

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
December 1, 2003
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, December 1, 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 and Parriman were present. Commissioner Pouliot was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Jacki Pierson were present. Others present were Jerry Hutch; representing the Helena Citizens Council. Anne Pitchette and Tom Ryan representing the Helena Youth Advisory Council.

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, November 17, 2003 were approved as submitted.

Introduction INTRODUCTION:

A. City-County Addressing Coordinator Jerry Grebenc

City Manager Tim Burton invited Information Technology Art Pembroke forward to introduce Jerry Grebenc. Mr. Pembroke gave a brief history regarding the position and introduced Jerry Grebenc as the new City-County Addressing Coordinator.

Jerry Grebenc stated this will be the first time the city and county will have an integrated process for address and road naming. This position will help emergency services provide better service to residents and will help tourists and visitors in the Helena area.

Appointments APPOINTMENTS:

A. Golf Course Advisory Board

Mayor Smith recommended the following appointments:

Golf Course Advisory Board

Doug Doty – Unexpired Term – will expire October 10, 2004

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

Motion **Commissioner Oitzinger moved approval of the recommended appointment.** Commissioner Parriman seconded the motion. All voted aye, motion carried.

Report Helena International Affairs Council Annual Report

Bill MacBride introduced the 9 volunteer members of the Helena International Affairs Council and reviewed the HIAC administrative and organizational efforts. He explained the council's achievements and provided future plans for the HIAC.

Discussion Commissioner Oitzinger stated she is pleased with the new Carroll College intern; Anjalie Graham, and feels it will be a beneficial relationship.

Mayor Smith asked Mr. MacBride to convey the appreciation and gratitude of the entire commission to all the HIAC members.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Sale of surplus real property – Sell L-shaped portion of Lincoln Park, declared surplus property on July 24, 2000.
- C. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the sale of that property – used patrol vehicle lightbars. **Res. #12060**
- D. Second Passage of Ordinance #2981 – amending city of Helena Ordinance 2359 and amending the official zoning map thereof in reference to that property described as a vacant, undeveloped parcel located east of Monroe and South of Clarke Street.
- E. Second Passage of Ordinance #2982- rezoning four parcels of property totaling approximately 248 acres.
- F. Second Passage of Ordinance #2983 – rezoning three parcels of property totaling approximately 150 acres.
- G. Second Passage of Ordinance #2984 – amending city of Helena Ordinance 2359 and amending the official zoning map thereof in reference to that property described as a portion of a 32-acre tract.

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 items A through G on the consent agenda. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD:

- A. Lockey Park Play Equipment
- B. Solid Waste Transfer Trailer
- C. Helena Area Transit Service Bus - Section 5311 Contract

Staff Report

Director of Parks and Recreation Randy Lilje reported after extensive review and scoring of the proposals staff's recommendation is to award the bid to Great Western Parks and Playground of Wellsville, Utah representing GameTime. They proposed 2 options. Mr. Lilje recommended option 1 in the amount of \$24,892.42 delivered. The budget for this item is \$25,000.00.

Public Comment

Mayor Smith asked for public comment, none was received.

Discussion

Commissioner Parriman asked regarding the other bid results? Mr. Lilje explained most of the bids were in the same price range. He stated the bidding process determined who could design the best playground for the needs of Helena and who could provide the most playground with the money available.

Motion Commissioner Oitzinger moved approval to award the bid for the Lockey Park playground equipment to Great Western Park and Playground in the amount of \$24,892.42. Commissioner Parriman seconded the motion. All voted aye, motion carried.

B. Solid Waste Transfer Trailer

Staff Report Fleet Manager Ed Robinson reported bids were received for One (1) new Solid Waste Transfer Trailer to replace unit #232 and trade it in. The low bid was from Wilkens Industries. Wilkens Industries bid a 2004 Wilkens roadrunner at a price of \$43,057.00 after trade. The FY04 Budget appropriation for this unit is \$56,650.00.

Mr. Robinson recommended approval of the bid.

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

Motion Commissioner Parriman moved approval of the bid from Wilkens Industries for One (1) New Solid Waste Transfer Trailer for the bid price of \$43,057.00. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

B. Helena Area Transit Service Bus - Section 5311 Contract

Staff Report Fleet Superintendent Ed Robinson reported the State of Montana of Transportation has bid a new bus for HATS under the Section 5311 Capital Replacement Program. HATS, programs the replacement of a new bus each year. The total cost of the new bus is \$56,336.00. The city's 20% matching share is \$11,267.20. The budget allocation for this acquisition is \$11,020.00.

Mr. Robinson recommended approval of the 5311 Capital Contract #04-50-0023.

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

Motion Commissioner Oitzinger moved approval to authorize the city manager to sign the Section 5311 Contract for the purchase of the new Helena Area Transit Service bus for an amount not to exceed \$11,267.20. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Parriman presented the apron he received from the Home Depot grand opening to Mayor Smith and stated the Home Depot is good addition for Helena.

Mayor Smith stated he feels there's plenty of business and opportunity for all businesses, new and old.

Commissioner Netschert mentioned he had the honor and privilege to attended the Adoption Awareness Ceremony.

Commissioner Oitzinger invited Ed Robinson forward to refresh the commission regarding the trolley and what those routes are, in order to provide the public a chance to shop downtown. Mr. Robinson explained the Trolley is running from 11:00 a.m. to 6:00 p.m. in the downtown/Great Northern Area. The route runs 20 minutes, beginning at the Great Northern, through the

downtown/walking mall area, looping back to the Great Northern. The BID approved a change in the route to include the State Capital Complex.

Mayor Smith thanked the commission for filling in and taking care of business in his absence.

**Report of the City
Attorney**

REPORT OF THE CITY ATTORNEY
No report was given.

**Report of the City
Manager**

REPORT OF THE CITY MANAGER

City Manager Tim Burton recognized the victory that the Carroll College Saints had last week and mentioned they are on their way to the quarterfinals next weekend, with an undefeated season. He congratulated the team and wished them luck.

Mr. Burton stated the city staff wanted to present Geno Hicks a gift for his excellent service to the city; however, he was unable to attend but will be attending a future meeting.

Mr. Burton explained on November 20, 2003, a Helena jury awarded \$1 million dollars to Clifford Chambers for injuries he sustained when he fell at the City of Helena Transfer Station back in 1996. The city of Helena is disappointed with the verdict and through legal council; the city is determining the options.

Mount Helena

CONSIDER THE PURCHASE OF 14.10 ACRES LOCATED ON THE EAST SLOPE OF MOUNT HELENA. **(TABLED FROM MARCH 10, 2003)**

Staff Report

Public Works Director John Rundquist reported the 14.10 acres is an enclave within the boundaries of Mount Helena Park and has limited access to it. It is located on the east slope of the mountain above the Reeders Village Subdivision. The owner is Julia Crane. The water service to Reeders village is a pumping system. This property has the future potential of being used as a site for a water tank to serve Reeders Village and other properties below Reeders Village should the current pump system become inadequate to serve those areas. Through current technology, a water tank on this site would most likely be nearly fully buried. Moore Appraisal Firm did an appraisal and estimated the market value of the property to be \$130,000. The owner has agreed to sell the property for \$129,000. This proposal was presented to the commission on March 10, 2003, but was tabled because the owner did not have clear title to the property at the time. She has since quieted title to the property and is ready to proceed with the sale.

Mr. Rundquist recommended approval to authorize the city manager to purchase 14.10 acres located on the east slope of Mount Helena.

Discussion

Commissioner Oitzinger asked if there is a time line regarding water tanks installation? Mr. Rundquist explained there is not a time line for a specific facility at this time but the property is at the right elevation for a reservoir that could serve the Reeders Village area and the surrounding properties within the city limits. Commissioner Oitzinger stated it was indicated that should a pump be installed it's likely it would be buried? Mr. Rundquist concurred.

Mayor Smith asked if this property is adjacent to the Mount Helena Park? Mr. Rundquist concurred. Mayor Smith asked if the city would be purchasing the property with money out of the water department enterprise fund? Mr. Rundquist concurred. Mayor Smith asked if there are other uses or verbal arrangements for other use of the property? Mr. Rundquist explained the sites that are available for reservoir use on Mount Helena are very limited and the city wanted to

purchase a future reservoir site, if and when one is needed. Mayor Smith explained he is trying to avoid confusion with the public regarding the lands usage. Mayor Smith asked regarding the proposed temporary road and mentioned problems may arise due to the Mount Helena Ordinance. Mr. Rundquist explained it is a physical difficulty; however, temporary access is needed to transport maintenance equipment.

Commissioner Parriman asked if water lines would have to be run through the Mount Helena Park in order to service the surrounding residences? Mr. Rundquist explained this particular site wouldn't accommodate the problems that exist on the other side of the mountain.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Netschert moved to authorize the city manager to purchase 14.10 acres located on the east slope of Mount Helena from Julia Crane for \$129,000 for the purposes of locating a water storage facility and should the storage facility become unfeasible, property shall be disposed of by auction to the highest bidder. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Great Northern

CONSIDER A RESOLUTION AMENDING RESOLUTION 11224 TO ELIMINATE THE CUP CONDITION FOR A COVENANT PROVISION FOR A BUILDING SETBACK ALONG THE SOUTHERN BOUNDARY OF BLOCK A IN THE GREAT NORTHERN PUD. (TABLED FROM NOVEMBER 17, 2003)

Staff Report

City Planner Kathy Macefield reported the city commission approved a conditional use permit (CUP) on March 9, 1998 to allow development of the Great Northern PUD in the B-3 (Central Business) District. Resolution #11224 for this CUP states the following condition: *The covenants shall be revised to include the following: A. Additional setback requirements for front and rear yards of the specifically identified individual lots, including the 10-foot building setback along the south side of Block A.* Page 34 of the covenants states: *Access from and across the common areas, setbacks easements, no-build zones and building heights area all described on the subdivision plat or on the PUD plat, both of which are of record and hereby made a part of these covenants.* The final plat shows a 10-foot wide "minimum setback on all floor levels" along the southern boundary of Block A.

Block A was originally anticipated in 1998 to be developed with multi-level condominiums. At that time, the Federal Reserve Bank had expressed potential concerns related to security if the condominiums has windows on the south side that could overlook the bank's operations. As a result, the 10-foot wide building setback was required for the CUP and stated in Resolution #11224.

This additional setback requirement is unusual and typically not a city condition. The applicant has requested to remove this building setback condition from the CUP resolution. The applicant would then be free to amend this provision of the privately enforced covenants. The Federal Reserve Bank is aware of the applicant's request. Section 11-25-5 of the Helena Zoning Ordinance allows staff to approve minor adjustments to PUDs. This section states: *Minor adjustments are those changes which may affect the precise dimension of buildings and the siting of buildings, but which do not affect the basic character, use or arrangement of buildings, or the basic design, density or open space requirements of the development.* However, this request must be

considered by the city commission because this requirement was included in the conditions for approval of the CUP.

Ms. Macefield recommended approval to eliminate this condition, which would allow the owner to remove this provision that was privately imposed by the covenants and the self-imposed building setback.

Discussion Mayor Smith asked if the Federal Reserve Bank has been in contact regarding this issue? Ms. Macefield stated they were made aware of the situation and have not been in contact since.

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

Motion Commissioner Oitzinger moved approval for a resolution amending Resolution #11224 to remove condition #11.A. requiring the covenants to include a provision for a 10-foot wide building setback along the southern boundary of Block A in the Great Northern Planned Unit Development (PUD). Commissioner Parriman seconded the motion. All voted aye, motion carried.

Courthouse Addition CONSIDER THE EXPANSION OF THE CITY'S WATER AND SEWER SERVICE BOUNDARY FOR LOTS 32-34, BLOCK 5 OF THE COURTHOUSE ADDITION

Staff Report City Engineer Ryan Leland reported the property is located on Iowa Street between Beattie and Raleigh Streets, and is owned by Dr. Skip Score. The current use of the property is pasture for horses. The property is located within the city limits but outside the water and sewer service areas. The proposal is for Dr. Score to sell the property to Marty Ingham. Mr. Ingham's plan is to build a single-family residence. In order to build the single-family residence both water and sewer will have to be extended, which will also require the enlargement of the water and sewer service area. The city of Helena has the capacity in both the water and wastewater treatments systems, and in the distribution system. Mr. Leland recommended approval of the application to enlarge the water and sewer service area.

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

Motion Commissioner Netschert moved approval of the application to enlarge the water and sewer service area to serve Lots 32-34 in Block 5 of the Courthouse Addition. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Compensatory Time CONSIDER A RESOLUTION ADOPTING THE CHANGES TO THE CITY OF HELENA PERSONNEL POLICY, SECTION 80-2, HOURS OF WORK, OVERTIME AND COMPENSATORY TIME

Staff Report Human Resource Director Salty Payne reported the present policy has a maximum accumulation limit of 160 hours and allows a payout under circumstances in excess of those required in the Fair Labor Standards Act. Employees for the actual cash value of all "non-exempt" compensatory time accumulate the city's liability. To limit the maximum accumulation to 60 hours and eliminate the payout of compensatory time to that required under the Fair Labor Standards Act,

namely upon termination of employment or as specified in individual labor agreements. Other cosmetic changes in language to reflect the property reporting form title and grammatical corrections.

Mr. Payne recommended approval of a resolution adopting the changes to the city of Helena personnel policy.

Discussion

Commissioner Oitzinger asked what is outstanding in terms of the liability? Mr. Payne explained if all the compensatory time that the city has on the books for non-exempt employees were paid out it would be approximately \$78,000.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of a resolution adopting the changes to the city of Helena personnel policy, Section 80-2, hours of work, overtime and compensatory time. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS
No report was given.

Meetings of Interest

MEETINGS OF INTEREST
Town Hall Meeting on HOLMAC Plan – Thursday, December 18, 2003
7:00 p.m. – Civic Center Ballroom.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:15 p.m.

Mayor Smith

ATTEST:

CLERK OF THE COMMISSION

