

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
March 12, 2012
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, March 12, 2012 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, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, Acting City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Olivia Tooley 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 February 27, 2012 were approved as submitted.

Board Appointments BOARD APPOINTMENTS:
A. Civic Center Board

Mayor Smith asked for Commission concurrence for the following appointment:

Civic Center Board – Appointment of Kathleen Pace to an unexpired term on the Civic Center Board; term will begin upon appointment and expire March 1, 2014.

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

Motion **Commissioner Haque-Hausrath moved approval of the above listed appointment to the Civic Center Board.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims

City Manager Ron Alles recommended approval of the claims.

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

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

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Ellison congratulated the Capital High boys team on their 4th place finish and Helena High girls team on their 3rd place finish at the state basketball tournament held in Bozeman.

Commissioner Ellison stated some members of the Helena Fire Department (HFD) had recently competed in a stair climb competition in Seattle to raise money for the Leukemia and Lymphoma Society. He

commended Firefighters Koeppen, Roberts, Welch and McDaniel for participating in the competition.

Commissioner Haque-Hausrath announced it is Americorp week and thanked Americorp volunteers for all the work they do.

Mayor Smith announced he met with a delegation from Kyrgyzstan this morning.

Commissioner Elsaesser stated it was a pleasure to represent Helena at the Mayor's Academy on March 7th; the training was very informational. He thanked the citizens of Helena for participating in the plastics drive this past weekend and noted Americorp volunteers help immensely.

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. Fire Department Promotions

City Manager Alles asked Fire Department Chief J. R. Feucht to report on recent promotions within the Fire Department. Chief Feucht announced Firefighter Sean Logan had been promoted to the position of Assistant Chief of Operations, Firefighter Kelly Tuck had been promoted to Captain and Firefighters Cory O'Brien and Brad Taylor had been promoted to Lieutenant.

The fire officers introduced their family in attendance and expressed gratitude for their promotions. Mayor Smith congratulated the firefighters on behalf of the Commission and administered the Firefighters Oath.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Olivia Tooley noted the HCC had nothing to report. Commissioner Ellison asked if anyone on the HCC had volunteered to sit on the Intergovernmental Transit Committee. Ms. Tooley stated no.

Regular Items

REGULAR ITEMS:

A. CONSIDER A RESOLUTION AUTHORIZING THE CITY OF HELENA TO APPLY FOR LAND AND CONSERVATION FUND (LWCF) FINANCIAL ASSISTANCE FROM THE NATIONAL PARK SERVICE THROUGH MONTANA'S FISH, WILDLIFE & PARKS DEPARTMENT FOR ACQUISITION OF LOT 16 IN THE ALPINE MEADOWS SUBDIVISION FROM PRICKLY PEAR LAND TRUST (PPLT).

Staff Report

Parks & Recreation Director Amy Teegarden reported the city of Helena, in partnership with Prickly Pear Land Trust, is applying for LWCF funding assistance to purchase a 20.5-acre tract (Alpine Meadows Lot #16) of land located on Mount Ascension that PPLT currently owns. If selected as a grantee to receive \$75,000.00 in LWCF funds, these resources would be combined with additional grant funds and/or donations from PPLT. In the event these fundraising efforts are unsuccessful, PPLT would directly provide the payment or 50% of the project costs to facilitate the required LWCF match (please refer to the attached support letter from PPLT).

The parcel proposed for acquisition straddles the Mount Ascension divide with nearly 75% of the acreage residing in Lewis &

Clark County and the balance lying in Jefferson County. This area, which is located immediately adjacent to Helena's open lands system and is dissected by a key portion of the growingly popular Entertainment Trail, is still largely undeveloped and acts as important wildlife buffer zone between Helena's urban area and rural residential development located on the east facing slopes of Mount Ascension.

At the Helena City Commission meeting held on September 13, 2010, Commissioners approved the concept of the city accepting ownership of 127 acres of undeveloped properties that PPLT was pursuing on Mount Ascension in the eventuality that PPLT obtained ownership of said properties. Alpine Meadows Lot #16 was included within the list of parcels that the City of Helena Commission approved for open lands acquisition if acquired by PPLT.

Director Teegarden recommended the Commission authorize the City of Helena to apply for Land and Water Conservation Fund (LWCF) financial assistance from the National Park Service through Montana's Fish, Wildlife & Parks Department for acquisition of Lot 16 in the Alpine Meadows subdivision from Prickly Pear Land Trust (PPLT).

Discussion

Discussion was held on corrections to the language in Section 2. Commissioner Haque-Hausrath recommended amending Section 2 by adding a period after the word "service".

Commissioner Ellison asked what type of vegetation covers the subject parcel. Mr. Langsather stated the parcel is 85% timber and two-thirds of that is occupied by pine trees that have experienced significant mortality. Commissioner Ellison asked Mr. Langsather if he is confident in the estimated 10-year maintenance costs for the parcel given the amount of dead timber on the property. Mr. Langsather stated yes.

Motion

Commissioner Haque-Hausrath moved to amend Section 2 to add a comma after the word "service", strike all of the following language through the word "Helena" and insert the word "and" before the word "to". Commissioner Ellison seconded the motion.

Motion

Commissioner Thweatt moved approval of a resolution authorizing the City of Helena to apply for Land and Water Conservation Fund financial assistance from the National Park Service through Montana's Fish, Wildlife & Parks Department for acquisition of Tract 16 of Alpine Meadows, Certificate of Survey No. 160590, Folio 277B, records of Jefferson County, Montana, and as shown on Certificate of Survey filed under Document No. 488656/E, records of Lewis & Clark County, Montana from Prickly Pear Land Trust, as amended. Commissioner Elsaesser seconded the motion.

Public comment

Mayor Smith called for public comment.

Andy Bauer, PPLT; spoke in support of the proposal.

Barbra Rush, 720 Holter; expressed concern for the cost of maintaining the property.

Mary Arnold, HOLMAC Chair; urged the Commission to approve the proposal.

Commissioners Elsaesser and Haque-Hausrath spoke in support of the proposal. Commissioner Ellison expressed concern for purchasing the property with the already-stressed Parks Department budget; however, 20 or 40 years from now the community will be glad

the Commission agreed to purchase the land. Commissioner Thweatt noted an added benefit of acquiring the parcels is they will be treated to reduce fire fuels properly. Mayor Smith commented the city is both prudent in the properties it acquires and attentive to the cost of maintaining said properties.

Vote

All voted aye, motion carried. **Res #19904**

**Public
Communications**

PUBLIC COMMUNICATIONS

The following persons spoke in support of the proposed non-discrimination ordinance: Kim Abbott, Montana Human Rights Network; Dennis Taylor, 920 Strawberry Drive; Mary Ann Guggenheim, 100 Stewart Street; Breanne Harrington, Helena; Sara Rossi, 713 Holter Street; Karl Dutchman, 1121 Hollins; Robert Morgan, 1121 Hollins; Lyle Hamilton, Missoula Avenue; Chelsey Rice, 1409 Poplar Street; Melissa Case, 574 2nd Street; Shalon Hastings, 702 Blake; Jordan Brown, 1 N. Benton; Katie Reid, 1015 Monroe Street; Jenny Furshon, 2013 Hauser; Layna George, Helena; Michelle Harrington, Saddle Drive; Rev. Robin Morrison, 3426 Blue Heron; Tom Gosh, 2220 Alpine Drive; Robert Filipovich, 927 8th Avenue; Linda Gryczan, Helena; Brian Miller, 5663 3rd Street; Stacey Anderson, 940 Napa Drive; Heather Margolis, Helena; Donna Wallace, 309 N. Rodney; and Jim Jensen.

The following persons expressed concern for the proposed ordinance: Barbara Rush, 720 Holter.

Manager Alles stated the Commission began discussing the issue in September 2011 and due to those discussions the draft ordinance has been amended several times. The Commission last discussed it at a January Administrative meeting and it was noted the City Attorney's Office is under-staffed at this time.

Commissioner Haque-Hausrath expressed appreciation to all members of the public that testified tonight and stated she is ready for the public process to begin on the ordinance. Commissioner Thweatt stated he too would like to begin reviewing the ordinance but wants to make sure its right.

Mayor Smith commented the parking and landscaping ordinances have taken time away from the drafting of the non-discrimination ordinance and noted the city lost two out of three attorneys in the City Attorney's Office. Mayor Smith thanked those citizens that provided public testimony and assured them the ordinance would be considered as soon as possible.

**Meetings of
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is March 21, 2012 and the next Commission Meeting is March 26, 2012.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:27 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission