

SUMMARY OF ADMINISTRATIVE MEETING

October 15, 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 Alles; City Attorney Thomas Jodoin; Executive Assistant Sarah Elkins; Assistant Police Chief Steve Hagen; Community Development Director Sharon Haugen; City Planner Elroy Golemon; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; City Engineer Ryan Leland; Community Facilities Director Gery Carpenter; Administrative Services Director Tim Magee; Human Resources Director James Fehr; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included HCC representative Kelly Lynch, IR Reporter Al Knauber, Chief Juvenile Probation Officer Sharon Tregidga, Jenny Senn, Youth Connections representative Colleen Smith and Allyson Batch, S.A.V.E. Foundation.

2. September 24, 2014 Administrative Meeting Summary – The September 24, 2014 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Commissioner Haladay reported on the Montana League of Cities Towns Conference and noted Mayor Smith has earned the title of the Wizard of Helena for his ability to run a productive meeting.

Commissioner Haladay reported he attended the Helena School District Facilities committee meeting and it was reported the school district is setting up a meeting with planning staff. He expressed concern with this meeting as the commission has not given any direction on how they feel on any of the school proposals reported; what could staff possibly discuss since the commission has not given direction. Commissioner Haladay stated if the school board wants to have a conversation, it should begin with the commission and not city staff.

Manager Alles commented Dr. Kultgen had visited with him and requested city staff attend the building committee meeting to discuss current city standards. What Commissioner Haladay is describing is different than what was requested from Dr. Kultgen.

Commissioner Elsaesser asked if the school district were to ask how to extend services, what would be staff's response. Manager Alles stated if the school district submitted a formal application, staff would bring it before the commission for consideration.

Commissioner Haque-Hausrath stated it would make sense to invite the School Board and Dr. Kultgen to a future administrative meeting to discuss city policies. Any questions regarding policy should be addressed by the commission. There are issues raised by the various school district proposals that would impact policy decisions.

Mayor Smith stated he has been uncomfortable with the request to meet with the school district due to the uncertainty on what role the city commission has in the school board's recommendations. If the two commissions do meet, what will the agenda look like. If the meeting were to happen, he would recommend that a pre-set agenda be prepared so all parties know what items will be discussed.

Commissioner Haladay commented the facilities committee has been charged with developing a recommendation for consideration for a future bond issue. He again expressed concerns that the set meeting seems to be a dedicated group meeting with city staff to discuss a non-exiting plan and the commission has yet to set policy on this specific issue.

Mayor Smith reiterated he would like to proceed with having as much knowledge as possible. The question is whether city staff should meet with representatives from the school district's staff and building committee.

Commissioner Elsaesser stated he would not want to put staff in an awkward position in discussing policy prior to the commission setting specific policies. This meeting could have an impact on the outcome.

Mayor Smith stated the city's professional staff should not be given abstract questions; it goes back to having a set agenda.

Manager Alles stated city staff knows where their authority begins and ends and they would not commit the city to anything they would not have the authority to do so. Staff would be there to provide answers on current policies/codes. Manager Alles commented at a previous administrative meeting there was hesitation from the commission to meet with the school board prior to having a set agenda.

Manager Alles will contact Superintendent Kultgen and request that he develop a specific agenda prior to setting any meeting. There was commission concurrence to request an agenda prior to committing to a meeting between the School District representatives and the City Commission and/or staff.

Mayor Smith stated he would be interested to hear from Attorney Jodoin on the city's authority versus school boards authority. Attorney Jodoin commented the school board has distinct authority to manage the school district. There are some issues that they may have to request city commission approval. In addition, city staff meets with private property owners on a regular basis and offers technical advice. If there is an issue on policy, it is then brought forward to the commission.

Commissioner Ellison reported the TCC met on October 14th and the committee is busy with the Transportation Plan Update. Also on the agenda there was an update on city projects and one request was to use urban funds for the reconstruction of Airport Road, the estimated costs are \$3.2 million. Commissioner Ellison noted no action was taken on the request; urban funds are received from MDT and there currently is approximately \$3.5 million in reserves. At this time, he is not comfortable with the recommendation to expend the urban funds on the reconstruction of Airport Road.

Commissioner Ellison asked Manager Alles to go back to staff and bring this request into the discussion with gas tax and other funding. The commission would then have the opportunity to develop a recommendation.

Mayor Smith asked what urban funds are. Manager Alles stated urban funds are federal dollars received through MDT. He stated Airport Road has been a priority; however, the commission should have had the discussion prior to moving it forward as a recommendation at the TCC meeting. The priorities will be set by the commission.

Manager Alles further commented urban funds were used for the Custer Interchange. Typically the city is in the hole; however, funds have accumulated the last three years. The allocation of urban funds is not strictly a city commission decision; due to it being in an urban area, the city of East Helena and Lewis and Clark County also have to concur with any recommendation.

Commissioner Elsaesser asked for an update on the West Main project; he expressed concerns with the utilities being above ground and noted he would like to have better outreach with the residents.

Commissioner Elsaesser noted there has been a lot of discussion on recycling; he noted that he runs S.A.V.E. as a volunteer and works on statewide recycling issues. He then handed out his proposal on recycling and efficiency improvements at the City of Helena Transfer Station and Lewis & Clark County Landfill, for both short-term and intermediate.

Mayor Smith commented he too has received comments on the West Main project. Mayor Smith stated he is waiting for the final solid waste report from the consultant before making any decision on recycling.

Mayor Smith stated he has been invited to go on a Tiger Cruise on the USS Helena and will be out of town October 27 through November 1. Total costs would be approximately \$1500. He asked for and received commission concurrence.

4. City Manager's Report –

Manager Alles reported tomorrow at noon, Doug Fischer will be recognized as Firefighter of the Year. He invited the commission to attend the recognition at Fire Station One.

Manager Alles asked City Engineer Leland to give an update on the West Main Project. Engineer Leland reported the utility relocations were done by NorthWestern Energy and they were all underground. Century Link owns the poles that are above ground. Century Link did look at using the underground conduits; however, there are no mandatory requirements to require utilities be installed underground.

The consultant has been hired to prepare a design for West Main and once that is completed, staff will do public outreach. Approximately \$700,000 in gas tax funds will go toward this project. Other utilities, water and sewer, will be installed and all FEMA requirements have to be met. The plans, when available, will be on the city's web page. The staff point of contact will be the Engineer Leland.

Manager Alles reported the sidewalk at Sixth and Warren will be re-done in compliance with ADA requirements. This was a Northwestern Energy project and they have contacted their contractor to get the project completed.

5. Department Discussions

Public Works

Gas Tax Project Proposals – City Manager Alles stated during the budget process there was

the decision that left a specific amount of gas tax allocations to discuss at a later date. He visited with staff about putting together an inventory of the current road system. The city has very limited resources to take care of the road system and gas tax is one of the funding sources. Manager Alles spoke on the condition of many of the city streets and the need to replace them. He stated staff is prepared to review the information in the packet and answer any questions the commission may have.

Commissioner Haladay stated if this is a matter of procedure on how to expend gas tax funds, he thought the commission had made the decision on the gas tax allocation during the last budget process to include Front Street improvements, Joslyn Intersection improvements and Memorial Drive improvements. He stated at this time, he does not want to engage in a lengthy discussion when the allocations have been made.

Commissioner Elsaesser stated he too thought the commission had made the decision on the allocation of gas tax funds. Manager Alles stated he is not asking the commission to reallocate the gas tax funds; the presentation today would update the commission on the condition of the current road system. If he remembers correctly, there were extra funds that warranted further conversation.

Manager Alles gave several examples of where the current road system needs to be replaced, including Clarke Street, areas where the curb and gutter have deteriorated and need to be replaced.

Commissioner Elsaesser stated he does not see where there are extra gas tax funds. He then spoke of the recommendation to replace Airport Road and concurred the road may need to be replaced; however, the commission may not want to commit to install sidewalks in an industrial zone. The commission is aware there are streets in town that need attention.

Commissioner Haque-Hausrath referenced the statutes on the street maintenance district as an option for discussion. Manager Alles stated he is not recommending the commission adopt a street maintenance district; however, it is an option for commission consideration.

Manager Alles again stated staff is not asking for the re-allocation of gas tax funds; staff is prepared to give an update on the entire street road system.

Public Works Director Camp referred the commission to staff's memo and the following information:

1. A street inventory that reflects current road conditions in the city of Helena.
2. An enlarged map where most of the failed streets are located (Downtown/S. Central)
3. A list of NMTAC, Commission and reconstruction priorities with estimated costs when known.
4. MCA Street Maintenance – Improvement Statutes.

Also included were the following questions staff feels it would be constructive to gain clarity on:

1. **How should Gas Tax funds be used?** – Historically, Gas Tax funds were used to reconstruct arterials and collectors when they reached the end of their useful life, new signals, intersection improvements, and occasionally a new road connection. Most of these projects came from the Transportation Plan or from road and infrastructure condition reports.
2. **How should Gas Tax funds be prioritized?** Historically, staff would bring forward recommendations within the constraint of the budget. Recently, desired projects from the commission, NMTAC and staff have exceeded available funds. At the current gas tax funding level of \$400,000, it would take over 60-years just to complete the failed streets based on the 2014 condition assessment. Over time additional roads will reach the failed category if not addressed.
3. **How do NMTAC projects get included in an overall recommendation?** By resolution, NMTAC provides “general guidance and recommendations to the Helena City Commission” rather than working through Public Works. These recommendations have not been prioritized by NMTAC and they are brought directly to the commission.
4. **How does the city or property owner pay for local roads that have reached the end of their useful life?** In these cases the streets are beyond maintenance and need to be reconstructed. The total cost of streets that have failed exceed the current gas tax funding levels.
5. **What is the policy when addressing local streets in failed condition?** Does the city order in the sidewalks, curbs and gutters as contemplated by current city code? Do we pursue individual SID's for each neighborhood. Does the city find a new funding source and complete 100% of these projects?

City Manager commented staff is not looking for answers today; however, would like direction from the commission when the FY2016 budget discussions begin. The commission will need to make some policy decisions.

Commissioner Haladay commented at the Montana League of Cities and Towns conference, the city of Bozeman gave a presentation regarding their MS4 permitting. It had to do with the fact that they did not have an inventory on their wastewater system. The Bozeman public works department is completing an inventory on their failed wastewater system, determining the cost and recommending a funding mechanism. The commission had asked for a three tier method, gold, silver and bronze to try and stay on one of the pedestals and see what it would result in an assessment if they decided to go the route of creating an assessment district.

Commissioner Haladay stated our commission has had the discussion on street maintenance and re-building the road system. He would be interested in hearing from staff on what an increased assessment would look like to start addressing the failed road system.

Commissioner Haque-Hausrath concurred with Commission Haladay's comments. She then asked if the road is replaced, do the functional sidewalks have to be replaced that is adjacent to the road. Engineer Leland explained staff did not do a site visit to each identified road being recommended for replacement. When a road is designed, it would be brought up to ADA compliance; however, if the sidewalk did not need to be replaced, it would not be. A policy decision would need to be made at what point would sidewalks and other amenities be replaced to assure ADA compliance.

Director Camp commented in the reconstruction costs, it is tabled out showing sidewalks as a separate cost.

Mayor Smith noted if a street maintenance district was created, gas tax funds could be used for other road projects. He then asked if staff has the time to begin the research on the development of a street maintenance district. Manager Alles stated the street maintenance district is one of a few options for additional funding. He stated staff could develop projects into categories of gold, silver, and bronze and the commission could base their discussions on that information.

Commissioner Haladay asked if the street maintenance district was created would it fit into the current street improvement district and assessed the same way. Manager Alles explained the commission would adopt an ordinance and it would be an overlay of the current street improvement district.

Commissioner Elsaesser stated he would support exploring the street maintenance improvement district. The commission, in the past, has dedicated street utility funds for the quiet zone and ADA improvement projects and it seems like those funds cannot be spent effectively or not at all. He again stated he would support looking at the creation of a street maintenance district and outline the specific projects those funds would be dedicated to.

Commissioner Elsaesser referred to staff's memo and specifically to question #3 and noted NMTAC is trying to do its best between advising staff versus the commission.

Mayor Smith asked City Manager Alles if he wants to take on the effort to bring forward a proposal for the creation of a street maintenance district. Manager Alles commented the public works staff has a great inventory of water, sewer and street infrastructure and it would not be a burden to bring this proposal forward.

Commissioner Elsaesser summarized the commission allocated the gas tax funding for the following projects: \$250,000 for streetscape improvements for Front Street using the Greening Capitals recommendations; \$50,000 toward the redesign of Joslyn/Country Club Road intersection, which would not be the full retrofit that is listed in the amount of \$350,000; however, it would be something basic that would bring that intersection down to a four-way stop.

Commissioner Elsaesser stated he recognizes the need to keep stormwater off and away from the roads. However, in the case of the Joslyn intersection, it could be dealt with instead of the complete reconstruction and waiting for other interested parties. He then spoke on the Front Street project and the opportunities for pedestrian improvements for the surrounding area since there is going to be a major water/sewer project being done.

Commissioner Elsaesser asked if gas tax funding has been earmarked for the projects the commission approved or does the commission need to take formal action.

Manager Alles commented the Joslyn intersection is more than installing stop signs; it will take several thousand dollars to make the intersection line up. Further discussion was held on the improvements at the Joslyn intersection and the importance of tying it into the Centennial Trail West.

Assistant Public Works Director Hauck noted there was \$500,000 in gas tax funds and if the above projects have received consensus, the funds have been used. Manager Alles noted there is a proposal to install some cable in Memorial Park Drive and the funds for this project would be set aside until after the cable project is complete.

Mayor Smith concurred with the allocation described by Assistant Public Works Director; however, he asked staff to bring the gas tax discussion back to one more administrative meeting. Commissioner Haque-Hausrath stated she is interested in the discussion of the failed streets; however, she believes the \$500,000 has been allocated for the current tax gas allocation.

Commissioner Haladay commented that he is confused with the proposal for the Joslyn Street/Country Club Drive intersection; he asked what the problem would be to square off the intersection and install four stop signs and eliminate the proposal for the additional yield sign. Engineer Leland showed the commission the design of the intersection and noted the proposal comes out of a study that was done by Lewis & Clark County. The proposed the slip lane is required by the number of cars traveling through the intersection and the design is using typical engineering standards for street design. The entire intersection needs to be brought up to grade if any pedestrian traffic will be accommodated.

Commissioner Haladay stated by improving the intersection as recommended it will encourage additional vehicular traffic. He believes the traffic should be using Highway 12 and not Country Club Drive. He again suggested the intersection be squared off and made into a four-way stop. This would make it safer for pedestrians.

Commissioner Elsaesser stated he believes the public would be happy with a separated pedestrian path and a four-way stop with one pedestrian crossing. He does not believe we expect every corner to be ADA compliant.

Mayor Smith noted the \$50,000 allocated will not be enough funds to improve the intersection this year; therefore, there is time to have further discussions. Manager Alles noted staff will continue to work on the Centennial Trail West project. All projects using CTEP funds have to be ADA compliant; staff will work through the design.

Commissioner Haque-Hausrath stated she would support squaring the intersection up and making it a four-way stop intersection. She believes something needs to be done to make it safer for pedestrians. Mayor Smith stated the commission is designing an intersection; however, his preference may be a round-about be installed.

Commissioner Haladay noted if the city goes with the cheap solution of installing the four stop signs it will make this intersection pedestrian friendly. The commission needs to have some cognizance on pedestrian safety and installing a yield sign would encourage additional traffic flow. He does not believe it would cost \$50,000 to install the four stop-signs.

Mayor Smith suggested asking City Engineer Leland how could the intersection be improved for \$50,000. He is trying to get out of the realm of hypothetical.

Commissioner Elsaesser commented he believes the commission is getting out of realm by being specific with the allocations. The commission has to be clear that we are not expecting every project, especially those in industrial areas or on the edge of town, to necessarily be ADA accessible on every corner. The priority was to get pedestrians across town. Commissioner Elsaesser noted the commission should ask the county for funds toward for improvements to this intersection.

Engineer Leland noted the trail can go on either side of the road; however, CTEP funds require all projects be ADA compliant. If the trail intersects with any corner of that intersection, the corner has to be ADA compliant. Staff will prepare a design as outlined by the commission comments.

Commissioner Haque-Hausrath stated the trail should be built to be ADA compliant; however, she does not see how that would prevent the intersection being designed as recommended by the commission.

City Manager Alles stated if the commission wants to install the four stop signs, staff will deal with it. Staff will also research the necessary ADA compliance requirements.

Consensus Direction to the City Manager – Manager Alles will direct staff to begin work on preparing a recommendation on the street improvement district and what can be done at the Joslyn intersection not to exceed \$50,000. The commission will have to make the policy decision.

Administrative Services

- A. Disposition of Collected Taxes** – City Manager Alles reported the following amounts will be General Fund revenue that is available for appropriation at the city commission's discretion:
- \$ 288,817** – Charter Appeal Settlement (July 2014)
 - \$1,646,493** – Verizon Appeal Settlement (August 2014)
 - \$1,935,310** – **Total Settlements for City of Helena General Fund**

City Manager Alles stated staff's recommendation would be to earmark the collected taxes and discuss during the FY2016 budget process. He noted a high priority of staff is addressing the need for parks maintenance building.

Mayor Smith stated he appreciates it being on the agenda as it is being discussed. He stated he would like to keep the funds separated and discuss the allocation during the upcoming budget cycle.

Commissioner Ellison asked over what period of time would the city have collected these funds, if they had not been protested. Manager Alles stated five years. Commissioner Ellison commented if all these funds were coming into the general fund, would it be a reasonable assumption it would have gone into the police, fire and parks departments. Manager Alles concurred.

Commissioner Ellison stated with that answer, he would support allocating those funds to those three departments. Over the last five years, there have been cuts in those three departments and he is comfortable with waiting for the budget discussions and would entertain discussions on one time spending.

Commissioner Elsaesser concurred with Commissioner Ellison's remarks on looking at the one - time expenditures and in addition discuss the following items: Police, Fire, CCIP, quiet zone implementation, funds for grant matches for the construction Centennial Trail along the railroad tracks, Henderson bridge and other items would include funds for a conservation district and some type of a parks maintenance storage building.

Commissioner Haladay concurred with the previous comments and noted the quiet zone is important, funding for a grant match for Henderson bridge, put aside up to \$100,000 for funding sustainable energy projects and any leftover would go to police and fire and put it into the CCIP. He would like to see the commission be ambitious on the allocation of funds to show the public that city spending can be good. Commissioner Haladay stated he believes \$500,000 into CCIP for police and fire is adequate.

Commissioner Haque-Hausrath concurred with the quiet zone, Henderson bridge and the sustainable loan program for energy projects. She noted police and fire have lost out over the last few years.

Mayor Smith stated he would support general funds going to the general fund departments, specifically to look at the needs of the parks maintenance department and would support a proposal to pursue a new location.

Commissioner Elsaesser stated the next budget cycle is approximately six to nine months out and he would support earmarking the \$500,000 for police and fire departments; \$500,000 for the quiet zone, reserve \$500,000 to \$750,000 grant reserve for the Henderson bridge, and \$200,000 for a conservation district. He is not aware of any proposal for a new parks maintenance project; it makes sense to keep the equipment out of the weather. He would like to see a tentative plan on the expenditure of these funds. Some of these funds might have to match future allocations.

Mayor Smith stated he is not comfortable allocating specific amounts at this time and would like a more structured presentation.

Commissioner Ellison suggested the commission request the city manager prepare a spreadsheet on what has been discussed today and bring it forward at an administrative meeting. Commissioner Ellison stated he is uncomfortable in allocating the funds today; although, he does like many of the recommendations. He noted a lot of parkland has been added to the city's inventory and the commission has not addressed the parks maintenance and operations budget. It is not fiscally responsible not to address the ongoing expenditures due to the increase in parkland.

Commissioner Haladay stated he is encouraged by the discussion and concurred with suggestion of Commissioner Ellison. He would like to expedite the process and not have the funds disappear into the general funds.

Administrative Services Director Magee noted the commission will have to go through the budget amendment process to expend any of these funds prior to the annual budget process. There was

commission consensus to move forward with City Manager Alles preparing a spreadsheet to include the projects discussed today.

Commissioner Elsaesser stated the budget amendment process would allow for public comment. Mayor Smith asked for any public comment.

Public Comment:

Jenny Senn, Core Management Team, submitted a letter and information on the Safe Schools Healthy Students Initiative. However, that funding ended in June of 2014 and they are requesting the commission consider the allocation of \$165,610.23 for one-year for a Referral Coordinator and a Mental Health Dependency Counselor and or \$496,830.69 for three years of funding for the two positions.

Colleen Smith, Director of Youth Connections, requested the commission consider the allocation of \$15,000 for Youth Connections.

Chief Juvenile Probation Officer Sharon Tregidga and John Jackson with the Helena School District spoke in support of the funding request.

Mayor Smith asked if there was commission consensus to have these two requests added to the list. He then stated he is hesitant to get the city into funding in areas where it hasn't been.

Commissioner Elsaesser stated he does not have a response today; there will be other opportunities to discuss the requests.

Commissioner Ellison shared Mayor Smith's comments; getting the city into social services, as he indicated with the previous request, is something he is not interested in. There are a lot of non-profits in Helena that all do a lot of good work; however, he is not ready to open that door today. These requests do not fit into the content that was being discussed today.

HCC Coordinator Garrity noted the Prevention Resources at the state level does have some resources that could be requested.

Consensus Direction to the City Manager – City Manager will prepare a spreadsheet to include the proposals discussed today and bring it forward to an administrative meeting.

Non-Motorized District Protest Results – Commissioner Ellison noted this is on the October 20th city commission meeting agenda and the commission may want to have a short discussion.

Commissioner Haladay stated the presentation at the city commission meeting will be the same information the commission received in the administrative packet. Administrative Services Director Magee stated the public hearing has to be held on October 20th; however, the commission could table action.

Mayor Smith stated he will be suggesting the commission not move forward with a referendum on the non-motorized district.

Community Development

Sign Ordinance – Mayor Smith asked HCC representative Kelly Lynch to speak on the HCC's recommendation on the sign ordinance. Ms. Lynch stated due to the time, she would be happy to attend another meeting to address the HCC's recommendation.

Community Development Director Haugen noted this item was put on the agenda in order for the commission to have the Zoning Commission's recommendation. Normally, a work session or two is scheduled to discuss the proposal and then a public hearing is scheduled and advertised. The Zoning Commission members would like to attend the administrative meeting when the sign ordinance is discussed.

Commissioner Haque-Hausrath stated she has concerns on the path the sign ordinance is taking and she would support scheduling a separate administrative meeting. At this time, she would support the HCC recommendation.

Commissioner Haladay stated it has been stated there is not a significant change to the sign ordinance; however, it is repealing an entire chapter. He asked for a red-lined version prior to the next meeting.

Community Development Director Haugen noted staff had not prepared a red-lined version due to the entire ordinance was repealed, however, staff can work on something to present to the commission.

Consensus Direction to the City Manager – To schedule this at an upcoming administrative meeting, staff will prepare a document showing the differences between the current and the proposed ordinance and invite the Zoning Commission to the meeting.

- 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, Transportation Coordinating Committee — 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, Montana Business Assistance Connection – No report given.
 - e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – No report given.
 - f) Helena Citizens Council – No report given.
- 7. Review of agenda for October 20, 2014 City Commission meeting** – No discussion held.
- 8. Public Comment** – No public comment received.
- 9. Commission discussion and direction to the City Manager** – No discussion held.
- 10. Adjourn** – Meeting adjourned at 6:10 p.m.