

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
NOVEMBER 5, 2001  
6:00 P.M.**

**Time & Place**                    A regular City Commission meeting was held on Monday, November 5, 2001, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

**Members Present**                Commissioner Smith indicated for the record that Commissioners Netschert and Oitzinger were present. Mayor Morrison and Commissioner Groepper were excused. City Manager Tim Burton, City Attorney David Nielsen and City Clerk Debbie Havens were present.  
   There was not a HCC representative present.

**Pledge of Allegiance**                Commissioner 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 October 29, 2001 were not completed and will be on the November 19 agenda.

**Consent Agenda**                    CONSENT AGENDA  
A.        Claims

   City Manager Tim Burton recommended approval of the claims.

**Motion**                                **Commissioner Netschert moved approval of consent agenda, Item A.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Bid Awards**                         BID AWARDS

A.        Euclid Avenue Medians, Project 99-6  
   Public Works Director John Rundquist reported the project would complete the median beautification started by the Montana Department of Transportation. This contract calls for the placement of approximately 158 trees, 474 shrubs, the installation of landscaping, a drip irrigation system and stained & stamped concrete.

   Two bids were received and Diamond Construction of Helena submitted the lowest bid in the amount of \$219,004.80. A total of \$243,458.00 is budgeted and available for the project.

   Mr. Rundquist recommended the bid for the Euclid Avenue Medians, Project 99-6 be awarded to Diamond Construction in the amount of \$219,004.80.

**Motion**

**Commissioner Netschert moved to award the bid for the Euclid Avenue Medians, Project 99-6 to Diamond Construction in the amount of \$219,004.80.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

B. Dial-A-Ride Bus

Public Works Director John Rundquist reported the Helena Dial-A-Ride bus system currently operates a four-bus system with one backup bus. One bus is scheduled for replacement each year. The life expectancy for each bus is five years. This year the State of Montana Department of Transportation has awarded the bus bids to Intermountain Coach/Leasing of Colorado Springs, CO. The bid for the Helena Dial-A-Ride bus is for \$48,973.00. The budget allocation for the bus and radio replacement is \$53,500.00.

Mr. Rundquist recommended awarding the bid for the Dial-A-Ride bus to Intermountain Coach/Leasing for an amount not to exceed \$48,973.00.

**Motion**

**Commissioner Oitzinger moved to award the bid for the Dial-A-Ride bus to Intermountain Coach/Leasing for an amount not to exceed \$48,973.00.** Commissioner Netschert seconded the motion. All voted aye, motion carried.

C. Missouri River Treatment Plan Filter Replacement

Public Works Director John Rundquist reported the median and underdrain for Filter #1 failed some years ago and this filter has been out of service resulting in a reduced water treatment capacity.

This project was bid last summer and bids were rejected due to excessive cost. Bid documents were changed to allow better price competition and the project was re-bid.

Staff recommends awarding the Missouri River Water Treatment Plant Filter No. 1 Rehabilitation Project to Dick Anderson Construction in the amount of \$95,726.00.

**Motion**

**Commissioner Netschert moved to award the Missouri River Water Treatment Plant Filter No. 1 Rehabilitation Project to Dick Anderson Construction in the amount of \$95,726.00.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Netschert wished all the candidates running for the city commission good luck.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
City Attorney David Nielsen had no items to report on.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
City Manager Burton noted Commissioner Groepper had suggested letting the public onto Mount Helena to cut Christmas trees to help thin the trees. However, staff is recommending that a service club be allowed to go up and cut the trees. This would help thin the trees and keep a lot of traffic off of the mountain.

Commissioner Netschert stated he likes the idea of a service club being able to cut the trees. Staff needs to be cautious on what service club is selected. Commissioner Oitzinger also supported the idea of having a service club go up and cut the trees.

City Manager Burton noted Commissioner Groepper also requested the trail system be made available on a CD for the residents of Helena. The city already has the information on the GIS system and is available to the citizens.

**Budget Authority** CONSIDER A RESOLUTION AUTHORIZING BUDGET AUTHORITY FOR APPROPRIATION ADJUSTMENTS AS PROVIDED BY STATE LAW.

Staff Report  
Administrative Services Director Tim Magee explained the purpose of this resolution is to retain budgetary control while providing effective operational flexibility. The 2001 Legislature provided for such authority when it passed the Local Government Budget Act. Adoption of this resolution will:  
Authorizes budget adjustments, which are integral to other business actions;  
Provides for multi-year continuance of some appropriations for construction;  
Acknowledges year end transactions which will be handled in accordance with Generally Accepted Accounting Principles; and  
Eliminates redundant or unnecessary city commission reviews and actions.

The resolution was discussed at the October 31 administrative meeting and as a result of those discussions the following changes were made to the resolution:

1. Section 1, Item C – As provided in §7-6-4012, **excluding personnel and capital equipment, ...**
2. Section 1, Item C – the words **volume-related** were added.

Mr. Magee recommended approval of the resolution. City Manager Burton stated he wants to make sure the recommended changes cover the concerns of the commission, in terms of the separation of power and authority. Commissioner Smith stated he feels comfortable with the resolution with the additional language.

**Motion**

**Commissioner Oitzinger moved approval of a resolution authorizing budget authority for appropriation adjustments as provided by state law.** Commissioner Netschert seconded the motion. All voted aye, motion carried. **Resolution 11702**

***Carter Drive***

CONSIDER RECOMMENDATION REGARDING THE FINAL PAYMENT FOR CARTER DRIVE RAILROAD CROSSING PROJECT, NO. 01-12

**Staff Report**

Assistant Public Works Director Phil Hauck reported the city commission needs to formally accept the additional state contribution of \$23,789.35 for the Carter Drive Railroad Crossing project and to authorize final payment to Maronick Construction LLC.

MRL installed a new concrete grade crossing system, along with an upgrade to the crossing signals. The city's construction contract improved the crossing by installing sidewalks, curb & gutter, a smoother riding surface and better approaches. The total cost of the project was \$103,789.35.

There is a four party agreement between the City of Helena, Lewis and Clark County, Montana Rail Link (MRL) and the Montana Department of Transportation. This agreement requires the MDT and MRL to provide \$30,000 toward the cost of the project and the City and County providing \$25,000 each. Prior to awarding the bid for \$103,789.35, MDT agreed to fund the additional \$23,789.35 necessary to complete the project. The City has invoiced Lewis & Clark County for \$25,000 and the MDT for \$53,789.35 with payments expected in early November. The City of Helena will be responsible for funding \$25,000 as anticipated during the budget process.

Staff is recommending the city commission accept the additional state contribution of \$23,789.35 and authorize staff to make the final payment to Maronick Construction.

**Motion**

**Commissioner Oitzinger moved to accept the additional state contribution of \$23,789.35 and to authorize staff to make the final payment for the Carter Avenue Railroad Crossing**

**Project, No. 01-12.** Commissioner Netschert seconded the motion. All voted aye, motion carried.

***Harrison Avenue*** CONSIDER A VARIANCE REQUEST FOR SIDEWALKS IN THE HARRISON AVENUE DEVELOPMENT, HELENA TOWNSITE, BLOCKS 4, 71, 72 AND 75.

**Staff Report** City Manager Burton noted the applicants were inadvertently not notified of this being on the agenda. He recommended tabling the request to the call of the city manager.

**Motion** **Commissioner Netschert moved to table, to the call of the city manager, the variance request for sidewalks in the Harrison Avenue Development, Helena Townsite, Blocks 4, 71, 72 and 75.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

***Public Communications*** PUBLIC COMMUNICATIONS  
There were no persons present wishing to address the commission.  
Commissioner Netschert introduced his children, Bailey and Brandt.

***Meetings of Interest*** MEETINGS OF INTEREST  
Commissioner Smith noted there is an administrative meeting scheduled for November 14 and the next commission meeting is November 19.

***Adjournment*** There being no further business to come before the Commission, the meeting was adjourned at 6:30 p.m.

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MAYOR

ATTEST:

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CLERK OF THE COMMISSION