

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

**1. Call to order, introductions, opening comments** – Mayor Smith called the meeting to order. Commissioners Ellison, Elsaesser, Haque-Hausrath and Thweatt were present. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; Police Chief Troy McGee; Fire Chief Sean Logan; Public Works Director Phil Hauck; Community Development Director Sharon Haugen; Parks & Recreation Director Amy Teegarden; City Planner Lucy Morell-Gengler; City Attorney Jeff Hindoien; Deputy City Attorney Thomas Jodoin; City Engineer Ryan Leland; Parking Director Dave Hewitt; Parking Operations Manager Tim Nickerson; HCC Coordinator Kelli McLane and City Clerk Debbie Havens.

Others in attendance included: Montana Independent Living Project (MILP) representative Lloyd Sparks; David Nielsen, IR Reporter Taliah Knudson, Mark Simonich and HCC Representative Janet Hess-Herbert.

**2. August 14, 2013 Administrative Meeting Summary** – The August 14, 2013 Administrative Meeting summary was approved.

**3. Commission comments, questions –**

**Board Appointments** – Mayor Smith recommended the following board appointments:

**City-County Parks Board** - Reappointment of Melissa Lewis to the City-County Parks Board. Second term will begin upon appointment and expire September 30, 2016.

**Helena Regional Airport Authority** - Appointment of Jon Moe to the Helena Regional Airport Authority. The unexpired term will begin upon appointment and expire September 1, 2014.

**City Zoning Commission** - Appointment of Michael “Mike” McCabe to the City Zoning Commission. The first term will begin October 1, 2013 and expire September 30, 2016

There was commission concurrence on the recommended board appointments.

**Commission Comments** – Commissioner Elsaesser reported a couple weeks ago there was a scout for the International Mountain Bike Association in town looking at Helena’s biking destination. The initial review went very well and Helena is a strong contender for a Bronze status. Commissioner Elsaesser stated he wrote a letter of support for Helena to receive the Bronze status.

Commissioner Elsaesser stated he will have lots of updates from the TCC and asked what staff he should work with. City Manager Alles stated City Engineer Ryan Leland would be the contact. Commissioner Elsaesser asked that on the next administrative meeting agenda the commission receive an update on the Henderson bridge and general discussion on the transfer station and recycling program.

Commissioner Elsaesser stated he has been approached from several community members to discuss the possibility of moving the location of the transfer station. Manager Alles noted he too has been contacted and noted there would be several obstacles that would have to be addressed. If the commission wants to address this he will agenda it up. Mayor Smith and Commissioners Ellison, Haque-Hausrath and Thweatt stated they too were contacted. There was consensus to get an update on the transfer station and recycling programs.

Commissioner Thweatt stated at the Parks Board meeting there was concern raised about pedestrians trying to cross Last Chance Gulch. He asked staff to look at options that may help get the pedestrian safely across. There is a crosswalk and the pedestrian tunnel; however, staff will take a look at it.

Commissioner Elsaesser stated his interest is having the recycling commitment begin this fiscal year. Commissioner Thweatt noted when he met with the interested citizens, the main interest in moving the transfer station seems to be the need for additional space for sports fields. He then asked if there is space in Centennial Park. Director Teegarden noted the fields in Centennial Park are youth soccer fields.

Mayor Smith stated he has been contacted by Mike Menahan who has requested the commission reconsider their action of an alley closure on Ming Street that was considered on August 5<sup>th</sup>. The neighbors reasonable expectations were a public hearing would be scheduled.

Mayor Smith asked if the commission would re-consider their action and schedule a public hearing and notice it. City Manager Alles noted it was a resolution of intention and if it was approved, the public hearing would have been scheduled; however, the resolution of intention was denied and no public hearing was scheduled.

Commissioner Ellison stated the item was noticed on the agenda with the ability to approve, table or deny. He is somewhat concerned the applicant would believe the commission would rubber stamp an item and move it on to a public hearing. It was unanimous vote to deny it. If the commission needs to reconsider, he is willing to do that. However, he does not believe the circumstances of the proposal has changed.

Commissioner Elsaesser stated if there is consensus to reconsider this alley closure he would like the process to start over again. At the time when the commission considered it, there were concerns with legal access and ADA concerns that were not brought forward. He asked if this could be discussed at an upcoming administrative meeting. Manager Alles noted in order for reconsideration, three commission members would have to request it.

Commissioner Ellison asked if a motion for reconsideration would have to be made at a commission meeting and does the same commission member that made the original motion to deny have to make the motion. City Attorney Hindoen explained he does not believe a motion needs to be made to re-consider but a consensus to put the resolution of intention back on the agenda.

Mayor Smith asked the commission consider making a motion to reconsider a resolution of intention for the alley closure. Commissioner Elsaesser asked if there is anything prohibiting residents in the area from contacting the commission. Attorney Hindoen stated no.

Commissioner Elsaesser stated he would like to hear from the area residents and again would like to discuss this at an upcoming administrative meeting.

**4. City Manager's Report** – City Manager Alles reported city staff continues to remain busy with many projects.

**5. Department Discussions**  
**Parks and Recreation**

**Donation of Parking Meters** – Directors Amy Teegarden and Sharon Haugen reported the city commission asked staff to develop options for repurposing excess parking meters to be used as “donation stations”. City staff developed three options based on the concepts that the parking meters would be used as donation receptacles for community organizations or specific projects; and that parking meters would be artfully decorated and labeled to insure nobody mistakes them for functioning parking meters.

The following options have been identified:

Option #1 Private organizations own and manage donation stations: City would surplus excess parking meters to interested organizations. The facilitating organization would conceptually decide how to disburse donated funds for their organizational needs and causes.

The organization would own the parking meters and be responsible for having the meters painted, installed and maintained. The organization would sign how donations would be used and would be responsible for collecting the donations. City approval would be required for an organization to place a donation station on city owned property or public rights-of-way.

City/HPAC would approve designs for parking meters located on city owned property or public rights-of-way.

Option #2 City owns and manages donation stations placed on city owned or managed property: City would own and manage the parking meter donation stations on city or county property for specific city/county points of interests or projects. Each department would be responsible for installation and maintenance of the meters as well as costs associated with artwork. Collection of donations would be under the supervision of the Helena Police Department's volunteer program.

Potential locations: Paws Park, Mount Helena Trailhead, Anchor Park, Lewis & Clark Library, Fairgrounds, Woman's Mural.

City departments would work with HPAC to involve local artists to paint meters.

Option #3 A combination of options #1 and #2.

Overall Advantages:

- Reuse of discarded parking meters

- Integrating public art into the city landscape
- Potential generation of donations for specific causes and projects

Option #1 Advantages

- Through surplus, the city would not be involved with management logistics or handling and transferring of donated funds.

Option #2 Advantages

- City owned donation stations could be placed at project specific locations. These locations might be more successful in generating donations for specific projects rather than for general organizational support.

Option #3 Advantages

- Would provide a comparison of how each option worked.

Overall Disadvantages

- Risk for vandalism

Option #1 Disadvantages

- Would require process for surplus real property

Option #2 Disadvantages

- Need for management controls (money collection)
- Start-up funds required for art, installation and maintenance

City Manager Alles stated he would recommend Option 3 – if a private organization receives a parking meter, they need to manage them. Directors Teegarden and Haugen concurred with Manager Alles' recommendation.

There was commission concurrence to go with Option 3 with the caveat that an annual report be given on the donations collected. Commissioner Haque-Hausrath stated she supports staff's recommendation and asked that each meter have a unified plaque acknowledging the ownership. Manager Alles noted a resolution will be brought forward to surplus the meters with the language proposed by Commissioner Haque-Hausrath.

Commissioner Elsaesser stated the initial list looks good to him; another entity to look at would be God's Love and/or the HATCH organization. Commissioner Haque-Hausrath stated the Helena Public Art Committee's originally proposed two meters to social services organizations, such as God's Love and the YWCA, one to the Holter Museum, one to HPAC and two to open lands. If it is successful, there have been requests for additional meters.

Manager Alles asked if there would be any costs for having the artist(s) paint the meters. Commissioner Haque-Hausrath stated the Holter Museum has asked for assistance in preparing the meters. Manager Alles asked if Gods Love has been approached. Commissioner Haque-Hausrath stated at this time, they have not.

**Parking**

**Automated Parking and Parking Patrol Vehicle Purchase** – Parking Director Dave Hewitt referred the commission to the description of cost and benefits of automation of parking garages.

Commissioner Elsaesser asked would businesses have the ability validate parking. Parking Operations Manager Tim Nickerson explained the process on how a business would validate a parking voucher. For the smaller accounts there is an option to use chaser tickets and give them out to clients/customers.

Commissioner Elsaesser asked could this system be modified where someone could pay by their phone. Director Hewitt stated that capability is there and staff is looking at it. Commissioner Elsaesser asked what specifically the concerns with employee safety are, is it crime and/or weather. Director Hewitt noted employees work with cash and that is a safety concern. At this time, there has not been an incident.

Mayor Smith asked if this proposal is adopted, what impact would it have on employees. Manager Alles noted the parking commission has taken action to move forward with the automation; however, he wanted to hear from the commission. The expectation is this system will be installed by November 2013. The proposal is very cost effective and the system works very well in other cities.

Commissioner Haque-Hausrath asked will the employees be laid off or dispersed elsewhere. City Manager Alles stated there are four cashiers; management is working with them to find other positions within the city that they may be qualified for.

Director Hewitt reviewed the plan for patrol and enforcement of parking restrictions in the Capitol Complex and other areas outside the downtown parking district. He also showed a photo of a vehicle example that is being considered. Currently when the state security writes a ticket, it is brought to the parking commission .

Commissioner Ellison asked if this is a single driver Cushman with no passenger. Director Hewitt concurred. Commissioner Ellison then asked if there is a secure storage area for the parking receipts collected. Director Hewitt confirmed there is a secured storage for paperwork in the back of the vehicle and there is no reason why staff would leave the vehicle. Commissioner Thweatt stated he is surprised by the cost of the vehicle. Director Hewitt stated he cannot answer why the costs for the vehicle; staff looked at a number of models and recommends the Cushman.

Commissioner Elsaesser stated he believes it is a great investment. Mayor Smith stated this proposal is good for enforcement and deepens the relationship between the city and state.

### **Community Development**

**Subdivision Regulations** – Community Development Director Sharon Haugen gave an overview of the remaining issues of concern identified by the Commission. The main issues are at what point during subdivision development to require installation of sidewalks and boulevard trees.

The public hearing on the subdivision regulations is scheduled for September 23<sup>rd</sup>. Director Haugen noted the commission has not discussed Commissioner Haque-Hausrath's amendment on boulevard trees. Staff is here to answer any questions the commission may have.

Mayor Smith stated there has been many good questions and discussion regarding sidewalks and he is happy to share his thoughts on sidewalks. The commission has not discussed boulevard trees.

Mayor Smith noted this has been difficult; at this time he will support continuing with the current city policy. He is very interested in looking at the 75-photos of incomplete sidewalks and begin ordering in sidewalks, wherever it may be appropriate to do with a criteria staff would develop. If the commission began ordering in sidewalks, he would apply the same criteria to areas of the city where there are no sidewalks.

Commissioner Haque-Hausrath stated she appreciates the idea of ordering in sidewalks and she would agree and suggested starting with commercial properties. Commissioner Haque-Hausrath stated she continues to support her amendment and will bring it forward at the public hearing on September 23<sup>rd</sup>.

Commissioner Thweatt stated he too has wrestled with this and he will support Haque-Hausrath's amendment as there is a basis where sidewalks can be protected. He does not believe the costs of the sidewalks would prohibit a person from building a house in the city. The city cannot compete with the costs of building a house in the county. The city commission approved a resolution to have complete streets and he feels the commission needs to follow through with that resolution.

Commissioner Elsaesser stated he is concerned with the costs of building within the city versus the county. He wants to be mindful of all costs and looks forward to hearing testimony at the public hearing.

Commissioner Ellison stated at this time he cannot support the amendment; however, he would like to find a compromise solution on when the sidewalk has to be installed; for example when a certain percentage of the property is built out. He noted he would work on language for an amendment and present it prior to the public hearing. Commissioner Ellison stated requiring sidewalks be installed at the beginning of the development, there are going to be sidewalks that are not going to be shoveled and therefore not be accessible. If a resident has a sidewalk, it is their responsibility to keep it free and clear. However, if there is no one living in the development, it does not make a lot of sense to require sidewalks be installed and maintained. He again noted he wants to hear what is said during the public hearing.

Mayor Smith stated he would like to see a compromise. In addition he would like to see the photos of the sidewalks and see where they are located and the circumstances on why there are not sidewalks. Lloyd Sparks noted Elizabeth Andrews has access to the photos and will share them with the commission.

Commissioner Ellison noted the very first photo is located in his subdivision and his house was built in 1987 and there is one vacant lot which still has no sidewalk. The commission could always order the sidewalk in, as with other areas in the city where sidewalks are missing, but the commission has been reluctant to take this step. He said he would like to see the sidewalk network completed in that neighborhood.

Commissioner Ellison again stated he is not comfortable with Commissioner Haque-Hausrath's amendment; however, he will continue to work on an amendment that would be a compromise.

Lloyd Sparks asked to hear comments from Fire Chief Logan regarding the subdivision regulations, specifically sidewalks. Mayor Smith noted all city departments have reviewed the proposed subdivision regulations and Director Haugen will bring those comments forward.

Commissioner Thweatt noted as he walks throughout the city and there is not a continuous sidewalk, the foot traffic stays off the street. He believes even unmaintained sidewalks have benefits to pedestrians rather than walking in the street in the winter time. Commissioner Ellison noted he observes many pedestrians and wheelchairs using the street when there are no or unmaintained sidewalks.

Commissioner Elsaesser asked if City Attorney Hindoiien has a legal opinion of the amendment. He believes the commission has the authority to order in sidewalks and could do it at the same time as subdivision approval. He asked if a separate action would be required.

Commissioner Elsaesser asked the commission to continue to consider the implementation of a non-motorized district; which is on the matrix and ordering in sidewalks is not. A mechanism needs to be in place that addresses funding. Attorney Hindoiien stated the subdivision regulations as they will be presented at the public hearing will not require sidewalks prior to final plat; the commission currently has and will continue to have the authority to order in sidewalks.

Mayor Smith commented if the commission adopts the current version of the subdivision regulations; sidewalks would not be required. The current policy would remain the same and be tied into the building permit.

Commissioner Elsaesser asked if the subdivision regulations outline when a sidewalk must be installed, would the current sidewalk ordinance be consistent with the subdivision regulations. City Attorney Hindoiien stated a new subdivision would fall under the subdivision regulations and the commission would still have the authority to order in sidewalks outside new subdivisions.

Commissioner Thweatt asked if the commission were to order the sidewalks in, would the city have to build the sidewalk and then re-coup the costs through property tax assessments. City Manager Alles concurred. Commissioner Thweatt stated he is concerned with the city having to upfront the costs of ordering in sidewalks; those funds should be used for other needs.

Commissioner Thweatt stated he is interested in Commissioners Ellison and Elsaesser's proposal to reach a compromise. In addition, he has discussed with staff on setting a schedule and identifying specific areas when sidewalks would be ordered in. Commissioner Thweatt commented some type of financial guarantee should be considered and he has asked staff for their comments.

Community Development Director Haugen stated she did visit with legal staff regarding a financial guarantee and Attorney Hindoiien would not recommend using financial guarantees, there are problematic issues to consider. Developers do not want to hang onto lots; they want to develop them and move onto the next project. Financial guarantees are hard to track for staff.

Mayor Smith asked if the commission wants to order in the sidewalk, who would pay for it; would it be the property owner or the developer. City Attorney Hindoiien stated as the lots are sold, the owner of the property would be responsible for the installation of the sidewalks.

Mayor Smith if the commission were to move forward in ordering in sidewalks, there would be specific decisions to be made prior to doing so.

**Boulevard Trees** – Manager Alles noted the issue is when boulevard trees should be installed in a new subdivision. Should the developer install the trees in the entire subdivision or wait until a house is built and occupied so the trees could be watered.

Commissioner Haque-Hausrath explained her amendment on when boulevard trees are installed would say trees are required and may be bonded until the house is built and someone can water them.

Mayor Smith stated he continues to have the same concerns with the amendment.

Commissioner Elsaesser noted if the trees are installed prior to construction, it would be harder to access the lot. Commissioner Haque-Hausrath stated she does not believe the current ordinance requires boulevard trees. Assistant City Attorney Jodoin noted the subdivision regulations do not require boulevard trees; however, Title 7 requires adjacent property owners install and maintain trees and a strip of grass. A variance can be requested to install alternative landscaping.

Commissioner Haque-Hausrath asked if the trigger point would be when the house is occupied. Director Haugen noted the building inspectors do not check for trees; this is an complaint driven ordinance and is processed through the city attorney's office.

Commissioner Haque-Hausrath asked is this something that could be added. Manager Alles noted this would not fit into the state building code, but more appropriate though a city ordinance.

Commissioner Haque-Hausrath noted her amendment is in response to Growing Friends of Helena; if there is a better way to assure trees are installed, she is open to other options.

Mayor Smith asked if in the draft subdivision regulations there is no language in about trees. Director Haugen concurred. Mayor Smith commented the question is would language on when trees are installed be better in the subdivision regulations a city codes.

City Attorney Hindoien noted Title 7 addresses when sidewalks and boulevard trees are installed; if there are concerns, then a complaint could be filed.

Mayor Smith asked when boulevard trees are required. Attorney Hindoien stated when sidewalks are installed.

Commissioner Haque-Hausrath commented it needs to be clear that trees should not be installed before the house is built; however, there should be some check list that would assure the trees have been installed.

Assistant City Attorney Jodoin stated the builders leave the landscaping to the property owners. City staff has contacted property owners who do not meet the standards. The occupancy of the building is not tied to the installation of landscaping.

Mayor Smith suggested at the next administrative meeting the commission discuss any new recommendation from staff that includes some type of check list on the landscaping ordinance and Commissioners Ellison's amendment on sidewalks.

Commissioner Elsaesser noted the larger subdivisions have covenants that the property owners enforce.

Helena Citizens Council representative Janet Hess-Herbert stated the HCC supports Commissioner Haque-Hausrath's amendment on sidewalks and they would like to see additional language on trees.

Commissioner Elsaesser noted he had handed out a print-out of a modification between a cul-d-sac and a grid street. He then spoke on the complete street resolution and wants to make sure the subdivision regulations address the resolution. Commissioner Elsaesser stated he will send out an email on this information.

## **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– Commissioner Elsaesser reported The TCC is moving forward with the Transportation Plan update; MDT is assisting with the costs and at this time three firms have been selected to submit RFP's. MBAC has hired Chris Shove as the new Executive Director.

d) BID/HPC, City-County Parks Board, TCC, L&C County Mental Health Advisory Committee – Commissioner Thweatt reported the Parks Board continues to make good progress. The Mental Health Advisory Board is exploring funding to continue current level of services.

e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee, Intergovernmental Transit Committee – No report given.

f) Helena Citizens Council – Janet Hess-Herbert reported the HCC is working on a write- in campaign for interested persons want to serving on the HCC. There is also discussion on the possibility of naming the HCC districts. Other items discussed were sidewalks, trail systems and recycling. Ms. Hess-Herbert stated the parking meters is a great idea and another location would be to install them at the trailheads.

**7. Review of agenda for September 9, 2013 City Commission meeting –No discussion held.**

**8. Public Comment – No public comment was given.**

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

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

