

SUMMARY OF ADMINISTRATIVE MEETING
April 15, 2015 – 4:00 p.m.
Room 326, City-County Building

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Elsaesser, Haque-Hausrath and Haladay were present. Commissioner Ellison was excused. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Police Chief Troy McGee; Public Works Director Randall Camp; City Engineer Ryan Leland; Solid Waste Superintendent Pete Anderson; City Controller Glenn Jorgenson; Human Resources Director James Fehr; Fire Chief Sean Logan; Community Facilities Director Gery Carpenter; Parks & Recreation Director Amy Teegarden; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included: HCC Representatives Dick Sloan and Ann Gilkey; IR Reporter Al Knauber; Morrison & Maierle Engineers Jeff Ashley and Scott Murphy; Engineer Jeff Key and Lewis & Clark Solid Waste Manager Sherrel Rhys.

2. March 18 and April 1, 2015 - The March 18 and April 1, 2015 administrative meeting summaries were approved as submitted.

3. Commission comments, questions –

Upcoming Appointments – There are no board appointments on the April 20th city commission meeting agenda.

Commission Comments – Commissioner Haladay reported HB 519 was tabled in the Senate Natural Resource Committee; this is good news for Helena and other municipalities. It was a good decision for the city of Helena to oppose this bill.

Commissioner Elsaesser reported at the TCC meeting, they were given a handout on the city's urban funds and a list of proposed projects. Last fall he expressed concerns with urban funds being spent on the Airport Road project. There is approximately 4.5 million for FY16.

Commissioner Elsaesser stated he would like the city be in the position to apply for a TIGER grant, even in conjunction with the county. These are federal dollars available for transportation projects.

Commissioner Elsaesser stated he needs to leave the meeting early and asked that recycling item be moved up on the agenda.

4. City Manager's Report

Legislative Update – City Manager Alles reported on the following items:

- HB 368 was also tabled, this bill would have put certain restrictions on mill levies.
- He invited the commission to attend a web-cast on TIGER grants on April 16th in Room 326 beginning at 7:00 a.m. This will provide information on what is involved in applying for TIGER grants. Commissioner Elsaesser commented that several commission members have asked for a potential list of projects eligible for TIGER grants. Manager Alles stated he has scheduled this for the next administrative meeting; however, he wants to make sure the application is competitive
- There have been eight applications received from west-side residents to hook into city services; one has a failed system. There is a meeting with an additional eight property owners scheduled for April 16th.
- The City of Helena and the Helena Firefighters Union were in arbitration on Friday, April 10th.
- There was a complaint filed by Tri-County Sanitation regarding the city hauling the C&D waste directly to the landfill versus running it through the transfer station.
- Staff applied for FEMA funds for earthquake valves on water tanks and FEMA has agreed to fund the project. He spoke of the recent table top exercise on earthquakes and the impact an earthquake would have on the water system.
- Commissioners Ellison & Haque-Hausrath have asked the issue of transients be discussed at the next administrative meeting.

5. **Department Discussions**
City Attorney – Fire Department
Solar Panel Discussion Update – Fire Chief Logan reviewed the City Attorney Jodoin’s response regarding solar panel installation.

QUESTION POSED

You asked whether you as the chief of the Helena Fire Department (“HFD”) had authority, under the 2012 International Fire Code (“IFC”), to permit solar photovoltaic energy systems to be installed in such a manner that access and pathways are not provided on roofs of one and two dwelling unit residential structures.

SHORT ANSWER

Yes, the chief of the HFD may permit solar photovoltaic energy systems on single and two dwelling unit residential structures to be installed to the roof ridge where vertical ventilation techniques will not be used.

DISCUSSION

Section 605.11.3 of the IFC requires roof access and pathways in and around photovoltaic arrays on roofs. These requirements provide for vital spacing needed to conduct firefighting efforts, specifically vertical ventilation techniques.

That same section provides an exception to the roof access and pathways requirements. Specifically, “photovoltaic panels or modules *shall be permitted* to be located up to the roof ridge where the fire chief has determined that vertical ventilation techniques will not be employed.”

You have indicated your concern that the IFC required access and pathways in and around solar photovoltaic systems would not provide enough access for firefighters to safely perform vertical ventilation. You have thus concluded that the risks associated with working around such systems outweigh the benefit of trying to vertically ventilate a residential structure. Accordingly, under the exception provided under section 605.11.3 of the IFC you may determine that vertical ventilation techniques will not be employed by HFD around photovoltaic systems.

It is my understanding that you have made such a determination. In conclusion, this means that one and two dwelling unit residential structures may install photovoltaic panels/modules without access and pathways on the roof of such structures. So long as this remains your operational opinion the city building division will not review plans for solar photovoltaic energy system placement to ensure the required access and pathways are provided for.

Fire Chief Logan stated he has determined the Helena Fire Department will not vertical ventilate around photovoltaic systems. Chief Logan stated this determination does not constitute a let it burn policy; it means on the face where the photovoltaic energy system is located, the Helena Fire Department will not vertical ventilate. Attorney Jodoin noted the installation of the systems will continue to require a building permit and inspections.

Commissioner Haladay thanked Fire Chief Logan and City Attorney Jodoin for the work that has been done. This overall solution is better than what was originally suggested.

Commissioner Elsaesser concurred with Commissioner Haladay’s comments and staff did a great job being solution orientated. It is important that those who install the systems get the necessary permits and inspections.

Mayor Smith asked if the homeowners will be notified the Fire Department will not vertical ventilate. Chief Logan stated at the time the permit is issued, the homeowner will be notified.

Consensus Direction to Manager – No direction necessary.

Public Works

Plastics Recycling – City Manager Alles reported the city of Helena started a pilot plastic recycling program in April of 2014 to give the citizens a daily option to recycle plastic. The program was started with donated compactor containers from Tri-County Disposal and the S.A.V.E. Organization. He then referred the commission to the spreadsheet that shows actual data from April 5, 2014 through January 9, 2015, also included were projected tonnages for the remaining months. Included in the packet is an estimated cash flow for each of the options presented.

Solid Waste Superintendent Anderson noted staff is seeking guidance from the commission on the recommendation from the efficiency study to discontinue collecting separated plastics. The program has run a full twelve months; staffing has been somewhat of a problem. Currently there are two temporary employees that work seven days a week. Manager Alles reported the city has had 100% clean loads after staff cleaned up the contamination.

Superintendent Anderson then reviewed the three options for collecting plastics as outlined in the staff report. The co-mingled option would reduce the required number of containers and the haul costs. Two new compactors are in the FY15 budget.

Commissioner Elsaesser referenced the contaminants and asked if there is a lot of trash getting into the bins. Superintendent Anderson concurred there is a lot of trash, specifically plastic bags, that contaminate the plastics and there are a lot of plastics that are not cleaned or rinsed. Commissioner Elsaesser noted there are other types of trash being thrown into the bins and even if the decision is to accept mixed plastics, staffing still might be required.

Commissioner Haladay commented if curb-side recycling is going to begin in the next five years and that program collects plastics, what investment does this commission want to make and still accept plastics at the transfer station. Is this a cost that is worth it.

Mayor Smith noted the scratchgravel residents will continue to bring their recyclables to the transfer station. Mayor Smith stated he would rather purchase the necessary equipment and not continue using borrowed equipment.

Commissioner Haque-Hausrath asked if the plastics program is being paid for out of the residential solid waste fund. Manager Alles stated these costs are being paid out of the transfer station fund, which is paid by city residential/commercial and scratchgravel residents. Commissioner Haque-Hausrath noted Commissioner Haladay's comments are well taken, is the investment worth the costs. What is the life of the current equipment.

Superintendent Anderson stated he is not sure how long the borrowed equipment may be available, he would have to contact SAVE and Tri-County. Any plastics accepted would be from city and scratchgravel residents.

Commissioner Elsaesser noted renters would also continue to use the transfer station and he would like to continue the service. The current equipment is at end-of use and would need to be replaced if the program is continued. In addition, he would like to see some type of shelter for the plastics area and look at further efficiencies. With plastics, the challenge is the volume and there will have to be compaction. There is potential higher market for the clear plastics.

Commissioner Elsaesser stated he would support an Option D – accept clear plastics and then combine the other plastics. There are other options to look at in the future that would include some type of shelter and staff efficiencies. There needs to be some level of separation of the plastics.

Commissioner Haladay asked how many compactors have been budgeted. Superintendent Anderson stated there is \$100,000 in the budget; \$75,000 for compactors and 25,000 for power installation. Commissioner Haladay asked if these costs have already been priced into the residential and scratchgravel budgets. Superintendent Anderson stated the costs were budgeted for through the transfer station budget.

Commissioner Haladay stated if the commission were to pick any of these options that are not status quo, based on the reduction costs, do we foresee the need to increase rates for residential solid waste in order to do any of the outlined options. Superintendent Anderson noted staff would have to figure out how to fund the full time staffing.

Manager Alles noted the staffing question may not require a rate increase for FY16; staff would want some operational time to determine the staffing level. Commissioner Haladay commented he is assuming the curbside recycling will move forward and at what point will the city residents be double billed for both the curbside recycling and recycling at the transfer station. Once the decision is made to purchase the compactors, you can't go back other than selling the equipment. Manager Alles noted

there is value to the compactors, and in the future if the compactors were not being used, they could be sold.

Mayor Smith stated he would support Option C; this would eliminate the need for additional staff. Superintendent Anderson noted staff would continue to monitor the plastics, however, it would not require permanent full time staff.

Commissioner Elsaesser stated he would propose that staff look at other options and not comingle. He continues to support an Option D and continue to collect plastics at the transfer station for city and scratchgravel residents. He emphasized that further efficiencies be researched and implemented.

Commissioner Haladay noted the commission has previously discussed the idea of credit off-sets; if a person demonstrated they were a subscriber for the curbside recycling, is there a way to credit their city residential solid waste assessment, since they would not use the transfer station. Manager Alles noted this is something staff could research; however, the current RFP does not include that option.

Commissioner Haladay again stated if a city resident signed up for the curbside recycling, their solid waste assessment could be reduced; this commission is trying to incentivize recycling. Manager Alles noted the city does not currently charge for clean loads of recycling. Commissioner Haladay stated the residents who choose to use the curbside program will essentially be paying a double assessment.

Manager Alles clarified Commissioner Haladay's question, if a resident signs up for the curbside program, is there some way to credit the residential assessment. He will have to do further research and report back to the commission.

Commissioner Haque-Hausrath reiterated the commission has discussed implementing the efficiencies of the solid waste study by separating the recycling from the composting. Manager Alles noted the composting is going to be separated from the recycling program.

Commissioner Elsaesser noted there are many side issues that are coming together and composting is currently a large portion of recycling and is charged a tipping fee when brought to the transfer station. He cautioned it would be difficult to begin to accept co-mingled plastics and then try to go back to separated plastics. Commissioner Elsaesser stated he would like to see a more formal proposal from staff, including the type of compactors and staff efficiencies.

Commissioner Haque-Hausrath asked Commissioner Elsaesser if it is his position, because it is better for the environment, he is recommending the purchase of three compactors with some level of separation and some level of staffing. Commissioner Elsaesser concurred and asked that there be no final decision made today.

Commissioner Haladay asked if there is any type of separation of plastics at the transfer station, is it staff's position it will require full time staffing. Superintendent Anderson stated yes, due to the experience they have seen over the last year, it is the recommendation to have it staffed full time. Staff is there to assist the public.

Commissioner Haladay stated he supports moving forward with something different than what we have now. His biggest concern is the Helena residents will essentially be double billed for recycling due to compactors being purchased. He would like to pursue trying to find a rebate for residents who choose to use curbside.

Mayor Smith stated he would support the option that would save funds; which he believes is Option C.

Commissioner Elsaesser recommended waiting until the RFP is opened and continue discussions during the budget work sessions. There may be cost savings once efficiencies from the solid waste study is identified and implemented. He noted there are residents who do not generate a lot of waste; however, they pay the entire solid waste assessment.

Mayor Smith stated the commission could give no direction to the manager at this time; this would allow Commissioner Elsaesser additional time to work on his proposal for an Option D.

Commissioner Haque-Hausrath stated Commissioner Elsaesser's recommendation sounds reasonable. She would be interested in an analysis from staff on where the \$36,000 is showing up in the budget for last year and where the savings would go moving forward. The commission has been told the efficiencies involved in staff time doesn't result in any change in the budget.

Manager Alles suggested the commission discuss the entire solid waste proposal during the budget work session and he will have staff analyze the different recommendations.

Commissioner Haque-Hausrath asked if staff could do a time-log on the number of hours spent

cleaning out trash from the bins. Superintendent Anderson noted for FY15, the temporary hiring line item has been over-expended.

Mayor Smith concurred to revisit this after RFP has been received and during the budget work sessions. Staff will provide the information requested by the commission and be prepared to discuss it after the RFP has been received and reviewed.

Consensus Direction to Manager – No consensus direction to the manager at this time.

Transportation Plan Update – City Manager Alles introduced Engineer Jeff Key, Consultant with Robert Peccia & Associates. Mr. Key referred the commission to the public draft of the transportation plan. He asked the commission what they anticipate the next step to be after the public comment period ends on May 12th.

Engineer Key spoke of the public comment matrix and explained the commission will be charged on making the decision on whether or not the plan meets the needs of the community going forward and do the responses to the public comments make sense. The commission may want to consider a resolution adopting the document and then hold a public hearing. In order to be eligible for federal funding, the planning document needs to be adopted.

Mayor Smith thanked Engineer Key and noted he looks forward to a wider community discussion. He then asked Manager Alles if he was involved in the working group meetings and does he have a recommendation on how to proceed.

Manager Alles stated typically the commission will adopt/accept the document. He then asked if the commission wants their comments included as a body or as individual commission members for any potential changes. There is no harm in adopting the plan versus accepting it. This allows for individual engineer designs for the specific projects. A public hearing should be held on the plan and the commission should offer comments if they choose to do so.

Mayor Smith stated he wants time to review the documents and asked Manager Alles to put it on an upcoming administrative meeting to field any questions from the commission. He then suggested it also be put on an upcoming joint work session. The city commission could then accept the document at a city commission meeting, set a public hearing and ultimately adopt the document. Manager Alles stated he will work with Engineer Key and staff to prepare a timeline on final adoption of the document.

There was consensus to move forward as outlined by Mayor Smith. It is incumbent upon each commission member to review the document.

Engineer Leland stated there has been a lot of public comment received, which is included in the appendices. Any comments during the 30-day public comment period will also be provided to the commission.

Commissioner Haque-Hausrath asked what chapter is the “road diet” for Montana Avenue addressed in. Engineer Key noted it is in Chapter 8.

Consensus Direction to Manager- Commission will review the document and forward any concerns/questions prior to it being on an administrative meeting agenda. Manager Alles will prepare a timeline for commission consideration.

North Helena Infrastructure – PER Discussion – Manager Alles reported the City of Helena administered a contract, paid for by Lewis & Clark County, for a preliminary engineering report (PER) to extend city water and sewer infrastructure to the north valley. The report evaluated and estimated core water and sewer infrastructure needs to serve both developed and undeveloped county properties. He then introduced Engineers Jeff Ashley and Scott Murphy from Morrison Maierle who provided a presentation of the PER which included the following:

- Study Area Boundary and Development
- Wastewater Flow Estimation
- Wastewater Design Criteria
- Water Design Criteria
- Site Information and Environmental Impacts
- Cost Estimate Development

Mayor Smith asked for clarification when talking population figures for wastewater is 4,000 and for water is 2,000. Engineer Ashley noted the water service is for the undeveloped area and wastewater would be for both sides of Montana.

Mayor Smith asked if there is any indication the developer is interested in this proposal. Manager Alles reported the one developer has received preliminary plat approval from the county. Manager Alles has met with the developer to see what can be done to assure the subdivision is built to city standards. He is trying to figure out a package that will benefit all the growth opportunities. In order to accomplish this, the leader in the package will be the city of Helena to assure the development is done correctly. There will have to be agreements between the city, county and future developers.

Mayor Smith asked if there is enough interest, in part of the developer to proceed. Manager Alles stated yes; the county approved the subdivision for 88 lots, if it were annexed into the city and built to city standards, there could be in the neighborhood of 120 to 140 lots, depending on the density. The up-front costs would be more; however, Lewis & Clark County may partner with the city to assure the subdivision is built to the city's standards.

Commissioner Haque-Hausrath asked if the only part currently developed is the 20-acres on the west side of Montana Avenue. Manager Alles noted the 20-acres are Pebble Gardens; there are approximately 100 mobile homes that are on wells and septic systems. There is approximately another 20-acres of land adjacent to Pebble Gardens that is not developed. Commissioner Haque-Hausrath asked if there are any grants available to assist the mobile home property owner in financing their portion of the project. Manager Alles reported the former owner of Pebble Gardens withdrew his application for subdivision review due to the commission's concerns of displacing low-income residents. Director Haugen noted the area may be eligible for CDBG funds, only if there is a low to moderate income component to it.

Commissioner Haque-Hausrath stated it would behoove the city to request the county to apply for CDBG funds or any other grants that may be available. What is being proposed would be an agreement between the developer and the city. Manager Alles stated if the city were to take the lead, it would take some time to put a proposal together; the city would have to issue the revenue bonds and formulate the rebate contracts. He is asking the commission if there is interest to move forward or not.

Commissioner Haque-Hausrath asked for clarification on the proposed subdivision if the density would go from 88 lots to approximately 120 to 140 lots. Manager Alles noted that is correct. Commissioner Haque-Hausrath stated it sounds like the city would be driving denser development. She then asked what does "getting closer to city standards" mean. Manager Alles stated he cannot answer that and he is trying to negotiate with the developer to build to city standards. Manager Alles is trying to get the subdivision as close to city standards as possible with it currently being in the county. Ultimately, the commission would have to approve any final proposal.

Commissioner Haladay stated he is not that interested in bringing in a subdivision that doesn't meet city standards and he would probably not support moving forward if it isn't built to city standards. He is not sure the city wins in the long run when the current residents pay to subsidize substandard subdivisions.

Mayor Smith asked if the goal is to have this subdivision built to 100% city standards. Manager Alles concurred and again asked if that is the direction the commission wants him to present it to the developer.

Mayor Smith commented the city has been asking the county to adopt city standards in this very area, so it doesn't put the city in this situation.

Commissioner Haque-Hausrath stated she is still interested in the discussion with county to require sidewalks and curbs and gutters in any new subdivision. She would like to explore this with the county at an upcoming joint work session. Commissioner Haque-Hausrath stated she is not interested in trying to have a race to the bottom to get them to build to city standards. However, it may be worth looking at a financial package that would assist a developer in building to city standards.

Manager Alles stated he does not see this specific developer building a substandard subdivision; if the city commission does not want staff to be flexible that is the direction he will give.

Mayor Smith stated he is trying to understand the difference between the mobile home park and Pebble Gardens. Community Development Director Haugen stated it is the same property and owned by one owner. Mayor Smith stated this may not be a good investment to connect the mobile homes to city infrastructure due to the condition of the mobile homes. Director Haugen stated there currently are issues with the wells and septic systems and the condition of the mobile homes. It may be better to look at total

redo of both the water and wastewater, if it were to continue as a mobile home park.

Commissioner Haque-Hausrath thanked Director Haugen for the comments; she suggested working with the current owner to see what the future plans are for the property to weigh the feasibility of applying for grants. Ultimately, she does not want the city being accused of not being sensitive to the low income population. Commissioner Haque-Hausrath asked if there is no flexibility on city standards, would it not be enough to bring the development into the city, with possible financial assistance for the installation of the infrastructure.. Manager Alles stated if it is the direction of the commission to require 100% city standards, he believes the project would be built in the county; however, there may be phasing in opportunities. He does not want a subdivision built that would not meet city standards and then ask to be annexed into the city.

Mayor Smith stated the best case scenario is to have joint standards. Mayor Smith stated he is hesitant to commit staff time and work when ultimately the developer may not be interested. Manager Alles recommended removing from the discussion, the property on the west side of Montana. At this time, there is one current property owner who is proposing a development. There are two other owners of the undeveloped property on the east side of Montana. The discussions have been centered around partnering in the initial investment and assuring that both the city and county would be reimbursed when develop occurs.

Mayor Smith noted the conversation in progress. He then referenced the Woodland-Dunbar area that was re-engineered; however, there still isn't any curbs, gutters and sidewalks installed.

Commissioner Haladay stated he is okay to continue with the conversation; however, his inclination is to say no. The Mountain View Meadows developer did everything correctly and built a park and donated it to the city. This development should have to meet city standards.

Mayor Smith concurred with Commissioner Haladay's comments and noted this cannot be resolved as a city only issue. Manager Alles stated he met with developer to discuss an MOU between the city, county and developer. He will bring forward a draft MOU for commission review and discussion.

Commissioner Haque-Hausrath concurred to review an MOU; however, she shares the concerns with a new subdivision not building to city standards. Commissioner Haque-Hausrath requested the topic of the county requiring sidewalks with any new subdivision be put on the May joint work session agenda.

Consensus Direction to Manager – Continue discussions with the developer and county and bring forward a draft MOU for commission consideration.

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.

7. Helena Citizens Council – HCC representative Dick Sloan reported the HCC supports and will forward a recommendation on the curb-side recycling program. The HCC will also review the comments from today's meeting regarding the plastics recycling program and will provide comments on the draft transportation plan.

8. **Review of agenda for April 20, 2015 City Commission meeting** – No discussion held.

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

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

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