

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**April 21, 2003**  
**6:00 P.M.**

**Time & Place** A regular City Commission meeting was held on Monday, April 21, 2003, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena Montana.

**Members Present** Mayor Pro Tem Steve Netschert indicated for the record that Commissioners Oitzinger, Parriman, and Pouliot were present. Mayor Smith was excused. City Manager Tim Burton, Assistant City Attorney Bob Wood and Deputy City Clerk Jacki Pierson were present. HCC member included George Hoff and YAC member included Jake Blade.

**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, April 7, 2003 were approved as submitted.

**Proclamations:** PROCLAMATIONS:  
A. Big Brothers, Big Sisters  
B. Arbor Day  
C. Law Day

Mayor Pro Tem Netschert read the Big Brothers, Big Sisters proclamation and presented it to Teresa Geremia-Chart, BBBS Executive Director; Aimee Gromljev, BBBS Board President; Big Brother Tom Gannon, Little Brother Wil Hennessy; Big Sister Jenny Kalexyjcl; and Little Sister Stephanie Hauck.

Teresa Geremia thanked the commission and the city for recognizing the mentoring work the program performs. Ms. Geremia mentioned the activities planned for the Big Brother Big Sisters Big Week.

Mayor Pro Tem Netschert read the Arbor Day proclamation and presented it to Catherine Gray.

Mayor Pro Tem Netschert read the Law Day proclamation and presented it to Bob Campbell.

Mr. Campbell stated Helena has been the leader in providing speakers in schools to discuss different themes. This year it's the importance of independent judiciary. Mr. Campbell stated unless our young people understand what these freedoms are they can't defend them.

**Appointment** APPOINTMENT:  
A. Civil Service Commission  
B. Civic Center Board

Mayor Pro Tem Netschert on behalf of Mayor Smith recommended the following appointments:

**Civil Service Commission**  
Bruce McGinnis  
Second term will expire May 1, 2006

**Motion**

**Commissioner Pouliot moved approval of the appointment of Bruce McGinnis to the Civil Service Commission, term will expire May 1, 2006.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Civic Center Board**

Terri Gane  
First term will expire March 1, 2004

**Commissioner Oitzinger moved approval of the appointment of Terri Gane to the Civic Center Board, term will expire March 1, 2004.** Commissioner Pouliot seconded the motion. All voted aye, motion carried.

***Presentations***

PRESENTATIONS:

A. City of Helena's CDBG public facilities project with Child Care Partnership, Inc.

City Planner Belinda Waters reported the Child Care Partnership building renovation is now complete and it was well worth the money that was spent.

Janet Brooke, Executive Director for Child Care Partnerships stated the facility is thankful for all the support from local businesses and the city commission.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Second passage of Ordinance 2956 - rezoning five properties in Blocks 12 and 13 of the Highland Park Addition in Lewis and Clark County prior to annexation into the City of Helena, Montana.
- C. Second passage of Ordinance 2957 - amending Section 11-28-3 of the Helena City Code.
- D. Acceptance of a \$500,000 HOME Investment Partnership Grant and a \$500,000 Community Development Block Grant from the Department of Commerce, amending the budget to expend the grant funds, entering in to a contract with the Department of Commerce, and authorizing the City Manager to sign the contract.
- E. Interlocal Agreement and Resolution with the Helena Regional Airport Authority for a Land and Water Conservation Fund Grant for Skyway Drive Avenue. **Res. #11855**
- F. Right-Of-Way Use Agreement for Dodge Avenue.
- G. Acceptance of the adoption of the Internal Privacy Policies and Procedures for the City of Helen's Group Health Plan as requir3d under HIPAA Regulations.

City Manager Tim Burton recommended approval of the claims.

**Motion**

**Commissioner Pouliot moved approval of item A on the consent agenda.** Commissioner Parriman seconded the motion. All voted aye, motion carried.

**Motion**

**Commissioner Parriman moved items B through G on the consent agenda.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Pouliot thanked the city staff for responding so quickly to the potholes around town.

Commissioner Parriman stated Building Inspector Wayne Berry would be retiring soon and mentioned hiring for his position as soon as possible in order to provide a smoother transition into the position. City Manager Tim Burton stated he will work with Director Barros and will report back to the commission to see what could be done in that regard and what the financial implications would be.

**Report of the City Attorney**

REPORT OF THE CITY ATTORNEY

City Attorney Bob Wood thanked the Police Department, Lewis and Clark County Sheriffs Office, and Fish Wildlife and Parks for all their support in the Sweetheart Passion Plunge for special athletes.

**Report of the City Manager**

REPORT OF THE CITY MANAGER

City Manager Tim Burton stated the commission has been discussing the need for a special meeting in addition to the regular Administrative Meetings in order to wrap up the direction that will be forth coming from the city commission on the Capital Improvements Plan and the time frame selected is April 29, 2003 from 2:00 p.m. to 5:00 p.m.

Administrative Services Director Tim Magee stated staff is asking the commission to pass a motion to accept the \$14,274 pass through grant from the Department of Justice Criminal Investigation Division in Missoula for a Missouri River Drug Task Force trailer.

**Motion**

**Commissioner Pouliot moved to accept the \$14,274 pass through Federal Grant for police equipment from the Department of Justice Criminal Investigation Division in Missoula.** Commissioner Parriman seconded the motion. All voted aye, motion carried.

Mr. Magee stated potholes became an immediate priority of the city commission and staff is responding to that. Mr. Magee noted the memo informs the commission of the work with the Public Works Department who looked at their different projects and which ones could be moved for priority. The Benton Avenue turn lanes will be postponed in the Capital Project and \$115,000 will be allocated to pothole projects.

Commissioner Parriman asked how much money would be allocated for the total project? Mr. Magee stated \$137,000+. Commissioner Parriman asked what the time frame is on starting the Benton Avenue turn lanes? Mr. Magee stated it would be hard to give a time and a lot of that would depend on the Capital Improvement meeting.

**03-04 Annual Budget**

CONSIDER A RESOLUTION PROVIDING COMMISSION INTENT AND DIRECTION FOR FISCAL YEAR 2003-2004 ANNUAL BUDGET

**Staff Report**

Administrative Services Director Tim Magee reported the City must provide essential services while living within its means

Staff is in the process of developing a Constraint Budget for FY 2004. Revenue and resource limitations are the bottom line constraint for each fund. An important part of annual budget development is the ability to work within

financial constraints while still addressing community dynamics and changing priorities.

The City operations are generally organized and funded to meet both existing and new challenges on an on-going basis. However, staff needs policy and priority guidance from the City Commission in order to adjust the annual budgets and operations to best meet the needs and priorities of the community.

Mr. Magee recommended adoption of the resolution of commission intent for the FY 2004 Annual Budget.

**Motion**

**Commissioner Pouliot moved approval of the resolution providing commissioner intent and Direction for Fiscal Year 2003-2004 Annual Budget.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res. #11856**

**Padbury Minor  
Subdivision  
(Annexation)**

CONSIDER RESOLUTION OF ANNEXATION FOR PROPERTY PROPOSED TO BE DESCRIBED AS LOT 1, PADBURY MINOR SUBDIVISION NO. 1, LEWIS & CLARK COUNTY, MONTANA, GENERALLY BEING A 4.05-ACRE PARCEL PROPOSED FOR CREATION SOUTH OF ALICE STREET BETWEEN ELAINE STREET AND LOLA STREETS ON HELEN'S EAST SIDE

**Staff Report**

Project Manager Hal Fossum reported on February 10, 2003, the city commission duly established conditions for annexation of this vacant property to the city of Helena (Res. 11842). On the same date, the property was rezoned in the R-O District (Ord. 2950), and a preliminary plat was approved. The applicant has expressed readiness to compete the process of annexation and subdivision.

The subject property is adjacent to existing city limits. Annexation would not create any additional wholly surrounded area. The annexation of adjacent portions of Alice Street is being prepared for consideration by the city commission.

Conditions to annexation included the following:

1. **Infrastructure:** The applicants must install infrastructure improvements as required by the city and the city standards, including water, sewer, fire hydrants, street, curb, gutter, and sidewalks, or enter into a development agreement acceptable to the city of Helena that defines responsibility for the installation or deferment of the improvements.
2. **Review of new construction:** For all construction commenced subsequent to the adoption of this resolution, the property owners shall submit plans for review by the city of Helena to ensure compliance with infrastructure, zoning, and Uniform Fire Code requirements of the city, and shall agree to pay all fees for such reviews in the same manner and basis as do owners of properties already in the city.
3. **Taxes and Assessments:** Taxes and assessments shall be paid and current at the time of filing the Resolution of Annexation.
4. **Completion of Conditions:** The applicants shall notify city planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within one (1) year of the date of approval of this resolution of intention, the city is under no obligation to annex the property or to continue any city services, including water and sewer.

Staff of the Community Development Department have verified that all these conditions have been met. In particular, a development agreement covering Lots 2-7 has been duly signed and will be filed with the County Clerk and Recorder with the resolution of annexation.

Mr. Fossum recommended adoption of a resolution of annexation.

**Motion**

**Commissioner Parriman moved approval of a resolution of annexation to the City of Helena of property proposed to be described as Lot 1, Padbury Minor Subdivision No. 1, Lewis & Clark County, Montana, generally being a 4.05-acre parcel proposed for creation south of Alice Street between Elaine Street and Lola Streets on Helena's East Side.**

Commissioner Oitzinger seconded the motion. All voted aye, motion carried.  
**Res. #11857**

**Padbury Minor Subdivision (Final Plat)**

CONSIDER FINAL PLAT FOR PADBURY MINOR SUBDIVISION NO. 1, CREATING LOT 1, 4.050-ACRES IN SIZE; GENERALLY LOCATED SOUTH OF ALICE STREET BETWEEN ELAINE STREET AND LOLA STREET

**Staff Report**

City Planner Belinda Waters reported the subject tract is presently outside the City limits and is currently vacant and undeveloped. The applicant's request for final plat approval includes a final annexation request. The proposed lot in this subdivision will meet lot area and width requirements for the R-O District. The main access route to the subdivision will be from Lolo Street, an existing paved City Street.

Ms. Waters recommended approval of the Minor Subdivision/Final Plat for Padbury Minor Subdivision.

**Motion**

**Commissioner Pouliot moved approval of the final plat for the Padbury Minor Subdivision No. 1, creating Lot 1, 4,050 acres in size; generally located south of Alice Street between Elaine Street and Lola Street.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Skelton Addition**

CONSIDER FINAL PLAT FOR PHASE II, SEQUENCE 3, OF THE SKELTON ADDITION FOR A 43 LOTS ON 13.62 ACRES: BLOCK 6, LOTS 1-9; BLOCK 7, LOTS 1-18; BLOCK 4, LOTS 1-14 IN THE R-3 DISTRICT FOR A TOTAL OF 41 LOTS; AND BLOCK 8, LOTS 1-2, IN THE R-O DISTRICT; GENERALLY LOCATED EAST OF MCHUGH DRIVE AND NORTH OF ROADRUNNER DRIVE

**Staff Report**

Kathy Macefield reported the city commission gave preliminary plat and annexation approval for the Skelton Addition, containing a total of 126 lots located on approximately 80 acres, on June 10, 1996 with 10 conditions to be completed prior to filing the final plat. Final plat for Phase I of the Skelton Addition containing 38 lots and parkland was filed in 1997. The final plat for Phase II, Sequence 1 containing 22 lots was filed in 2001. The final plat for Phase II, Sequence 2 was filed in 2002. Phase II, Sequence 3 is the final sequence of the Skelton Subdivision that remains to be filed with Clerk and Recorder. All of the conditions required for Phase II, Sequence 3 have been satisfied.

Ms. Macefield recommended approval for the final plat of Phase II, Sequence 3 of the Skelton Addition for a 43 lots on 13.62 acres.



Discussion

Commissioner Pouliot stated he would like to have included in the resolution that children under five ride for free. City Manager Tim Burton stated the language can be prepared in order make that amendment after the public hearing process and following that, the draft resolution could be amended as proposed.

Mayor Pro Tem Netschert asked how the Trolley rates compare with the regular Dial-A-Ride rates? Mr. Robinson stated the Dial-A-Ride rates for the elderly and handicap is \$.85. Mayor Pro Tem Netschert asked if the commission accepted the recommended motion as is, then the fares cannot be increased if the commission deem necessary. However the commission could reduce them if the rates were set higher and bring them down if after discussion the commission decided that some should be lower then others? City Attorney Bob Wood concurred.

Motion

**Commissioner Pouliot moved approval of a resolution of intention to set fares for the Helena Dial-A-Ride Trolley. Fares effective June 1, 2003. The fares will be \$.50 per ride, \$1.50 for an all day pass, \$12.00 for a all month pass and \$120.00 for an annual pass, \$45.00 per hour for extended hours of operation and \$75.00 an hour charter rate and set a public hearing for May 5, 2003.** Commissioner Oitzinger seconded the motion. **Res. #11858**

Discussion

Mayor Pro Tem Netschert stated the fares are too low considering the services provided.

Vote

All vote aye, motion carried.

**Public Hearings  
Brady Street**

PUBLIC HEARINGS

A. CONSIDER A RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT NO. 417 AND TO ISSUE THE CITY'S SPECIAL IMPROVEMENT DISTRICT NO. 417 BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$300,000.00 SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND, CITY OF HELENA, MONTANA

Staff Report

Public Works Director John Rundquist reported the commission on March 24, 2003 passed a Resolution of Intention to create Special Improvement District No. 417.

The district includes portions of the parcels adjacent to the Brady Street and Joslyn Street right-of-way, and portions of the Montana Rail Link right-of-way in the NW 1/4 and SW 1/4 of Section 24, T10N, R4W, P.M.M., P.M.M., Lewis and Clark County Montana.

The general character of the improvements being financed is street reconstruction including grading, asphalt, curbs, sidewalks, storm drainage, signs, striping and miscellaneous utility work.

Any owner of property liable to be assessed for said work had 15 days after the date of the first publication of the notice of the passage of Resolution of Intention to protest. This protest period expired at 5:00 p.m. on Friday, April 11, 2003. Within the protest period, no protests were filed with the Clerk of the Commission.

Mr. Rundquist recommended passage of the Resolution to create Special Improvement District No. 417 in the City of Helena, Montana.

**Public Testimony** Mayor Pro Tem Netschert declared the public portion of the hearing opened and called for any persons wishing to address the commission.  
There being no persons wishing to address the commission, the public hearing was closed.

**Motion** **Commissioner Oitzinger moved approval of resolution relating to Special Improvement District No. 417; creating the district for the purpose of undertaking certain local improvements and financing the costs thereof and incidental thereto through the issuance of Special Improvement District bonds secured by the City's Special Improvement District revolving fund.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Res. #11859**

**Power Townsend** B. CONSIDER A RESOLUTION APPROVING THE TAX ABATEMENT APPLICATION OF POWER TOWNSEND FOR PROPERTY LOCATED AT 3087 NORTH MONTANA AVENUE IN THE CITY OF HELENA, MONTANA

**Staff Report** Project Manager Hal Fossum reported a duly advertised public hearing was held on proposed tax abatement for rebuilding, reconstruction and remodeling by Power Townsend Co., retail building materials and garden equipment firm, at the April 3, 2003 joint meeting of the City and County Commissions. Proposed action by the City Commission was deferred until its scheduled meeting on April 21, 2003.

On Tuesday, April 8, 2003, the County Commission considered and approved the proposed tax abatement.

**Public Testimony** Mayor Pro Tem Netschert declared the public portion of the hearing opened and called for any persons wishing to address the commission.  
**Kathy Burwell, Chamber of Commerce** recommended approval of the project.  
There being no further persons wishing to address the commission, the public hearing was closed.

**Motion** **Commissioner Parriman moved approval of a resolution for tax abatement under MCA 15-24-1501 of an expansion by Power Townsend Co. located 3087 N. Montana Ave. Which is detailed in City of Helena Building permit application numbers 02-2577 and 03-2697, entailing the construction of an expansion and remodeling of the main existing building and site, with expected completion in FY2004. The amount and duration of the abatement are to conform to the schedule set forth in MCA 15-24-1501.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res. #11560**

**Public Communications** PUBLIC COMMUNICATIONS  
**Don Ronsinger 1803 Brady Street**, stated he wanted to thank Hal Jacobson for all his work on the project.

**Meetings of Interest** MEETINGS OF INTEREST  
CCIP meeting will be on April 29, 2003 at 2:00 - 5:00 p.m.

**Adjournment** There being no further business to come before the Commission, the meeting was adjourned at 7:20 p.m.

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Mayor Pro Tem Netschert

ATTEST:

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CLERK OF THE COMMISSION

