

SUMMARY OF ADMINISTRATIVE MEETING

November 19, 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; Police Chief Troy McGee; Community Development Director Sharon Haugen; Senior Planner Dustin Ramoie; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; HATS Supervisor Steve Larson; Water/Wastewater Superintendent Don Clark; Fire Chief Sean Logan; Parks & Recreation Director Amy Teegarden; Natural Resources Coordinator Brad Langsather; Administrative Services Director Tim Magee; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included: HCC Representatives Paul Pacini and Kelly Lynch, IR Reporter Al Knauber, Karen Lane, Becky Baraby, MILP Representatives Bob Maffit and Les Clark, Brian Johnson and John Ramirez.

2. November 5, 2014 Administrative Meeting Summary – The November 5, 2014 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Commissioner Haladay reported Federal Judge Brian Morris struck down Montana's same sex marriage ban. He commented this is a great ruling for Montana residents.

Commissioner Haladay stated he is proposing the commission consider and concur to place a resolution in support of accepting federal funds to provide expanded health coverage to Montanans on the December 8th city commission meeting agenda. He handed out a draft resolution and asked for discussion.

Mayor Smith suggested working through the agenda and then saving a few minutes at the end of the meeting to discuss the resolution.

Commissioner Ellison stated this item is not on the agenda and it is not a noticed item. He continued that he does not believe the commission has any business directing the legislature what to do with federal funds. In fact, he would be very reluctant in discussing the resolution today.

Mayor Smith asked Commissioner Ellison if he would be willing to discuss the resolution on December 3rd. Commissioner Ellison stated if the City Manager places it on the agenda, as with all items, he is willing to discuss it. This seems to have a great deal of urgency; however, it does not allow all interested parties to participate in the discussion.

Commissioner Haladay stated the commission holds discussion on numerous items that are not on the agenda and direction is given to staff. Commissioner Haladay stated he is happy to move this item to the December 3rd administrative meeting; however, he disagreed with Commission Ellison's comments.

Commissioner Ellison stated this is not an informal discussion; there is a draft resolution for commission consideration and discussion.

Mayor Smith stated he will ask at the end of the meeting if there is consensus to move it to the December 3rd administrative meeting.

Commissioner Haque-Hausrath stated if there is not time today, she would support placing this item on the December 3rd administrative meeting. She agreed the administrative agendas are not binding and it is appropriate to discuss the draft resolution under commission comments.

Commissioner Elsaesser stated there are a lot of items the commission needs to address, by the end of the year. He asked if the Montana League of Cities and Towns has a resolution on this. The county has vetted this and they deal with the services directly more than the city. The Montana Association of Counties is very interested in this and that is the process he would see being used. He is not willing to bump this ahead of other items the commission needs to discuss.

Commissioner Ellison stated his personal opinions on what to do with this is aside from the process that should be used.

Mayor Smith stated he does not believe there is consensus to put this on the December 3rd agenda; however, he will ask again at the end of the meeting.

Commissioner Elsaesser noted he had sent an email with several questions to City Manager Alles and asked him to respond to the following question:

1. Is staff concerned that they will not be able to meet CTEP deadlines for Centennial Trail West? If so, what can be done to avoid missing said deadlines.

City Manager Alles stated while the time frame may be tight, the clear target is to get Centennial West completed and he is confident it will happen. The deadline for MDT approved plans is June 1, 2015; staff is shooting for May 1, 2015. We are hopeful to get the Notice to Proceed (NTP) in December from MDT, we will then hire the engineer to design (will sign the contract once given NTP so engineering costs are eligible for CTEP), will need to hold various meetings to review drafts with NMTAC and the commission before we do final design. The goal is to begin construction in summer of 2015. The biggest obstacle is on the west end of Leslie. County is working on land acquisition to tie to Spring Meadow Lake otherwise we will need to improvise and design north in the platted alley and proceed west on Country Club which will likely require the movement of utilities.

Commissioner Elsaesser stated he understands the complexity of this project; he again emphasized the importance of getting this project completed.

4. City Manager's Report –

Manager Alles updated the commission on the following items:

- Public Works staff is working with EPA on an EPA Water Utility Climate Resilience Support project. It is a software package that will determine the effect of climate change and it is not going to cost the city anything.
- DEQ is going to withdraw the language regarding the city's concerns regarding stormwater in their rules and work through the facilitated process that was agreed to.
- Met with the HBIA members at their annual meeting to discuss the west side proposal; he also reported on the positive meeting between city staff and the development community.

Commissioner Elsaesser asked if there is going to be a summary of the meeting between staff and the developers. Manager Alles stated staff will prepare a summary and will distribute it to the commission.

5. Department Discussions Community Development

Westside Infrastructure Update – City Manager Alles introduced the topic and reported there is a neighborhood meeting on November 20th to discuss the proposal. He referred the commission to the map of the proposal, specifically Phase 1. The commission will need to take action on three items, discuss the resolution of intention to annex, update the rebate program ordinance for water and sewer and pulling the trigger on the project. Staff would like to proceed with the project, beginning in the spring of 2015.

Manager Alles explained there is a way to work through the logistics of the rebate program and the ability for the city to re-pay the bond issue. He noted he has received calls from citizens in Phases 3 and 4 asking to participate. Manager Alles then spoke of the financing of the project and noted he believes the property owners once they hook into city services, will be able to sign a contract with the city to pay back the costs through a monthly surcharge. He will need to work out the legality of the funding with City Attorney Jodoin.

Director Haugen and Senior Planner Ramoie have also fielded calls and there has only been one citizen calling with concerns. The meeting tomorrow night will be an open house forum allowing those attending to ask questions.

Commissioner Elsaesser asked what is the area of this proposal versus the sewer district area, which was voted down several years ago. What phases does the sewer district encompass. Manager Alles noted the sewer district included Phase 1, 2, and portions of Phase 3.

Commissioner Elsaesser commented he looks forward to hearing the feedback from the residents. He supports the city making the investment; however, has concerns with all the projects in Phase 1 will put off others in Phase 2 and 3 and on the north side of the city.

Commissioner Elsaesser stated he continues to be concerned with the CUP process for four-plexes; with a lot of these lots he believes four-plexes will be allowed and the residents need to be made aware of the possibility.

Mayor Smith mentioned annexation and an SID and asked when in the process would the

properties be annexed. Manager Alles stated the approach would be to get the pipes in the street and at the conclusion of the project, the properties would be annexed. The commission could annex those properties now. However, he would propose delaying the actual annexation until infrastructure is installed. This would be a policy decision of the commission.

Mayor Smith stated he would prefer not having an RID if the properties are going to be annexed. Manager Alles stated he does not believe that will be necessary and the finance package will need to be finalized. It will be a 20-year term on the payback of the bonds and the payback from property owners could be the same.

Commissioner Ellison referred to the map and asked where the Westside RID and Fire Service areas are. Senior Planner Ramoie showed on the map that the RID is shown by the pale orange and the Fire Service is the pale blue gray and is west of the city limits.

Manager Alles stated he has a scope of services contract on his desk for the Montana Avenue project and is ready to sign the contract if the commission agrees for him to do the same kind of review as he did on the Westside project. The county has indicated they will pay for a portion of the costs.

Commissioner Elsaesser stated he would like to have the scope of services on an upcoming agenda in order to see the details of the project and costs. Mayor Smith noted the contract is under \$50,000 and manager has the authority to sign it. Commissioner Elsaesser stated he is fine with moving forward. Commissioner Haladay concurred.

Manager Alles reported the commission considered the extension of sewer services north of Country County Club and the tracks and adjacent to the sewer line that Fort Harrison installed. The process for property owners to request to be hooked into the sewer line is to bring it forward to the city commission. The Health Department has recommended the city allow those properties to be hooked into the sewer line. In the past, the commission has denied the request for a number of reasons, including the county not moving forward with zoning. At this time, the county has moved forward with the urban standard boundary and zoning. Manager Alles stated he will begin to bring these request forward for commission consideration. Those properties would not be annexed at this time.

Mayor Smith asked for Public Comment – None was received.

Consensus direction to the City Manager – Move forward with the project as proposed. Keep commission updated.

Sign Ordinance Scheduling – Manager Alles and Community Development Director Haugen reported the commission received a strike-out version of the sign ordinance as approved by the Zoning Commission. The commission was asked how they want to proceed in the review of the sign ordinance.

Manager Alles stated before he schedules any work sessions he would like to get commission feedback. Staff is prepared to bring forward the ordinance as recommended by the Zoning Commission or begin over. Manager Alles noted the commission has to consider the Zoning Commission's recommendation and either accept it, deny it or send it back for revisions.

Commissioner Haque-Hausrath stated in April, she and Commissioner Haladay had sent a letter to the Zoning Commission outlining their concerns with the sign ordinance as recommended. The Zoning Commission responded and requested the commission begin a broader discussion on the sign ordinance and design standards. Commissioner Haque-Hausrath stated she is very uncomfortable with the recommendation from the Zoning Commission and would task the Zoning Commission to go back and look at the concerns expressed by herself and Commissioner Haladay. The proposed ordinance expands signs in Helena, and she does not want to expand signs in Helena.

Commissioner Haque-Hausrath stated the Business Improvement District has identified looking at signs in their work plan. She would like to look at a broad package that would tie up all the issues, including design/aesthetic concerns with signs, more general design guidelines, an entry corridor overlay zone, form-based zoning, ways to encourage infill, including building heights and setbacks, and more flexible zoning as recommended by Commissioner Elsaesser.

If the commission does not agree to send the broader issues back to the Zoning Commission, Commissioner Haque-Hausrath stated she would support holding a work session to work on the language and avoid huge changes that she would bring forward at the commission meeting level if the current draft goes forward. If there is urgency, the commission could move electronic signs forward; however, the rest of the ordinance needs a second review.

Commissioner Haladay echoed Commissioner Haque-Hausrath's comments; if the decision is to

move forward, he would request at least one work session as he has some significant questions.

Commissioner Elsaesser stated he has a variety of questions/concerns, specifically the 3rd party components. He is not sure where some of the content is coming from. He would like to move the electronic signs forward and there may be some other common ground in the Zoning Commission's recommendation. He would like to hear the legal history on the current sign ordinance. He too agreed that an additional meeting is warranted.

Mayor Smith stated he does not believe the Zoning Commission wants the sign ordinance back to make changes. They took the direction of the commission to look at the sign ordinance in a narrow scope; if it does go back, the process starts all over again.

Mayor Smith asked staff to comment on the Zoning Commission's intent. Director Haugen stated the Zoning Commission did take the concerns of Commissioners Haque-Hausrath and Haladay and responded back. They felt the entry corridors encompassed more than signs and a broader discussion would be warranted.

The Zoning Commission's goal was to look at the sign ordinance, if sent back she would recommend the city commission and the zoning commission hold a work session to better clarify the direction. Director Haugen noted the HCC has also identified some concerns with the proposed sign ordinance.

The Zoning Commission is the official body to make recommendations for the sign ordinance. If the process begins again, the Zoning Commission will want to contact those parties who have an interest in the sign ordinance. If the commission wants to have a broader discussion, Director Haugen stated the discussion could continue into the fall of 2015.

Attorney Jodoin stated some members of the Zoning Commission support looking at design guidelines; however, they feel their recommendation for the sign ordinance would eventually come back for future discussion. They too believe the sign ordinance does not currently work. Their basis was to clean up the sign ordinance language and make it easier to work with.

Manager Alles reconfirmed the Zoning Commission reviewed the ordinance that was asked of them two years ago.

Mayor Smith suggested that a work session be scheduled to discuss the sign ordinance, proposed by the Zoning Commission. There was commission concurrence to schedule a work session to begin discussion on the sign ordinance and broaden the scope.

Commissioner Haladay stated he would support a work session, but not in support with moving forward with the sign ordinance as it is currently being recommended. He does not agree on how the proposed sign ordinance is written and it is a more permissive ordinance.

Commissioner Haque-Hausrath stated she understood the Zoning Commission is open to undertaking the broader review as stated in Chair Meldrum's letter; however, she does not support moving forward with the recommended ordinance from the Zoning Commission.

Mayor Smith asked for Public Comment – HCC member Kelly Lynch commented as a land use attorney, she is very interested in the sign ordinance. She has presented a red-line version to the HCC for their consideration. Ms. Lynch concurred the existing ordinance as recommended by the Zoning Commission needs to be reviewed, but did not support the current draft.

Ms. Lynch stated she attended the Zoning Commission and heard the discussion and there was no opportunity for public comment at that meeting. The HCC had not met with staff prior to that meeting, but now, the HCC has submitted a recommendation that the Zoning Commission should not move forward with the proposed ordinance as drafted and should undertake a broader review of aesthetic considerations related to signs. At this time, there are several HCC members who are going to meet with staff to address specific issue including electronic signs. Ms. Lynch expressed concerns that the Board of Adjustment also approves variances for signs that are not allowed by right.

Consensus to the City Manager – Schedule a work session to discuss how to proceed with the review of the sign ordinance and broaden the discussion to include design standards.

Parks & Recreation

Tobacco Free Parks Report – Director Teegarden introduced Karen Lane with the Department of Health. In December, 2012, the City Commission passed Resolution 19977, establishing a tobacco-free policy for centennial Park. The resolution highlighted the opportunity and intention to assess community acceptance of the policy and to consider the adoption of a broader tobacco-free policy for

other city parks and recreation facilities. Following 12-months of policy implementation and signage, assessment efforts of the tobacco-free policy were conducted from June through August, 2014. Efforts included: community surveys, stakeholder and city staff interviews, observational surveys and a park litter pick-up-day. Assessment results indicate strong community support for tobacco-free playgrounds, parks and other outdoor recreation facilities. Assessment results show a majority of survey participants did not know that Centennial Park had a tobacco-free policy. This indicates a need for improved signage and awareness campaign.

Karen Lane gave a PowerPoint presentation on the results of the Centennial Park Tobacco-Free assessment.

Assessment results were presented at the September, 2014 City-County Parks Board meeting. The Board discussed a range of options for tobacco-free policies such as designating specific areas of parks as smoke-free (i.e. playgrounds), tobacco-free events, or designating all city parks as tobacco-free.

Following thorough discussion, the City-County Parks Board unanimously approved recommending to the City Commission a continued tobacco-free policy at Centennial Park and to expand the policy to other developed parks. Non-developed parks such as Helena Open Lands were discussed and not included in the recommendation. If there is commission concurrence, Director Teegarden will bring forward a resolution for consideration.

Commissioner Elsaesser asked if the walking mall would be included. Director Teegarden stated the walking mall is a public right of way and not specifically a developed park.

Commissioner Haque-Hausrath appreciates all the work put into the recommendation and would support moving forward with the recommendation.

Commissioner Elsaesser asked if the golf course is included. Director Teegarden stated no, people pay to be at the golf course and there has been no discussion from the Golf Advisory Board.

Mayor Smith stated he has abstained from voting on this item at the Board of Health meetings. He asked if the Board of Health is available to assist financially with the signing of all the parks. Ms. Lane stated she is not in the position to answer Mayor Smith's question.

Director Teegarden stated if this moves forward, she will look for partners to pay for the signs. There were a lot of signs put up in Centennial; however, the educational portion needs to be expanded as many of the users did not realize it was a tobacco free park.

Mayor Smith stated he does not want to go the misdemeanor route and to avoid that, he expressed how important to have contact with the users groups.

Commissioner Haladay stated he supports the recommendation.

Commissioner Ellison commented he personally does not like smoking and/or tobacco use and supported the tobacco free at Centennial Park. However, he is concerned with the older veterans and would like to have the conversation of setting aside an area in Memorial Park to allow tobacco use. He generally supports moving forward and would be interested in hearing what partners there may be to help paying for the signs.

Mayor Smith stated he shares the concerns with the Veterans Memorial. He is willing to move forward with the recommendation.

Commissioner Elsaesser stated he is comfortable with moving forward with the recommendation and having the educational portion. He too would be interested in hearing ideas on the concern of Commissioner Ellison's on the veterans.

Consensus Direction to Manager: Move forward with the recommendation.

Open Lands - Natural Resources Coordinator Brad Langsather reported this is an introduction of a formal proposal from the City of Helena to the Helena National Forest regarding the exchange of City owned property located within the Tenmile Creek, Telegraph Creek, and Orofino Gulch Watersheds for USFS owned property residing entirely within the Tenmile Creek Watershed.

City staff has selected 6 parcels of City owned property for potential exchange for 3 parcels of USFS ownership. The objective is to streamline management of City of Helena Water Department properties. The advantage is the city of Helena would be obtaining ownership of USFS property containing three key components of the Tenmile Creek municipal water system.

Coordinator Langsather gave a PowerPoint presentation, showing the location of the properties.

Commissioner Ellison asked how would a person compare the value of the properties, are they of equal value. Coordinator Langsather stated an appraisal of all the properties will need to be completed; there are many steps that need to be completed prior to the finalization. Commissioner Ellison asked if

the signals from Forest Service are positive and do they want to move forward. Coordinator Langsather concurred the feedback has been positive and the information provided today is the properties the city is proposing to exchange.

Commissioner Haque-Hausrath asked would one of the steps be to look at mining contamination and would the city not take the property if an abandoned mine was found. Coordinator Langsather stated any contamination would be considered by both parties. He stated he feels comfortable there is no contamination on the city's properties; however, that will need to be confirmed. Commissioner Haque-Hausrath appreciates that this is on staff's radar and will be addressed and stated that she did not want the city to take a parcel that may result in Superfund liability.

Commissioner Elsaesser stated this is great proposal and we should move forward with the public process.

Consensus Direction to Manager: Commission concurrence to proceed with sending the letter to the Forest Service, which was included in the packet.

Public Works

HATS Capital Route Update, Fix Route Update – Manager Alles stated he has met with representatives from the Montana State Department of Administration to discuss a shuttle route from Capital Hill Mall to the Capitol for the 2015 legislature. The cost to run the shuttle would be approximately \$75,000. Representatives from the state are working on an agreement with the owners of the Capital Hill Mall to reserve approximately 200 parking spaces on the east side of the building. The route time would be approximately 20-minutes. Supervisor Larson is currently advertising for temporary drivers.

Manager Alles noted other parties have been asked to participate with the costs and the state should be responding on funding. It would be his recommendation to contract with the State of Montana to provide the service. Staff is also exploring a software application that would let people know where the bus is at all times.

The state will also encourage their employees to use the bus service to free up parking around the Capitol for visitors.

HATS Supervisor Steve Larson stated he too has been working with the state and there are three stops being proposed. The key issue is to keep the bus running on-time, this service will be a continuance shuttle and will run every day for approximately 11 to 12 hours. Staff will continue to work out the details of the service. There is strong support for the service.

Commissioner Haque-Hausrath asked what the benefit to the city of Helena is. Manager Alles stated this will help with the ridership numbers; in addition the commission encouraged staff to set up the shuttle service. It will also free up parking in the area and eliminate some of the traffic congestion.

Commissioner Haque-Hausrath stated the ridership numbers will help when applying for the 5311 grant funding. The commission also discussed having a shuttle from the Capitol to the downtown area. She wants to assure any savings from curb to curb will not be eaten up with this service. Manager Alles again stated he hopes this service will be through a contract with the State of Montana; he has not offered any financial assistance at this time.

Mayor Smith commented the state of Montana has been willing to support this and he would like to move forward with the shuttle service for this year.

Commissioner Ellison asked what level of confidence is there that MDT will accept these numbers and will increase the 5311 grant funding. Manager Alles stated these numbers will be counted and will qualify when applying for the 5311 grant. Manager Alles noted that the bus drivers will not be checking who qualifies to ride the bus, so anyone could use the service.

Commissioner Ellison stated if ridership numbers are going to count and there is not a cost, he would support moving forward.

Commissioner Haladay commented if this works and is easily copied, this service could be provided every two years, with a buy in from the state. This also demonstrates that the city can provide certain services in partnership with the state and other partners.

Commissioner Haladay stated at this time, there is not a buy in from the state of Montana for the transit system as a whole. Anything that the city can do to expand services and work with the state would be positive.

Mayor Smith commented on his idea of installing parking meters in the area, which would regulate parking and be a source of revenue.

Commissioner Elsaesser stated this is a great start and an opportunity to expand the service.

Commissioner Haque-Hausrath stated she supports the shuttle proposal and installing parking meters on Lockey Avenue.

Fixed Route Update – Manager Alles noted there was a presentation at the November joint work session and there is commission direction to get a 2nd fixed route up and running. When discussions first began, staff believed with the elimination of the curb to curb service, there would be savings that would pay for another fixed route. However, that is not the case.

HATS Supervisor Larson explained staff is not seeing a decrease in the curb to curb service and provides 100 to 120 riders per day. At this time, there is not savings to transfer to the fixed route.

He then showed a map of the two proposed fixed routes. Staff has not had time to drive the routes to determine the time it will take to complete them. In addition to driving time, the time it takes for stops and loading wheelchairs also have to be factored in. Due to the recommendation to have a 30-minute fixed route, there are discussions in decreasing the route sizes.

Supervisor Larson stated his concerns are being able to replicate the route and the timing of it. The citizens depend on the bus arriving on time. Staff will need to look at the number and locations of the stops and factor in any loading of wheelchairs. These two proposed routes are complete re-does of the current route.

Mayor Smith asked if there is not a decrease in the para-transit route, he does not believe any bus or staff has been freed up to work on the fixed routes. Commissioner Elsaesser stated he does not believe the city is going to see the shift to the fixed routes until additional riders can use the service. He has heard from many citizens that they would use a fixed route if it were available.

Mayor Smith asked for Public Comment – Brian Johnson submitted a written recommendation from the Helena Area Transportation Advisory Council.

MILP Les Clark noted there has been a large decline in ridership and asked for an explanation; it looks like a 20% decline. HATS Supervisor commented there a lot of factors to be considered when providing transit service; in the past the bus drivers were being over extended, were not taking lunch breaks and in some cases were speeding. To assure a safe environment for both staff and the users, he has stopped the unsafe practices, which results in not being able to provide service to as many riders as in the past.

Commissioner Elsaesser stated he wants to keep focused on this change and continue with the implementation of the additional fixed route. Do not risk the decline in numbers and not implement a fix route; the commission needs to make the change.

Mayor Smith commented the current system serves a specialized population and he is not willing to dis-continue any para-transit service to implement a fixed route.

Commissioner Haladay concurred the city cannot decrease para-transit service. He shares the frustration that the savings are not being seen. If the second fixed route is not a possibility, then he would inform those who did not qualify for the para-transit and get service back to them.

Commissioner Haladay stated he is mystified that Butte can provide four fixed routes with week-end service and do it on a lesser budget than the city of Helena. Mayor Smith stated one factor may be the city of Butte and Silver Bow County is a consolidated government.

Mayor Smith spoke on the necessity of the city to look to other partners, specifically Lewis & Clark County. Commissioner Elsaesser commented the current system is a para-transit service and supported by fixed route and it should be the other way around.

MILP Representative Bob Maffit commented that MILP is part of HTAC and supports the recommendations and hopes the commission continues to look at the implementation. He also commented he believes MLIP may have some innovative platforms to respond to additional para-transit service.

Mr. Maffit thanked Manager Alles for the work he did to provide limited transportation to those who needed in order to vote.

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 November 24, 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.