

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 18, 2002
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, November 18, 2002, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Pro Tem Netschert indicated for the record that Commissioners Oitzinger, and Parriman were present. Mayor Smith and Commissioner Pouliot were excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Jacki Pierson were present.

Youth Advisory Council members Jake Blade and Jason Swant were present.

Pledge of Allegiance Mayor Pro Tem Netschert 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 November 4, 2002 were approved as submitted.

Proclamations PROCLAMATIONS

- A. Girls High School Soccer Champions
- B. Boys High School Soccer Champions

Mayor Pro Tem Netschert read the Girls High School Soccer Championship proclamation and congratulated the team. Coach Lamb thanked the commission and the City of Helena. Coach Lamb stated the girls have worked very hard to win this championship.

Mayor Pro Tem Netschert read the Boys High School Soccer Championship proclamation and congratulated the team. Coach Hollow thanked the commission and the City of Helena. Coach Hollow stated the boys won this championship by working very hard but it would be a mistake not to mention the wonderful contributions from the City of Helena to provide facilities for the players.

Appointments APPOINTMENTS:
A. Business Improvement District/Helena Parking Commission
B. Lewis & Clark Library Board
C. Lewis & Clark Consolidated Planning Board

Mayor Pro Tem Netschert recommended tabling the appointments:

Motion Commissioner Oitzinger moved to table the appointments to the Business Improvement District/Helena Parking Commission, Lewis & Clark Library Board, and the Lewis & Clark Consolidated Planning Board until December 2, 2002. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Presentations

PRESENTATIONS

- A. Helena International Affairs Council Annual Report
Postponed until December 2, 2002

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Amendment to Humane Society lease
- C. Update of the Official City of Helena Zoning Map

City Manager Tim Burton recommended approval of the claims.

Motion

Commissioner Parriman recommended approval of the consent agenda items A through C. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD

- A. Street Division dump truck
- B. State Vehicle bids

Dump Truck

Shop Superintendent Ed Robinson reported bids were let for a new 5-yard dump truck to replace an existing 1984 Ford F800 5-yard dump truck (Unit #306). Five bids were received with the low bid coming from Western Star Trucks. Western Star bid a 2003 Sterling L7500 with a 2003 Henderson dump body at a price of \$53,299.00. The budget appropriation for this unit is \$57,500.00, in the FY'03 budget.

Mr. Robinson recommended the purchase of this new truck at the bid price of \$53,299.00 for the replacement of Unit #306. Unit #306 will be declared surplus and sold at the State auction in September 2003.

Motion

Commissioner Parriman moved to award Western Star Trucks for the low bid for the 2003 Sterling L7500 at the price of \$53,299.00. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

State Vehicle

Shop Superintendent Director Ed Robinson reported the State of Montana opened bids for Police Patrol, Administrative and Service vehicles on October 18, 2002. The City of Helena included a number of vehicles identified for fleet replacement from all divisions in the bid process.

Police:

Ronan Auto Body - Dodge Intrepid @ \$17,820
Ronan Auto Body - Dodge Stratus @ \$13,370

Fire:

Fremont Motors - Ford Excursion @ \$29,900
Ronan Auto Body - Dodge Caravan @ \$19,390

Public Works:

Ronan Auto Body - Dodge Durango @ \$22,626

Parks:

Grimes Motors - GMC Sonoma @ \$13,180

Weed:

Fremont Motors - Ford F150 @ \$14,749

Wastewater Treatment:

Fremont Motors - Ford F150 @ \$14,749

Fremont Motors - Ford F250 @ \$18,133

Wastewater Collection:

Montana Motors - Dodge Ram 2500 @ \$18,547

Building:

Grimes Buick - GMC Sonoma @ \$13,180

Mr. Robinson recommended the purchase of these new vehicles at the bid prices as presented on the bid summary. All vehicles replaced will be declared surplus and sold at the State auction in September 2003.

Discussion

City Manager Tim Burton stated all the bids except one are below the budgeted amount.

Motion

Commissioner Oitzinger moved to award the low bids to those dealers as outlined above. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Parriman stated he received an email from Randy Burrington, manager of Bullwinkles regarding the enforcement of the smoking ordinance. Commissioner Parriman asked why calls concerning the smoking ordinance are being directed towards the commission when enforcement of the ordinance is up to the Health Department.

City Attorney David Nielsen stated he also received a call from Mr. Burrington regarding the status on the enforcement actions. Mr. Nielsen explained the smoking enforcement officer has been regularly issuing citations. One of the businesses that receive citations on a daily basis is not complying with the ordinance and is currently challenging the legality of it.

Commissioner Parriman asked why the health department is having business owners call the commission members in regards to enforcement?

City Manager Tim Burton explained although the commission is not responsible for the enforcement of the ordinance, the public may communicate with the commission at any time.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen referred the commission to the bylaws where it states it takes three commissioners to pass a proposition. Therefore any motion approved tonight must have a unanimous vote.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Tim Burton explained that Montana Shares is running an annual campaign and would like to add their flier to the water bills. Mr. Burton recommended approval.

Motion

Commissioner Parriman moved to approve the application for the mailer for Montana Shares. Commissioner Oitzinger seconded the motion.

Discussion

Mayor Pro Tem Netschert stated there are certain groups affiliated with Montana Shares that he cannot support and recommended the commission table this issue until December 2, 2002.

Commissioner Oitzinger asked if Montana Shares had requested this in past years? City Manager Tim Burton stated this is the first year any organization has requested water bill inserts. Commissioner Oitzinger expressed that she supports many if not all of the organizations belonging to Montana Shares. She would prefer to pass the motion, but will move to table because with the need for 3 votes, the motion can't pass at this meeting.

Substitute Motion

Commissioner Oitzinger moved to table the request until December 2, 2002. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Capitol City Bowl - City Manager Tim Burton stated he did his own investigation through several offices regarding the four main complaints from Capitol City Bowl. He found the survey monuments were placed in February, however the stakes in the asphalt are small and very hard to find. Those were painted for easy detection. Mr. Burton stated there is valid concern regarding the storm water drainage system and some clean up work is necessary. There was also concern regarding damage to the parking lot. Mr. Burton stated he met on site with Ms. Harold and she stated the parking lot damage is no longer an issue, as long as the drainage itself is corrected. The forth issue that needed to be addressed is lighting. Mr. Burton stated it doesn't appear to be a city issue. The city did not direct those lights to be removed off of private property nor have the authority to do so. Capitol City Bowl has agreed to contact NorthWestern Energy and check on programs to reinstall the lighting. Mr. Burton stated he would stay in contact with Capitol City Bowl and correct the storm water issue.

Utilities Building

City Manager Tim Burton stated he would prefer to discuss this project in the next administrative meeting, and then bring it back to the commission. Mr. Burton recommended tabling the contract.

Motion

Commissioner Oitzinger moved to table the approval of a contract with Schlenker & McKittrick Architects, P.C. for the construction phase of the Utilities Division new office and storage buildings. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Gateway Economic Development Corp.

CONSIDER A REQUEST FROM GATEWAY ECONOMIC DEVELOPMENT CORPORATION FOR ADMINISTRATIVE FUNDING FOR THEIR FISCAL YEAR 2003.

Staff Report

Director of Community Development Michael Barros stated in September 1999, the City of Helena signed a Sub recipient agreement with Gateway that specified under Section IV "The City authorizes Gateway administrative compensation to be paid from the fund in the amount of the annual budget approved by Gateway and the City". Gateway is requesting approval of their FY2003 budget of \$21,152.00. This allocation would be used for personnel expenses as well as general administration to carry out economic development

activities in Helena and the greater Helena area. This request represents almost a fifty percent decrease in administration funding from last year, and is the result of Gateway's fund raising efforts and new management efficiencies. Gateway would like to reserve the right to come back to the City Commissioner during their fiscal year in the event that special project opportunities arise, or fund raising efforts fall short. Gateway's fiscal years are also calendar years. Mr. Barros recommended approval for Gateway's FY2003 budget of \$21,152.00. Mr. Barros introduced Gateway's Executive Director Sheldon Bartel

Mr. Bartel explained Gateway Economic Development Corporation was formed in 1999 to create new and retain existing jobs in the Lewis and Clark, Broadwater and northern Jefferson Counties. Gateway evolved from the Helena Area Economic Development Corporation, Montana Women's Capitol Fund and The Helena Area Chamber of Commerce Economic Development Committee. Mr. Bartel explained as of September 30, 2002 Gateway manages a total loan portfolio of \$2.3 million dollars. Gateway has achieved a 93% let out ratio and only 3 of 53 loans are classified as delinquent. Since 1999, Gateway has played a role in the creation and retention of more than 260 jobs in the City of Helena and the region. Mr. Bartel stated Helena accounts for almost 40% of the total loan portfolio.

Motion

Commissioner Parriman moved approval for Gateway Economic Development Corporation's transferring \$21,152.00 from the Helena Revolving Loan Fund to Gateway's administrative budget for FY2003.

Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

City Manager Tim Burton stated he agrees with Commissioner Oitzinger on Gateway's achievements. Mr. Burton explained that the commission over the last three years has worked hard to direct staff to focus on the basic services. Mr. Burton stated Gateway is a real strategic partner, as the City focuses on those issues that their primary existence is to further job growth and expansion within the economy.

HRA Minor

City Planner Belinda Waters reported the subject tract is currently vacant and undeveloped with the Main Helena Valley Irrigation Canal running east to west along the southern portion of the proposed lot. Access to the proposed subdivision will be from Canyon Ferry Road. The lot is located south of Canyon Ferry Road and east of Kelleher Lane. Only those uses outlined in the Airport Zoning District classification are allowed, such as golf courses, hangers, government offices, and flight schools. There are no restrictions for lot area, width or building coverage for this zone.

The City Commission gave preliminary plat approval to create one lot, Tract A, on August 26, 2002. At the City Commission meeting of November 4, 2002, staff presented final plat approval for the HRA Minor Subdivision. This action was tabled.

Ms. Waters stated of the original twelve conditions, the following six are recommended for removal because they will be satisfied as part of the building permit process.

1. The conditions of approval imposed to mitigate the adverse effects on Local Services are as follows:

a. A development plan for the installation of infrastructure, water and sewer, is required and must be submitted for review and approved by the City Engineer.

- b. The developer must provide MDT and the City Engineer with a detailed site plan and trip generation for the development. The site plan should indicate the proposed access location and a well-defined boundary location of the subdivision.
- c. If the proposed subdivision is projected to generate one hundred or more new vehicle trips per day, a traffic impact study is required.
- d. Appropriate fire hydrants must be installed subject to review and approval by the Fire Marshal.
- 2. Public Health and Safety
 - a. A storm water drainage plan must be submitted for review and approval by the City Engineer.
- 3. Helena Subdivision Regulations
 - a. Financial Guarantee: All of the following improvements must be installed or the improvements must be financially guaranteed in accordance with Section 12-4-13 and 12-4-14 of these regulations.
 - 1) Storm water drainage improvements;
 - 2) Streets, curbs, and gutters;
 - 3) Sidewalks;
 - 4) Water and sewer main, manholes, and fire hydrants; and
 - 5) Streetlights.

Ms. Waters recommended final plat approval for a minor subdivision creating one lot, 43.57 acres in size. The remaining property will be greater than 160 acres.

Motion Commissioner Parriman moved to approve removing the following 6 conditions of preliminary plat approval: remove request of development plan; remove request for site plan and trip generation analysis; remove request for traffic impact study; remove request of storm water drainage plan; remove request for fire hydrants; and remove request for financial guarantee. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Motion Commissioner Parriman moved approval of the final plat for a minor subdivision creating Tract A of the HRA Minor Subdivision, a 43.57-acre lot located in the N½ of the N½ of Section 21, T10N, R3W, P.M.M., Helena, Montana. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Helena Baseball

CONSIDER APPROVAL OF A LEASE AGREEMENT WITH HELENA BASEBALL CLUB, LLC FOR THE LEASE OF KINDRICK-LEGION FIELD

Director of Parks & Recreation Randy Lilje stated City staff has conducted negotiations with the baseball club for the use of Kindrick-Legion Field for practice and play of baseball and other events. Upon approval the lease would go into effect immediately.

Mr. Lilje stated the Helena Baseball Club, LLC proposes to lease the ballpark. In consideration for the lease, the lessee will pay its prorated share of the utilities up to \$15,000.00 per year, as well as, provide its own janitorial services; provide grounds keeping services; maintenance of any equipment of the City's that it uses; coordinate with the City and the American Legion Baseball program for scheduling; advertising; and other uses of the park per the agreement.

In turn, the City would agree to bring the ballpark up to Professional Baseball Association standards, as well as, other deferred maintenance as outlined in the agreement. The duration of the contract is two years with options for two additional 2-year extensions.

Mr. Lilje recommended approval of the lease with the Helena Baseball Club, LLC in order to bring professional baseball back to Helena.

Discussion

Mayor Pro Tem Netschert commended Mr. Lilje and the staff on this accomplishment and for bringing baseball back to Helena.

City Manager Tim Burton stated this was a wonderful opportunity and the success of this project was the brought on by the leadership of the city commission.

Motion

Commissioner Parriman moved approval of the lease agreement between the City of Helena and Helena Baseball Club, LLC for the lease of Kindrick-Legion Field. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Paul Fetts, manager of the Helena Brewers, thanked the City of Helena and the city commission for considering the motions. Mr. Fetts stated D.G. Elmore, upcoming staff and himself are very excited to be here.

Public Hearing

PUBLIC HEARING
CONSIDER AMENDMENTS TO THE 2001 HELENA GROWTH POLICY

Staff Report

Director of Community Development Michael Barros stated these proposed amendments would affect an important document that identifies City policy. As a result, it may be important to have a full commission at the public hearing.

Mr. Barros recommended tabling the amendments to the Growth Policy be tabled until the December 2, 2002 Commission meeting.

Motion

Commissioner Oitzinger tabled the amendments to the 2001 Helena Growth Policy until December 2, 2002. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

Adam Smith, 62 South Last Chance Gulch stated he is there as a representative for the tenants, residents and ownership of the Colwell Building, located at 62 South Last Chance Gulch. Mr. Smith stated that no aspect of activities in Anchor Park have improved significantly in any way. There are residents of the Colwell Building that have elected to move out before late next spring if something is not done once and for all take care of the problems that arise in Anchor Park. They site the chronic and prolonged illegal and criminal behavior in Anchor Park as the reasons why they will leave. Mr. Smith proposed the creation, enactment and enforcement of an ordinance to limit the hours at Anchor Park. Specifically, Mr. Smith believes the park should be closed at 10:00 p.m. every night. He stated this proposal is just for Anchor Park. Rights to privacy and the insurance of a clean and healthful environment are being violated. Mr. Smith stated the numerous tenants and residents of the Colwell have rights. It is time they are clearly recognized through a solution. A vote needs to be taken by this

city commission as to weather Anchor Park should close at 10:00 p.m. every night.

City Manager Tim Burton stated this was a topic at the last administrative meeting and will be again at the upcoming administrative meeting on November 25,2002.

Commissioner Oitzinger asked Jason Swant and Jake Blade from the Youth Advisory Group to attend the Administrative Meetings to view how this issue unfolds.

Commissioner Parriman stated closing the park at certain hours is the last step he would choose to take. Commissioner Parriman explained incremental steps to mitigate the problem should be taken first and if this process does not work and the problems keep arising then a park closure may be necessary. Commissioner Parriman does not support the closing of the park at this time.

Mayor Pro Tem Netschert stated he has a very low tolerance for the vandalism going on around town, however, he would like this process to be taken in steps. Mayor Pro Tem Netschert explained he would like to notify Mr. Smith on the progress of this issue.

Meetings of Interest

MEETINGS OF INTEREST

City Manager Tim Burton stated the Administrative Meeting is on the November 25, 2002 at 4:00 p.m. to 7:00 p.m.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:30p.m.

Mayor Pro Tem Netschert

ATTEST:

CLERK OF THE COMMISSION

