

SUMMARY OF ADMINISTRATIVE MEETING

July 10, 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 Noonan and Wicks were present. Commissioners Haladay and O’Loughlin were excused.

Staff present: City Manager Cortez; Assistant to the City Manager Amanda Opitz; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O’Conner; Police Captain Curt Stinson; Interim Fire Chief Ken Wood; City Engineer Ryan Leland; Interim Director Transportation Systems Department David Knoepke; Transportation Engineer Mark Young; Transit and Fleet Superintendent Elroy Golemon; Parks & Recreation Director Kristi Ponozzo; Chief Building Official Jon Pallister; Interim HR Director Ciarra Krantz; Budget Manager Nikki Davison; Community Facilities Superintendent Troy Sampson; Intern Mauricio Morfin and City Clerk Debbie Havens.

Others in attendance IR Reporter Thomas Plank, NorthWestern Energy Representatives Howard Skjervem, Steve Schmit, Rick Edwards, Sarah Norcott and JoDee Black; Brian Kahn, Gene Prendergast; Alan Zachheim; MaryAnn Dunwell, Betsy McCarthy, Susan Smith; Pat Bic, Robyn Biffle and Gus Byrom.

2. June 19, 2019 Summary – The June 19, 2019 administrative meeting summary was approved as submitted.

3. Commission comments, questions

Upcoming Appointment – Mayor Collins recommended the following board appointment:

Police Commission	Appointment of Clair Swain to the Police Commission. First term will begin upon appointment and expire on May 1, 2022.
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Commissioner Noonan thanked staff for getting the ADA parking spots installed downtown. He asked Manager Cortez to give an update on the Fuller Avenue intersection project.

4. City Manager’s Report – Manager Cortez reported on the following items:

1. Manager Cortez handed out a copy of “Principles of Citizen Notice and Involvement” authored by three HCC members. She noted she has distributed this among some departments and stated it is a guideline and not protocol.
2. Micro Trenching – the city received initially received one quote that was high; staff reached out to other vendors in hopes of getting lower quotes. At this time, two quotes have been received.
3. Manager Cortez stated with the new fiscal year and the changes to the Public Works Department, she recommended the City Engineer begin having a greater role in reporting on the CCIP projects and that there be a standing item on the 2nd administrative meeting of the month.

4. Beattie Street Trailhead – staff is working with engineering firm to design; will continue public engagement at 30, 60 and 90 days throughout the process. Once the design is received, staff will move forward with construction.
5. Farmers Market has been a success among staff, great interaction with community members
6. Goldie coins can be used at the new parking meters.
7. Parking – the app is not working; staff continues to work on the implementation. Future contracts will include deliverable language. Manager Cortez stated the expected revenue for June was \$29,000 and the actual revenue was \$25,000. The installation of the equipment is complete with the app being the exception. Manager Cortez stated staff has been working on ways to assist people remembering their license plate numbers.
8. Updated the commission on the current vacancies: HR Director has been posted and to avoid any conflict, the county HR Department will help with the process up to her receiving copies of the top candidates to be interviewed. Updating the Finance Director's job description and will be posting the Public Works Director position.
9. Homeless Update – Amanda Opitz reported Paul Pacini submitted an idea on day labor for the homeless in the area; the City Manager's office convened 27 leaders from community organizations that work with the homeless to discuss the idea. The idea had wide support, however the logistics of developing such a program will be challenging. Representatives from the Montana Veteran's Foundation have volunteered to chair an ad-hoc committee made up of several interested organizations to see if the idea is viable. The city's role is simply to convene the stakeholders and broker any additional communications. With the creation of the ad-hoc committee, the City's goal to gather the stakeholders has been met.
10. Interim Transportation Systems Director Knoepke reported Fuller Street will not be torn up; the intersection of Fuller and Neill will be a project at the conclusion of Farmers Marks.

Director Knoepke reported he met with representatives from MDT to discuss the Custer Avenue project and will have an update at the October TCC meeting. Topics of discussion included the impact and costs to the Yellowstone Pipeline; where will the current funding of \$14-million get the project; can the project be built in phases and the congestion on Custer Avenue needs to be addressed.

Commissioner Wicks stated during a previous discussion, she thought the original cost of the project was quoted at \$7-million. Director Knoepke stated the original estimate was \$14 million through the Urban Funds allocated through the TCC. The costs then ballooned up to \$28-million. The county has looked into a possibility of a BUILD Grant and Custer Avenue may qualify. However, the urban funds are not eligible to pay for writing the grant. The estimated cost to write the grant is \$100,000. Manager Cortez reported she met with Senator Tester's staff and discussed the BUILD Grant. Staff will coordinate through Senator Tester's office on submitting a BUILD Grant and will come back to the commission for direction.

Commissioner Wicks asked for an update on the Community Information Officer (CIO) position. Manager Cortez noted the CIO position will be under the Public Works Department and the plan was to work with Libbi during the transition. However, that has changed. Staff will need to prioritize what projects the CIO works on.

Commissioner Wicks asked that the commission get an update on the Beattie Street trailhead prior to the project moving forward. She thanked the parking staff for assisting people in writing their license plate numbers down; she has heard positive comments from people.

Commissioner Noonan asked if the triangle at the corner of Neill and Fuller is going to be removed. Director Knoepke stated yes and explained the project. Commissioner Noonan commented that was a concern of the Farmers Market and asked if sidewalks will be installed. Engineer Leland stated this is part of the Front Street project and explained staff looked at two options for the area, either grass or pavers. It will be a financial decision on which one is used. Manager Cortez noted the improvements would not affect Farmers Market; it will end prior to construction.

Commissioner Wicks asked if the RFP Officer is moving forward. Manager Cortez stated she is in communications with a consultant who will work with the legal department on the forms and processes. Attorney Jodoin stated he is working with the consultant.

**5. Department Requests –
Community Facilities –**

NorthWestern Representative Howard Skjervem addressed the commission regarding the past communications with the commission on when LED lights would be installed. NorthWestern Energy has moved forward and selected Helena and Billings to begin to replace the current lights.

It is a \$14-million dollar project to replace all the lights throughout the state and involves replacing fixtures and lights. NorthWestern Energy looked at options for LED bulbs to match the city ordinance. Mr. Skjervem spoke on the most common light fixtures being the Cobra Head, Acorn and Lexington. The downtown area, Colonial Drive and a residential development on the north side of Helena have the Acorn fixtures. NorthWestern desires to meet the ordinances of each city and with that, the majority of the lights do meet. There are some areas where they are not meeting the ordinances.

NorthWestern Energy Engineer Steve Schmit addressed the commission regarding the current lights not being available and how the fixture being installed were chosen. He also spoke of the benefits of the 3000 k lights and at the time the project was started, this was the lowest available. Engineer Schmit also spoke addressed the up-lighting and light trespass of the fixtures.

Community Facilities Superintendent Sampson reported the City has 53 lighting districts accounting for approximately 3,400 streetlights. NorthWestern Energy is currently replacing street light heads with LED luminaries. However, there is a concern that available LED replacements may not meet current City lighting ordinances. Approximately 2,400 out of 3,400 are considered compliant and can be replaced. NorthWestern Energy staff would like to discuss options for continuing with the LED project for those that are not compliant.

City code 10-1-3 Lighting Definitions says "HORIZONTAL CUTOFF: Fixtures that are designed in such a manner that light rays emitted by the fixture, either directly from the lamp, lens, or housing, are only projected below a horizontal plane running through the lowest point on the light source."

The City has several types of lights: Cobra Head, Acorn, Lexington and Contemporary are the most common. The International Dark Sky Association and the Illuminating Engineering

Society issued a new light emission standard called the BUG rating in 2011 (Backlight, Uplight, and Glare). While not adopted by any regulatory agency, it is being used to rate streetlights. All light fixtures are recessed and were considered to be in compliance with the definition above until we were informed of the BUG rating.

Cobra Head lights are consistent with City ordinances and BUG rating and will be replaced. Lexington lights are of two types: 1. With Lens (inconsistent with Ordinance) and 2. Without Lens (consistent with Ordinance)

The current Contemporary lights have no comparable replacement and NorthWestern Energy had planned to replace them with Lexington (with Lenses) lights. However, the Lexington (with Lens) and Acorn styles both have reflection from the lens and/or are rated above a zero (out of five), meaning there is upward illumination.

Options for discussion include but are not limited to:

1. Use a Lexington (No Lens) light as it has a zero Uplight rating. Caveat: NorthWestern has received complaints that this type of Lexington is "harsh" in its intensity. If these are used, NorthWestern cannot add lenses later without replacing the entire fixture.
2. Disallow Acorn lights, as they do not have a U rating of zero.
3. Disallow Lexington with Lens, as they do not have a U rating of zero.
4. Request NorthWestern Energy replace all of lights with Cobra head poles and lights. Please note that the current poles cannot be used for Cobra head fixtures and would have to be replaced along with the fixture increasing the cost.
5. The Commission may consider changing the ordinance so that reflection off the Lexington with lens is not a violation of the ordinance.

NorthWestern Energy cannot complete the Front Street lighting project using Acorn lights as directed by the Commission. Again, Acorn lights violate city Ordinance.

Staff and NorthWestern Energy employees held a public meeting on June 26 at the Civic Center. Approximately twenty people attended of which 16 left written comment. From the comments received citizens prioritized in order the importance of three items: 1 dark skies, 2. energy savings, and 3 maintain historic look in that order. Staff also discussed this predicament with residents at the June 29 Farmers Market. Additional input from the community will be received between the time this report is uploaded and the Administrative Meeting. Staff will update the Commission.

Several comments were in favor of a more comprehensive lighting plan and wants to slow down the conversion until a plan can be put together. Other questions concerned why there are only a few fixtures to choose from which were selected by NorthWestern Energy. Lastly, some citizens wanted to know why there wasn't dimming technology being considered during this conversion.

Staff and NorthWestern Energy are requesting Commission direction as to how to proceed. There were 30+ residents who provided feedback; dark skies are important, the warmer color is important; historic character of the fixtures are important; pump the brakes and look at a comprehensive lighting plan. Additional public comments has been received since the community meeting to included being okay with the LED lights due to energy savings; likes the Lexington fixture without the acrylic lense. The fast majority of the comments included concern with the dark sky ordinance and light trespass.

Manager Cortez asked for direction on how to be responsive to the different desires to include: Dark skies; light pollution and trespass; historic character and the savings with the LED lights.

Public Comments: The following persons address the commission regarding the LED street light replacement project:

Alan Zackheim, Betsy McCarthy, Paul Cartwright, Susan Smith, Lizzie Carlson Thompson, Pat Bic, Mary Ann Dunwell, Colleen Murphy, Hugh, Paul Pacini, Becky, Gus Byrom and Diana Hammer.

Comments included concerns with glare of new lights, new lights are not dark sky compliant, do not lose the inviting nature of the residential neighborhoods, there are LED lights that are dark sky compliant, you have to address light trespass in addition to up-lighting, stop the project and take time to complete a comprehensive street light plan for Helena; need listen to what the community wants; supports the LED lights, not the 3000 k; encouraged the installation of 2200 k lights, appoint an ad-hoc committee to study the issues and bring back a recommendation to the commission, the Citizen Conservation Board has been looking into this issue and have concerns with the choices being made, and do not change the ordinance to approve the fixtures.

Commissioner Noonan acknowledged there are a lot of questions due to the public comments received and asked how will these questions be addressed. He then suggested the commission re-visit this in a month.

Mr. Skjervem stated without a question there are a lot of questions and issues, NorthWestern will be happy to sit down with the commission and provide answer to questions that have been asked today

Commissioner Noonan asked that the street light project be put on a future administrative meeting. Manager Cortez noted staff would do additional homework prior to rescheduling.

Commissioner Wicks stated this project is being paid for by NorthWestern Energy with no costs to the city. She asked if different fixtures are used, would there be a cost to the city and if the project is put on hold for a year, does that change the costs to the city.

Commissioner Noonan asked if the costs of this project go back to the consumers. Mr. Skjervem noted each area has individual street lighting districts and the residents in those districts pay an assessment for the streetlights.

City Attorney – Helena-Lewis and Clark National Forest Ten Mile-South Helena Project Litigation - Attorney Jodoin stated The United States Forest Service Record of Decision approving the Ten Mile-South Helena Project (“Project”) in the Helena-Lewis and Clark National Forest was issued on December 19, 2018. The Helena Hunters and Anglers Association (“Helena Hunters”) filed a lawsuit (*Helena Hunters and Anglers v. Marten et al, Case No. 9:19-cv-00047-DLC*) challenging the aspects of the Project that involved mechanical work in two Inventoried Roadless Areas on March 19, 2019.

The Helena-Lewis and Clark National Forest requested that the City either intervene in the lawsuit or file an amicus brief in support of the Project.

The City commission held an executive session on May 20, 2019, to discuss litigation strategy and consider the Helena-Lewis and Clark National Forest request. General public comment was accepted, and the entirety of those comments were from supporters of the Helena Hunters and related to the consideration by the City Commission as to what role the City should take with respect to the Helena Hunters’ lawsuit. The commission made no decision at that meeting and has not made a final decision as to the role of the City.

On June 20, 2019 the Alliance for the Wild Rockies and the Native Ecosystem Council filed a complaint challenging the entirety of the Project (*Alliance for the Wild Rockies, and Native Ecosystem Council v. Marten et al, Case No. 9:19-cv-00106-DWM*).

Staff is looking to obtain City Commission guidance on the next steps, regarding the city's role in the above litigation, if any. Staff recommends that the City Commission hold a special meeting to take public comment prior to decision and if deemed necessary consider a litigation strategy meeting.

Attorney Jodoin noted it may be too late for the city to intervene on the Helena Hunters case; however, we could get involved in the 2nd case.

Public Comments – Major General Gene Prendergast read and submitted a prepared letter regarding the Tenmile Watershed Collaborative Committee, the importance of fuel mitigation. Major General Prendergast urges the city commission to move forward immediately by filing an *amicus* brief in support of the Forest Service's Tenmile/South Helena Project.

Brian Kahn gave a summary of his involvement with the Tenmile/South Helena Project as the facilitator and suggested the city commission schedule a public hearing on this issue before making a decision.

There was commission consensus to schedule a special meeting/public hearing.

6. Department Presentations

Parks & Recreation – Update on 2019 Open Lands Management Plan - Director Ponozzo reported per Commission request, staff solicited consulting services to update Chapter 7 of the Open Lands Management Plan. Through an RFP process, the City received two proposals. A community panel reviewed the proposals and recommended Collaborative Decision Resources (CDR) of Boulder CO.

CDR is currently talking to open lands stakeholders and has likely reached out to the Commission. The CDR Team will capture and articulate the community's vision regarding the use and management of open lands, and will integrate that vision into an updated Recreation Plan. The CDR Team anticipates recommending to City Commission various processes for improved communication, stakeholder engagement, and decision-making regarding Helena Open Lands (HOL) recreation.

The process is divided into two phases:

1. **ASSESSMENT:** Through an open and inclusive process, the Assessment Phase engages interested user groups in interviews (in-person and via teleconference). This phase will solicit community values, issues, ideas, vision, and guiding principles for the future management of HOL. This phase is anticipated to conclude in the summer of 2019. The CDR Team will present themes, key issues, and process recommendations for developing the foundation of the Recreation Plan update to user groups and agencies.
2. **IMPLEMENTATION:** The CDR Team will facilitate discussions among user groups to co-create methods for HOL management, while also considering a process for adapting to future unknown conditions. The CDR team will incorporate feedback of user groups, including areas of agreement and divergences of opinion regarding management, into a Recreation Plan update for Commission.

The Assessment Phase will occur in June and early July 2019. The Implementation Phase will follow in Summer and early Fall 2019.

CDR will host a community discussion in July/August. CDR respectfully requests that the City Commission wait until this meeting is held to re-engage the Helena community in

conversations about Open Lands. CDR has determined that the energy around this topic is delicate and would rather proceed in the manner previously laid out in the proposal.

Manager Cortez reported she and Director Ponozzo have been in discussion with the consultant and asked if a commission member would like to participate in the discussions with the consultant. Commissioner Wicks volunteered to begin participating in the conversations. Commissioner Noonan stated he would participate if Commissioner Wicks is not available.

Update on the 2019 Helena Open Lands Work Plan – Director Ponozzo reported we are currently revising our open lands work plan based on the questions and feedback we received at the last commission meeting and we are adding work for the newly acquired Whyte Property. The Open Lands Work Plan is our yearly work plan outlining land management maintenance activities scheduled for implementation in 2019. The work plan is updated each year to address needs emerging as a result of input from the citizens of Helena, HOLMAC, and/or city staff.

The 2019 Open Lands Work Plan Draft was made available for public comment on the city's website on March 11, 2019 and formally reviewed by HOLMAC and the public at an open house on April 9, 2019. Public Comments were received and changes have been made to the plan in response to that public comment. We are opening another public comment period on this work plan and will hold a public open house on July 25. We will also be taking this to HOLMAC, The City-County Parks Board and Helena Citizens Council. Staff will bring the work plan back to the commission in late July or August

Transportation Systems – Traffic Calming Discussion – Interim Transportation Systems Director David Knoepke reported the City of Helena has developed the Neighborhood Traffic Calming Program (NTCP) to provide residents with the opportunity to raise neighborhood traffic concerns and to participate in the selection of strategies that promote safe and pleasant conditions for residents, pedestrians, bicyclists, and motorists in City neighborhoods.

The NTCP is designed to provide consistent, citywide policies to neighborhood traffic management and to ensure equitable and effective solutions to a variety of traffic concerns expressed by local residents. The program intent is to treat similar traffic problems equally, while recognizing the differences in individual resident levels of concern and traffic tolerances. The purpose of the NTCP is to implement traffic calming techniques, where appropriate, in response to neighborhood requests for assistance with traffic concerns. The NTCP is designed to provide guidelines and methods of evaluation to systematically address neighborhood traffic problems. Under this program, staff will work with residents to identify traffic issues and seek appropriate solutions.

Capital Transit Ridership Redesign Program Options - Interim Transportation Systems Director David Knoepke and Transit & Fleet Superintendent Elroy Golemon reported the City recognizes that our current Transit System is resource intensive, suffers of low ridership demand and it is limited in its scope.

Capital Transit currently operates two Fixed Route buses within the City and four complimentary ADA Paratransit buses. The fixed route buses have limited stops. The Paratransit buses are required if a transit provider operates a fixed route system. Additionally ridership must apply and be approved for ADA Paratransit service.

Capital Transit currently operates one deviated-fixed route bus serving the East Helena-East Valley region.

This item is introduced to give the commission an update and preview of future actions that the Department has planned as it considers a redesign of the City's Transit system.

Manager Cortez addressed the ridership of the system and the costs affiliated.

Superintendent Golemon referred to the information included in his PowerPoint handout with included the following:

- Comparison of Traditional Transit and Demand Response Transit
- Demand Response Service or New Scheduling Technology
- Community Outreach Dates & Questions

Manager Cortez stated the key message is the current system does not work and the new system shifts to service not bureaucracy and could provide additional services for people. Manager Cortez asked if the commission is comfortable with staff holding the community meetings on the proposal to use the Demand Response Service.

Commissioner Wicks ask if this is economical feasible for the city of Helena; do we have any similar size cities that have used this service. Superintendent Golemon stated there currently is not a city of our size using the Demand Response Service. He referred to Arlington Texas, who currently uses the service. Manager Cortez stated West Sacramento uses VIO.

Superintendent Golemon announced there will be a trolley service for the downtown area that will run Monday – Friday and limited hours on Saturday. Superintendent Golemon described the routes for Monday-Friday and Saturday. The trolley will begin on July 29 for a 30-day trial period. Manager Cortez stated the community has made this request for the downtown and Great Northern area. The proposed routes will connect the dots in the downtown area. Manager Cortez noted the commission provided funds in two different areas. If successful, staff will bring back the trolley service for funding discussion.

7. Committee discussions

Helena Citizens Council – No report given.

8. Review of agenda for July 15, 2019 Commission meeting –

9. Public comment – State Representative Mary Ann Dunwell requested that the Lewis & Clark Democratic Central Committee be allowed to meet in the City-County Building once a month. She noted the Central Committee is designated as a public organization through the Secretary of State Office. Manager Cortez stated the previous policy for the building was not to allow non-government meetings be held in the building. However, she will approve the request.

Commissioners Noonan and Wicks and Mayor Collins concurred to open the City-County Building for public meetings. There was discussion to open the building to public organizations designated through the Secretary of State Office.

10. Commission discussion and direction to City Manager – Manager Cortez summarized the following:

1. PIO – Will begin her employment on Monday, July 15, 2019.

2. Beattie Street Trailhead project – staff will bring the design back to the commission prior to moving forward.
3. The City Engineer will give an update report on the CCIP Projects at the second administrative meeting of each month.
4. LED light discussion will continue
5. Staff will schedule a public hearing date to discuss the Ten Mile-South Helena Project litigation.
6. Commissioner Wicks will begin to meet with Manager Cortez, Director Ponozzo and the consultant on the Update on 2019 Open Lands Management Plan, Recreation Chapter
7. Proceed with trolley
8. Open the City-County Building to public organizations designated through the Secretary of State Office.
9. Working with Commissioner O’Loughlin on a letter regarding the Red Alder project being designated as “Farmland of Local Significance” and not eligible for the Housing Trust Fund grant.

Commissioner Wicks commented Commissioner O’Loughlin and Clerk Havens are working on a letter of support for the Firetower Apartments. The letter will be available for signatures on Monday, July 15.

11. **Adjourn** – The meeting adjourned at 6:10p.m.