

**SUMMARY OF ADMINISTRATIVE MEETING**  
**September 19, 2018– 4:00 p.m.**  
**City Commission Chambers, Room 330, City-County Building**  
**316 N. Park Avenue**

**1. Call to order, introductions, opening comments** – Mayor Collins called the meeting to order. Commissioners Farris-Olsen; Haladay, Noonan and O’Loughlin were present. Staff present was: City Manager Dennis Taylor; Assistant to the Manager Alan Miller; City Attorney Thomas Jodoin; Police Chief Troy McGee; Fire Chief Mark Emert; Community Development Director Sharon Haugen; Public Works Director Randall Camp; City Engineer Ryan Leland; Street Superintendent David Knoepke; Parks & Recreation Director Amy Teegarden; Administrative Services Director Glenn Jorgenson; Budget Manager Libbi Lovshin; Human Resources Director James Fehr; Community Facilities Superintendent Troy Sampson; Utilities Superintendent Kevin Hart and City Clerk Debbie Havens.

Others in attendance included: HCC Representative Doug Hunsaker; County Health Department employees; Montana Tobacco Prevention representatives; IR Reporter Thomas Plank; Ken Demons; Bruce McCullough; Bryan Sandroek; Derek Amburn, Mountain Man Vaping representative and The Christian Science Monitor Correspondent Christa Case Bryant.

**2. September 5, 2018 Administrative Summary** – The September 5, 2018 administrative meeting summary was approved as submitted.

**3. Commission comments, questions –**

**Upcoming Appointments** – Mayor Collins will be recommending the following appointments at the September 24<sup>th</sup> city commission meeting:

**Business Improvement District/Helena  
Parking Commission (BID/HPC)**

Appointment of John Grant to the BID/HPC. First term will begin November 1, 2018 and expire October 31, 2022.

**Bill Roberts Golf Course Advisory Board**

Appointment of Art Pembroke to the Golf Advisory Board. First term will begin November 1, 2018 and expire October 30, 2021.

**Helena Police Commission**

Appointment of Derek VanLuchene to the Helena Police Commission. First term will begin upon appointment and expire May 1, 2021.

**Tourism Business Improvement District (TBID)**

Appointment of Tiffanie Zavarelli to the TBID. The unexpired term will begin upon appointment and expire April 20, 2021.

Commissioner Noonan thanked Police Chief McGee, Community Development Director Haugen and City Attorney Jodoin for working with the owner of the Memorial Park Apartments to get them boarded up. He also thanked staff for getting the crosswalks around town painted.

Mayor Collins thanked the Human Resources employees for the employee appreciation luncheon. He then introduced Tuella, a student who wanted to attend a city commission meeting.

**4. City Manager’s Report –**

**Wastewater Treatment Plant Digester** – Manager Taylor reported one of the secondary digester lids tilted causing the digester to shut down. Staff continues to work to identify what caused the incident and will bring forward, at the October 10<sup>th</sup> administrative meeting, an estimate to replace the digester lid and a recommendation on the reallocation of funds to pay for it.

**Law & Justice Building Update** – Manager Taylor reported staff continues to meet the schedule of moving the Police, Sheriff and SSD Departments within the next 120 days. Community Facilities Superintendent Troy Sampson reported the project management team has met and will work diligently to get a final set of plans to the building division to review and issue a building permit. A follow-up meeting

with the Police and Sheriff will happen to review the final plans. The project is on a fast track to accomplish the move within the 120 days.

**Residency Requirements for Future City Department Directors** – Manager Taylor reported he has done some preliminary research on the residency requirements for City Department Directors; there are cities that have had residency requirements and are moving away from the requirement and there are cities that have not had them and are now are moving toward them. There are pros and cons of having a residency requirement and highlighted a list of both.

This would be a new requirement for the city of Helena. He noted if an employee is promoted within and lives outside the city limits, the commission could approve an exemption. Another option would be to give a certain amount of time for residency.

There was commission consensus to move forward and bring back some recommendations for commission consideration.

**Municipal Court's Surcharge** – Manager Taylor asked Attorney Jodoin to update the commission on the Montana Supreme Court's decision. Attorney Jodoin reported the Montana Supreme Court threw out a \$25 fee that Missoula's municipal court had charged. The Justices ruled that since state law had already set the allowable fees and charges the court could impose, the city did not have the authority to add an additional charge. Helena's Municipal court has stopped imposing a surcharge when someone is convicted of a misdemeanor under state law. The effect of discontinuing the fee is \$16,000 to \$17,000 in revenue per year.

Attorney Jodoin reported the 9<sup>th</sup> Circuit of Appeals has ruled not allowing camping in city parks and on city streets is cruel and unusual punishment. The city of Helena does have two separate ordinances against camping in the parks and on-street. At this time, the Police Department will discontinue citing people until further discussion to clarify the ruling.

Manager Taylor announced Judge Wood has announced his retirement effective March 2019. Much like replacing a commission member, the commission will make the appointment.

## 5. Department Discussions

### Human Resources

**Extension of Interim City Manager Taylor's Contract** – Human Resource Director Fehr reported the City of Helena's employment contract with Interim City Manager Taylor will expire on October 5, 2018. The hiring process for the City Manager will not be concluded by the date the contract expires. City Manager Taylor is willing to extend his contract to ensure a period of overlap once the city does hire a permanent City Manager.

The contract amendment included in the packet provides an extension of Interim City Manager Taylor's contract to 10 business days after the permanent City Manager starts employment with the City. All other terms and conditions of the contract remain the same.

**Consensus Direction to Manager** – The contract is on the September 24<sup>th</sup> city commission meeting agenda for formal action. The commission thanked City Manager Taylor for agreeing to stay on and extend his contract.

### City Attorney

**Service Line Replacement Loan Program** – City Attorney Jodoin reported the draft resolution would (1) create a loan program to assist homeowners in the emergency repair or replacement of water and wastewater service lines and (2) authorize imposition of a fee to be placed on monthly water and wastewater utility bills to fund the program. Staff hopes to bring the resolution establishing the program for formal approval at the October 29, 2018 regular commission meeting. The resolution of intention and final resolution setting the monthly charge on the utility bill is proposed for October 15 and October 29 city commission meetings.

The purpose of staff's memo is to give the commission a brief outline of the program based on commission consensus from prior administrative meetings and obtain guidance from the commission on the initial monthly charge prior to heading into the planned formal actions.

- Eligibility - Owner occupied single residential dwelling unit per lot or parcel that is connected to city water or wastewater systems. Owners of commercial properties, two or multiple dwelling units per lot or parcel, or rental properties are not eligible for program funds. Funds can be

used for costs, including labor, materials, permits, and inspections associated with emergency replacement or repair of water or wastewater service lines.

- Funding Assistance- Up to \$15,000 loan per water or wastewater service line at zero percent (0%) interest for 10 years.
  - Loans will be repaid through equal monthly payments on the utility bill.
  - Loan balance must be repaid at sale or transfer of property.
  - Eligible property owners below 80% median household income are not required to repay the loan except at sale of property.
  - Property owner must enter into an agreement to ensure full payment of loan and consent to repayment via monthly water bill.

Staff needs direction from a consensus of the commission regarding the initial monthly charge prior to heading into the planned formal actions establishing the program and monthly charge.

Included in the packet was the following documents:

- Table 1 indicating the average annual number of water and wastewater service replacements
- Table 2 showing the projected monthly water charges to fund the estimated liability.
- Table 3 showing the projected monthly wastewater charges to fund the estimated liability.
- Table 4 containing an 11 year projected cash flow.
- Draft resolution creating the Residential Water and Wastewater Service Line Replacement Loan Program.
- Draft resolution of intention to establish a monthly fee to fund the Residential Water and Wastewater Service Line Replacement Loan Program.
- Draft resolution establishing a monthly fee to fund the Residential Water and Wastewater Service Line Replacement Loan Program.

Manager Taylor noted MLCT Executive Director Burton submitted a letter endorsing the NLC Service Line Warranty Program.

Commissioner Haladay referenced the language excluding rental properties and asked if single dwelling units, that are not owner occupied, would be included in the program. Administrative Services Director Glenn noted at this time, a landlord can sign an agreement with the tenant where they are responsible for the water bill. However, the landlord could not make the tenant responsible for the replacement of a water or sewer main and if the charges are on the monthly statement, it will be difficult to separate the two charges for one address.

Commissioner Haladay asked why we would exclude single dwelling units. Director Jorgenson stated any rental property is a business that generates revenue and asked where the commission would set the limits. The landlord would have to sign the agreement for the service line replacement loan program. Commissioner Haladay stated it would be easier to include the single dwelling units as far as an assessment standpoint.

Commissioner O'Loughlin stated she would support including all single dwelling units and asked staff to re-work the language to remove the owner occupied single dwelling unit language in Section 2 of the resolution. Attorney Jodoin noted if there is commission consensus, he will change the wording in the resolution prior to commission consideration.

Commissioner O'Loughlin referred to Table 1 and noted the average number of water service line replacements is 16.67 and 43.82 for wastewater line replacements and asked if the related rates are factored into those numbers. Director Jorgenson stated those numbers are not factored in and noted the average replacements are for single family dwellings. If all single family dwellings are included, the homeowner could assess the costs to the renter; however, the repayment of the charges would be the responsibility of the property owner.

Commissioner Haladay stated he supports keeping all single dwelling units as qualified properties; it would be easier and including them outweighs the logistics of repayment. Commissioners Farris-Olsen, O'Loughlin, Noonan and Mayor Collins concurred.

Commissioner Haladay clarified the property owner would be responsible for the repayment into the service line replacement program and the goal is to have the fund become self-sustaining over a number of years. Director Jorgenson concurred.

Commissioner Noonan thanked staff for bringing this forward.

Commissioner O'Loughlin referred to the last sentence in Section 7 and asked if it is possible to put a time certain where those within the 80% of Median Household Income would be required to re-pay

the loan. Attorney Jodoin stated the ordinance could be changed. He also noted this proposal is not like any other city; most go through the National League of Cities program. The language in the proposal is similar to the city's sidewalk program and renewable energy program.

Commissioner Farris-Olsen thanked staff for including the 80% of Median Household Income into the ordinance.

Attorney Jodoin asked for commission direction on setting the monthly fee for water and wastewater to be included in the resolution of intention.

Commissioner Haladay referenced Table 2 for the projected monthly charge of \$2.50 needed to fund water loans and Table 3 for the projected monthly charge of \$6.47 needed to fund wastewater loans. Director Jorgenson referred to Table 1 and noted the numbers continue to climb every year; staff is trying to get closer to what the actual numbers are. Commissioner Haladay asked if the rates are set at the \$2.50 and \$6.47, would that fully fund both programs. Director Jorgenson concurred and noted the resolution would be reviewed and could be amended on annual basis.

Commissioner Haladay stated if this moves forward as recommended and there are more requests for the loan program than funding, the city would still fund those requests through other wastewater/water funding and then address it during the next fiscal year budget

Commissioner O'Loughlin asked what the typical cost of replacing a service line is. Utilities Superintendent Hart state the average cost to replace a service line is \$15,000 for both water and wastewater.

**Consensus Director to Manager – Bring forward a resolution establishing a residential water and wastewater service line replacement loan program and a resolution of intention to establish a monthly fee to fund the residential water (at the rate of \$2.50 per month) and wastewater (at the rate of \$6.47 per month) service line replacement program and amend Resolution 20488.**

**Youth Access to Tobacco Products Control Ordinance** – Attorney Jodoin reported per commission consensus at the July 31, 2018 administration meeting, a draft of an ordinance entitled "Sale of Tobacco" that regulates (1) self-service tobacco product vending machines and (2) the sale of flavored tobacco products to minors is part of the packet.

Current Situation / General Analysis: The state of Montana currently controls youth access to tobacco pursuant to the "Youth Access to Tobacco Products Control Act" ("Act") found in Title 16, Chapter 11, Part 3 of Montana Code Annotated. The Act generally prohibits the sale and distributing of tobacco products, alternative nicotine products, or vapor products to anyone under 18 years of age. This includes the sale of tobacco products, alternative nicotine products or vapor products through self-service vending machines, except in locations where alcoholic beverages are sold and consumed on premises. Section 16-11-31 I of the Act permits local governments to adopt regulations on the same subject of the Act so long as such regulations are not more stringent.

Attorney Jodoin stated in reviewing the proposed regulation of self-service tobacco product vending machines, he believes it is not more stringent so long as the restaurant/bar exception to self-service vending machines is added to the ordinance.

Speaking specifically to the regulation of flavored tobacco products under §4-14-4 of the proposed ordinance since that is a subject that is not presently regulated by the Act, I opine that the City has the authority to regulate such sale of flavored tobacco products.

The ordinance as presently drafted raises four substantive issues for discussion.

**1. Civil Enforcement vs. Misdemeanor Criminal Enforcement.** Section 4-14-7 of the draft ordinance calls for a civil enforcement through imposition of an "administrative penalty" or "civil fine." While it is not clear by what mechanism or process this penalty or fine is imposed and due process ensured, the civil fine may be interpreted by the Helena Municipal Court as a "municipal infraction." Section 7-1-4151, MCA, dictates that municipal infractions be tried in the same manner as a small claim. Section 25-35-505, MCA, governs small claims court procedures. Germane to the present discussion is the restriction against attorneys participating in the case unless both parties are represented by attorneys and the limit that only 10 claims may be brought per year. There may well be fewer than 10 claims related to compliance enforcement of the two substantive sale of tobacco regulations contemplated by the ordinance. Further, it may not be too difficult to proceed without the City Attorney's office formally prosecuting the case. However, training staff to do so would need to be done.

Past experience with the initial implementation of the "social host" ordinance related to enforcement of civil judgments may not be as much of a concern considering that civil enforcement of the present ordinance could be more effective against store managers or owners found to have violated the ordinance. Individual employees who have sold "flavored tobacco products" to minors would fall into the difficulties of civil judgment enforcement highlighted by the "social host" ordinance, specifically the implementation of a default judgment against individuals who may or may not have property to which judgment can be attached.

*Staff recommends a violation of the ordinance be a misdemeanor offense with only a fine and not potential jail time.*

**2. Implementation of Compliance Inspections and Enforcement.** Who will conduct compliance inspections and ultimately enforce the ordinance as required by 4-14-5(B). The city currently has only one FTE performing code enforcement. Generally, the bulk of enforcement actions of this position are related to sidewalk trip hazards, sidewalk snow and ice removal, and nuisance vegetation and rarely result in citation whether civil/municipal infraction or criminal. Given the present workload and staffing of the Helena Police Department it cannot be recommended that it be given responsibility for compliance inspections.

*Staff recommends creating and implementing a more robust code enforcement division which would carry out potential future additional code enforcement duties. Volunteers, or contracting with the County Board of Health, for the initial enforcement may be an option but may prove to be substantially difficult to implement since ultimate prosecution would be instructed by the City Attorney.*

**3. Extra-territorial Jurisdiction.** Section 4-14-6 extends the regulations of the ordinance to five miles beyond the corporate limits of the City of Helena. Generally, the City does not have extra-territorial jurisdiction to enforce its rules and regulations except for subdivision and zoning regulations. In reviewing a similar ordinance proposal in Missoula, I was able to determine that the authority cited for the five mile extra-territorial jurisdiction is 7-4-4306, MCA. Unfortunately, Attorney Jodoin stated he does not view that section as granting the City of Helena extra-territorial jurisdiction because it is applicable to strong mayor form of government, not commission-manager form of government. In Helena the city manager is the chief administrative officer, not the mayor.

*Staff recommends striking Section 4-14-6 of the draft ordinance thereby limiting jurisdiction to the boundaries of the city limits.*

**4. Segregation of Fines.** Section 4-14-7E of the proposed ordinance calls for administrative segregation of fines collected for violation of the ordinance to be used exclusively for implementation and enforcement of this chapter. It appears that given the potential small sums it would be overly burdensome to track and create separate line items. For example, fines for misdemeanor criminal prosecution do not pay for Helena Police Department directly.

*Staff recommends striking Section 4-14-7E of the draft ordinance thereby allowing any fines collected be placed in the general fund.*

Attorney Jodoin noted the following attachments were included in the packet: Montana Code Annotated provisions; Draft Ordinance and Missoula Ordinance 3604.

Commissioner Noonan stated the code enforcement issue should be looked at regarding the budget and implementation. Manager Taylor concurred there is a need for additional code enforcement staff that would be appropriately trained.

Mayor Collins and Commissioner Farris-Olsen stated the commission authorized additional code enforcement staff with the current workload. Both stated they would support moving forward and coordinate with the county on enforcement and look at additional staff during the FY20 budget process.

Human Resources Director Fehr noted there was a parks department staff that dedicated .25 percent of their time to code enforcement.

Commissioner Farris-Olsen stated he would support the recommendation of a violation being a misdemeanor with no jail time and concurred to remove the Extra-territorial Jurisdiction and Segregation of Fines language from the draft ordinance.

Commissioner Farris-Olsen referred to the draft ordinance and recommended changing the term "alternative smoking device" to "electronic smoking device".

Commissioner Haladay referred to Section 4-14-7E and asked with the first offense the city could remove the business license. Attorney Jodoin concurred and noted the city currently has the authority to remove the business license with a city code violation.

Commissioner Haladay referred to the Extra-territorial Jurisdiction and asked if the county has to agree to the five miles beyond the corporate limits of the city. Attorney Jodoin noted the language comes from the same section that allows the city to do it; however, it has to have the consensus of the Board of Health

**Public Comment** - Lois Fitzpatrick, American Cancer Society, Cancer Action Network, spoke in support of the proposed ordinance; the goal is to stop youth from smoking

Nicki, Montana Tobacco Prevention Coalition, spoke in support of the ordinance and the recommended amendment of Commissioner Farris-Olsen. She also handed out the Tobacco Prevention's recommendations and guidance on the point of sale pilot project.

Commissioner Farris-Olsen asked what language is missing. Nicki referred the commission to Section 4-14-3 and noted this section does not address the definition of tobacco products or electronic smoking devices. Commissioner Farris-Olsen stated it is his intent to include the definition as recommended by the Montana Tobacco Prevention Coalition.

Karen Lane, Lewis & Clark Health Department, spoke in support of the ordinance and noted any type of resolution to address the concern that youth is being attracted to smoking materials. This is to keep the products out of reach of children.

Derek Amburn, owner of Mountain Man Vaping, stated vaping is not smoking and should not be a part of this debate. He also submitted a letter from Markette & Chouinard Attorneys at Law in reference to the Ravalli County Indoor Clean Air Act Enforcement Protocol.

Kevin Hamm stated he is an advocate for not smoking and suggested the definition should be "all nicotine products".

**Consensus Direction to Manager – Staff will place first passage of the ordinance on the October 15<sup>th</sup> city commission meeting agenda and will update the draft with the recommended changes.**

**Regulation of Outdoor Smoking near Indoor Public Places** – Attorney Jodoin noted Title 4, Chapter 13 of Helena City Code contains the City's smoking regulations. The vast majority of that Title regulates indoor smoking and predates the Montana Clean Indoor Air Act ("Act"). As a result of the Act, the City's regulations have largely been preempted by state laws.

The one section that has not been pre-empted is Section 4-13-5, which presently prohibits smoking "within a reasonable distance such that tobacco smoke may enter through its entrances, windows, ventilations systems or other accesses and circulate to nonsmoking areas." "Smoking" is defined as [t]he act of lighting, smoking, or carrying a lighted cigar, cigarette, or pipe."

There have been a small handful of complaints over the years regarding individuals smoking outside wherein the smoke is reaching indoor areas subject to the regulation of the Act. Such complaints have been typically handled by contacting the property owner to inform them of the "reasonable distance" requirement with a request that they encourage folks to smoke in a different location. No one has been cited for a civil penalty and it is arguable that the "reasonable distance" standard is too vague to enforce.

Per commission consensus at the July 31, 2018 administrative meeting, a draft of an ordinance was included in the packet that (1) amends the current prohibition from smoking within a reasonable distance of entrances and windows of nonsmoking indoor areas to thirty feet (30') and (2) adds "vaping" and the smoking of marijuana, even for medical purposes.

All violations would remain a municipal infraction subject to a civil penalty of not more than \$100.00 for each violations.

**Questions Posed:**

1. Who will enforce the more specific standard?

The city currently has one "code enforcement officer" who handles non-zoning compliance code complaints such as sidewalk snow removal, sidewalk trip hazards and nuisance vegetation. This position is shared between Public Works and Parks and Recreation and also has duties attendant to encroachments and trespasses on City park and open space property.

It is likely that the City will need to hire additional FTE to create a code compliance office to handle the current code enforcement workload as well as the potential workload created by this proposal and the concurrent ordinance regulating the self-service sale of tobacco and sweet flavored tobacco.

2. Municipal Infraction or misdemeanor?

Current interpretation of the small claims court jurisdiction of Helena Municipal Court may limit the number of municipal infractions brought before the court on an annual basis. This was addressed in the memo regarding the self-service sale of tobacco and sweet flavored tobacco.

Commissioner Noonan noted "reasonable distance" is tough to enforce and noted he questions the practicality of the 30'. Commissioner Farris-Olsen stated he has heard enough complaints that it warrants the change to the 30'; the responsibility falls on the individual.

Attorney Jodoin asked if the ordinance is city-wide or specifically the pedestrian mall.

Mayor Collins concurred with Commissioner Noonan comments, is this a practical ordinance. Commissioner Farris-Olsen stated the 30' would eliminate smoking adjacent to the businesses and the pedestrian mall.

Commissioner O'Loughlin Heather asked how the recommended 30' compares to other communities in Montana and what standards do they have. Attorney Jodoin stated Yellowstone County has adopted a similar regulation that is being challenged for due process and the city of Missoula is talking about pursuing but has not done so.

Commissioner Haladay stated he supports moving forward with the ordinance.

Public Comments - Karen Lane stated Lewis and Clark County Health Department supports the ordinance and noted they have received complaints regarding the infiltration of smoke; which is the key to a violation.

Nicki with the Montana Tobacco Prevention Coalition stated there are other communities that have either adopted a specific distance or are considering it.

Derek Amburn, owner of Mountain Man Vaping, again reiterated that vaping should not be part of this discussion. He noted second hand smoke has been proven to be harmful; however, vaping has no harmful effects.

Lois Fitzpatrick, American Cancer Society, stated they support any setbacks for businesses allowing smoking; she also stated vaping should be included in the definition.

Bryan Sandrock, owner of 4J's Casino addressed the commission in opposition of the proposed 30'. He also submitted a written letter outlining his concerns.

Bruce McCullough, owner of Miller's Crossing and President of the Tri-County Beverage Association, stated this ordinance will not work in the industry and will adversely affect every tavern in Helena. He suggested both sides sit down and try to come up with a compromise.

Discussion was held between the commission and public on the proposed 30'.

Commissioner O'Loughlin stated there are a couple of items playing out. The commission has been hearing from residents regarding the smoking adjacent to their homes. She is also curious regarding the comment about entryway versus building. She suggested putting this on hold and take some time to review the recommended 30' from entryway versus the building or a residential area. The concerns are very real and there are circumstances where people are having to walk through smoke.

Commissioner O'Loughlin stated she supports moving forward with previous item and have additional discussion on this item. She appreciates the public comment received.

Mayor Collins and Commissioner Noonan agreed this item needs additional discussions.

Commissioner Farris-Olsen stated there has been discussion regarding this issue; he does not believe there is a need to table it to look at more closely.

Commissioner Haladay stated there is no need to push this back any further and would move it forward as it is currently written. The argument is the same as when the commission originally adopted Helena's clean indoor air ordinance. There are public health effects and there is going to be bumps on how it is enforced; however, he believes social norming will happen.

Manager Taylor stated staff will bring the ordinance forward for first passage in October; if there is a desire for additional discussions, staff can facilitate it.

Commissioner Noonan stated he agrees totally with the health issue and supports moving forward at this point; however, it needs to be made clearer and more practical for the enforcement and where the distance will work.

Commissioner O'Loughlin stated she too supports moving forward and noted the ordinance could be modified after the public hearing has been held. She appreciates the feedback on what the modifications could look like and asked people to submit constructive suggestions.

Commissioner Farris-Olsen asked the public to submit any recommendations in writing and prior to the public hearing. This will allow the commission to review and consider them prior to taking action.

**Consensus Direction to Manager – Move forward with putting this on the October 15<sup>th</sup> city commission meeting agenda for first passage of the ordinance. If there is a collaborative process, please refer them to the City Manager’s office to help develop a concrete proposal.**

**Public Works**

**Sidewalk Projects – FY19** – City Engineer Leland presented the following 8 staff recommended pedestrian projects. These project are in various stages of design but have no funding associated with the projects.

1. Squaring up and improving the Neil and Fuller intersection. The project will improve pedestrian connectivity and has received public support.
2. Squaring up and improve the Lawrence and Warren intersection by the new Central School. This project will improve pedestrian connectivity to the new central school and the cathedral. Conceptual design will be presented at the administrative meeting.
3. Install sidewalks along National from the end of Centennial Trail to Lyndale. This project will complete a section of missing sidewalk on Centennial Trail. Currently Centennial Trail dead end at National with no receiving sidewalk and staff has received complaints.
4. Bulb-out at Highland and Montana. This project will improve the pedestrian cross walk at Highland and Montana.
5. Sidewalks on Knight Street from Benton Ave to CR Anderson School.
6. Sidewalks along Fee Street from 11<sup>th</sup> Ave to Eagle Manor.
7. Traffic Calming on Beattie Street – Bulb-outs at Clinton Park and Broadway
8. Beattie Street paving and sidewalks on the dirt section of Beattie Street south of Rhode Island Street

The costs listed below are very preliminary cost estimates for all the projects.

**Cost Estimate of the Projects**

Neil Fuller Intersection - \$300,000  
Lawrence and Warren Intersection - \$150,000  
Sidewalks on National – \$70,000  
Bulb-Out Highland and Montana with Sidewalks – \$175,000  
Knight Sidewalks - \$350,000  
Sidewalks on Fee - \$125,000  
Beattie Street Traffic Calming –\$60,000  
Beattie Street Paving -\$422,000

Engineer Leland stated these project have been brought up at the previous administrative meeting and are in various states of design. Staff will be looking for consensus direction on the projects and budgets.

After commission discussion there was consensus on the following recommendations:

- Lawrence and Warren Intersection and Highland Street bulb-outs and Montana Avenue with sidewalks – Move forward with these two projects - Safe Routes to School
- Neill-Fuller Avenue - Identify actual costs with plan to move forward
- National Avenue and Fee Street sidewalks - Consider ordering in sidewalks
- Knight Street sidewalks - Do not move forward at this time, wait for additional community input
- Beattie Street traffic calming and paving – to be considered with trailhead plan.

**Winter Response Update** – Street Superintendent David Knoepke reported the proposed snow policy revisions and considerations were presented at the April 4, 2018 administrative meeting. He then gave a PowerPoint presentation that included the following:

- Plan Objectives and Goals – Snow and ice control objectives and goals
- Level of Service
- Expectations
- Implementation
- Priorities – Emergency Snow Routes

- Emergency Snow Routes – Towing Considerations
- Priority Routes – Local Streets
- Delays in Service
- Materials Used
- Immobilization/Natural Disaster (Record Snowfall)
- List of Snow Response Equipment
- Work Schedules

Superintendent Knoepke also handed out an updated City of Helena Snow and Ice Control Plan and information on Networkfleet software, through Verizon, that provides location management; driver management and vehicle management. In addition it provides roadside assistance for city vehicles.

Mayor Collins commented the city cannot leave snow on the streets; our past practice does not work.

Commissioner O’Loughlin asked if the Emergency Snow Route miles are decreasing from 50 miles down to 10 miles. Superintendent Knoepke concurred.

Commissioner Noonan thanked staff for bringing forward the updated plan and noted a good public education campaign will need to be developed and implemented. Superintendent Knoepke stated staff is working on an information sheet that could be mailed to all utility customers; in addition staff will develop a public education campaign to inform the public of the changes. He noted towing of vehicles will need further discussion.

Additional discussion was held on normal business hours; work schedules; priority routes/local streets and full staffing on holidays and weekends; posting the Snow and Ice Plan on the city’s web page and the costs/benefits of the Networkfleet.

**Consensus Direction to Manager – Bring forward the snow removal ordinance; activate funding to continue to clear the ADA ramps in the downtown area; prepare a public education campaign on the changes and post the plan on the city web page.**

**6. Committee discussions**

- a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns -- Mayor Wilmot Collins – No report given.
- b) Mayor Pro-Tem, Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Public Art Committee - – Commissioner Andres Haladay – No report given.
- c) Board of Adjustment, Civic Center Board, Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – Commissioner Rob Farris-Olsen – No report given.
- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Administration Building (CCAB), Montana Business Assistance Connection – Commissioner Ed Noonan – No report given.
- e) Audit Committee, City-County Parks Board, Transportation Coordinating Committee - Commissioner Heather O’Loughlin – No report given.
- f) Helena Citizens Council – No report

**7. Review of agenda for September 24, 2018 Commission meeting – No discussion held.**

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

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

**10. Adjourn – The meeting adjourned at 6:40 p.m.**