

**SUMMARY OF ADMINISTRATIVE MEETING**  
**September 23, 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, Haladay and Haque-Hausrath were present. Commissioner Elsaesser was excused. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Assistant City Attorney Iryna O'Connor; Assistant Public Works Director Phil Hauck; City Engineer Ryan Leland; Community Facilities Director Gery Carpenter; Community Development Director Sharon Haugen; Fire Chief Sean Logan; Police Chief Troy McGee; Administrative Services Director Glenn Jorgenson; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included: HCC Representatives Paul Pacini and Dick Sloan; and Robert Rasmussen with NMTAC.

**2. September 9, 2015** – The September 9, 2015 administrative meeting summary was approved as submitted.

**3. Commission comments, questions –**

**Upcoming Appointments** – Mayor Smith recommended the following board appointments:  
City-County Parks Board                      Reappointment of Pat Doyle to the City-County Parks Board to a first full term. Term will begin upon appointment and expires September 30, 2018.

Helena Zoning Commission                      Reappointment of Tyler Emmert to the Helen Zoning Commission to a first full term. Term will begin upon appointment and expire September 17, 2018.

**Commission comments** – Commissioner Haladay asked City Manager if he has heard back from the group of residents who were working on the westside annexation issues. Manager Alles stated Laura Erickson with Lewis & Clark County has been in contact with the group; there are few members of the group that are meeting; however, he has not received anything definitive from them. Manager Alles stated he will follow-up with the working group.

Commissioner Haladay asked City Manager to follow-up with the group and get a recommendation from the group prior to the resolution coming back before the commission in April 2016.

**4. City Manager's Report** – Manager Alles introduced Glenn Jorgenson as the new Administrative Services Director. He spoke highly of Director Jorgenson's qualifications and looks forward to working with him.

Director Jorgenson thanked City Manager Alles for the opportunity and he looks forward to his new position.

**5. Department Discussions**  
**Community Development**

**Subdivision & LED Street Light Pilot Project** – Manager Alles noted the commission has talked about the pilot project for an LED Street Light project. He gave an overview on how the project would be managed after the LED lights were installed; it would become a city owned district. The recommendation would be targeted toward a new subdivision, when one is proposed. Manager Alles handed out a copy of a bill from NorthWestern Energy for SID 359, and reviewed the various charges. The financing and how the district would work, will have to be resolved.

Administrative Services Director Jorgenson spoke on how the cities of Billings and Bozeman operate their city owned lighting districts. This is a difficult subject due to technology changing on a regular basis. Director Jorgenson will continue to talk with other cities to find out how they are using LED lights. At this time, staff believes we own approximately 30 lights; however, NorthWestern Energy will need to confirm the number of lights, which would allow the city to change out the heads. There are a lot of details to work out prior to moving forward with an SID.

Commissioner Haque-Hausrath asked if the city owned lights would have to comply with the dark sky ordinance. She also asked if staff has looked at the standards for LED street lights. Director Carpenter noted there are no standards for LED lights; if the city were to change the LED distant without standards, the city could be liable if there was an accident. Director Carpenter stated he believes within the next 18 to 24 months, there will be standards for LED lights.

Commissioner Haque-Hausrath stated this is a great program and once the city implements installing the LED lights, it is important that we do not create any light pollution. Manager Alles stated the LED lights would have to comply with the dark sky ordinance. He then spoke on the challenge of creating the district and looking at the upfront costs. Commissioner Haque-Hausrath stated it would be great if the city could use our resources and extend the costs over a longer period of time for the property owners.

Director Jorgenson also referred the commission to the NWE information on SLD 359; which outlines the costs of the district.

**Consensus Direction to Manager: Move forward with a pilot program and report back to the commission.**

**Renewable Energy Resolution** – City Manager Alles noted the Residential Energy Efficiency and Renewable Energy Loan Program has been briefly discussed in the context of allocating the telecommunications tax settlement funds during the FY2016 budget process. Two hundred thousand dollars (\$200,000) has tentatively been allocated to fund a loan program where the city would loan funds to property owners within the city for the purpose of installing “green” infrastructure on their property.

On July 8, 2015 the commission provided staff with guidance with respect to loan eligibility, terms of loans, and securitization of loans.

Based on commission guidance staff has developed a draft resolution establishing a “Residential Energy Efficiency and renewable Energy Loan Program” for commission consideration. The resolution provides that loans can only be used to purchase and install energy efficiency upgrades and renewable energy systems. The language should be broad enough to encompass all of the contemplated improvements the commission has expressed interest in providing loan funding for as well as giving the City Manager the discretion to approve the loan funds for projects that are not specifically mentioned but still fall within the intent of the program. Energy saving appliances may not be purchased with the loan funds.

Further, the resolution establishes a maximum loan of \$12,000 for each residential property owner that is to be paid back over 10 years through owners’ property tax bill. There is no interest to be charged for the loan. Residential property is limited to property that contains three or fewer dwelling units per lot or tract or group of lots or tract under common ownership.

Community Development Director Haugen referred the commission to the draft resolution and agreement that will need to be signed by the property owner(s) as part of their application for a program loan. She also outlined the specifics of when the money would be disbursed to the property owners.

Mayor Smith asked for public comments, none was received. Mayor Smith referenced an email the commission received from Ben Brouwer.

Commissioner Haladay asked if there would be an issue with Fannie and Freddie loans, which has been a problem in the past. His understanding is because the loan amount will be put on the tax bill and would have to be paid off prior to the transfer of the property, it should not be an issue. City Attorney Jodoin stated he does not believe this proposal should impact a person from receiving specific loans. He would have to do further research to confirm there would be no impact.

Commissioner Haque-Hausrath referred to the last sentence Subsection 6 of the agreement and asked is this intended if the bank does not require the loan to be paid off, it would stay with the property. Attorney Jodoin stated he believes the title companies will want to see the assessment paid off prior to the property being sold. He also discussed if the city would have to comply with the truth and lending act and after further research, he has determined the city would not have to. Attorney Jodoin stated the language is very clear that the assessment would have to be paid off prior to the sale of the property.

Commissioner Haladay asked if the finance charges itself is the full term of the loan. City Attorney Jodoin concurred and suggested the wording “finance charges” be changed to “loan.” Commissioner Haladay noted in any one year, the property owner will only pay 1/10<sup>th</sup> of the loan.

Commissioner Haque-Hausrath suggested removing the word “remains in the last sentence of

Subsection 6. Attorney Jodoin will amend the language per Commissioner Haladay and Haque-Hausrath's recommendations. He also noted there may be further changes to the document as staff works with it.

Commissioner Ellison applauded Commissioners Haladay and Haque-Hausrath for working on this program. However, he did not support the allocation for the funding of this program. It was general fund money and it is difficult for him to place this as a higher priority than the three general fund departments, Police, Fire and Parks.

**Consensus Direction to Manager – Bring forward the resolution and agreement to the October 5<sup>th</sup> city commission meeting.**

### **Public Works**

**Street Maintenance Overlay/ADA/Complete Street Policy** – Manager Alles, Assistant Public Works Director Hauck and City Engineer Leland noted staff is requesting a general policy that will allow the Street Division to complete the yearly overlay maintenance projects in a timely fashion, meet our legal obligations, and meet neighborhood and commission expectations.

Staff is prepared to look at the upcoming overlay projects and discuss the impacts of the draft policy. An overall policy will allow work to proceed in an orderly fashion and accomplish commission goals without having to redesign entire neighborhoods with each maintenance project. Staff could still work with neighborhoods when new configurations are desired without detriment to the maintenance of the overall street system.

Engineer Leland referred the commission to the Street Maintenance Overlay/ADA/Complete Street Policy.

### **Department of Justice (DOJ) Ruling Impacts**

The city of Helena typically maintains streets by either an over-lay or with a chip seal. The federal rules for ADA require all ADA ramps to be upgraded to current standards with any reconstructions but no required with maintenance. Since the city considered the over-lays maintenance the ADA ramps were not required to be upgraded. The city received correspondence from the Montana Department of Transportation (MDT) on May 8, 2015 advising the city of a DOJ clarification. This clarification indicated, "Overlays of additional material to the road surface, with or without milling" trigger the requirement to add curb ramps wherever a sidewalk or other pedestrian walkway crosses a curb. Overlays are considered an alteration of the roadway. The definition of an alteration is a change to a facility within the public right of way that affects or could affect pedestrian access, circulation or use. An alteration triggers the requirement for accessibility compliance of pedestrian facilities to the extent practicable within the scope of the project. Examples include, but are not limited to the following treatments or their equivalents: addition of a new layer of asphalt, reconstruction, concrete pavement rehabilitation and reconstruction, open-graded surface course, micro-surfacing and thin lift overlays, cape seals, and in-place asphalt recycling.

This clarification impacts the budget and schedule for overlays. Prior to this notification staff assumed that "overlays" were considered maintenance. According to the DOJ clarification, types of treatments that would normally be considered maintenance are: painting or striping (existing) lanes, crack filling and sealing, surface sealing, ship seals, slurry seals, fog seals, scrub sealing, joint crack seals, joint repairs, dowel bar retrofit, spot high-friction treatments, diamond grinding, and pavement patching.

In light of this clarification, the City Attorney's office has advised that any overlay work shall replace/install adjacent ADA ramps per the clarification received. Staff has attempted to show the magnitude of the DOJ ruling by studying the upcoming three-year overlay plan for the city of Helena. The city estimated a budget of \$325,000 for the overlay program and \$50,000 for ADA compliance.

To meet the goals contemplated in both the complete street resolution and set forth in the newly adopted Greater Helena Area Transportation Plan, either the budget for overlay projects would have to be increased, or the overlay program would need to be scaled back. The actual impacts to our street overlay program will depend on the policy direction received from the commission.

#### **Policy Questions:**

1. Would the commission prefer to "order-in" the required ADA ramps with the city paying 50% of the cost, or does the commission prefer to have the city pay 100% of the cost for

- ADA ramps when we do an overlay project? Would the commission prefer to “order-in” sidewalks along the street to fill-in the sidewalk gaps with the homeowners paying 100% of the cost, as specified in Helena City Code 7-4-2?
2. In an area without sidewalks, would the commission prefer to “order in” sidewalks per Helena City Code 7-4-2 along both sides of the street as stated in the complete streets resolution with the homeowner paying 100% of the costs?
  3. Does the commission wish to adhere to the complete streets policy/engineering standards typical sections. This would include boulevards for aesthetics/green space/snow storage, sidewalks on both sides for pedestrian connectivity/access, or shared-use paths for non-motorized travel. Would the commission consider deviations/variances from these adopted policies.
  4. Should the ADA compliance budget be increased to cover the additional costs of the required ADA ramps along the overlay routes.
  5. Should the ADA compliance budget be increased to cover the additional costs of the “order-in” ADA ramps along the overlay routes.
  6. Should the street maintenance budget be expected to cover the required ramp costs. Thus reducing the mileage of overlays completed every year.

Assistant Public Works Director Hauck referred the commission to the costs spreadsheet that included the total overlay cost/ required ramps; total overlay and required ramps; complete streets; and total required and complete streets. Staff is asking for commission direction prior to drafting any policy.

Commissioner Elsaesser submitted the following email:

*I support advancing the street ordinance as written. Please consider this email to be my vote to advance the ordinance to a Monday meeting ASAP. The proposed ordinance will better utilize street utility funds by allowing for the repair and reconstruction of failing streets. The ordinance will open up reserve funds already designated in past budgets for accessibility and safety improvements, such as proving safer ADA/bike/pedestrian crossings near the railroad tracks in conjunction with a quiet zone. If needed, the commission can make technical or policy amendments to the ordinance at the Monday meeting.*

*It is my understanding that Resolution 19799, “A Resolution Stating the Policy and Intent to Provide “Complete Streets” for All Users of Public Streets in the City of Helena, Montana, and Providing an Implementation Strategy,” calls for a plan to be presented to the commission for the implementation of policy that ensures safe, well-functioning streets. While Resolution 19799 sets goals of better coordinating investments in streets and related utility infrastructure such as trees and safe storm water grates, the policy itself did not create the existing sidewalk, curb and boulevard requirements. The Greening America’s Capitals proposal provides good visuals and examples of “complete and green” streets that can help the city better meet regulatory requirements for storm water. Such investments can reduce system wide costs by utilizing storm water locally while meeting safety and aesthetic goals for Helena streets.*

*The City Commission and Helena residents would be better served by a formal budget process for major capital projects, including street overlays and related infrastructure investments. Sidewalks, storm water, ADA ramp, tree, and other boulevard and infrastructure requirement vary greatly between one street and another, or even between different sections of the same street. Two or three formal resolutions on major street projects would allow for a formal, public process that could highlight various funding sources, utility expenses, and cost to adjacent property owners. The vacation of excess right of way where additional future street lanes are not needed and it may be acceptable to put sidewalks and boulevard features into existing parking lanes should also be explored.*

*The city should setup a voluntary sidewalk district that would finance the long-term upkeep and eventual replacement of sidewalks for participating residents.*

*Helena Complete Street Policy is linked here:*

*<http://www.helenamt.gov/publicworks/engineering/complete-streets-policy.html>*

*Greening America’s Capitals Report: <http://www2.epa.gov/smartgrowth/greening-americas-capitals-helena-mt>*

*Given the current delay of street overlay and reconstruction projects, the commission should go through a formal, public process with a budget resolution for Broadway, Winnie, and other upcoming street projects. This process will pave the way for a more general policy going forward, but ensure the*

*necessary engagement of neighborhoods, other utilities, and the public up front--including how sidewalks are addressed.*

Mayor Smith suggested the commission continue the discussion on whether they want to begin ordering in sidewalks.

Commissioner Haladay stated noting in the complete streets policy mandates sidewalks are required with an overlay. Manager Alles concurred. Commissioner Haladay stated he is ready to begin the process of ordering in sidewalks.

Commissioner Haque-Hausrath concurred to begin the discussion of a general policy for ordering in sidewalks; the discussion could be if we begin with the streets that are scheduled for an overlay. The commission should not prioritize fixing newer streets without sidewalks versus older streets with sidewalks.

Mayor Smith stated he is in favor of ordering in sidewalks; however, he is not sure if he is ready for the community meetings. He then asked if Winne is on the list; if so, he would like to move forward with a specific project on Winne. Mayor Smith spoke of the hardship on some residents if sidewalks are ordered in.

Commissioner Haque-Hausrath noted when the commission talked about the non-motorized district, those funds could have been used to assist those who are low income or on a fixed income. However, the commission is now considering a street maintenance ordinance change to include street improvements, which essentially will be like the non-motorized district. She noted these funds may be able to assist residents who are low income or on a fixed income. Manager Alles noted the city may not be able to distinguish on the application between low and fixed income and everyone else.

Commissioner Haladay asked what the city's distinction is on the open lands assessment; we have an exception in there regarding certain properties. Administrative Services Director Jorgenson explained the exception on the open lands assessment would be different type of exception than an assessment for the replacement of sidewalks. City Attorney Jodoin noted it boils down to is an equal protection issue and who is responsible for sidewalks. He will look into a program that would offer assistance, based on income.

Commissioner Haladay asked how the commission could reduce the costs for the installation of sidewalks for some residents. Attorney Jodoin stated that would be a commission policy that would have to be applied across the board, without regard to income.

Commissioner Haque-Hausrath requested Attorney Jodoin to look into this and provide the commission an opinion on offering assistance to low income and fixed income residents. Commissioner Haladay concurred to ask for an opinion.

Commissioner Ellison stated he would like to see sidewalks throughout the city. However, he is not interested in getting the commission involved in someone's income status. He referenced the public testimony on the bus fares and what he would anticipate the commission would hear when ordering in sidewalks. He also referenced the public testimony on the proposal to annex property on the westside. He does not have a good answer on how to get sidewalks installed. The current program works in a very limited way; it would take decades to use that program.

Mayor Smith shared Commissioner Ellison's sentiment; he thinks maybe scheduling a public hearing to discuss ordering in sidewalks would be appropriate; however, he can anticipate the public comment. He is not sure if he is willing to put staff through all the work and in the end the commission decides not to move forward.

Commissioner Haladay stated with the previous comments, he would recommend dumping the sidewalk discussion with the overlay projects. At this time there is no interest in having the discussion of ordering in sidewalks. He would recommend the commission only address the corners on the overlay projects.

Commissioner Haque-Hausrath concurred with Commissioner Haladay and proposed the city paying 100% for the ADA corners, if the commission is not willing to order in sidewalks.

Assistant Public Works Director Hauck clarified the ADA ramps would be installed, when required. The ramps would not be required on Winne as there are no sidewalks. The current city policy is 50/50; the city pays 50% and the property owners pays 50% for curb ramps. However, the city would pay 100% if it is in a priority area. If the city were to go to where they paid 100% for all curb ramps, there may be another source of funding.

Mayor Smith noted the Winne overlay could be completed without doing anything else. Assistant Public Works Director Hauck concurred.

Commissioner Haladay concurred with the 100% funding and further suggested if a property owner uses the volunteer sidewalk program and has to install an ADA curb ramp on a corner lot, the city should pay 100% for the ramp. This would provide a small incentive to property owners to install sidewalks.

Mayor Smith asked for public comment. Paul Pacini noted sidewalks are very important for city residents. He encouraged the commission to move forward in ordering in sidewalks. If the costs could be spread across the city, it would minimize the impacts on the property owners.

NMTAC member Robert Rasmussen stated NMTAC would support ordering in sidewalks with the caveat the design of the sidewalks would depend on the right of way availability. It should not create a burden to property owners on corner lots; however, it is imperative to order in sidewalks.

Commissioner Ellison referenced the ADA ramp project for the downtown area and asked what funds are being used for this project. Manager Alles stated MAP 21 funds are being used for this project, the city proposed 180 ramps and discussion was held on who will manage the project. At this time, MDT has determined they will manage the project.

Engineer Leland reported MDT has notified the city that they will manage the project and based on their process, MDT proposes to do 48-ramps for a cost estimate of \$10,000 per ramp. Again, the city proposed to complete 180 ramps.

Manager Alles noted the city does have the complete street policy, it is not an ordinance. However, when discussing the overlay of Winne, should the commission consider all modes of transportation on the project. It will be a commission decision to proceed with the overlay and not comply with the complete street policy, which does include curbs/sidewalks.

Assistant Public Works Director Hauck stated one of the concerns was where the overlay projects are in conjunction to the priority areas for sidewalks. Staff could complete the overlay projects and the commission could decide later to install the curb/gutters and sidewalks in the priority areas, and hold public hearings on those priority areas. Staff can do the overlay on Winne and work with the neighbors.

Engineer Leland stated staff does have a list of priorities areas.

Commissioner Haladay asked if the commission has the will to even have the discussion of ordering in sidewalks. At this time, there does not seem to be commission concurrence to move forward. If that is the case, then let's move on and talk about question 1.

Commissioner Haladay again stated his preference is the city would pay 100% of the ADA ramps for all overlay projects.

Attorney Jodoin recommended a time be set up for the commission to discuss the complete street policy. It is a policy that sidewalks should be installed on city projects.

Mayor Smith stated he would support the city paying 100% of the ADA ramps and not bring the sidewalk discussion forward.

**Consensus Direction to Manager: There was commission consensus the city will pay 100% of the ADA curb ramps on overlay projects.**

**Boulder Avenue Traffic Calming Options** – Engineer Leland presented a variety of typical sections that could be considered for Boulder Avenue. The typical sections could include bike lanes, sidewalks, separated multi use path, etc.

City staff completed a traffic study and found there is not an issue with speeding on Boulder Avenue. Based on the study, there are speeders; however, there is not a significant speeding issue on Boulder Avenue.

The transportation plan does not recommend putting any traffic calming on Boulder Avenue; it recommends moving traffic calming to Lyndale Avenue. Staff would recommend installing additional bulb-outs and look at the existing sidewalks on Boulder Avenue, which has a 70' right of way. The proposals for consideration included Boulder Avenue (existing); proposed with bike lanes; proposed with separated bike path; proposed with protected bike lanes.

Commissioner Ellison referenced the speed study and asked if that is the one point location or the entire street. Engineer Leland noted it was a one point traffic study location; however, staff can move it east on Boulder Avenue now that school is back in session.

Commissioner Haque-Hausrath asked if there are 2,000 vehicles per day on Boulder Avenue. Engineer Leland stated yes. Commissioner Haque-Hausrath asked how much it would cost to do a two lane separated bike path on one side of the street. Engineer Leland stated he could not give a cost estimate at this time; however, if that is done, the boulevard trees would have to be removed. There is not enough existing right of way to install the bike path. Commissioner Haque-Hausrath suggested taking 10' out of the driving lanes and install the bike path. Engineer Leland stated that could be accomplished, depending on what the commission decides. The residents would need to be educated to park 10' from the curb.

Commissioner Haladay asked what are the estimated costs of the strategic placed bulb-outs. Engineer Leland estimated \$5,000 per bulb out for a total project of \$50,000

Commissioner Haladay asked what the estimated costs are if the bike lanes were painted. Engineer Leland estimated \$2,000 to \$3,000 per block.

Engineer Leland noted staff's recommendation is to install bulb-outs and bring intersections up to ADA standards. Boulder Avenue is a priority of the commission and NMTAC.

Mayor Smith stated Boulder Avenue is a good place to start. Commissioner Haque-Hausrath stated she would support installing bulb-outs and a bike path.

Commissioner Haladay concurred with Commissioner Haque-Hausrath and staff's recommendation for the bulb outs and bike path. There are 8 to 10 blocks that would be affected. Commissioner Haladay stated if you can push the cars over and have vehicle parking away from the curb; this would narrow the driving lane and help with traffic calming.

Assistant Public Works Director Hauck noted the costs of the bulb-outs would need to be allocated from somewhere; this was not a specifically funded project. He suggested gas tax funding may be used.

Commissioner Haladay referenced the \$200,000 that was allocated for the protested tax settlement for non-motorized projects.

**Consensus Direction to Manager: Install bulb-outs strategically as recommended by staff, paint a bike lane and explore the option of moving vehicle parking away from the curb.**

**Cruse/Cutler Intersection Options** – Engineer Leland referred the commission to the conceptual redesign of the Cruse/Cutler intersection. The current estimated cost is approximately \$300,000.

Commissioner Haque-Hausrath asked if there are going to be two areas that would be removed. Engineer Leland stated there would be one, as the other one would be used for the separated pedestrian/bike path. He again showed the route of the separated path.

Commissioner Ellison stated he supports this recommendation and believes it is a really good plan. If the commission needs to spend some of the tax settlement funds on this project, he would support it.

Commissioner Haladay asked if the island next to the recycling area could be developed, would this conceptual design prohibit access to the lot. Engineer Leland stated no.

Commissioner Haque-Hausrath supports moving forward with this project; the city should look at selling this parcel off.

Commissioner Haladay asked what the estimated costs are for the project. Engineer Leland stated \$300,000.

Mayor Smith asked what will happen to the recycling area. Engineer Leland stated the recommendation is to leave it as is until the lot is developed. The parks department currently maintains the grassy area.

Commissioner Haladay stated MAP 21 funds were applied for this project and asked for what portion of the project would be paid for by this funding. Engineer Leland stated MAP 21 funds were applied for the entire project.

HCC representative Paul Pacini spoke in support of moving forward. He noted the HCC initiated the discussion of this intersection.

Robert Rasmussen noted NMTAC would support this plan; he asked specific questions on the proposal. Engineer Leland stated the street would not have to be reconstructed; curb and gutter would be installed and there will be parking along Cruse Avenue.

Commissioner Haladay asked if the city needs MDT permission to move forward. Engineer Leland stated the city does not need approval, staff would give them notice. However, if MAP 21 funds are used for this project, they could take over jurisdiction and design and run the project.

Engineer Leland explained in order for the city to manage this project with MAP 21 funding, city staff would have to receive local agency certification. Mayor Smith asked if the city has the \$300,000 and not accept the MAP21 funding to complete this project. Manager Alles noted it is a feasible to find other funding for this project.

Staff will begin design this winter and go out for bid next year.

**Consensus Direction to Manager: Move forward with the project as recommended by staff.**

#### **City Attorney**

**Street Maintenance Ordinance Change to Include Improvement** – City Attorney Jodoin referred the commission to the draft ordinance and reviewed the recommended amendments.

Manager Alles referred to Section D and stated he believes the language meets the commission's preference.

Commissioner Haladay stated he would reject D1; he would probably go with D but may be convinced to go with D2. He wants to make sure non-motorized projects are done with this funding.

Commissioner Haque-Hausrath asked if the difference between D and D2; D say 10% of the total budget is put into a non-motorized improvement fund and will be spent on non-motorized projects; D2 sets aside 10% for each project with the intent to spend it for the specific project.

Manager Alles stated that is how he sees the distinction. It is staff's intent to complete non-motorized improvements with each project.

Mayor Smith noted the commission is trying to keep the integrity of the 10%, would D2 be the best choice. Manager Alles noted he believes both are equal.

Assistant Public Works Director Hauck noted the difference is what is budgeted versus the actual construction costs of the project; D2 language is more specific.

Commissioner Haque-Hausrath stated the other distinction is D2 would require the 10% be spent on the specific project. She believes there may be other priorities for non-motorized improvements.

Commissioner Haladay gave an example of where curbs are eroded and need to be replaced and we are not going to do any non-motorized projects, will 10% of that project be put in the fund. Assistant Public Works Director Hauck stated that is how he anticipates D2 working. Commissioner Haladay stated he would not anticipate using the 10% for non-motorized just to spend the funding.

Commissioner Haque-Hausrath recommended changing D to read as follows:

*Ten percent (10%) of the total actual cost for each improvement project listed in the annual Street Maintenance and Improvement District Fund budget must be set aside in a reserve fund dedicated for non-motorized improvements within the street maintenance district. The city commission may waive this requirement only if it is clearly established that an individual project has non-motorized improvements that amount to ten percent (10%) of the total actual cost for the improvement project.*

Commissioner Ellison stated he supports the change in language.

Commissioner Haladay stated a part of this, the commission is going to have to set an assessment rate based on an estimated cost ahead of time, and he believes that is where the budgeted language comes from. How does the commission retroactively assess a project if it exceeds the original budgeted amount. Manager Alles stated the original budget is an estimate and if the final amount exceeds the budget, staff has the flexibility to charge or carry over a larger amount of funding.

**Consensus Direction to Manager: Ordinance to be put on an upcoming city commission meeting agenda to include the language proposed by Commissioner Haque-Hausrath.**

#### **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 – No Report

- c) Intergovernmental Transit Committee, Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – No report
  - 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 – No report
  - f) Helena Citizens Council – HCC Member Paul Pacini reported the HCC is suffering a decline in membership. There is a committee of four looking at the function of the HCC, which has met two times. They will be submitting recommendations to the HCC as a whole. He asked for commission input on how to make the HCC a more viable body.
7. **Review of agenda for September 28, 2015 City Commission meeting** – No discussion.
  8. **Public Comment** – None was received.
  9. **Commission discussion and direction to the City Manager** – No discussion
  10. **Adjourn** – Meeting adjourned at 6:00 p.m.