

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**January 24, 2011**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, January 24, 2011 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

***Members Present***

Mayor Smith indicated for the record that Commissioners Cartwright, Ellison, Thweatt and Elsaesser were present. City Manager Ron Alles, Deputy City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Lorabelle Behlmer representing the Helena Citizens Council.

***Pledge of Allegiance***

Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

***Minutes***

The minutes of the regular City Commission meeting of January 10, 2011 were approved as submitted.

***Appointments***

**APPOINTMENTS:**

A. 2011 City Commission Board Appointments

Mayor Smith asked for Commission concurrence on the following Commission board appointments for 2011:

MAYOR PRO TEM

Paul Cartwright

ADA COMPLIANCE COMMITTEE

Two-year term – expires September 1, 2011  
James E. Smith

BOARD OF ADJUSTMENT

One year term - expires December 31, 2011  
Paul Cartwright

AUDIT COMMITTEE

One-year term - expires December 31, 2011  
James E. Smith  
Paul Cartwright  
Matt Elsaesser

BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS/HELENA PARKING COMMISSION

No specific term  
Dick Thweatt

CITY COUNTY ADMINISTRATION BUILDING BOARD OF DIRECTORS

One-year term - expires December 31, 2011  
Dick Thweatt  
City Manager Ron Alles - standing member

CITY-COUNTY BOARD OF HEALTH

No specific term  
James E. Smith

CITY-COUNTY PARKS BOARD

No specific term  
Dick Thweatt

CITY-COUNTY WEED BOARD

No specific term  
Matt Elsaesser

CIVIC CENTER BOARD

No specific term  
James E. Smith

HELENA CHAMBER OF COMMERCE LIAISON

No specific term  
Local Government Committee  
Dan Ellison

INFORMATION TECHNOLOGY COMMITTEE

No specific term  
Dan Ellison

INFRASTRUCTURE COMMITTEE

No specific term  
No appointment –

INTERGOVERNMENTAL TRANSIT COMMITTEE

One year term – expires December 31, 2011  
Paul Cartwright

MONTANA BUSINESS ASSISTANCE CONNECTION

No specific term  
Dan Ellison  
City Manager Ron Alles – standing member

MONTANA LEAGUE OF CITIES AND TOWNS

No specific term  
James E. Smith

NON-MOTORIZED TRAVEL ADVISORY BOARD

One year term – Expires December 31, 2011  
Paul Cartwright

PRE-RELEASE SCREENING COMMITTEE

No specific term  
Dan Ellison

PUBLIC ART COMMITTEE

No specific term  
Matt Elsaesser

TRANSPORTATION COORDINATING COMMITTEE

One year term - expires December 31, 2011

Dick Thweatt

Matt Elsaesser

Public comment Mayor Smith asked for public comment, none was received.

**Motion** Commissioner Ellison moved approval of the 2011 Commission Board Appointments as outlined above. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Acceptance of the 2011 Urban and Community Forestry Grant Agreement – City of Helena Program Development Project Grant

City Manager Ron Alles recommended approval of the claims and the consent agenda.

Public Comment Mayor Smith asked for public comment, none was received.

**Motion** Commissioner Ellison moved approval of items A and B on the consent agenda. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Cartwright spoke about responsibility in relation to health care costs. Health insurance costs for city employees are going up. He commented that if forced to choose he would fully fund healthcare for city employees instead of giving a cost-of-living raise this year. He then spoke of issues related to creating a national healthcare program and the responsibility of Americans to obtain insurance.

Commissioner Cartwright discussed water quality in Lewis & Clark County and a recent accusation that the City of Helena is the biggest polluter in the valley. He disagreed with the accusation and asked City Manager Alles to report on ways the city could cut down on its discharge from the wastewater treatment plant. He noted an obvious way to decrease the city's load would be to stop taking and treating sewage brought in by private septic haulers.

Commissioner Elsaesser spoke in support of consent agenda item B.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
No report was given.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
City Manager Alles stated the city does have contingency plans if the wastewater plant were required to reduce its discharge amount. He commented the city is a very good steward of the community's water and wastewater systems and will continue to be by working with the Environmental Protection Agency and Department of Environmental Quality.

**Report from the  
Helena Citizens  
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Lorabelle Behlmer reported the election of officers for 2011 will be held at the HCC meeting on Wednesday, January 26, 2011.

**Public Hearings**

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION AUTHORIZING THE SALE OF SURPLUS REAL PROPERTY LOCATED AT 1103 HELENA AVENUE.

Staff Report

The City Commission passed a resolution of intention authorizing the sale of surplus property on January 10, 2011. The Peak Health Realty owns the property at 1103 Helena Avenue and has requested that the City sell it a parcel of adjacent property. The adjacent property has been used for many years as part of the parking lot for the current and several prior businesses. Peak Health would like to obtain clear title to the adjacent property.

Staff recommends that the City declare parcel number 1888-30-1-17-35-0000, described as Lots 30-32 in the Lockey Subdivision, to be surplus real property. The property will be sold to the highest bidder for a minimum price of \$6 per square foot. This property contains approximately 1,975 square feet, which would result in a minimum bid of \$11,850.00, based on the current market value of Peak Health Realty's property and adjacent properties.

Staff notified all property owners within 300 feet of the property proposed for sale and advertised twice in the local paper in accordance with City Ordinance §1-14-17.

Mr. Jorgenson recommended approval of the resolution as the city would pay less in assessments if the property were disposed of, and sale of the property would provide income to the city.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

**Motion**

**Commissioner Thweatt moved approval for a resolution authorizing the sale of surplus property.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #19809**

- B. CONSIDER AN ENLARGEMENT OF THE CITY'S WATER SERVICE AREA TO INCLUDE TRACT 1-A OF COS#493879/E, GENERALLY LOCATED SOUTH OF YORK ROAD AND WEST OF TIZER DRIVE.

Staff Report

Community Development Director Sharon Haugen reported Helena School District #1 (HSD) has made application to the city to enlarge its Water Service Area to include their property located at 2690 York Road, known as Warren School, legally described as Tract 1-A of COS# 493879/E located in Section 11, T10N, R3W, Lewis and Clark County, Montana. The property is not adjacent to any city water mains, but lies about one mile north of the Missouri River Water Treatment Facility which is currently in the City's Water Service Area. The Helena School District #1, Warren School campus is approximately 10 acres. It is their intention to bring the school up to state standards for fire flows

and to accommodate a building sprinkler system in the future. The infrastructure of the well serving the property is also failing at this time, however it has not affected the sanitary or quality of the water being drawn.

Section 6-5-4 of the Helena City Code sets out the requirements for consideration of the enlargement of the water and/or wastewater service area. The conditions in the agreement will govern any further development of the property, will ensure that further development be built to the appropriate standards and will guarantee that the new system being added to the water system is constructed to the appropriate standards and plumbing codes.

This proposal will allow the subject property to eliminate their well water supply and move to the City of Helena water supply, which will meet higher fire flows and allow for a building sprinkler system. The conditions outlined in the agreement would prevent any further development of the property without review and approval from the City Commission. The Water Service Area enlargement would increase efficiency for water usage and treatment for Warren School. It would also help decrease electrical use for the school as the well would no longer be the source for their domestic water supply.

#### Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Kali Wicks, Department of Commerce- Quality Schools Program; introduced the Quality Schools Program and spoke of possible grants for local schools.

John Carter, Helena School District; gave an overview of Warren School and the issues related to the school's water system. He urged the Commission to support the request for enlargement of the city's water service area.

Dr. Bruce Messinger, Superintendent of Schools; spoke in support of the proposal and urged the Commission to approve the request for enlargement.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

#### Motion

**Commissioner Elsaesser moved approval for the enlargement of the City of Helena Water Service Area to include all of Tract 1-A of COS# 493879/E located in Section 11, T. 10 N, R 3 W, Lewis and Clark County, Montana, and to enter into an Agreement for the Enlargement of the Water Service Area in accordance with City Ordinance.** Commissioner Ellison seconded the motion.

#### Discussion

Commissioner Cartwright asked if increased fire suppression is necessary if the school is expanded. Mr. Carter stated yes, under the current building codes. The building codes in existence when the school was built did not require it. Commissioner Cartwright asked what triggered the need for the proposed fire suppression system. Mr. Carter explained HSD was notified of the requirements when looking into expanding the school. Commissioner Cartwright asked for more information on the amount of students. Mr. Carter explained there are more students that reside in the attendance area than there is room for; attendance levels are published and depend on grade level.

Commissioner Cartwright commented realtors should've informed people moving into the area that the school is at capacity. He

asked for more information on the park in the area. Mr. Carter stated the park was created through a partnership with Lewis & Clark County and is irrigated by a well that is sufficient.

Commissioner Elsaesser asked if a separate well is used for the school and park. Mr. Carter stated yes and noted irrigation for the park would continue to be provided by the existing well and not the proposed city water line.

Commissioner Elsaesser spoke to concerns about valley growth, water quality and the cost to city residents. He commented city and county residents both pay into school taxes and indicated he would support the request for enlargement.

Commissioner Ellison expressed concern for the late relay of information on alternatives to installation of a city water line for the water system at Warren School. He also expressed concern for extending city services so far outside of the proposed urban services boundary. However, the extension of city services is in the best interest of the community and makes the most sense. He indicated he would support the request for enlargement.

Commissioner Thweatt stated this is a tough decision and read a prepared statement explaining why he would regretfully not support the expansion. Until the city and county identify areas where growth is most efficient and sustainable, and the county adopts zoning to implement that plan, the city doesn't know where infrastructure should be extended. Once that plan is implemented, he would consider supporting a special extension of city services, such as this proposal. His written comments are included in the Commission packet as part of the official record.

Commissioner Cartwright stated people are moving into rural areas and expecting urban services. He spoke of growth and the need for a policy to address the proposed extension. He urged the HSD to minimize costs by drilling a well to take care of potable water issues and apply for a grant from the Department of Commerce in 2013 to further reduce those costs. Hopefully by then the city will have a policy for these kinds of situations in place and could grant the extension. He stated he would not support the extension.

Mayor Smith indicated he would vote against the extension as he doesn't feel it's what is right for city taxpayers. In the absence of a policy and growth plan between the city and county, he can't support the proposal.

**Vote**

Motion failed 2-3, with Mayor Smith and Commissioners Cartwright and Elsaesser voting no.

**State of the City  
Address****STATE OF THE CITY ADDRESS**

Mayor Smith presented the 2011 State of the City Address. A copy of the address is included in the Commission packet as part of the official record.

Mayor Smith's brother, Mr. Brian Smith, performed "My Darling Hometown" by John Prine, to conclude the address.

**Public  
Communications****PUBLIC COMMUNICATIONS**

Dr. Messinger, HSD, thanked the Commission for considering the School District's request and thanked city staff for their work on the project.

***Meetings of  
Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is February 9, 2010 and the next Commission Meeting is February 14, 2010.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 7:08 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission