

**SUMMARY OF ADMINISTRATIVE MEETING**  
**November 29, 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 Ellison, Farris-Olsen, Haladay and Noonan were present. Staff present was: Acting City Manager Troy McGee; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Community Development Director Sharon Haugen; Parks and Recreation Director Amy Teegarden; Parks Supervisor Craig Marr; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; City Engineer Ryan Leland; Engineer David Knoepke; Street Supervisor Harlan Erskine; Community Facilities Superintendent Troy Sampson; Human Resource Director James Fehr; Administrative Services Director Glenn Jorgenson; Parking Director Dave Hewitt and City Clerk Debbie Havens.

Others in attendance included: IR Reporter Thomas Plank, Jerry Loendorf, Paul Cartwright, Neil Harrington, Jake Troyer and Mike Spreadbury.

**2. November 15, 2017 Summary** – The November 15, 2107 administrative meeting summary was approved as submitted.

**3. Commission comments, questions –**

**Upcoming Appointment** – Mayor Smith recommended the appointment of Anastasia Burton to an unexpired term on the Public Art Committee; term will begin upon appointment and expire December 31, 2018.

The reappointment of Susan Steffens and Mitch Carroll to the Public Art Committee. Terms will begin upon appointment and expire December 31, 2020.

Commissioner Noonan spoke highly of Ms. Steffens and Mr. Carroll for their work on the Public Art Committee.

Commissioner Noonan stated he will leave the meeting at 5:30 for another commitment. Commissioner Farris-Olsen stated the [mayorandcommission@helenamt.gov](mailto:mayorandcommission@helenamt.gov) email address is not properly working and asked staff to follow-up. Commissioner Farris-Olsen apologized for his absence at the last administrative and city commission meetings. He asked if the ACLU lawsuit on I-183 will be on the December 18<sup>th</sup> city commission meeting agenda. Attorney Jodoin concurred the ACLU lawsuit will be on the December 18<sup>th</sup> city commission meeting agenda.

**4. City Manager's Report** – Acting Manager McGee introduced Civic Center Manager Byron Dike and Community Facilities Superintendent Troy Sampson. Mr. Dike and Mr. Sampson addressed the commission and gave their professional background.

Commissioner Ellison acknowledged Superintendent Sampson's work in the City-County Building and the work he will accomplish in the other city facilities.

Acting Manager McGee also reported with the passage of the jail levy the Police Department will be moving and is working with county to find a location. If possible, the police and sheriff will stay together in one building.

Commissioner Haladay asked if there is a timeframe for the jail renovation and relocation of the police and sheriff departments. Acting Manager McGee stated there is not a set timeframe at this time.

Engineer Leland reported the Quiet Zone will be effective on December 19<sup>th</sup> and the railroad engineers will have the option not to blow the horn. MRL is going to install a temporary fix for the crossing on Benton Avenue in the next couple of weeks and a permanent fix next spring.

**5. Department Discussions**

**City Attorney**

**Unclaimed Property Disposal Process Revision** – Attorney Jodoin reported unclaimed property in the possession of the Helena Police Department (HPD) must be held for a period of six (6) months prior to being sold at auction following one public notice in a newspaper.

Section 7-8-105, MCA, now allows a local government to establish a process for the care, restitution, sale, donation, return or destruction of unclaimed tangible personal property that may come into the possession of a local law enforcement agency. The process adopted by the local government

must comply with that law. The local law enforcement agency need only hold the unclaimed property for a period of three (3) months before disposing of said property.

Concurrent with this ordinance repealing Chapter 5 of Title 5 of the Helena City Code, the commission is considering adoption of a resolution setting the process for disposal of unclaimed tangible personal property held by the HPD.

Commissioner Ellison asked where most of the property comes from. Acting Manager McGee stated people find items in their yards, mostly bikes, backpacks and other miscellaneous items.

The Executive Session is scheduled for Monday, December 4, 2017 at 5:00 p.m. to discuss litigation strategy regarding the Westside annexation lawsuit. Commissioner Ellison stated he has conflict and cannot attend; however, will support the decision of the commission.

### **Public Works**

**Capital Transit Fare Options** – Public Works Director Camp introduced the agenda item and spoke on the services being provided. Currently we run four para-transit buses and two fixed routes. The ridership should be more fixed route riders and less para-transit. Transit Supervisor Larson reported city staff is asking if the commission is interested in reviewing the current fare structure per city policy. Each year, the commission may adjust fares and charges for services of the transit system. Staff has reviewed the recommendations and performed preliminary research to arrive at the following four options:

1. Continue with the current fare structure with no increase;
2. Eliminate fares by replacing fare revenue with annual community sponsorships;
3. Continue with a fare based service which is more in line with the recommendations of our Transit Plan Update;
4. Other options that may consist of combinations of the above.

A handout on the history of the ridership was given to the commission. Supervisor Larson gave an overview of the allowed rates for para-transit service versus fixed route rates. Staff has worked hard to get the new fixed route up and running; however, there are a lot of people who continue to use the para-transit services.

Commissioner Noonan stated he is happy that the fixed route numbers are up and asked why the para-transit numbers are also up. Is the service being used by people who are disabled and/or senior citizens. Supervisor Larson stated it is both the disabled and seniors who use the para-transit service. Commissioner Noonan asked is the increase for people who have medical necessity to use the para transit service. Supervisor Larson stated there is an increase in senior citizens with different health issues; in addition there was a private provider that went out of business that served Helena Industries clients. Commissioner Noonan asked are there people who could use the fixed route instead of the para-transit service. Supervisor Larson stated he could work with GIS office to see if the fixed route stops are close enough for those who use the para-transit service.

Supervisor Larson stated staff continues to advertise and encourage people to use the fixed routes and noted Butte and Kalispell have begun to limit their para-transit service area. Commissioner Noonan thanked staff again for the strong public relationships. He would like to get a sense on who may use a 3<sup>rd</sup> fixed route.

Commissioner Haladay referenced Option 2 and asked where we are with community sponsorships and what the plan is over the next year. Supervisor Larson stated staff has not moved on any community sponsorships in order to zero the fare out. Commissioner Haladay stated putting aside the zero fare due to ridership, we need to do the increment baby steps in talking with the community partners, including St. Peters, BSBC, Helena Industries, to discuss some monetary commitment. Reaching out to community partners seems like the most logical step.

Supervisor Larson acknowledged there were verbal commitments made and staff needs to follow-up on those. He noted that Montana Independent Living Program (MILP) and Capital Taxi have started taxi service for para-transit service for after hours and the week-ends and uses the city's eligibility criteria for the riders. This may be direct competition with the city for partnerships.

Commissioner Haladay stated we need to either follow-up on the work that has been done or have new conversations in regards to the community partnerships. He asked that the commission receive an update how we are going to brooch the subject and who will be contacted.

Commissioner Farris-Olsen concurred with Commissioner Haladay's comments. He then confirmed the city subsidizes ridership; \$6.00 per passenger for the fixed routes and \$19.00 per

passenger for the para transit service. It is important to get the community partnerships. Commissioner Farris-Olsen asked where in the process we are in getting a new bus. Supervisor Larson showed a picture of the bus that should arrive the first part of 2018. We have also acquired two transit buses from Glacier Park; these buses will be more visible in the community.

Commissioner Ellison stated he has advocated for an increase in the bus fares; when he came on the commission the general fund contribution was \$300,000 and now is 350,000 to 375,000; and he believes the request to increase will continue. In 2012, the city hired a consultant to do a study and the recommendation was an increase in fares. However, there was push back and the decision was to wait until the 2<sup>nd</sup> fix route was in place and that has happened and fares still haven't been increased. It would be good to see an equitable increase for the fixed route and para-transit fares. Bus service needs to provide rides to those with the most needs. It was 1985 since the last bus fare increase; it does not make sense not to consider a fare increase. Commissioner Ellison stated he is disappointed about not implementing a fare increase. He is happy with the job Supervisor Larson has done; however, there is more work to do.

Commissioner Haladay stated the fare resolution that was considered and didn't pass included free rides on the fixed route for anyone who qualified for para-transit. Currently it is a reduced rate to ride the fixed route if you qualify for para-transit. Commissioner Haladay stated before we double the para-transit rate, he would rather see us go down to free rides on the fixed route for those who qualify for the para-transit. Again, it is important we find community partners.

Commissioner Farris-Olsen commented if we implement a zero fare for fixed routes, it would have to be a zero fare for all para transit users. Supervisor Larson concurred and explained if the city has a \$1.00 fare for fixed routes, the para transit rate could be double at \$2.00. Commissioner Ellison stated the \$1.00 and \$2.00 rates were what he originally recommended.

Mayor Smith asked isn't it accurate to say even before we started the 2<sup>nd</sup> fixed route, we conducted a disability determination for everyone who was riding the curb to curb; which is now the para transit service, and the ridership has decreased. Supervisor Larson concurred and noted persons using the para transit service has to be qualified to do so. Mayor Smith stated in spite of going through the disability determination and having to qualify to use the para transit service, the ridership on the fixed route has not increased. Mayor Smith then spoke of the different type of disabilities.

Mike Spreadbury stated he believes the city advertising is soliciting the para-transit users and not specifically towards the fixed route users. He recommended easing back on the advertising and push toward three fixed routes.

**Consensus Direction to the Manager – Staff will pursue community partnerships and report back to the commission in the next month or so. Commissioner Haladay stated the draft plan should include what community partnerships will be contacted with a firm timeline and goals.**

**Boulevard Trees/Site Triangle Discussion** – City Engineer Leland stated staff is available to discuss the sight distances triangle ordinance and concerns related to tree planting within the site distance triangle. During the 2014 update to the Greater Helena Transportation Plan, the consultant reviewed the city's ordinance and made recommendations for clarifications and updates to the ordinance. Engineer Leland reviewed 7-3-7 of the Helena City Code and presented a few recommendations for clarifications to the existing ordinance and a matrix showing what the other major cities in Montana have for their sight triangle requirements.

Growing Friends wrote a letter regarding the sight distance ordinance and the commission asked to discuss it at an administrative meeting. Engineer Leland showed an overhead of the sight distance triangle and the current standards; he also referred to the existing ordinance and recommended changes to the ordinance that deals with ADA standards.

Commissioner Haladay stated before getting into the specifics, he has concerns we do not have any data to support there is a problem with our existing ordinance and is it being enforced. It almost seems like it hasn't been enforced.

Engineer Leland commented staff did not bring this forward and acknowledged more enforcement on the uncontrolled intersections could be done. The existing trees are not an issue; the new trees that are being planted is the issue being brought forward. The recommendation regarding the ADA ramps and the health of the trees are both newly surfaced issues. Commissioner Haladay appreciates the information and noted the enforcement is not consistent and complaint driven. He does not see the basis

or justification for the recommended changes. He believes the issues could be better addressed through different standards other than the sight distance triangle. Commissioner Haladay stated he went up Clarke Street and he is hard pressed to see how 81 trees will be replaced under the recommended changes.

Engineer Leland noted as an example on Clarke Street all 81 trees may not be able to be put back; he again reiterated it is staff's recommendation not to plant trees right up against the ADA ramps.

Commissioner Farris-Olsen stated he has concerns with the distance back from signs; having those limitations may not allow any trees to be replaced. We may be over limiting the ability to have trees. Engineer Leland clarified it is regulatory signs; stop signs, crosswalk signs and yield signs that are addressed in the site distance ordinance and not the other signs on the street. Commissioner Farris-Olsen stated currently there are trees real close to the corners and asked what would happen to those. Engineer Leland stated unless they become a hazard or die, nothing will happen to the trees. Staff is not looking at going out and removing trees. Commissioner Farris-Olsen stated he believes this is premature since we haven't seen a public safety issue.

Mayor Smith called for public comment. Paul Cartwright with Growing Friends addressed the commission regarding planting trees in the boulevard. He noted city staff has planted more trees in the last two to three years than Growing Friends. Mr. Cartwright asked several questions of staff regarding the site triangle ordinance, the recommended changes, right of way line, the location of NorthWestern Energy's light poles, why the sight triangle does not cover parked cars, other city standards and the number of months the trees has leaves on them.

Mr. Cartwright stated even with clarification there a lot of trees that are not compliant and with the recommendation; many of those will not be replaced. He suggested it would be worth looking at the accident data; according to MDT, about one crash per year is caused by the site triangle compared to 30 crashes for utility and light poles; trees are not a major issue. Pushing trees back to 25' is not reasonable since trees have been planted within 15' of the corners. Trees are planted for a number of reasons including protection of pedestrians from the street. This issue got started because the sight distance is included in transportation plan. Mr. Cartwright, on behalf of Growing Friends stated they do not believe there is a problem, if there is what is it and do we want to plant trees at all.

Mr. Spreadbury stated safety is the issue and parked cars are a large part of the problem. He thanked Engineer Leland the Parks Department employees for their work to assure the intersections are safe.

Mayor Smith asked where in the process is it; staff is not driving it unless the commission wants to see it move forward.

Commissioner Noonan stated he would support not bringing the recommendation forward at this time; it could have a negative impact on neighborhoods.

Commissioner Haladay concurred not to bring it forward in the form it is in. Issues are legitimate and worthy of discussion; but those discussions needs to happen in a more refined manner and address the issues that are specific to Helena. Without data or reasons for the change, it is hard to separate the decisions on the replacement of trees. It is important to work with Growing Friends to come up with a workable solution.

Commissioner Farris-Olsen concurred with Commissioners Noonan and Haladay. He also suggested looking how close to the intersection cars can park.

Mr. Cartwright stated Growing Friends did propose doing a study on the accidents; he again offered to do the work to collect the data for further discussion.

**Consensus Direction to Manager – No action at this time; staff and representatives from Growing Friends should meet to look at the issue of parked cars.**

**Winter Streets Discussion** – Public Works Director Camp handed out a City of Helena Snow Plowing frequently asked questions and noted staff will post them on the web site. Staff is open to new suggestions on doing what is best for the citizens. Staff has investigated a lot of options and it comes down to the level of service and associated costs. The current practice is to plow streets to passable condition and not bare street condition. Staff does execute the city's snow plow plan with every snow event; however, every storm is different. Director Camp talked about the difficulty of plowing the roads when there is traffic. He also extended an invitation to the commission to do a ride along in a snow plow.

Director Camp referred to the Frequently Asked Questions hand-out that addresses issues and/or questions that are reoccurring.

Commissioner Haladay asked what specific options being explored. Director Camp noted staff is looking at a new treatment called "ice slicer" which is a liquid that could be applied to the streets. Staff has stayed away from salting options as the salt freezes below 25 degrees and creates problems with the stormwater. Director Camp noted the new ice slicer is expensive and estimated it would be approximately one-million dollars per season to apply. We have had good success with the sand we currently use.

Director Camp also stated staff is looking at asking residents to volunteer to park on the odd side of the street on odd number days and the even side on even numbered days on the snow routes. The enforcement could be perceived as negative. Also discussed was enhanced service on the streets with steeper slopes. It is the level of service being offered with ten snow plows operating.

Commissioner Haladay asked if a pilot project using the ice slicer could be implemented this winter. He has received a ton of complaints on 6<sup>th</sup> Avenue. Street Supervisor Erskine estimated to apply the ice slicer to the hills and snow routes; the cost would be approximately \$90,000 and stated it would be worth trying out to help with the problems. Commissioner Haladay stated he is open to the idea.

Commissioner Haladay asked how staff logistically sees the idea of the odd/even plowing working. Director Camp noted it would take a lot of public outreach to get the message out to the citizens. It may be difficult to go to the odd/even plowing due to notifying those who live on the streets and staff cannot guarantee when the plow would be there. It takes four passes to get all the snow routes plowed. There are areas of town where there is no off-street parking available.

Commissioner Haladay asked if there is interest in trying get there this winter, can it be done. Director Camp stated staff does not believe there enough time to implement it for this winter. Mayor Smith stated if there isn't time for implementation this year, staff would need to do the public outreach and develop a plan for next year.

Commission Haladay referred to the FAQ's sheet in reference to why the city doesn't plow to the curb. Supervisor Erskine explained when there is six inches of snow, the driver cannot tell where boulevard sidewalks are and where curb sidewalks are; another issue is complaints where people cannot get to the mail boxes or mail delivery does not happen.

Commissioner Haladay stated there are boulevard sidewalks beginning at Last Chance Gulch going east to Montana Avenue along 11<sup>th</sup> Avenue, 6<sup>th</sup> Avenue and Broadway Avenue and asked if staff would be willing to do a pilot project of plowing curb to curb if the cars are removed. Director Camp and Supervisor Erskine stated staff is willing to try the recommendation. Acting City Manager McGee noted there are some vehicles that will not move. Commissioner Haladay again stated he would be interested in doing a "soft opening" to start the discussion this winter. By doing the three mentioned streets it would show how the recommendation would work. Staff will look at implementing a pilot area.

Commissioner Haladay noted the snow plow drivers begin at 4:00 a.m. and asked can we try to be flexible when they begin plowing. Director Camp stated we do the work on the limited number of staff; unless there are two inches of snow on the road we do not plow. Supervisor Erskine stated he will look at being more flexible on when the plowing begins.

Commissioner Farris-Olsen asked how many additional staff it would take to start earlier than 4:00 a.m. Supervisor Erskine stated that is a hard question to answer, every storm is different and he could not give an exact answer. He noted when there is a snow storm, the drivers stay busy; however, when they are not plowing he needs to keep them busy. He also noted you have to have experienced snow plow drivers.

Commissioner Farris-Olsen commented the city currently has ten trucks and asked if we are running all ten at the same time. Supervisor Erskine stated if all ten drivers are on shift, then they are all out plowing. Commissioner Farris-Olsen spoke of the costs to hire two additional drivers and asked what it would cost. Supervisor Erskine estimated \$225,000 annually for two additional drives and equipment. Commissioner Farris-Olsen asked is there is work they could do in the off season; even if it is in another division. Supervisor Erskine stated he would have to look into that.

Mayor Smith asked for public comment. Neil Harrington, owner of commercial property on Last Chance Gulch stated there are issues on 6<sup>th</sup>, Rodney and Broadway that all create hazards when a snow storm hits. He also noted the designated Emergency Snow Routes should be re-evaluated for their priority. Mr. Harrington stated Last Chance Gulch should be the number one priority for snow plowing

and removal due to the number of businesses. The Downtown Master Plan is to bring businesses and residents downtown and access is a high priority.

Jake Troyer asked if it possible to contract the additional work. Director Camp stated staff has looked at contracting as a back-up plan; however, most of the trucks with plows are used for parking lots, they cannot handle the amount of snow on the roads. Another option is to use a grader; however, they are slow and cause damage to roads.

Commissioner Haladay clarified when a snow event starts before 4:00 a.m. and there are two inches of snow, we do not do anything. He asked if staff could consider bringing in a crew to start before 4:00 a.m. Supervisor Erskine concurred to look at bringing in the crew earlier than 4:00 a.m. Commissioner Haladay asked to revisit this in one-month and look at the options that the commission and staff have offered and discussed today. He would also like to see the associated costs for the new options. Commissioner Haladay concurred with Mr. Harrington that the emergency snow routes should be reevaluated for priorities. It would be valuable for staff to bring back a recommendation on prioritization of emergency snow routes.

**Consensus Direction to the Manager - Revisit this in a month or month and a half and look at the options that the commission and staff have offered and discussed today. Associated costs for the new options should be brought forward and a recommendations prioritization of emergency snow routes.**

**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) Mayor Pro-Tem, 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 December 4, 2017-** No discussion held.

**8. Public Comment** – Attorney Jerry Loendorf stated he is representing Ed Kovick regarding a residential parking district that was removed in front of his property on North Park Avenue. Mr. Loendorf noted the notices were sent to the renters and never forwarded to the property owner, Mr. Kovick. He offered to meet with Attorney Jodoin to see if there is a solution to get the residential parking district reinstated.

Commissioner Haladay stated there are specific criteria for creating residential parking districts; however, the commission has allowed people to come in who have not qualified, this is not one size fits all. Attorney Jodoin concurred it was a resolution that established the criteria and if the property owner submits a petition, staff will bring it forward for commission consideration.

Mr. Spreadbury addressed the commission regarding his concerns that Lyft and Uber are not being made to play by the same rules his and other transportation services follow. He is asking the city to ban these services in Helena. The commission should uphold the laws and he should be protected as a business owner.

**9. Commission discussion and direction to the City Manager** – No discussion held.

**10. Adjourn** – Meeting adjourned at 6:05 p.m.