

SUMMARY OF ADMINISTRATIVE MEETING
May 30, 2012 – 4:00 p.m.
Room 326, City-County Building

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Ellison, Haque-Hausrath and Thweatt were present. Commissioner Elsaesser was excused. Staff present was: City Manager Ron Alles; Executive Assistant Clinda Feucht; City Attorney Jeff Hindoiem; Deputy City Attorney Thomas Jodoin; Budget Manager Robert Ricker; Community Development Director Sharon Haugen; Public Works Director John Rundquist; Assistant Public Works Director Phil Hauck; City Engineer Ryan Leland; Solid Waste Superintendent Peter Anderson; Parks and Recreation Director Amy Teegarden; Police Chief Troy McGee; Fire Chief J.R. Feucht; Human Resources Director Rae Lynn Nielsen; Fire Chief Feucht; and City Clerk Debbie Havens.

Others in attendance included: HCC Representative Ellen Bell; Consultant Melissa Lewis, Erin Carland Gary Gray, Cory Swanson, Russ Hart, Pat and Brenda Brewer, BID member Al Roy, BID Director Jim McHugh; IR Reporter Sanjay Talwani.

2. **May 16, 2012 Administrative Meeting Summary** – The May 16, 2012 administrative summary was approved as submitted.

3. **Commission comments, questions – Upcoming Appointments** – There are no appointments on the June 4, 2012 city commission meeting agenda.

4. **City Manager’s Report** – City Manager Alles recognized and thanked the Helena Fire Department for their response to the fire on the Westside of town. Fire Chief Feucht gave a report on the fire and how it was responded to.

5. **Department Discussions**
Parks and Recreation

Nuisance Vegetation Ordinance – City Manager Alles noted this ordinance was worked on several years ago and was temporarily suspended until the landscaping ordinance was adopted.

Parks & Recreation Director Amy Teegarden reported in June 2010, a draft ordinance was presented to the commission to address definition and enforcement issues with the existing weed ordinance. Now that the landscape ordinance has been completed staff is refocused on the weed ordinance again. Once adequate commission discussion and concerns have been addressed, the proposed ordinance changes will be brought forward to a commission meeting.

It has been nearly 17-years since revisions were made to the current weed ordinance. The need for revising the current city code has come from issues raised by the county weed district, complainants and concerns expressed by city residents and the city code enforcement officer, Greta Dige. The proposed changes include:

City staff’s review of the current ordinance found that the existing definition of a weed is subjective and open for interpretation. Follow-up on complaints identified that the ordinance definition does not support “alternative” landscaping practices that some residents use for water conservation and “defensible space landscaping”. Further, the current code requires a cumbersome complaint-driven process. Some of the proposed changes include:

1. Change the title and intent of the ordinance to “Nuisance Vegetation”.
2. Change “public works” to “parks and recreation” department to reflect the code enforcement position.
3. Define “Nuisance Vegetation”: A revision in the definition to include all vegetation that constitutes a physical danger to people or property, or visual obstruction for pedestrians or vehicles. This change in definition would permit property owners to grow non-traditional vegetation and it also addresses the potential issue of dead hazardous trees. Revise the notification and enforcement process to require a 15-day notice to clear the nuisance vegetation.
4. Reorganize the ordinance so that information is explained in an order that clearly outline definitions, public notice requirements and the complaint and notification process followed by enforcement procedures.

Commissioner Thweatt stated he believes this is a very well drafted ordinance; he then referenced forested property and asked with this ordinance would the city be able to require private property owners to remove the dead trees and treat and thin out the remaining trees. Director Teegarden stated the main objective of the ordinance is to address the hazardous trees that overhang onto a neighbor's property. The intent is not to enforce the clean up on private property. Staff will continue to work with partners to educate private property owners on the importance of mitigating the fire hazard on their property. Manager Alles noted the city's intent is to work with private property owners to mitigate the fire hazards.

Commissioner Thweatt noted he believes the broad definition may allow enforcement if a property owner refuses to work with city staff and other partners. Director Teegarden referenced 7-7-2 Intent: addressed the physical danger to people or property.

Commissioner Ellison commented he remembers first discussing the ordinance two years ago and he is ready to move forward with the ordinance.

Commissioner Haque-Hausrath concurred with Commissioner Thweatt's comments on the format of the draft ordinance. She referred to 7-7-8 Enforcement by City; Costs and asked if the city cannot act until after a conviction and if that would be through Municipal Court. Deputy City Attorney Jodoin noted under the current ordinance it authorizes city staff to go onto private property and cut weeds and then bill the property owner; however, the new language would require a conviction prior to staff accessing private property.

The joint city-county weed board is in support of the proposed language. Mayor Smith suggested the commission take the time to review the draft ordinance, touch base at the June 13th admin meeting; staff would move it forward to the June 18th city commission meeting agenda. Director Teegarden thanked Deputy City Attorney Jodoin for his work in drafting the ordinance.

Public Works

Review of Solid Waste Rates – Assistant Public Works Director Phil Hauck reported the City and Lewis & Clark County jointly analyze and agree each year on a recommended tipping fee for the operation of the City Transfer Station and the Lewis & Clark County landfill. The tipping fee also supports the community's recycling program. The Public Works Department staff is not recommending a tipping fee increase. A minor change is proposed for tires that would allow the city to accept larger tires than in the past years. The resolution of intention creates a fee for tires up to a 48" outside diameter.

The passage the resolution of intention will set a public hearing date on the proposed rates.

Assistant Public Works Director Phil Hauck explained the City's Financial Planning Policy resolution calls for funding of essential services, including:

- Providing timely funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components.
- Annually reviewing rates to:
 - Ensure adequate funding of Operations, maintenance, an debt;
 - Address capital project priorities;
 - Consider the impact of inflation; and
 - Make incremental rate changes that are regular and predictable for citizens...

The passage of the resolution of intention will set a public hearing date on the cost-recovery rates and charges used by the Commercial Solid Waste enterprise.

City Manager Alles reported he authorized the pre-payment of the bonds, which will come out of cash reserves and will save the city \$12,000 to \$13,000 dollars.

Alternatives for Neill/Helena/Cruse/Last Chance Gulch Intersection – City Manger Alles referred the commission to the Public Involvement Summary book prepared by Dowl HKM Engineering. As of today, there has been no final decision on the Tiger IV grant funding. Manager Alles noted the discussion today should be on the roundabout versus a signalized intersection and not on the two-way traffic on Last Chance Gulch. Manager Alles explained the cost to model each scenario is extensive and that one of the reasons the consultants would like a decision on which alternative. Commissioner

Thweatt asked if a decision needs to be made prior to the modeling; Manager Alles stated yes due to the costs of modeling for each specific design.

Public Works Director Rundquist gave the history of the intersection being included in the 2004 Transportation Plan. Consultants from Dowl HKM have worked closely with staff on the alternatives for the intersection. In addition, a Tiger IV grant in the amount of \$3 million has been applied for and as of today there has not been a final decision received. The project has been expanded over to Fuller/Neill Avenue intersection.

Director Rundquist showed two conceptual designs, a signalized intersection and a roundabout. He then listed the meetings held and the outreach that has been done to discuss the alternatives and the groups that have been contacted. At this time, it is a conceptual plan, there is no design details included.

There has been no final decision, staff has looked at all alternatives and their recommendation continues to be the roundabout. Director Rundquist asked that the city commission give staff some direction; he then introduced Gary Gray with Dowl HKM Engineering.

Mr. Gray then gave a PowerPoint presentation on the following:

Purpose of Meeting

What is a Concept Study.

What was heard at the meetings

What has been done

Why are changes being considered

Traffic

Five Year Crash History

Current AM/PM Peak Vehicles/Hour

Improvement Alternatives

15-20 year operational analysis\

Functional differences between signalized and roundabout intersections

Who will make the preferred concept decision – Helena City Commission

Next Steps – decision, environmental process, refine preferred concept

Mayor Smith asked for public comments; the following person addressed the commission:

Cory Swanson, Attorney for Pat and Brenda Brewer, reviewed a number of issues for discussion to include the following: the impact of intersection change; recommend the property owners have a seat at the table and there are a number of ways to accomplish this, one way is creating Interdiscipline Team; growth of Helena versus the growth of downtown; ADA concerns; not clear where the process is; it sounds like it is the beginning of a NEPA and/or MEPA process; environmental impacts have to be addressed, the three alternatives each have to have a complete analysis and each alternative needs to be modeled.

Mr. Swanson urged the commission to take the time and analyze each of three alternatives: do nothing, signalized intersection or a roundabout. Mr. Swanson offered his assistance to city staff, if needed.

Commissioner Haque-Hausrath noted Mr. Swanson addressed her concerns with ADA compliance and asked staff to address those concerns. She also asked for comments from Commissioner Thweatt and/or City Attorney Hindoien on the EIS issues. Mayor Smith stated his preference would be to hear from City Attorney Hindoien.

Commissioner Thweatt concurred that the study should be completed prior to a decision. He then asked by accepting the Tiger IV grant does that bound the commission to a decision.

City Manager Alles asked for additional time for City Attorney Hindoien to research the information and report back to the commission on the process and how to move forward. City Attorney Hindoien concurred he would like to review the grant application and what the requirements are.

Mayor Smith noted staff will analyze the requirements of both NEPA and MEPA. Commissioner Thweatt noted local governments are not required to meet MEPA requirements.

Commissioner Ellison stated the commission has not been asked to make a decision today and there are three alternatives being discussed. He does not believe there is an urgency to make a decision as being implied; he wants to hear on the Tiger IV grant before committing to a decision.

Director Rundquist noted there are requirements within the grant itself that has to be followed. He then spoke on the modeling that has been completed on all three alternatives. However, there is a

VISM modeling that graphically shows the vehicles, buildings and traffic flows. MDT has requested this specific modeling for the roundabout alternative. Director Rundquist stated he believes staff has already completed the initial modeling for the three alternatives; do nothing, signalized intersection and the roundabout. If the grant is received, staff will be required to analyze and follow all processes and requirements.

Mayor Smith asked Mr. Swanson to discuss the impacts that his clients are concerned about. Mr. Swanson noted the impacts include parking and both vehicular and pedestrian access to the business. Commissioner Thweatt asked what the effect of selecting a preferred alternative is in regards to the Tiger IV grant; if the commission selects an alternative and receives that grant, could a different alternative be chosen. Director Rundquist stated he would have to review the grant requirements; however, he believes the city is somewhat at a disadvantage by not having selected a preferred alternative. The grant itself requires the city go through the NEPA process. Commissioner Ellison confirmed if the grant is received, then the provisions in the grant will require the city to follow the NEPA process. Director Rundquist concurred. Commissioner Thweatt stated a concurrent study would be conducted that would satisfy both NEPA/MEPA.

Commissioner Haque-Hausrath asked for staff to address the ADA concerns with roundabouts. Public Works Director Rundquist stated staff has met with the ADA Compliance Committee and NMTAC and have identified their concerns. It is important to have all aspects of non-motorized transportation be addressed.

Commissioner Haque-Hausrath asked if the discussions have progressed to include the visually impaired and how traffic would stop for pedestrian traffic. Director Rundquist explained that each roundabout leg has a cross walk attached to it. Visibility of crosswalks is better with roundabouts and he believes it works better. The visually impaired would need to have assistance with audible noise on how to access the intersection. All ADA requirements will have to be addressed.

Commissioner Haque-Hausrath asked if staff has looked at flashing lights to notify vehicles of pedestrians. Director Rundquist noted the detailed design has not been completed.

Mayor Smith suggested the commission wait to make a decision until the status of the Tiger IV grant is received. Commissioner Ellison concurred

Manager Alles stated there has been a long public process and if the grant is not received the commission should make a decision that could be included in the next grant application. He would not recommend waiting another three to four years before making a decision.

Mayor Smith stated this intersection was identified in 2004 as a transportation project; if the city wants to address it they will find the funding. Commissioner Thweatt stated he too would like to continue the conversation and asked if the commission chooses a preference today; would it bind the commission to that alternative. Attorney Hindoi noted he will research the entire sequence and report back to the commission.

Consultant Melissa Lewis reported this project is competing with 16 projects within in Montana and only 6% of the projects will be funded. The application phase is just the first step and that is where you put forth the concept and at that point, applicants usually choose the preferred alternative. If the grant is received, the NEPA process would then be initiated.

Mayor Smith asked Commissioner Thweatt if he is ready to discuss alternatives the commission may choose. Commissioner Thweatt stated he would like to discuss the alternatives and he would support the roundabout.

Commissioner Ellison referenced the IR survey and noted the numbers in the survey are different than what is included in the Public Involvement Summary book prepared by Dowl HKM Engineering. Erin Carland, Dowl HKM Engineering, noted the final results were received today and the IR had published the preliminary results as of Monday. The final results received today are included in the final graph.

Commissioner Haque-Hausrath asked if identifying an alternative at this point would help in receiving the Tiger IV grant. Director Rundquist stated it would not help for the Tiger IV; however, it may for the Tiger V funds.

Commissioner Thweatt commented he is leaning toward the roundabout alternative; however, he will take the time to read the information received today before making a final decision. Mayor Smith suggested the commission review the information they have received and wait to hear on the Tiger IV grant funding.

6. Committee discussions

- a) ADA Compliance Committee, Audit Committee, Board of Health, Civic Center Board, Montana League of Cities and Towns – Mayor Smith stated he continues to be pleased with ADA compliance progress; there was a recent editorial from Board of Health Chair Ken Wallace regarding EPA standards; and he thanked the Civic Center staff and board for hosting the annual Civic Center potluck. Commissioner Ellison also thanked the Civic Center staff and board for their hospitality.
- b) IT&S, Non-Motorized Travel Advisory Committee, Board of Adjustment, Pre-Release Screening Committee – Commissioner Ellison stated his committees have not been too busy; he continues to attend the pre-release screening committee meetings.
- 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 – Commissioner Thweatt reported on the latest Mental Health Advisory meeting.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee, Intergovernmental Transit Committee – Commissioner Haque-Hausrath stated she had no new updates on her committees
- f. Helena Citizens Council – HCC representative Ellen Bell reported the main topic was the NMTAC bike route system and the HCC has formally submitted a recommendation in support of the bike route. Mayor Smith stated he has not seen the recommendation; however, will respond on behalf of the commission.

Commissioner Thweatt stated he has been approached regarding the 150th anniversary of Helena. Mayor Smith noted the BID has been involved in the past. The HCC may want to be involved also.

7. Review of agenda for June 4, 2012 City Commission meeting – Commissioner Thweatt noted after the final draft of the letter to the U.S. Army Corps of Engineers was submitted, Commissioner Elsaesser has requested a change in the 4th paragraph; he will make the change and resubmit the letter.

Mayor Smith stated he continues to have reservations regarding the letter. Commissioner Ellison concurred and stated he does not believe the commission should send the letter. However, if there is sufficient interest in doing so; he did work on some editing of the letter.

Manager Alles referred the commission to their prioritization list; it gives staff direction and they will proceed as indicated in the results. Mayor Smith asked if staff needs any further input from the commission. Commissioner Thweatt asked for clarification on why there are several #10's and 11's on the listed. Executive Assistant Clinda Feucht explained how the results were calculated and resulted in ties.

Manager Alles stated he would work with the directors regarding the top priorities and timeframes needed for each of the items.

8. Public Comment – None given.

9. Commission discussion and direction to City Manager – No discussion held.

10. Adjourn – Meeting adjourned at 5:50 p.m.