

SUMMARY OF ADMINISTRATIVE MEETING
May 15, 2013 – 4:00 p.m.
Room 326, City-County Building

1. Call to order, introductions, opening comments – Mayor Pro Tem Elsaesser called the meeting to order. Commissioners Ellison, Haque-Hausrath and Thweatt were present. Mayor Smith was excused. Staff present was: Assistant Public Works Director Phil Hauck; HATS Supervisor Steve Larson; Streets Superintendent Ben Sautter; Community Development Director Sharon Haugen; Captain Curt Stinson; Parks & Recreation Director Amy Teegarden; Natural Resources Coordinator Brad Langsather; City Attorney Jeff Hindoien; Deputy City Attorney Thomas Jodoin; Executive Assistant Sarah Elkins; Administrative Services Director Tim Magee; HCC Coordinator Kelli McLane; and City Clerk Debbie Havens.

Others in attendance included: HCC Representatives Carol Montgomery and Scott Mincemoyer, Matthew Cramer and NMTAC Chair Sarah Sadowski.

2. **May 1, 2013 Administrative Meeting Summary** – The May 1, 2013 Administrative Meeting summary was approved as submitted.

3. **Commission comments, questions –**

A. Upcoming Appointments – Mayor Smith will be recommending the appointment of Dr. Andy Coil to the City-County Emergency Medical Service Board. The term will begin upon appointment and expire December 31, 2015.

Mayor Pro Tem Elsaesser, on behalf of Mayor Smith, asked the commission if there is consensus to proceed in advancing a repeal of riding bikes and skateboards on the pedestrian mall at this time. Mayor Smith had indicated he does not support addressing this issue at this time due to the other commission priorities.

Mayor Pro Tem Elsaesser had submitted a written memo in opposition of advancing a repeal of riding bikes and skateboards on the mall at this time, and instead encourages the commission to focus on more pressing non-motorized transportation priorities including Centennial Trail and the update of the Ten-Year Helena Area Transportation Plan.

Commissioner Thweatt concurred to postpone the discussion. Commissioner Ellison concurred with recommendation and commented there are many items the commission has on their priority list. Commissioner Ellison will informally notify NMTAC Chair Sadowski of the decision.

Commissioner Haque-Hausrath noted the commission has received a number of requests to allow bikes on the pedestrian mall. If the commission does not take it up now, she requested a definite date be given on when it will be discussed.

The commission agreed to refer this matter to the city manager for inclusion on the matrix and the annual ranking of priorities which the commission will undertake later this year.

Mayor Elsaesser reported there is a public meeting on Fire Mitigation on June 4th at the Helena Middle School. Additional information will be forthcoming.

Parks & Recreation Director Teegarden reported the Parks Department will receive an award for the work done on the trolley on the mall at the Heritage Preservation awards luncheon.

4. **City Manager's Report** – No items to report on.

5. **Department Discussions**

Parks & Recreation

Open Lands Fuel Grants and Projects – Natural Resources Coordinator Brad Langsather gave a PowerPoint presentation on the City of Helena Open Lands Forestry Program. He addressed how the beetle killed trees have been addressed and the projects that have been completed. Initially there was the planning phase to identify partners and the many grants received totally \$1.5 million.

Upper Tenmile Fuel Reduction Plan – Mr. Langsather showed a map of the Ten Mile Water Source Drainage with the surrounding private property. Grant funding with city match was awarded to

protect the Red Mountain Flume. As of today, 90% of the private property owners have signed consent forms for their property to be treated.

Commission members congratulated staff for the progress that has been made. Mayor Pro Tem Elsaesser asked what the funding source is for the city's match. Coordinator Langsather stated the water department is matching the red mountain flume project; it includes in-kind and technical assistance. Mayor Pro Tem Elsaesser noted doubling the open lands assessment has helped fund the required match.

Assistant Public Works Director Hauck recognized Brad Langsather for his expertise on these projects. This project has been an excellent investment on the city's infrastructure.

City Attorney/Administrative Services

Ordinance to make all fees set by resolution – City Attorney Hindoien and Administrative Services Director Magee explained currently city ordinances provide for the setting or amending fees and charges by either ordinance or resolution. Staff is recommending creating a uniform procedure for all fees and charges to taking two coordinated commission actions: 1) Uniform Procedure for Establishing Municipal Fees and Charges Ordinances and 2) Resolution Establishing Various Municipal Fees and Charges.

Commissioner Ellison asked for confirmation with this ordinance change, no fees are being increased, it is providing an improved structure to set fees in the future. Attorney Hindoien concurred and explained in the future if a fee is changed a resolution of intention will be considered and with approval a public hearing will be set at which time a resolution will be considered. Commissioner Ellison asked City Clerk Havens to brief Mayor Smith of this discussion.

Director Magee noted on the May 20th agenda is first passage of an ordinance and the resolution of intention; public hearings will be set for June 10, 2013.

Centennial Trail: Legal Framework for MRL Permit – City Attorney Hindoien gave an update on the Montana Rail Link land use agreement needed prior to moving forward with the final design of Centennial Trail. At this time there is draft land use agreement between the city of Helena and MRL that outlines the conditions. City Attorney Hindoien is reviewing the license structure and barring any objections, he will relay to MRL the city will use their standard form and secure a term as long as possible. However, the license agreement will have a term with language that MRL will have the option to terminate it with one-year notice. He then reviewed several other sections of the agreement and noted there is an annual license fee. The city will need to purchase additional insurance required by MRL. There will be some additional risks the city will be taking on; however, other cities have signed these agreements with MRL and provided the additional insurance. Attorney Hindoien noted the railroad agreements will impose some indemnification obligations upon the city. He noted that he has contacted MMIA and will contact them again to discuss the agreement.

Commissioner Haque-Hausrath asked if there is indemnification of liability for contamination clause included in the contract. Attorney Hindoien noted there is language of indemnification if the city causes any contamination. Commissioner Haque-Hausrath stated her full-time position is an attorney with DEQ working on superfund projects and the review of environmental issues and she wants to make sure the city of Helena is indemnified from any contamination caused by MRL. Attorney Hindoien stated there is language in the contract addressing indemnification and he will send the commission the contract for review.

Attorney Hindoien stated with the signed agreement there will be impacts to the budget for maintenance costs and cost sharing for portions of Centennial Trail that is outside the city limits.

Commissioner Thweatt asked if the proposed language means if it turns out there is contamination; the city would be required to indemnify MRL for the clean-up. Attorney Hindoien stated he does not believe that is the intent of the language; again, he will send the agreement to the commission for review. The agreement does not allow the city to pull MRL into litigation regarding the environmental condition of their property.

Commissioner Haque-Hausrath stated it is reasonable for the city to indemnify MRL for any condemnation along the trail that was caused by the city. She will look at the language.

Mayor Pro Tem Elsaesser clarified this is a license agreement and the city would not be responsible for environmental damage. He then asked what would need to take place if future

modifications were made to the proposed bridge on Henderson. Attorney Hindoien stated at a minimum, it would require an amendment to the license agreement.

Mayor Pro Tem Elsaesser stated he is looking forward to seeing the development of Centennial Trail and noted the Henderson bridge is a key component for connectivity.

Public Works

Transit Development Plan Update – Assistant Public Works Director Hauck introduced the topic and reported now that the public comment period was closed the public works staff would be adding those comments to the record, and, of course, comments from the commission were welcome at any time. Staff will bring the plan forward once the commission is comfortable.

Commissioner Haque-Hausrath stated the most important comment that she noted was importance of switching most of the curb to curb service to fixed routes. She commented there seems to be commission concurrence to move forward with this recommendation.

Mayor Elsaesser concurred with Commissioner Haque-Hausrath recommendation and noted there has been discussion to decrease the curb to curb service and expand the fixed routes service. Assistant Director Hauck noted the plan does include recommendations to move forward with the implementation of the change. The specifics on who would qualify and how do you get there are the ongoing discussion. Commissioner Haque-Hausrath stated she would like this as a very clear recommendation.

Commissioner Ellison stated that when the consultant presented the draft report in April, he had a number of questions and concerns, and heard concerns expressed by all of the other commissioners about the contents of the report. Those comments and concerns are not included on the handout with other public comments regarding fares, federal funding, methodology used in computing some of their formulas for cost per mile and the budget numbers included in the plan. Commissioner Ellison stated he would like to see the comments the members of the commission made included in the public comment sheet and asked if they would be captured in some other document. Assistant Director Hauck noted these are the written comments received; staff is aware of the verbal comments and issues raised during the administrative meeting. Staff will include them in the document.

HATS Supervisor Larson explained there are several steps that need to happen prior to making the changes from curb to curb to fixed routes; including the purchase of software to document who would qualify to use the curb-to-curb service.

Commissioner Thweatt stated he supports providing curb-to-curb service to all ADA qualified riders. Supervisor Larson noted staff continues to discuss how to make the change from curb to curb to fixed routes; including the distance that users would be required to walk.

Mayor Pro Tem Elsaesser would like staff to look at options for emergency rides home; he noted this may not be a function of HATS but of the employers.

Report on Snow Removal and Street Sweeping Comparison to other Montana Cities –

Assistant Public Works Director Hauck referred the commission to the two hand-outs on snow removal and street sweeping. He asked the commission to submit any comments on how to improve the city's policies. Street Superintendent Ben Sautter noted last snow removal season there was on-going discussion on how the city of Helena removes snow compared to other cities.

Superintendent Sautter stated he believes the city's program is either comparable to or better than other Montana cities programs. Commissioner Haque-Hausrath thanked staff for the report and noted the report shows residential streets are plowed only by request; however, she believes residential streets are plowed as soon as possible. Superintendent Sautter noted the information on residential streets being plowed should be included in the information and he will make that change to the document. Mr. Sautter noted if a special request is received prior to the scheduled residential street being plowed; city staff will go out and plow the street.

Mayor Pro Tem Elsaesser asked if the city gives preference to the steeper residential streets within the city. Superintendent Sautter noted both the upper west and east sides are plowed first due to the terrain. Commissioner Thweatt asked if a statement recognizing the steeper residential streets are plowed first due to the terrain should be included in the policy. Superintendent Sautter concurred that a statement could be included.

Mayor Pro Tem Elsaesser asked if the streets adjacent to priority one areas are plowed at the same time as those in the priority area. Superintendent Sautter explained if staff is in the area, they usually take care of the adjacent streets.

Commissioner Ellison thanked staff for the information and recognized the city recycles the sand we use and we continue to plow residential streets. Commissioner Thweatt stated the information provided today will help with the calls he receives from citizens.

Mayor Pro Tem Elsaesser asked how much time goes into addressing citizen requests. Superintendent Sautter stated he does not have that data with him; however, due to the smaller vehicle being able to take care of the individual calls, it eliminates the need to pull the large plows off their routes.

Mayor Pro Tem Elsaesser asked when this document is put on the city's web page, these specific points are highlighted as services provided by the city. Mayor Pro Tem Elsaesser also asked if during a storm there was an emergency declaration asking owners to remove their cars from the snow routes and if this was the norm, would it assist staff. Superintendent Sautter explained staff does not see this as an issue; the major complaints are plowing in cars and mail boxes. Mr. Sautter asked if it is a requirement for owners to remove their cars from snow routes, is the city willing to either tow the cars or issue tickets to those who do not remove their vehicles. He suggested not making it a requirement due to the enforcement issues.

Mayor Pro Tem Elsaesser stated the emergency routes need to be addressed, formally or not. He then addressed priority areas during a storm with icy conditions and asked how the city addresses this issue to get the sanders out when a storm is happening. Superintendent Sautter noted staff monitors the weather to provide service; however, the weather doesn't always happen when predicted. Staff is now working different shifts to help eliminate non-coverage. Another suggestion is to have temporary employees on call; this is being addressed during the budget discussions.

Mayor Pro Tem Elsaesser asked if there is a schedule for when certain streets will be cleaned. Superintendent Sautter noted other cities have schedules; however, he does not recommend a set schedule. He again emphasized if citizens want their street swept, they should call the street department.

Mayor Pro Tem Elsaesser referenced the pedestrian crossings and asked if there anything the crews can do to sand the bulb outs. Superintendent Sautter noted it would require a staff person stopping the truck and getting out and hand sanding the area.

Commissioner Thweatt asked how the city of Helena compares in snow plowing to other cities. Superintendent Sautter noted the information is outlined on page two of the Winter Road Maintenance Comparison handout. He then stated he will update the information and get a copy to the manager and the commission. Discussion was held on how to proceed in updating the information.

Engineering Standards – Assistant Public Works Director Phil Hauck handed out an updated comment page to the commission. These comments are from the red-lined version of the draft Engineering Standards.

Mayor Pro Tem Elsaesser asked if the comments handed out today are included in the "red line" version available to the public. Assistant Public Works Director Hauck stated the comments handed out today are not included in the "red line" version that is currently available to the public. City Engineer Leland has been out of town and will be back on Monday and will work on preparing a document for commission consideration at the commission meeting. Mayor Pro Tem Elsaesser then asked if the commission could approve a final version with conceptions amendments described by staff. City Attorney Hindoen stated what the commission would be considering at the May 20th commission meeting is the "red line" version that is currently available to the public. Changes to that document would need to be made by an amendment during the meeting. Attorney Hindoen stated he is hesitant to move forward due to the amount of new comments received after the "red line" version has been made available to the public.

Commissioner Haque-Hausrath left the meeting at this time.

Mayor Pro Tem Elsaesser stated he would like to hold the public hearing on Monday, May 20th and move forward. The commission then began the process of reviewing the comments from the updated comment page.

Comment 1 – Commissioner Ellison stated he heard comments from engineers and developers that there is no time frame on the city's side to respond to the submitted plans and he would like for one to be established related to the approval process outlined in Section 1.1. Staff responded that setting a

timeframe to respond to the request rather than for granting approval would be more appropriate; however, there is not a change in the text of Section 1.1. Assistant Public Works Director Hauck commented staff does not have a problem with a timeline; however, when approval is requested there is a list of items required for interim acceptance and many times those items are not submitted in a timely manner. In addition, there is more than one staff person that attends the walk through requiring the coordination of calendars.

Commissioner Ellison stated he supports a specific time line being set for approval, contingent that staff has received the documentation they need to grant approval. Assistant Public Works Director Hauck concurred and recommended a three-week deadline for approval, from the time the required documentation is received.

Comments 12-14, 18 & 19 – Driving lanes widths and bike lanes requirements. Commissioner Thweatt noted the commission has not reached an agreement on the driving lane widths and noted Commissioner Haque-Hausrath is very interested in these widths.

Commissioner Thweatt proposed driving lanes be reduced to 9-foot driving lanes for local roads; 10-foot for minor collectors and 10-foot driving lanes for major collectors with sharrows that include two additional feet. He would not change the driving lane width for arterials.

Mayor Pro Tem Elsaesser stated his concern is if sharrows and bike lanes are required, the definition of their requirements needs to be very clear.

Commissioner Ellison commented that Commissioner Thweatt has proposed the reduction of one-foot driving lanes for local, minor and major collector roads. He believes Commissioner Haque-Hausrath concurs with the recommendation and Mayor Smith has indicated he believes the current driving lanes are fine.

Commissioner Ellison stated he drove the road examples given by staff and with parking on both sides there isn't a lot of room; it may become a safety issue; however, he is not sure if it would. He asked what happens to the other two feet if the driving lanes are reduced; it sounds like it goes into the buffer or the ROW is reduced. Commissioner Ellison stated there is flexibility in the document where the ROW doesn't have to be a certain width. At this time, he would stay with the current standards; however, he may be convinced otherwise.

Mayor Pro Tem Elsaesser asked if Commissioner Thweatt's proposal is the current standards. He then stated he would support the flexibility of a developer to design the streets. Commissioner Thweatt noted AASHTO does allow for nine-foot driving lanes for local roads and 10-foot for collectors. He noted his proposal is a cost benefit discussion and he doesn't believe there is an issue when cars have to yield to each other.

Commissioner Ellison asked if the proposal is 10, 11 and 12-foot driving lanes; however, AASHTO allows for 9, 10 and 11-foot driving lanes. Deputy City Attorney Jodoin stated the subdivision regulations currently have 9, 10 and 11-foot driving lanes; however, the overall right-of-way doesn't fit with the subdivision regulations and engineering standards.

Mayor Pro Tem Elsaesser supports the 9, 10 and 11 foot driving lanes with the flexibility of having a mechanism to allow for wider ROW.

Commissioners Ellison and Thweatt expressed concerns with not being able to complete the discussion on the Engineering Standards, due to the amount of unanswered questions and key staff and two commission members being absent. Mayor Pro Tem Elsaesser stated he could support a motion to table the Engineering Standards, if one is offered at the May 20th commission meeting.

Comment 13 – Bikes lanes on major collectors or sharrows – Commissioner Thweatt stated he would like to discuss if bikes lanes/sharrows should be required on major collectors. At this time, he is not clear on what he supports but recognized adding an extra ten feet to accommodate them would make the road very wide. Commissioner Ellison stated this was a topic at the NMTAC meeting on May 14th. He referenced Saddle Drive and noted if an additional ten feet were added it would encourage higher speeds.

Non-Motorized Travel Advisory Committee Chair Sarah Sadowski reported NMTAC supports bike lanes on major collectors. Commissioner Thweatt asked if Custer Avenue East is an arterial or collector. Assistant Public Works Director Hauck stated he would have to look at the Helena Area Transportation Plan and report back. Discussion was held on when bike lanes are warranted and the importance of establishing standards for bike connectivity.

Ms. Sadowski stated on major collectors both speed and traffic volume are major considerations. She asked what the average daily traffic volume is for a road to be classified as a major collector. Assistant Public Works Director Hauck stated he does not have the information with him. Ms. Sadowski then asked how many major collectors go into subdivisions. Assistant Public Works Director Hauck noted the size of the subdivision will determine the number and type of streets required. Community Development Director Haugen stated zoning is also taken into consideration on the type of streets required for a subdivision.

Commissioner Ellison referred to page 72 of the “red-line” version where the defined traffic counts can be found.

Commissioner Ellison stated it sounds like NMTAC is recommending bike lanes on the collector streets and he will defer NMTAC for the recommendation.

Mayor Pro Tem Elsaesser stated the commission has discussed having criteria for bike lanes absent there being a bike boulevard or shared paths. Commissioner Thweatt noted the entire document is structured to include the components of complete streets.

Attorney Hindoen noted the intent of the red line version was there would be a structure in the engineering standards that would allow a developer the flexibility to show where they do not need to fulfill the complete street components.

Commissioner Thweatt stated the key language is in Section 5.3 where it lists the features to make streets complete and they are not required but must be considered. The document is very flexible.

Commissioner Ellison stated with Commissioner Haque-Hausrath having to leave the meeting, he recognized there are some of these items needing additional discussion and he would recommend tabling the Engineering Standards at May 20th meeting and have it back on one more administrative meeting agenda. Commissioner Thweatt concurred.

City Attorney Hindoen spoke on behalf of staff and stated staff would be more comfortable with a tabling motion on Monday, May 20th; this would allow the “red line” version to be updated.

Commissioner Ellison stated if there are members of the public who are bothered by the tabling motion, he will own this. Commissioner Thweatt stated it will be co-ownership.

NMTAC Chair Sadowski referred to Comment 23 referencing the complete streets check list; she asked if there are bike lanes included on the complete street check list. She would encourage the commission to require bike lanes or sharrows on minor collectors.

Commissioner Ellison stated he will coordinate with City Attorney Hindoen on the motion language.

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 (NMTAC), 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 Carol Montgomery stated the HCC has submitted an amended recommendation on the subdivision regulations.

7. Review of agenda for May 20, 2013 City Commission meeting – Mayor Pro Tem Elsaesser asked for comments on the May 20th city commission agenda. No comments received.

8. Public Comment – NMTAC Chair Sadowski noted Liz Andrews is now the HCC representative on NMTAC. She commented on the progress being made on Centennial Trail; NMTAC is also tracking HATS transit plan. Ms. Sadowski thanked the commission for their work.

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

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