

**SUMMARY OF ADMINISTRATIVE MEETING**  
**September 7, 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 was excused. Staff present was: City Manager Ron Alles; Community Development Director Sharon Haugen; City Attorney David Nielsen; Public Works Director John Rundquist; Assistant Public Works Director Phil Hauck; Parks & Recreation Director Amy Teegarden; Neighborhood Transportation Coordinator Allen Cormany; Police Chief Troy McGee; Human Resources Director Rae Lynn Nielsen; and City Clerk Debbie Havens..

Others attending all or a portion of the meeting included: HCC Representative Lora Behlmer, Paul Montgomery with Anderson/Montgomery, Laura Erickson, Lewis & Clark County Grants Coordinator, IR Reporter Piper Haugan

2. **August 3, 2011 Administrative Meeting Summary** – The August 3, 2011 administrative summary was approved as submitted.

3. **Commission comments, questions –**

Commissioner Ellison asked for an update on the lawsuit filed by Kevin Keeler. City Attorney Nielsen reported MMIA has accepted the defense and he will keep the commission updated as the case progresses through the court system.

Commissioner Ellison asked when the draft ordinance on cell phones will be available. City Attorney Nielsen stated he has a rough draft and will finish final review by Friday, September 9<sup>th</sup>.

Mayor Pro Tem Cartwright noted he has received questions on the fences at Centennial Park that are blocking non-motorized traffic. City Manager Alles stated staff has done their best to notify the public that Centennial Park is still a construction zone and the trails are not yet open to the public. Mayor Pro Tem Cartwright stated he does not believe the fence is located in the correct location and suggested a couple of alternatives. He suggested using the orange snow fence to block pedestrian and bike traffic.

City Manager Alles stated he will visit with Helena Sand and Gravel regarding the location of the fences. Mayor Pro Tem Cartwright asked when the bike/pedestrian curb-cuts into the parking lots would be installed. Director Teegarden stated in regards to the fence locations it is Helena Sand and Gravel's construction site and she is not sure the city can tell them where to locate specific fences. In addition, she does not have the status on when the curb-cuts would be installed; however, she will visit with Community Facilities Director Gery Carpenter.

A. Upcoming Appointments – City Clerk Debbie Havens referred the commission Mayor Smith's recommendations for the following appointments:

**Board of Adjustment** Reappointment of Matt Dalton to a 2<sup>nd</sup> term and Bridget Holland to a first full term on the Board of Adjustment. Terms will begin upon appointment and expire October 1, 2014.

**City-County Historic Preservation Comm.** Appointment of Roger Pederson as a professional representative to the City-County Historic Preservation Commission. This appointment is subject to County Commission concurrence. The unexpired term will begin upon appointment and expire June 30, 2013.

**City-County Parks Board** Reappointment of MC Beeby to a 2<sup>nd</sup> term on the City-County Parks Board. The term will begin upon appointment and expire September 30, 2014.

**City-County Planning Board** Appointment of Devin Cowan and Margaret D. Strachan to the City-County Planning Board. The unexpired term for Devin Cowan will begin upon appointment and expire September 1, 2013 and the first term for Margaret D. Strachan will begin upon appointment and expire September 1, 2014.

**Zoning Commission** Reappointment of Dan Casey to a 2<sup>nd</sup> term and Timothy Meldrum to a first full term on the Zoning Commission. Terms will begin upon appointment and expire September 30, 2014.

**JOINT RECOMMENDATION FROM MAYOR SMITH AND HCC CHAIR MCCORMICK FOR THE FOLLOWING APPOINTMENTS:**

**Helena International Affairs Council** Appointment of Torry van Slyke to the HIAC. First term will begin upon appointment and expire October 28, 2014.

**Public Art Committee** Appointment of Ellen Bell to an expired term on the PAC as an Art Organization representative. Unexpired term will begin upon appointment and expire December 31, 2013.

#### 4. **City Manager's Report**

**Metropolitan Park District** - City Manager Alles reported the City-County Parks Board met today and agreed to begin the process of forming a joint City-County Metropolitan Park District. Commissioner Elsaesser asked if an option would be to look at the formation of a Park Authority. Manager Alles stated staff will do the legal review and report back to the commission.

City Manager Alles reported he received a request from Lewis & Clark County for a member of the City Commission or their designee to sit on the newly formed Mental Health Advisory Board. There was commission concurrence to have a commission member sit on the board. Manager Alles will visit with Mayor Smith.

Commissioner Elsaesser asked what the intent of the advisory board would be. Manager Alles noted there will be a total review of the Mental Health Services in the city of Helena and Lewis & Clark County. Rocky Mountain Development Council (RMDC) will act as the liaison for the advisory board by preparing agendas and taking minutes.

Mayor Pro Tem Cartwright suggested the Police Department be represented on the advisory board. Police Chief McGee noted there is a group that meets monthly to discuss mental health issues and he believes this group will be involved with the newly formed advisory board. Mayor Pro Tem Cartwright asked if there are stats on the amount of time that the police department deals with mental health issues. Chief McGee stated he doesn't have the number of hours the Police officers have dealt with mental health issues; however, he does have statistics on the number of incidents.

Commissioner Elsaesser noted the Montana League of Cities and Towns conference will be held at the same time as the October joint work session and asked if it could be postponed until the 2<sup>nd</sup> Thursday in October. City Manager Alles agreed to contact the County Commission with the request.

City Manager Alles reported he is looking at retaining Dave Clark to assist the city in addressing the Wastewater Permit issues. At this time, no hearing has been set with the Department of Environmental Quality.

Manager Alles reported the HATS Superintendent has been advertised as a  $\frac{3}{4}$  supervisor position; with the reduction in grade the position can be  $\frac{3}{4}$  time and fit into the budget that was approved by the commission.

#### 5. **Department Discussions**

##### **Public Works**

**Centennial Trail** – City Manager Alles introduced and thanked Paul Montgomery with Anderson-Montgomery for the work he has done on the Centennial Trail project. Public Works Director Rundquist explained the original CTEP application was prepared for Phase I. However, once the city received the appraisal on the spur line, which can be used as match for CTEP funding, staff has developed an alternate proposal which will move the project forward.

Director Rundquist noted Paul Montgomery has been hired to develop the CTEP application. The appraisal of \$1.1 million on the spur line property should cover the match for the entire project. Commissioner Elsaesser asked if the donation could cover the county's CTEP funds also.

Paul Montgomery stated the appraisal could also match the county's CTEP funds for Centennial Trail. The appraised value of the land donation by Burlington Northern, between North Montana to Benton can be used as a match and the portion that will be used as a match equates to about \$267,000. That amount would leverage a CTEP grant for a project of approximately \$1.7 million.

Mr. Montgomery gave an overview of the original Centennial Trail route and the amenities along the trail. Public Works Director Rundquist stated it is staff's intention to submit a new CTEP application that would include the entire route from Spring Meadow Lake to WalMart. Once it is approved for CTEP funding, construction on portions of the project could be begin.

Public Works Director Rundquist emphasized the new CTEP application will encompass the entire project and once it is approved, the various portions of the project could be built without going back to get approval from the state. He did note that the city commission would have to approve the spending of the CTEP funds. Commissioner Elsaesser asked what other funding applications have the city submitted for

Centennial Trail. Director Rundquist stated he would find out what other funding sources have been submitted.

Commissioner Elsaesser asked what the scope was for Phase One and by doing the new application, will the original application be pulled. Director Rundquist reported Phase I was approved for CTEP; however, the contracts for Phase I was not brought forward for commission review due to the easement issues. Now the proposal is to submit a new CTEP application that would include the entire trail. Mayor Pro Tem Cartwright asked if the funding is approved and the easements are obtained, could construction begin next year. Director Rundquist stated construction would begin next spring and spoke on spending of CTEP funds.

Mayor Pro Tem Cartwright asked when and how the question on the crossing at Benton Avenue will be resolved. Mr. Montgomery noted there are several dynamics being considered, including the re-location of the cement plant. Mr. Montgomery stated his design includes a tunnel under Benton Avenue.

Mayor Pro Tem Cartwright asked how the cost estimates from the original application to the new application has changed. Mr. Montgomery explained the new design includes many elements that were not included in the original plan. The recommendations from NMTAC include the upgrade of the path surfaces and landscaping. Mr. Montgomery stated in order to maximize the value of the BN right-of-way, the new design includes the widening of the corridor, which can be used for the trail or landscaping.

City Manager Alles asked about the widening of the trail right-of-way and how that would affect the railroad right-of-way. Mr. Montgomery clarified the area is for the abandoned right of way. Mayor Pro Tem Cartwright stated most of the donated right-of-way is adjacent to city property.

Commissioner Elsaesser asked for an update on the railroad right of way. City Attorney Nielsen noted the right-of-way application is still with Rail Link's Engineering Department and it needs to be forwarded to BNSF. Attorney Nielsen reported at one point there was discussion on whether to move forward with an easement or go with a license. In addition there was discussion on an annual rental fee for so much per square foot or a minimal flat fee. The flat fee would be substantially less than the annual fee. Commissioner Elsaesser asked if there is a timeline on when BN will make a decision. City Attorney Nielsen stated he does not know the timeline.

Laura Erickson, Lewis & Clark County Grants Coordinator stated in the original CTEP application for Centennial Trail the county agreed to put \$350,000 in their CTEP funds. With the new revised application, she asked if the city plans on asking the county for additional funds. Manager Alles noted he does not know at this time, what the city may or may not ask the county for in additional CTEP funding.

Commissioner Elsaesser asked could street funding be utilized for the Centennial Trail. Director Rundquist stated the commission could contribute to the project outside of CTEP funding. Mayor Pro Tem Cartwright suggested the stretch from National Avenue to Montana Avenue may qualify for TCC funding.

Director Rundquist noted street maintenance funds need to be spent on street maintenance; however, there are other funding options including gas tax funding, state and federal funding through MDT. Commissioner Elsaesser stated the street maintenance budget was increased to address non-motorized issues and he would like staff to explore all options, specifically crossings.

City Attorney Nielsen noted a street is classified when all types of vehicles are allowed on it. Mayor Pro Tem Cartwright asked staff to provide the commission with a definition of what is classified a street.

Commissioner Elsaesser suggested the crossings might be able to be designed and built to accommodate vehicles and asked staff to look at all options.

NMTAC member David Scrimm spoke in support of Centennial Trail and asked who is responsible for addressing the obstacles and ultimately addressing and resolving them to allow for the construction of the trail. He asked what the city commission and city manager want from NMTAC regarding Centennial Trail.

Manager Alles stated he cannot give a definite timeline to begin construction of Centennial Trail. As soon as the city receives approval from BNSF and CTEP funding can be secured, staff will move forward. Manager Alles noted he is hesitant to have outside representatives other than staff work with BN to get the easement approved. The responsibility of the project is with the commission and professional staff to get the necessary approval and then present the entire project to the community groups. Public Works Director Rundquist stated he believes the current proposal will move the project forward.

Commissioner Thweatt spoke on the easement from BN and asked what other obstacles are out there. Paul Montgomery stated there is a portion of the proposed trail that is in private ownership.

Discussions have been held with the owner of the property. Once a decision on the railroad right of way is resolved the property owner will be contacted to begin discussions. Mayor Pro Tem Cartwright asked if Centennial Trail could be designed around the Yellowstone Pipeline or will they have to be contacted. Mr. Montgomery stated Yellowstone Pipeline representatives would have to be contacted as the trail crosses their easement at two separate locations.

Mayor Pro Tem Cartwright stated it is his understanding the following items will need to happen in order for construction on Centennial Trail to begin:

1. The new design will include the entire length of the trail;
2. Apply for CTEP funding; discussion with the county on their portion of CTEP funding;
3. Continue to work with Rail Link and BN on the right of way;
4. Once the CTEP application is approved, the design and funding discussion could be taken to the public and press.

Mayor Pro Tem Cartwright stated if cuts in the design are needed, he suggested NMTAC could be used to discuss any design changes with the public. Director Rundquist stated the way he understands it, you do not have to make a specific allocation for CTEP funds for this application at this time. The application is for project approval, using CTEP funds, the application could be approved contingent on unapproved future allocations of CTEP funding. The commission could use CTEP funding for other projects. Mayor Pro Tem Cartwright stated at this point, there is not enough funding to build the entire trail and what he was suggesting was NMTAC may be the group to reach out to the public and then make a recommendation to staff and the commission on what section of the trail might be built first.

Commissioner Elsaesser asked if the commission needs to make a decision on the city and county CTEP funding. City Manager Alles stated he needs to meet with Paul Montgomery to discuss CTEP funding. Discussion was held on funding of the entire project and what amount of CTEP funding the city and county will commit to.

County Grants Coordinator Laura Erickson stated the county will need to approve any increase in the county's CTEP funding before submitting any type of application.

Further discussion was held on the completion of the CTEP application the percentage of what amount the city and county would commit of their CTEP funding. Manager Alles stated once staff has a final draft of the application, including all funding, he would contact the commission.

Mr. Montgomery presented the map for review by staff and the commission.

## **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 Lora Behlmer reported the HCC has extended the cell phone survey deadline to September 9<sup>th</sup>. The final numbers will be presented to the commission at the September 12<sup>th</sup> meeting.

**7. Review of agenda for September 12, 2011 city commission meeting** – No discussion held.

**8. Public Comment** – No public comment received.

**9. Commission discussion and direction to City Manager** – No discussion or direction given.

- 10. Adjourn** – Meeting adjourned at 5:10 p.m.