

## SUMMARY OF ADMINISTRATIVE MEETING

January 4, 2017– 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 Farris-Olsen, Haladay and Noonan were present. Commissioner Ellison was excused. Staff present was: City Manager Ron Alles; City Attorney Thomas Jodoin; Police Chief Troy McGee; Fire Chief Mark Emert; Administrative Services Director Glenn Jorgenson; Community Development Director Sharon Haugen; Community Facilities Director Gery Carpenter; Public Works Director Randall Camp; Parks & Recreation Director Amy Teegarden; Open Lands Manager Brad Langsather and City Clerk Debbie Havens.

Others in attendance included: IR Reporter Al Knauber; HCC Representatives Gary Spaeth and Denise Roth-Barber; HCC Coordinator Mary Vandenbosch; Tenmile Collaborative Committee members Joe Cohenour, Angie Grove and Mike Bishop.

**2. December 14, 2016 Meeting Summary** – The December 14, 2016 administrative meeting summary was approved as submitted.

**3. Commission comments, questions –**

**Upcoming Appointment** – Mayor Smith recommended the appointment of Jerin Borrego to an unexpired term on the Zoning Commission. Term will begin upon appointment and expire September 30, 2017. Appointment of Ada Montague as the alternate member on the Zoning Commission. Term will begin upon appointment and expire September 30, 2019.

**4. City Manager's Report** – Manager Alles updated the commission on the following items:

1. The second fixed bus route will begin on January 17, 2017, the shuttle service to the legislature is being used
2. The recommendation for the FY-2018 budget is to hold one day-long meeting to review all budgets. The tentative date is May 16<sup>th</sup> from 8:30 a.m. to 6:00 p.m. at the Civic Center.

**Tenmile Collaborative Committee Update** – City Manager Alles introduced committee members Joe Cohenour, Angie Grove and Mike Bishop. Mr. Cohenour presented a PowerPoint presentation on the committee meetings; their objectives; the work of the sub-groups; and recommendations for future plans.

The committee is recommending the city commission extend the sunset date of the committee; this will allow the monitoring of the work that has been done.

Mr. Cohenour thanked all the volunteers who have assisted in the committee and Executive Assistant Sarah Elkins and Open Lands Manager Brad Langsather for the work they have done.

Committee member Mike Bishop thanked the commission for the opportunity to serve on the committee and the quality of the members of the committee. He acknowledged the work of Ron Alles, Sarah Elkins and Brad Langsather.

Angie Grove commended the commission for putting together this group. She invited the commission to attend a meeting or go on one of the field trips.

Commissioner Noonan asked if there will be any recommendation brought forward to the commission. Open Lands Manager Langsather stated at this time; the committee is recommending the resolution be amended with an extended sunset date. This is a very long and involved process working with the Forest Service.

General discussion was held on the progress that has been made and the work that is still ahead for the committee, staff and the Forest Service. The protection of the city's watershed is one of the top priorities of the committee.

City Manager Alles spoke of the process the city has seen over the last fifteen years; he recognized the Forest Service for being an active partner.

**5. Department Discussions:**

**City Attorney**

**Surplus Property** - City Attorney Jodoin reported the City of Helena owns Lots 25-28 in Block 1 of the Original Helena Townsite 1869. These City owned lots are located north of the Hair Hair Salon and west of Park Avenue, are zone "Public Lands and Institutions (PLI)" and are currently undeveloped. The total square footage of all the four lots is 5,546 square feet.

Hrella Brown Rentals, LLC would like to purchase the City's property for \$40,36,56. This figure was determined by looking at the Montana Department of Revenue appraised value of neighboring property which includes a mixture of residential and commercial property. The average value of those surrounding properties is \$7.28 per square foot.

Staff is asking for Commission consensus to proceed in drafting a buy-sell agreement and Resolution of Intention authorizing the City Manager to enter into the buy-sell agreement.

By selling these undeveloped and surplus lots the City would no longer be responsible for paying assessments and for maintaining the property and adjacent sidewalks. Sale to a private owner for potential development would be compliant with the Downtown Helena Neighborhood Master Plan.

Commissioner Haladay stated when he looked at the numbers and value of the lots; he noted the value of the lot is actually \$70,000; the valuation numbers staff has is from 2014. Staff will re-look at the lots and the valuations of each. Commissioner Haladay noted when he ran the numbers, there would be an approximately \$18,000 increase in value.

Commissioner Haladay asked how staff is going to approach the sale of surplus property going forward with the adoption of the Downtown Master Plan. What if there are other interested parties that would like to make an offer on these lots; how is the city going to discuss this with the citizens.

Attorney Jodoin stated there is nothing that requires a public auction; however, he would be open to the process. Staff could discuss the process and develop policy on how to handle the sale of surplus property going forward.

Manager Alles noted he would prefer to go to public auction; however, with these particular lots, he believes the adjacent landowners would be the most appropriate to negotiate a price with.

Commissioner Haladay asked what the potential owners of the lots plan to do with them.

Attorney Jodoin stated he does not know; however, will ask their attorney and will update the valuation to the 2016 numbers.

Mayor Smith stated when the Great Northern was being developed; the city sold property to an individual and was criticized for doing so without going through the public auction process. Attorney Jodoin stated the requirement to go to public auction is if the property value exceeds \$500,000.

Commissioner Haladay stated he believes now is a good time to develop a policy/process on surplus property and look at restricting the use. We need to follow the Downtown Master Plan and make all transactions as transparent as possible.

Manager Alles stated since the city owns the property we could put restrictions on what the property can be used for.

Commissioner Noonan asked for an example of what kind of restriction would be placed on property. Manager Alles stated the city could restrict the property from being used as a parking lot.

Commissioner Farris-Olsen stated he concurs the city needs to look at the strategy for disposing of surplus property; not specific to this property but going forward.

Manager Alles stated anytime a piece of proper goes to public auction a minimum price can be placed on it. Administrative Services Director Jorgenson commented there is already a formal set of procedures used when we do go out to public auction.

Commissioner Haladay asked what zone the proposed property is located in. Director Haugen noted she believes it is in B-1; however, she will have to confirm. The B-1 Zone limits square footage of a building and she would have to check to see if a parking lot is allowed by right. Attorney Jodoin confirmed the property being discussed is PLI.

Commissioner Haladay asked could anyone else use the property being discussed. He then stated given the TCC is discussing removing Cruse Avenue from the urban route, at some point the commission will be asked to surplus property and a set policy/process needs to be developed and used.

Mayor Smith commented this particular sale falls into the category that no other property owner could use the property.

Manager Alles stated there are three pieces of city owned property he anticipates bringing forward as surplus property; Cruse Avenue, city parking lots and the former bus location on Last Chance Gulch.

**Consensus direction to Manager – Bring back for further discussion once staff has established the 2016 valuation; talked to property owner about plans for the property and establishing a set policy/procedure for the disposal of surplus property.**

### **Helena Citizens Council**

**Cell Phone Usage Report** – HCC Representative Gary Spaeth introduced Denise Roth-Barber who reported in November 2011, the Helena City Commission adopted a city ordinance which bans drivers from using handheld cellphones or mobile electronic devices to text or call while operating a vehicle. Vehicles include cars, trucks, bicycles and scooters. Hands-free devices -- such as Bluetooth or speaker phones – may be used. Hands-free devices must allow the driver to maintain both hands on the steering wheel while operating the vehicle in the roadway. The Helena Citizens' Council (HCC) applauds the Commission for adopting this ordinance. However, members remained concerned that cell phone use while driving was still occurring, despite the ban.

This past summer, a team of HCC members (the Mourning Cloak Team) collected statistics from the Montana Department of Transportation (MDT) and the Helena Municipal Court on accidents and injuries as a result of "careless/inattentive/distracted drivers." Members of the team also conducted their own informal surveys of cell phone use in June.

The informal surveys showed a relatively small percentage of cell phone use while driving. The city's traffic citations showed a decline in distracted driving tickets, though this was largely due to fewer police officers available on any one shift to address these infractions. However, statistics provided by the MDT (see Attachment) show a notable increase in injuries and deaths resulting from distracted driving in Lewis and Clark County and statewide. We assume distracted driving is primarily due to cell phone use. The committee brought this report forward at the July 2016 HCC meeting, and the HCC as a whole considered making a recommendation to the Helena City Commission that police officers increase their enforcement of the ordinance. We were informed that it was unlikely police would be able to enforce this law more effectively without an increase in the budget and available officers; therefore, that recommendation was tabled.

However, discussion among HCC members yielded several possible approaches:

- A more thorough field survey
- An education/information effort in conjunction with others
- Enhanced enforcement with proceeds from fines available to address increases in enforcement efforts

Although the HCC does not have a specific recommendation for the City Commission at this time, members did believe it would be good to share the information gathered by the Mourning Cloak Team with members of the City Commission.

Mayor Smith thanked Ms. Roth-Barber for the presentation. He then asked if the HCC contemplated asking for increase in the fine. Ms. Roth-Barber noted the HCC had not discussed a recommendation to increase the fine. Commissioner Farris-Olsen asked Police Chief McGee if an increase in the fine would act as a deterrent to using cell phones. Chief McGee stated he does not believe it would. Chief McGee commented there is approximately 20% of the population that will ignore the ordinance; there is a shortage of officers and all citations are down.

Commissioner Noonan thanked the committee and noted the new HCC approach is appreciated.

## **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 – Commissioner Noonan reported the Public Art Committee received several proposals for the mural for the Jackson Street parking garage.
- f) Helena Citizens Council – Gary Spaeth reported the HCC has decided not to push the gas tax issue at this time. There are other issues the city and county need to address.

**7. Review of agenda for January 9, 2017** – Commissioner Haladay noted the amendment to the Green Meadow Subdivision Agreement for Satisfaction of Annexation Conditions is on the consent agenda; however, due to previous discussions and concerns with the applicant requesting final occupancy, Commissioner Ellison had requested it be a regular agenda item. He asked if the amendment solves staff's concern with occupancy permits.

Attorney Jodoin stated he included language to address the final occupancy concerns. The applicant is planning to request occupancy in March; however, no occupancy permit will be issued until final plat is approved.

**8. Public Comment** – No public comment received.

**9. Commission discussion and direction to the City Manager** – Commissioner Farris-Olsen recognized and thanked Sarah Elkins for her customer service and research on what other cities do regarding snow plowing.

**10. Adjourn** – Meeting adjourned at 5:30 p.m.