

SUMMARY OF ADMINISTRATIVE MEETING
April 29, 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 Ellison, Elsaesser, Haque-Hausrath and Haladay were present. 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; Engineer David Knoepke; Fire Chief Sean Logan; Community Facilities Director Gery Carpenter; Community Development Director Sharon Haugen; Parks & Recreation Director Amy Teegarden; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included: Helena citizens Janice Miller, Bob Martinka and Nancy Silver.

2. April 15, 2015 - The April 15, 2015 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Upcoming Appointments – There are no board appointments on the May 5th city commission meeting agenda.

Commission Comments –

Commissioner Elsaesser noted the City of Helena has received recognition from Senate President Debby Barrett and Speak of the House Austin Knudsen, for providing the Capitol Shuttle Service during the 2015 Legislature.

Commissioner Elsaesser referred the commission to a draft letter he is proposing to send to Governor Bullock encouraging him to sign SB396, a bill to “generally revise regulation of transportation for hire laws” into law. Commissioner Elsaesser asked if there is support for the letter.

Commissioner Ellison stated he has read the bill and discussed the letter and would sign it. Commissioner Haque-Hausrath stated she too supports sending the letter and would sign it.

Commissioner Haladay stated he is back and forth on this bill; he likes some portions; however, his concerns come from the regulatory striping that was taken out of the PSC. This bill also eliminates some local control/facilitation and that makes him a bit nervous. The PSC does not want to regulate and local government is not allowed to. He believes the bill brushes more broadly than presented in the letter.

Mayor Smith asked if the city testified in support of SB396; it is his belief if the city didn't speak in support; he wonders if we should be asking the Governor to sign it. He is hesitant to move forward with sending the letter since he is not sure the impact it has.

Commissioner Elsaesser further explained his support of SB396. At the conclusion of the meeting, he will obtain the signatures of Commissioners Ellison and Haque-Hausrath.

Commissioner Haladay reported EPA, Region 8, is interested in Helena as part of its "Making a Visible Difference in Communities" initiative. Specifically, EPA would like to focus attention on the Sixth Ward area. He then referenced two documents giving a basic explanation of what EPA is going for.

Commissioner Haladay recognized city staff is aware of the initiative and he will monitor the discussions.

Manager Alles stated he and Community Development Director Haugen have been in contact with EPA to discuss this initiative. What he doesn't want to happen is to hold another visioning process for the area without coming out with tangible projects at the end. There is a request to move forward with the TIF in the area and if this proposal could dove tail with that process, he would support it. However, if it is a repeat visioning process, he would not recommend moving forward.

Commissioner Elsaesser stated he believes it is a great proposal and would like to move forward. He totally supports green development and does not believe it would be a repeat. He would like to see the TIF process begin for the area.

Commissioner Haque-Hausrath stated she would support moving forward and believes it is a more targeted area and would add value to what was accomplished at the last visioning process.

Community Development Haugen explained the city applied for an area wide planning grant in conjunction with the county and was not awarded the grant. The current proposal is a visioning process for the area to get to a more specific proposal.

Commissioner Elsaesser noted there is a gap in Centennial Trail in this area that could be addressed with this proposal. Manager Alles recommended city staff meet with EPA representatives and report back to the commission.

Commissioner Ellison expressed his gratitude and thanked everyone for the well wishes he received during his recuperation period.

City Manager's Report

Transient Concerns – Kmart Ponds & Grizzly Gulch – Manager Alles stated there is a problem with people who are camping out on city properties. The city does have an ordinance prohibiting camping in parks and open lands. Police officers normally go out and cite those who are camping. However, most times, the transient may or may not show up for court and may or may not pay the fine. The Police Department tries to move them off city property. There are also transients on Mount Helena and other areas in town.

Police Chief McGee concurred with Manager Alles' comments; he noted many of the people are not homeless, they choose the lifestyle. Many times, there is alcohol involved and/or mental health issues. The Police Department cites many of the transients. He is not sure what the solution is, if they are cited, they are not concerned with being placed in jail. Many times, citizens are intimidated by the transients.

Commissioner Ellison stated it was at his request to discuss this issue. He noted he has visited the K-Mart ponds and there is a lot of wildlife to view. Over the years, there has been an increase in the number of transients and lots of garbage, which creates public health issues. He has had one uncomfortable encounter. There are more camps in the area than in the past, and again a large amount of trash. There is no signage around the ponds that allow only for city owned vehicles. He has been contacted by a number of citizens who are concerned with the transients who camp down there.

Police Chief noted the public works staff is aware of the gate being open and has closed it again and tried to make it more secure. Manager Alles stated since this is not parkland, the city could prohibit access during certain hours of the day.

Commissioner Haque-Hausrath asked if there is an area where the transients could be encouraged to go to camp. Manager Alles stated he is not aware of any specific area where transients could go camp. Commissioner Haque-Hausrath stated it might be nice if the police officers could direct the transients to one location; however, that would create different issues.

Bob Martinka stated he is a long term Helena resident and enjoys going to the K-Mart ponds for bird watching. He noted he was there on Tuesday, April 28th and there were three active camps. Approximately five years ago, the local Audubon Club cleaned up the area. The intimidation factor is a major concern and there is evidence where there has been target practice occurring. He too does not have a solution but can see it getting worse. This area is a real gem for Helena residents.

Janice Miller stated she is outside a lot and is hesitant to go to the K-Mart ponds due to the active camps. The trash is also a major concern.

Nancy Ewer talked about her experiences at the K-Mart ponds and the amount of wildlife that is present in the area. She stated she is scared to go there to enjoy the wildlife. Ms. Ewer handed out a photo of dragon flies she had taken.

Chief McGee stated the Police Department has given notice to the transients who were living at the K-Mart ponds to vacate by noon today. In addition, the public works staff is concerned if there is a heavy rain fall; the ponds fill up quickly and there would be flooding. Chief McGee noted if the transients are down at the ponds and not camping, they have the right to be there.

Parks & Recreation Director Teegarden stated transients camping out on open lands and in city park is also an issue. It is difficult to determine if the campers are on city lands or forest service land. Many times there are abandoned camps that staff has to clean up.

Commissioner Elsaesser stated he shares the concerns that have been described and has called the police on a couple of occasions. In response to the pan-handling, a solution of giving out tokens for food might help decrease the pan-handling. Commissioner Elsaesser stated he is open to any solution and concurred it is an ongoing problem.

Commissioner Ellison thanked public works staff, Manager Alles and Chief McGee for working on this issue, specifically at the K-Mart ponds. It will require constant monitoring and enforcement.

Mayor Smith stated the K-Mart ponds is for storm water and noted it is primary a public works facility. He would not be troubled with fencing the area off and not allow public access. He did note that would not be the solution others would prefer. The transient camping in open lands and parks will have to be monitored by city public works, parks and police department staff.

Commissioner Ellison stated he would not support fencing the area and does not feel that would be a solution. It would not keep the transients out; however, it would keep those who like to view the wildlife out. He believes a common ground can be found to continue to monitor the area and keep the area open to the public.

Bob Martinka stated there are a lot of major cities who are using these types of facilities for wildlife viewing and are designing them for the specific purpose.

Commissioner Elsaesser stated he would be interested in more signage. The sanitation and health issues are a concern and there should be funding to have staff clean up the areas. He too would not support fencing the K-Mart ponds.

Manager Alles stated staff will continue to monitor the situations, fix and lock the gate, and put up additional signage for day use only. Chief McGee encouraged citizens to call the police department if there are situations that make them uncomfortable. Manager Alles will keep the commission updated.

Meeting with Developers - Manager Alles reported staff scheduled a meeting with the developers for April 30th; however, only a four signed up. Staff made the decision to cancel the meeting and reschedule when more developers are available.

Boulder Avenue – Manager Alles reported MDT is looking at closing the left turn lane from Montana Avenue onto Boulder Avenue. Staff has inquired on the reason and will report back once information has been received.

Commissioner Haladay noted the buy-sell agreement for Caird property is contingent upon access; therefore, if this is closed, the sale of the property will not move forward. He stated MDT did not bring this proposal up in the past and he suggested that all correspondence with MDT should be in writing. If this access is closed, it has a major impact on the city's ability to sale the Caird property.

Mayor Smith clarified that it is not Mr. Nicholson requesting the closure. Commissioner Ellison wondered about the timing of the closure when all of these pieces are in place. Manager Alles stated this may have been discussed in the past, but has recently been brought to the city's attention during the review of the Transportation Plan.

Commissioner Elsaesser stated when this was re-zoned; it did not trigger any additional traffic. Manager Alles stated staff is working with MDT to find out the specifics.

Engineer Knoepke stated MDT is putting together a report on the recommendation; noting the number of accidents is a concern.

Transit System – Manager Alles referred to a recent newspaper article on the Transit system that outlined issues; which are not new ones. Staff is aware if the issues regarding the ADA accessibility. However, what is new, MDT is requiring a traffic engineering study prior to implementing the second fixed route. Manager Alles noted MILP pointed this law out to MDT. With the requirement of a traffic engineering study, the July 1st start up will be postponed.

Commissioner Elsaesser stated he does not want to put bus stops where they are not ADA accessible and would support using the identified funding to assure they are accessible. Commissioner Elsaesser stated he wants to do whatever is necessary to move forward and not keep this unmarkable, useless system that is currently in place.

Mayor Smith stated the current system has been and continues to be an asset to the current riders and he would not characterize it as useless. Commissioner Elsaesser clarified the current system is far from being what it could be as far as getting riders around town.

Commissioner Haque-Hausrath agreed with Commissioner Elsaesser's comments. She asked does the traffic engineering study have to be completed before the new fixed route is implemented and how long does it take. Manager Alles stated that is what staff is trying to find out. In no way does the city intend to build any bus stop that is not ADA assessable. Staff is working through the process on the fixed routes and where the bus stops will be located.

Public Works Director Camp stated the traffic engineering study is new and at this point, MDT

cannot even give a template on what is included in the traffic engineering study and what stops are going to require a traffic engineering study. Staff is waiting on MDT.

Commissioner Haque-Hausrath stated if we are the first city this is being applied to, staff should assist MDT on clarifying what is being required. Manager Alles noted that is what staff's intention is.

Mayor Smith addressed MILP filing a Human Rights complaint and then being the one who pointed out the need for the traffic engineering studies. He too would want the bus stops to be ADA assessable; however, it will require additional funding that is not included in the city budget.

Commissioner Elsaesser stated the city needs to get provisional bus stops in place and then adjust accordingly. We need to take the high ground and make it work. There are funds to address the ADA curbs.

Mayor Smith stated the bottom line is the new route will be postponed until staff can clarify with MDT on what is being required.

Commissioner Elsaesser stated he is concerned the ADA requirements are what is stopping the city from moving forward. City Attorney Jodoin stated the traffic engineering study is hidden in state law and the city will have to do the studies prior to locating any bus stop. It is separate and apart from the ADA requirements.

Director Camp stated this is a traffic safety component and separate from the ADA component.

Reimbursement Resolution – Manager Alles stated it is his intent to bring forward the reimbursement resolution for commission consideration. This will put a process in place for any future development.

Commissioner Elsaesser asked will the assessment be based on square footage, no matter what the use. Manager Alles stated he is going to look at the language and bring forward a recommendation that would allow for a variety of assessment methodology.

Commissioner Elsaesser stated the current recommendation is not an equitable assessment between commercial and residential.

Commissioner Haque-Hausrath asked if an option would be similar to what it currently costs for residents to connect. Engineer Leland stated the current methodology is mainly based on lineal feet; however, there are issues with that. Manager Alles stated he would like to leave it open for discussion.

Commissioner Haladay suggested looking how costs are imposed on properties within certain districts and try to do more of an equitable cost structure. Manager Alles concurred and stated this type of assessment is what he is looking at.

Mayor Smith asked if the resolution that was brought forward included lineal or square footage. Manager Alles stated it included square footage; however, his recommendation would be to leave the assessment methodology open to be determined what would be best for a specific project/ area.

Mayor Smith stated he is somewhat nervous with a resolution that not is specific. Manager Alles explained the various assessment methods and noted each case would be reviewed.

The intent of the resolution is to leave flexibility for staff to work with the property owner for the most equitable method. Ultimately it will be a city commission decision. Mayor Smith asked who will present this to the commission and propose a certain assessment when a property owner wants to hook into city services.

City Attorney Jodoin stated most properties will be asking for annexation. What staff is looking for is some authorization for an assessment. Mayor Smith stated he would be more comfortable with one methodology.

Commissioner Haladay gave the example of Ms. Wilson's application; there were choices on what staff could tell the applicant on what is being required before annexation. The property owner would then make the final decision on whether or not to move forward and ultimately annex into the city. The city has flexibility when setting other assessments. He would support leaving the language flexible and allow staff to work with the individual projects.

Manager Alles commented a project that would encompass a certain area would have one assessment methodology; the individual property owners could not negotiate their assessment.

Commissioner Haque-Hausrath stated she believes there should be flexibility in the assessment and it would be more equitable for property owners.

Commissioner Elsaesser asked to see the staff amendments prior to it being on the commission meeting agenda.

Centennial Trail West ROW – City Manager Alles referred the commission to a letter from Jim Torske, Attorney for Kelly Kugler, with a proposal regarding Centennial Trail west.

Manager Alles noted the route being proposed was the original route. However, due to the property owner not being interested, the trail was re-routed.

City Engineer Knoepke has contact MDT regarding the proposal, and they have indicated they like the idea. There are concerns with being able to secure the right of way by the June 1st deadline; however, if it could be accomplished, MDT will consider it.

Manager Alles recommended trying to secure the ROW; however, not abandon the Leslie Avenue option.

Commissioner Elsaesser disagreed that this new proposal is the preferred safer route, there are benefits to have the trail come across the intersection. How can the city legally commit to the terms the applicant has promised.

Commissioner Haque-Hausrath asked staff to show where the abandonment of Leslie and Winston is. Engineer Leland showed a map of the area and the specific area being proposed for closure and abandonment.

Manager Alles stated there are requests in the proposal that staff will need to meet with the property owner and his attorney, to see if there is a negotiable solution.

Engineer Leland noted the intersection improvements are not contingent upon the proposal, as it is not CTEP eligible. All the engineering costs for Joslyn and Leslie are eligible for CTEP funding. MDT is excited with the proposal.

Commissioner Haque-Hausrath asked if the proposal is to trade property. Manager Alles stated the property is currently owned by the county and they would need to negotiate with the property owner.

Mayor Smith stated the proposal is coming from the owner of the Mobile Home Park and he is not sure if the city should be interested in the proposal at all if they are not interested in annexing into the city.

Commissioner Elsaesser asked if this is a genuine offer, there was opposition to the trail going through the property that they own. He again reiterated the current proposal is the best route. How can the city look at giving up ROW until the entire area is designed. He does not want to see this proposal as a distraction to moving forward.

Mayor Smith asked if this was the preferred route from the beginning. Commissioner Elsaesser concurred, but stated it is not currently the preferred route, in his opinion.

Commissioner Haladay stated he does not see this offer being remotely offered in good faith. This is a better route; however, he would be inclined to ignore the offer. The closest thing he would be comfortable with is to purchase the property outright.

Commissioner Haque-Hausrath agreed with previous discussion concerning the proposal from the property owner. She would support the proposal if the property owner would give the ROW to the county and the county would work on abandoning Leslie and Winston. The other portions of the proposal are not viable.

Commissioner Ellison had no comment at this time; he too was troubled by a good portion of the letter.

Mayor Smith asked if the property owner has a plan to develop his property; the city is not here as a convenience for those who want city services.

Manager Alles concurred the proposal would have to be reviewed in depth; however, the county has indicated they would like to pursue negotiations with the property owner. If this is a sincere offer, this route would be the best option. The city is the lead on the project; however, it is not up to the city to negotiate with the property owner.

Mayor Smith stated he believes the county would fit into the category of using the city to meet their needs, when it is convenient.

Commissioner Elsaesser stated he did speak to one county commissioner and the county wants to know more about the proposal. He again expressed concerns with the proposal.

Commissioner Haladay reminded the commission that the county spoke against and expressed their concerns with the four-way stop and this should be considered during negotiations. City Manager Alles noted the four-way stop is the city's jurisdiction and the county cannot stop the project.

Mayor Smith stated the city is not too interested in the proposal at this time. Commissioner Haque-Hausrath stated she is not interested in the current proposal, but would be interested in some subset where the county could abandon Leslie/Winston and obtain ROW of the spur line. Commissioner

Haladay echoed Commissioner Haque-Hausrath's comments.

Manager Alles stated if the county is able to secure the ROW and abandon Leslie/Winston, would the city commission support relocating the trail to its original route.

Commissioner Elsaesser stated if that were to happen, there should be a discussion on moving forward. He continues to be concerned to even entertain the proposal, this late in the process.

Mayor Smith stated if the county were to abandon Leslie/Winston, capacity for commercial development outside the city limits opens up and he is not in favor of it.

Manager Alles will engage in the conversation with the county; there are many concerns with the proposal and if an agreement cannot be reached, the current project will move forward by June 1.

Commissioner Elsaesser commented how nice Centennial Trail east looks and the amount of use it is receiving.

BID/HPC – Mayor Smith noted the quarterly meeting between the BID/HPC and the city commission is scheduled for Tuesday, May 5th at 7:30 a.m. One of the agenda items is the proposal to install permit parking along South Park Avenue and South Cruse Avenue.

This proposal will have an impact on the state workers who work at 301 S. Park, employees at RMDC and others in the area. Mayor Smith would like additional information on the proposal and encouraged other commission members to attend the meeting.

Department Discussions

Community Development

Community Planning Assistance Team (CPAT) Project Update – Community Development Director Haugen referred the commission to the final draft of the American Planning Association (APA) Community Planning Assistance Team (CPAT) report. The team sent the draft report to both the city and county staff for their review and comments. Comments were due back on April 17. Once they have received all of the comments, the team will review them and make any necessary changes. The final report should be available sometime in May or June.

In general, the report describes the process that the team used for the study, including the results of the February 3 stakeholder workshop. It also describes background information upon which they based their recommendations. The report itself indicates that the City of Helena is going to be revising its Growth Policy this year. Currently that process is not in this year's or next year's proposed budget. An alternative suggested by staff is that instead of revising the Growth Policy itself to implement the CPAT team's recommendation, a joint Neighborhood Plan could be completed as an annex to both the city's and the county's Growth Policy, as a further document to support joint infrastructure and development standards in the Urban Services Boundary.

Also included in the packet is a copy of the 2009 City/County MOU, because the document and the study itself used it as a basis for the work that they did. Once the study has been finalized by the CPAT, the team will submit the final report to both the City and County.

Director Haugen stated she will continue to work with the City Manager and County Administrator on how to move forward, how to fund it and what it will look like when completed. The recommendations include the city and county work together on joint standards and possibly revise the boundary and the county needs to implement zoning outside the boundary. Director Haugen stated this could be discussed at a future joint work session.

Commissioner Ellison asked how these folks could leave town with the idea the city of Helena was in the process of revising its Growth Policy. Director Haugen explained the idea came from the question if the city would ever revise our Growth Policy. The answer was yes; however, not in the near future. From that statement, they took it that the city is currently looking at revising the Growth Policy.

Mayor Smith noted the MOU between the City of Helena and Lewis & Clark County was executed in 2009.

Commissioner Haque-Hausrath noted it is a good report; however, she is not interested in neighborhood planning with the county until they indicate they are willing to work with the city and implement many of the city's standards. It should not continue to be one-sided on the city's part.

Mayor Smith and Commissioner Ellison concurred with Commissioner Haque-Hausrath's comments.

Consensus Direction to Manager – Until the county lays down foundation guidance, the commission is not interested in partnering with the county.

Public Works

TIGER Grant Process/Update – City Manager Alles and City Engineer Leland referred the commission to the following information:

- ❖ TIGER 2015 Application preparation webinar that staff participated in on Thursday, April 16th;
- ❖ TIGER Grants Overview;
- ❖ 2015 TIGER Virtual Summit meeting minutes;
- ❖ 2015 TIGER Grant Summarized Reference Material;
- ❖ Benefit-Cost Analysis Guidance for TIGER Grant Applicants

TIGER Grant eligible projects:

- ❖ West Main
- ❖ Grade Separation – Montana Avenue
- ❖ Airport Road Reconstruction and Extension
- ❖ Mini-Malfunction Junction
- ❖ Malfunction Junction
- ❖ Custer Avenue
- ❖ Centennial Trail
- ❖ County Club Avenue

Manager Alles noted the requirements to complete a TIGER grant is more than what the city has available. At this time, there is not one project that is ready to compete for TIGER funding. The city needs to spend money, even to compete for TIGER funding. There was approximately 6% of the applications that received funding and in most cases, projects were only 25% TIGER funded.

Manager Alles stated at this time, there is not a big project to bring forward. He has included \$350,000 in gas tax funding in the FY2016 budget to assist in identifying a project and meeting the requirements of the grant.

Commissioner Elsaesser stated he expects grants of this magnitude to be very competitive and staff should develop partnerships in order to submit a competitive application. He looks forward to moving forward.

Commissioner Haque-Hausrath referred to the list of Tiger Grant eligible projects and suggested each of the commission members rank the projects and submit their lists to Manager Alles. This will give direction to the manager and staff on what project to move forward with.

Mayor Smith commented the city commission did not settle in on a specific project the last time the city applied for a TIGER funding. A project needs to be identified, partnerships formed and funding available prior to moving forward. He concurred to rank the projects.

Manager Alles concurred on the recommendation for the commission to rank the listed projects; however, if there are other projects they would like considered, they too should be listed. Manager Alles stated the costs estimates on the projects are all very rough estimates.

Commissioner Elsaesser stated the clock is set for one or two years to apply for a TIGER grant. Manager Alles concurred. Mayor Smith stated the commission needs to identify and concur on a project prior to submitting a TIGER grant application.

Commissioner Elsaesser stated in conjunction to identifying a project, the commission should commit to apply for a TIGER grant. Mayor Smith stated the first step is identifying a project.

Consensus Direction to Manager – Commission will rank the projects and submit to the City Manager.

Greening America's Capitals/Low Impact Development Discussion – This agenda was not discussed due to the time.

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 – No report given.

8. **Review of agenda for May 5, 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 6:10 p.m.