

**SUMMARY OF ADMINISTRATIVE MEETING**  
**December 13, 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: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O'Connor; Police Chief Troy McGee; Fire Chief Mark Emert; Community Development Director Sharon Haugen; Parks and Recreation Director Amy Teegarden; Human Resource Director James Fehr; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; City Engineer Ryan Leland; Transit Supervisor Steve Larson; Community Facilities Superintendent Troy Sampson; Open Lands Supervisor Brad Langsather; Budget Manager Libby Lovshin; Administrative Services Director Glenn Jorgenson and City Clerk Debbie Havens.

Others in attendance included: IR Reporter Thomas Plank, BID Board members Rex Seeley and Mark Roylance; BID Director Micky Zurcher; BID Program Manager Cindy Stevens; Beattie Street residents Meg Bishop, Tom Bishop, Nick Sovner, and Phil Johnson; Prickly Pear Land Trust Executive Director Mary Hollow; HOLMC member Eric Sivers; Helena Food Share representatives Executive Director Bruce Day, Jami Kirksey and Kara Snyder; and ACLU Representative Caitlin Borgmann.

**2. November 29, 2017 Summary** – The November 29, 2107 administrative meeting summary was approved as submitted.

**3. Commission comments, questions –**

**Upcoming Appointment** – Mayor Smith recommended the reappointment of Ron Waterman to the Library Board.

Commissioner Noonan thanked everyone who worked on the Lighting of the Fire Tower and the Parade of Lights. He expressed his regrets that he could not attend the reception and thanked Mayor Smith and Commissioner Ellison for their service to the citizens of Helena.

**4. City Manager's Report** – Manager Alles noted there was discussion on a pilot project for winter snow control and asked Public Works Director Camp to review the proposal.

Director Camp reviewed the pilot projects proposal which included the use of Ice Slicer; plowing to the curb; flexible shift start times and the review of designated snow routes.

Commissioner Haladay thanked staff for the work and asked if it could be posted on the city web site. Mayor Smith also thanked staff for taking suggestions and making them operational.

Manager Alles reported the city received notice of receiving a CBDG Grant in the amount of \$450,000 for a group home for the Center for Mental Health. The group home will be located adjacent to their existing location. Commissioner Noonan thanked staff for their work and the result of receiving the grant means there will be eight more people off the street.

**5. Department Discussions**

**Public Works**

**5311/TransADE Transportation Grant Discussion** – Transit Supervisor Steve Larson referred the commission to the letter he submitted to the Capital Transit Transportation Advisory Council (CTAC) requesting the entire amount of the TransADE funding from MDT in the amount of \$63,779.00.

Superintendent Larson stated staff is asking for commission concurrence to submit the letter to CTAC.

Teresa Ortega, Chair of CTAC, spoke on the process for allocating the TransADE funding. Commissioner Haladay noted Montana Independent Living Project (MILP) requested funding last year and the year before and asked if staff remembers the amount they requested. Superintendent Larson stated he believes it was approximately 50% of the total funding. Commissioner Haladay asked if staff has had any discussions with MILP if they are going to apply again this year. Superintendent Larson stated all the requests are submitted to CTAC to rank and make the recommendation to the commission. If the commission does not concur with the ranking, they can change it. Commissioner Haladay asked in terms of the overall budget where we are in terms of spending, have we spent every dollar down.

Assistant Public Works Director Hauck stated the FY18 budget was out of balance by \$75,000; some of that is how much we allocate to capital projects. Staff will begin putting the FY19 budget together in January 2018.

Commissioner Haladay recognized the CTAC recommendation may be different than what the commission ultimately recommends and asked that the funding be discussed at an upcoming administrative meeting. Manager Alles concurred to agenda the discussion as early as possible.

Commissioner Noonan stated MILP has discontinued the evening and week-end service due to funding. Superintendent Larson concurred the program will be discontinued in January 2018. Discussion has been held about picking up the service; however, it comes down to the funding. Commissioner Noonan stated his thought would be that the need is there and asked that any thoughts or proposals be brought forward for discussion.

Commissioner Farris-Olsen stated he would anticipate a request from MILP or another entity for extended hour service or funding to assist with the service. He understands the city doing it through the TransADE funding can be difficult, maybe we can find other ways to help out. Commissioner Farris-Olsen stated he would support submitting for all TransADE funding; however, looking at alternatives to help provide rides in the evenings and on week-ends.

**Consensus Direction to Manager – Submit the request for the entire TransADE funding and continue discussion with CTAC on how to provide rides in the evenings and on week-ends.**

### **Parks & Recreation**

**Beattie Street Trailhead** – Director Teegarden reported the City Open Lands Division is working with the engineering division to develop design options for relocating trailhead parking area out of the limited right-of-way onto open lands property in an effort to better serve the existing use and to provide enhanced resource protection and trail user amenities.

Director Teegarden stated there is no question that Helena's trails provide important social, health, and economic benefits. She then gave a presentation on the purpose and need for a new parking area and noted users of the trail systems expect certain services, such as safe places to park or access the trails, accurate trail information, trash receptacles, and sanitation facilities. In addition to amenities, we are increasing levels of service by devoting ¾ time park maintenance staff to service the trailheads. This has resulted in less vandalism and littering, less transient camps, and improved user satisfaction. Beattie Street is the 2<sup>nd</sup> highest used trailhead; it is the desired location to access Mount Ascension.

Director Teegarden noted there is a lot of interest on what is going on at the trailhead. For the last several years, city staff and HOLMAC have discussed the issues at Beattie Street. While we don't have a specific plan in place at this time, we know something has to be done. Staff is committed to developing a design that accommodates existing use, alleviates privacy issues for homeowners, meets ADA requirements, protects the resources and meets user needs. Staff believes doing nothing is not a responsible management response.

Open Lands Manager Brad Langsather reviewed the existing conditions, proposals for improvements and implementation plan. He specifically discussed the current parking capacity and the options available to expand the parking area. Mr. Langsather stated one of the first things staff did was to reach out to the adjacent property owners to see if there was interest in selling their property. However, there was no interest; therefore, staff has worked with the engineering division to look at expanding the current parking area. Manager Langsather acknowledged there are budget constraints that have to be taken into consideration when developing a recommendation.

Mayor Smith asked for public comment.

Nick Sovner, Beattie Street resident, addressed the commission regarding his concern with the neighbors not being engaged in the initial discussion on the Beattie Street trailhead, specifically the parking and increase in traffic. Mr. Sovner suggested the city may want to make improvements to Clinton Street Park instead of the trailhead improvements. He stated he is not opposed to additional development; however, any development needs to include a traffic control study. There a lot of concerns from the residents that need to be addressed before options are brought forward. Mr. Sovner stated staff needs to do additional public outreach.

Phil Johnson, 2<sup>nd</sup> Street, stated he has lived in the neighborhood long enough to know the history of how the city acquired the additional property for Mount Ascension Park. It is managed well; however, there has been discussion on the proposal to expand the trailhead, parking and facilities prior to the

residents being informed. Mr. Johnson stated the residents have been left out of the process on developing the proposed design. The residents would appreciate more involvement upfront; staff has been receptive in understanding the resident's concerns and has made a commitment to let the residents review the proposal from the engineering firm. Mr. Johnson stated before a design is decided on, the community should be involved and there needs to be additional discussion on the street condition and increased traffic.

Meg Bishop, resident, spoke on traffic being a problem and there have been discussions on the plans/options without neighborhood involvement. Ms. Bishop stated this is an historic neighborhood and is different than Reeder's Village and Mount Helena trailhead. Ms. Bishop questioned if the engineering work that has been done is where the neighbors want to go. She again stated the neighborhood involvement is a must and questioned that there are no other alternatives. Public scoping was not accomplished.

Mary Hollow, Prickly Pear Land Trust Director, spoke of the city of Helena and PPLT's efforts to purchase open lands which has resulted in Helena having a great trails system. Ms. Hollow noted she believes everyone has the best intentions regarding the Beattie Street trailhead and offered her assistance to seek a balance for both the neighborhood and the city.

Eric Sivers, HOLMAC member, stated this project does have the full support of HOLMAC; who has a broad representation on the board. He spoke of the city wide process that been used in developing the options.

Mayor Smith asked what public involvement will happen going forward. Director Teegarden stated it is staff's recommendation to developed several options to bring forward for community discussion. Director Teegarden stated staff applied for and received a grant that required as part of the application to include a "concept". After the topography study is completed, depending on the costs staff will develop options to present to the public. Director Teegarden stated she would like to hear from the neighborhood what the concerns are. What staff is hearing there are two concerns being discussed; the increase in traffic and increase in use of the trailhead. Staff's objective is to accommodate the current use, not to make it bigger and better. Director Teegarden stated the 2018 Helena Open Lands Work Plan is available on the city's web page to submit public comment. Staff will meet with residents once options are developed.

Commissioner Farris-Olsen stated he has lived in this neighborhood his entire life; he is not concerned about expanding the parking for the Beattie Street trailhead; however, there will be more traffic and there needs to have a traffic control study and look at the possibility of installing stop signs on Beattie Street. In addition non-motorized traffic access and accessibility to the park has to be addressed. It is important to have the full picture of what is being proposed prior to moving forward.

Commissioner Noonan stated there are different perspectives on traffic; however, the community is going to access the trailhead and the hopeful answer that there is going to be other options are not realistic.

Manager Alles stated improvements to Beattie Street, both motorized and non-motorized are also being discussed in the area. Commissioner Farris-Olsen stated that is part if the issue, the public is not being informed on what is being discussed that will impact the neighborhood. Manager Alles asked do we start with nothing and a blank slate and try and design from there or inform the public once options are available. Staff will figure out how to move forward.

Mayor Smith asked if the HCC has discussed this issue. HCC Chair Spaeth stated the HCC is aware of the issue; however, it was not discussed at length. The next meeting of the HCC where it would be on the agenda is February 2018. Mayor Smith commented HOLMAC and HCC are both avenues for input. It is important to make all the connections to keep the conversations open and remain involved. Mayor Smith stated he lives in the neighborhood and has seen the use of the Beattie Street trailhead grow. Mayor Smith also spoke of the city purchasing additional open land in the area with the settlement of the Timberline lawsuit.

Commissioner Haladay stated it is incumbent upon us to facilitate the conversation and keep the residents informed on what is going on. He stated the HCC, HOLMAC and PPLT are all avenues for discussions; however, it falls on us. The city has to have additional discussions; he then asked Manager Alles and staff how those conversations will happen and they are not posturing conversations.

Director Teegarden stated staff will continue to work HOLMAC to develop the annual Helena Open Lands Work Plan, which is organized by topic/projects and addresses the routine M&O. Once the public comment period closes, staff brings the annual plan forward for adoption by the city commission.

Director Teegarden stated this is a very public process and noted there has been a lot of work done on open lands. Staff is more than willing to contact the residents.

Commissioner Noonan referenced the work plan and asked how the residents become involved. He suggested putting the work plan on an administrative meeting prior to it being on the commission meeting agenda.

Meg Bishop stated she appreciates the discussion; however, the neighbors should be informed inclusively when Beattie Street trailhead will be discussed; if you don't know if it is happening it is hard to participate. Mr. Sovner spoke of the land exchange he did with the city was to prevent further development of the meadow and hillside.

Commissioner Haladay asked what the timeline is for when the city will reach out to the residents, to have a discussion on what the possible plans may be. Manager Alles spoke of the grant staff applied for and received to build the restrooms at the trailhead. The grant required a plan be submitted. Staff is trying to get the engineering completed to see if it is viable project. He then asked do we want to step back and start over or pursue the location identified by staff. Manager Alles recommended that staff get the engineer's estimates then release the information to the public. Commissioner Haladay asked what the timeline is to get the engineer's estimates. Open Lands Manager Langsather stated he hopes to have the information in December and then schedule a neighborhood meeting in January 2018.

Commissioner Noonan stated he would move forward; however, it is important to have the community meeting. He also stated it is important to take opportunities when grants are available.

Commissioner Farris-Olsen stated he believes it is too late to go backwards, for the public meeting in January, keep options open for discussion that was brought up by the public.

**Pedestrian Mall Ordinance** – Director Teegarden reported in an effort to better serve the public and provide coordination of events and activities that occur on the Pedestrian Mall, the City Manager directed city staff to develop a “one-stop” process for obtaining permits for use on the Pedestrian Mall. As a result, a Pedestrian Mall/Event Use Permit application and review process has been drafted for proposed implementation in 2018.

The applications apply to all uses including; food and product sales, races, parades, events and the use of vehicles under 1 ton. The application is similar in approach and structure and fees for special events and park reservations. The application/permit process will be coordinated by the Parks & Recreation Department's administrative office.

As a result of developing an application, review and permit system for uses in the Pedestrian Mall, revisions to the existing ordinance pertaining to the use of vehicles, permits and fees are required to support the proposed administrative processes.

Staff believes the changes will enhance customer service and coordination of events on the Pedestrian Mall.

Mayor Smith commented the proposal is for a multiple types of activities on the pedestrian mall. Director Teegarden concurred and noted the application form is very specific on what type of event is being applied for. She recognized Jennifer Schade for developing the form.

Commissioner Haladay asked BID members for their comments. BID board member Mark Roylance stated this is a great effort that they appreciate city staff for taking on. Downtown Helena Inc. is always looking to put on new events and what he saw is exactly what has been discussed. Mr. Roylance stated the BID board appreciates the state of maintenance and look of the pedestrian mall.

Mayor Smith acknowledged the funding from Public Works Department that assisted with the work on the pedestrian mall. BID Project Manager Cindy Stevens stated the recommendation will simplify the process, which is great. Ms. Stevens suggested the coordination between this and street closure process should also be included on the permit.

Manager Alles noted the information is already in the draft permit. BID board member Roylance introduced Micky Zurcher, newly hired BID Director. BID board member Rex Seeley thanked city staff for the work that has been accomplished on the pedestrian mall.

Commissioner Haladay referenced Subsection E and stated the way he reads it, any applicant shall indemnify, defend, and hold the city and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. Commissioner Haladay stated this would include any parade or political projects and he worries these provisions have been struck down. There are individuals who cannot obtain the liability insurance and

would suggest keeping “parade” and take out “public assembly”. Attorney Jodoin recommended the commission table first passage of the ordinance and define “parade” and then work on the language.

Commissioner Farris-Olsen concurred to table first passage as he had the same concerns as Commissioner Haladay. Commissioner Farris-Olsen commented the proposed permit is a great idea.

### **City Attorney**

**I-183 Discussion** – Attorney Jodoin noted the resolution authorizing the City of Helena to intervene in Hobaugh, et al, vs. State of Montana, Cause No. CDV-17-06-73, authorizing the City Manager to enter into agreements as necessary to appoint counsel and share costs of such counsel with other municipal or governmental intervenors, and encouraging the Montana League of Cities and Towns to intervene is on the December 18<sup>th</sup> city commission meeting agenda.

On December 8<sup>th</sup>, 2017, the Montana League of Cities and Towns Board of Directors considered intervention. The Board did not approve intervention but instead instructed their general counsel to reach out to its member entities and other local government associations, such as Montana Association of Counties and school districts, to gauge the level of desire member entities may have for intervention by the League.

Authorizing participation in the lawsuit as an intervenor would advance the interests of the City of Helena and encourage the League to also intervene. Intervention by the city would permit it to raise additional legal challenges that are not presently alleged in the ACLU of Montana’s lawsuit.

Attorney Jodoin stated he would recommend that the city of Helena intervene in the lawsuit, independently from the League and ACLU. If the League votes to intervene, they could join the city of Helena.

Mayor Smith stated the League voted to intervene and cast a net to see if there are other associations that wanted to join in. If the League was going to go it alone, the League’s counsel would take it on; if other cities wanted to join the League would hire outside counsel. The League has a conference call scheduled for December 15<sup>th</sup>.

Manager Alles noted the way the resolution is written; the city could go it alone or sign on with the League.

Commissioner Noonan stated if the commission approves the resolution, the city would be intervening in the ACLU lawsuit and Manager Alles would have the authority to raise additional legal challenges that are not presently alleged in the ACLU of Montana’s lawsuit.

Commissioner Farris-Olsen stated not knowing for sure what the League is going to do, it makes sense to use ACLU as the city’s counsel. The lawsuit does more than defend our self-governance powers. The cities of Bozeman and Missoula have already joined the lawsuit.

Commissioner Noonan asked for clarification by intervening, isn’t that what we are doing. Commissioner Farris-Olsen stated by intervening, his concern is that we would not make the same arguments to protect all our citizens; so far the discussion around the city’s involvement is self-governance. Commissioner Farris-Olsen again stated it is important to make sure we send a clear message that we are protecting all individuals.

Caitlin Borgmann, Executive Director of ACLU Montana, stated their position is the city of Helena should join the ACLU lawsuit and they would welcome the city of Helena to do so. Ms. Borgmann stated the same arguments would apply to Helena and time is of the essence as there has been a motion to dismiss.

Manager Alles noted he is under the impression when you intervene, it brings a different argument to the lawsuit. This is an opportunity to have other arguments and brings value to the lawsuit. Commissioner Farris-Olsen concurred; however, the arguments the city would make is already in the suit.

Mayor Smith stated he believes the League of Cities and Towns board voted to intervene in the ACLU lawsuit and the basis is the city’s self-governance.

Commissioner Haladay stated the commission has taken too much time talking about this and should have joined the ACLU lawsuit a month ago. The League does not have a proposal to look at and he would support joining the ACLU’s lawsuit.

Mayor Smith commented the commission has discussed this several times and he can’t explain the slowness of the League. He asked that the commission receive clarity on the League’s position at the December 18<sup>th</sup> commission meeting at which time the commission will make a decision.

Commissioner Farris-Olsen stated there are three different options to consider, the city intervening on our own, joining the League to intervene or join the ACLU lawsuit. He asked that draft

amendments to the resolution outlining each of the options be prepared for commission consideration. Attorney Jodoin stated the original resolution had the city joining the ACLU lawsuit and the resolution in the commission packet is broad enough that would approve the city intervening on our own or joining the League.

Commissioner Haladay asked that the commission get an update on Friday, December 15<sup>th</sup> on what the League's position is.

### **Helena Food Share**

Manager Alles referenced the requests from Helena Food Share asking the city to contribute \$3,000 toward the processing fee of the city deer; and \$10,000 for the purchase of a food demonstration cart and a food demonstration and cooking curriculum.

Commissioner Haladay stated the city contributed \$5,000 to the Helena Regional Sports Association's (HRSA) efforts to do a feasibility study and economic impact analysis for a multi-sport recreational complex. That study is complete and the next step is for the HRSA to obtain a five-year revenue and operating cost projection study and they have asked if the city would be interested in contribution \$5,000 toward this next step. Commissioner Haladay spoke in support of the contribution and asked for commission support and noted the commission budget has savings in their election line item; \$76,000 was budgeted and \$15,000 was spent.

Commissioner Farris-Olsen spoke on the proposal for the demonstration cart and classes in the amount of \$10,000 and then the \$3,000 to assist with the processing of the deer. This is a good opportunity to teach those who use Food Share.

Helena Food Share Executive Director Bruce Day addressed the commission with the two proposals submitted by Food Share. He recognized the need for the food cart and teaching those who use Food Share how to prepare the fresh vegetables.

Mayor Smith stated he is not eager to spend down the entire commission budget; he did recognize they are worthy proposals.

Commissioner Noonan supported the donation of \$13,000 to Helena Food Share as outlined above.

Commissioner Ellison stated he applauds Helena Food Share for what they do and he contributes regularly. However, if we say yes to Helena Food Share, what do we say to the other non-profits. The city cannot fund all the needs; it has to be based on the citizens of Helena. Commissioner Ellison stated he believes this would set a precedent. He then recognized the deer culling is a safety issue and he would support the \$3,000 for assisting with processing. Encourage the commission to think about the precedent this will set. Commissioner Haladay stated he would support both requests. Mayor Smith stated his concerns are similar to Commissioner Ellison.

Commissioners Farris-Olsen, Haladay and Noonan were in support of the request from Helena Food Share in the amount of \$13,000 and the Helena Regional Sports Association in the amount of \$5,000 to obtain a five-year revenue and operating cost projection study.

Commissioner Farris-Olsen recognized the concerns of Commission Ellison and suggested during the FY19 budget process that a set amount of funding be earmarked for these types of requests and non-profits could apply for funding.

### **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 – HCC Chair Spaeth thanked the commission for the courtesy given to the HCC. The HCC is prepared to present their report on the Civic Center in early 2018; one of the recommendations is there be a eight year maximum for anyone to serve on a city board/committee.
- 7. **Review of agenda for December 18, 2017-** No discussion held.
- 8. **Public Comment** – No public comment.
- 9. **Commission discussion and direction to the City Manager** – No discussion held.
- 10. **Adjourn** – Meeting adjourned at 6:00 p.m.