

SUMMARY OF ADMINISTRATIVE MEETING
June 5, 2013 – 3:00 p.m.
Civic Center Lobby

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 Alles; Executive Assistant Sarah Elkins; Public Works Director John Rundquist; City Engineer Ryan Leland; Community Development Director Sharon Haugen; Police Chief Troy McGee; Police Lieutenants Tim Coleman and Torey Keltner; Parks & Recreation Director Amy Teegarden; City Attorney Jeff Hindoien; Deputy City Attorney Thomas Jodoin; and City Clerk Debbie Havens.
Others in attendance included: HCC Representatives Kris Goss and Liz Andrews.

2. **May 15, 2013 Administrative Meeting Summary** – The May 15, 2013 Administrative Meeting summary was approved as submitted.

3. **Commission comments, questions –**

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

Helena Open Lands Management Committee

Appointment of James R. Phillips to a first term on HOLMAC. Term will begin upon appointment and expire on June 30, 2016.
Reappointment of Clint Morrison to a first full term on HOLMAC. Term will begin upon appointment and expire June 30, 2016.

Lewis & Clark County Heritage Preservation & Tourism Council

Reappointment of Donna Torgerson to a first full term on the Lewis & Clark County Heritage Preservation & Tourism Council. Term will begin upon appointment and expire June 30, 2016.

Public Art Committee

Appointment of John Moore as an Art Organization representative on the Public Art Committee. The unexpired term will begin upon appointment and expire December 31, 2013.

Commission Comments - Commissioner Elsaesser reported on the Fire Mitigation program that was held June 4th at Helena Middle School and noted the city was well represented. Mayor Smith recognized and thanked Fire Chief Logan for his part in organizing the event. Fire Chief Logan recognized and thanked Pat McKelvey for his work on the event.

4. **City Manager's Report**

Helena Parking Commission – Parking Management Agreement – City Manager Alles referred the commission to the amendment to the Parking Management Agreement between the City of Helena and the Helena Parking Commission. In summary, effective July 1, 2013, all current employees of the Parking Commission will become municipal employees of the city and subject to the same supervision and management structure as all other city employees.

The parking commission will continue to set policies of the Helena Parking Commission.

Commissioner Haque-Hausrath stated the changes look good and concurred a volunteer board is not in a position to supervise employees.

Commissioner Ellison asked if the commission appoints the members of the Parking Commission. Manager Alles stated yes, they are the same members of the Business Improvement District.

Commissioner Elsaesser asked if the members have to be the same members or could they be separate and apart. Manager Alles stated at this time the commission adopted a resolution outlining the board; they could always review and amend if necessary. Commissioner Elsaesser stated at this time, he will support the proposal; however, in the future there may be a need to look at the resolution.

Manager Alles noted the Helena Parking Commission does have the authority to contract for services outside the BID District.

Bike Donation Request - Manager Alles stated he received a request from CASA who has a youth with a birthday coming up and has asked for a donation of a bicycle. Manager Alles stated there is not time to pass a resolution declaring it surplus and he would like to move forward with the donation. There was commission concurrence to move forward with the donation and prepare the necessary resolution for consideration.

Mayor Smith noted there are two biking events coming to Helena and Manager Alles will be considering the request for permits. Mayor Smith stated City Manager Alles is the person who makes the decision on issuing permits for events and street closures.

Manager Alles stated there are several permit requests staff reviews and he works with the appropriate staff to ensure safety of all citizens. The Centurion Bike event will be on a Sunday and he has asked representatives from the BID to contact the businesses and work with them to alleviate their concerns.

The owner of the Tour Train has made a request to operate a half of dozen Segway's to take tourists up and down the pedestrian mall. At this time, Manager Alles stated he is not inclined to approve the request due to concerns of staff and himself.

Commissioner Elsaesser stated he too is comfortable with the manager's decisions; there are safety concerns that have to be addressed.

Commissioner Ellison noted the commission has made the decision to discuss NMTAC's recommendations to allow bikes on the pedestrian mall later this fall and he would suggest this topic would be appropriate to discuss at that time.

5. Department Discussions

Police Department

Summer Officer Scheduling – City Manager Alles introduced the subject and highlighted the current staffing of the Police Department. Police Chief McGee introduced Lieutenants Tim Coleman and Torey Keltner who gave a presentation on the summer scheduling and the volunteer program through the Helena Police Department.

Chief McGee stated this summer the police department will be fully staffed which will allow additional patrol of the downtown area and traffic patrol.

Lieutenant Coleman stated there are 37 officers currently in the patrol division and there are two officers who will be working the downtown area. The motorcycle officers will also be out patrolling the city. There have been changes in the shifts, allowing the larger force to be in the middle of the busiest times of concern. Distracted driving is of high concern; at this time approximately 700 tickets have been issued.

Commissioner Ellison noted there have been several retirements in the Police Department; however, the department has not missed a beat. He recognized and thanked the department for the work they continue to do 24/7.

Mayor Smith commented he too is glad to hear there will be additional traffic enforcement.

Helena Police Department Volunteer Program – Police Chief McGee noted the Helena Police Department's goal is to formalize a volunteer program; which will free up the officers.

Lieutenant Keltner reported he has been given the opportunity to organize and promote a volunteer program through the Helena Police Department. He has issued ads through the local media and has pamphlets to hand out to interested persons. Abandoned vehicles, open lands and parks are some of the areas the volunteers may be used for. In addition for those who cannot be outside, there will be some administrative work available.

Lieutenant Keltner stated he visited the Billings program and is excited to get Helena's program up and running.

Commissioner Elsaesser stated this is great and asked if the officers normally have to access the city's open lands by foot. Chief McGee stated if it is a true emergency, if possible, they take a vehicle in; however, most times they access open space by foot.

Commissioner Haque-Hausrath stated she would like a copy of the pamphlet and totally supports moving forward with the program. Lieutenant Keltner handed out the informational pamphlet to the commission and staff.

City Attorney

Leash Law for Dog Park – City Attorney Hindoi reported the city is currently in the process of creating a “dog park” at Centennial Park to be known as “Paws Park at Centennial Park.” The dog park will consist of a discretely identified and fenced area, with the intention that dogs within that area of the park will not have to be kept on a leash. Under Section 5-2-14 of the current Helena City Code, however, all dogs are required to be kept on a leash unless they are on private property, are being physically held or are in a “natural park” as designated by the city commission (i.e., Mount Helena and Mount Ascension).

The city also recently secured a favorable ruling from the Montana Supreme Court in a case where a citizen asserted that the law did not in fact require the use of a leash outside of a “natural park.” The ruling was based in part on the completeness of the factual record, however, which could potentially leave the door open to future litigation on the same issue.

Attorney Hindoi proposed the city commission (1) create a second exemption from the leash requirement to include a “dog park” as formally designated by the commission and (2) eliminate certain definitional language in the Code so as to reduce or eliminate the risk of future litigation concerning the operation of the substantive regulation in the leash law. The changes are summarized as follows:

- ✓ Delete the term and definition of “at-large” leaving only the substantive leash requirement in Section 5-2-14.
- ✓ Delete the term and definition of “restraint” leaving only the substantive leash requirement in Section 5-2-14.
- ✓ The refinement of the substantive leash requirement in Section 5-2-14.
- ✓ Adding an exemption from the leash requirement in Section 5-2-14 for dogs within a “dog park” as designated by the Commission
- ✓ Delete redundant language from Sections 5-2-15 and 5-2-17 so as to leave Section 5-2-14 as the substantive regulatory section for the leash requirement.

The proposed ordinance amendment would authorize dogs to be off-leash when inside the confines of a commission –designated “Dog Park” and eliminate certain definitional language in the Code so as to minimize or eliminate the risk of future litigation concerning the operation of the leash law.

Commissioner Ellison noted the first bullet referencing “at large” is not referred elsewhere in the memo and asked what the definition of “at large.” is City Attorney Hindoi stated the ordinance is framed where no animals shall be allowed to run at large and then has a definition of at large. Staff is taking definitional language out and leaving enforcing the substantive language.

Commissioner Elsaesser asked is the ordinance clear on the “natural park”, would generic open lands be eligible and does the ordinance pertain to all animals. Attorney Hindoi stated yes the ordinance language is clear on designated natural park and dog park and the prohibition is for all animals.

Commissioner Elsaesser stated he does support tightening up the language. He has seen a lot of issues where owners proclaim to have their dog under control and it isn't. In the future, hopefully there will be additional dog parks.

Mayor Smith asked Parks & Recreation Director Teegarden if staff is ready to enforce the ordinance. Director Teegarden stated it will assist staff when asking people to either put their dog on leash or go to the dog park. The plan is to open the dog park by the end of June.

Attorney Hindoi noted this ordinance will be on the agenda for first passage on June 10th and at final passage on June 24th, a resolution will be brought forward designating the dog park. The dog park is approximately 3-acres and will be have two areas for large/small dogs.

Public Works

Engineering Standards – City Manager Alles recognized and thanked City Engineer Leland for the work he has done on the Engineering Standards.

City Engineer Leland referred the commission to the “red lined” copy of the Engineering Standards and offered to answer any questions.

Commissioner Haque-Hausrath spoke on the final draft and stated she would like to discuss the following draft amendments:

Amendment #1: Table 5-3:

Add the following footnote:

*Parking may not be required, or may only be required on one side of the street, if there is not a need or demand for on-street parking. Such situations include, but are not limited to: local side streets that do not have fronting buildings; certain zoning, such as Industrial or Open Space Residential; and where the adjoining uses provide sufficient off-street parking.

Commissioner Haque-Hausrath stated she has concerns with requiring parking on both sides when not necessary. Commissioner Thweatt stated excess on-street parking is an issue; however, he believes the ability not to require parking is already built into the standards. He is not sure how to address the issue.

Commissioner Elsaesser stated he agrees with the goal of not requiring excess parking; he wants the flexibility of using best practices. There has to be a process addressing unique situations and he agrees there is already the ability not to require on-street parking.

Commissioner Haque-Hausrath noted by using the word “may” it would be discretionary for staff to require on-street parking. Commissioner Thweatt stated he would ask legal staff to draft the amendment with the language proposed by Commissioner Haque-Hausrath.

Commissioner Elsaesser referenced – page 83 – 9’ driving lanes uses the words “may not” and asked if this language would be Commissioner Haque-Hausrath’s intent. Commissioner Haque-Hausrath concurred.

Commissioner Ellison stated he would be comfortable with legal and engineering staff drafting the amendment language and keeping it generic.

Assistant City Attorney Thomas Jodoin noted people have the right to park on the street, unless it has the appropriate regulatory standards to enforce the no parking designation.

Amendment #2: Section 5.12:

Add the following language:

Helena City Code requires that anyone engaging in work that will “create any obstruction to public travel” must secure a permit from the City Engineer. For construction that will require obstruction of the sidewalk along a major collector, minor arterial, or major arterial, the City Engineer may condition the issuance of that permit on the installation of alternative walkways, in order to ensure adequate and safe pedestrian passage.

Engineer Leland stated as a practical process, staff has addressed this; when a building is being built the applicants normally look at the building codes and not the engineering standards. This language has been added to street closure permits and other application processes.

Commissioner Thweatt stated he does not believe the engineering standards would be the appropriate place to add this amendment.

Commissioner Haque-Hausrath withdrew the amendment due to staff adding the language to the permitting process.

Amendment #3: Commissioner Haque-Hausrath noted the Complete Streets and Right-of-Way Standards checklist does not include any specifics making transit stops, using best practices to assure they are accessible.

Mayor Smith asked for clarification on the proposed amendment; the request would be if there is a transit stop, it would be ADA compliant. Commissioner Haque-Hausrath concurred and noted there are also best practices as far as making people with disabilities feel safe even if it is not required.

HCC Representative Elizabeth Andrews stated items 5 and 6 on the Complete Streets check list addresses transit stops; however, it does not specifically address ADA accessibility and encourage the use of the transit stop. She encouraged the commission to integrate some language into the check list that would assure the transit stops would be accessible.

Commissioner Elsaesser asked if a transit stop is proposed, would it typically be sheltered. Community Development Director Haugen noted the transit stops are outlined in the parking ordinance and the standards are developed by the public works department. If federal/city money is used to

construct the sheltered transit stops, they have to be ADA compliant, she is not familiar with what would be required using best practices.

Engineer Leland noted the transit plan outlines what type of the transit facility stop it will be. Staff would then determine what is sheltered and would then do an in-depth review. He too stated transit stops have to be ADA compliant.

Engineer Leland commented if it is a transit shelter and a building permit is required; the building codes would address the ADA requirements and he would not support including language in the engineering standards.

City Manager Alles referred to the check list and noted ADA is not always listed; however, ADA is required for all sidewalks and transit stops and shelters. Again, if local and federal money is involved, it will be ADA compliant.

Commissioner Elsaesser asked if there is a way to identify if there is going to be a transit stop, will it be sheltered.

Commissioner Thweatt stated anything the city builds has to comply with ADA Standards and he does not see the need to specify all the laws that apply. Commissioner Haque-Hausrath agreed it doesn't have to specify shelters have to be ADA accessible; however, the shelter is the question. She stated she would look at generic language to include in the check list and may bring it forward.

Mayor Smith asked who monitors the implementation of best practices. Community Development Director Haugen stated in terms of transit stops, she does not have a sense of what would be the requirements and what would qualify as best practices. Mayor Smith concurred. Director Haugen stated if the commission wants to pursue this language, staff has resources to research best practices.

Commissioner Ellison stated he believes the transit plan would be an appropriate place to have this language and not the engineering standards. Commissioner Thweatt and Mayor Smith concurred. Commissioner Haque-Hausrath stated she would support doing research on best practices and adding the language in the transit plan.

Commissioner Thweatt stated he would like to discuss the following amendments:

Amendment #1: 5.1.1

Add the following:

"Implementing these standards requires balancing of several policy concerns, including:

- providing a safe and efficient transportation system;
- accommodating all modes of transportation, motorized, non-motorized, and people of all ages and abilities;
- discouraging excessive speed; and
- requiring only the minimum amount of right-of-way to minimize housing prices and minimize loss of taxable property.

Rationale - The wide range of discretion delegated to staff in these standards requires clear policy guidance.

Commissioner Elsaesser stated he has a few concerns with the language "including" and referenced the last bullet. He stated he supports the narrower roads and believes this may be broader than what the engineering standards should include. He noted he would support the first three bullets.

Commissioner Thweatt stated he believes the policies have to be balanced and he would like to leave his proposed language. This language asks staff to look at these items and then make a decision.

Commissioner Ellison stated he agrees with the statements, however, he does not believe the engineering standards is the place for the last bullet; the growth policy may be the appropriate place for it.

Mayor Smith concurred with Commissioners Elsaesser and Ellison on removing the last sentence. Commissioner Haque-Hausrath stated the developers had asked the commission to set minimum right-of-way and she does not see the harm in leaving the language in the engineering standards.

Paul Cartwright noted the point being raised is important; when the plans are being reviewed the impact on the community needs to be addressed. He gave several examples on when the impact of the specific neighborhoods should have been addressed.

Commissioner Elsaesser again stated the last bullet concerns him and he would not support including it in the engineering standards.

Commissioner Thweatt stated he thinks it is important to leave the language in the engineering standards. The last bullet needs to be looked at by the engineering staff.

Amendment #2: 2 5.1.4 & 5.4

In 5.1.4, in definition of local street, delete; “~~Traffic calming measures shall be used to discourage speeds greater than 25 MPH with the use of appropriate traffic calming measures.~~”

In 5.4, add 2nd paragraph “Appropriate traffic calming measures shall be used to discourage speeds in excess of the posted speed limit on local and collector streets.”

Rationale - We should use traffic calming measures to enforce speed limits on all local and collector streets, while maintaining safe design speeds to accommodate expected actual speeds and traffic volumes. We have received complaints of excessive speed on several collector streets. Traffic calming measures are probably more cost effective than police officers for controlling speed. If a higher speed is desired on a new street, a change in the speed limit for that street could be proposed.

Commissioner Elsaesser asked if “posted” would be the appropriate wording. Traffic calming measures are important but the intent is to have slower traffic.

Commissioner Ellison concurred with Commissioner Elsaesser and stated if the word “posted” were removed, he would support the amendment. Commissioner Thweatt concurred to remove “posted”.

City Engineer Leland reminded the commission that collector roads are designed to move traffic and there is already a traffic calming program that specifically discourages traffic calming on collector roads. The commission could choose to amend the traffic calming program.

Public Works Director Rundquist agreed that the wording “posted” may not be appropriate, the city of Helena does not always post speed limits on all streets.

Mayor Smith stated collectors are designed to move traffic and he would not support have traffic calming installed. Commissioner Thweatt noted the speed limit on collector streets is normally 25 mph; he noted Winne Street is a collector and has installed traffic calming devices. He believes it is appropriate to design collector streets with traffic calming measures and then amend the traffic calming policy. Discussion was held regarding the various speed limits for the types of streets.

Commissioner Ellison stated he would support traffic calming being applied to local streets. Commissioner Elsaesser stated his concerns are with non-motorized traffic and he is not sure what traffic calming would be installed when the speed limit is 45 mph. He does support measures to make traffic safer.

Paul Cartwright spoke on the designated collector streets and where the traffic volume doesn't meet the criteria. He would support traffic calming devices on collector streets.

Amendment #3: “The Right-of-Way for new streets will be determined by the traffic study for the development along with all the relevant planning documents for the City of Helena ~~that include including~~ but not limited to the Helena Zoning Map, Greater Helena Transportation Plan, Transit Plan, and Non-Motorized Pedestrian and Bike Route Plan.

Rationale - Street requirements depend on the adjacent uses which are regulated by zoning designation.

There was commission concurrence for the amendment. Assistant City Attorney Jodoi expressed concerns with the proposed language being used and how would it be applied to the subdivision regulations.

Following commission and staff discussion there was consensus for the following amendment: “The typical roadway sections shown in “Appendix B” identify the minimum amount of right-of-way that may be necessary to accommodate full build-out of each type of facility. The Right-of-Way appropriate classification for new streets will be determined by the traffic study for the development along with all the relevant planning documents for the city of Helena ~~that include~~ including but not limited to the Helena Zoning Map, Greater Helena Transportation Plan, Transit Plan and Non-Motorized Pedestrian and Bike Route Plan. The features needed ~~to~~ for a street to be considered a complete street are listed in Table 5-3 of this section...

Amendment #4: Table 5-3 Amend driving lane widths as follows:

- local: 9'
 - minor and major collectors; 10'
 - minor arterials: 11'
 - major arterials; 12'
- Strike footnote concerning local streets.

Rationale - This maintains the existing driving lane widths provided in ordinance 12-4-3 except for increasing driving lane width to 12' for major arterials.

Commissioner Ellison, speaking as the commission representative on NMTAC, addressed spoke on the following NMTAC recommendation: Of the majority of NMTAC members who commented all agreed that supporting the 9ft-10ft-11ft lane widths on respective road types. It was agreed that those widths will make the roads safest for non-motorists. Commissioner Ellison stated he would support Commissioner Thweatt's proposed amendment.

Commissioner Elsaesser stated he would support the amendment; the street can always be wider.

Commissioner Ellison asked if the current practice is 9, 10, 11 and 12-foot driving lanes. Engineer Leland stated the current standards are 10' for local, 10' for minor/major collectors and 12' for minor/major arterials to accommodate emergency services.

Commissioner Ellison stated if the current practice is 10' on local roads to accommodate emergency services that is what he will support.

Commissioner Haque-Hausrath commented there is a difference on how the lane width is defined and the proposal does not include the 1' gutter plan; currently the driving lane does include the gutter pan. If parking is allowed the 1' gutter pan is not included in the driving lane.

Staff further explained how a typical section is measured, depending if parking is or isn't allowed.

Amendment #5 - Table 5-3 Add footnote: "Deviations may be allowed with sufficient justification."

Rationale - To make clear that these requirements are not carved in stone. This language is already in the standards, he is suggesting that they not be required. He believes the ability of not requiring parking is already built in.

Amendment #6 - Table 5.3 Eliminate requirement of sharrows on minor collector streets.

Rationale - The additional 4' of street width required for sharrows may be counter-productive by inducing higher speeds. Traffic volumes on minor collectors do not normally require special bicycle infrastructure. All Helena streets are share-the-road streets. Signs and sharrows may be useful initially to educate the public, but the city should not be locked into maintaining them indefinitely.

Commissioner Thweatt stated the complete street check list does not include sharrows. Engineer Leland stated it may have been an oversight to include the sharrows on the check list; there is no set requirement to use sharrows.

Commissioner Haque-Hausrath noted painting sharrows would make the streets wider and may be counter-productive. If there was a way to paint or install sharrows without making the street wider, she would support requiring them.

Commissioner Ellison speaking as the commission representative on NMTAC, stated there was not a clear consensus on this amendment. Commissioner Ellison stated he will support the amendment.

Commissioner Elsaesser stated narrower streets are not the only factor that is going to control traffic speed. He has not made a final decision on the amendment.

Amendment #7 - 5.10 Pavement markings. Add: A street with bike lanes must have a center line stripe.

Rationale - Stripes help to confine traffic and control speeds. This will mitigate the added street width for bike lanes.

Commissioner Haque-Hausrath stated this is already the informal policy and she would support the amendment. There was commission consensus to support the amendment as there is already an exception if needed.

Mayor Smith noted amendments can be offered Monday night for commission consideration. City Manager Alles stated the protocol the commission will use at the city commission meeting is to accept a motion for approval of the red-line version of Engineering Standards and then consider any amendments and then adopt the Engineering Standards as amended.

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 Kris Goss reported the HCC members are continuing their marketing effort to encourage citizens to file for the HCC. In addition, the HCC has been active in the budget work sessions.

7. Review of agenda for June 10, 2013 City Commission meeting – No discussion held.

8. Public Comment – No public comments received.

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

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