

SUMMARY OF ADMINISTRATIVE MEETING
February 8, 2012 - 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 Ellison, Elsaesser, Haque-Hausrath and Thweatt were present. Staff present was: City Manager Ron Alles; Executive Assistant Clinda Feucht; City Attorney Thomas Jodoin; Community Development Director Sharon Haugen; Police Chief Troy McGee; Fire Chief JR Feucht; Human Resource Director Rae Lynn Nielsen; Parks & Recreation Director Amy Teegarden; Community Facilities Director Gery Carpenter; Public Works Director John Rundquist; City Engineer Ryan Leland; Street Superintendent Ben Sautter; Administrative Services Director Tim Magee and City Clerk Debbie Havens.

Others attending all or a portion of the meeting included: Dave Galt; BID Director Jim McHugh, HCC Representative Janet Hess-Herbert, Diane Evans, UM Helena Dean Bingham.

2. **January 25, 2012 Administrative Meeting Summary** – The January 25, 2012 administrative summary was approved as submitted.

3. **Commission comments, questions –**

Upcoming Appointments – Mayor Smith is recommending the following appointments:

Civic Center Board

Appointment of Riley Johnson to an unexpired term to the Civic Center Board. Term will begin upon appointment and expire March 1, 2014.

Reappointment of the following to the Civic Center Board:

Joann Christnacht

Mike DaSilva

William Hunter

Frank Montibeller

Terms will expire on March 1, 2015.

4. **City Manager's Report**

Rotary Service Project Initiative – City Manager Alles reported the Rotary Club of Helena, Service Project Committee works with appropriate authorizing authority for the placement and attachment of bike racks throughout Helena.

The goal is to promote non-motorized travel and encourage bicycling in the Helena area through bike racks, which provides safe and convenient parking.

- The racks will reflect the image of the Fire Tower, a symbol of the community's history and include the Rotary International symbol.
- The Rotary Club of Helena is proposing this long-term service project to benefit our community.
- In collaboration with UM-Helena, College of Technology, an initial 20 bike racks will be designed, manufactured and placed throughout Helena.
- The authorizing authority will identify sites for placement.
- Additional bike racks will be placed in the future. The authorizing authority will approve any new designs.

Commissioner Ellison asked if there was a cost to the city. City Manager Alles stated no and with that Commissioner Ellison stated he would support the proposal. City Manager Alles stated he will work with the Rotary Club to get the bike racks installed.

Diane Evans, Rotary Club, presented the proposal to install the above described bike racks. Ms. Evans recognized and thanked BID Director Jim McHugh for his involvement with the project. Dean Bingham spoke on the project and explained how the students at UM Helena will be constructing the bike racks.

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) IT&S, Non-Motorized Travel Advisory Committee, Board of Adjustment, Pre-Release Screening Committee –No report given
- c) Audit Committee, City-County Weed Board, Montana Business Assistance Connection (MBAC), TCC – No report given
- d) BID/HPC, City-County Parks Board, TCC, L&C County Mental Health Advisory

Committee – No report given

- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee, Intergovernmental Transit Committee – No report given
- f. Helena Citizens Council – HCC Representative Janet Hess Herbert reported the HCC held elections with the following officers be elected: Chair Jim McCormick, Vice-Chair Janet Hess-Herbert, Secretary Bob Habeck and Treasurer John Forbes. The HCC members are working on a public relations campaign to inform the community of what the HCC does and how to get involved. An internal review of the HCC appointments on city boards is being completed.

6. Department Discussions

Community Facilities/Administrative Services

Energy Use Data Collection/DEQ Energy CAP Program – Community Facilities Director Gery Carpenter showed a presentation on the Energy CAP Program and handed out information on how to access the EnergyCAP site. Currently, the cities of Helena and Whitefish are the only two using the program.

Discussion was held on the information within the system including the percentages of increases/decreases for all city facilities. Director Carpenter noted the information being provided today is from 2008 to the present. From 2001 through 2007, the city saw a reduction of 18% in greenhouse gases; 49% decrease in energy at the water and wastewater plants and a 37% reduction in carbon emissions. This information will be a tool for city staff to use on an ongoing basis when developing new projects.

Commissioner Elsaesser referenced the energy use at the Missouri River Treatment Plant and asked if that includes the energy to run the pump. Staff stated no. Mayor Smith asked what does “getting on board” mean when Director Carpenter referenced other cities in Montana. Director Carpenter explained the other cities would have to release their information to the power company and then EnergyCAP enters the information. Once other cities come on board, it will allow comparisons between Montana cities.

Commissioner Elsaesser stated this is a great program and he is impressed with the information being provided to the commission. He then asked if the reductions from 2001 to 2007 were from ICLEA program. Director Carpenter noted those savings were on the city’s energy savings matrix.

Director Carpenter expressed his appreciation for the Mr. David LeMieux from DEQ for working with him and the EnergyCAP Program. Commissioner Haque-Hausrath asked what the potential payback period is for the upgrades. Water/Wastewater Superintendent Don Clark stated the payback period is under two years. The city is already seeing the savings for the work that has been completed at the water and wastewater plants.

Commissioner Elsaesser asked if the city is a member of ICLEA. Director Magee stated yes and the commission can have the discussion on whether to continue it during the budget work sessions.

City Manager Alles provided a hard copy of the updated Helena Climate Change Task Force Action Plan of 2009. City Manager Alles referenced the improvements to the west-side water distribution system and noted there will be significant energy savings with this project by not having to pump water uphill.

Public Works

Wastewater Discharge Permit – Public Works Director Rundquist reported on a meeting between the City of Helena and DEQ regarding the wastewater discharge permit. He gave the history of the permit and the city not having a current permit. City staff has objected to the permit and it going through the legal process. The meeting last week was successful; DEQ is proposing a permit that will give the city credit when existing septic systems and new subdivisions are hooked onto the city system. There continues to be load limits; however, Director Rundquist stated he is confident the city will meet the requirements. Staff is waiting to see the draft permit and then make a final review and submit comments. The appeal process is still on track and will continue until the city receives the actual permit.

Commissioner Ellison asked for a timeframe on when the negotiations might take place. Director

Rundquist stated he believes negotiations will happen in the next few weeks. Commissioner Ellison thanked staff for the report.

Commissioner Elsaesser asked how EPA approval comes into play. Director Rundquist stated the city and DEQ could reach agreement; however, EPA could appeal the decision. Staff will have to wait for the process to take place. Mayor Smith commented that a year ago the comment period had closed and three days later, EPA objected. The city then filed an appeal to the Board of Environmental Review; which a hearing is scheduled for May 2012, unless the permit is received in the meantime.

Commissioner Haque-Hausrath asked what discharge limits were objected to. Director Rundquist stated nitrates and phosphorus limits. Commissioner Elsaesser asked if zinc and copper levels are still an issue. Director Rundquist stated both those levels have been lowered and staff is confident those levels will meet the required limits.

Additional discussion was held on the importance of receiving a permit and help resolving water quality issues in the north valley. Mayor Smith asked if the legal process could be abandoned at anytime once the permit is issued. City Manager Alles stated the legal process will continue unless the actual permit is received.

Neill/Helena Avenue/Last Chance Gulch Design – City Engineer Leland showed both the drawings of the roundabout and traffic signals at the intersections designed by Kittelson & Associates. City Manager Alles noted staff has held a couple of stake holder meetings and has met with the consultants.

Public Works Director Rundquist stated the commission budgeted for a consultant to look at the design of this intersection. This is a difficult intersection for all modes of transportation. The engineering firm of Dowl-HKM Engineers worked with sub-consultant Kittelson & Associates who prepared two designs. The top two designs are a roundabout and a signalized intersection; these two designs will meet the long-term service projections. The intersection is currently categorized at Level Service D and as time goes on it is anticipated that it will go to a Level Service F.

This is a community discussion and staff continues to visit with the stakeholders. There is a grant opportunity for Tiger 4 grant funding; this intersection would qualify for those funds and city staff believes there is a good chance that the city would receive the funds. MDT is an important partner in this project and they are enthused with the roundabout proposal and will have the final say on the design of the intersection. Director Rundquist stated he too supports the roundabout option and explained with the signalization options any future expansion would be difficult and expensive.

The third option would be to do nothing at this time. There are concerns with parking and the ability to access the adjacent businesses. Staff is prepared to address those issues and present some solutions to the property owners.

Director Rundquist noted public art is amendable with roundabouts and they are also safer regarding traffic accidents. There are a lot of advantages to the roundabout and staff will continue to work through the stakeholders concerns.

Commissioner Elsaesser asked at what phase the city would need to be at in order to apply for the Tiger 4 grant. Director Rundquist explained the city qualifies with the preliminary design, the way the grant works the preliminary plan is due February 12th and the final application deadline is March 12th; by then a final design should be ready. Commissioner Elsaesser asked if the commission would need to make the decision of a roundabout or signalization by March 12th. Director Rundquist stated a decision may be helpful; however, it may not be critical in receiving the grant.

Dave Galt, business owner at the Livery Square, commented he is speaking on his own behalf. He attended the stakeholders meeting and spoke on behalf of several businesses. There is a lot of concern with the design of the roundabout; the issues are parking and pedestrian activity. There is constant access to the Livery Building and parking continues to be an issue. Mr. Galt suggested staff move forward with the Tiger 4 grant application only if it does not lock the city into making a final decision on the roundabout.

Commissioner Haque-Hausrath asked Director Rundquist to speak to the pedestrian safety

issues with the roundabout versus a signalized intersection. Director Rundquist referenced the draft design and showed where the pedestrian crossings would be located. There is another option to signalize the pedestrian crossing with the roundabout.

The intersection as it is now and if it is redesigned for signalization, the pedestrian crossing would be a greater length. Commissioner Thweatt asked how the roundabout would affect the parking. Director Rundquist explained he believes the access to the businesses could be improved. There are other solutions that could be incorporated during the design phase to accommodate additional parking.

Commissioner Elsaesser asked if the streets would have bike lanes and not just at the intersections. Director Rundquist stated a decision hasn't been made on how far back the bike lanes would go, however, the bike lanes at the intersection would help bicyclists.

Mayor Smith stated the south intersection roundabout has worked well. He then asked if by applying for the Tiger 4 funds, would it require that a decision be made. Director Rundquist stated no. Mayor Smith commented if it is MDT's final decision on the design, why is the city applying for the Tiger 4 funds and bearing the costs to submit the grant. Director Rundquist explained the ultimate funding package for this project has yet to be identified. There is a number of funding opportunities and because it is on a state route, it qualifies for federal aid. In addition, the city could decide to use some of our gas tax money. If federal aid dollars are used, MDT will have final say on the design.

Mayor Smith asked City Manager Alles what decisions need to be made and what timeframe is staff looking at. City Manager Alles stated he supports submitting the grant and not making a final decision until additional information is gathered by the modeling concept.

HCC representative Janet Hess-Herbert noted the roundabout at the south intersection has had a negative impact on the residents of Winne Ave. Mayor Smith commented the impact is probably from the interchange itself and not the roundabout.

City Engineer Ryan Leland stated the next stakeholders meeting is March 6th at 6:00 p.m. at the Helena Civic Center.

Commissioner Ellison stated he is encouraged by moving forward with the grant application and staying in-tuned with the stakeholders concerns. Commissioner Elsaesser asked how the stakeholder list was established. City Engineer Leland explained the adjacent property owners and other interested parties, including the HCC members, were included on the list. The meetings are open to the public and anyone can attend.

BID Director McHugh asked that the property owners from Euclid Avenue up to Sixth Avenue be included in the stake holder meetings. Mayor Smith asked Mr. McHugh to provide a list to staff to include in the notice. When a final design is ready a public meeting will be held.

Commissioner Elsaesser asked who makes the final decision. City Manager Alles stated the city commission will make the ultimate decision on the design.

Community Development

Landscaping Ordinance – City Manager Alles noted City Attorney Jodoin has worked with Commissioner Thweatt on his amendments to the landscaping ordinance and with Commissioner Haque-Hausrath on the parking ordinance.

Community Development Director Haugen reported on January 9, 2012 the City Commission tabled second passage of an ordinance, amending Helena City Code by repealing Chapter 24 and establishing a new Landscaping Chapter, until the call of the City Manager. Prior to tabling, the Commission amended Section 11-24-6 of the proposed Ordinance so that trees, bushes and shrubs must be spaced no more than 30feet apart. The Commission also amended that section of the proposed ordinance to delete the reference to "no more than 24 feet" and the requirement that "this vegetation must grow to 4 feet within 2 years."

The proposed requirements of the Landscaping Ordinance would apply to tracts in all zoning districts and to all uses except for tracts with only a single residential dwelling unit, two residential dwelling units, three residential dwelling units, or mobile home or recreational vehicle parks. New landscaping area standards are included which revise the formula used to determine the requirements.

The proposed ordinance incorporates environmental concepts of the 2011 Growth Policy and improves upon the current ordinance. Landscaping and screening requirements are addressed for parking lots all in the same chapter. Nonconforming landscaping must be brought to current standards when the size of the building changes or is reconstructed instead of tying the requirements to building occupancy, or when a parking lot is reconstructed or increased in size.

Commissioner Thweatt presented and explained his amendments to the landscaping ordinance dated February 8, 2012; which a copy is included in the administrative meeting packet.

Mayor Smith and Commissioner Haque-Hausrath stated they are in support of the Commissioner Thweatt's proposed amendments. Commissioner Haque-Hausrath stated she had worked with Commissioner Thweatt and her amendments are included with his. Mayor Smith asked if the proposed language would apply to the boulevards. Director Haugen stated the boulevards would not fall under this language. She noted the amendments being discussed brings back most of the elements of the ordinance passed by the Zoning Commission.

Commissioner Elsaesser stated the initial language included organic material; the amendment requires "living organic material" and asked what impact the amendment would have. Director Haugen stated with the "living" it would preclude using bark or other types of materials. Commissioner Elsaesser stated he likes the reduction of combining the native material and water. He then asked if the trees have always been required to be 30' tall. Commissioner Thweatt stated his amendment would expect the trees to grow to at least 20" tall. Commissioner Elsaesser referenced Commissioner Thweatt's amendment 11-24-6b, where it stated trees expected to grow to thirty feet. Commissioner Thweatt explained 11-24-6b explains what is required for the landscape islands, 11-24-6c clarifies if a tree is expected to grow to 30' the tree plot must be no less than 20'.

Commissioner Elsaesser asked for other substitutive changes. Commissioner Thweatt referenced 11-24-5c Screening and explained his amendment. However, he may reconsider this amendment prior to the city commission meeting on February 13, 2012.

Commissioner Ellison asked if it would be Commissioner Thweatt's intention to move his amendments as a single package. Commissioner Thweatt stated the most of his amendments would be packaged; however, there are several free-standing amendments. Commissioner Ellison asked Commissioner Thweatt if by Monday, if he could provide his amendments that would be in one group and then the individual amendments. Commissioner Ellison stated he is supportive of the amendments.

Discussion was held on how the amendments will be offered on Monday, February 13th; if a commission member wants to segregate an amendment they can do so at the meeting. Commissioner Elsaesser stated he would be asking that the screening amendment be removed for further discussion.

City Attorney Jodoin noted he has been keeping track of which amendments need to stay together and will guide the commission through the process of adopting amendments.

Parking Ordinance - Community Development Director Haugen reported on December 19, 2011 the City Commission held a public hearing to consider first passage of an Ordinance amending Helena City Code by repealing Chapter 22 and establishing a new Parking chapter. The Zoning Commission had unanimously recommended approval for the new Parking Ordinance on November 8, 2011.

The Commission approved a series of amendments to the proposed Ordinance and the ordinance as amended was tabled on first passage. The tabling action required a new public hearing be advertised and held.

The process to develop the proposed off-street parking requirements included reviewing and evaluating more current ITE stands, other Montana communities' requirements and Helena's experience and correspond to the land use table of Chapter 2 of the Zoning Ordinance. Consideration was made to reducing requirements for residential uses. The existing requirements for bicycle parking would continue with the current proposal. As proposed, off-street loading requirements have been deleted as was the limit on maximum parking spaces.

ADA accessible parking requirements would be clarified. Parking space reductions would also be clarified and would be an option for residential dwelling units. The landscaping and screening

requirements are deleted from the parking chapter and incorporated into the landscaping chapter.

Commissioner Haque-Hausrath spoke on her amendments of not having an adverse affect on the existing neighborhoods and not requiring an excessive amount of parking requirements. She believes her amendments address that businesses should be able to determine the number of parking spots needed versus the minimum requirements. Commissioner Thweatt worked with Commissioner Haque-Hausrath on some of the amendments.

Commissioner Haque-Hausrath reviewed the ordinance with her amendments included.

Mayor Smith and Commissioners Ellison and Elsaesser noted they have not had enough time to review Commissioner Haque-Hausrath's amendments and would not be ready to act on first passage at the city commission meeting on Monday, February 13th. Commissioner Thweatt stated off-street minimums might do more harm than good in many situations; the property owners should be able to decide on their parking needs.

City Manager Alles noted the commission could table first passage to the call of the city manager and get the new proposal to the public for comments. Commissioner Thweatt stated he would like to hold a work session to specifically work on the parking requirement numbers.

Commissioner Elsaesser asked if an additional hour could be added to the next admin meeting to discuss this issue.

7. **Review of agenda for January 30, 2012 City Commission meeting** – No discussion held.
8. **Public Comment** – No discussion held.
9. **Commission discussion and direction to City Manager** –
10. **Adjourn** – Meeting adjourned at 6:00 p.m.