

SUMMARY OF ADMINISTRATIVE MEETING
August 1, 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 Elsaesser, Ellison and Haque-Hausrath were present. Commissioner Thweatt was excused. Staff present was: City Manager Alles; Executive Assistant Clinda Feucht; Deputy City Attorney Thomas Jodoin; Fire Chief J.R. Feucht; Community Development Director Sharon Haugen; Planners Lucy Morell-Gengler and Dustin Ramoie; Public Works Director Phil Hauck; City Engineer Ryan Leland; Water/Wastewater Superintendent Don Clark; Assistant Chief Dave Jeseritz; Police Chief Troy McGee and City Clerk Debbie Havens.

Other in attendance included: HCC Representative Kris Goss; Helena Housing Authority's Executive Director Josh LaFromboise, HHA board members Dan Sullivan, Intrinsic Architects Susan Riggs and Tad Tsukamoto; Jim Melstad and Scott Anderson with Anderson/Montgomery Consulting Engineers

2. **July 18, 2012 Administrative Meeting Summary** – The July 18, 2012 administrative summary was approved as submitted.

3. **Commission comments, questions –**

Upcoming Appointments – Mayor Smith will be recommending the following appointments:

ADA Compliance Committee – Reappointment of George McCauley to a second term on the ADA Compliance Committee. Term will begin upon appointment and expire September 1, 2015.

Helena Regional Airport Authority – Reappointment of Jane Fournier to a first full term on the Helena Regional Airport Authority. Term will begin upon appointment and expire September 1, 2015.

Heritage Preservation and Tourism Council – Appointment of Donna Torgerson to the Heritage Preservation and Tourism Council. Term will begin upon appointment and expire June 30, 2013.

4. **City Manager's Report** – City Manager Alles reported Thursday, August 2nd is the final performance for the Capital City Band at Memorial Park.

City Manager Alles recognized and thanked Water/Wastewater Superintendent Don Clark and City Engineer Ryan Leland for the work they have done in locating the problem and replacing the pressure reducing valve that allows an increase in the water source.

Public Works Director Hauck noted the demand has been at peak and with the replacement of the valve; there is not an issue of providing water to all citizens.

Commissioner Elsaesser asked if the valves are electronically controlled. Director Hauck stated not at this time, staff manually located the problem.

5. **Committee discussions**

a) ADA Compliance Committee, Audit Committee, Board of Health, Civic Center Board, Montana League of Cities and Towns – Mayor Smith stated all his boards are running smoothly.

b) IT&S, Non-Motorized Travel Advisory Committee, Board of Adjustment, Pre-Release Screening Committee – Commissioner Ellison reported the IT&S Board met and discussed future needs; Pre-Release Committee continues to meet weekly and the Board of Adjustment met and approved one variance.

c) Audit Committee, City-County Weed Board, Montana Business Assistance Connection (MBAC), TCC – Commissioner Elsaesser reported MBAC will be approaching the city for further financial support to continue their operations.

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 – Commissioner Haque-Hausrath reported the Chalk Up Helena Event was very successful.
- f) Helena Citizens Council – HCC Representative Kris Goss had no news to report.

6. **Department Discussions** **Public Works**

Preliminary Engineering Report – Tenmile Backwash/Recycle Project – City Manager Alles and Public Works Director Phil Hauck spoke on the project and then introduced Scott Anderson and Jim Melstad from Anderson/Montgomery Consulting Engineers. A fact sheet on the project was given to the commission with information on the following bullets:

- Tenmile WTP Discharges about 300,000 gallons per day of backwash water to Tenmile Creek
- New DEQ discharge permit issued August 2011
- Four Options Investigated
- Option Selected
- Costs

Scott Anderson gave an update on the Tenmile Backwash/Recycle Project. He also reviewed the projects that will be addressed in Phase I and Phase II.

Commissioner Elsaesser asked how many gallons of water each of the ponds hold. Engineer Jim Melstad stated there are ten days of storage for each of the three ponds and each one holds approximately one-million gallons. Commissioner Elsaesser asked if the zinc is caused by mining; Mr. Anderson concurred and further explained how it occurs.

Commissioner Ellison asked what the timeline is for the city to apply for funding through DEQ that is mentioned in the handout. Mr. Anderson noted the city would need to apply this year; the funding cannot be guaranteed for next year. Mayor Smith asked when the bonds for the water plant would be paid off. City Manager Alles stated the bonds would be paid off in 2013 and stated staff has a plan to apply for funding of the upgrades.

Wastewater Discharge Permit Comments – Public Works Director Phil Hauck reported the draft permit was put out for public comment on July 9, 2012 and closes on August 8, 2012. During the comment period provided by the notice, D.E.Q. will accept requests for a public hearing. D.E.Q. will respond to all substantive comments and issue a final decision within 60-days of this notice or as soon as possible thereafter.

City staff has some concerns with this permit and wish to make comments. Some of the concerns are with the new limits on copper and zinc which could be a real challenge to meet. Other concerns are with the increased monitoring requirements. John Rundquist has reviewed the permit and has given staff his comments.

A positive aspect of this draft permit is that it provides for nutrient trading as a way to promote non-point source reductions within the Lake Helena Watershed. According to the D.E.Q. Helena is the first city in Montana to get this incorporated into its discharge permit.

Water/Wastewater Superintendent Don Clark commented that the zinc and copper will create an issue to meet the standards. Staff will be holding training to concentrate on how to locate and address the zinc and copper.

Commissioner Ellison noted the comment period will end on August 6th; he then asked what happens if the city's input and concerns are not accommodated in the final the permit. Manager Alles stated much of the city's comments will be to document our concerns; however, staff is concerned with what EPA will do once the comment period is closed. Manager Alles stated he does not anticipate the permit being changed due to staff's comments; however, it will be on the record.

Commissioner Elsaesser congratulated staff for the work they have done on this permit and achieving the nutrient trading.

Police Department

Crosswalk Pedestrian Enforcement Update and Seatbelt and Cell Phone Survey – Police Chief McGee made opening comments on the extra enforcement on crosswalk pedestrian enforcement and traffic calming issues. He noted the report will also include information on seatbelt/cell phone

enforcement and DUI Stats. Chief McGee recognized and thanked the officers for the work they do on enforcement, specifically on traffic enforcement. Chief McGee spoke on the funding of the additional duty shifts that include various grants. He stated traffic enforcement requires officers to volunteer to do extra duty for traffic enforcement and sometimes is it difficult to cover. In addition, when the officers conduct the extra duty and issue additional citations; it creates extra work on the staff in Municipal Court and City Attorney's office.

Mayor Smith commented he is seeing a lot of violations on the walking mall and asked if there has been any extra enforcement this summer. Chief McGee noted in the past there have been officers available for the walking mall during the summer months; however, this year there is not any extra officers to put down on the mall.

Commissioner Haque-Hausrath thanked Chief McGee and Assistant Chief Jeseritz for the report and the hand-out.

Assistant Police Chief Jeseritz gave a PowerPoint presentation on the crosswalk pedestrian enforcement, the DUI Enforcement, seatbelt and cell phone enforcement.

Commissioner Elsaesser asked for clarification on when a citation may be issued at the intersections where count-down devices are engaged. Assistant Chief Jeseritz noted the law is very specific on when a citation can be issued; however, the officers do use some flexibility. Mayor Smith thanked Assistant Chief Jeseritz for the presentation.

Commissioner Elsaesser asked if drivers are more likely to yield to pedestrians if they see a patrol car. Assistant Chief Jeseritz noted the presence of a police vehicle makes everyone more aware of what they are doing. There are a lot of various factors that contribute to people not yielding to pedestrians.

Commissioner Elsaesser asked for clarification on the qualifications of the reserve officers. Assistant Chief Jeseritz stated the reserve officers are retired police officers who are in volunteer status; however, if they work specific events, they do get paid.

Commissioner Ellison spoke on the example of the bicyclist crashing with the train and being cited. He encouraged the police to incorporate some stats on bicycle safety into the report that was handed out. He also thanked Assistant Chief Jeseritz for the report. Manager Alles reported the city has submitted a letter of interest to participate in a grant program with MDT on non-motorized and traffic safety.

Commissioner Ellison asked if the Highway Patrol or Sheriff Deputies could enforce the cell phone ordinance within the city limits and if so could a memorandum of understanding could be signed between the two agencies. Chief McGee noted he believes the ordinance is written where any law enforcement could enforce it. Mayor Smith noted there is professional courtesy and protocol between the different law enforcement agencies where it would not be normal for either the Highway Patrol officers or the Lewis & Clark County deputies to issue citations within the city limits. Chief McGee concurred with Mayor Smith's comments; however, if there is a large incident, then all law enforcement responds. Commissioner Ellison thanked Mayor Smith and Chief McGee for their comments. He then referred to the cell phone ordinance survey graph and commented 96% compliance is a very good number; he did recognize that the total number surveyed to date is 1,629.

Commissioner Elsaesser stated he would like to hear a response on Commissioner Ellison's question from Chief McGee and Colonial Tooley with the Montana Highway Patrol.

Community Development

Helena Housing Authority Master Plan – City Manager Alles and Community Development Director Sharon Haugen introduced HHA Executive Director Josh LaFromboise, Board Chair Dan Sullivan and Intrinsic Architects Susan Riggs and Tad Tsukamoto.

Community Development Director Haugen explained the first action the commission will consider is the zone change that is on the agenda for the August 6th city commission meeting.

Director LaFromboise commented on the mission of the Helena Housing Authority and what staff and the board has done to engage the neighborhood in the development of the master plan. Architect Susan Riggs gave a PowerPoint presentation on Transforming Stewart Homes Foundation Master Plan to include the following:

- ✓ Project Overview
- ✓ Elements of the Master Plan
- ✓ Connections to the Larger Community

- ✓ Building types
- ✓ Architecture
- ✓ Building Orientation
- ✓ Streets
- ✓ Parks and Open Space
- ✓ Pedestrian Connections
- ✓ Helena Housing Authority Offices
- ✓ Early Learning & Adult Education Center
- ✓ Neighborhood Model

Commissioner Elsaesser asked if the zone change is quasi-judicial action. Director Haugen stated a zone change is a legislative action and not quasi-judicial. Commissioner Haque-Hausrath stated this is an amazing plan and thanked Ms. Riggs and Director LaFromboise for the presentation.

Commissioner Elsaesser concurred with Commissioner Haque-Hausrath's comments and asked how the transition would work. Ms. Riggs stated the master plan would be implemented in phases; a phasing plan will be brought forward in the next few weeks. Director LaFromboise expanded the phases will also be determined by funding.

Commissioner Elsaesser asked how ADA would be addressed, specifically the garage units. Architect Riggs explained all of the townhouse units and apartment building would be fully accessible; however, the garage units would not be ADA accessible.

Commissioner Ellison asked if the funding was available for the entire master plan, would any of the existing units remain on site. Director LaFromboise noted there are some asbestos concerns in the units and all options are being pursued. However, after looking at all the options, the recommendation is to tear down the existing units and re-build. He did note any materials/equipment that could be would be recycled.

Mayor Smith asked how the communication/coordination between Helena Housing Authority and city staff will be handled. Public Works Director Hauck and City Engineer Ryan Leland noted staff will be involved, the design team has been in contact with city staff; however, no specific plans have been submitted. Mayor Smith asked if the Early Learning Center will be the first project where city staff and HHA will begin working together. Architect Susan Riggs concurred with Mayor Smith and noted Morrison/Maierle Engineering has also been brought onto the team to address the infrastructure needs of the master plan.

Commissioner Ellison asked what interest or objections have there been from the community on the zone change. Director LaFromboise stated the comments he has heard is the neighborhood would like to look at a zone change for the entire neighborhood; he has offered assistance to the neighborhood. However, HHA would like to move forward with the zone change request and the implementation of the Master Plan.

Mayor Smith asked Director Haugen to discuss the zone change that is on the August 6th agenda. Director Haugen stated the entire Stewart Homes complex is included in the zone change from an R-3 to R-4. Director Haugen elaborated what uses are allowed in the R-0 and R-4 Districts. Under R-4 or R-0 the Early Learning Center and HHA offices would be allowed by right.

City staff received the zone change application from the HHA; Director Haugen emphasized staff will continue to work with the neighborhood on other zoning changes. She also reviewed the written protest process and as of today, there has been no written protests received.

Commissioner Elsaesser confirmed on the map the adjacent residents who were notified of the zone change. Director Haugen noted any property owner within 150' of the zone change was notified.

HHA Board Chair Sullivan thanked the commission for the opportunity to present the master plan. He then commented that HHA is involved in a very deliberate process and the zone change is an essential element to proceed with the entire project. The board wants to secure funding for the entire project and not piece mill it together. The Early Learning Center has been funded and construction needs to begin in the fall of 2012.

Mayor Smith thanked the HHA representatives for the outreach they have done with the neighborhood, the schools and other partners.

Subdivision Ordinance Draft – City Manager Alles introduced the topic and asked Planner Morell-Gengler to review the process to date. Planner Lucy Morell-Gengler explained a revision of the City Subdivision Regulations has been prompted by several factors including:

- ✓ The Helena Growth Policy, a guiding document for City regulations, was updated on May 9, 2011.
- ✓ Other city documents have been approved such as the Complete Streets Resolution and revisions to the City of Helena Parks, Recreation and Open Space Plan and the City Zoning Ordinance.
- ✓ Changes have been made to the Montana Code Annotated (MCA) amending the Subdivision and Platting Act which affect local subdivision regulations.
- ✓ Recent court rulings regarding interpretation of the Subdivision and Platting Act.

Furthermore, a focus group, two community meetings and numerous staff and Consolidated Planning Board work sessions, including a tour of various subdivisions to examine specific design features, were held to identify issues related to the current regulations and to solicit comments on the proposed amendments to the subdivision regulations. A public forum on the proposed revisions to the City Subdivision Regulations was held on January 19, 2012.

The Consolidated Planning Board conducted several work sessions to review proposed changes and evaluated how those changes related to the City Growth Policy. The Growth Policy identifies a number of goals and objectives that are applicable to the proposed revisions to the subdivision regulations. Some of the chapters such as Chapters 12 Subdivision Review, 8 Water, and 7 Environment provided specific guidance for the Planning Board. Additional requirements for preliminary plat applications; more specific regulations for waterbodies; and revised street design were some of the revisions added to the subdivision regulations to address the evaluation and decision guidance provided in the City Growth Policy.

The Planning Board reviewed complete street concepts which resulted in significant revisions to the subdivision regulations street design section. The Planning Board also reviewed revisions intended to clarify the City subdivision procedures, particularly what is required with a preliminary plat application, parkland requirements and what infrastructure must be installed prior to final plat approval.

The Planning Board conducted public hearings on October 18 and November 1, 2011, and held an additional Planning Board meeting November 29, 2011. After reviewing public comments, staff's recommendations and the City Growth Policy, the Planning Board recommended changes to the City Subdivision Regulations (which were attached to the staff report).

The following provides a brief description of the more significant policy recommendations:

Chapter 2 Procedures:

- The proposed changes to this chapter will provide a more comprehensive list of what should be included in the subdivision preliminary plat application.
- Previously, a financial guarantee for the provision of the infrastructure and improvements was adequate for final plat approval instead of installation of the improvements. The proposed changes reflect current City policy and include establishing minimum requirements for infrastructure installation prior to final plat approval. These minimum requirements would include installing:
 - A functioning stormwater system;
 - Water and wastewater mains; and
 - Access to the subdivision and all lots within the subdivision including off-site access improvements installed to a minimum all-weather surface that can accommodate emergency vehicles.

Chapter 4 Design Standards Improvements

- Recommended language revises the subdivision design standards for streets to provide better access, connectivity, and provisions for non-motorized travel by:
 - Deleting the current specific ROW widths and street design requirements that are also in the City Engineering Standards, thus eliminating duplicity; requiring a minimum 76-foot wide right-of-way (ROW) width for all street types to allow inclusion of a complete street design and to accommodate future increases in traffic volumes.

After the Planning Board made their recommendations, a public forum was held. The recommendation for a 76-foot wide ROW for all streets elicited considerable comments.

Alternate subdivision regulation language has been suggested to replace the minimum 76-foot wide requirement with specific minimum ROW widths based on street classifications determined through the subdivision review process such as minimum 60-foot wide ROW for a local street; minimum 80-foot wide ROW for a collector and so forth. This option would still include the complete street components and would also rely on the Engineering Standards for the specific street design features required within that right-of-way width.

- Requiring additional accesses for larger subdivisions to reduce congestion, improve connectivity and facilitate emergency access; and
- Requiring lots to be adjacent to a public right-of-way instead of access easements which have previously been used to provide access to lots.
- There was considerable discussion among the Planning Board members about the need for a maximum block length and what that length should be; they recommended revising the design standards for blocks and lots to promote connectivity and non-motorized access by:
 - Establishing a maximum 1,400-foot block length; and
 - Requiring mid-block bike-pedestrian access only when needed to provide connectivity and for blocks over 1,000 feet in length
- Watercourse, Waterbodies and Wetlands
Currently the City subdivision regulations do not address waterbodies and wetlands; this new section requires perpetual protection for certain water features and applicable vegetated buffer/riparian area to protect, preserve, and maintain sensitive water resources and wildlife habitat.
- Parks
This language clarifies park dedication requirements for subdivision lots that are zoned for mixed uses which allow both commercial and residential uses by right and thus are not “all nonresidential” affecting zoning districts B-1 (Neighborhood Business), B-2 (General Commercial), and B-3 (Central Business); and includes parkland dedication requirements for minor subdivisions.

Mayor Smith stated the question is how the commission wants to proceed.

Commissioner Haque-Hausrath stated she is not interested in delving into every section; however, she would like to keep the various ROW widths as they are in the current ordinance; talk about the comments received from the public; removing the Engineering Standards reference from the document and discuss allowing a lower maximum block length.

Commissioner Elsaesser stated he would like to hold work sessions to address the subdivisions regulations and include the engineering standards at the same time. Planner Morell-Gengler noted the engineering standards are in the process of being updated. City Engineer Leland concurred the engineering standards are being updated and he does have a framework that could be brought forward.

Commissioner Ellison concurred that additional work sessions are warranted; however, not the amount that was used with the Growth Policy. He would recommend scheduling two work sessions to begin with. Mayor Smith stated he concurs a work session is warranted and asked staff to schedule the first work session and then additional ones if necessary.

Manager Alles stated staff will bring forward the more “hot topics” first and the commission may not need to have further work sessions.

7. **Review of agenda for August 6, 2012 City Commission meeting** – No discussion held.
8. **Public Comment** – None received.
9. **Commission discussion and direction to City Manager** – No discussion held.

10. **Adjourn** – Meeting adjourned at 6:00 p.m.