

SUMMARY OF ADMINISTRATIVE MEETING
June 22, 2011, 4:00 p.m.
Room 326, City County Building – 316 N. Park Avenue, Helena

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Cartwright, Ellison, Elsaesser and Thweatt were present. Staff present was: City Manager Ron Alles; Executive Assistant Clinda Feucht; Community Development Director Sharon Haugen; Administrative Services Director Tim Magee; Budget Manager Robert Ricker; Administrative Services Administrative Assistant Carrie Hahn; Community Facilities Director Gery Carpenter; Assistant City Attorney Thomas Jodion; Public Works Director John Rundquist; Assistant Public Works Director Phil Hauck; Water/Wastewater Superintendent Don Clark; Fire Chief Steve Larson; Police Chief Troy McGee; Parks & Recreation Director Amy Teegarden; Neighborhood Transportation Coordinator Allen Cormany and City Clerk Debbie Havens.

Others attending all or a portion of the meeting included: HCC Representatives Chris Goss, Lora Behlmer and Janet Hess-Herbert; NMTAC members Bruce Newell and David Scrimm; ACHIEVE Committee members Ken Wallace, Adam Huscha, Terry Wright and Mary Tuckerman-Hollow and Jamie Ryan.

2. **May 18, 2011 Administrative Meeting Summary** – The May 18, 2011 administrative summary was approved as submitted.

3. **Commission comments, questions –**

A. Upcoming Appointments – Mayor Smith is recommending the following appointments:

Airport Board of Adjustment – Commissioner Paul Cartwright and Bridget Holland.

Community Development Director Haugen gave an overview on the need and process for appointing the Airport Board of Adjustment.

Commissioner Ellison stated he supports the two recommended appointments. However, he has concerns on the process that is being proposed. Commissioner Ellison pointed out the language of the Helena City Code and MCA that is not consistent with the process for appointments to the Airport Board of Adjustment. Commissioner Ellison asked that staff research the appropriate city codes and state statutes prior to taking action at the June 27th city commission meeting.

Mayor Smith suggested this appointment be tabled at the June 27th city commission meeting until Commissioner Ellison's concerns could be addressed. City Manager Alles noted the City Attorney's office staff has reviewed all city codes and state statutes and believes the process is correct; however, he will research the MCA language prior to the June 27th commission meeting.

Commissioner Thweatt asked for a short report on the variance being requested of the Airport Board of Adjustment. Director Haugen reported it is a request from RMDC to build a senior housing project in the Anderson Subdivision, which is in the airport's noise influence area.

ADA Compliance Committee – Appointment of Allen Tompkins to an unexpired term on the ADA Compliance Committee. Term will begin upon appointment and expire September 1, 2013.

Non-Motorized Travel Advisory Council – Appointment of Jake Troyer to an unexpired term on NMTAC. Term will begin upon appointment and expire March 31, 2013.

4. **City Manager's Report**

A. Budget Discussion – City Manager Alles asked the commission if there are any questions of the budget that is on the June 27th city commission meeting agenda.

Mayor Smith requested any amendments to the budget be submitted in writing prior to the city commission meeting.

Commissioner Elsaesser asked if the city had received a request to partner with Lewis & Clark County in the application for an Energy Corps member. City Manager Alles stated he received the request last week to co-sponsor with Lewis & Clark County in the amount of \$6,000. Commissioner Elsaesser stated he would support co-sponsoring this application. City Manager Alles stated he had declined to participate and if the commission would like to, an amendment could be offered. City Manager Alles noted once the budget is adopted, it is his recommendation to have an existing staff person begin working with Energy Cap program.

Commissioner Cartwright asked if the city could support the application and not obligate the \$6,000. City Manager Alles noted if the city were to participate it would cost \$6,000.

Commissioner Cartwright noted a city staff person has been in contact with DEQ; he noted he too believes doing the work in-house is the right thing to do.

Administrative Services Director Magee stated the city has seen a 25% savings in energy since

2007; staff continues to work on energy savings projects.

Commissioner Ellison stated he has no amendments to offer on the budget. Commissioner Cartwright referenced his recent email on trends in personnel costs and noted this issue needs to be addressed in the coming years.

Commissioner Cartwright stated Manager Alles has proposed the restructuring of the Public Works Department and he may have an amendment to keep the Neighborhood Transportation Coordinator and not hire a Transportation Engineer. The proposal is to have the engineer work on non-motorized projects as well as motorized. Commissioner Cartwright stated he wants to make sure that the engineer works equally between non-motorized and motorized projects. Commissioner Cartwright asked what happens if a transportation engineer cannot be found. In addition, he wants to make sure the staff support for NMTAC continues and not use an engineer for the preparation of agenda and meeting summaries. Commissioner Cartwright stated if the logistics could be worked out, he would support the recommended budget. Manager Alles asked Commissioner Cartwright if he is referring to city staff, as the NMTAC minutes and memos reference Laura Erickson as county staff assigned to the committee. Commissioner Cartwright stated he believes Ms. Erickson attends the NMTAC meetings but does not staff it.

Commissioner Elsaesser stated he too is concerned with the re-organization of the Public Works Department. He would like to be assured that the transportation engineer would work on non-motorized issues. Manager Alles stated he believes the city should address motorized and non-motorized transportation as one issue and not separate the two.

Commissioner Elsaesser stated he will offer the following amendments on Monday, June 27th: 1) Setting aside contingency funds for Centennial Trail; 2) Creating a capital fund for the recycling program and not hiring the position until the program is defined.

NMTAC/HCC member David Scrimm stated the commission has done a lot of work on the budget; he expressed concerns with the staffing of NMTAC committee and moving forward with the Centennial Trail project. Commissioner Cartwright reported the citizens of Helena have raised approximately \$14,000 in private funds for the Centennial Trail Project.

Mayor Smith spoke on the budget process and thanked City Manager Alles for the work staff has done to prepare the budget. He believes the city is in good condition and is not looking at cuts this year, due to the leadership and recommendations from City Manager Alles during last year's budget process.

Commissioner Cartwright concurred with Mayor Smith's comments. Mayor Smith noted the commission has tried to keep the taxes and fees at status quo as well.

B. Complete Streets Report – City Manager Alles thanked the NMTAC members for the work they do on behalf of the city and for providing a project list, which was included in Chapter Six of the Transportation Plan. The city is in the process of designing the bike lanes on Helena Avenue.

City Manager Alles summarized on December 20, 2010 the City Commission adopted the Complete Streets Resolution (Resolution #19799). The resolution directed the City Manager to provide a scoping document by the end of June 2011 for the process of making recommended changes to City Code and engineering and design standards, as well as, for a process of reviewing, inventorying, and establishing a hierarchy of complete streets needs for selected existing and proposed streets for which construction plans have been approved. Following are the appropriate sections of the resolution and related scoping information.

Section 3 Outline Scoping Document /Process for Standards for Construction of New Streets

- 1) Several appointed Boards and Committees and the City Commission will be involved in the process to amend the necessary City ordinances and Design Standards
- 2) The design and construction of streets are governed by different regulatory mechanisms; therefore the timing and the procedure used for their development and adoption will vary based on the mechanism.

- 3) While formal review processes have been established for the Planning Board, Zoning Commission, and the TCC, other formal review processes should be established for other committees such as the Non Motorized Committee or the County Board of Health in order to incorporate their input.
- 4) Engineering Design Standards- the Engineering Design Standards are currently being revised and reviewed to incorporate additional complete street features. The draft Engineering Standards will be available for public comment August and September of this year and will be presented to the City Commission in late September, 2011. The Engineering Standards will be considered for adoption at the same time the newly revised Subdivision Regulations will be considered (December, 2011).
- 5) Title 12 Subdivision Regulations-Subdivision Regulations as they relate to the planning, design and construction of new streets are being reviewed and revised to ensure that streets are complete streets. Public meetings for community input on specific features and language have been held. Draft regulations will be developed by the Planning Board and staff and will be available for comment this fall. The draft Regulations will also be reviewed to ensure that the proposed ordinance does not impose any impediment towards the goal of making streets in Helena complete streets. The City Commission will be considering adoption by December 2011.
- 6) Title 13 Zoning Regulations- The Landscaping and Parking chapters of the City Zoning Ordinance are being reviewed and revised to incorporate changes necessary to achieve the complete streets policy. Staff has previously held public open house meetings seeking community input on ideas to achieve complete streets. Draft regulations will be developed by the Zoning Commission and staff and will be available for public comment this fall. The draft zoning regulations will be reviewed to ensure that the proposed ordinance does not impose impediments toward the goal of complete street. The City Commission will be considering adoption in December 2011.
- 7) Title 7 Public Ways-The Public Rights of Way and Property portions of the City Code regulate the design, construction, and use of public rights of way. These regulations will be reviewed to determine if there are any changes necessary to implement the concepts of the complete streets policy and to ensure that there are no impediments toward the goal of making streets in Helena complete. Specifically, regulations should be promulgated that specify the required complete streets features to be installed and when such improvements must be made. The individual chapters that will be reviewed are:
 - a. Streets
 - b. Excavations
 - c. Obstructions
 - d. Sidewalks: All sections of this portion of the ordinance should be reviewed. In addition the policies governing the "Sidewalk Replacement Program," the ADA Ramp policy, and the authority to order in sidewalks will be reviewed.
 - e. Construction Curb Cuts and Driveways
 - f. Numbering Buildings
 - g. Snow and Ice
 - h. Trees

- 8) Title 8 Traffic Regulations The Traffic Regulations portions of the City Code is for the most part duplicative of existing state law. To the extent that there are no conflicts with state law these regulations will be reviewed to determine if there are any impediments under the current ordinance as they relate to the Complete Street Policy. They should also be reviewed to determine if any amendments, consistent with state law, could be made to implement the concepts identified in the Complete Streets policy. The individual chapters that will initially be reviewed are:
 - a. Traffic Control Devices
 - b. Pedestrian Traffic
 - c. Bicycle Traffic
 - d. General Parking Restrictions
 - e. On Street Parking Meters The "Placement of Parking Meters" section of this chapter will be reviewed
 - f. Parking, Special use Facilities and Permits

- 9) Title 10 Lighting Standards The Lighting Standards portions of the City Code will be reviewed to determine if there are any impediments under the current ordinance as they relate to the Complete Street Policy. They will be further reviewed to determine if any amendments could be made to further the concepts identified in the Complete Streets policy.

The process of reviewing Titles 7, 8, and 9 of City Code will begin upon the adoption of the Engineering Design Standards, the Subdivision Regulations and the updates to the City's Zoning Ordinance. This review will be completed by June 2012.

Section 4 Process for Establishing a Hierarchy of Complete Streets Needs (Existing Infrastructure)

- 1) Most of the construction of new streets and the reconstruction of streets are not completed by the City of Helena.
- 2) New streets in new developments are the responsibility of the developer and are constructed according to city code and engineering standards.
- 3) Construction of new streets and connections and reconstruction of existing streets are often the projects that are the responsibility of the State of Montana. The majority of these projects are identified in the 2004 Greater Helena Area Transportation Plan but may be modified in the proposed 2014 Greater Helena Area Transportation Plan.
- 4) The City of Helena may, from time to time, complete a major reconstruction of a road or even rarer, construct a new street. Any such projects have been identified in the Greater Helena Area Transportation Plan and will be constructed according to city code and the most recently adopted City Engineering Standards
- 5) The City of Helena, in conjunction with Lewis and Clark County and the State of Montana, will begin the process of updating the Greater Helena Transportation Plan this next fiscal year.

- 6) The Transportation Plan will identify the priorities for new construction and reconstruction of all transportation facilities in the City and for any transportation funding.
- 7) Furthering the concepts of the complete streets policy will be a consideration for all projects identified in the Plan Update. The selection and design of all projects in the priority list will give equal consideration to all modes of transportation and will incorporate any Complete Street features appropriate for the project.

Note:

The City will continue to implement non-motorized projects identified in Chapter 6 of the 2004 Transportation Plan for which it has jurisdiction as recommended by the Non-Motorized Transportation Advisory Committee in consultation with City staff and approved by the City Commission as budget authority allows. The City will also encourage the Montana Department of Transportation, the counties of Lewis and Clark and Jefferson, and the City of East Helena to implement non-motorized projects under their respective jurisdictions identified in the 2004 Transportation Plan.

Bruce Newell, Chair of NMTAC, stated NMTAC members are waiting to engage in conversations with city staff and the commission regarding non-motorized issues. Mr. Newell noted there are special skills when designing for bike and pedestrian amenities and would advocate that staff keep that in mind when hiring a transportation engineer. Mr. Newell commented it is unfortunate that there will be no dirt moved on Centennial Trail this construction season.

NMTAC member David Scrimm stated he was hoping to see more detail on what is being proposed in the memo from City Manager Alles. NMTAC is interested in what city staff is going to recommend changing in order to implement the non-motorized policies.

Commissioner Elsaesser noted in addition to City Manager's scoping document and Resolution 19799, there are allotted funds for non-motorized entities; specifically Centennial Trail and the bike path for Helena Avenue. In addition, there will be a bike lane included on the Custer Avenue interchange. The TCC is another avenue to address non-motorized issues; whose members include representatives from the city, county, state and federal highways.

Commissioner Thweatt stated many of the streets, including the arterials are under MDT and asked how the city's design standards affect how MDT does things when there are improvements on one of those streets. Manager Alles noted MDT does pay attention to the city's policy and design standards. Public Works Director Rundquist noted MDT uses the city's design standards as an advisory when they have a project. Director Rundquist noted it is important to have the joint effort to update the Transportation Plan. It brings three government entities together to work on upcoming projects, both motorized and non-motorized.

Mayor Smith asked for an explanation of the design standards and how are they applied to the non-motorized projects. Public Works Director Rundquist stated design standards encompass a lot of things; relative to the non-motorized projects the planning standards would be the correct standards to use. Design standards are very specific related to street designs and construction details.

Mayor Smith suggested the commission look at the current Transportation Plan and familiarize themselves with it. Director Rundquist stated he believes the Non-Motorized Plan and the Transportation Plan should be adopted concurrently and not separately.

Commissioner Cartwright commented it is important that city staff communicate with the NMTAC Committee members and asked as non-motorized projects come forward they are discussed. Back and forth communications are very important when there is a specific project being considered. Commissioner Cartwright stated a county staff person does attend NMTAC meetings; however, she is not a formal member of the committee.

Commissioner Cartwright stated MDT sets their own standards and designs; however, they do pay attention to the local design standards. Commissioner Cartwright emphasized the importance of city

staff reviewing MDT projects and addressing any concerns with MDT staff.

Commissioner Cartwright referenced the City Managers report per the complete streets policy and stated it is important to lay out what the city can and cannot do; however, he believes the city does have influence on what MDT does. He would like to see the city develop a standard operating procedure on when any type of work is being done on a street, the city review the plans to see if there might be other entities that could be installed at the same time.

Commissioner Thweatt stated he believes the city should use what resources we have to improve and extend our sidewalks, according to a plan that would identify sidewalk routes rather than ordering people to fix bad sidewalks. He believes a sidewalk needing repair is still better than no sidewalk. Rather than ordering citizens to fix bad sidewalks and using up the interest free loan funding, he would like the commission to consider ordering in sidewalks and use the interest free loan to help citizens pay for the sidewalks. In addition, he would like to look for additional funds and focus the efforts according to a plan and complete certain routes.

Commissioner Elsaesser noted there has been a lot of discussion on how to receive input; he invited NMTAC members to attend the TCC meetings and offered to present any questions they may have at the meetings. Commissioner Elsaesser emphasized the importance of getting feedback from the NMTAC members.

Commissioner Elsaesser supports Commissioner Thweatt's proposal on sidewalk routes and noted the city is obligated to bring the intersections up to ADA standards. He is interested in a payment in lieu of sidewalks and use those funds to install sidewalks in high priority areas.

5. Department Discussions

Parks and Recreation

ACHIEVE Grant Update – Parks & Recreation Director Amy Teegarden reported in February, the Helena Parks and Recreation Department received an Action Communities for Health, Innovation, and Environmental Change (ACHIEVE) planning grant from the National Recreation and Parks Association. The application process was extremely competitive with only 10 community Parks and Recreation departments chosen nationwide.

The application, co-written with the Lewis & Clark City-County Health Department, stated the need and opportunity to define the city's role in promoting active living through the Parks and Recreation Department.

By participating in this planning project, the Parks and Recreation department will utilize baseline community health and recreation data as a strong building block for identifying recreation goals and expanding program opportunities.

Director Teegarden gave a PowerPoint presentation on the ACHIEVE Program.

Mary Tuckerman spoke in support of the ACHIEVE program and believes it will encourage the development of partnerships to address these issues.

Terry Wright, spoke from the YMCA perspective and the potential for partnerships to advocate the program.

Adam Huscha reported complete streets and environmental changes were also addressed at the training in Baltimore.

Ken Wallace stated he appreciates including the Health Department as a partner; these types of projects are what this community needs.

Mayor Smith commented on how the ACHIEVE Team is learning the program and are very enthused.

Commissioner Elsaesser asked what the value of this grant is over the next three years. Director Teegarden stated it is a \$40,000 planning grant that will pay for travel for the team, hiring an intern and implementation of the project. The assessment will reveal on where the project will go. Recreation will be a high emphasis.

Mayor Smith stated the nutrition portion of the program is also an important component.

Commissioner Thweatt stated it would help to have community leaders lead by example by

walking and biking.

Commissioner Elsaesser commented this is an important component and then asked if other partners will be invited in to give input. Director Teegarden stated other partners have not been involved at this point; however, eventually they will be brought in.

Public Works

Wastewater Permit Update – City Manager Alles reported city staff does not believe DEQ paid any attention to the city's appeal; therefore, the City of Helena has notified DEQ of our intent to file an appeal with the Board of Environmental Review.

Public Works Director Rundquist handed out copies of the discharge report and noted December 2010 was the only month the city was out of compliance with the total nitrogen load. Director Rundquist reminded the commission the city was issued a permit, in which the city and DEQ worked together on and both parties believed it was a good deal. However, after the comment period had closed the EPA objected to the permit and re-opened it. The city had to go through the process once again and the permit remained pretty much the same with the exception of the nitrogen and phosphorus loads.

Director Rundquist stated there is room for improvement to get the nitrogen and phosphorus levels down over time. Staff is working on the improvements; however, these limitations are going to put the city up against our permit, if we continue to accept new hook-ups and septic sludge. Again, staff is continuing to research what can be done to meet the limit requirements. The city is asking for credit on the hook-ups that have occurred. The EPA is not in agreement with the city's position.

Mayor Smith noted any upgrades to this plant is going to cost the current rate payers a lot of money. Mayor Smith questioned why the City would want to appeal the decision and not just accept the findings and manage the plant that would be the best for the city rate payers.

Commissioner Ellison asked what happened in December that would have caused the city not to be in compliance. Director Rundquist noted there are a lot of natural variations that would cause the city to be out of compliance, including weather and what is coming into the plant.

Commissioner Cartwright asked what percentage of nitrogen load comes from septic tank sludge; is it a significant impact. Director Rundquist could not give a percentage; however, he stated the sludge that is accepted has a significant impact on the nitrogen levels.

Commissioner Thweatt asked if this is driven by the TMDL for the Lake Helena watershed and then asked what DEQ is doing about the other contributors to the watershed. Commissioner Thweatt referred to the 2009 MOU between the city and county and stated it is time to work together to see that DEQ addresses the accumulative impacts. Mayor Smith stated he believes the city has been pursuing this very issue.

Commissioner Ellison stated he believes it is important to pursue the appeal and then if the appeal goes against the city, there would be the background information. He then asked what will happen at the appeal hearing. Director Rundquist explained City Attorney Nielsen has submitted a letter to DEQ notifying them of the city's intent to file an appeal. Staff will prepare the appeal and will keep the commission updated on the process.

Commissioner Elsaesser asked if the rates being considered for FY2012 include an increase for the septic tank haulers. City Manager Alles stated all rates were reviewed and taken into consideration.

Ken Wallace, Chair of the City-County Board of Health stated the Board of Health is aware of the issues and have been in contact with city staff. He noted this is a very challenging issue and he would not want to see the city stop accepting the sludge from septic tanks.

6. 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 would meet at 7:00 this evening. An item on the agenda for discussion is restricting cell phone usage while driving.

7. Review of agenda for June 27th meeting – No discussion was held.

8. Public Comment – No public comment received.

9. Commission discussion and direction to City Manager – Commissioner Cartwright stated Prickly Pear Land Trust has requested a letter of support of for a grant from Fish Wildlife and Parks and staff is also submitting a grant application for Centennial Trail; he asked if the two grant applications would conflict with each other.

City Manager Alles stated he will have a replacement resolution to give the commission on the TBID. The resolution that is in the commission packet does not include the three motels there were recently constructed.

10. Adjourn – Meeting adjourned at 6:05 p.m.