission, Commissioner O'Loughlin asked if there would be a willingness to edit the document distributed to make it clearer that this a request to our federal delegation for a congressional amendment. Mr. Garvin then stated he will clarify his resolution's language on how an amendment would be passed, saying he is not interested in a convention either.

Commissioner Haladay stated he is comfortable with the edits recommended by Commissioner O'Loughlin. Mr. Gavin stated he will change the wording. The group will correct the draft and have the city attorney review it. The actual wording is not as important as the message that goes to state legislatures and congress.

Chief McGee shared that the street department plowed and sanded the streets last night during the snowstorm. As of this afternoon, we have not received any complaints about sidewalks. Parks and public works were very busy with broken limbs. We did lose power at the end of west main up into Oro Fino due to limbs falling on power lines.

## 5. Department Discussions

### Police Department/City Attorney

**Abandoned Vehicles** - Chief McGee submitted a memo regarding police response to abandoned vehicles in the city. Currently, every motor vehicle, motorhome, camper trailer, and boat that has not moved for three days is considered an abandoned vehicle. This includes the business areas of town where businesses park overstocked vehicles they plan on selling, repairing or storing for a period of time. It also includes Benton Avenue in front of Carroll College where many students leave their vehicles for days, weeks, and sometimes months before they are moved again.

The memo covers how we handle complaints now, but also our current city ordinance. Currently, abandoned vehicles are handled on a complaint-driven basis. After the vehicle is marked, if it is moved, it is considered moved and the process starts all over again. Statistics show that we receive approximately 800 calls per year. We do not have the staffing to handle more calls. The HCC has indicated that they want us to take a more robust approach of abandoned vehicles. If the commission wants this as well, the police department will need assistance. By the definition of our law, there are thousands of abandoned vehicles every year in the city.

Attorney Jodoin suggested that instead of doing this under the abandoned ordinance, we make this more of a parking violation issue. Abandoned vehicles are one of the most frustrating aspects of our job. Complainants don't understand that if a vehicle is move, it is not considered abandoned. Some vehicles have dozens of CFS markings on them. Neighbors get frustrated by this. It has the appearance that the city isn't doing anything. We are doing what we can in the context of the law. One idea was to change the law to state that the vehicle must be moved a certain distance, but that has issues as well. Attorney Jodoin stated it may be easiest to follow Missoula's lead and get out of the abandoned vehicle issue entirely, and state that no vehicle can be parked on a city street for more than 120 consecutive hours (five days). It would then become a parking issue. If it is parked on a street for more than five days, it can be towed. He stated the city would need to change other parts of the ordinance to indicate where these vehicles would be stored. We may want to consider changing the ordinance so private haulers could pick up the vehicles and the owner would have to pay their costs. This in conjunction with

what is considered Monday night relative to emergency snow routes; which could be a significant increased regulatory environment. The emergency snow route ordinance proposes to prohibit the parking of RV's, trailers, campers on city streets from November 1 to April 15. There will probably be many more vehicles being towed.

Commissioner O'Loughlin asked how enforcement is handled in Missoula. Attorney Jodoin stated this is done strictly through the issuing of parking tickets. If the vehicle continues to remain on the street, it is towed; It is a lengthy process.

HCC Representative Terry Ray stated he has received complaints from residents that are mostly related to vehicles that are missing parts or are unkempt and are stored on streets and he has submitted those complaints to the police department. While the HCC appreciates the efforts of the city attorney's office, there is a need for more patrol. The HCC would like to recommend a few options to the commission to include the following: 1. discuss the possibility of helping with the advertising of the volunteer police program, 2. assist with communicating with citizens through a public information campaign on where you can legally park these vehicles, 3. place an information flyer in the water bill.

The commission continued this discussion. Commissioner Noonan cautioned everyone to wait until spring to see how winter goes and then consider how to enforce a new ordinance. Commissioner O'Loughlin agreed and added that some of these examples as it relates to snow removal may be taken care of this winter.

Commission Noonan stated he likes the parking option that the city attorney has proposed and encourages the city attorney's office to continue working on this through the winter months.

Commissioner Haladay likes this approach as well.

### **Public Works**

**Digester Cover Repair Recommendations** – City Engineer Leland reported on the morning of September 4 there was a failure of the eastern Secondary Digester Cover at the wastewater treatment plant. The Secondary Digesters are the final phase in sludge treatment where methane is recovered beneath the Digester Covers. There are two Secondary Digester Covers – eastern and western. The Secondary Digester Cover is a floating cover over and around a concrete tank that is filled with sewage sludge. The Secondary Digester needs to be replaced. This option will require retaining a design consultant/engineer and proceeding forward. Staff believes they can have a design contract in place by November and design completed by March or April of 2019. Proposal and cost estimates will be presented to the Commission upon receipt. The cost to install a new floating cover will be approximately \$1,000,000 - \$1,500,000.

With the Commission's approval, we would like to finish the contract with the consulting firm and bring that information back to the Commission for final approval. There was commission concurrence to proceed.

**Five Point Intersection** - Engineer Leland stated the commission asked staff to look at doing two-way traffic on Last Chance Gulch to take care of one five-point intersection, and then look at access into 6<sup>th</sup> Ward and evaluate the other five -point intersection.

The City of Helena has engaged Robert Peccia and Associates (RPA) and MIG to develop a multimodal traffic study of identified intersections and Last Chance Gulch in downtown Helena. The approximate area to be evaluated includes Last Chance Gulch from 6<sup>th</sup> Avenue to Lyndale Avenue, Helena Avenue from Last Chance Gulch to North Montana Avenue, and Lyndale Avenue from Last Chance Gulch to North Montana Avenue. The main intersections to be evaluated are the five-point intersections of Last Chance Gulch/Helena Avenue/Neill Avenue, and Lyndale Avenue/Montana Avenue/Helena Avenue. Also included in an evaluation of two-way traffic on Last Chance Gulch between Neill Avenue and 6<sup>th</sup> Avenue.

The two issues were combined into one study because changes at one intersection can and will affect what happens at the other intersection. As part of the study, RPA and city staff conducted two public meetings to better identify and scope and needs of the traffic study. Based on the two public meetings, RPA has developed the scope and fee structure which is included in the packets today. The

study will look at short-term recommendations such as signage and striping, and long-term recommendations such as reconstruction of one or both of the intersections. Staff is looking for direction on how to proceed with the study and changes to scope. The anticipated cost of this project is \$250,000.

Commissioner Haladay asked if there was discussion about expanding the scope going north almost to the railroad tracks at the corner of Bozeman and Argyle and going south to Livingston and doing a comprehensive look at what travel patterns will look like in that area. In addition, Centennial Trail Master Plan had been discussed as an attachment piece because that project had been delayed. Engineer Leland stated it does include the railroad tracks up to Livingston. Commissioner Haladay then asked that an update of the Centennial Master Plan be included in the scope of services.

Mrs. Rose Casey attended to represent Midtowne and Sixth Ward. She first recognized M.C. Beeby for all of her hard work with Midtowne and Sixth Ward Association Board of Directors. M.C. passed away on October 7. Mrs. Casey stated this all came about because of the TIF District and residents wanting improved access and she had distributed a petition from 20 business owners all of whom are in the Sixth Ward area. They, as well as the residents are very concerned about access into the area. They believe closing Helena Avenue is really a bad idea. She would rather see money spent on solutions than another traffic study.

Commissioner Haladay asked if staff has had a conversation with MDT about a plan for this five-point intersection. Engineer Leland stated that MDT has some ideas about this intersection, but they are ever changing. Staff wants to look at both studies at the same time. . MDT has stated that if we can come up with an idea that works and it meets their criteria, we can do about anything we want. Commissioner Haladay stated when there was previous discussion on this issue, we discussed doing two separate studies which we would parallel and then do together. Each study would take the same amount of time. Engineer Leland stated that if you have two different firms, they would have different stakeholder meetings. The most economical way is to study both intersections at the same time.

Commissioner Haladay referred to the memo received from Mrs. Casey that states that there is some concern that the scope is not large enough to fully address questions that need answered and asked is this scope sufficient. Engineer Leland stated yes; staff will make sure that the scope meets the criteria of MDT as they are the number one stakeholder.

Commissioner O'Loughlin suggested we articulate the standards of MDT in the scope. Engineer Leland stated he will add this.

Commissioner O'Loughlin then referred to Page 1, Minimum Objectives; and noted we referenced the City of Helena Downtown Master Plan and suggested perhaps we should reference the other TIF District that the city has developed. Commissioner O'Loughlin recommended that we add another objective, "Promoting economic development within the renewal districts developed by the city". Make sure this is specifically articulated. The Downtown Master Plan covers the new Urban Renewal District, she is not certain that would include the Railroad District. She would also be interested in the location and boundaries of what the scope is to ensure we are getting a full study.

Before we sign a contract with Robert Peccia, Engineer Leland will have that conversation with MDT and get their sign off. The timeline for this project is 9-12 months to include public input.

Commissioner Noonan suggested that at the beginning of the commission meeting on Monday, we take some time to recognize M.C. Beeby and her accomplishments in the community. Mrs. Casey agreed to present.

### **Community Development**

**Downtown Urban Renewal Boundaries** - Community Development Director Haugen gave a report on the conversation with BID regarding adding the property along Rodney Street to the boundary. Staff met with BID representatives and they did not object to the addition. They did ask that we do the process in early spring. It is their desire that we finish the work this year. We will not be able to get this certified through Department of Revenue this year. Director Haugen recommended that we finish the work on the Downtown Urban Renewal District and then begin the process of amending the plan and go

back through the public notification process. If the Commission has consensus on this, we will add this item to the October 29 city commission meeting agenda.

Director Haugen stated this process will take 4 – 5 months. It has to go to the Planning Board, go through public notification and at least one public meeting. The next step will be to contact property owners on Rodney Street which should take place next January, February, or March. The only objection of the property owners is that this will increase their taxes which it doesn't. It is a matter of education.

Commissioner Noonan stated the last time this was attempted, a few people did panic. It was purely a misunderstanding.

Commissioner O'Loughlin asked that city staff keep the Commission updated if they can be helpful in the conversations. Director Haugen stated she is comfortable with the process.

6. **Committee Discussions** - There were no committee reports.
7. **Review of agenda for October 15, 2018 Commission Meeting** – There was no discussion.
8. **Public comment** – There were no public comments received.
9. **Commission discussion and direction to City Manager** – There was no discussion.
10. **Adjourn** - With no further discussion, the October 10 Helena City Commission Administrative Meeting adjourned at 5:25 pm.