

SUMMARY OF ADMINISTRATIVE MEETING
February 9, 2011, 4:00 p.m.
Room 326, City-County Building - 316 N. Park Avenue – Helena

1. Call to order, introductions, opening comments – Mayor Pro Tem Cartwright called the meeting to order. Commissioners Ellison, Elsaesser and Thweatt were present. Mayor Smith and City Manager Alles were excused. Staff present was: Executive Assistant Clinda Feucht; Community Development Director Sharon Haugen; Planning Kathy Macefield; Community Facilities Director Gery Carpenter; Parks & Recreation Director Amy Teegarden; Assistant Public Works Director Phil Hauck; Human Resources Director Rae Lynn Nielsen; City Attorney David Nielsen; Administrative Services Director Tim Magee, Assistant Fire Chief J.R. Feucht; Assistant Police Chief Dave Jesertiz; Police Captain Roger Johnson, HATS Manager Ed Robinson and City Clerk Debbie Havens.

Others attending all or a portion of the meeting included: HCC representatives Lorabelle Behlmer and Chris Goss, Public Art Committee members Vivian Hayes, Jim Gillman, Carol Montgomery and Carol Swanson.

2. **January 19, 2011 Administrative Meeting Summary** – The January 19, 2011 administrative summary was approved as submitted.

3. **Commission comments, questions -**

A. Upcoming Appointments – Mayor Smith is recommending the following appointments: Appointment of George G. Allen to the BID/HPC. Term will begin upon appointment and expire October 31, 2014.

Appointment of Gayle Agostinelli and Trevor Parrish to the Civic Center Board. Terms will begin upon appointment and expire March 1, 2014

Reappointment of Brad Culver, Susan Dostal and Judy Kline to the Civic Center Board. Terms will expire March 2, 2014.

4. **City Manager's Report**

A. Budget Guidance – No discussion held due to City Manager Alles not being present.

B. Use of Surveillance Cameras – Director Teegarden reported she attended a demonstration on the use of security cameras as a deterrent for graffiti and vandalism. The FlashCAM product is a digital camera system that downloads high-resolution photos to a laptop. They system is portable and can be used in multiple locations. Director Teegarden discussed the potential use and issues of using security cameras in Helena with other department staff (Police, Parking Commission and City Attorney's Office).

City staff discussed the level and frequency of vandalism and crime occurring in several parks and parking garages. There was agreement that security cameras could be a useful tool in prosecuting vandals. The idea being that just getting the word out about the successful prosecution of vandals would help deter future vandalism and tagging in high-prone areas. The use of security cameras would be limited to specific locations or sites that demonstrate a pattern of crime for the specific purpose of trying to catch people in the act, or deter unlawful behavior in areas that are likely to "invite" graffiti/tagging and other acts of vandalism.

The use of security cameras was discussed with the City Attorney in relation to Resolution 19181, which was passed in December 2004 to protect the civil liberties of the citizens. Of particular importance to this discussion, the resolution states that the city "*refrains from engaging in the surveillance of individuals or groups of individuals...*" and "*has not established a general surveillance network of video cameras deploying facial recognition technology or other biometric identification technology*". It is the City Attorney's opinion that the use of security cameras in locations with a pattern of crime and vandalism for the specific purpose of prosecution or determent does not impede on civil liberties of Helena citizens.

The Parks Department and the Helena Parking Commission would like to "cost-share" the purchase and installation of one security camera system as a pilot project. The pilot camera would be used at the band shell and in the parking garage where there have been multiple crimes. The Police Department would be responsible for the logistical operation of the system. They would provide feedback as to the ease of the operation and effectiveness as a crime prevention and/or evidence gathering tool. Based on the results of the pilot project the decision to continue or increase use of the security cameras would be made.

The costs of security camera systems range between \$6,000 and \$7,500 depending upon features and discounts.

Commissioner Ellison stated he understands one camera would not establish a pattern, however,

how would the proposal not be classified as surveillance of individuals, per Resolution 19181. City Attorney Nielsen stated the surveillance would be in areas where there is a demonstrated area of crime and it would be targeted toward the crime and not a specific person. It would be used to protect a specific location and would be used to deter vandalism.

Commissioner Ellison stated he understands the proposal is to protect city property. He then asked what is the timeframe the pilot project would be implemented. Director Teegarden stated the equipment would be included in the FY12 budget and if approved, implemented in July 2011. Director Teegarden noted she believes the camera could be used as a tool when it comes to prosecuting a crime.

Commissioner Thweatt referred to the 2009 legislative prohibition against using video cameras to enforce traffic violations and asked if it was broad enough to prohibit using security cameras in public parks. City Attorney Nielsen explained the law and how this pilot program is different. Director Teegarden noted the surveillance camera would not be staffed, but would be used if a crime has been committed. Commissioner Thweatt stated he is inclined to support the proposal. However, he asked staff to review the previous laws.

Commissioner Elsaesser referred to the Patriot Act resolution and asked if this proposal would be packaged on how and when a specific area would under surveillance and would this proposal be used in an on-going investigation? City Attorney Nielsen stated he believes the camera would be used to protect city property. Commissioner Elsaesser asked if the data card would be reset every day or so. Director Teegarden stated she does not know the specifics of the camera; however, the concept is the camera could be moved around to a variety of locations based on the need. Commissioner Elsaesser stated he believes there will be citizen feed-back and asked that it be made clear what the cameras will be used for.

Mayor Pro Tem Cartwright asked what these cameras would do to the overall vandalism in specific areas; does it move it around or does it drop it. Director Teegarden stated she does not have that specific information. Assistant Police Chief Jeseritz stated he has been in contact with the City of Denver Police Department and they have had very good success with the cameras in areas of vandalism and tagging. He spoke about the feature of moving the camera and leaving the box, giving the appearance of a camera.

Mayor Pro Tem Cartwright referred to the tagging that railroads experience and asked what rail companies use cameras. Staff did not have this information. Mayor Pro Tem Cartwright stated he is torn on this issue and wondered if the vandalism would just move if certain areas have cameras. Mayor Pro Tem Cartwright stated the commission will see this again during the budget hearings.

Assistant Police Chief Jeseritz gave an overview on the benefits the cameras being considered can offer. Specific times of the day can be set and not necessarily during the daytime hours.

Commissioner Elsaesser stated he is concerned with the interpretation of the proposal. Mayor Pro Tem Cartwright asked that this be brought back for an update before the commission in April.

C. HATS Budget – Public Works Assistant Director Phil Hauck referred the commission to the Proposed FY2012 Helena Area Transit Service preliminary budget and Transportation Plan. The purpose is to inform the commission that this is a very preliminary budget and that the commission will have the normal budget process to make changes they deem necessary. This insight will also give the commission an update on the levels of federal funding for operations and capital which HATS will be applying for.

HATS Manager Robinson stated the proposed budget is preliminary and can be changed at anytime during the budget process. Mayor Pro Tem Cartwright commented this budget is used to apply for grant funding through MDT.

Commissioner Ellison referred to the pages “coordination overview” and asked where the document originated. HATS Manager Robinson stated most of the article comes from the last City of Helena’s Coordinated Transportation Plan, Transit Section. Commissioner Ellison asked that the information be updated.

Commissioner Elsaesser asked for an update on the Transit Facility. Community Facilities Director Gery Carpenter noted the two buildings will be finished in mid March. However, the asphalt will not be completed until May. Therefore, the buildings will not be occupied until the entire project is

complete, sometime in mid May. He noted the project is coming in under budget and on time, with the exception of the asphalt being laid.

Commissioner Elsaesser suggested if there are remaining funds available that a sheltered bike rack and an emergency phone be installed. Director Carpenter stated there is a bike rack; however, it is not sheltered and there are no plans for an outside phone. Commissioner Elsaesser stated he would like to see an emergency phone and possibly a sheltered bike rack. He asked staff to review the notes from the neighborhood meetings. HATS Manager Robinson noted there are some amenities installed that came out of the neighborhood meetings.

Commissioner Elsaesser asked for an update on the ridership of HATS. Manager Robinson noted with the cuts of the commuter bus and the trolley, the ridership is down. The extreme cold also impacts the ridership. Commissioner Elsaesser asked if there is any noticeable shift between ridership with the fixed routes versus curb to curb. Manager Robinson stated there has always been a larger ridership with the fixed routes versus the curb to curb.

Commissioner Elsaesser asked if there are any plans to expand the fixed route ridership. HATS Manager Robinson noted there are plans to bring a signature campaign to create a transit district in the spring of 2012. Manager Robinson noted without additional funding, operations are limited. Commissioner Elsaesser stated he would like to move toward more fixed routes. He noted he thought with the transit facility, there were going to be additional fixed routes and get away from curb to curb.

Mayor Pro Tem Cartwright suggested that Commissioner Elsaesser and staff meet to discuss his ideas.

Commissioner Ellison asked when a ribbon cutting might happen at the new facility. Gery Carpenter stated he believes it may happen around the first of April

Commissioner Thweatt concurred with Commissioner Elsaesser's comments and suggestions.

Mayor Pro Tem Cartwright asked if an emergency phone could be installed that would automatically ring into police dispatch and if a sidewalk could be installed off the southeast corner of the facility. Community Facilities Director Gery Carpenter stated the original design could be enhanced; however, MDT has been very clear that no additional amenities could be added and funded off the original project site. The southeast portion of the site is a right-of-way. Staff has done as much as possible to allow a connection in the future.

Mayor Pro Tem Cartwright asked what the plans are for the existing bus facility. Community Facilities Director Gery Carpenter noted there are three city departments that have expressed an interest in occupying a portion of the facility. Those include the Police, Fire and Parks Departments.

Mayor Pro Tem Cartwright asked that staff keep in contact with the adjacent property owners to the west of the property. In the future, it may be an option to sell the current facility.

5. Department Discussions

Community Development

Public Art Project Proposal – Vivian Hayes, Chair of the Public Art Committee (PAC) gave an overview of the activities of the PAC. Ms. Hayes reported the PAC has proposed the installation of a series of murals on the front, back and side of a series of three concrete arches located on the east side of the Trolley Block of the downtown walking mall. These arches connect to a pedestrian stairway located between the Montana Works Comp building and the Windbag Restaurant (Boston Block building).

These arches are located on private property. Last year property owner, Randy Beckner, signed a façade easement to allow the installation of such murals, similar to the Women's Mural on the Livestock Building which also has a façade easement. He also signed a pedestrian access easement for this same property to allow the public to legally use this pedestrian walkway. The City Attorney's office has revised these easements for Mr. Beckner's signature. These easements must be submitted to the city commission for acceptance.

The PAC solicited proposals in 2009 for this project; three artists responded and Lance Foster's series of murals are recommended because his proposal included all faces of the concrete arches and was more definitive. He also stated his willingness to be available if repair is needed in the future.

After appropriate easements are accepted and a contract is signed, the artist can begin work in spring 2011 when the weather permits. The artist will apply a protective coating to the murals and would be available to help with maintenance in the future if necessary. An additional \$500 is available in the "restricted public art cash reserves" of the 440 fund and could be activated for this purpose when needed.

The PAC has received \$2,000 in private donations to install site-specific artwork on these arches. An additional \$5,000 is currently available in the "restricted public art cash reserves" of the 440 fund. This money was raised through private donations, Chalk UP Helena! and Open Studios Tours. A request to activate and allocate these 440 funds for this public art project has been submitted.

Artist Lance M. Foster was present to answer any questions. Mr. Foster noted he will be changing the design a little bit after visiting with the Wong Family.

There was commission consensus that this proposal is a great project and will be an asset to the area. Community Development Director Sharon Haugen stated the commission will need to approve the contract with the artist and the proposed easements.

Administrative Services

CCIP Acceptance – Administrative Services Director Tim Magee reported staff has completed development of the 2011 Comprehensive Capital Improvement Program (CCIP) document.

Annually, the components of this CCIP report are compiled and presented to the city commission before the Commission's Annual Budget Development Work Sessions. Therefore, the city commission is able to apply a long-term perspective with full understanding of its essential service needs when creating the annual budget and addressing annual rates.

This report and its underlying analysis worksheets become a starting point for further annual and long-term financial planning. The 2010 CPI-U inflation rate of 1.5% is shown as an example and reference for the city commission's further consideration of annual rates. Director Magee referred to page 17, Rate/Fee Supported Operations, Summary of Rate Assumptions and Supported CCIP.

Director Magee stated the acceptance of the CCIP report is on the February 28th city commission meeting agenda.

Commissioner Elsaesser referred to page 86 and noted 11.72% was approved for street maintenance and the commission tentatively agreed that 4% of the increase was to be allocated for non-motorized projects and 4% for trails and walkways. He asked that the non-motorized and trail projects be listed in the CCIP document. Administrative Services Director Tim Magee noted staff is waiting for the recommended trail list from NMTAC. Once staff has the necessary information, it will be included in the CCIP report.

Director Magee stated the increased rates approved last year will be implemented into the FY12 budget; which include \$50,000 for the ADA requirements, \$50,000 for trail maintenance for trails located on street right and \$25,000 for street striping. Unless the commission reallocates the \$125,000, staff will continue to use it for those purposes.

Commissioner Elsaesser asked if the 4% of the 11.72% increase amounts to \$100,000. Director Magee explained the street maintenance increase was to support all the components of street maintenance and the special projects included the ADA requirements, trail maintenance and bike/ped striping.

Commissioner Elsaesser stated his recollection was 4% of the increase was for non-motorized and 4% for trails/sidewalk maintenance. Commissioner Elsaesser stated his intent was carving out a non-motorized program in the street utility maintenance utility. Director Magee noted trails cannot be built from street maintenance and if they are not located adjacent to the street, the maintenance cannot be funded.

Mayor Pro Tem Cartwright referred to a spreadsheet provided to the commission, which gave the "what if" numbers that Commissioner Elsaesser is referring to. He noted he does not recall the worksheet being included in the packet. However, his memory is more in line with what Commissioner Elsaesser has stated. Director Magee stated the original information was presented at an administrative meeting, the information/direction received at the administrative meeting was forwarded to the commission meeting and what was adopted included any amendments offered and approved at the commission meeting.

Commissioner Elsaesser stated the commission declined adding an additional superintendent position in solid waste and streets. The money saved from not funding the position should have gone to the non-motorized and recycling funds. Commissioner Ellison concurred with Commissioner Elsaesser. Assistant Public Works Director Phil Hauck noted those funds have been allocated to the non-motorized and recycling programs. Director Magee noted the position discussion would have taken place during the budget discussions and not during the CCIP.

Mayor Pro Tem Cartwright asked if the street superintendent's salary would have come out of the street maintenance fund. Director Magee stated the amendment to remove the superintendent position was done during the budget adoption; the rate increase decisions were made after that. Mayor Pro Tem Cartwright suggested the commission go back and check their notes regarding these issues. Discussion was held on what street maintenance funds could be used for; specifically the maintenance of trails that are in the street right of way. Mayor Pro Tem Cartwright acknowledged the street maintenance funds could only be used for maintenance and noted CTEP funds among other funding sources would be used to build Centennial Trail. Commissioner Elsaesser stated he hadn't realized the street maintenance funds could not be used for trail maintenance for those that are not on street right of way. He stated he does not see in the general fund where the maintenance of Centennial Park will come from and the completion of Centennial Trail. City Attorney Nielsen stated he will follow-up on exactly what trails qualify to use street maintenance funds for maintenance.

Mayor Pro Tem Cartwright asked staff to provide the commission the meeting dates for the budget adoption and rate hearings. Director Magee noted the budget is proposed to be adopted on June 27th and rate hearings will be held on August 22nd.

Mayor Pro Tem Cartwright commented the commission approves the budget with no rates being increased and then adopt the rates in August for the next capital maintenance program.

Mayor Pro Tem Cartwright referred to page 19 and noted there has been a steady increase in rates. He noted the rate increases were approved above inflation to make up a percentage in CCIP. However, a large percentage of the increases are going to some maintenance but a large portion is being used toward salaries. He asked that the enterprise funds rate increases be broken out on how much of the increase will be used for new capital infrastructure versus personnel budgets. Director Magee noted he does not have the data going back; however, going forward he could provide this information.

Commissioner Elsaesser noted there is reference to a third fire station in FY2015. Director Magee noted the CCIP is a plan for the future. Once staff receives the Centennial Trail Plan, it too would be included in the CCIP document.

Commissioner Elsaesser then referred to page 34 and asked how locked in is the commission if it is listed in the CCIP document. Director Magee explained this is a marker and projects have continually been moved out. It does not commit the city to building the third fire station; it simply is a marker in the document. Lots of other pieces would have to be developed before moving forward on the construction of a fire station.

Commissioner Elsaesser referred to page 160 and asked what is envisioned for the \$1 million capital project for recycling. Public Works Assistant Director Hauck gave an overview of several options to enhance the recycling program at the current transfer station.

Mayor Pro Tem Cartwright reported staff gave an update on the ADA priority lists to the NMTAC. NMTAC is reviewing the recommended projects and will forward their recommendation to staff.

Commissioner Elsaesser commented non-motorized and recycling are two components that he does not believe are adequately addressed in the CCIP document. He noted he will have additional questions/comments at the February 14th city commission meeting.

Further discussion was held on the acceptance of the CCIP document, the ramifications of doing so and using it as a working document to develop any rate increases.

5. Committee discussions

a) ADA Compliance Committee, Audit Committee, Board of Health, Civic Center Board, Montana League of Cities and Towns – No report given

- b) Audit Committee, Board of Adjustment, Non-Motorized Travel Advisory Committee, Intergovernmental Transit Committee – No report given
- c) Helena Chamber of Commerce, Information & Technology Services (IT&S), Montana Business Assistance Connection (MBAC), Pre-Release Screening Committee – No report given
- d) Audit Committee, City-County Weed Board, Public Art Committee, TCC – No report given
- e) BID/HPC, City-County Admin Building Board, City-County Parks Board, TCC - No report given
- f) Helena Citizens Council – HCC representative Chris Goss reported the HCC held elections in January with the following results: Jim McCormick, Chair; Lorabelle Behlmer, Vice-Chair, Olivia Tooley, Secretary and Ellen Bell, Treasurer. The HCC also approved Mayor Smith's memo regarding the structuring of four city boards. A sub-committee of the HCC will work with city staff to move forward on the proposal.

Review of agenda for February 14th meeting – No discussion held.

- 8. **Public Comment** – No public comment received.
- 9. **Commission discussion and direction to City Manager** – No discussion held.
- 10. **Adjourn** – Meeting adjourned at 5:45 p.m.