

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 3, 2003
6:00 P.M.**

Time & Place A regular City Commission meeting was held on Monday, November 3, 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, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Jacki Pierson were present. Representing the Youth Advisory Council was Anne Pichette.

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 October 20, 2003 were approved as submitted.

Proclamation PROCLAMATION:
A. Helena High Boys Cross Country Championship
B. Capital High Girls Soccer Championship
C. Helena High Boys Soccer Championship

Mayor Smith read the championship proclamations and presented it to the teams.

Presentation PRESENTATION:
A. Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ended June 30,2002.
City Manager Tim Burton stated for the 15th consecutive year the city of Helena qualifies for the Certificate of Achievement for Excellence in Financial Reporting. The Certificate is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and it's management.
City Controller Glenn Jorgenson stated it is an honor to receive this certificate and while he played a part in the process, there were many people within the city who made this possible.

Appointment APPOINTMENT:
A. Helena International Affairs Council

Mayor Smith asked for commission concurrence on the Helena International Affairs Council appointment of Bill Lombardi and Pat Murdo and the reappointment of Ron Lukenbill, Bill MacBride and Stephen Maly.

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

Motion Commissioner Pouliot moved approval of Helena International Affairs Council appointments of Bill Lombardi and Pat Murdo and the reappointment of Ron Lukenbill, Bill MacBride and Stephen Maly. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:

A. Claims

City Manager Tim Burton recommended approval of the claims.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

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

Bid Award

BID AWARD:

A. Missouri River Water Treatment Plant Improvement Project No. 02-23

Staff Report

City Engineer Ryan Leland reported the city of Helena opened bids for the MRTP project on October 21, 2003. The low bidder for the base bid and alternates #1 and #2 is Williams Brother Construction Company with a bid of \$1,047,845. This was the second time bidding this project because of bid protest and potential legal challenge to the award. The city commission rejected all bids upon the recommendation of the staff. Corrections were made to the bid documents and the project was readvertised. The low bid from the previous bid opening for the same alternates was \$1,159,200. This is a difference of \$111,355. These projects were budgeted in FY04 and a reimbursement grant in the amount of \$650,000 is in place with the Department of the Army for this project. In essence, this grant will pay approximately 50% of the recommended project.

Mr. Leland recommended approval for the award to Williams Brother Construction Company.

Discussion

Mayor Smith asked for clarification on why the last bids were rejected? Mr. Burton explained there were some technical errors within the bidding process and rather than going forward with those errors the city decided to reject all bids.

Commissioner Parriman asked for the original budgeted amount? Mr. Burton explained the budgeted amount was 1.4 million.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Parriman moved approval to award the Missouri River Treatment Plant Improvement Project No. 02-23 base bid and alternates #1 and #2 to Williams Brother Construction Company in the amount of \$1,047,845.00. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Mayor Smith commented on the upcoming election and wished both Commissioner Netschert and Commissioner Pouliot well.

Commissioner Parriman echoed Mayor Smith's comments and wished them both the very best.

Commissioner Pouliot thanked the commission for the comments and stated the campaign has been extensive and asked for Helena's support.

Commissioner Oitzinger thanked all the candidates for participating in the election and wished them all well.

Commissioner Netschert offered his thanks to all the candidates for conducting themselves in an exemplary fashion. He encouraged the citizen's exercise their right to vote.

Commissioner Pouliot stated he has received some concerns from the citizens regarding the deer problem here in Helena and regarding the downtown main street tree stands being filled with litter and weeds. Commissioner Pouliot asked the city manager to look into these problems.

Mr. Burton stated he would reengage Fish Wildlife and Parks regarding the deer problem and he would look into the litter and weed problem to see who's responsible. He mentioned sometimes these issues belong to the adjacent landowners.

**Report of the City
Attorney**

REPORT OF THE CITY ATTORNEY
No report given.

**Report of the City
Manager**

REPORT OF THE CITY MANAGER

A. Library Parking Lot Easement

City Manager Tim Burton reported at the October 6, 2003 city commission meeting the city commission approved entering into an encroachment agreement with the Lewis & Clark Library to encroach on parkland south of the Library for the purpose of constructing a parking lot for about 18 vehicles.

During the past week it has come to staff's attention that more parkland is required in order to develop the parking lot as anticipated by the Library. When originally proposed to the commission, 25 feet by approximately 100 feet was requested. Now it appears that the actual design requires 35 feet by 100 feet.

Although there were advertised meetings regarding the parking lot proposal and it was discussed at a September Administrative Meeting, there has been much adverse comment from the public since the encroachment was approved. For this reason, we have placed this item on this agenda to give the city commission an opportunity to give staff further direction.

Mr. Burton invited Elizabeth Goldes, Chair of the Lewis and Clark Public Library Board of Trustees to address the commission.

Elizabeth Goldes, 704 Stuart Street, Chair of the Lewis and Clark Public Library Board of Trustees, explained it became apparent there are some voices that have not been heard of the endeavors to begin work on the Library renovation. There have been numerous public meetings over the last year and a half; however, because the volume of public concern is so great, she asked the commission to table the item until additional public hearings can be held. Ms. Goldes explained it was unfortunate that the 35 feet was characterized as staff parking and the exact disposition of those parking spaces had never been decided on.

Discussion

Commissioner Pouliot asked regarding the building timetable? Ms. Goldes stated the parking project would not be taken care of until next summer.

Public Comment

Mayor Smith asked for public comment:

Linda Saul, 128 S. Benton, stated she appreciates the library tabling this issue to allow public comment and thanked the commission for reconsidering this item. Ms. Saul commented on the importance of Helena's open space and discussed optional parking methods. She recommended tabling this item

Beatrice Vogel, 46 S. Howie, stated it is unthinkable to pave a park for additional parking, when parking is available throughout that whole area. She recommended tabling the item.

Jessica Snyder, 1524 Broadwater Circle, stated she has had multiple problems obtaining information on the proposed parking lot. Ms. Snyder explained her daughter attends the Rocky Mountain Preschool and she would like to know how close to the playground the parking lot will be.

Gary Wiens, 441 S. Park Ave., thanked the commission and the library board and staff for the willingness to reconsider this matter. He commented on the importance of open space and discussed the availability of parking near the library. He recommended tabling this item.

Jim Green, 305 E. Cutler Street, stated he is grateful that this issue is being considered for tabling. He commented on the importance of Helena's small pocket parks and the additional options for parking around the library.

Margaret Regan, 416 Miller, stated she is thrilled that the library has suggested additional consideration of the parking on the south side of the building. Ms. Regan explained parking is a problem for the library staff; however, there are many other options available.

Deborah Schlesinger, 2 Washington Place, stated plans for both parking lots are available at the information desk at the library as well as a visual representation of the space the parking lots would occupy.

Sally Hilander, 568 5th Ave., stated she loves Helena's open space and recommended tabling the item.

Sara Scott, 822 Madison Ave., stated she wanted to echo many of the other comments given and recommended tabling the item.

Mary Chester, 520 Clarke St., explained the importance of green space in Helena and recommended tabling the item.

Terry Sather, 714 2nd St., stated she works at Rocky Mountain Development Council, which has both the preschool and the head start. Both programs use the playground and she would hate to lose the green space.

Craig Pachino, 12 Washington Place, stated the plan to renovate the north parking lot is a great idea; however, the planned parking lot on the south side is another matter. He stated it's a bad idea and explained there is plenty of optional parking in that area and recommended tabling the issue.

Motion

Commissioner Netschert moved to reconsider October 6, 2003 City Commission action taken on the library southern parking lot issue.

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

Motion

Commissioner Netschert moved to table the south library parking lot issue to the call of the city manager for the purpose of studying the need for additional parking after all other parking improvements have been completed. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Discussion

Mr. Burton explained he received letters from HCTV and Carroll College requesting that Carroll College be the fourth location for a live broadcast transmitter. To date the other three transmitters are located in the City Commission Chambers, the state capital building and at the HCTV's master control facility. If there were no objections from the commission he would respond in writing that the commission is agreeable to this fourth location.

Commissioner Pouliot asked if there is cost involved and who would cover those costs? Mr. Burton explained there are some costs involved and Carroll College has agreed to pick up any cost beyond what their required to provide.

Mayor Smith asked if other sites were considered and rejected or was this the only site that has been offered? Mr. Burton stated there was some discussion regarding the Civic Center; however, it was decided that Carroll College provides a different venue.

Mayor Smith stated there are no objections from the commission.

Jackson Street

CONSIDER A CONTRACT FOR PHASE I DESIGN OF THE JACKSON STREET PARKING STRUCTURE

Staff Report

Community Facilities Director Gery Carpenter reported the contract with Karhu-Cullen Architects is to design a multiple level parking structure in two phases. Phase One will provide, through a process of at least three public fact-finding and consensus work sessions, the design program, preliminary schematics and construction costs for the Jackson Street Parking Structure. Phase Two would provide architectural design services to construct a parking structure, based upon the design program, preliminary schematic and the construction cost budget resulting from the public input of Phase One.

The fee for Phase One would be \$22,875 (Twenty two thousand eight hundred seventy-five dollars) based on the three work sessions described above. An additional \$3,000 plus reimbursable would be charged for each subsequent work session approved until consensus by the steering committee can be achieved.

The fee for Phase Two would be established based on the quantity of work to be performed, as set by the program requirements developed during the Public input process for the Jackson Street Parking Structure and would be an amendment to this contract upon completion of Phase One.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Netschert moved approval of the contract for Phase One design of the Jackson Street Parking Structure with Karhu-Cullen Architects P.C. and authorize the city manager to sign the contract.

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

Exploration/Discovery Center **CONSIDER A CONTRACT FOR PHASE I DESIGN OF THE EXPLORATION WORKS BUILDING**

Staff Report

Community Facilities Director Gery Carpenter reported to develop an accurate cost for architectural services for this project the schematic design phase should first be completed. This project has a community build component to the construction process. This component includes volunteer labor and donated materials. The schematic design phase will not only define the size and scope of the building but also the areas where the community build component can best be utilized. The completion of the schematic design phase will provide the size, scope and cost estimates for the building, which will present a more accurate depiction of the project. This will allow the architectural costs for the second phase, which will include construction drawings, specifications, bidding and project construction to be as reasonable as possible.

- Public Comment Mayor Smith asked for public comment, none was received.
- Discussion Commissioner Parriman stated the last contract showed a \$3,000 per meeting reimbursable expense and asked if the \$4,000 reimbursable cost is roughly the same thing? Mr. Carpenter explained it is similar, except the \$4,000 is actually the cost that they have projected for the entire process.
 Commissioner Netschert explained he would not be supporting the proposal because existing facilities within the down town area could have been utilized for this project.
- Motion **Commissioner Oitzinger moved approval of the contract for Phase One design of the Exploration Works Building with DT Architecture and authorizes the city manager to sign the contract.** Commissioner Pouliot seconded the motion. Motion carried 4-1 with Commissioner Netschert voting no.
- Parking Districts CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH A TYPE B RESIDENTIAL PARKING DISTRICT FOR A PORTION OF LESLIE AVENUE IN THE CITY OF HELENA, MONTANA
- Staff Report City Engineer Ryan Leland reported residents along the Leslie Avenue are experiencing problems with vehicles blocking driveways, mailboxes and garbage containers, particularly from Carroll College students when school is in session. Apparently, numerous college students are parking in this area rather than on the college grounds. Residents have requested a Residential Parking District for Leslie Avenue from Benton Avenue to Madison Avenue between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday.
 Mr. Leland mentioned an additional request for a parking district has been made in the same area and will be coming before the commission on November 17, 2003. Mr. Leland recommended approval of the resolution of intention to establish a Type B Residential Parking District.
- Discussion Commissioner Pouliot asked how many of the homes are single-family? Mr. Leland stated all but two are single-family residences.
- Public Comment Mayor Smith asked for public comment:
 Dave Hanson, 410 State St., stated this parking district is one that might effect a piece of property that he rents out and asked if there would be provisions for permits?
- Discussion Mr. Leland explained upon approval there would be signs placed on these blocks and the parking permits costs \$5 dollars.
 Commissioner Netschert mentioned because a similar request is on the November 17, 2003 would it be prudent for the commission to wait and deal with both of them at the same time, seeing how they are both in the same district? Mr. Burton concurred and explained there have been several discussions regarding the residential parking districts and stated a policy level discussion should be held regarding the numerous requests for parking districts.
 Commissioner Parriman stated the city has additional costs involved when installing residential parking districts and people that are requesting increased service from the city should be shouldering the burden of the cost.

Commissioner Netschert stated a lot of these people are reacting to situations caused by their neighbors, which has most commonly been an institution of learning. He would like to see a cost shared with those receiving the benefit and those causing the problem.

Motion **Commissioner Netschert moved to table a resolution of intention to establish a Type B Residential Parking District for a portion of Leslie Avenue to the call of the city manager.** Commissioner Parriman seconded the motion.

Discussion Commissioner Oitzinger stated the impacts caused on the neighborhood are not of the neighborhoods making, institutions of learning cause them. If the city is not going to provide this service or if there will be charges for the additional service she would like to have data on other institutionally impacted cities.

Mayor Smith stated he is concerned that the city continues to ask the police force to do more and then fail to provide them with the means to do more.

Vote All voted aye, motion carried.

Chamber Building CONSIDER AN ORDINANCE AMENDING ORDINANCE NO. 2691 THAT APPROVED THE HELENA VISITOR AND COMMERCE CENTER AS AN URBAN RENEWAL PROJECT IN THE CITY OF HELENA, MONTANA AND AMENDING ORDINANCE NO. 2559

Staff Report Administrative Services Director Tim Magee reported current problems and circumstances:

1. Gateway Economic Development has an opportunity to rent out it's building as an economic development incubator if it relocates its own offices.
2. Max Baucus has moved out of the Chamber building, opening up adequate space to relocate Gateway administrative offices.
3. Current building rents are not adequate to maintain maintenance levels, much less a realistic capital program.
4. Current rents include loan payment and property tax components.
5. City ownership would make the Building tax exempt, which would free up over \$31,500 for maintenance and capital needs.
6. The Community Facilities Director's analysis of the Chamber Building operation, maintenance and capital needs shows that the city can provide facility management on a self-supporting basis.

Public Comment Mayor Smith asked for public comment:
Kathy Burwell, CEO of the Helena Chamber of Commerce, and spoke in support the item.

Motion **Commissioner Pouliot moved approval of first passage an ordinance amending Ordinance No. 2691 that approved the Helena Visitor and Commerce Center as an Urban Renewal project in the city of Helena, Montana and amending Ordinance No. 2559.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Ord. #2980**

Public Communications PUBLIC COMMUNICATIONS
Dave Hanson, 410 State St., asked regarding the orange sand barrels and if they would continue to be placed on city street corners? Mr. Burton

explained the street maintenance crews are in the process of placing them around the city.

Meetings of Interest

MEETINGS OF INTEREST

Mayor Smith stated the Administrative Meeting will be held on November 12, 2003 and the next regular city commission meeting will be held November 17, 2003.

Commissioner Pouliot mentioned November 11, 2003 is Veterans Day and there will be a parade in East Helena, the American Legion hosts a breakfast and a service will be held at Fort Harrison. He invited the citizens of Helena out to participate.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:00p.m.

Mayor Smith

ATTEST:

CLERK OF THE COMMISSION

