

SUMMARY OF ADMINISTRATIVE MEETING

May 15, 2019– 4:00 p.m.

Room 326, City-County Building

316 N. Park Avenue

1. Call to order, introductions, opening comments – Mayor Collins called the meeting to order. Commissioners Haladay, Noonan, O’Loughlin and Wicks were present.

Staff present: City Manager Cortez; Assistant to City Manager Amanda Opitz; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O’Conner; Interim Police Chief Steve Hagen ; Interim Fire Chief Ken Wood; Community Development Director Sharon Haugen; Planners Ellie Ray and Hillary Taylor; Assistant Director Public Works Libbi Lovshin; Street Superintendent David Knoepke; Troy Schroeder, Utility Maintenance; Parking Director Dave Hewitt; Parking Maintenance Supervisor Tim Nickerson; Finance Director Glenn Jorgenson; Open Lands Manager Brad Langsather; Community Facilities Superintendent Troy Sampson; HR Director James Fehr; and City Clerk Debbie Havens.

Others in attendance IR Reporter Mike Woodel, HCC Representative John Andrews, Forest Service Representative Dave Nunn, Tri-County Fire Save Working Group representatives Pat McKelvey and Rocky Infanger, DNRC Representative Butch Kroll and DES Coordinator Reese Martin.

2. April 28 and May 1, 2019 Summaries – The April 28 and May 1, 2019 administrative meeting summaries were approved as submitted.

3. Commission comments, questions

Mayor Collins recognized and thanked Chief Hagen for the Law Enforcement Memorial Ceremony today at the Capitol.

Mayor Collins referred the commission to the information on the 10-Minute Walk Park Campaign and noted he has signed on to support the initiative.

Mayor Collins reported he has received a request from the TBID Director and Board Chair to amend the resolution to allow up to seven members on the board and not limit it to five. Clerk Havens gave the history of the TBID board and noted the request was received from the TBID Director and Board Chair.

Upcoming Appointments – Mayor Collins recommended the following board appointments:

Helena Open Lands Management Advisory Committee Appointment of Mark O’Keefe to a first term on HOLMAC. Term will begin upon appointment and expire June 30, 2022.

Tourism Business Improvement District Appointment of John Lytle to a first term on the TBID. Term will begin upon appointment and expire April 20, 2023.

Commissioner O’Loughlin recommended the commission have a discussion on the process of how the appointments are made, the current make up of board membership and reasoning behind the mayor’s recommendation.

Commissioner Wicks concurred with Commissioner O’Loughlin and added she would like to be informed on where the board vacancies are advertised and she emphasized the

importance of having diversity on city boards. Commissioner Noonan concurred with the previous comments.

City Manager's Report - Manager Cortez reviewed the budget information and decisions that have been made up until today which included: Proposal to cut \$1.4 million; you said yes to put dollars in reserves; new initiatives paid by revenue; one-time from fund balances; salary adjustments, preliminary budget has zero amount for salaries; and balanced budget.

There was also commission consensus on the following increases in rates/assessments: Open Space \$.37; Urban Forest 1.50; Water \$3.01 and Wastewater 1.72. Manager Cortez referred to the handout on streets and asked for concurrence to revisit this assessment in the near future. At this time, the proposal is to allocate one-million for capital improvements and she is not sure the city can deliver the projects. If that is the case, she will come back to the commission and ask for a smaller increase.

Commissioner O'Loughlin asked what the total amount of new revenue we are looking at and is it reflected in the proposed rate increase; the one-million dollars is out of what total projected amount. Manager Cortez stated the projected new revenue would be \$6.8 million for FY 20 & 21.

Commissioner Haladay asked if it is determined to come back with a lesser amount on these rates, are we going to use this money for debt services or pay as you go and build to capacity. Manager Cortez stated at this time, the city has the ability to pay as we go and the ability to go into debt up to \$10-million; however, she is not clear if staff could deliver the projects.

Manager Cortez referred the commission to the handout on the stormwater assessment and acknowledged the recommendation is for no increase in the residential rate for FY20 and increase of \$.53 for FY21. The commercial rate would increase from \$4.79 to \$5.16 for FY20 and \$5.98 for FY21.

4. Department Requests –

Finance Department – FY20 – Follow-up regarding commission budget questions

Director Jorgenson referred the commission to the budget timeline up to the adoption of the FY20&21 budgets. Commissioner O'Loughlin asked when the new rates go into effect. Director Jorgenson stated the assessments would be on the December tax bill and the water and wastewater will be effective in October.

Manager Cortez noted the preliminary budget is being printed and staff will deliver it to the commission as soon as possible. Commissioner O'Loughlin asked that the commission be notified when the books are available. Clerk Havens will notify the commission.

5. Department Presentations

Police/Fire Department – Public Safety Presentation – Emergency Response

Structure and Lines of Authority – Manager Cortez introduced Fire Chief Wood and Police Chief Hagen. She stated at this time the city of Helena is not ready for emergency response structure and lines of authority. She recognized the work of both Chief Wood and Chief Hagen

Chief Wood gave the presentation on wildland-urban interface (WUI) and Chief Hagen on the population protection plan.

Commissioner O'Loughlin asked what DNRC's roll in case of an event is. DNRC Representative Butch Kroll stated DNRC has three helicopters and seven engines if they are all

available. He then spoke of the mutual aid and the resources that would be available to the city, if needed.

DES Coordinator Reece Martin spoke on state and federal funding in the event of a major event.

Manager Cortez stated the goal is to educate the public on what zone they live in and on the evacuation plan.

Commissioner Wicks asked if we are going to send out an information pamphlet to educate the public. Chief Hagen noted he is working on a plan to educate the public, which will include the use of the city's web page and public meetings.

Commissioner Wicks asked if there is a fire safety week. Chief Wood responded the fire safety week is in October and many ways to educate the public. Staff will also look at what other communities have done to be successful in educating the public.

Tri-County representative Pat McKelvey noted Tri-County Fire has tried to educate the public for the last 30-years and they would welcome the opportunity to be part of the city's solution.

Commissioner Noonan recognized the very dedicated group of educators in the Tri-County Fire Safety Committee and noted they have the resources to assist in educating the public.

Parking – Meter/Kiosk Presentation – Parking Director Hewitt and Parking Maintenance Supervisor Tim Nickerson referred the commission to the PowerPoint presentation on the Kiosks, Smart Meters and cell phone application to include the following bullet points: Why are we doing this; Infrastructure; Where the kiosks will be located; On street kiosk hourly fee; Civic Smart meter; Smart/cell phone application; customer parking options; Downtown Helena Parking map; employee parking options and hours of parking patrol. The goal is to install the equipment in May/June timeline and go live July 1, 2019.

Commissioner Wicks asked if the new system would be able to track cars that may be parking on the same street for 30-days in a row. Supervisor Nickerson stated the software does track individual vehicles. Commissioner O'Loughlin noted they would still have to pay and it would be more economical to purchase a parking permit.

Manager Cortez stated there were comments received about the safety of using credit/debit cards and noted this system is very secure.

Supervisor Nickerson addressed the free one-hour parking available at various locations.

Commissioner O'Loughlin asked if the meter rates and kiosk rates would be the same. Supervisor Nickerson stated the rates would be the same for the core area; the hour meters that are on Cruse and Park Avenues will have a cheaper rate. Commissioner O'Loughlin clarified with having the two types of meters, you cannot move into one of the civic meter spots if you have paid for the kiosk. Supervisor Nickerson concurred. Commissioner O'Loughlin stated it is important to educate the public so they understand that they cannot move into these spots if they started with and paid at a kiosk.

Commissioner Noonan stated there currently is not any on-street ADA parking spots due to the misreading of the ADA policies. At one time, there was ADA parking spots on the streets and they were removed due to the belief you had to have enough loading space on the street. Commissioner Noonan stated the practice has been those with ADA parking permits can park on the street and not be ticketed. There is the belief that ADA parking on the street is still illegal; however, he looked up the policies of the U.S. Access Board and read a portion of the policy.

Commissioner Noonan stated he would continue to work on this issue until it is settled and ADA parking is allowed on the street. Manager Cortez addressed the ADA parking on the streets and assured the proper engineering is in place to make this happen.

Parking Director Hewitt stated Traffic Engineer Mark Young is working on the design for options for ADA parking on the street. Commissioner Noonan stated it is important to educate the public.

Commissioner O'Loughlin stated she is not sure how she feels about calling employees "squatters" and asked that a different term be used. She would be curious on the outreach that has been done with businesses who have employees who work downtown, specifically to those who work for non-profits. We need to be pro-active and do outreach to businesses who reside downtown. She also asked if the permit pricing is staying the same. Director Hewitt noted the permit parking is remaining the same and he has been in contact with many of the downtown businesses, including non-profits.

Community Development – Downtown and Transitional Residential Zoning Code Update – Community Development Director Haugen reported staff is proposing to schedule the public hearing in June for changes in Title 11 to incorporate the provisions of the Downtown (DT) and Transitional Residential (TR) zoning districts. The DT district will promote mixed-use development in the Downtown core, and the TR district will serve as a buffer between the Downtown core and the adjacent residential areas to the east and the west. Many of the same uses will be allowed in both districts.

A second, separate set of hearings is required to establish the two district boundaries by amending the zoning map. As part of the hearing process, staff will send notices to the property owners within—and 150 feet from—the proposed district boundaries. The DT district and the TR district will ultimately replace the nine zoning districts that currently comprise the downtown and adjacent areas. City staff has scheduled two public information sessions to present information about the proposed zoning changes and to allow the public to comment on the final code language and boundary. The first general information session was held in late March. Thirty-three business owners, residents, developers, and commercial realtors attended the event. Most comments about the code were positive; except concerns presented by residents of the proposed TR District concerning the allowance of specific permitted uses and parking requirements. Following this meeting, city staff met with the Zoning Commission to further refine some code wording and Chapter 2 permitted and non-permitted uses. At that same work session, the Zoning Commissioners opted to reconfigure boundaries around particular properties and incorporate Jackson and Logan Streets south of Lyndale Avenue. An additional public information session is scheduled for June 13th at the Civic Center to discuss the proposed boundaries for each district.

Robert Peccia & Associates is working to create the legal description for the 200+ acre district boundaries. Staff intends to have the legal description work be completed as soon as possible to be ready for the rezoning hearing before the Zoning Commission in July.

Planner Ray referred the commission to the PowerPoint with the following bullet points: Downtown District Background; Public Participation; Downtown District Boundaries; District Intent; Downtown District Use Designations; Downtown District Design Standards; Current Code vs. Proposed Code; Applicability; April Zoning Commission Work Session and Next Steps.

Manager Cortez stated staff is asking for policy direction from the commission; do you want to change the boundaries as recommended by the Zoning Commission.

Commissioner Haladay stated the boundaries recommended by the Zoning Commission seem fine with him. He then asked if casinos are currently allowed by right in any of the zoning districts. Director Haugen stated currently all casinos require a CUP. Commissioner Haladay noted with this recommendation, casinos would be allowed by right in the downtown district. Planner Ray clarified a casino would be allowed by right in the downtown district and not allowed in the transitional residential district. However, there are distance requirements from schools and residential districts. Commissioner Haladay stated that is one policy area he would want to talk about and referenced the one casino that was approved by a CUP in the downtown.

Commissioner O'Loughlin concurred with Commissioner Haladay's comments and noted she assumed casinos would still require a CUP.

Manager Cortez stated another policy question is what the vision for downtown is; the three identified bullets may not be consistent with the commission. There needs to be a greater understanding by staff on what the vision is for the downtown district.

Commissioner Wicks stated as it stands right now, we have one pre-release center and one emergency shelter within the downtown but do not have any casinos. Director Haugen noted there are several casinos in the downtown area. However, there is no pre-release center in the downtown area. Planner Ray noted pre-release centers were discussed at the Zoning Commission and was recommended they be allowed by right due to the Detention Center and the Law and Justice Building being in the downtown district.

Commissioner Haladay spoke of the residents who reside at the current pre-release center and noted it is difficult for them to attend court appointments; there is an equity aspect of not allowing pre-release centers.

Commissioner O'Loughlin stated it would be helpful to understand where casinos, pre-release centers and emergency shelters are currently allowed and if they require a CUP. Director Haugen and Planner Ray referred the commission to the information in the packet where it shows where the three uses are allowed and if they require a CUP.

Commissioner O'Loughlin asked if it is the intent not to require a CUP for casinos and pre-release centers. Planner Ray stated the intent of the Zoning Commission was to streamline the process and making all uses either permitted or not permitted.

Commissioner Wicks stated she would like to have additional discussion, as she is not currently comfortable the first 3 permitted uses by right in the downtown district; she would feel more comfortable with the CUP process. Attorney Jodoin noted the Zoning Commission discussed that most CUP's that have been approved by the commission have had no or very few conditions. Director Haugen stated a project they would like to do is a review of the CUP chapter.

Commissioner O'Loughlin understands the idea of either allowed or not allowed uses and not having to review on a case-by-case basis. She also supports the CUP process as the bar for denial is quite high.

Manager Cortez stated when the commission met in February; you discussed the priorities of the city including land use, which is another tool that express the commission's desire on what they want for the community. The Downtown Master Plan needs to be incorporated into the vision. Manager Cortez recommended scheduling the continuation of this conversation; ask the commission what their vision is, and then offer the tools to get there.

Commissioner Haladay recognized the work of the Zoning Commission and stated there is not a lot of other uses to debate other than what has been discussed today, regarding the downtown and transitional districts. Commissioner Haladay asked if there was any discussion at the Zoning Commission on the casinos, pre-release centers and emergency shelters.

Planner Ray stated the Zoning Commission had a lot of discussion around casinos, emergency shelters and pre-release centers. Attorney Jodoin stated the discussion was not driven by these uses; the consultant's report states all commercial uses are allowed; following that, the Zoning Commission held discussions on the specific uses. Director Haugen stated the Zoning Commission and BID Board both felt comfortable with the recommended uses.

Commissioner Wicks referred to the downtown establishment located adjacent to residential and noted the commission has heard public testimony the problems got significantly worse after the CUP was approved for the casino. She would like to look at this from the public health perspective and what the vision is for the area.

Commissioner O'Loughlin noted staff has been working on this for years and she is sensitive on the timeline and eager to get it done. She asked it be brought back to an upcoming meeting and stay within the recommended timeline.

Manager Cortez concurred to put it back on the June 5 administrative meeting and hold the hearing on June 10. Director Haugen stated staff has the public hearing scheduled for June 10.

7. Committee discussions

Helena Citizens Council – No report given.

8. Review of agenda for May 20, 2019 Commission meeting – No discussion held.

10. Public comment – No comments received.

11. Commission discussion and direction to City Manager – Commissioner Wicks again asked that an overview of city boards, how they are appointed, how they are noticed to the public and an overview of the boards and who is appointed.

12. Adjourn – The meeting adjourned at 6:15 p.m.