

SUMMARY OF ADMINISTRATIVE MEETING

**October 16, 2019– 4:00 p.m.
Room 326, City-County Building
316 N. Park Avenue**

- 1. Call to order, introductions, opening comments** – Mayor Collins called the meeting to order. Commissioners Haladay, Noonan Wicks and O’Loughlin were present.
Staff present: City Manager Ana Cortez; Assistant to the City Manager Amanda Opitz; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O’Conner; Interim Police Chief Steve Hagen; Assistant Fire Chief Mike Chambers; Interim Public Works Director Ryan Leland; Transportation Systems Director David Knoepke; Parks, Recreation and Open Lands Director Kristi Ponozzo; Human Resources Director Yolanda Franco; Community Development Director Sharon Haugen; Community Facilities Superintendent Troy Sampson; Public Information Officer Rebecca Connors and Interim City Clerk Dannai Clayborn.
Others in attendance included an HCC Representative
- 2. September 4, 2019 Summary** – The September 18, 2019 administrative summary was approved as submitted.
- 3. Commission comments, questions** –
Commissioner Wicks thanked PIO Connors and City Engineer Leland for coming up to fix some signage on the building on the Holiday.
 - a. City Manager Goal Setting Session
This item was moved to item 8 for discussion.
- 4. City Manager’s Report**
City Manager asked for the City Commission to give direction to the City Manager to attend a NorthWestern Energy Conference in Big Sky, Montana on December 3-4. Commissioner Haladay and Wicks both stated their support for the City Manager to attend the event and she should inform the NWE the manager a representative for the Sustainability Coordinator and elected officials will be in attendance at the event.
City Manager Cortez gave clarification on the snow removal and snow routes for City residents.
Manager Cortez stated the RFP for the Public Services, the expected release date for the RFP to all non-profit (5013C status) would be a week from Friday. This RFP was to focus on four specific areas: Animal Control and Management; Arts and Culture; Economic Development and Community Health and Workforce Development, including Homeless. Due date for the proposals would be approximately one month from the release date, and the money would be allocated in July.
KCAP park had received one proposal for the property in the amount of \$5000 and the fair market value which was listed was approximately \$13000, due to the difference in the proposal and the market valuation, Manager Cortez stated she had instructed staff it may be best to wait until spring of 2020 to reevaluate the property and proposals. The Manager stated the current proposal details could be discussed in her one

on one meetings with the Commissioners for review. Commissioner O'Loughlin stated the original amount for the bid opening was a "no minimum", and she felt the dollar amount in the proposal was secondary to the proposed use of the property, and if the proposal met all criteria developed by staff for its use. Commissioner O'Loughlin stated she was comfortable with a Commission representative to meet with City Staff to review the proposal and make a recommendation to the rest of the body. Commissioner Wicks agreed to act as the body representative.

Open Lands Management Plan Update public meeting was held was held the previous evening, where the consultant gave an update. One more public meeting was to be held on October 29th.

Manager Cortez gave an update on the Parking changes in the Downtown Area, and felt the data reflected the parking revenues had not changed in the area from historical data. The Manager stated there would be a continued discussion on this topic as more data was collected, further stating 6 weeks of data had been collected and felt this was not enough to make larger assumptions on what was happening with the program. Commissioner O'Loughlin stated she was aware there were individuals at the meeting who would like to speak on this topic and asked if it would appropriate time to bring these individuals forward for public comment. Commissioner Haladay called for any public comment on this topic.

Faith Johnson, representative of Fire Tower Coffee, spoke to the Fire Tower's business numbers comparing sales numbers from the previous summer and this summer after the parking kiosks and meters were installed. Ms. Johnson expressed concern over a decline in sales when comparing the two years. Ms. Johnson proposed the City consider a free hour, and upon the 61st minute to charge the \$2.00, and the regular 50 cents for any hour thereafter.

Tim Coshlitt, City Resident, gave commentary on the use of the parking kiosks and smart phone app for individuals with physical difficulties and the ADA community. Mr. Coshlitt asked the display to be addressed for the shade on the screen in bright light, he expressed concern over the time-out times for the screen and display and stated the Smart Phone App is not user friendly for a person with physical disabilities.

Chris Atkins, asked for consideration a license plate pre-registration as a solution for the individuals who would have an impediment to the use of the parking equipment and app.

Lyndsay Poppy, Manager Fire Tower Coffee, stated she has spoken with several staff people around the 400 block of the Downtown Area, and felt there was support amongst the businesses for 1-hour free parking throughout the downtown area.

Colleen Casey, Co-Owner of Hawthorne Wine Bar, spoke to the same concerns over the parking costs and encouraged the Commission to consider the 1-hour free option.

Eli Eller, Manager No Sweat Café, stated support for the 1-hour free option. Mr. Eller stated he has noticed the volume of sales at the Café have changed to accommodate the free parking times.

Tim Chisman, Blackfoot River Brewing Company, spoke in support of the 1-hour free option, and expressed concern over the kiosks and meters accepting money on holidays.

Mary Clark, 118 S Benton, expressed concern over the anecdotal commentary she

has received about not going downtown due to the parking.

Sandy Schull, Owner of Birds and Beasleys, spoke in support in of the 1-hour free, and asked the Commission to focus on the low-tech issues, as well as the smart phone app.

Commissioner O'Loughlin thanked all who made commentary on Parking and stated there were lessons to be learned given the public commentary and how the City needs to better educate the public on where 1-hour free parking. Commissioner O'Loughlin asked City Staff to evaluate where the 15-minute parking was available and analyze if these spots should be moved to accommodate the consumer traffic. The Commissioner expressed interest in more data collection on who is using the parking and how long, prior to making major changes to the Parking Plan; especially due to the fact this was part of the Downtown Master plan which was moved forward in large part to BID and their concerns over the misuse of parking.

Commissioner Noonan stated in addition to the comments made by Commissioner O'Loughlin there were new maps and City Staff have been responsive to the concerns which are within the City's purview to change. Commissioner Noonan stated he was supportive of the BID and the Downtown Master Plan, and this was a learning opportunity.

Commissioner Wicks echoed the comments made by the other Commissioners and stated she would support any revisions to the Parking due to the concerns by businesses and customers in the Downtown area.

City Manager stated the misconception of no 1-hour free parking remained, despite the fact free 1-hour parking currently exists throughout the Downtown area; and the disconnect to the public on this matter this would be addressed. The Manager stated concern over the perception there was not accommodations for those individuals with a handicapped parking decal and they had access to free parking but would be required to adhere to the time limits on the spots themselves. The Manager stated the data would be continued to be collected in order to make recommendations on what the actuals are for the usage. Commissioner Haladay asked City Manager Cortez what an appropriate timeline would be to collect data for a more comprehensive update. Manager Cortez stated that 6 months of collection would be a minimum. Manager Cortez requested Interim Clerk Clayborn add the Parking Update as an agenda item to the December Administrative meeting.

Commissioner O'Loughlin encouraged those interested in the Parking issue to attend the BID meetings to have regular discussions on the Parking issue, where a more collaborative dialogue could be had.

Micky Zurcher, BID Director, stated Commissioner Noonan was in regular attendance of the BID meetings as a commission representative.

Commissioner Haladay encouraged those in attendance to email the Commission or contact the City Manager with additional comments on this topic.

Assistant to the City Manager Amanda Opitz gave an update on the NorthWestern Energy LED discussion. Ms. Opitz stated NorthWestern Energy has hired a consultant and there would be a report brought forward to the Commission at some point, at this date no report was available from the NorthWestern Energy. City Staff has been doing their own research on lighting alternatives and had found Mountain States Lighting, LLC of Utah which may have an alternative for the lamps. Ms. Opitz has provided the specs

provided by Mountain States to the NorthWestern Energy. NorthWestern Energy submitted an update to the Commission which Ms. Opitz read from.

Commissioner Noonan asked the NorthWestern Energy response to be sent to the Commission.

Commissioner Haladay asked if the research was still being conducted amongst City Staff as to whether a viable cost option would be to purchase the necessary infrastructure in order to appropriate the LED project by the City. Ms. Opitz stated the conversation was still live, the costs of such a large project would need to be brought to the Commission for consideration.

Commissioner Haladay asked Ms. Opitz if she was aware of information from NorthWestern Energy, as to whether they were advancing the LED transitions elsewhere in the state, regardless of the Commission's decisions. Ms. Opitz confirmed this.

Manager Cortez stated there were also two projects which would need to be resolved with some urgency, due to project timelines: the Front Street Project and the Runkel development and these projects were being delayed due to the LED transition.

Manager Cortez stated the ultimate problem was there was still not a fixture which met all the criteria necessary to be compliant to the ordinance and was agreed to by NorthWestern Energy. Manager Cortez stated the option for City to purchase the lighting infrastructure still exists but would require significant investment by the City. If the options, including the LED lighting fixture from the Utah based company, prove to not meet all the criteria necessary, City staff would need to come back to the Commission to decide if a revision of the ordinance was necessary, especially given the urgency of the timeline of the two large projects.

Mayor Collins was excused for the remainder of the meeting, and Mayor Pro Tem Haladay assumed chairing the meeting.

5. Department Requests – No items on the agenda.

6. Department Presentations

Public Works

Monthly Engineering Project Update – City Engineer Ryan Leland

Staff will be providing ongoing monthly engineering project updates and the City's 5-year CIP plan for Major Capital Projects. In addition, staff will present an update on the City's Wastewater Discharge Permit, Nutrient Standard Variance Lawsuit, and the Knight Street Project. Staff will be updating the Commission and looking for direction from the commission on the State's Surface Water Permit and Nutrient Variances Lawsuit. For a brief background the State of Montana and EPA adopted water quality discharge limits to surface water (The City's Wastewater Discharge Permit) back in 2014. Those limits were lower than the available treatment technology. As part of the rule making process, the State of Montana developed a Nutrient Working Group that consisted of representatives from the Cities, State of Montana, Environmental Groups, and industry. The State and EPA developed and approved a general variance, based on recommendations from the Nutrient Working Group, to allow Cities to come into compliance with the water quality standards over a 20-year timeframe with each

permit being evaluated every three years. As the variance was approved all the permittees would need to meet the water quality standards in 2034. With each three-year cycle permit limits would be based on highest attainable condition. The highest attainable condition is the level of wastewater treatment that can be affordably achieved. Then in 2018 the Montana Water Keepers filed a lawsuit against DEQ and EPA that the variance was not legal. The judge found that the variance was legal but the timeframe was too long. So DEQ is in the process of updating the Circular DEQ12B to comply with the judge's ruling. In that process DEQ is change additional requirement other than those required by the judge. Please see the attached video produced by the City of Billings on the Nutrient Standards.

https://www.youtube.com/watch?v=4mRsCGG_h2g&feature=youtu.be.

Through the Montana League of Cities and Towns, the Cites have been in discussions on if the MLCT wants to appeal the judge's decision. The majority of the city staffs in the discussions have been in favor of recommending to appeal the decision. Staff will be looking for direction on the appeal. As was stated by several Cites and MLCT is that the Cites are willing to clean up the water but want to ensure that anything that the Cities do will actually be a benefit to the environment and will be fair. Staff and the City's consultant, Anderson-Montgomery Consulting Engineers, will be giving a presentation for the Knight Street Safe Passage Project. The project was originally brought to the City of Helena 16+ years ago by students of CR Anderson School who called themselves the Knight Street Ambassadors. Anderson-Montgomery completed those original plans for the project, but the project was tabled because of cost. The City Commission resurrected the project in 2018 and the City hired Anderson-Montgomery to complete the 75% design plans for sidewalks along Knight Street from Benton Ave to CR Anderson. In addition to the design, one public meeting was held at CR Anderson School to discuss the design with the public and property owners. Staff and Paul Montgomery from Anderson Montgomery Consulting Engineers will be presenting a brief overview of the project, summary of the public comments, and cost estimates for three alternatives. A few cost estimate scenarios will be presented including costs for completing the full project with sidewalks on both sides of Knight from Benton Ave. to CR Anderson School, sidewalks on only the north side for Benton to CR Anderson School, and the sidewalks on both sides for the first 2 blocks from CR Anderson School. Staff will be looking for direction on the extent of the project.

Commissioner O'Loughlin stated there should be additional discussion and updates on the lawsuit and asked what Mr. Leland to summarize the draft comments of City Staff on the lawsuit.

Commissioner Noonan expressed support for the City staff comment on the 22nd.

Mayor Pro Tem Haladay asked City Attorney Jodoin what exactly was being appealed at this stage. City Attorney Jodoin stated he was unclear as to whether the appeal would fully move forward at this time, due to ongoing discussions between all parties. Mayor Pro Tem Haladay stated he would like a current state of the appeal prior to the next update on this topic, due to its tenuous nature procedurally at this time.

City Manager asked City Engineer Leland to prepare the draft comments for DEQ and to be sent to the Commission directly for their review prior to it being submitted formally.

Mayor Pro Tem Haladay stated the Commission would like hold on a study session based upon the state of the appeal, and asked Manager Cortez to update the Commission for a study session after that decision was made.

Paul Montgomery, Anderson-Montgomery Consulting, presented an update to the Commission on the Knight Street Project.

Commissioner O'Loughlin asked if the student population has changed over time and has the school provided information on the historical data of student foot traffic in the area. Mark Young, Transportation Engineer, stated he had discussions with the Principal at CR Anderson, and was given some anecdotal data on which direction the children were using as predominant routes to school. Mr. Young also stated he had observed the foot traffic for researching the project and it comported with the data provided by school staff and Principal David Thennis. Principal Thennis also stated he understood the issue of the snow berms with the boulevard option and expressed concerns over the narrowing of the streets due to the snow plows. Commissioner O'Loughlin stated it was her understanding that schools do not provide public transportation to certain areas and would like to know what the geographic location of this area and the number of children who live there. Mr. Young stated he did not have this data available to him. Mayor Pro Tem Haladay stated he was aware a number of individuals were at the meeting to make public comment on this topic and asked those individuals to come forward at this time.

Dawn Rigg, 912 Knight Street, spoke in opposition to the project.

Margaret Krause, spoke in opposition to the boulevard.

Camas Kakuk, 908 Knight Street, spoke in opposition to the boulevard.

Joe May, 1028 Knight Street, spoke in opposition to the boulevard, and asked the commission to consider the curbside sidewalk option.

Ray Fuller, 706 Knight Street, spoke in support of the curbside sidewalk option and in opposition to the boulevard.

David Warner, spoke about safety concerns for the children walking on the street.

Joyce Schillinger, 918 Knight Street, spoke in opposition to the boulevard option, and expressed concern over the cost to property owners for the cost of the installation.

Sarah Hanson-Baiamonte, 1018 Knight Street, spoke in support curbside sidewalk option and in opposition to the boulevard option.

Judy Kembel, 1100 Knight Street, spoke in opposition to the boulevard, and in support of the curbside sidewalk.

Mary Clark, 118 Benton and owner of 726 Knight Street, spoke in opposition to the project and asked the commission to only require the improvements to new developments.

Therese Simpson, 1131 Knight Street, expressed concerns over the burden on homeowners and the disruption to the existing property.

Dan Mossman, 928 Madison, spoke in opposition to the project.

Commissioner Noonan thanked those in attendance for their commentary, and he sympathized with those who spoke about cost concerns, but also wanted to express concern over the dissent to the ADA compliance.

Commissioner Wicks asked if the City did apply for a grant or does city staff plan to apply for a grant to fund this project. City Engineer Leland stated at the inception of the Knight Street project many years earlier funding was to be provided through MDT, due to the length of time passed, these funds were no longer available. Mr. Leland stated there were potential grants options to seek for funding, should the need arise, but no grants have been pursued at this point by City staff.

Manager Cortez asked City Engineer asked to explain why there was not safe routes to school funding. Mr. Leland stated MDT decided not to apply for the safe routes school federal funding project.

Commissioner O'Loughlin followed up, stating discussions for safe routes to schools was a topic discussed regularly with multiple Commissions, and talks typically broke down once the cost burden was discussed. Commissioner O'Loughlin stated the anticipation of the Commission was the Knight Street project was to be one of the costliest and the most burdensome of all the Safe Routes projects. Commissioner O'Loughlin asked if the existing Right of Way was considered as an option to lessen the burden on homeowners and disruption of the existing infrastructure and vegetation of the neighborhood. Mr. Leland stated this was always an option, but this would be a substantial increase in cost of the project for a variety of reasons. Commissioner O'Loughlin asked if it would be necessary to remove parking in order to utilize the existing Right of Way. Mr. Leland stated he would need to look at specific details on the measurements of the street and return with an answer at a later date.

Commissioner Wicks asked if the estimates could be provided to the Commission for the curbside sidewalk option, prior to any decision being made. Mr. Leland stated City Staff would provide the estimates working with the consultant.

Mayor Pro Tem Haladay asked Mr. Leland to confirm if the ADA requirements were such that the City was required to make the necessary changes to the sidewalk. Mr. Leland stated this was a gray area and would need to be researched further.

Mr. Leland stated he would bring this item back to the Commission during the next Engineering update at the next regularly scheduled Administrative meeting but would do an additional study session with the Commission should it be deemed necessary. Mayor Pro Tem Haladay stated he was open to a discussion about whether this was the best project to utilize funds for.

Commissioner O'Loughlin asked Mr. Leland to provide the alternative sidewalk options at the next discussion of this project. Mr. Leland stated a decision would need to be made on this project by the end of the year, in order to ensure the project could begin in the spring.

Commissioner O'Loughlin also asked for clarification as to the impact of the ADA requirements and the existing non-compliant sidewalk.

Manager Cortez stated she could ensure the City would find an alternative to present to the Commission which would meet the standards set by the Commission, while taking into consideration the concerns of the citizens.

7. Committee discussions

Helena Citizens Council – No report.

8. Review of agenda for September 9, 2019 Commission meeting – No Discussion

9. **Public comment** – Joyce Schillinger introduced herself to the Commission.

10. **Commission discussion and direction to City Manager** –
 - a. City Manager Goal Setting Session
This item was requested to be placed on an agenda at a later date.

11. **Adjourn** – The meeting adjourned at 6:52p.m.