

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 24, 2003
6:00 P.M.**

Time & Place A regular City Commission meeting was held on Monday, February 24, 2003, 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 Oitzinger, Netschert, Pouliot, Parriman were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Jacki Pierson were present.

HCC member included Jerry Hutch and the Youth Advisory members included Anne Pichette, Amber Thomas, and Jennifer Huber.

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 10, 2003 were approved as submitted.

Introduction INTRODUCTION OF CONFIRMED FIREFIGHTER:
1. Cory O'Brian

Fire Chief Steve Larson introduced Firefighter Cory O'Brian, gave a brief history and asked for the commission's confirmation of Cory O'Brian as a firefighter for the Helena Fire Department.

Motion Commissioner Pouliot moved the confirmation of Firefighter Cory O'Brian. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Mr. O'Brian thanked the commission and stated being a firefighter has been a dream of his for 8 years and he is proud to be serving the city of Helena. Mayor Smith stated he is please that Mr. O'Brian chose Helena.

Introduction INTRODUCTION OF CONFIRMED POLICE OFFICERS:
1. Jennifer Johnson
2. Annette Marietti

Chief of Police Troy McGee introduced Police Officer Jennifer Johnson and Police Officer Annette Marietti, gave a brief history and recommended approval of the confirmation of Jennifer Johnson and Annette Marietti as police officers of the Helena Police Department.

Motion Commissioner Oitzinger moved the confirmation of Jennifer Johnson and Annette Marietti as police officers with the Helena Police Department. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Police Officer Annette Marietti thanked Chief McGee and the administration for having the faith to send them forward in both the academy and the FTO program and she is happy to be serving Helena.

Police Officer Jennifer Johnson thanked the commission for acknowledging their achievement and stated she is proud to be serving the

Helena community. Ms. Johnson also thanked the dispatchers, EMS, the fire department and the sheriff's office.

Mayor Smith stated the commission and the citizens of Helena are proud to have such fine police officers serving the community.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Release of utility easement located between Lot 10 and Lot 11, Block 1, Skelton Addition Subdivision, Phase 1.
- C. Second passage of Ordinance 2950 - rezoning a 4.05-acre tract of land proposed to be described as Lot 1 of the Padbury Minor Subdivision No. 1.

City Manager Tim Burton asked that item B be removed and tabled until March 10, 2003, at the request of the applicant, and recommended approval of the claims and item C.

Motion

Commissioner Pouliot moved approval of the consent agenda items A and C. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD:

- A. 2003 Manhole Rehabilitation Project No. 03-09

2003 Manhole Rehabilitation

A. City Engineer Chuck Hanson reported this construction project will rehabilitate approximately 31 brick manholes. Rehabilitation restores the manholes to a watertight condition. This is important to prevent inflow and infiltration (I & I) of groundwater and stormwater. I & I can consume valuable treatment capacity at our wastewater treatment facility and adds to the cost of treating wastewater.

The project was advertised and bids were opened on February 4, 2003. Three contractors submitted bids. Industrial Coatings Inc. of Great Falls submitted the low bid of \$24,350.40. In 2001, Industrial Coatings was awarded a similar contract.

Mr. Hanson recommended awarding the work to Industrial Coatings Inc.

Discussion

Commissioner Netschert asked if the bid from the in town company was close enough to receive the 3% bid preference allowance? Mr. Hanson stated the bid did not reach the 3% mark.

Motion

Commissioner Netschert moved to award City Project No. 03-09 to the lowest, responsible bidder, Industrial Coatings Inc. for \$24,350.40. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Netschert stated the commission approved items A and C on the consent agenda, however, failed to make a proper motion to table item B.

Motion

Commissioner Netschert moved to table item B on the consent agenda. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Commissioner Netschert asked if snow shoveling could be added to the community service duties?

Commissioner Oitzinger asked City Manager Tim Burton to contact the city's community service coordinator and reply back to the commission with their comments.

Mayor Smith echoed Commissioner Oitzinger thoughts.

Commissioner Netschert commented on the vandalism issue and stated he would like to have a plan in place by May 1, 2003.

Commissioner Pouliot suggested bringing it to the next Administration meeting to be discussion.

Mayor Smith thanked Commissioner Netschert for bringing the subject up and stated he feels May 1, 2003 is a reasonable deadline.

City Manager Tim Burton stated he agrees with the May 1, 2003 deadline and will make sure the issue is on a future administrative agenda.

Commissioner Oitzinger mentioned she would like the Youth Advisory members to be present at that administrative meeting if school allows.

Commissioner Parriman asked when the Department of Administration would be at a Administration meeting to discuss fire services?

City Manager Tim Burton stated the state is more then agreeable to visit with the commission and there are a couple dates they are trying to schedule in.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen had no report.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Tim Burton stated he will be out of the office February 25 - 27, 2003 and Michael Barros will be acting city manager, City Attorney David Nielsen will be handling the legislative issues.

Golf Pro Contract

CONSIDER A GOLF PRO CONTRACT

City Manager Tim Burton stated this contract is straightforward and cleans up a lot of the problems that existed in the prior contract, relative to fair labor standards. Mr. Burton stated Mr. Newell, himself and others have been working diligently and have come to an agreement that works well for Mr. Newell, the services that Mr. Newell will be providing at the golf course, as well as the city management of those activities. Mr. Burton stated this contract represents the same level of service that has taken place in past years and creates a clean line between those employees that will answer to Mr. Newell, under an independent contractors status, and those employees that will answer to city staff.

Discussion

Commissioner Parriman asked if the city is purchasing a fleet of new golf carts and if improvements are going to be made to the driving range? City Manager Tim Burton stated there are three or four different options that are being looked at to upgrade the golf carts and improvements on the driving range are a top priority. City Manager Tim Burton stated these and other improvements should be completed by the beginning of the season.

Mayor Smith stated when there was a discussion to switch to an employment relationship; the city was going to purchase the inventory and asked if that is part of this current contract? City Manager Tim Burton concurred and

stated the city did purchase that inventory and Mr. Newell has agreed to purchase it back at the same price.

Commissioner Netschert asked when the professional keeps the qualified personnel to perform their duties would they be considered city employees at that point or would they be employees of the contractor? City Attorney David Nielsen stated they would be employees of the professional. Commissioner Netschert asked if there is language in the current contract that holds the city free and clear from their actions? City Attorney David Nielsen stated with an independent contractor there is more of a separation because they don't become the principle agent of the city. Commissioner Netschert stated to have it clarified, there will be set hours of operation consistent with the traditional operation. City Manager Tim Burton concurred. Commissioner Netschert asked if it would be reasonable to request a submission of the times that the pro shop and the course would be open so the community could follow that? City Manager Tim Burton stated advertisements would be run explaining those times. Commissioner Netschert stated for the record the professionalism of the personal at the golf course will be at the same traditional levels of quality. City Manager Tim Burton concurred.

Kathy Doughty stated she is glad to see City Manager Tim Burton and Mr. Newell come to an agreement that's going to be beneficial to the whole golfing community.

Commissioner Parriman stated he is glad to have Mr. Newell stay on and there's not a better person for the job.

Motion

Commissioner Parriman moved approval of the golf professional contract between Dale Newell and the city of Helena. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Amend Res. #11057

CONSIDER A RESOLUTION OF INTENTION TO AMEND CITY OF HELENA RESOLUTION #11075 TO REDUCE PLAN REVIEW FEES FOR RESIDENTIAL STRUCTURES THAT ARE IDENTICAL TO PLANS PREVIOUSLY REVIEWED AND APPROVED

Staff Report

Chief Building Official Brandt Salo reported when considering fee changes, it is required to approve a resolution of intention. The resolution establishes a public hearing date, which is then duly advertised.

Under current ordinance, all structures are assessed plan check fees at the same rate (i.e., 65 percent of the building permit fee). The proposed fee reduction would establish a mechanism by which developers who plan to replicate the same residential design could qualify for a reduced fee. The proposal better reflects the reduced time it takes to review identical plans.

Mr. Salo recommended the city commission approve the resolution and set a public hearing date of March 10, 2003.

Discussion

Mayor Smith stated these changes should be well received by the building community and appreciates all the effort required to get the city to this point.

Motion

Commissioner Pouliot moved approval of a resolution of intention to amend City of Helena Resolution #11075 to reduce plan review fees for residential structures that are identical to plans previously reviewed and

approved, and to set a public hearing date of March 10, 2003. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res. #11845**

Resolution of Intention

CONSIDER A RESOLUTION OF INTENTION TO CLOSE 2ND STREET BETWEEN LOTS 14 THROUGH 20 IN BLOCK 566 AND LOTS 1 THROUGH 7 IN BLOCK 567 OF THE EASTERLY ADDITION

Staff Report

City Engineer Chuck Hanson reported the City Parks Department submitted this closure request for consideration. The closure will allow the Parks Department to limit vehicular access to adjacent open space parcels and allow for a trail system. The closure is requested for that portion of 2nd Street between Lots 14 through 20 in Block 566 and Lots 1 through 7 of Block 567 of the Easterly Addition. The closure is not expected to impact access to private property in the area.

Mr. Hanson recommended approval of the resolution of intention and that a public hearing date be set for March 10, 2003.

Discussion

Commissioner Pouliot asked if there is private ownership of any of the property east of the area that's proposed for closure? Mr. Hanson stated the property is owned by the city of Helena.

Motion

Commissioner Pouliot moved approval of the resolution of intention to close 2nd Street between Lots 14 through 20 in Block 566 and Lots 1 through 7 in Block 567 of the easterly addition to the City of Helena, and set a public hearing for March 10, 2003. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res. #11846**

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 3 OF THE HELENA CITY CODE, INCLUDING ADOPTION OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE, AND REPEALING THE CURRENT ADOPTED VERSIONS OF THE UNIFORM BUILDING CODE AND THE ONE AND TWO FAMILY DWELLING CODE

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 3 (ELECTRICAL CODE) OF THE HELENA CITY CODE

Staff Report

Community Development Director Michael Barros reported the current ordinance reflects the adoption of the 1997 edition of the Uniform Building Code (UBC) by the International Conference of Building Officials (ICBO); the adoption of the 1995 edition of the CABO One and Two Family Dwelling Code by the Council of American Building Officials; and the 1999 edition of the NEC.

Chief Building Official Brandt Salo recommended the city adopt the listed codes to assure the availability to builder, developer and homeowner, of the most current building-related regulations and information dealing with technological advances within this regulatory field. The adoption of the 2000 IBC and IRC would run concurrent with use of the existing 1997 UBC and 1995 CABO codes, providing for an adjustment period during which design practitioners may select to design to one or the other of the codes in place, and builders and regulatory officials can become gradually acquainted and versed in the compliance and

enforcement aspects of the new codes. Then, IBC and IRC remain as the sole codes in use in all certified jurisdictions in the state and the standard against

which subsequent plan submittals and building permit applications are evaluated.

Public Testimony

Mayor Smith declared the public portion of the hearings A & B 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 Parriman moved approval of first passage of an ordinance amending the adoption of building codes used by the City of Helena to include the 2000 editions of the International Building Code and the International Residential Code as promulgated by the International Code Council. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Ord. #2951**

Motion

Commissioner Parriman moved to table the first passage of an ordinance amending Chapter 3 of title 2 (electrical code) of the Helena City Code until March 10, 2003. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Ord. #2952**

Amended Motion

Commissioner Netschert moved to amend Ordinance #2951 to include the language "to repeal the Uniform Building Code effective September 27, 2003". Commissioner Parriman seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

Alan Nicholson appeared before the commission to discuss parking in downtown Helena and the proposed Jackson Street Parking Structure and submitted written testimony.

Mayor Smith invited Mr. Nicholson to the TIF meeting on March 3, 2003 to have further discussion.

Meetings of Interest

MEETINGS OF INTEREST

Commissioner Pouliot stated he would not be attending the city commission meeting on March 10, 2003 because he will be out of state.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:19p.m.

Mayor Smith

ATTEST:

CLERK OF THE COMMISSION

