

SUMMARY OF ADMINISTRATIVE MEETING
August 5, 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 and Haque-Hausrath were present. Commissioner Haladay was excused. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Public Works Director Randall Camp; City Engineer Ryan Leland; Transit Supervisor Steve Larson; Community Development Director Sharon Haugen; Fire Chief Logan; Police Chief Troy McGee; Acting Administrative Services Director Glenn Jorgenson; Budget Manager Robert Ricker; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included: HCC Representative Dick Sloan, Independent Record Reporter Al Knauber, City Commission candidates Rob Ferris-Olsen, Ed Noonan and Leroy Beeby, Helena School District Representatives Kent Kultgen and Aidan Myhre, TAC member Jaymie Sheldhal, County Commissioner Good-Geise; County Administrator Eric Bryson; John Rush, Alyson Munson and Heritage Preservation Officer Pam Attardo.

2. July 22, 2015 - The July 22, 2015 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Upcoming Appointments – There are no board appointment on the August 10th City Commission Meeting agenda.

Commission comments - Commissioner Ellison recognized the passing of former City Commissioner Jim Nybo.

Commissioner Elsaesser thanked staff for getting the administrative packets on the web page. He then referred to the following email he sent requesting the commission discuss the railroad quiet zone:

I would like to request that we have some discussion of the railroad quiet zone proposal at this week's administrative meeting during commissioner comments and that you support the following requests:

A. That staff provide the commission with a written update of the cost to install stationary horns at National and Roberts crossings, separating design and construction costs for each of the two crossing.

B. That the city explore the following with the consultant, MRL, and MDT:

1. Consider a design exception to allow a median for both approaches to the Roberts Crossing that would prevent a vehicle from crossing the road median without impairing use of the spur line that also crosses Roberts.

2. Explore alternatives to directions horns at National, such as a single gate arm that would cross all of National from the north and a median on the south approach.

3. Set up a meeting, with all parties, including those commissioners able to attend, to discuss establishing a railroad quiet zone within the next 45 days. MRL and MDT might have ideas about design alternatives to the direction horns based on the quiet zones established in other Montana communities and across the nation.

On a related note, previous city budgets have included allocation of street utility funds for quiet zone features that improve the safety of the rail crossing. These funds were to include safer accessible crossing of streets near the railroad. Street to street intersections are now designed to have accessible crosswalks. City streets intersecting railroad tracks in Helena general lack such safety measures for pedestrians, despite the proximity to parks, ball fields, and other generators of pedestrian traffic. This year's street resolution should allow the use of those street utility funds. Further, safety investments and street improvement on the city's Urban Routes should also include complimentary measures. Improvements to Benton could include improve traffic flow, provide a crossing for users of Centennial Trail, and expand the Safe Routes to Schools trails on Benton and Custer.

A railroad quiet zone is based on safety improvements. The additional funding sources and projects mentioned here can complement establishing a quiet zone, which will improve quality of life in our community. During my years of service on the commission, I have heard from a diverse range of residents across our community who support a railroad quiet zone. Even with the routine sounding of

horns, there have been tragic accidents at crossings in Helena in recent years. The City of Helena should work with interested parties and establish this safety improvement for our community. Both travelers and residents will appreciate these improvements.

Mayor Smith asked for additional time to review the request. Commissioner Haque-Hausrath stated she is interested in exploring the alternatives for Roberts and National Avenues and getting further input from MRL and MDT. She noted that a representative from MRL will be at the August 6th joint work session; the commission could extend a request to meet with MRL.

City Manager Alles stated he is working on the draft letter to MRL and MDT requesting an explanation on why the city has to go above the minimum requirements. He asked if he should hold off on sending the letters until the commission has discussed Commissioner Elsaesser's email.

Commissioner Elsaesser stated he does not believe the two issues should be in conflict and he would like to hear what options could be available.

Commissioner Haque-Hausrath noted she thought part of the letter would be an invitation for input. Manager Alles stated the substance of the letter is to ask MRL and MDT why they are requiring more than the minimum requirements. Staff could ask the consultant to propose some of the options for National and Roberts Avenues. City Engineer Leland noted the wayside horn is the preferred alternative for National and Roberts; the consultant did look at other options. The cost per intersection for the wayside horns is \$150,000.

Mayor Smith recommended Manager Alles send the letter and to discuss Commissioner Elsaesser's email at a future meeting. Commissioner Elsaesser concurred to set up a meeting.

Helena School Board Discussion – Mayor Smith welcomed School Superintendent Ken Kultgen and School Board Chair Aidan Myhre to the meeting. He noted there have been many conversations since the school bond failed in May. Mayor Smith summarized from previous comments of the commission; if the school board is interested in putting another bond forward, the city commission is open to the conversation on how the city can assist.

Superintendent Kultgen thanked the city and county for any assistance in preparing another bond issue for voter consideration. The School District is the educational leader and the city and county are the local government and infrastructure experts.

Helena School Board Chair Aidan Myhre stated the question is not if, but how everyone can work together to prepare a bond issue the community will support. She gave the background on how the School Board has re-evaluated the process and is moving forward. Ms. Myhre identified the key stakeholders to include the School District, City of Helena, Lewis & Clark County and the City of East Helena. The school board is hoping the stakeholders will help in defining the process on how to be successful.

Commissioner Haque-Hausrath concurred the process is very important; she believes and wants to see a bond pass that works for the community. She referenced the letter she submitted that included an analysis of the failure of the school bond and recommendations for moving forward. It is imperative to have a very clear facility plan and a vision for the school district. It may take several bond issues to reach the goals of the district.

Commissioner Haque-Hausrath suggested the school district form a formal planning committee to include all represented community members. School Board Chair Myhre noted the school board is tired, but recognizes the needs are still there. It was a very long process to bring the bond issue forward that included using consultants and many ad-hoc approaches to define what the bond issue should look like. One suggestion is to do a community audit that would provide additional information and recommendations for a process on how to be successful in presenting a bond issue.

Superintendent Kultgen noted from the comments today, there is agreement to do a community approach. He offered to organize a facilitated meeting, for the identified stakeholders, to identify what each entity can bring to the table and to define what the roles are of each. He asked if the commission would want to be involved with. Commissioner Haque-Hausrath stated she and Commissioner Haladay would be interested. Ms. Myhre stated one entity cannot be successful without the support of others.

Mayor Smith stated there is consensus the city will participate in the stakeholders meeting, as defined by Superintendent Kultgen.

HCC Representative Dick Sloan stated the process is important; however, when you look at the recent bond issue, there were too many pieces to it. He suggested presenting a multiple approach to any bond issue(s).

Commissioner Elsaesser thanked Dr. Kultgen and Board Chair Myhre for their comments. He supports all entities having an on-going dialog; each has their challenges and it is important to work together. He doesn't have a clear plan on what would be best for the benefit, but working together is a must. Commissioner Elsaesser noted the loss of the pool at Carroll College will have an impact on Helena's students. He then commented the largest portion of property taxes the citizens of Helena pays, goes to the school district. He is interested in keeping the cost down and to lessen the impact to the tax payers. In the last four decades, most of the residential growth has been outside the city limits. It is important for all entities to provide certain types of infrastructure to the citizens. He also addressed the large amount of recreational opportunities the various entities offer.

Commissioner Ellison also thanked Superintendent Kultgen and Chair Myhre for attending the meeting and for their comments. He was surprised the bond failed by the margin it did. The voter turnout was disappointing; going forward it will be important to get more people out to vote. Commissioner Ellison also addressed how the property taxes are divided up with the majority going to the school district. Whatever plan is developed, it is not going to be perfect. He recognized the analysis done by Commissioners Haque-Hausrath and Haladay. Commissioner Ellison stated he will assist any way he can.

County Administrator Eric Bryson stated he likes the recommendation for early discussions and identifying the roles and responsibilities of each entity. If the city and county are involved from the beginning, then the governing entity could support the bond issue.

Mayor Smith summarized there is support to hold a facilitated meeting to flush out the notion of a community audit. City Manager Alles concurred there is support between the city, county and school district to hold a facilitated meeting to define and identify what roles and responsibilities each entity would have. He will work with the various entities to organize the meeting.

Commissioner Haque-Hausrath stated she appreciates the discussion today. She then asked if the school district has identified a facilitator. Chair Myhre stated no one has been selected; there are a number of facilitators/consultants who have approached the school district. If anyone has a recommendation, please let her know.

County Commissioner Good-Geise noted she too believes this is the right direction; however, the county voted yesterday to put the new jail on the next ballot. She noted there are community members who should also be invited to attend the facilitated meeting. Superintendent Kultgen stated the facilitated meeting is the first step and as the process moves forward, there will be many opportunities for others to join in the conversations.

Jaymie Sheldhal stated she likes the proposal and the process should identify why the bond issue did not pass.

Commissioner Elsaesser concurred with Commissioner Good-Geise's comments. He then spoke on the importance of working together on transportation, traffic and trails, specifically Centennial Trail. One option the school district may consider is allowing Livingston Avenue to become a through street at Montana Avenue and be an alternative route for Centennial Trail. Superintendent Kultgen stated the comments today, show that each jurisdiction may have a solution for another one.

4. City Manager's Report – City Manager Alles invited the commission to attend Hometown Helena tomorrow. City Manager Alles reported he has received a request from Lewis & Clark County to allow the jail bond issue to be placed on the ballot in November. If there is no opposition, he will approve the request.

City Manager Alles noted the resolution of intention (ROI) to amend the boundaries and levy an assessment upon all property in the Open Space Maintenance District No. 1 is on the August 10th city commission meeting agenda. Due to there being only four commission members at the meeting, it is important to approve the ROI and to set the public hearing date for August 24th. If that does not happen, a special meeting will need to be scheduled to consider the ROI and a meeting to hold a public hearing prior to the deadline to pass the assessment which is the first Monday in September.

Commissioner Elsaesser noted he will be out of town on Monday, August 10th; however, he referenced the resolution of intention for the transit fares and noted it was his intent to add language to

Section 4 that would allow staff to negotiate with larger employers who may want to provide transit service to their employees. Manager Alles referred to the language staff is proposing and stated he believes it covers Commissioner Elsaesser's intent. Commissioner Elsaesser stated he will review the language and contact City Manager Alles with any questions.

5. Department Discussions **Public Works**

Transit Advisory Committee Draft Resolution – City Manager Alles referred the commission to the draft resolution and offered to answer any questions. Staff has done a good job in developing the language for the resolution.

Prior to discussion the draft resolution, Manager Alles asked City Attorney Jodoin to speak on the Human Rights Complaint filed by Robert Maffit and Montana Independent Living Project (MILP).

Human Rights Complaint – City Attorney Jodoin reported late Friday, August 31st, Robert Maffit and MILP withdrew the original complaint and has since filed a new complaint alleging retaliation for filing the original complaint. For now there are two allegations, the first component being the city retaliated when they voted to reprioritize the funding recommended by the HATAC. Attorney Jodoin noted he does not believe this is retaliatory, but a policy decision. City staff is aware that MILP will receive their van. The second component is that comments made by some created a “hostile” environment. Attorney Jodoin recognized that a formal complaint does chill the discussion. City Attorney's office will respond to the complaint and will keep the commission informed.

Attorney Jodoin recommended the commission focus their discussion on the resolution and not the complaint. It is within the city's powers to create an advisory committee. If the commission approves the resolution creating a transit advisory committee, the current TAC does not dissolve.

Commissioner Haque-Hausrath asked City Attorney Jodoin to inform Commissioner Haladay that he is named in the complaint.

Additional information on the specifics of the complaint will be reported to the commission on Monday, August 10th.

Mayor Smith asked if the commission should discuss the Transit Advisory Committee draft resolution. Attorney Jodoin stated he is comfortable with the discussion; the commission has the right to create a new advisory board.

Manager Alles commented staff did a good job in preparing the draft resolution and there is a recommendation on identifying stakeholders. It is important the resolution meets the goals of the commission.

Mayor Smith noted he is okay with the recommendation of nine members and the identified stakeholders.

Commissioner Haque-Hausrath asked if the current TAC has a City of Helena, Lewis & Clark County and East Helena representatives as members. Manager Alles noted Commissioner Elsaesser attends the meetings; however, he is not sure if he was formally appointed as a commission representative.

Jaymie Sheldhal, Secretary of TAC, noted City Commission Elsaesser, County Commissioner Hunthausen and Mayor Schell are members of the TAC. Supervisor Larson noted Commissioner Elsaesser was never formally appointed as a member of the TAC.

Commissioner Elsaesser stated he has attended the meetings, due to his interest, however, he does not recall being appointed as a city commission representative.

General discussion was held on the elected officials being voting members of the TAC. Attorney Jodoin noted the language outlining the membership in the resolution is guided by the Federal Transportation Committee.

Commissioner Haque-Hausrath suggested the senior citizen representative be from a senior citizens advocacy organization; she also recommended that a representative from a children's group, that could include Head Start, be on the committee.

Commissioner Elsaesser recommended the following:
Section 1 – three elected officials be ex-officio members and MDT have a representative on the committee. There would then be three at-large members that could be appointed by Lewis & Clark County and/or the City of East Helena.

Commissioner Elsaesser asked if the Public Transportation representative could include someone from the cab company and what is the timeline on adopting the resolution.
Section 2 – what is the recommendation for the transition of existing members.
Section 4 – last paragraph may not be needed
Section 5 – default by-laws could be adopted, this would eliminate the need for the new committee to develop new by-laws.
Section 7 – language needs to be clearer on the operational support
Section 8 – delete in its entirety

Commissioner Ellison thanked staff for the work done on the resolution; he welcomes the comments of Commissioners Haque-Hausrath and Elsaesser. By having the elected officials be ex-officio it would allow citizens at large; the HCC should also have a representative.

Commissioner Ellison stated he does not have a desire to implement the new committee immediately, maybe by the beginning of 2016. However, he wants the momentum to keep moving.

Mayor Smith concurred that the HCC should have a representative on the committee and with any newly established boards/committees there should be consideration to include a sunset provision. However, a sunset provision may not be appropriate for this committee. If there is a sunset, then it could be renewed or not.

Mayor Smith stated he is not sure the elected officials should be ex-officio; he would feel better if the governmental representatives have a vote.

Further discussion was held on the elected officials having a vote or not and what other community representatives would serve on the committee. Staff will research what boards/committees there are city commission representatives and if they vote or not.

Commissioner Haque-Hausrath stated she would support having the commission members be ex-officio. County Commissioner Good-Geise noted there are some boards that the county commissioners vote on and some not. It is important to have it outlined in the resolution.

County Commissioner Good-Geise asked what happens to the current members of TAC, will they have the opportunity to continue to serve. Manager Alles noted the city had no involvement in the appointment of the current members; however, even with the new advisory committee, the TAC could continue to meet. Mayor Smith stated he believes the current TAC will continue to meet.

Jaymie Sheldhal stated TAC has been in existence for many years and is the committee that is required by MDT. She gave an overview of the roles and responsibilities of TAC. Ms. Sheldhal stated she believes if this resolution is adopted, it will replace the current members. She further stated she feels there is a huge amount of miscommunications between the TAC members, the city commission and staff.

Supervisor Larson concurred with Ms. Sheldhal's comments that a committee is required by MDT. Staff is trying to keep the cohesiveness and ground base of TAC and add additional structure to the group. The result of having structure to the committee is any recommendations from the group will be formally submitted to the city commission.

Supervisor Larson stated he is very cognizant for the need of the committee and believes the proposal with the identified members will serve the community well. He also noted the committee will be the oversight committee; however, it will continue to include other interested community members.

Mayor Smith stated if we proceed, we will advertise for the new committee and he hopes some of the existing members would apply. The new committee will allow for a formal process that allows for citizen input with some additional structure.

Manager Alles noted there are several joint boards where the city and county both appoint members and jointly appoint members. Commissioner Elsaesser stated it is important to have a transition timeline; elected officials should be ex-officio and county and East Helena should appoint some of the members. While the city is the primary match on some of the projects, both East Helena and the county provide some funding. He then referred to Section 4 - clarified that minutes of the committee will be provided; and Section 1 – make sure the vacancy language is consistent with the current policies of filling board vacancies. Commissioner Elsaesser asked if language should be included that Ad-Hoc committee will also be allowed.

Manager Alles noted after today's discussion, staff will prepare an updated draft resolution for commission consideration.

Consensus Direction to the City Manager – Bring forward the resolution to an upcoming administrative meeting.

Front Street Update – City Engineer Ryan Leland reported the city's consultant, WGM Group, has contacted and provided all the adjacent property owners with a brochure showing possible typical sections for Front Street. Included in the packet are copies of all of the written comments received by WGM, so far. The public outreach for this project is being combined with the BID Downtown Master Plan, since both projects will affect the other. WGM is also the consultant on the Downtown Master Plan. The first public meeting will be held September 2nd at 5:30 p.m. to 7:30 p.m.

There is a survey being offered for the Downtown Master Plan and Front Street is included in the survey.

Commissioner Haque-Hausrath asked what the objections were to the creek option. City Engineer Leland noted the property owners expressed concerns on crossing the creek and losing parking.

Commissioner Elsaesser asked if the utilities will be buried. Engineer Leland stated the design hasn't been developed; however, it is the city's preference to bury the lines.

Commissioner Elsaesser asked if every property owner on Front Street has been contacted. Engineer Leland stated yes. The first meeting on the Downtown Master Plan, which Front Street is a part of, is scheduled for September 2nd. The Front Street project will be set up separately.

Commissioner Elsaesser asked if the plans envision a pedestrian crossing on Neill Avenue. Engineer Leland stated improving the crossing on Neill Avenue is being considered, once the design for Front Street is refined, it will show designs for other areas.

Commissioner Elsaesser asked can the scope go outside the right-of-way, can other stormwater alternatives be considered. Engineer Leland stated all options are open at this time; staff is willing to work with all adjacent property owners.

Commissioner Elsaesser stated he looks forward to the project. At some point he would like to see the specifics for Front Street, separate and apart from the Downtown Master Plan.

Consensus Direction to the City Manager – No action required.

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
- b) Audit Committee, Board of Adjustment, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – Commissioner Ellison reported the Civic Center was approved for the variance request regarding trees on the south side of the parking lot, due to the number of trees planted on the north side of the lot.
- c) Intergovernmental Transit Committee, Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – Commissioner Elsaesser reported the TCC will be discussing urban funds in September and he will be submitting an updated list of projects for consideration. There is funding in reserves for projects and he would like the city to plan out most of the funding for the next few years and submit a prioritized list.

Commissioner Elsaesser listed the following projects he would recommend: green infrastructure on Hauser and Broadway that would include sidewalks, stormwater and trees, both are on urban routes; south Helena gateway project including West Main, Cruse and Cutler intersection; trail network on Montana Avenue, improvements on Benton Avenue and a smaller scaled project on Airport Road.

Manager Alles asked Commissioner Elsaesser if he sees the city establishing their priorities and then going to the TCC or try to package the three entities priorities. How would he like it to unfold. Commissioner Elsaesser stated he would like the city to put together a broad list and bring it to the table and see what other projects are brought forward.

Commissioner Haque-Hausrath stated she thought the direction was the initial list would be cleaned up and be brought forward to the TCC. Manager Alles stated when the list was created; there were additional projects identified that could be considered by the commission.

What he is hearing is the city will develop their list of projects and try and blend them with other recommendations.

Engineer Leland stated at the next administrative meeting, a representative from MDT will give a presentation on how urban funds are expended, the urban system itself and what the process is; essentially an Urban Funds 101.

Mayor Smith stated he looks forward to the presentation from MDT. He then asked if the current projects being recommended by Commissioner Elsaesser, qualify for urban funds. Commissioner Elsaesser noted he and Commissioner Ellison will tighten up the list and submit it for consideration. Commissioner Elsaesser noted Benton/Custer intersection was identified as a top priority; however, he believes an alternate plan would improve the intersection.

- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Parks Board, Montana Business Assistance Connection – No report
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – Commissioner Haque-Hausrath reported Chalk Up Helena was very successful again this year.
- f) Helena Citizens Council – HCC Member Dick Sloan reported the HCC supports and looks forward to working on the school bond issue. The HCC has always supported the quiet zone and stressed the underline issue at railroad crossings is safety. The HCC is developing a recommendation on the installation of sidewalks.

7. **Review of agenda for August 10, 2015 City Commission meeting** – No discussion held.
8. **Public Comment** – None was received.
9. **Commission discussion and direction to the City Manager** – Commissioner Ellison asked for commission concurrence to be out of town more than ten days in December 2015.
10. **Adjourn** – Meeting adjourned at 6:00 p.m.