

**SUMMARY OF ADMINISTRATIVE MEETING**  
**September 21, 2016 – 4:00 p.m.**  
**Room 326, City-County Building**  
**316 N. Park Avenue, Helena**

**1. Call to order, introductions, opening comments** – Mayor Smith called the meeting to order. Commissioners Ellison, Farris-Olsen, Haladay and Noonan were present. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Assistant City Attorney Iryna O'Connor; Victim Services Specialist Ashley Guiton; Police Chief Troy McGee; Administrative Services Director Glenn Jorgenson; Community Development Director Sharon Haugen; Public Works Director Randall Camp; City Engineer Ryan Leland; Engineer David Knoepke; Water Treatment Supervisor Jason Fladland; Transit Manager Steve Larson; Parks & Recreation Director Amy Teegarden; Community Facilities Director Gery Carpenter; Fire Chief Emert and City Clerk Debbie Havens.

Others in attendance included: IR Reporter Al Knauber; Eric Griffin; Lynn McKeever; Gregg and Wendy Wheeler; Warren and Leslie Hopper; Collin Cooney, Dirk Johnson; Jim Jensen; Nancy Schlepp, John Shanahan; Steward Howard; Chad Lee; Debbie Sebeski, Pat Sebeski, Lona Carter-Scanlon and Melissa Shannon.

**2. September 7, 2016 Meeting Summary** – The September 7, 2016 administrative meeting summary was approved as submitted.

**3. Commission comments, questions –**

Commissioner Noonan asked Parks & Recreation Director Teegarden for an update on the structural safety of the fire tower and if it is going to have Christmas lights on it. Manager Alles reported the fire tower is unsafe to put lights on for this year; however, there are plans to fix it.

Commissioner Haladay reported approximately 70 people attended the dedication of Centennial Trail West. During the event there was discussion on the ongoing maintenance of the trail.

Commissioner Haladay asked that the maintenance of the walking mall be put on an upcoming administrative meeting agenda. Manager Alles suggested this be put off for two or three months as there are ongoing discussions to develop a plan for the walking the mall. Commissioner Noonan noted the BID is also very interested in this topic.

Commissioner Farris-Olsen presented a Resolution Supporting Smith River State Park and Expressing Concerns Over Proposed Mining Activities That May Adversely Impact the Health of the River, the Quality of Life of Helena Residents, and Helena's Economy. He spoke how this resolution would protect local businesses; it is not just about mining on the Smith River. Commissioner Farris-Olsen referred to Section Two and stated "100%" should be replaced with "absolute". He then asked the commission to support placing this on the October 17<sup>th</sup> city commission meeting agenda.

Commissioner Noonan stated he would support both the resolution and putting it on the October 17<sup>th</sup> city commission meeting agenda.

Commissioner Haladay concurred with Commissioners Farris-Olsen and Noonan. Commissioner Ellison noted this type of issue has been presented to the commission on several occasions; however, why would the city commission focus on resource conservation issues in another jurisdiction. He is not comfortable telling federal and state agencies what to do and is uncomfortable telling other elected bodies how they should function. Commissioner Ellison stated his comments today are his as a city commissioner; however, his personal opinion would be different.

Mayor Smith asked if the city of White Sulphur Springs or Meagher County has taken an official position. Commissioner Farris-Olsen stated he does not know if either entity has taken a formal position. He noted he is not trying to tell other entities what to do; he encouraged the commission to consider this resolution due to the negative effects mining would have on the economy in Helena.

Mayor Smith asked if a permit is issued, does that meet the absolute certainty listed in Section Two of the resolution. Commissioner Farris-Olsen stated it really depends on what the permit is for; however, generally speaking if a permit is issued it does not guarantee the river will be protected. He also noted the proposed mining activity has the potential to have an impact on other water ways other than the Smith River, including Sheep Creek.

Mayor Smith asked City Manager Alles if the Oct. 17<sup>th</sup> is busy. Manager Alles stated he does not know what the October 17<sup>th</sup> agenda will look like.

Mayor Smith then asked for public comment. The following persons spoke in support of the resolution: Warren Hopper, Leslie Hopper, Steve Gilbert, Dirk Johnson, Jim Jensen, and Colin Cooney. Nancy Schlepp and John Shanahan, Tintina Resources representatives, addressed the commission and extended an invitation for the commission to tour the site.

Mayor Smith thanked everyone who spoke today. Commissioner Farris-Olsen stated he would welcome the opportunity to tour the site; however, it should not dictate placing the resolution on the October 17<sup>th</sup> city commission meeting agenda. Mayor Smith stated he too would go on the tour.

**Consensus direction to Manager – Place the resolution on the October 17, 2016 city commission meeting agenda.**

**4. City Manager's Report** - City Manager Alles noted per MCA, the city will be placing the city's web page policy on the web site.

**5. Department Discussions:**

**Community Development/Facilities**

**Residential Energy Efficiency and Renewable Energy Loan Program Update** – Community Development Director Haugen referred the commission to the approved applications for residential energy efficiency and renewable loan program. To date, \$197,443 has been committed; the remaining balance is \$20,000. The average loan amount is approximately \$11,000. Loan payments are part of the tax bills and will be on the 2<sup>nd</sup> half for 2016.

Commissioner Ellison noted most of the loans listed on the spreadsheet or around 11,000; however, some of them are much less. He then asked why those would be so much less than the average loan. Director Haugen stated the property owners submitted the cost and some were smaller projects and much less expensive. She recognized and thanked the City Attorney's office and Administrative Services for their help on the program. Commissioner Ellison stated he did not like the funding source; however, he is delighted with results.

Commissioner Haladay asked once the funding is gone that staff keep track of those residents who are interested and inform them when funding is available. Commissioner Farris-Olsen noted DEQ also has a 3% loan program for renewable energy projects. Director Haugen concurred to keep the public informed on the availability of funding and other programs that are available.

**City Facilities Energy Efficiency Update** – Community Facilities Director Carpenter gave a PowerPoint presentation on the city's energy usage and efficiencies. Mayor Smith thanked Mr. Carpenter for the information. He then asked what improvements have been done to the City-County Building. Director Carpenter noted all offices have individual thermostats that control the heating.

Director Carpenter also gave a presentation on the new Parks Department building; which they share with the Police Department.

Commissioner Ellison asked staff to set up a time so he could tour the facility.

**Public Works**

**Capital Transit Update on Routes & ADA Bus Stops** – City Manager Alles and Transit Manager Larson reported the new bus has arrived and hopefully the 2<sup>nd</sup> route will be up and running within the next two to three weeks. Manager Larson noted the web site is under development and will help keep the citizens informed. He then handed out the new Capital Transit Service brochure.

The new bus stops are being constructed and should be ready to go. At the current time, there is a shortage of drivers; however, staff is working on hiring additional drivers. Manager Larson noted as soon as the drivers are hired and trained, the 2<sup>nd</sup> fixed route will be implemented.

Engineer Knoepke reported there are ten completed bus stops and three that are almost completed. There are four additional stops that will be built to accommodate the 2<sup>nd</sup> fixed route; there is one stop that will be fairly complex to complete.

Commissioner Farris-Olsen asked if there is going to be a stop at the Transit Center or near Food Share. Manager Larson stated there is a stop at the Transit Center.

Commissioner Ellison asked where the stop is located that is going to be complicated complete. Engineer Knoepke noted it is off Euclid Avenue along Allison Street.

Commissioner Noonan thanked staff for all the work that has gone into the development of the two fixed routes.

Mayor Smith referenced the shelters and asked if more will be installed. Engineer Knoepke stated it is anticipated there will be more shelters in the future. Manager Larson noted once the routes are in use, he will prepare a recommendation on where to install shelters.

Manager Alles noted city staff is working with the state to provide the shuttle service during the 2017 legislative session.

Mayor Smith asked public comments – none was received.

**PROWAG Requirements** – City Engineer Leland and Engineer Knoepke reported during the annual street maintenance overlay project conducted by the City, staff reviewed the crosswalks that were affected. In reviewing the Highland crosswalk and the surrounding area, it was determined that the crosswalk would not be re-stripped because there is no surrounding accessible pedestrian facilities. According to the Federal ADA requirements to reinstall the Highland crosswalk, sidewalks and ADA ramps would have to be installed. Highland Street immediately east of the intersection has no sidewalks or ADA ramps and the portion of the street to the west has minimal sidewalks and no sidewalks or ADA ramps connecting to the crosswalk. The lack of pedestrian and ADA features were the reasons for the decision. An alternate route that could be used is crossing at the Broadway Avenue and Montana Avenue. This intersection is stop controlled, has ADA and pedestrian features to convey all pedestrians to Jefferson School. City Staff took into account the larger intersection but having the stop controlled intersection outweighed the longer crossing distance. Crossing guards could be used at this location as at other crossings in the City. Improvements (ADA ramps and sidewalks) to the surrounding area at Highland and Montana would allow an accessible path to all pedestrians and the crosswalk could be restriped. Please note that City Code requires the adjacent property owners to pay for and maintain the sidewalk and pay for 50% of the ADA ramps. The estimated cost for the crosswalk and bulb-outs is around \$15,000 which would require Commission approval. The estimated cost of the sidewalks which would be divided proportionally to the adjacent property owners is around \$113,200. The average cost per property is approximately \$4,900. Bringing total project cost with contingencies to around \$147,450. These costs can be applied to the Volunteer Sidewalk Program. It is a City loan program that spreads the cost of the sidewalk installation to the owner's property taxes over a ten year period currently with 0% interest.

The following guidance was received from the Rocky Mountain ADA Center.

- Where there is no sidewalk (or curb) there is no requirement to provide a curb cut or build a curb ramp.
- A crosswalk/marked pedestrian crossing is a facility (or part of one) and to the extent that it is a facility providing a public program (pedestrian transportation) it must be accessible. So, even though there are no ADA Standards specific to crosswalks/marked pedestrian crossings, public entities must employ best practices to ensure nondiscrimination on the basis of disability.

Mayor Smith asked for public comment. The following persons addressed the commission to address their concerns with safety of crossing at the intersection of Highland/Montana with the removal of the crosswalk: Mr. Nearing, Debbie Sebeski, Lona Carter-Scanlon – Principle at Jefferson School, Kim Patterson, Lynn McKeever, Wendy Wheeler, Stewart Howard and Chad Lee.

Also addressed was the ADA compliance requirements, the cost to the adjacent property owners to install sidewalks, what are the consequences to the city if they were to re-paint the crosswalk without bringing the intersection up to ADA compliance and other options that would enhance the safety of those crossing at Highland/Montana.

Mayor Smith thanked those who addressed the commission. He then asked for clarification if the city brings this intersection into compliance it would triple the costs. Engineer Leland noted in previous projects, the costs were three times the original estimate. However, staff will have to design the project and cost estimate it. He then reviewed the individual costs of the sidewalks, bulb-outs and ADA ramps.

Commissioner Haladay commented it is his understanding under Montana law where you have a four corner intersection, it is legally a crosswalk, regardless if it is marked or not. Attorney Jodoin concurred every intersection is considered a crosswalk. Commissioner Haladay referred to the email

from Geoff Ames and he basically refers to a “new use” and asked how re-striping the existing crosswalk would be a “new use.” Attorney Jodoin stated he believes the concern is by striping it does make the crosswalk a new use. He then addressed the “unmarked” versus “marked” sidewalks. PROWAG requires the city to make the intersection accessible. Attorney Jodoin noted the requirements are not always black and white when you are talking about best practices.

Commissioner Haladay stated there was always a marked crosswalk and by resurfacing the road it triggered the PROWAG requirements. Additional discussion was held on what triggers the PROWAG requirements and the importance to have this crosswalk reinstalled. Attorney Jodoin noted he believes the city commission will soon be discussing ordering in sidewalks to meet ADA compliance requirements.

Commissioner Haladay stated he does not believe he has received a clear answer on why restriping a crosswalk would trigger the ADA requirements. By not restriping this crosswalk, that intersection has become more dangerous to pedestrians. Attorney Jodoin stated he has never professed to say ADA regulations are consistent and reaches the right results. If the Department of Justice receives a complaint that this intersection/crosswalk is not compliant and they rule that it is not, they will require the city be in compliance with all ADA regulations.

Commissioner Haladay stated he is still confused and doesn't understand how the city can continue to resurface streets in this town and not install ADA ramps at the intersections. If the interpretation we are getting is correct, the city is already out of compliance with this year's resurfacing projects.

Mayor Smith asked who Geoff Ames is affiliated with. Engineer Knoepke stated Mr. Ames is with the Rocky Mountain ADA Center.

Commissioner Noonan commented walking to Central School was eliminated when it was moved to Central-Linc and now it is harder for students to get to Jefferson School. This was taken from residents without any notice; there are major consequences with the overlay project. He expressed concern that asking the school district to monitor the intersection. The regulatory requirements have a purpose of good; but that is not the case with the removal of this crosswalk.

Commissioner Farris-Olsen stated he has same confusion as Commissioner Haladay; he does not see an issue with restriping the crosswalk. The DOJ memo is not convincing, it seems to be inconsistent. He does not know if it is worth our time reach out to DOJ for clarification. There needs to be a crosswalk at the intersection.

Commissioner Ellison stated he too is concerned with the safety of those crossing Montana and appreciates the comments from the public. He is certain if we restripe the crosswalk, sometime in the future it will come back to haunt a future commission. However, he is ready to restripe it.

Ms. Carter-Scanlon asked if the city chooses to restripe the cross walk, could reflective signs notifying it is a school area also be installed.

Engineer Leland stated his recommendation would be to install bulb-outs at the intersection; due to the comments that traffic does not stop for pedestrians.

Commissioner Haladay asked what the timing would be to get the bulb-outs installed. Engineer Leland stated it will be dependent upon the availability of contractors. At this time, he does not have a cost estimate.

Mayor Smith noted the commission does not take action at administrative meetings; he then addressed Attorney Jodoin's interpretation of the DOJ regulations and those of Commissioners Haladay and Farris-Olsen.

Manager Alles asked if the commission wants staff to pursue ordering in sidewalks. Mayor Smith stated the commission can re-visit ordering in sidewalks at a future meeting.

**Consensus direction to Manager - City Attorney Jodoin will contact Mr. Ames directly to discuss the interpretation on the re-striping of the crosswalk and bring this back to the October 12<sup>th</sup> administrative meeting.**

## **6. Committee discussions**

- a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns – No report given.
- b) Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – No report given.

- c) ADA Compliance Committee, Audit Committee, City-County Parks Board, Civic Center Board – No report given.
  - d) Board of Adjustment, City-County Administration Building (CCAB), Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – No report given.
  - e) Business Improvement District/Helena Parking Commission, Montana Business Assistance Connection, Public Art Committee – No report given.
  - f) Helena Citizens Council – No report given.
7. **Review of agenda for September 26, 2016** – No discussion held.
8. **Public Comment** – No public comment received.
9. **Commission discussion and direction to the City Manager** –
10. **Adjourn** – Meeting adjourned at 6:00 p.m.