

SUMMARY OF ADMINISTRATIVE MEETING
September 21, 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; City Attorney David Nielsen; Community Development Director Sharon Haugen; Police Chief Troy McGee; Public Works Director John Rundquist; Police Sergeant Curt Stinson; Police Lieutenant Corey Livesay; Executive Assistant Clinda Feucht and City Clerk Debbie Havens.

Others attending all or a portion of the meeting included: HCC Representatives Lora Behlmer.

2. **September 7, 2011 Administrative Meeting Summary** – The September 7, 2011 administrative summary will be available at the September 28th administrative meeting.

3. **Commission comments, questions –**

A. Upcoming Appointments – There are no appointments on the September 26, 2011 city commission meeting agenda.

Commissioner Ellison thanked Mayor Smith for organizing the USS Helena trip to Port Canaveral, Florida. Mayor Smith reported on the trip and noted a Power Point presentation will be prepared of the trip. Commissioner Elsaesser offered his pictures to be included in the presentation. City Manager Alles also spoke on the trip to visit the USS Helena and the relationship between the Helena delegation and the crew members. Commissioner Elsaesser commented on the importance of continuing the relationship between the city of Helena and the USS Helena.

Commissioner Elsaesser asked if the October joint work session has been re-scheduled for October 13th. Manager Alles stated it has been rescheduled.

Commissioner Elsaesser noted there is an electronics drive on Friday, September 23rd and Trash for Trees is on October 1st.

Commissioner Cartwright referenced the city's complete streets ordinance and noted Montana Department of Transportation (MDT) is in the process of redesigning the south bound traffic at the intersection at Euclid and Benton. He has heard the project team has proposed adding a new right turn lane on the southbound leg of Benton. That intersection is a particularly busy pedestrian crossing, because of the grocery store and the college. Given that wider crossings would hurt pedestrian accessibility and safety, the city should ask what we get in return and whether the proposed right turn lane is worth the cost.

Commissioner Cartwright suggested the following questions:

1. What are the current problems this lane is supposed to address?
2. Given that the number of miles driven is dropping nationally and in Montana, and is likely to continue to drop due to the economy and the aging of the population, will this problem diminish with time?
3. What is the basis of the recommendation? Engineer's opinion or modeled results?
4. What is the expected improvement in the level of service? How many days and how many hours a year would we actually see this improvement?

Commissioner Cartwright stated he is not sure if this is an issue for staff to bring up with MDT or for commissioners to bring up at a Transportation Coordinating Committee (TCC) meeting; it sure seems worth asking if we're serious about multi-modal transportation.

Mayor Smith stated he saw the email and then asked Commissioner Cartwright when he references "engineers" reviewing the plans, is it City Engineer Leland. Commissioner Cartwright stated he is not sure if Engineer Leland has seen the plans; the engineers he is referring to are private engineers.

Commissioner Thweatt asked if the plan includes adding an additional lane to the southbound traffic. Commissioner Cartwright concurred.

Commissioner Elsaesser noted at a TCC meeting he had requested a model of the intersection and MDT agreed to do so. Commissioner Elsaesser stated he would follow-up with the inquiry. Commissioner Cartwright noted there are two projects being discussed, one on the northbound lane and one on the southbound lane of Benton Avenue.

City Manager Alles stated he has heard some discussion on this and saw the email from Commissioner Cartwright; however, he or city staff has not seen the plan. It is difficult to prepare questions, when the design has not been seen by staff. Commissioner Cartwright stated what he understands is the plan has gone through some level of internal review with some argument within MDT. He noted he has not seen the design, however, there are discussions occurring.

Public Works Director Rundquist stated MDT is looking at the turn lane to allow better traffic flow and a wider turn lane for larger vehicles. He noted there will be public outreach on the project.

Commissioner Cartwright concurred there will be public input and stated there is a need for a wider radius;

however, that is not the same as having an extra lane. Commissioner Cartwright emphasized this is an example of how to implement the complete street policy.

4. City Manager's Report

City Manager Alles reported Fire Chief Larson will be the Incident Commander of the FAA Training Exercise at the Airport on Thursday, September 22nd. The commission is invited to stop by the Fire Training Center. All emergency responders are involved in with the exercise.

The IT&S Board meeting will be rescheduled for October 20th at 3:30 p.m. Director Pembroke will have a presentation on their budget process at that meeting. Commissioner Ellison stated he will be out of state on October 20th and as the commission representative on that board, will not be able to attend.

Commissioner Cartwright asked with the change in the social media policy, will the departments that need access have it. Manager Alles stated yes.

Dispatch Center Update – City Manager Alles reported there have been in-depth discussions on two types of consoles to purchase for the dispatch center. Staff's recommendation is to purchase the high-tech consoles; the funding would come from the 9-1-1 reserves. Chief McGee stated the FAA exercise tomorrow will be in the same building as the dispatch center.

Sergeant Stinson handed out information on the FY2012 9-1-1 Capital Projects Budget and the floor plan of the new dispatch center. The radio consoles will be updated to the 7500 version; the cost to upgrade is approximately \$460,000.

Commissioner Elsaesser asked what the capacity on the new radios would be if the power is lost. Chief McGee stated the new consoles are digital. Curt Stinson stated the new system will tie directly into the statewide radio system. The new system is being engineered and all systems are backed up by a generator provided by the airport.

Commissioner Thweatt asked if the new system will result in better performance. Chief McGee stated the performance of the radios will be the same; however, it will be an easier system to work on and use and there are additional options are available. Sergeant Stinson stated the new system is entirely IT network based and the band width space would be reduced. Commissioner Thweatt asked how often the current system needs servicing. Chief McGee stated the current system is very reliable; however, they have stopped making parts for it. Commissioner Thweatt commented costs for newer IT systems seem to lower after a couple of years and asked if staff anticipates that happening here. Chief McGee stated he cannot predict that the costs would come down.

Commissioner Cartwright noted 9-1-1 is funded by a levy on phone charges and asked how that levy is set. Chief McGee stated the fee is set by the legislature.

Commissioner Ellison stated he supports the recommendation of installing the new consoles. Commissioner Elsaesser asked what happens to the old system. Chief McGee stated staff will contact the Highway Patrol to see if they are interested; however, there is not a high demand for the system. Commissioner Elsaesser stated he too supports the recommendation. Commissioner Elsaesser asked if the radio system is operational statewide. Chief McGee stated generally it is statewide; however, there is still some work to do on it.

Commissioner Elsaesser stated during a Hometown Helena meeting the representatives from FEMA referenced an emergency communications card that would give commissioners and the city manager additional access. City Manager Alles stated he is not aware of what FEMA representatives were referencing; however, he will do further research. Commissioner Cartwright stated if there is a big event, additional cell phones with top priority would be available to elected officials.

Mayor Smith thanked staff for the recommendation and for having the reserves to purchase the new consoles. Commissioner Thweatt stated it is more cost effective to purchase the new consoles now when a dispatch center is being built.

Mayor Smith asked if the police department at the airport would remain in the terminal. Chief McGee stated it will as it provides police protection to the airport in lieu of paying rent.

5. Department Discussions

City Attorney

Distracted driving ordinance – City Manager Alles gave the history of the draft distracted driving ordinance. The first reading of the ordinance is on the September 26th city commission meeting agenda; the public hearing will be held on October 17th.

City Attorney Nielsen reported persons who talk on hand-held mobile telephones while operating vehicles on streets and highways are distracted from safe operation of the motor vehicle. Drivers of vehicles are also distracted from the safe operation when they operate other types of mobile electronic devices, such as portable computers, smart phones, games and video players.

The proposed ordinance would prohibit drivers of vehicles from talking on hand-held mobile telephones and using other mobile electronic devices while operating vehicles, including motor vehicles and bicycles, in driving lanes of city streets and highways.

The prohibition against the use of hand-held mobile telephones and certain mobile electronic devices reduces one form of distractions that drivers of vehicles encounter while attempting to safely operate vehicles in the driving lane on city streets and highways. The penalty would be a fine and would not be reported as a traffic violation.

Commissioner Ellison thanked City Attorney Nielsen for the draft and stated he may offer an amendment that would address the hands free devices. It is a well written ordinance and he will support it.

Commissioner Thweatt stated he supports including hands-free devices and has asked City Attorney Nielsen to draft an amendment. He then referenced several articles Commissioner Ellison provided him regarding the use of electronic devices while operating a motor vehicle. Commissioner Thweatt recognized the hands free ban would be harder to enforce.

Commissioner Elsaesser asked for clarification on the definition of hands free phone versus hands free accessories. City Attorney Nielsen stated the definition of a mobile phone is included in the ordinance. Commissioner Elsaesser stated he would support language that hands free would not require pressing buttons on the phone.

Mayor Smith asked if a voice activated phone would be allowed; City Attorney Nielsen stated a voice activated phone or a blue tooth would be allowed. City Attorney Nielsen stated if someone is holding a phone and pushes one button it would be allowed under the draft ordinance.

Commissioner Elsaesser asked how the enforcement would be handled regarding hands free devices. Chief McGee stated he interprets the draft ordinance as hands free devices are allowed. Commissioner Elsaesser stated he would not support an amendment to ban all hands free devices.

Commissioner Thweatt stated his amendment would ban all cell phone usage while driving. Commissioner Ellison stated he too would strongly support an amendment.

Mayor Smith asked Commissioner Thweatt if his amendment would cover manufactured devices such as the blue tooth and GPS systems. Commissioner Thweatt stated his amendment would not ban GPS systems as they do not require a two-way conversation. City Attorney Nielsen stated GPS systems are expressly excluded from the ban.

Mayor Smith asked if it would be a criminal penalty. City Attorney Nielsen concurred.

Commissioner Cartwright stated the ordinance prohibits making a call on a mobile or electronic device and asked if a telephone would include texting. City Attorney Nielsen stated using a cell phone for texting would be considered using an electronic device.

City Attorney Nielsen stated the definitions included in the ordinance are very long; the prohibition of the use language is very short. Commissioner Cartwright asked what the rationale was for using the bicycle seat height of 25" or more. City Attorney Nielsen stated he took the definition out of Title 61 and noted bicycles would not be covered unless they are in the driving lane.

City Attorney Nielsen concurred to remove the seat height in the ordinance. Commissioner Elsaesser asked what would happen if someone rides a bike across the street in a crosswalk. City Attorney Nielsen noted the definition of operating is when you are in a driving lane. Commissioner Elsaesser stated he would support all bikes riding on sidewalks, trails and driving lanes being included in the ordinance.

City Attorney Nielsen stated the first reading will include the introduction of the ordinance, there would be a motion to adopt; motions to amend and voted on; and then a final motion to adopt as amended. Attorney Nielsen reminded the commission members that amendments need to be in writing; this helps establish a correct record.

Commissioner Thweatt stated prior to the meeting he and Attorney Nielsen have discussed the following and he may offer amendments on September 27th:

Definitions:

Mobile Electronic Device – The definition of mobile electronic device states “Any hand-held or other “portable” electronic equipment... Amendment would be to remove the word “portable”

Motorized Nonstandard Vehicle – Mechanical transportation device propelled by its own power, using an internal combustion engine or an electric motor He asked if the phrase on how a vehicle is propelled is necessary.

Motor Vehicle – Same question as above; is there the need to know how the vehicle is propelled.

Operating - Being in actual physical control of a vehicle, whether or not the vehicle is moving, while in a driving land on any public streets and highway rights-of-way, not including alleys. Amendment would be to remove the word “and” after streets and insert “or”.

Commissioner Thweatt stated he would also visit with Attorney Nielsen on a couple of grammatical changes and may or may not propose amendments at the meeting.

Commissioner Elsaesser stated some of the clarifications are good. Commissioner Ellison stated he welcomes Commissioner Thweatt’s comments.

City Attorney Nielsen stated he used existing definitions to be consistent with current code; which helps with the enforcement of the ordinance.

Commissioner Cartwright stated he will be out of town on October 17th, the day of the proposed public hearing.

Commissioner Ellison reconfirmed the commission will discuss this under regular items on September 26 and the public hearing would be held set for October 17th. After final passage of the ordinance he would like a phase in period to educate the public. Mayor Smith reminded the commission they could pass the ordinance with a specific effective date and that an ordinance is not effective until 30-days after final passage.

Police Chief McGee stated the ordinance has to be effective before the Police officers can issue warnings.

Further discussion was held on how the meeting will be held on September 26th and setting the public hearing for a date certain. Commissioner Cartwright asked Chief McGee after the ordinance is in effect, would the police officers have the discretion of issuing warnings for a set amount of time. Chief McGee concurred.

Commissioner Ellison stated he and Commissioner Thweatt have prepared a Your Turn that will run on September 22nd.

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 – Commissioner Cartwright reported the NMTAC conducted a bike/pedestrian count and those results will be available in the future. October is bike/walk month and there is a Moving Planet event on September 24th.

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 – Commissioner

Thweatt reported at the TCC meeting it was announced the Broadway tunnel is scheduled to be built in 2013; Custer Avenue interchange is under construction; the widening of I-15 over the railroad tracks will begin in the fall of 2014 and the Lyndale/Benton intersection will be reconfigured and constructed in 2013; the capital interchange pedestrian bridge is currently under construction.

- f) Helena Citizens Council – No report given.
- 7. **Review of agenda for September 26, 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 5:40 p.m.