

**SUMMARY OF ADMINISTRATIVE MEETING**  
**November 9, 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, Haladay and Noonan were present. Commissioner Farris-Olsen was excused. Staff present was: City Manager Ron Alles; City Attorney Thomas Jodoin; Assistant City Attorneys Iryna O'Connor and Eric Coate; Police Chief Troy McGee; Administrative Services Director Glenn Jorgenson; Community Development Director Sharon Haugen; Planner Ellie Ray; Community Facilities Director Gery Carpenter; Parks & Recreation Director Amy Teegarden; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; City Engineer Leland; Parking Director Dave Hewitt; HR Director James Fehr and City Clerk Debbie Havens.

Others in attendance included: IR Reporter Al Knauber; HCC Representative Gary Spaeth; HHA Director Michael O'Neil and HHA Board members Sherri Downing, Judy Nielsen and Dan Sullivan.

**2. October 26, 2016 Meeting Summary** – The October 26, 2016 administrative meeting summary was approved as submitted.

**3. Commission comments, questions** –

Commissioner Noonan thanked city staff, specifically Fire Chief Emmert, for assisting in the opening of the theater at Carroll College.

Commissioner Ellison referenced the fire that caused major damage at Helena High School and noted he has received compliments on the first responders, specifically the fire and police departments. The school district has decisions to make regarding the placement of students. Manager Alles noted he has extended the offer to assist in finding locations for classrooms.

Mayor Smith introduced HHA Director Michael O'Neil and HHA Board members Sherri Downing, Judy Nielsen and Dan Sullivan. Director O'Neill addressed the commission and highlighted his career in Helena and the importance of having the Housing Authority in partnership with the city and the importance of moving forward with new housing developments.

Board members Downing, Sullivan and Nielsen also addressed the commission and shared their enthusiasm on the hiring of Michael O'Neill and moving forward with the master plan that was developed for Helena Housing. Mayor Smith stated he has been frustrated with the lack of process in expanding public housing. He too stated he believes Mr. O'Neill is the person who will move this project forward. There are high hopes and great expectations.

**4. City Manager's Report** – City Manager Alles reported the Tenmile/South Helena Forest Restoration Collaborative Committee met today. The Helena National Forest is coming out with Alternative 4; the city will have the opportunity to make comments. At an upcoming administrative meeting, he will invite the members to give an update to the commission on the work that has been accomplished.

**5. Department Discussions:**

**Community Development**

**Downtown Master Plan – City Projects Update** – Manager Alles introduced the agenda item. Community Development Director Haugen referred the commission to the table containing the actions and implementation steps noted within the Downtown Neighborhood Plan. Community Development staff consulted with each of the city departments affected by the DNP's actions, and were provided with information pertaining to the status of each item, as relates to current or on-going city efforts and priorities.

Director Haugen and Assistant Public Works Director Hauck highlighted the following sections of the Downtown Master Plan: 1.2 – Prioritize aesthetics and maintenance; 1.3 – Create a high-quality downtown experience; 2.1 – Revise the Downtown development code; 2.3 – Encourage Downtown housing; 2.4 – Create Public Market; 3.2 – Promote historic preservation and context-sensitive design; 4.1 – Manage parking; 4.2 – Transportation Infrastructure; 4.3 – Water and Sanitary Sewer; 4.4 – Storm

Drainage; 5.1 – Increase transit options; 5.2 – Optimize pedestrian connectivity; 5.4 – Improve vehicle circulation and access to increase retail viability.

Commissioner Noonan stated he is impressed with the commitment of the BID and Parking for the implementation of the Master Plan. They have been working to move the plan forward; there will be a transition period with the Executive Director leaving her position.

Commissioner Haladay stated it seems unusual for Parks & Recreation to be the city department that oversees the walking mall since it is right-of-way. He asked why the city wouldn't use the BID as the mechanism to carry out the upkeep and maintenance of the walking mall and believes the BID would support taking on the responsibility. Manager Alles noted staff is trying to identify what needs to be done on the walking mall and once that is done, a recommendation will be brought forward. Director Teegarden reported there have been two meetings to discuss the maintenance and upkeep of the walking mall. Currently there are five city departments that have some role with the walking mall; issues being discussed include snow removal, management of food vendors, permits, ADA compliance and trip hazards. Director Teegarden stated she is preparing a memo to the city manager for further direction on policy.

Commissioner Haladay again stated it would be his goal to turn the ongoing management and maintenance of the walking mall over to the BID through a memorandum of understanding.

Commissioner Noonan concurred with the centralization of authority on the walking mall. He is currently concerned with the transition that is happening at the BID. At this time, a lot of the responsibility would be turned over to volunteers and that concerns him. Part of the solution would be the re-education of the business owners on their responsibilities as property owners. Mayor Smith stated he is interested in pursuing Commissioner Haladay's proposal to give the operation/management of the walking mall to the BID. Manager Alles noted what he hopes to do is to review Director Teegarden's information and recommendations and bring it forward to the commission for discussion and direction.

Planner Ellie Ray addressed Section 2.1 – Revise the Downtown Development Code. Mayor Smith asked if staff believes this is achievable. Ms. Ray stated yes.

Commissioner Ellison asked what the criteria for creating a new TIF District is and identifying the area as blighted. Director Haugen stated this may be a bit difficult; however, there are buildings in the downtown area that could be identified as "under-utilized" and there are some buildings that could be categorized as "blighted", both are criteria for creating a new TIF District. Commissioner Ellison referenced the recently created TIF District in the railroad district and asked if those boundaries could be extended or contracted. Director Haugen noted once a TIF District is established, the boundaries could be expanded; however, portions of the formal process would have to be followed.

Commissioner Haladay asked if the commission will have the formal discussion on the creation of a TIF for the downtown area. He then addressed Section 2.3.e – Assess the feasibility of converting Cruse Avenue to a local street and asked if TIF District funds and any revenue from the sale of the right-of-way could be used toward this project. Manager Alles stated initially the proceeds would go to the general fund for commission allocation. However, this would be the sale of right of way and there may be other stipulations that staff is still researching. Engineer Leland stated the TCC will vote in January to remove Cruse Avenue as an Urban Route.

Director Hewitt reported he is working with the HPC Board to discuss the recommendations in the plan and they are actively working toward implementation, taking into consideration the impact on the overall budget. Commissioner Noonan noted at every board meeting, there are updates on the implementation of the plan

Director Camp noted it is the matter of funding and priorities on how to implement the public works projects outlined in the implementation schedule. Manager Alles stated if there is a proposal from a private developer, staff would consider the proposal and balance out the implementation schedule.

Commissioner Haladay asked if the city has any mechanism to say to the development community, make us a pitch and the city is willing to work with any specific project. Manager Alles noted at this time, staff does not actively solicit development. Mayor Smith noted there is some interest in moving forward with the development of Cruse Avenue and the city should be ready to work with a developer if that were to happen.

Commissioner Noonan clarified that Commissioner Haladay asked if city staff is prepared to respond to specific proposals. Commissioner Haladay stated he would like to know how the city would further advance a specific proposal and how are we being pro-active in promoting development in downtown.

Assistant Public Works Director Hauck addressed the sections that list public works as the lead agency including pedestrian connectivity, transit system; transportation infrastructure; water and sanitary sewer; storm drainage; gas, electric and communications; comprehensive bike network; improve vehicle circulation and access to increase retail viability.

Commissioner Haladay asked when the Front Street stormwater project will be constructed. Assistant Director Hauck stated the project is ready to be bid out with construction in 2017; however, final decisions on the streetscape portion of the project have not been brought back for commission discussion. Manager Alles stated hopes the streetscape discussion can occur in January/February 2017.

Commissioner Haladay asked if the ADA compliance regulations would be triggered if bike lanes are painted on the Benton Avenue. He stated under Montana law, bikes already share the road and are we assuming painting a bike lane is changing the use of the roadway. It is his understanding that painting bike lanes does not change the use of the roadway. Manager Alles stated he will have to follow-up on the question and report back.

Commissioner Haladay referenced the transportation issues and asked if changing the traffic flow on Last Chance Gulch and mini mal-function junction is in the long range transportation plan. Assistant Director Hauck noted the re-design of the mini mal-function was the project identified for the last Tiger Grant application. There was discussion on the reconfiguration of the intersection to accomplish installing the round-about and changing traffic on Last Chance Gulch to two-way traffic. The traffic signal at Last Chance Gulch and 14<sup>th</sup> will be installed in the spring of 2017.

Commissioner Haladay asked City Manager Alles to queue up the feasibility of two way traffic on Last Chance Gulch for an upcoming administrative meeting. Staff will provide a copy of the feasibility study to the commission.

Manager Alles acknowledged staff will continue to manage the implementation of the downtown master plan; he recognized the expectations of the BID may have to be reviewed.

Commissioner Haladay asked that staff provide a quarterly update on the implementation schedule to the commission.

## **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 – Chair Spaeth reported the HCC Executive Committee will meet on November 14<sup>th</sup>; two issues the HCC is working are the railroad passenger service in Montana and running red lights and cell phone usage in Helena.

**7. Review of agenda for November 14, 2016 –** Mayor Smith asked for an overview on the request for the variance on Green Meadow project. Manager Alles explained the circumstance for the request is due to the contractor installing the water taps, against city ordinance. He further explained the need for the ordinance to assure the safety of the water system. City staff was present when the contractor dug up four of the water taps and there were no issues identified.

Attorney Jodoin stated he does not know what the criteria is for granting the variance. Mayor Smith asked if this is a criminal offense. Attorney Jodoin stated he has not looked at it as criminal. Mayor Smith stated if the commission does not approve the variance the contractor would have to dig up all of the taps and have city staff re-set the taps. He noted he wants to assure something like this doesn't happen again.

Commissioner Ellison asked if the contractor has done work in the city and were they aware of the city code. Manager Alles noted the contractor needs to speak on their own behalf. Staff's recommendation was to spot check the work to assure public health and safety.

Commissioner Haladay asked how the city found out about this. Manager Alles stated staff delivered meters to job site and discovered the lines had been tapped. He did note these are all new mains. Commissioner Haladay asked if city staff has any indication if this was an honest mistake or was it intentionally done to save money and time. Manager Alles stated he could not answer the question and again stated the contractor needs to speak on their own behalf. After the fact, the contractor did pay the tapping fee.

Mayor Smith then referenced the property owner who has built a fence on city property, being somewhat similar. He asked if there was any progress on finding a solution with the fence issue. Manager Alles stated City Attorney Jodoin had forward an AG opinion on a case in Missoula that is similar to this one. The AG opinion requires a vote of the people to dispose of property that was donated to the city the "use of the public forever" property, regardless lease or sale. That may nix any proposal of the city to surplus the property and have the property owner buy it.

Commissioner Haladay asked what the nature of the deed restriction is. Attorney Jodoin stated the property was dedicated to the city and the public for its use forever. That specific language was the subject of the AG opinion. This property was dedicated as part of a subdivision.

Mayor Smith stated he is not too keen on an encroachment agreement and would have considered selling the property

Commissioner Haladay asked if we know if this dedication was part of the required open lands. Manager Alles noted the staff reported indicated it was dedicated for public purposes. Director Haugen noted the dedication of parkland was a common practice when this property was dedicated.

Commissioner Ellison stated he liked the idea of selling the property; however, not if it requires going to the vote of the people. He then asked if there is such a thing as a temporary easement until such time the property is sold or passes into an estate. Manager Alles noted from time to time a temporary easement can be used; however, it is for a limited time. Manager Alles stated he will talk with Attorney Jodoin and review what viable options there may be.

Mayor Smith stated as this issue becomes more complex, he believes we should tell the property owner to remove the fence from city property. Manager Alles stated the direction from the commission was to bring it back to the call of the city manager. A temporary encroachment does not require commission action. Part of the hesitation in granting a temporary encroachment, there is concern that it will set a precedent with other property owners to encroach on parkland and open lands.

8. **Public Comment** – No public comment received.
9. **Commission discussion and direction to the City Manager** – No direction given.
10. **Adjourn** – Meeting adjourned at 5:50 p.m.