

**SUMMARY OF ADMINISTRATIVE MEETING**  
**May 14, 2014 – 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, Haladay and Haque-Hausrath were present. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; Police Chief Troy McGee; Fire Chief Sean Logan; Fire Marshall Craig Trapp; Community Development Director Sharon Haugen; City Attorney Jeff Hindoi; Parks & Recreation Director Amy Teegarden; Public Works Director Randall Camp; City Engineer Ryan Leland; Street Superintendent Ben Sautter; Administrative Services Director Tim Magee; Budget Manager Robert Ricker; Community Facilities Director Gery Carpenter; Human Resources Director James Fehr; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included IR Reporter Al Knauber, Andy Bauer, Sue Hoffman, Tom Bournes and NMTAC Chair Ryan Kettle.

**2. April 30, 2014 Administrative Meeting Summary** – The April 30, 2014 Administrative Meeting summary was approved as submitted.

**3. Commission comments, questions –**

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

ADA Compliance Committee                      Appointment of Eric Kohring as the Architect Representative on the ADA Compliance Committee. The unexpired term will begin upon appointment and expire September 1, 2016.

Civil Service Board                              Appointment of Karen Bryson to the Civil Service Board. The first term will begin upon appointment and expire May 1, 2017.

Non-Motorized Travel Advisory Council      Appointment of Andrew Hagemeyer to NMTAC. The first term will begin upon appointment and expire March 31, 2017.

Commissioner Haladay commented he had send an email regarding the sign ordinance and was happy with staff's response and noted there will be another public meeting to discuss the ordinance.

Commissioner Haladay reported Administrative Services Director Magee informed him if the commission wants to pursue the street improvement district within the street maintenance, it could be a continuing going forward assessment. It would be a revenue neutral assessment; however, it would allow for funding for some non-motorized projects. Manager Alles stated the commission can have further discussion on this at the June 2<sup>nd</sup> budget wrap up meeting.

Commissioner Ellison asked Commissioner Haladay to forward him the original memo with concerns on the sign ordinance. Commissioner Haladay concurred to forward it to the commission members. Commissioner Ellison commented that he has attended at least five public meetings on the sign ordinance.

Commissioner Elsaesser stated he appreciates the comments of creating the street improvement district within the street maintenance district to allow for funding for non-motorized entities and possibly the quiet zone. Manager Alles noted he has information on the street improvement district and will forward it to the commission.

Commissioner Haladay inquired about smoking being allowed on the City County Building campus. It is his understanding that there has been some resistance to making the City County Building a smoke-free campus and signing it as such. He also stated he understands that it is the City, not the County that is the recalcitrant party, as the County appears to be moving ahead with making the Courthouse a smoke-free campus.

City Manager Alles reported the City-County Building Board has already approved, over a year ago, placement of signs on site and County Administrator Eric Bryson is working with the Health Department and Gery Carpenter to get them installed.

Mayor Smith stated the sign might come back saying tobacco free campus. The county has suggested the recommended language and is moving forward with county facilities.

Manager Alles spoke on the disciplinary side of enforcing a smoke/tobacco free policy; if employees are smoking in their private vehicles, will they be disciplined. The county selected to use suggestive language and not enforcement. The CCAB concluded if there is a policy, then it needs to be enforced.

Commissioner Haladay commented the city needs to enforce the policy at city facilities prior going out into the community. Commissioner Ellison stated the commission approved signing Centennial Park and expanding to other parks in the future. Mayor Smith suggested looking at the signs and then re-visiting the issue.

Commissioner Haque-Hausrath asked if staff has had the opportunity to find out if the city is using neonicotinoids pesticides, which have been linked to bee decline and deaths. Director Teegarden stated staff will research and report back.

Commissioner Haque-Hausrath stated there is a sign in front of Safeway that is right in the middle of sidewalk which makes it hard for ADA access. City Engineer Leland stated this was an MDT project and they too have to abide by ADA standards; staff will look at it and contact MDT.

Commissioner Haque-Hausrath referred to the ordinance revising boulevard landscaping and public tree requirements and asked if there is language requiring a minimum number of trees that have to be planted. City Attorney Hindoien asked Commissioner Haque-Hausrath to send him an email outlining her concerns so he can be prepared to answer them prior to the city commission meeting.

Commissioner Elsaesser noted the Department of Agriculture is doing some work on the awareness of emerald ash and asked if the city is involved. Parks & Recreation Director Teegarden reported she has been in contact with the Department of Agriculture to clarify the information in the flyer. It currently gives information what can be done with city owned trees; staff is working with them to get a clearer message. Commissioner Elsaesser asked if there is the potential to make this a positive educational message for citizens. Director Teegarden stated that is staff's goal.

Mayor Smith reported the Forest Service and DNRC signed a joint stewardship agreement for the Upper Tenmile project. This is a collaborative project between the two entities and a very important project for the city. Manager Alles noted this agreement is the first of its kind.

**4. City Manager's Report** - City Manager Alles spoke on the following items:

- a. Crews are out painting stripe on the streets, both city and MDT
- b. Human Resources office is busy hiring summer positions
- c. There has been discussion and he will be recommending to the commission to reestablish the Tenmile Watershed Collaborative Committee. Commissioner Elsaesser appreciates the environmental leadership with the Tenmile watershed project.

**5. Department Discussions**

**Fire Department**

**2012 Fire Code Adoption Proposal** – Fire Chief Logan and Fire Marshall Trapp reported the City of Helena Fire Department is currently using the 2009 Edition of the International Fire Code as a standard to conduct fire inspections, assess new development, and enforce other fire safety matters in our community. Recently, the State of Montana adopted the 2012 Edition of the International Fire Code. It is our department's recommendation that the City of Helena adopt this standard for a number of reasons. Adoption at this time would have a number of benefits for our jurisdiction;

- Maintain consistency with the State of Montana and other Montana municipalities in the enforcement of the fire code
- Maintains consistency with development and construction in other communities in our state
- Enables architects, engineers and developers that ability to use current techniques and practices that are incorporated into this newest edition
- Timely adoption relative to the when the State of Montana took such action

Fire Marshall Trapp emphasized the city of Helena cannot be any less stringent than the International Fire Code; however, the city can be more strict. He then reviewed the specific sections that have changed from the current fire code.

Commissioner Haladay referenced provision 2012 – 503.4.1 Traffic Calming Devices and asked if traffic calming devices would be prohibited unless approved by the Fire Enforcement Official. He explained the definition of traffic calming devices and then asked if Fire Marshall Trapp if this language is necessary and if not, would the city have the ability to remove this language.

Fire Marshall Trapp stated under Administrative Rule 2312, 601, what the state establishes are minimums and the city has to adopt the same minimums. As far as traffic calming devices, they are unique to every municipality and the Helena Fire Department reviews traffic calming devices on a case by case with the Public Works Department.

Commissioner Haladay noted this language imposes a pre-assumption that traffic calming devices must be approved by a Fire Department. He then spoke on the need of this language and asked if it would strike a proper balance as our departments already works together to review plans for traffic calming devices.

Manager Alles spoke on the adoption of the Engineering Standards and the complete streets component and noted the Fire Department does weigh in on specific proposals.

Attorney Hindoien stated he believes the commission needs to adopt the Fire Code as written as it sets the minimums.

City Attorney Hindoien reported staff will be bringing forward an amendment of Title Two to clarify the change to the Board of Appeals; this is purely language cleanup.

Mayor Smith reported Fire Chief Logan will be recognized for his work on the restoration of the Fire Tower at the Historic Preservation Awards luncheon on Friday, May 16<sup>th</sup>. Commissioner Ellison stated he has seen Chief Logan working on the fire tower and congratulated him for this award.

**Consensus Direction to Manager: Commissioner Haladay and Attorney Hindoien will discuss any questions prior to the May 19<sup>th</sup> city commission meeting. Commissioner Haladay stated it appears the city's hands are tied and the language cannot be taken out. There is already a collaborative process between city staff to address any traffic calming proposals.**

#### **Administrative Services/City Attorney**

**Non-Motorized District, Election or Objection** – Administrative Services Director Tim Magee explained in order to proceed with a resolution of intention (ROI) to create a Non-Motorized Special District; commission consensus is needed on whether to order call for : 1) notification of a protest processor 2)a referendum vote.

Manager Alles noted the draft resolution is included in the packet; the question the commission needs to make a decision on is to use the protest process or go directly to a referendum vote.

Manager Alles explained the two processes and who would be qualified to protest the creation of the district and who would be eligible to vote on the referendum.

NMTAC Chair Ryan Kettle reported NMTAC met last night and a general comment from the group is that they support the pursuit of the non-motorized district. There was no recommendation on which process to use.

Tom Bournes, 2108 E. Broadway, asked if either process, protest or referendum, would bypass public participation. Administrative Services Director Magee stated the commission would consider both a resolution of intention to create and the resolution and both would include public participation. Mr. Bournes stated he would have additional comments after Commissioner Ellison makes his statement about the district. Mayor Smith asked Commissioner Ellison for his comments; Commissioner Ellison stated he had never met the gentleman and has no idea what he is talking about.

Commissioner Haladay clarified either way the commission decides to go, protest or referendum, the decision would be made at a commission meeting. City Manager Alles concurred.

Commissioner Elsaesser asked if there is more than a 10% protest, it has to go to a referendum and then the qualified electors would vote. City Manager Alles concurred and explained who would be qualified to vote on the referendum.

Commissioner Haque-Hausrath asked if the procedure is the same if it goes directly to a referendum. Manager Alles concurred the process would be the same. Commissioner Haladay asked how it works for corporations that are property owners. Manager Alles explained only qualified electors would be allowed to vote; however the property owners, including corporations, could protest.

Commissioner Elsaesser asked for clarification on who would be qualified to vote on the referendum. Manager Alles explained all qualified voters and property owners who are registered voters in Montana are eligible to vote on the referendum.

Administrative Services Director Magee stated staff is asking the commission to make a decision on what process should be included in the resolution of intention. There will be two public hearings before a final decision.

Commissioner Haque-Hausrath stated she supports using the protest route and not pay for an election unless necessary. Due to the amount of the assessment, she does not believe 10% will protest the creation of the district.

Commissioner Elsaesser concurred with Commissioner Haque-Hausrath's comments. He commented the commission may want to wait until the budget is adopted to finalize the amount of the assessment.

Commissioner Haladay also concurred with Commissioner Haque-Hausrath for the same reasons and given the fact that certain street maintenance funds may be used for some of the originally identified items; the assessment for the non-motorized district may be decreased.

Administrative Services Director Magee explained if there is more than 10% protest and it has to go to a vote, the language has to be submitted to the election office by August 1. City Attorney Hindoi further explained the process and timing if more than 10% protest the creation. He also clarified if there is interest in creating a street improvement utility district; that too requires the enactment of a new district.

Mayor Smith stated he will not support the creation of the non-motorized district at this time; he is uncomfortable creating this district when there are other community issues being discussed.

Commissioner Elsaesser spoke on the need to create this district to insure non-motorized components are installed for pedestrian safety.

Mr. Bournes spoke on the importance of having safe routes for pedestrians, specifically adjacent to schools.

There was consensus the language in Section 6 of the resolution of intention will include the amount of \$105,000 but not list the detail of each. Manager Alles concurred and noted staff's memo will include the detail.

**Consensus Direction to Manager: Bring forward a resolution of intention using the protest process.**

#### **Public Works**

**CTEP Project Decisions** – City Manager Alles and City Engineer Ryan Leland gave an overview of the CTEP Options for commission consideration:

- Current Financial Status- The city has \$337,500 in CTEP funds and the County has \$170,000 in CTEP funds for Centennial Trail.
- Project Option 1 ( Not Prioritized) – Capital High Pedestrian Crossings- \$60,000
- Project Option 2 (Not Prioritized) – Helena Middles School – Rodney Street Crossing - \$25,000
- Project Option 3 (Not Prioritized) – C.R. Anderson Pedestrian Crossing - \$25,000
- Project Option 4 (Not Prioritized)- LeGrande Canon Connectivity Project - \$90,000
- Project Option 5 (Not Prioritized) – Billings/18<sup>th</sup>/To Connect to Broadway Tunnel Trail - \$105,000
- Project Option 6 (Not Prioritized) – Joslyn Multi-Use Trail - \$130,000
- Project Option 7 (Not Prioritized) – Country Club Multi-Use Trail - \$143,000
- Project Option 8 (Not Prioritized) – Country Club to Joslyn (Master Plan Route – Alt1) - \$215,000
- Project Option 9 (Not Prioritized) – Country Club to Joslyn (Master Plan Route – Alt2) - \$275,000
- Project Option 10 (Not Prioritized) – Centennial Trail (Phase 1 – East) - \$1,418,315
- Project Option 11 (Not Prioritized) – Helena/Roberts/Gallatin Pedestrian Improvements - \$75,000
- Project Option 12 (Not Prioritized) – Gallatin Avenue Sidewalks (Continuation of #11) - \$30,000

City Engineer Leland stated he is available to answer any questions the commission may have. Montana Department of Transportation has approved Phase One of Centennial Trail; however, if there are changes, the plans have to go back for review. He then spoke on the different funding qualifications and stated the city has received exceptions for Centennial Trail and the importance of having projects completed.

NMTAC Chair Ryan Kettle reported NMTAC passed a resolution to support the allocation of CTEP funds to Centennial Trail West.

Andy Bauer, Prickly Pear Trust Fund, spoke in support of Centennial Trail West; this has been the top priority for a very long time.

City Manager Alles stated he does not want the city to lose CTEP funding and asked City Engineer Leland to review the challenges.

Mayor Smith asked if Centennial Trail East has been approved and ready to bid and construct this summer. Engineer Leland concurred. Mayor Smith stated he would hope the commission does not begin making changes and not move forward with Phase One.

Commissioner Elsaesser stated he is not aware of any proposal not to move forward with Centennial Trail East. Commissioner Haque-Hausrath stated she is not proposing to change the design on Phase One; however, the discussion was to remove sidewalk replacement and bike lanes and look at other funding sources. The route would remain the same.

City Engineer Leland explained Phase One is set up in sections and depending on the commission's intent, certain sections could be removed. If sections/schedules are removed, no approval is necessary; however, if the design is changed it will require MDT approval. If other funding is identified to build a separated bike path, MDT does not need to approve the plan.

Commissioner Ellison stated he does not want to jeopardize any funding for Centennial Trail East. There is approximately \$456,750 for other CTEP projects.

Engineer Leland gave an overview of some of the challenges; the biggest issue is not having the easement with the MRL. The current path can be maintained but not improved. He again emphasized no improvements can be made until the right of way issue is resolved.

Extensive discussion was held between the commission and staff on the following items:

- right of way/easements issues for the Centennial Trail West route;
- design and route of trail up to Spring Meadow Lake
- improvements versus maintenance to current trail
- private property not giving right of way/easement
- Country Club not having enough right of way to have bike lane/path
- trail not being ADA accessible
- use of existing trail and use funding for other portions of project
- removal of parking on one-side of Leslie to allow for bike lane
- identify and secure other funding sources/partners
- uncertainty of committing CTEP funds where there are questions on right of way/easements
- reconstruction of the Joslyn/Country Club and Leslie Avenue intersection project
- future improvements to Country Club Avenue
- the importance of having a trail that assures connectivity

Commissioner Elsaesser submitted the following written recommendation:

I strongly urged dedicating the remaining pool of city and county CTEP funds to Centennial Trail West. Centennial Trail has long been the focus of the city commission and NMTAC. Centennial Trail West will provide greatly needed safe, accessible bike and pedestrian routes from Centennial Park through neighborhoods, schools, parks and residential areas.

Based on many discussions this year and notes in the staff memo prepared for our May 14<sup>th</sup> administrative meeting, I recommended we dedicate the remaining city and county CTEP funds to a broad scope from Benton to Henderson through the Leslie/Joslyn/Country Club Intersection to and beyond Spring Meadow State Park. All potential routes should be included to ensure finding the best reasonable route with available right-of-way in the coming year.

It is clear that only our strong direction will realize this unique funding opportunity to complete essential components of Centennial Trail with the last remaining CTEP funds.

Commissioner Elsaesser explained the million dollars of CTEP currently dedicated for Centennial Trail East (Phase 1) should complete most, if not all of the shared use paths for this section. Sidewalks and bike lanes or bike boulevards for the east section should be addressed by other city funds and commission action.

Commissioner Elsaesser listed the following as potential alternatives to include in scope of Centennial Trail West:

- Henderson Bridge
- Improvements at Joslyn/Leslie/Country Club Intersection
- Trail from Centennial Park to Benton
- Benton Crossing
- Bike boulevard or other improvements on Leslie from Henderson to Joslyn
- Improvements along existing rail easement from Benton to Joslyn
- Connection to Spring Meadow along Country Club or platted Leslie Street

Commissioner Ellison stated he would recommend the following: Leslie Extension West in the amount of \$130,000 plus \$50,000 (\$230,000), Helena Industries in the amount of \$30,000 and C.R. Anderson crossing in the amount of \$25,000. This recommendation would expend most of the CTEP funds and scheduled timely with a minimum amount of risk. Commissioner Ellison stated he would be interested in the discussion of using gas tax funding for the improvement to the Leslie/Joslyn intersection.

Commissioner Elsaesser clarified the Helena Industries project would be the \$30,000 project and not the \$75,000. He then stated he would like to improve the Leslie/ Joslyn intersection and the local street improvements to Leslie Avenue, this would assure connectivity to Spring Meadow Lake. Additional funding would have to be identified.

Engineer Leland stated the improvements to intersection of Leslie/Joslyn/Country Club is not associated with the CTEP project. Staff needs to identify match and gas tax may have to be looked at.

Commissioner Elsaesser noted there is \$20,000 unrestricted general funds set aside to purchase the right of way through Reynolds Mobile Home Court; the Friends of Centennial Trail has at least \$20,000 and he believes the city can find additional funds for the required match for the project.

Mayor Smith stated he is hesitant to commit funds to a project where there is not right of way. Commissioner Haque-Hausrath stated there is interest in pursuing the route where the city has the right of way. Mayor Smith stated he is comfortable with the project if there is an identified route where the city has right of way.

Commissioner Elsaesser stated he is comfortable with Commissioner Ellison's recommendation.

**Consensus Director to Manager: City Manager Alles summarized there is commission consensus as follows: Leslie Extension West, which is the installation of a ten-foot wide shared use trail on Joslyn from the end of the current dirt path on the railroad ROW to Leslie, and then extending Leslie on the platted (but unbuilt) ROW as far as we can get towards Spring Meadow Lake in the amount of \$130,000 plus \$50,000 (\$230,000), Helena Industries in the amount of \$30,000 and C.R. Anderson crossing in the amount of \$25,000 and any remaining CTEP funds would be put toward Centennial Trail West.**

**6. Committee discussions**

- a) Audit Committee, City-County Board of Health, Civic Center Board, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns - No report given.
- b) Audit Committee, Board of Adjustment, Helena Chamber of Commerce Liaison, Information Technology Committee, Montana Business Assistance Connection — No report given.
- c) Intergovernmental Transit Committee, Non-motorized Travel Advisory Board, Transportation Coordinating Committee – No report given
- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Parks Board, Transportation Coordinating Committee – No report given.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – Commissioner Haque-Hausrath – No report given.
- f) Helena Citizens Council – HCC Coordinator Judy Garrison reported HCC has only one vacancy.

**7. Review of agenda for May 19, 2014 City Commission meeting – No discussion held.**

**8. Public Comment – No public comment received.**

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

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