

SUMMARY OF ADMINISTRATIVE MEETING
August 15, 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, Thweatt and Haque-Hausrath were present. Staff present was: City Manager Alles; Executive Assistant Clinda Feucht; Deputy City Attorney Thomas Jodoin; Fire Chief J.R. Feucht; Human Resources Director Rae Lynn Nielsen; Administrative Services Director Tim Magee; Parks & Recreation Director Amy Teegarden; Public Works Director Phil Hauck; Police Chief Troy McGee and Deputy City Clerk Robyn Brown.

Other in attendance included: Health Officer Melanie Reynolds; Business Improvement District (BID) Executive Director Jim McHugh; Shalon Hastings; Anna Doran, Mark Butler; Ed Stevenson; Peggy Strainer; Shannon Lewis; Randall Green; Pete Brown; Ken Wallace; Melinda Barnes; Pat Doyle; Sara Sadowski; M.C. Beeby; Brett Christianson and IR Reporter Sanjay Talwani.

2. **August 1, 2012 Administrative Meeting Summary** – The August 1, 2012 administrative summary was approved as submitted.

3. **Commission comments, questions –**

Commissioner Thweatt stated according to the Memorandum of Understanding between the City of Helena and Lewis & Clark County (LCC), LCC was supposed to have come up with some zoning by July 1, 2011. He requested an update on this issue be placed on the September City/County Joint Work Session agenda.

A.) Upcoming Appointments – Mayor Smith recommended the following appointment:

Helena Housing Authority – Appointment of Ann Bauchman to the Helena Housing Authority. First term will begin upon appointment and expire August 1, 2017.

Mayor Smith announced the city is currently advertising to fill vacancies on the City/County Consolidated Planning Board, Helena Housing Authority, Helena Regional Airport Authority, and Public Art Committee.

B.) Montana Rail Link (MRL) support resolution – Mayor Smith noted he, City Manager Alles and City Clerk Debbie Havens had met with MRL representatives and gave an overview of the meeting. He stated he wants to continue to have a good relationship with MRL and noted he would support the resolution but does not want it to be too divisive among the Commission.

Commissioner Haque-Hausrath recommended deleting all of the “whereas” in the proposed resolution except for the last two and adding some language related to working together on a quiet zone, Centennial Trail and MRL’s past right-of-way contributions to the city. She expressed doubt that the facts listed in the resolution have been verified and she does not believe it would be a good use of city time to verify them.

Commissioner Thweatt noted he does not want to rewrite the resolution; even if it is not completely accurate it will not hurt the city to pass it. Commissioner Thweatt indicated he would support the resolution as is. Commissioner Ellison stated the resolution is a little too specific for his taste but he would support its approval. Commissioner Elsaesser stated he too is unsure if the facts in the resolution are 100% accurate, but concerning Centennial Trail and a future quiet zone, policy-wise and budget-wise it is important for the city to support the resolution. Commissioner Haque-Hausrath reiterated her concerns related to the resolution

City Manager Alles stated the resolution would be placed on the September 10th Commission Meeting agenda as written. Mayor Smith commented the Commissioners could review the resolution and propose amendments at that time.

C.) Bicycles on the pedestrian mall – Discussion was held on the history of the issue.

Commissioner Thweatt expressed concern that not enough public notice was given about this item being discussed today. Commissioner Haque-Hausrath stated as long as the character of downtown is protected and downtown businesses support the idea, she would support moving forward with discussion of allowing bikes on the mall. She noted safety would need to be addressed as well. Commissioner Elsaesser expressed concern that bikes could create safety issues and this proposal does not fit in with the city's Transportation Plan. Commissioner Ellison commented the history of whether or not to allow bikes on the mall has been very divided and suggested NMTAC look at the issue. Mayor Smith expressed concern for the safety of bikes with pedestrians.

The following persons spoke in support of allowing bikes on the walking mall: Randall Green, Peggy Strainer, Anna Doran, Melinda Barnes, Shalon Hastings, Pete Brown, Pat Doyle, M.C. Beeby, Jim McHugh, and Ed Stevenson.

Sarah Sadowski, NMTAC Chair, gave NMTAC's current priorities/workload and explained the process for how the committee could review the issue. She noted NMTAC meets on the 2nd Tuesday of every month at 5:15 p.m. in City/County Building- Room 309.

Following discussion, Commissioners Thweatt, Haque-Hausrath and Ellison requested that NMTAC review the issue and provide a recommendation to the Commission. Manager Alles noted he would work with Ms. Sadowski on a timeline for NMTAC to review the issue. He noted there are a lot of things to consider should the Commission vote to allow bikes on the mall and city staff must do its due diligence.

4. City Manager's Report – Manager Alles referred to the fire in Colorado Gulch and noted the city had authorized the Forest Service to use Chessman Reservoir to fill helicopters. Fire Chief Feucht updated the Commission on how the fire was being fought and noted it is currently contained.

5. Department Discussions
Parks & Recreation

Parks & Recreation Director Amy Teegarden reported In May 2012, representatives from the City/County Board of Health, the City/County Health Department and the ACHIEVE Communities project made a presentation to the City/County Park's Board about tobacco-free parks and other tobacco-free efforts going on in the community. The presentation encouraged the Park's Board to consider development of tobacco free park policies. The Park's Board asked city staff to conduct some informal "sensing" with stakeholder groups and prepare a report for the next month's meeting.

At the June, 2012 Park's Board meeting, there was extensive discussion on various aspects of the proposed policy, specifically on enforcement, and which types of park facilities should be excluded. In general there was overall support for the concept however the Park's Board narrowed their focus to Centennial Park to be used as a way to "test-drive" the concept. The Board asked city staff to consult with the city attorney's office on some of the enforcement concerns and policy development. They also asked staff to prepare a recommended motion for the July meeting that included only Centennial Park.

At the July, 2012 Park's Board meeting, the city attorney shared his concerns about enforcing a regulation (ordinance). He suggested the Park's Board consider a softer approach such as an administrative park policy or signage. The Park's Board unanimously approved a motion to recommend to the Helena City Commission that they designate Centennial Park as a tobacco-free park. There was no recommendation as to what format the "designation" would be; i.e. ordinance, resolution, administrative policy, friendly signage. The City of Missoula enforces their policy by using signs.

Director Teegarden explained the City/County Park's Board is recommending to the City Commission that they designate Centennial Park as a tobacco-free park using a "soft" policy.

A tobacco free policy for Centennial Park could have the following advantages:

- a. Encourages healthy life-style choices
- b. May enhance park users experience
- c. Potential to minimize the amount of cigarette debris in parks
- d. Potential to minimize fire risk

- e. Provides “learning experience” for potential broader policy development and implementation
- f. Policy becomes a “social norm”

Tobacco free policy for Centennial Park could have the following disadvantages:

- a. Uncertainty of what legal format policy should be written (resolution, ordinance or administrative policy)
- b. Enforcement will be “driven” by the type of policy. Helena Police Department has expressed concerns in their ability to enforce if it becomes a criminal defense
- c. Mixed-opinions (positive and negative) from the community at large
- d. Costs associated with signing and policy awareness
- e. Negative perception by some individuals who supported the 2007 park improvement bond

Commissioner Ellison asked if any city parks are currently designated tobacco free. Director Teegarden stated no but explained the Helena Softball Association and Helena Brewers both have organizational policies prohibiting tobacco use. Commissioner Ellison asked why the Parks Board chose Centennial Park. Director Teegarden explained the Board feels the city will be opening a new use and starting new policies/regulations with it would work well. She noted Centennial Park would be a good test park should the Commission want to explore using the policy in other parks in the community.

Mayor Smith noted the Board of Health (BOH) has also discussed the issue. He noted he too would recommend beginning the policy in Centennial Park then incrementally expanding it in other areas.

Commissioner Ellison expressed concern for consistency issues related to enforcement and gave the example of a citizen being prohibited from smoking in Centennial Park but being able to walk across the street and smoke in Memorial Park.

Ken Wallace, Board of Health; noted the BOH has been vetting this issue for 5 years and gave an overview of the board’s work on the issue.

Melanie Reynolds, Health Officer; spoke about enforcement of a “soft” policy and urged Commission to support the proposal.

M.C. Beeby, Parks Board; spoke in support of disallowing all tobacco use in Centennial Park. She noted Youth Connections also supports the proposal.

Pete Brown and Mark Butler, Parks Board members; spoke in support of the proposal.

Mayor Smith announced he abstained from voting on the policy at the BOH level and voted in support of sending a letter of recommendation to the City Commission supporting the policy.

Commissioner Thweatt asked Ms. Reynolds what the Commission is supposed to say if a citizen asks what harm they are doing if they offer to go 100 feet away to smoke. Ms. Reynolds stated if the citizen went 100 feet away they could then run into another park user and noted it should be explained the parks are about health. Commissioner Thweatt asked if the city could adopt an ordinance that would make it illegal for citizens to smoke within 150 feet of another person without their permission. Deputy City Attorney Jodoin stated violation of such an ordinance would be hard to prove in court and the Police Department may have higher priorities to enforce.

Commissioner Elsaesser asked if the policy would also ban people from smoking in their personal vehicles. Director Teegarden stated she believes your vehicle would be in the park so it would not be appropriate to smoke in it, however that scenario would need to be discussed with the Attorney’s office.

Commissioner Haque-Hausrath expressed support for the proposal and concurred with the recommendation to start with Centennial Park. She noted she would also support a policy similar to Missoula’s where “tobacco free” is narrowed to youth sport areas and playgrounds.

M. C. Beeby, stated seeing someone smoking 100 feet away is offensive even if she can’t smell it and urged the Commission to tell citizens they support a healthy lifestyle and the ban would be part of setting healthy examples.

Mayor Smith noted he has been pretty involved in tobacco issues since 1999 and the goals of those involved are also his goals. He indicated he would support starting with a “soft policy” for Centennial Park and moving forward incrementally but with some deference.

Commissioners Thweatt, Haque-Hausrath and Elsaesser also spoke in support of the Attorney’s Office drafting a “soft policy” by resolution.

Administrative Services

Rates and assessments – Manager Alles reported he wanted to give the Commission an overview of the rate hearings on the agenda Monday night and referred them to the following chart:

August 20, 2012 City Commission Agenda Items

1 Annual Tax Levy (No Public Hearing)

1.9% New Property Growth	\$	151,411
1.2% Inflation (1/2 past 3years CPI-U)	\$	84,209
1.9% New Property Growth	\$	151,411
Health Insurance Increase	\$	72,331
Health Reserve Applied	\$	(57,278)

Assessments, Rates & Charges

2	<u>BID Assessment</u>	no change
3	<u>BID Plan & Budget</u>	approve plan & budget
4	<u>Tourism BID Assessment</u>	no change
5	<u>Tourism BID Plan & Budget</u>	approve plan & budget

Special District Assessments

6	<u>Open Space Maintenance</u>	no change
7	<u>Sidewalk Improv. Program</u>	annual debt
8	<u>Special Improv. Districts</u>	annual debt
9	<u>Storm Water Utility Dist.</u>	up to 3.0% increase
10	<u>Street Lighting Districts</u>	cost based
11	<u>Urban Forest Mgmt District</u>	no change
12	<u>Landfill Monitoring District</u>	no change
13	<u>Residential Solid Waste</u>	up to 2.0% Increase
14	<u>Street Maintenance</u>	up to 5.0% Increase

Rates & Charges

15	<u>Wastewater Charges</u>	as listed
16	<u>Wastewater Rates</u>	up to 4.0% increase
17	<u>Water Charges</u>	as listed
18	<u>Water Rates</u>	up to 3.0% increase

Commissioner Elsaesser recommended approving a 5% increase in street maintenance assessments but earmarking some of the increase for Centennial Trail, quiet zone and pedestrian crossings. Commissioner Thweatt and Haque-Hausrath concurred with Commissioner Elsaesser. Manager Alles explained how street maintenance funds may legally be designated and spent and noted he would like to explore Commissioner Elsaesser's proposal and the 5% would need to be set aside until it is decided how it could be spent.

Mayor Smith noted if the amendment is kept close to street maintenance he would be comfortable with the proposal. Commissioner Thweatt asked if the proposed funding could be used for bulb-outs. Commissioner Elsaesser stated yes and discussed ways the funding would be used. Commissioner Ellison noted he would be comfortable with Commissioner Elsaesser's proposal as long as the amount earmarked for Centennial Trail is less than half of the 5% increase.

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) 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 – Commissioner Elsaesser reported MBAC is in the process of selecting a new Executive Director.
 - 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 – There was no HCC member present to give a report.
- 7. Review of agenda for August 20, 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 6:05 p.m.