

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 19, 2013
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 19, 2013 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 Elsaesser, Ellison, and Haque-Hausrath were present. Commissioner Thweatt was excused. City Manager Ron Alles, City Attorney Jeff Hindoien and Deputy City Clerk Robyn Brown were present. Others present were Mary DuVernay 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 August 5, 2013 were approved as submitted.

Proclamation PROCLAMATION:
A. Centennial Park Day

Mayor Smith read the proclamation designating August 21st as Centennial Park Day. Parks & Recreation Director Amy Teegarden accepted the proclamation and gave an overview of the construction of the park and the re-dedication ceremony being held on the 21st.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Transfer of City of Helena property, bulletproof vest, to the Bozeman Police Department.
C. Acceptance of the 2012-2013 USDOT Hazardous Materials Emergency Preparedness (MHEP) Training Grant in the amount of \$9,500.
D. Final passage of ordinance No.3185 zoning to B-2 (General Commercial) District property generally located west of McHugh Lane and north of Custer Avenue.
E. Final passage of Ordinance No. 3186 for a zone change from R-3-T#25 (Residential) to PLI (Public Lands and Institutions) District for 1302 Chestnut Street.

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 through E on the consent agenda. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Ellison gave an overview of the Fiscal Year 2013 Annual Report compiled by the Helena Pre-Release Center. The Commission commended the Pre-Release Center for its successful operation and positive relationship with community.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. Retirement of John Hinshaw

City Manager Alles reported Addressing Coordinator John Hinshaw is retiring from the City/County Information and Technology Services (IT&S) Department after 13 years of service. IT & S Director Art Pembroke thanked Mr. Hinshaw for his work and gave an overview of the many projects worked on by Mr. Hinshaw.

B. Retirement of Brandt Salo

Manager Alles further reported Chief Building Official Brandt Salo would be retiring his position effective August 30th. Community Development Director Sharon Haugen thanked Mr. Salo for his service to the City of Helena and announced an open house celebrating his retirement will be held August 29th.

Mayor Smith and the Commission members thanked Mr. Hinshaw and Mr. Salo for their service and wished them well in their retirement.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was given.

Regular Items

REGULAR ITEMS:

A. CONSIDER A RESOLUTION ANNEXING INTO THE CITY OF HELENA TRACTS A1 AND B2 SHOWN ON CERTIFICATE OF SURVEY NO. 3203658, AND THE FULL WIDTH OF THE CUSTER AVENUE, INTERSTATE 15, AND NEW FRONTAGE ROAD RIGHTS-OF-WAY, ALL IN LEWIS AND CLARK COUNTY, MONTANA.

Staff Report

Manager Alles reported the applicant has requested this item be tabled.

Motion

Commissioner Ellison moved to table a resolution annexing into the City of Helena Tracts A1 and B2 shown on COS No. 3203658, and the full width of the Custer Avenue, Interstate 15 and new Frontage Road Rights-of-Way, all in Lewis & Clark County, Montana to the call of the City Manager. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

- B. CONSIDER ACCEPTING TWO DEDICATIONS TO THE CITY OF HELENA OF PROPERTY FOR PUBLIC IMPROVEMENTS, ONE FOR RIGHT-OF-WAY AND THE OTHER FOR A UTILITY PARCEL.

Staff Report

Manager Alles reported the applicant has requested this item be tabled.

Motion

Commissioner Ellison moved to table accepting two dedications to the City of Helena of property for public improvements, one for right-of-way and other for a utility parcel to the call of the City Manager. Commissioner seconded the motion. All voted aye, motion carried.

- C. CONSIDER NO PARKING ON THE EAST SIDE OF EXPEDITION TRAIL NORTH OF PTARMIGAN LANE ADJACENT TO THE SKELTON PARK IN THE SKELTON SUBDIVISION.

Staff Report

City Engineer Ryan Leland reported Expedition Trail is a City street built to City standards of 27-feet wide from face of curb to face of curb. Parking is allowed on both sides of the street on the north/south section of Expedition Trail, but parking is only allowed on the north side of the street where Expedition Trail turns east/west. A new playground has been installed in proximity to Expedition Trail in the Skelton Park, where park goers frequently park on Expedition Trail to access the playground.

The residents at 877 Expedition Trail have requested that a portion of the parking opposite their driveway be removed from the east side of Expedition Trail adjacent to the park. The residents have difficulty accessing their driveway when vehicles are parked on the east side of Expedition Trail.

Mr. Leland noted staff had no recommendation on the proposal.

Discussion

Commissioner Ellison asked for the width of the driving lane. Mr. Leland explained the street is not striped but is 27-feet wide and intended for 10-foot wide driving lanes, with 3 ½ feet for parking. Commissioner Haque-Hausrath asked if there is a formal policy for removing parking and setting up “resident only” parking from/for an area. Mr. Leland explained it is done on a case-by-case basis. Manager Alles added he is currently performing a comprehensive review of all of the “resident only” parking districts.

Public comment

Mayor Smith called for public comment.

Patricia Stout, applicant; spoke in support of the proposal.

Comment

Mayor Smith, Commissioner Ellison and Commissioner Elsaesser indicated they would support the installation of yellow curbing over designating the area as “resident parking only”. Commissioner Haque-Hausrath expressed concern over eliminating parking in front of the park as it would limit access to the public property and create a potentially dangerous situation by forcing families to cross the street to enter the parkland.

Motion

Commissioner Elsaesser moved denial for the removal of parking on the east side of Expedition Trail opposite the driveway located at 877 Expedition Trail. Commissioner Haque-Hausrath seconded the motion.

Commissioner Elsaesser stated he would like the Parks Board to weigh in on the proposal. Commissioner Haque-Hausrath spoke of the value of creating a policy related to these proposals. Commissioner Ellison recommended tabling the agenda item to allow further review of the request.

Motion withdrawn

Commissioner Elsaesser withdrew the above motion for denial.

Motion

Commissioner Elsaesser moved to table the removal of parking on the east side of Expedition Trail opposite the driveway located at 877 Expedition Trail to the call of the City Manager. Commissioner Ellison seconded the motion. All voted aye, motion carried.

- D. CONSIDER A RIGHT-OF-WAY USE AGREEMENT WITH VISION NET, INC. FOR THE INSTALLATION OF FIBER OPTIC CABLE ROUTE BETWEEN VISION NETS POINT-OF-PRESENCE (POP) AT THE HUSTAD CENTER ON HELENA AVENUE AND THE VERIZON MOBILE TELEPHONE SWITCHING OFFICE (MTSO) LOCATION NEAR THE HELENA AIRPORT.

Staff Report

City Engineer Ryan Leland reported Vision Net, Inc. is a Montana company that presently provides a wide range of video conferencing, network and support services to its customers. One of the services that it provides is data transport services, and the fiber optic cable route is intended to support and enhance Vision Net's provision of those data transport services to Verizon.

Vision Net, Inc. is requesting the grant and approval of a Right-of-Way Use Agreement under Helena City Code § 7-13-5 to install the fiber optic route as described above. The purpose of the cable route is to provide a redundant path for the transport of Verizon communication traffic, and the proposed route commences at Vision Net's POP at the Hustad Center on Helena Avenue and terminates at Verizon's MTSO located south of the Helena Airport on Bozeman Avenue. A majority of the cable route is planned to be buried and placed at a minimum depth of 36" in conduit, installed by means of directional boring (which should mean limited or non-existent traffic disruption), and the remaining portion of the route will be placed on overhead aerial.

Mr. Leland noted staff had no recommendation on the proposal.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Haque-Hausrath moved approval of a Right-of-Way Use Agreement to Vision Net, Inc. for the installation of a fiber optic cable route between the Hustad Center on Helena Avenue and the Verizon MTSO located on Bozeman Avenue. Commissioner Ellison seconded the motion. All voted aye, motion carried.

- E. CONSIDER A TRAFFIC CONTROL CHANGE ON N. SANDERS STREET AND TOWNSEND AVENUE BETWEEN LIVINGSTON AVENUE AND N. HARRIS STREET TO ONE-WAY TRAFFIC WITH ANGLE PARKING ALONG THE WEST SIDE OF N. SANDERS STREET BETWEEN LIVINGSTON AVENUE AND TOWNSEND AVENUE AND ALONG THE SOUTH SIDE OF TOWNSEND AVENUE BETWEEN N. SANDERS STREET AND N. HARRIS STREET.

Staff Report

Transportation Engineer David Knoepke reported access to the area is currently two-way traffic with parallel parking on both sides of the street with the exception of the west side of N. Sanders Street where it is angle parking. Parking and traffic flow are concerns with the neighborhood, Helena College and the Helena School District. Parking demand has increased causing students to park illegally or randomly. Currently, Helena College owns all but two of the four properties along the north side of Townsend Avenue. One of the other owners is a friend of the College and is only in Helena during the summer and has no reservations with the proposed plan. The property on the east side of N. Sanders Street is also owned by the College. The property to the south of Townsend Avenue is owned by the Helena School District which is in full support of the proposed plan.

Helena College is requesting that Sanders Street and Townsend Avenue be changed to a single lane one-way with angle parking. The one-way will be southbound on N. Sanders Street beginning at Livingston Avenue and continue on Townsend Avenue east to Harris Street. The angled parking will be along the west side of N. Sanders Street between Livingston Avenue and Townsend Avenue and along the south side of Townsend Avenue between N. Sanders Street and N. Harris Street. As part of this proposal Helena College has agreed to install sidewalks along the north side of Townsend Avenue.

Mr. Knoepke noted staff had no recommendation on the proposal.

Public comment

Mayor Smith called for public comment.
Dean Bingham, applicant; spoke in support of the proposal.

Motion

Commissioner Ellison moved approval a traffic control change on N. Sanders Street and Townsend Avenue between Livingston Avenue and N. Harris Street to one way traffic with angle parking along the west side of N. Sanders Street between Livingston Avenue and Townsend Avenue and along the south side of Townsend Avenue between N. Sanders Street and N. Harris Street. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

- F. CONSIDER A RESOLUTION FOR THE ANNUAL TAX LEVY FOR FISCAL YEAR (FY) 2014.

Staff Report

Administrative Services Director Tim Magee reported as required by MCA 15-10-203 the City held a public hearing and subsequently adopted a resolution to budget additional property tax revenue on June 10, 2013. The City Commission adopted the final budget on June 24, 2013. MCA 7-6-4036 requires the City to fix the tax levy by the later of

the 1st Thursday in September (9/5/13) or within 30 calendar days after receiving certified taxable values. Certified taxable values were received August 5, 2013. September 4, 2013 is 30 days after receipt of certified taxable values. Therefore the later tax levy deadline is September 5, 2013. Newly taxable property growth was 1.90% last year and is 2.41% this year.

Under MCA 2-9-212, Group Health Insurance tax levies may include annual increases for insurance premiums and are not subject to the general purpose mill levy calculation limitations provided for in MCA 15-10-420. The FY 2014 budget provides for \$1,374,798, or 22.34 mills, to be levied for group health insurance premiums in 2013 for FY 2014, which includes \$102,485 for a premium increase as allowed under MCA 2-9-212. The FY 2014 budget provides for the full authorized tax levy to be levied.

Public comment Mayor Smith called for public comment; none was received.

Motion **Commissioner Haque-Hausrath moved approval of a resolution providing for the annual tax levy in mills for the fiscal year beginning July 1, 2013 and ending June 30, 2014.**

Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #20032**

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION VACATING THE FULL WIDTH OF THE BLAINE STREET RIGHT-OF-WAY BETWEEN BLOCKS 21 AND 22 IN THE BOYCE ADDITION IN THE CITY OF HELENA.

Staff Report

City Engineer Ryan Leland reported Westmoreland Company, Inc. is requesting that the above described portion of Blaine Street be vacated. The street is currently platted, but undeveloped, with private gas, fiber optic, telephone, and a City of Helena sewer main located in the existing right-of way.

Vacate the full width of Blaine Street between Blocks 21 and 22 of the Boyce Addition to develop a mail sorting and distribution facility. The applicant is proposing to provide a 20-foot wide easement for the sewer main plus any additional easements for the private utilities currently located platted right-of-way. The area of Blaine Street that is requested for the vacation is 12,000 square feet with an adjacent land value of \$2.24 per square foot for a total transfer fee of \$26,845. The adjacent land values are determined by the Montana Department of Revenue.

Mr. Leland noted staff had no recommendation on the proposal.

Public Testimony

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

Jeff Larson, representing the applicant; spoke in support of the proposal; however, he requested the fee associated with the vacation be reconsidered because of the property proposed to be given to the city.

Steve Netschert, 30 E. Lyndale, representing the applicant; urged the Commission to support the proposal.

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

Discussion Commissioner Elsaesser asked if it would be legal to waive the fee because of the easement and rights-of-way being given to the city. Manager Alles stated since the trade is equal waiving the fee would be appropriate.

Motion Commissioner Elsaesser moved approval of a resolution vacating the full width of the Blaine Street ROW between Blocks 21 and 22 in the Boyce Addition in the City of Helena, discounting the transfer fee on a per-square-foot-basis from newly acquired ROW between the vacated property on Billings Avenue and Blaine Street, not to exceed a net equal value for the city. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20031**

B. CONSIDER A RESOLUTION INCREASING WATER RATES UP TO 13.0% FOR ALL CUSTOMERS.

Staff Report Administrative Services Director Tim Magee reported each year the City Commission may adjust water rates for services or equipment to customers. The City's Financial Planning Policy resolution calls for funding of essential services, including providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components and annually reviewing rates to ensure adequate funding of operations, maintenance and debt; address and consider funding up to 50% of the annual CCIP schedule of capital project priorities; provide for part of or all of the impact of inflation; and make incremental rate changes that are regular and predictable for citizens.

The water rates include proposed increases as a result of the City Commission's CCIP and rate reviews. Approval of the resolution will establish rates to defray the costs of the water operating and capital systems.

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

Brian Kahn, 430 Monroe; spoke in support of a substantial increase in water rates in order to perform mitigation projects to protect the Tenmile flume from wildfire.

Greg Nash, 1000 Logan Street; spoke in opposition to a rate increase of 13%.

Steve Berry, 1631 Jerome Place; spoke against the proposed rate increase.

James Pankosht, 1450 Poplar Street; spoke against pay increases for city employees.

Allen Cormany, 3759 Travertine Way; commented a water rate increase of 13% is too high.

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

Motion Commissioner Ellison moved approval of a resolution increasing water rates by 5% for all customers of the City of Helena water system. Commissioner Elsaesser seconded the motion.

Comment Commissioner Ellison thanked members of the public that provided public comments at tonight's hearing. He stated his proposition of 5% would provide funding towards capital improvements and Tenmile

Flume mitigation projects and listed notable water rate increases approved by the Commission over the past 25 years.

Commissioner Haque-Hausrath noted she would support an increase slightly higher than 5% in order for more fire mitigation projects to be accomplished.

Friendly amendment

Commissioner Elsaesser offered a friendly amendment that 2% of the increase be used for Tenmile Watershed mitigation projects. Commissioner Ellison accepted the amendment.

Vote

Motion carried 3-1, with Commissioner Haque-Hausrath voting no. **Res #20033**

C. CONSIDER A RESOLUTION SETTING WATER CHARGES FOR ALL CUSTOMERS.

Staff Report

Administrative Services Director Magee reported each year the City Commission may adjust water charges for services or equipment to customers. The water services and equipment charges include recommended increases to cover the costs of providing such to customers and approval of the proposed resolution will set charges to defray those costs.

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 Elsaesser moved approval of a resolution setting water charges for all customers of the City of Helena water system. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20034**

D. CONSIDER A RESOLUTION INCREASING WASTEWATER RATES UP TO 4.0% FOR ALL CUSTOMERS.

Staff Report

Administrative Services Director Magee reported each year the City Commission may adjust wastewater rates for services or equipment to customers. The City's Financial Planning Policy resolution calls for funding of essential services, including providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components and annually reviewing rates to ensure adequate funding of operations, maintenance and debt; address and consider funding up to 50% of the annual CCIP schedule of capital project priorities; provide for part of or all of the impact of inflation; and make incremental rate changes that are regular and predictable for citizens.

The wastewater rates include proposed increases as a result of the City Commission's CCIP and rate reviews. Approval of the resolution will establish rates to defray the costs of the wastewater operating and capital systems.

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 Haque-Hausrath moved approval of a resolution increasing wastewater rates up to 4.0% for all customers of the City of Helena Wastewater System.** Commissioner Elsaesser seconded the motion.

Comment Commissioner Ellison noted he would be more comfortable with an increase of 3% as it would match inflation and provide an additional 1% increase. Mayor Smith concurred with Commissioner Ellison. Commissioner Haque-Hausrath spoke of the importance of funding the wastewater system properly.

Vote **All voted aye, motion carried. Res #20035**

E. CONSIDER A RESOLUTION SETTING WASTEWATER CHARGES FOR ALL CUSTOMERS.

Staff Report Administrative Services Director Magee reported each year the City Commission may adjust wastewater charges for services or equipment to customers. The wastewater services and equipment charges include recommended increases to cover the costs of providing such to customers and approval of the proposed resolution will set charges to defray those costs.

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 Elsaesser moved approval of a resolution setting wastewater charges for all customers of the City of Helena Wastewater System.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20036**

F. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR FISCAL YEAR 2014.

Staff Report Administrative Services Director Magee reported on April 20, 2009, the City Commission passed Resolution #19644 which created the TBID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the TBID to submit its annual budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget.

Approval of the resolution allows for the assessment to be placed on the 2013 tax bills of the properties within the district and will fund the TBID's operations for FY2014.

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 Ellison moved approval of a resolution levying an assessment for the TBID for FY2014.** Commissioner

Elsaesser seconded the motion. All voted aye, motion carried. **Res #20037**

- G. CONSIDER A RESOLUTION APPROVING THE PROPOSED WORK PLAN AND BUDGET OF THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported state law requires the Commission's approval of the TBID's budget and work plan, following approval of the resolution authorizing the assessment to be placed on the tax bills of the properties within the district.

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 Ellison moved approval of the work plan and budget of the TBID for FY2014. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20038**

- H. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT UPON ALL PROPERTIES IN THE SPECIAL STREET LIGHTING DISTRICTS FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported each year the Commission must levy assessments on the Special Street Lighting Districts in order for the assessments to be placed on the upcoming tax bills of the properties within the districts.

Approval of the proposed resolution will allow the city to levy an assessment on all properties within the Special Street Lighting Districts to defray the costs in those districts.

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 Haque-Hausrath moved approval of a resolution levying an assessment upon all properties in the Special Street Lighting Districts for FY2014. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #20039**

- I. CONSIDER A RESOLUTION ESTABLISHING CHARGES FOR COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE IN THE CITY OF HELENA, MONTANA, FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported the City's Financial Planning Policy resolution calls for funding of essential services, including providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components and annually reviewing rates to ensure adequate funding of operations, maintenance and debt; address and consider funding up to 50% of the annual CCIP schedule of capital project priorities; provide for part of or

all of the impact of inflation; and make incremental rate changes that are regular and predictable for citizens.

The proposed resolution will set charges to fund the residential sanitation operating and capital systems for FY2014. The annual charges approved by the Commission will be placed on the calendar year 2013 property tax bills.

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 Ellison moved approval of a resolution establishing a 2% increase in charges for collection and disposal of residential garbage and refuse in the City of Helena, Montana for FY2014. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20040**

J. CONSIDER A RESOLUTION LEVYING AND ASSESSING A TAX ON ALL PROPERTIES IN THE SPECIAL IMPROVEMENT DISTRICTS TO DEFRAY THE COST OF MAINTAINING IMPROVEMENTS FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported each year the Commission must levy assessments on the Special Improvement Districts in order for the assessments to be placed on the upcoming tax bills of the properties within the districts.

Approval of the proposed resolution will allow the city to levy an assessment on all properties within the Special Improvement Districts to defray the costs of maintaining improvements.

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 Elsaesser moved approval of a resolution levying and assessing a tax on all properties in special water, sewer and paving improvement districts to defray the cost of maintaining improvements in said special improvement districts for FY2014. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20041**

K. CONSIDER A RESOLUTION AMENDING THE BOUNDARIES AND LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE STORM WATER UTILITY DISTRICT FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported each year the Commission must levy assessments on the Storm Water Utility District in order for the assessments to be placed on the upcoming tax bills.

Approval of the proposed resolution will allow the city to levy an assessment on all properties within the Storm Water Utility District to defray the cost of operations.

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 Elsaesser moved approval of a resolution amending the boundaries and levying an assessment upon all property in the Storm Water Utility District by 3% for FY2014.**

Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20042**

L. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION, AMENDING THE BOUNDARIES AND LEVYING AND ASSESSING THE ANNUAL CHARGE FOR STREET MAINTENANCE DISTRICT #1 FOR FISCAL YEAR 2014.

Staff Report Administrative Services Director Magee reported each year the Commission must levy assessments on Street Maintenance District #1 in order for the charges to be placed on the upcoming tax bills.

Approval of the proposed resolution will allow the city to levy an assessment on all properties within Street Maintenance District #1 to defray the cost of operations.

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 Elsaesser moved approval of a resolution specifying the assessment option, amending the boundaries and levying and assessing the annual charge by 3.5% for Street Maintenance District #1 for FY2014.** Commissioner Haque-Hausrath seconded the motion.

Comment Mayor Smith and Commissioner Ellison recommended an increase of 2%. Commissioner Ellison noted due to larger increases in this district in the past, a more modest increase in FY14 of 2% is appropriate.

Vote Motion failed 2-2, with Mayor Smith and Commissioner Ellison voting no.

Motion **Commissioner Elsaesser moved approval of a resolution specifying the assessment option, amending the boundaries and levying and assessing the annual charge by 2% for Street Maintenance District #1 for FY2014.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20043**

M. CONSIDER A RESOLUTION AMENDING THE BOUNDARIES AND LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2014.

Staff Report Administrative Services Director Magee reported each year the Commission must levy and assess an annual charge on Open Space

Maintenance District No. 1 in order for the charge to be placed on the upcoming tax bills.

Approval of the proposed resolution will allow the city to levy an assessment on all properties within Open Space Maintenance District No. 1 to defray the cost of operations.

Public Testimony

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

Andy Bauer, Prickly Pear Land Trust; spoke in support of the proposed increase of \$3.00.

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

Motion

Commissioner Haque-Hausrath moved approval of a resolution amending the boundaries and levying an assessment upon all property in the Open Space Maintenance District No.1 for FY2014 by \$3.00. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20044**

N. CONSIDER A RESOLUTION APPROVING THE PROPOSED WORK PLAN AND BUDGET OF THE BUSINESS IMPROVEMENT DISTRICT (BID) FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported on August 9, 2010, the City Commission adopted a resolution creating the BID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the BID to submit its annual budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget.

Approval of the BID's budget and work plan is required by state law.

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 Elsaesser moved approval of a resolution approving the proposed work plan and budget of the BID for FY2014. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20045**

O. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT FOR THE BUSINESS IMPROVEMENT DISTRICT (BID) FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported on August 9, 2010, the City Commission adopted a resolution creating the BID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the BID to submit its annual budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget.

The BID is not requesting any change to the assessment methodology. Approval of the proposed resolution will levy an assessment upon the properties within the district and will fund the BID's operations for FY14.

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 Haque-Hausrath moved approval of a resolution levying an assessment for the BID for FY2014.

Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #20046**

P. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE URBAN FOREST MANAGEMENT DISTRICT FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported each year the Commission must levy and assess an annual assessment on the Urban Forest Management District in order for the assessment to be placed on the upcoming tax bills.

Approval of the proposed resolution will allow the city to levy an assessment on all properties within the Urban Forest Management District to defray the cost of operations.

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 Haque-Hausrath moved approval of a resolution levying an assessment upon all property in the Urban Forest Management District for FY2014.

Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20047**

Q. CONSIDER A RESOLUTION LEVYING ASSESSMENTS FOR FISCAL YEAR 2014 FOR IMPROVEMENTS MADE TO PROPERTIES IN THE SIDEWALK IMPROVEMENT DISTRICTS.

Staff Report

Director Magee reported each year the Commission must levy assessments on the Sidewalk Improvement Districts in order for those assessments to be placed on the upcoming tax bills.

Approval of the proposed resolution will allow the city to levy assessments on all properties within each Sidewalk Improvement District to defray the cost of maintaining improvements.

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 Ellison moved approval of a resolution levying assessments for FY2014 for improvements of sidewalks, curbs, gutters and alley approaches in the City of Helena.

Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20048**

R. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2014.

Staff Report

Administrative Services Director Magee reported each year the Commission must levy and assess an assessment on all property in the Landfill Monitoring and Maintenance District in order for the assessment to be placed on the upcoming tax bills.

Approval of the proposed resolution will allow the city to levy an assessment on all properties within the Landfill Monitoring and Maintenance District to defray the costs of operations.

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 Elsaesser moved approval of a resolution levying an assessment upon all property in the Landfill Monitoring and Maintenance District for FY2014. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20049**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is September 4, 2013 and the next Commission Meeting is September 9, 2013.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission