

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 14, 2009
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, September 14, 2009 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 Peura and Shropshire were present. Commissioners Cartwright and Elsaesser were excused. Acting City Manager David Nielsen, Acting City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Dan Bernhardt 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 Monday, August 17, 2009 were approved as submitted.

Appointments

APPOINTMENTS:

- A. Board of Adjustment
- B. City/County Planning Board
- C. Non-Motorized Transportation Commission
- D. Zoning Commission
- E. City/County Parks Board

Mayor Smith asked for Commission concurrence on the following appointments:

City-County Planning Board - Reappointment of Fran Penner-Ray to a second term on the City-County Planning Board. Term will begin upon appointment and expire September 1, 2012.

Board of Adjustment - Appointment of Jim Enyeart to a first term on the Board of Adjustment. Term will begin October 2, 2009 and expire October 1, 2012. Appointment of Robert Bean as the alternate member on the Board of Adjustment. The unexpired term will begin on October 2, 2009 and expire October 1, 2011

City Zoning Commission - Reappointment of David Hansen to the City Zoning Commission. Second term will begin upon appointment and expire September 30, 2012. Reappointment of Timothy Meldrum as the alternate member on the City Zoning Commission. Second term will begin upon appointment and expire September 30, 2012.

City-County Parks Board - Reappointment of Peter Brown to the City-County Parks Board. Second term will begin upon appointment and expire September 30, 2012.

Non-Motorized Transportation - Appointment of Dave Dalthorp to the Non-Committee Motorized Committee as the HCC representative.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Peura moved approval of the appointments to the Board of Adjustment, City/County Planning Board, Non-Motorized Transportation Commission, Zoning Commission and City/County Parks Board as outlined above. Commissioner Shropshire seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Final passage of Ord. #3114 increasing the salaries of the members of the City Commission and Mayor of the City of Helena **Ord #3114**
- C. Utility bill insert - Utility Customer Service, water/wastewater rate increases
- D. Utility bill insert – Intermountain, Adoption & Family Support
- E. Acceptance of 100% State of Montana pass thru funding in the amount of \$44,167 and authorization to spend funds
- F. Resolution declaring certain personal property to be abandoned and unclaimed (bicycles) **Res #19663**
- G. Interlocal agreement between the Helena School District and the City of Helena for the development of the Kessler School Park
- H. Project Incentive Agreement with Northwestern Energy for the secondary blower heat recovery project at the Wastewater Treatment facility
- I. FY2010 America Recovery and Reinvestment Act contract for the Helena Area Transit Service
- J. Resolution authorizing participation in the State of Montana, Board of Investment's INTERCAP Revolving Program to borrow \$207,000 to fund improvements at the Bill Roberts Golf Course **Res #19664**
- K. Resolutions of intention to levy and assess annual charges on the following for fiscal year 2010:
 - 1. Open Space Maintenance District **Res #19665**
 - 2. Sidewalk Improvement Program **Res #19666**
 - 3. Special Improvement Districts (SID's) **Res #19667**
 - 4. Storm Water Utility **Res #19668**
 - 5. Street Lighting Districts **Res #19669**
 - 6. Street Maintenance District #1 **Res #19670**
 - 7. Tree Planting and Maintenance District **Res #19671**
- L. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Tourism Business Improvement District (TBID) for fiscal year 2010 **Res #19672**
- M. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Business Improvement District (BID) for fiscal year 2010 **Res #19673**
- N. Resolution of Intention to establish charges and consider a fee increase up to 3% for collection and disposal of residential garbage and refuse in the City of Helena, Montana, for fiscal year 2010 **Res #19674**
- O. Resolution of Intention to increase water charges for all customers **Res #19675**
- P. Resolution of intention to increase water rates up to 1% for all customers **Res #19676**

- Q. Resolution of intention to increase wastewater rates up to 14% for all customers **Res #19677**
- R. Resolution of intention to increase wastewater charges for all customers **Res #19678**
- S. Resolution of intention to amend the Fiscal Year 2010 General and SID Revolving Fund budgets and authorize a transfer from the SID Revolving Fund to provide \$75,000 in contingency funding for tree removal and restoration projects **Res #19679**

Acting City Manager David Nielsen recommended approval of the claims and the consent agenda.

Commission comment Commissioner Peura referred to Item I and asked when construction of the new transit center would begin? Manager Nielsen stated the request for bids would go out at the end of September; the bid should be awarded by the end of October.

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

Motion **Commissioner Peura moved approval of items A through S on the consent agenda.** Commissioner Shropshire seconded the motion. All voted aye, motion carried.

Bid Award BID AWARD:
A. One 12-cubic yard dump truck for the Street Maintenance Division

Staff Report Fleet Manager Ed Robinson reported bids were received for one (1) new 12-cubic yard dump truck to replace unit #312, a 1990 GMC 5-yard dump truck. The low bid that met specifications was received from Motor Power. The low bidder did not meet specifications for engine and several other smaller items. A summary of the bids was included in the staff report. Motor Power bid a 2010 Kenworth Model T470 with a Crysteel body at a cost of \$107,430. The FY10 Budget appropriation for this unit is \$128,000.

Manager Robinson recommended the purchase of the proposed unit at a bid price of #107,430 for the replacement of existing unit #312. He noted unit #312 would be sold at auction this fall. The purchase of the unit will allow the city to continue to upgrade its Street Maintenance fleet providing reliable equipment and reducing maintenance and fuel costs.

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

Motion **Commissioner Peura moved to award the bid to Motor Power for one (1) new 12-yard dump truck for the bid price of \$107,430.** Commissioner Shropshire seconded the motion. All voted aye, motion carried.

B. One new transfer trailer for the Solid Waste Division

Staff Report Manager Robinson reported bids were received for one (1) new transfer trailer to replace unit #231, a 2004 Wilkens Loadrunner transfer trailer. The low bid was received from Wilkens Industries for a 2010 Wilkens Loadrunner. A summary of the bids was included in the staff

report. Wilkens Industries bid after trade was \$53,817. The FY10 budget appropriation for replacement of the unit was \$55,000.

Manager Robinson recommended approval of the purchase as it would allow the city to continue to upgrade its Solid Waste fleet providing reliable equipment and reducing maintenance costs.

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

Motion **Commissioner Shropshire moved to award the bid to Wilkens Industries for one (1) new transfer trailer for the bid price of \$53,817.** Commissioner Peura seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Peura spoke of community excitement for the Centennial Trail Project. He also discussed the proposed Complete Streets Ordinance.
Mayor Smith spoke of a fire in the north valley. Fire Chief Steve Larson briefed the Commission on the fire.

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

Report of the City Manager REPORT OF THE CITY MANAGER
Acting Manager Nielsen reported the Helena Symphony has expressed a desire to apply for the Cultural Trust Grant with the city as the governmental sponsor; there would be no fiscal involvement by the city. There was Commission consensus to sponsor the grant.

Report from the Helena Citizens Council REPORT FROM THE HELENA CITIZENS COUNCIL
HCC member Dan Bernhardt reported the HCC will be hosting a reception for the finalists for the position of City Manager at the Chamber of Commerce Building at 6:00pm on Thursday, September 17, 2009.

GCCTF Action Plan CONSIDER ACCEPTANCE OF THE HELENA CLIMATE CHANGE TASK FORCE ACTION PLAN 2009.

Staff Report Administrative Services Director Tim Magee reported the Global Climate Change Task Force (GCCTF) was established by Resolution #19530. The Task Force has completed their assignment, represented by their formal Action Plan.
Director Magee noted upon receipt of the report the City Commission would typically accept the report and direct staff to study the cost/benefit potential of recommendations for implementation:

- through awareness training;
- within existing budget constraints;
- identify requirements for additional funding sources; and,
- identify requirements for added staffing.

GCCTF Chair Stan Bradshaw gave a power point presentation outlining the logistics, content and range of the Action Plan. The Plan is available on the city's website.

Construction of the residence has commenced and a building permit was issued to hook into the city sewer main on Lea Street.

Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the resolution of annexation.
The applicant has paid his taxes in full.

Completion of Conditions: The annexation conditions must be completed within one (1) year of the date of approval of the proposed resolution. The property owners must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the city is under no obligation to annex the property and may discontinue city services to the property.

Mr. Ramoie recommended approval of the proposal as it is consistent with city policy and consistent with the policy of annexing properties served by city infrastructure.

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

Motion Commissioner Shropshire moved approval of a resolution annexing property legally described in the resolution and that portion of County Club Avenue and Lea Street adjacent thereto, all in Lewis & Clark County, into the City of Helena, Montana, and extend services to the property as shown on Exhibit "A".
Commissioner Peura seconded the motion. All voted aye, motion carried. Res #19680

Open Lands Grant CONSIDER ACCEPTANCE OF THE LEGRANDE FOREST ECOSYSTEM HEALTH RESTORATION AND FOREST FUELS TREATMENT GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE.

Staff Report Natural Resources Coordinator Brad Langsather reported this project is to proactively manage the ponderosa pine stocked portions of the City of Helena's Parks & Open Lands Le Grande Cannon Boulevard area, for the purpose of restoring forest health to an ecosystem that has been adversely affected by the mountain pine beetle epidemic. The principle goal of the project would be to increase the resiliency of the retained trees to insect and disease infestations while concurrently creating forest ecosystem conditions that are more sustainable in the event of a wildfire occurrence. This project and grant opportunity is listed in the Open Lands Fuel Removal & Restoration Plan that was approved by the City Commission in August 2009.

The HOLMAC forestry subcommittee identified this area as a "high priority" for immediate treatment. As a result, city staff identified several treatment units (approximately 100 acres) within the Le Grande Cannon area where there is an immediate need to implement management practices that will reduce forest fuels, consequentially creating a safer working environment for firefighters involved in the suppression of a potential wildfire. The strategic location of this project will help create a "fuel break" by abutting the 2008 west-side Mt. Helena fuels treatment area boundary and will also connect to the proposed east-face Mt. Helena fuels treatment area.

The proposed treatment area will involve the harvest of all mountain pine beetle infested trees with the exception of those beetle-killed trees retained for wildlife habitat (snag trees); combined with the thinning of live, un-infested trees on an approximated 15-20 foot tree crown to tree crown spacing. Additional forest fuels modification work will involve the pruning of lower limbs to a height of 6 feet on those trees 20 feet tall and greater, and a pruning to a height equal to 1/3 of the total tree height on those trees less than 20 feet in total height.

Coordinator Langsather recommended approval of the project as it would reduce the risk of an uncontrollable crown fire approaching the city from the northern portion of Mount Helena City Park while concurrently restoring an ecosystem that has been misbalanced due to the extensive proliferation of coniferous tree growth.

- Discussion** Commissioner Shropshire asked if the project would include the use of motorized equipment? Coordinator Langsather stated yes and explained a machine would be used to chip the cut waste material and the trees that are too large to chip will be transported down the mountain using a rubber-tired type of vehicle.
- Public comment** Mayor Smith called for public comment.
Dan Bernhardt; urged the Commission to accept the grant.
Sarah Carlson, HOLMAC; confirmed HOLMAC is in support of the project and grant.
M.C. Beeby, 1620 Townsend; noted the City/County Parks Board supports the proposed project and grant.
- Commission comment** Mayor Smith and Commissioners Peura and Shropshire spoke in support of the project. Acting Manager Nielsen commented on a recent field trip to the area and how necessary this forest fuel treatment program is.
- Motion** **Commissioner Shropshire moved to accept the Le Grande Forest Ecosystem Health Restoration and Forest Fuels Treatment Grant from the United States Department of Agriculture.**
Commissioner Peura seconded the motion. All voted aye, motion carried.
- Public Hearings** PUBLIC HEARING:
A. CONSIDER A RESOLUTION AMENDING CRYSTAL SPRINGS SUBDIVISION SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 207 TO ADD ANOTHER LIGHT AT THE CORNER OF GREEN MEADOW DRIVE AND BROOKFIELD DRIVE IN THE CITY OF HELENA, MONTANA.
- Staff Report** City Controller Glenn Jorgenson reported the City Commission passed a resolution of intention to amend light district No. 207 on August 3, 2009. Owners of 55% of the property within the light district submitted a petition requesting an amendment to add one additional light at the corner of Green Meadow Drive and Brookfield Drive as shown on Exhibit "A" (43 out of 77 property owners).
The cost of the additional light which will be \$28.90 per month with a yearly cost of \$349.80. This equals \$.0046 per square foot of property. The light will be on a 14 foot fiberglass or metal pole with a 14 foot mounting height and glass enclosed cut-off luminaries with a 100

watt high pressure sodium vapor lamp that matches the lights currently installed. This light is dark skies compliant.

City staff mailed notice to each property owner with a copy of the public hearing notice. The City Clerk's office received two protests amounting to 3.12% of the total property within the light district.

Mr. Jorgenson recommended approval of the resolution as the addition of one light will make the entrance more visible and safety will be enhanced in the subdivision.

Commission comment Commissioner Shropshire expressed concern for just over 50% support for the proposal from the neighborhood. Commissioner Peura noted the affected property owners have been notified and there have been two opportunities for public comment.

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 Peura moved approval of a resolution amending Resolution #12054 that created special improvement lighting district No.207 in part of the Crystal Springs Subdivision, amending Resolution #19216 that amended Resolution #12054, and amending Resolution # 19333 that amended Resolution #12054 and #19216, to add another light in SLD No. 207 in the Crystal Springs Subdivision in the City of Helena.** Commissioner Shropshire seconded the motion. All voted aye, motion carried. **Res #19681**

Public Communications

PUBLIC COMMUNICATIONS

Marshall Gingery, 2522 Primrose Lane; spoke in support of the GCCTF Action Plan and asked the Commission to recognize citizens that worked on the report but were not official voting members. He expressed concern for dis-coordination between city staff, the Commission, and city boards, commissions, and task forces. He also spoke of existing bike and pedestrian trails that are unsafe.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is September 23, 2009 and the next Commission Meeting is September 28, 2009.

Interviews and activities related to the selection of the new City Manager will be held September 17-19, 2009.

Mayor Smith spoke of an upcoming tour of the Upper Tenmile Watershed on Wednesday, September 16, 2009.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:59 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission

