

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 23, 2004
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, February 23, 2004, 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, Cartwright, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Jacki Pierson were present. Others present were Anne Pitchette representing the Youth Advisory Council and Jerry Hutch representing the Helena Citizens 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, February 9, 2004 were approved as submitted.

Proclamation

PROCLAMATION:

A. Helena Hero's Day

Mayor Smith read and presented the Helena Hero's Day Proclamation to Alex Waren, Betty Waren and Jayd McKay; the three young individuals who potentially saved a life.

Appointments

APPOINTMENTS:

Mayor Smith recommended the following appointments:

Board of Adjustments

Patricia Burke – Unexpired term - expires October 1, 2006

Civic Center Board

Curt Chisholm – Unexpired term – expires March 1, 2005

Jennifer S. Wendt – 1st term expires March 1, 2007

Reappointment of Civic Center Board

Members – terms expire March 1, 2007

Rita Cortright

Terri Gane

Cheryl Garrett

Sherron Massman

Jeannie J. Pullin

Public Art Committee

Dennis McCahon – 1st term expires December 31, 2006

Linda McCray – Unexpired term expires December 31, 2004

Youth Advisory Council

Kelsey Lindsay – Unexpired term expires August 31, 2004

Public Comment

Mayor Smith asked for public comment, none was received.

Motion Commissioner Pouliot moved approval of the appointments listed above. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Acceptance of the Fiscal Year 2003 Audit Report
C. INTERCAP Loan application approval – Commission Chamber remodel

City Manager Tim Burton recommended approval of the claims.

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

Motion Commissioner Parriman moved approval of items A through C on the consent agenda. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Bid Award BID AWARD:
A. Golf car fleet – Bill Roberts Golf Course

Staff Report Director of Parks and Recreation Randy Lilje reported the city received 3 bids. The bidders included Highland Golf Cars, Inc. (Brand: E-Z-Go), Masek Golf Car Com. (Brand: Yamaha), and Johnson Distributing (Brand: Club Car).

The low bid was from Highland Golf Cars, Inc. bidding the E-Z-Go brand. However, the E-Z-Go car was found to be deficient in one very important specification, body clearing front and rear bumpers. These are bumpers that extend out beyond the body of the car to protect it. When asked about this deficiency and if bumpers could be installed, the bidder stated the E-Z-Go Cars are designed to collapse and therefore to add bumpers would void the warranty.

Staff believes this to be a very important feature for a fleet car. Most of the damage to the cars occurs from the day-to-day handling. Often in the line up of the cars when putting them away for the evening, they bump into each other causing significant damage over time if there are no bumpers. The other two major manufacturers have this body clearing bumper feature.

Therefore, staff recommends that the bid be awarded to the lowest bidder meeting specifications, Masek Golf Car Co., bidding the Yamaha Golf Car. This car meets all the minimum specifications, plus has a longer warranty and apparently better fuel efficiency. This bid was also under staff's estimates.

In an analysis performed by staff, it appears that it would be in the best interest of the city to go with Option 2. In this option, the city would secure an InterCap Loan to purchase the entire fleet of 55 cars, and the Golf Course would pay it back over 5 years. This would save the golf course at least \$9,700 in financing costs over the other options.

It should also be noted that both low bidders have submitted a trade-in allowance for our existing fleet of over \$43,000, which is what the golf course paid for the fleet when purchased from the golf professional last year.

Mr. Lilje recommended awarding the bid to Masek Golf Car Com.

Discussion Commissioner Parriman asked what the life expectancy on the golf cars is? Mr. Lilje stated the newest carts were purchased in 1995 and the oldest carts were purchased in 1989. It would be in the best interest of the course to replace the whole fleet at one time and the carts will be replaced in a staggered manner in order to maintain updated carts.

Public Comment Mayor Smith asked for public comment.
Tryg Williams, 10875 Peninsula Place, LoLo, Montana, Highland Golf Cars, Inc., stated it is his understanding that his company was disqualified because their carts did not meet the specifications required in the bid due to the lack of a front clearing full bumper. Mr. Williams stated Highland Golf Cars, Inc. makes a very safe product and explained the lack of a bumper actually protects golfers from injuries if the carts were to collide and the cart is designed to collapse if needed. He urged the commission to reconsider Highland Golf Cars, Inc. bid.

Discussion Commissioner Parriman asked how the decision was made regarding the golf carts bid? Mr. Lilje explained staff developed minimum bid specifications, the bumper being one of them. He explained 90% of the time damage comes from the handling of the cart when it is being parked; the front and rear bumpers minimize this damage.

Commissioner Oitzinger asked regarding a time line for this bid? Mr. Lilje explained he was hoping to get the new fleet on the course by opening day April 1, 2004.

Commissioner Parriman stated he would be supporting the staff recommendation.

Motion Commissioner Pouliot moved approval to award the purchase of a fleet of 55 golf cars to Masek Golf Car Company in the amount of \$139,260. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Motion Commissioner Pouliot moved approval to direct staff to secure an InterCap Loan for the golf car fleet in the amount of \$139,260. Commissioner Parriman seconded the motion. All voted aye, motion carried.

B. Rear loader sanitation truck – Residential Solid Waste

Staff Report Street superintendent Bill Michalson reported bids were received for One (1) new Solid Waste rear-load refuse truck to replace unit #206 a 1994 Ford/Heil rear load refuse truck. The low bid was received from Western Star/Sterling Trucks. Western Star bid a 2005 Sterling with a 2004 Leach refuse body at a price of \$71,599.00 after trade. The FY04 Budget appropriation for this unit is \$85,000.00.

Mr. Michalson recommended the purchase of the new unit at the bid price of \$71,599.00.

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

Motion Commissioner Cartwright moved to accept the bid from Western Star/Sterling for One (1) New Solid Waste Rear-load Refuse Truck with extended warranty for the bid price of \$71,599.00 and the

extended warranty of \$1,015.00. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Parriman reported on his trip to Washington D.C. with Public Works Director John Rundquist and City Manager Tim Burton. They met with Senator Baucus in an attempt to obtain grant funding for various water projects in regards to the Missouri wastewater treatment plant. He explained the city has been working with a consultant on ways to obtain grant funds and stated it has been going well. Mayor Smith thanked Commissioner Parriman for taking his place on that trip and explained it was important for the city to be represented by someone on the commission.

Commissioner Pouliot asked regarding the lack of intersection signage on Main Street and Montana Avenue. City Manager Burton explained the Public Works Director and the Street Superintendent and MDT have began discussions on that issue and stated when the issue is resolved he would report back to the commission.

Commissioner Cartwright stated tonight during the bid award regarding the disqualified bid by Highland Golf Cars, Inc., he felt uncomfortable and asked the city manager if something could be done to notify the commission on such responses from the public and if there is a way for those types of situations to flow more smoothly? Commissioner Cartwright stated the commission should meet to discuss the I-15 project and the commission's response to MDT. City Manager Burton stated in terms of the I-15 Interchange he spoke with the Chief Administrative Officer Ron Alles and a general discussion will be held on March 4, 2004 at the Joint City/County Work Session. City Manager Burton stated in terms of the bid award, he did not know who was going to speak but they were heard and the commission made a decision based on that.

Mayor Smith introduced Chris Barnesh, senior crew leader for the Helena Region of the Montana Conservation Core of Engineers. Mr. Barnesh he introduced his crew leaders. Mr. Barnesh explained they are an Americore funded nonprofit organization trying to engage and bring skills to the youth, serve the communities and the natural environment.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen advised the commission that Collaborative Design has submitted a demand for arbitration on a contract that the city had. He explained back in the fall of 1998 the city and the Helena Parking Commission entered into a contract with Collaborative Design out of Billings and the contract was to design the Getchell structure and to submit schematic design for the parking structure on Jackson Street, which is still in the planning stage. Collaborative Design has demanded arbitration under the contract and their asking for what they would have received in profit, had they done the complete design on the Jackson Street project, which is around \$24,000.

Commissioner Cartwright asked if Collaborative Design wants the profit for doing the schematic for doing the whole garage? Mr. Nielsen explained they were paid for doing the design schematic, so this would be the profit, had they done the final design for Jackson Street structure. Commissioner Cartwright asked if the contract called for them to do the final design? Mr. Nielsen stated no.

Commissioner Pouliot asked if the city is going to deny the demand? Mr. Nielsen concurred.

Commissioner Oitzinger stated she is happy to be informed of these issues because it is a potential liability that could loom.

Report of the City Manager

REPORT OF THE CITY MANAGER

No report was given.

HCC Report

Jerry Hutch, 1111 E. State Street stated February 25, 2004 in room 326 in the City/County Building the Helena Citizens Council will be holding their monthly meeting. They will be discussing the continuing house numbering project, the snow removal from sidewalks; what had been done and what had not been done. Recommendations would be made to the commission on those issues. Mr. Hutch explained depending upon the approval from the commission regarding the redistricting there would be people interested on how and why this was done.

HCC Districts

CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTION 1-4-10 OF THE HELENA CITY CODE – HELENA CITIZENS COUNCIL DISTRICTS

Staff Report

City Manager Tim Burton reported this is an ordinance updating the Helena Citizens Council Districts to be consistent with the redrawn voting precincts.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Pouliot moved approval for first passage of an ordinance updating the Helena Citizens Council Districts to be consistent with the redrawn voting precincts. Commissioner Cartwright seconded the motion. **Ord. #2987**

Discussion

Commissioner Oitzinger explained the precincts have not changed dramatically and perhaps comparing the two maps would show how little of an effect there really is.

Vote

All voted aye, motion carried.

Sunrise Loop Annexation/ Right-of-Way

CONSIDER ACCEPTANCE OF DEDICATED RIGHT OF WAY ADJACENT TO TRACT B1 AS SHOWN ON COS #597474/B AND AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, LEWIS AND CLARK COUNTY, MONTANA; GENERALLY LOCATED SOUTH OF SADDLE DRIVE AND EAST OF SOUTH HILLS DRIVE

CONSIDER A RESOLUTION ANNEXING TRACT B1 AS SHOWN ON COS #597474/B, AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, LEWIS AND CLARK COUNTY, MONTANA; GENERALLY LOCATED SOUTH OF SADDLE DRIVE AND EAST OF SOUTH HILLS DRIVE, INTO THE CITY OF HELENA

Staff Report

City Planner Lucy Morell-Gengler reported American Real Estate, LLC is proposing to complete final plat and annexation of Tract B1, which is a portion of the Sunrise Loop Subdivision. Completing the

annexation is a prerequisite to enabling the city to approve the Sunrise Loop Subdivision final plat.

On May 5, 2003, the city commission established conditions to annexation of Tract B1 as shown on COS#597474/B (Res. 11862), and established rezoning designations for the property (Ord. 2960). On that same date, the commission conditionally approved the Sunrise Loop major subdivision preliminary plat creating 29 residential lots and rezoning to R-2 (Single-Family Residential) District.

Conditions for annexation include the following:

1. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
2. Final Plat: Annexation of the subject property is effective upon filing the final plat for the proposed Sunrise Loop subdivision with the Clerk and Recorder.
3. Completion of Conditions: The applicant must notify City Planning in writing upon completion of the conditions for approval of annexation, which must be on or before the date of completion of conditions for subdivision of this property and is subject to the same time limitations. If the conditions are not completed within that time frame, the city is under no obligation to annex the property and may discontinue any city services, including water and sewer.

The conditions of annexation have been fulfilled and all procedural and due process requirements have been completed. Ms. Morell-Gengler recommended approval of the annexation and the dedication of right-of-way.

Discussion

Commissioner Pouliot asked regarding the name change on a section of Saddle Drive, to be changed to Stirrup Drive? Ms. Morell-Gengler explained Saddle Drive makes a very distinctive bend from north/south to east/west. The specific name was submitted to the city for review by the subdivider.

Commissioner Cartwright asked what is southwest of the property? Ms. Morell-Gengler explained this property is located in the county and there are single family residences located in the area. Commissioner Cartwright asked if this area was thought about being the location of a water tank? Ms. Morell-Gengler concurred and explained a portion of the subdivision was at one time considered for location of the water reservoir; however, the water reservoir is located north of this property. Ms. Morell-Gengler stated one of the concerns with this property was retaining some land as open space and the conservation easement will help achieve that goal.

Commissioner Parriman stated the name change might cause confusion regarding two different names for the same street. Ms. Morell-Gengler stated another reason for the name change was for addressing to help emergency vehicles.

Mr. Burton explained it is a public safety issue and one of the concerns is the intersection itself.

Fire Chief Steve Larson explained this is the first part of where the street will continue down to the interstate when the second section is annexed in a couple months. For addressing purposes regarding emergency response, the name change will make it less confusing.

Public Comment

Mayor Smith asked for public comment.

Joseph Mueller, 2002 Sweetgrass, explained the street numbering would head into the negative numbers so a name change was needed.

Commissioner Pouliot asked if Saddle Drive begins at the city limits with #1? Mr. Mueller concurred.

Motion

Commissioner Pouliot moved to accept the dedication of the access and utility easement, as legally described in the resolution of annexation, as right-of-way to the City. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Motion

Commissioner Pouliot moved approval of a resolution annexing property legally described as Tract B1 as shown on COS#597474/B, as recorded in the Office of the Clerk and Recorder, Lewis and Clark County, Montana, and the adjacent right of way as legally described in the resolution of annexation; generally located south of Saddle Drive and east of South Hills Drive, into the city of Helena. Commissioner Parriman seconded the motion. All voted aye, motion carried. **Res. #12078**

**Sunrise Loop
Final Plat/Easement**

CONSIDER FINAL PLAT APPROVAL FOR THE SUNRISE LOOP SUBDIVISION CREATING 29 RESIDENTIAL LOTS, ONE TRACT, AND PARKLAND DEDICATION FROM 21.15 ACRES LEGALLY DESCRIBED AS TRACTS A1 AND B1, COS #597474/B AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, LEWIS AND CLARK COUNTY, MONTANA; GENERALLY LOCATED SOUTH OF SADDLE DRIVE AND EAST OF SOUTH HILLS DRIVE, INTO THE CITY OF HELENA

CONSIDER A CONSERVATION EASEMENT FOR PROPERTY DESCRIBED AS THE REMAINDER OF TRACT A1 OF THE SUNRISE LOOP SUBDIVISION, LEWIS AND CLARK COUNTY, HELENA, MONTANA; GENERALLY LOCATED SOUTH OF SADDLE DRIVE AND EAST OF SOUTH HILLS DRIVE, INTO THE CITY OF HELENA

Staff Report

City Planner Lucy Morell-Gengler reported on May 5, 2003, the city commission gave conditional preliminary plat approval for the Sunrise Loop Subdivision and approved R-2 zoning for the property. This subdivision is created from an approximately 21-acre tract of land generally located south of Saddle Drive and east of South Hills Drive. Preliminary plat approval was subject to several conditions, which have been completed, financially guaranteed, or is no longer applicable.

The preliminary plat indicated the southern section of the subdivision would be divided into two tracts; the final plat indicates those two tracts will be aggregated to form one remainder tract of land. The final plat indicates this tract will be a "no build" area that will retain the OSR zoning. The applicant is also proposing a conservation easement to the city for this "no build" area, which outlines the restricted activities in this area.

MCA Section 76-6-206 requires review of conservation easements by the local planning authority for the county within which the land lies. The planning authority is to comment upon the relationship of the proposed easement to the comprehensive planning for the area. Such comments are not binding on the proposed grantor or grantee but are advisory in nature.

The proposed conservation easement was presented to the Consolidated Planning Board on November 18, 2003. The only planning Board comment was to request the area be identified on the plat.

Ms. Morell-Gengler recommended approval for the final plat of the Sunrise Loop subdivision.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Pouliot moved approval for the final plat of the Sunrise Loop Subdivision creating 29 lots, one tract and parkland dedication from Tracts A1 and B1, COS#597474/B, as recorded in the Office of the Clerk and Recorder, Lewis and Clark County, Montana; generally located south of Saddle Drive and east of South Hills Drive. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Motion

Commissioner Pouliot moved approval for the Conservation Easement for property described as the remainder of Tract A1, of the Sunrise Loop Subdivision, Lewis and Clark County, Helena, Montana. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Annexation

CONSIDER RESOLUTION ANNEXING LOTS 9 & 10 IN BLOCK 8 OF THE TOWNSITE OF WEST HELENA, LEWIS AND CLARK COUNTY, MONTANA, INTO THE CITY OF HELENA, MONTANA; GENERALLY NORTH OF COUNTRY CLUB AVENUE AND EAST OF CUTTING AVENUE WITH A STREET ADDRESS OF 2308 COUNTRY CLUB AVENUE

Staff Report

City Planner Belinda Waters reported on November 17, 2003, the city commission established conditions of annexation for this residential property to the city of Helena (Res. 12057), and the property was rezoned in the R-2 District (Ord. 2965). The application for annexation was precipitated by a septic system failure, which will be duly resolved by connecting to the city's sewer main.

The subject property is located on County Club Avenue with a street address of 2308 County Club Avenue. The subject property is adjacent to existing city limits and the proposed annexation will not create any additional wholly surrounded areas. The annexation of the adjacent segments of platted, undeveloped street rights of way of Cutting Avenue and the alleyway north of the property were already annexed into the city when the Wegner property was annexed. Also Country Club Avenue has already been annexed into the city as well.

Ms. Waters recommended approval of the annexation subject to the following conditions:

1. **Infrastructure:** The applicants have installed infrastructure and entered into a development agreement petitioning the city for garbage service, and deferring transportation, water, and other infrastructure improvements.
2. **Review of new construction:** No new construction has been noted.
3. **Taxes and Assessments:** Taxes and assessments are paid and current.
4. **Completion of Conditions:** The applicant completed these conditions and notified staff of their readiness to annex.

- Public Comment Mayor Smith asked for public comment, none was received.
- Discussion Commissioner Cartwright asked regarding Cutting Avenue and asked if the property owners are comfortable with having that road developed? Ms. Waters concurred.
Commissioner Parriman asked regarding when the waiver to protest annexation is used? Ms. Waters explained it is a policy of the city commission to set the standard for annexation at the time when services are extended and it is under special circumstances.
- Motion** **Commissioner Cartwright moved approval of a resolution annexing Lots 9 and 10 in Block 8 of the Townsite of West Helena located in Lewis and Clark County, Montana, into the city of Helena, Montana.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res. #12079**
- Northwestern Energy** CONSIDER AN EXTENSION OF THE FILING DATE FROM APRIL 7, 2004 TO APRIL 7, 2005 FOR THE FINAL SUBDIVISION PLAT FOR THE NORTHWESTERN ENERGY MINOR SUBDIVISION; GENERALLY LOCATED EAST OF NORTH LAST CHANCE GULCH AND SOUTH OF THE RAILROAD TRACKS
- Staff Report City Planner Belinda Waters reported the applicant is requesting to extend the date when the final subdivision plat must be filed for the Northwestern Energy Minor Subdivision from April 7, 2004 to April 7, 2005. According to Montana Subdivision and Platting Act, the governing body may extend its preliminary plat approval for another calendar year at the request of the subdivider.
Ms. Waters recommended approval of Northwestern Energy's request to extend the filing date.
- Discussion Commissioner Cartwright asked if there is a change in ownership of the property would this stay with the property? Ms. Waters concurred.
Commissioner Oitzinger asked why the owners are subdividing this property? Ms. Waters explained they no longer used that area and wanted to subdivide; however, there are no plans, as of yet, for construction.
Commissioner Cartwright asked if Lot 2 is the site of the old gas works? Ms. Waters stated she was unsure and showed the site that is not owned by the power company.
- Public Comment Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Parriman moved approval of Northwestern Energy's request to extend the filing date from April 7, 2004 to April 7, 2005 for the final subdivision plat for the Northwestern Energy Minor Subdivision; generally located east of North Last Chance Gulch and south of the railroad tracks.** Commissioner Pouliot seconded the motion. All voted aye, motion carried.
- Helena Area Trans. Plan** CONSIDER A CONSULTANT SERVICES CONTRACT FOR THE UPDATE OF THE HELENA AREA TRANSPORTATION PLAN
- Staff Report Transportation Coordinator Brian Holling reported the transportation plan for the Helena area was last updated in 1993 and

needs to be updated again to keep current. The city of Helena has budgeted \$37,500, the county is contributing \$37,500 and the state is allocating \$75,000 for a total of \$150,000 for this update. The city commission approved the three party funding agreement as a consent agenda item in September of 2003.

The update will be prepared by a consultant, and the process will be managed by a Technical Working Group composed of staff from the city, county and MDT, one member of the Helena TCC, and one citizen representative.

The firm of Robert Peccia and Associates was selected using a competitive process. The city advertised for interest and received seven proposals. A selection panel that included Commissioner Pouliot short-listed four firms for interviews. After the interviews, the selection panel ranked the Helena firm, Robert Peccia and Associates, as the top firm. Contract completion will be in one year.

Mr. Holling recommended authorizing the city manager to sign this contract in the amount of \$150,000 with Robert Peccia and Associates.

Discussion

Mayor Smith asked regarding the county's participation on this project? Mr. Holling stated the county has approved the expenditure of these funds. Commissioner Cartwright noted that the transportation system changes and additions to be proposed in this plan would last long after the end of cheap oil. He hoped that Peccia and Associates would take this fact into account in their planning efforts

Public Comment

Mayor Smith asked for public comment.

Jim Cancroft 1012 Wilder asked if the non-motorized plan is tied into the transportation plan? Mr. Holling explained since that work is complete it will be incorporated into the project.

Discussion

Commissioner Parriman asked if the city is responsible for the whole contract and is reimbursed by the state and county? Mr. Holling explained the funding agreement was forwarded to the commission by consent agenda and included in that was the agreement with the county and MDT to allow the city to bill them for reimbursement for this contract.

Motion

Commissioner Parriman moved approval of the consultant service contract and authorized the city manager to sign this contract in the amount of \$150,000 with Robert Peccia and Associates to update the Helena Area Transportation Plan.

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

SLD #210

CONSIDER A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 210 ALONG THE STREETS AND AVENUES IN PARTS OF SUNRISE LOOP SUBDIVISION STREET

Staff Report

Accounting Supervisor Brandi Pierson reported the property owners petitioned to have a light district created. There are twenty-nine (29) properties that will be included in the light district. A petition was circulated among the affected property owners and all property owners have signed the petition.

The proposed facilities will consist of six units with underground wiring, round poles for 16 foot mounting heights, and Lexington Colonial 100 watt high pressure sodium vapor lamps. The estimated cost of maintenance, electrical energy, and administration for the first year is

\$2,947 with the estimated cost being \$.00775 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment.

Ms. Pierson recommended approval of the resolution of intention and to set a public hearing date of March 22, 2004.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Parriman moved approval of the resolution of intention to create Special Improvement Lighting District No. 210 and set a public hearing date on March 22, 2004. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res. #12080**

SID#413

CONSIDER A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT DISTRICT NO. 413 – TAMARACK STREET

Staff Report

City Engineer Ryan Leland reported the district includes portions of the parcels adjacent to Tamarack Street right-of-way in blocks 3 and 4 of the Fairmont Park Addition. The improvements will be made to Tamarack Street south of Illinois Street to the end of Tamarack Street.

The general character of the improvements being financed is preparation, design, engineering, reconstruction and installation of streets, and related improvements, including grading, asphalt, curbs, storm drainage, signage, striping, miscellaneous utility work, and landscaping.

The total estimated costs of the improvements, including all incidental costs are up to \$54,430.00. The bonds are to be payable from special assessments to be levied against property in the District, which property will be specially benefited by the improvements in an amount not less than \$54,430.00

Mr. Leland recommended approval of the resolution of intention and to set a public hearing date of March 22, 2004.

Discussion

Commissioner Pouliot asked if sidewalks are located on Tamarack Street? Mr. Leland stated there are no sidewalks in the whole region.

Mayor Smith asked if a variance would be needed to not install sidewalks? Mr. Leland explained there is nothing in place to trigger the need for a variance. Mayor Smith asked regarding the slope? Mr. Leland explained the road is at a 16% slope.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Pouliot moved approval of a resolution of intention relating to Special Improvement District No. 413 and set a public hearing date on March 22, 2004. Commissioner Parriman seconded the motion. All voted aye, motion carried. **Res. #12081**

**Public Hearings
Open Lands Man.
Plan**

**PUBLIC HEARINGS:
CONSIDER ADOPTION OF THE 2004 HELENA OPEN LANDS
MANAGEMENT PLAN**

Staff Report

Director of Parks and Recreation Randy Lilje reported over the past two years the Helena Open Lands Management Plan Advisory Committee (HOLMAC) has been working diligently to prepare this plan for the city commission. With the assistance of Ecosystem Research Group (ERG), The Helena National Forest, the Montana State Extension Service, city staff, and numerous others, HOLMAC has prepared a very comprehensive management plan for the Helena Open Lands System.

Public review of this plan has been extensive, and has included scoping sessions conducted by both HOLMAC and the Prickly Pear Land Trust to identify issues of concern to users of the open lands system as well as the general public. Public hearings and other opportunities to comment have been offered as the plan went through a number of revisions before it was submitted to the city commission for its review.

The city commission reviewed the plan over a number of months, section by section, to fully understand the plan as well as recommend its own revisions. During this period the public has always been included to offer suggestions. The city commission's review period culminated in the "Town Hall Meeting" held at the Civic Center on December 18, 2003. Many more comments came out of that meeting, and further adjustments in the plan were made.

Mr. Lilje recommended approval of the 2004 Helena Open Lands Management Plan.

Discussion

Mayor Smith asked regarding the comments received on this issue and acknowledged that the commission has received the same. Mayor Smith asked Mr. Lilje what his initial reaction is to the completion of this document? Mr. Lilje explained Commissioner Cartwright's recommendations seemed reasonable and workable to him and he would further recommend, particularly, in the weed control aspect that the city keep in mind the cost efficiency in the weed control.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the commission.

Alice Stanley, 802 Power Street, thanked the commission for considering adoption of the plan and gave a brief history on HOLMAC's beginning and introduced the HOLMAC members present and thanked many city staff for all their help.

Dawn North, 707 2 Street, thanked the commission for its consideration of the plan and stated it's the end of a long process.

There being no further persons wishing to address the commission, Mayor Smith closed the public hearing.

Discussion

Commissioner Parriman thanked HOLMAC for a job well done.

Motion

Commissioner Pouliot moved to adopt the 2004 Helena Open Lands Management Plan. Commissioner Cartwright seconded the motion.

Discussion

Commissioner Cartwright's Proposed Amendments to HOLMAC Plan:

p.3.5 – Replace “Contract Christmas tree retailers to remove and sell trees” with “Conduct some supervised thinning projects such that the removed trees can be offered to Christmas tree retailers.”

ALTERNATIVE: Strike, “Contract Christmas tree retailers to remove and sell trees, and hand out pamphlets with the sale of trees to educate the public about the role of fire and encroachment.”

p.6-7 – In Table 6.3-1 Native Plant Issues of Concern, Goals and Objectives, under the Goal: Protect special plant resources from exotic plants, add as an Objective: “-Apply weed control methods in ways that lessen the impact on native plants.”

p.6-7 – In Table 6.3-1 Native Plant Issues of Concern, Goals and Objectives, under the Goal: Protect rough fescue communities and other excellent condition grasslands, add as an Objective: “-Apply weed control methods in ways that lessen the impact on native plants.”

p.7-11 – In 7.5.1.20, Trail Use Dispersion through the HOL, strike “Consider the need to”.

Commissioner Cartwright explained his suggested amendments came from discussions with the commission and HOLMAC and of the public. The first being for Christmas tree retailers to remove or sell trees from the mountain; he was concerned that would open the city up to a number of Christmas tree retailers with varying degrees of supervision. He would suggest conducting supervised thinning projects, such as the removed trees could be offered to Christmas tree retailers or to strike the entire phrase to reduce confusion.

Commissioner Cartwright stated the second and third amendments speak to the native plant concerns. “Apply weed control methods in ways that lessen the impact on native plants.” He explained he used the word lessen, rather than minimize, because he doesn't know the details about weed spraying and what's the most cost effective and effective way of doing it.

Mayor Smith stated Commissioner Cartwright's suggestions are identical to Polly Pfister's suggestions. Commissioner Cartwright stated they are similar in intent but rather than specify a specific method he would like to leave that staff.

Commissioner Cartwright stated his final amendment is in the recreation chapter under the section called Trail Use Dispersion. The language calls for HOLMAC to consider the need to encourage the dispersion of recreational use across all the open lands and he would like to strike “consider the need to” and have it read, “we will encourage”.

Commissioner Parriman asked the commission to consider in conjunction with applying the weed control methods, a reference to “cost effective manner” which was mentioned by Mr. Lilje. Mayor Smith stated Commissioner Parriman is suggesting to insert the words, “In a cost effective manner” somewhere in the sentence which could read “Apply weed control methods in a cost effective manner in ways that lessen the

impact on native plants." Mayor Smith stated this is an amendment to Commissioner Cartwright's original amendment and asked for Commissioner Cartwright's thoughts. Commissioner Cartwright stated he had originally proposed in ways that minimized the impact on native plants. He stated he wants to "lessen", instead of "cost effective" because the purpose of these amendments is to reassure people that

the city is looking at this seriously and "cost effective" comes with a lot of baggage.

Commissioner Oitzinger asked in regards to the Christmas tree amendment, would there ever be an instance when a state agency might be engaged in thinning and could that relate to supervised thinning? Mr. Lilje explained there would be opportunities in the future to have those types of partnerships. HOLMAC doesn't disagree with this recommendation as long as the thinning project is supervised to a great degree.

Mayor Smith asked Commissioner Cartwright regarding the first amendment on Christmas trees, stating two suggestions were made and asked if he has a preference? Commissioner Cartwright stated there would be less confusion to strike the whole sentence but if the Parks Department feels they can provide adequate supervision and allow thinning for Christmas tree use, he would be willing to go with that. Mayor Smith stated because Commissioner Cartwright is more comfortable with striking the sentence then that is how the commission will proceed.

Commissioner Pouliot asked Alice Stanley regarding the Christmas tree problem. She explained this idea came from a public comment and while considering many options they decided on the language used. Ms. Stanley explained HOLMAC would be more than happy to make amendments to the section.

Commissioner Pouliot stated he would like to amend Commission Cartwright's first amendment regarding Christmas trees. He likes the first proposal with the exception of, striking "Christmas tree retailers" and inserting "conduct some supervised thinning projects".

Motion

Commissioner Pouliot moved to amend "Contract Christmas tree retailers to remove and sell trees" and change to "Conduct some supervised thinning projects, such that the removed trees can be salvaged". Commissioner Cartwright seconded the motion. Motion carried 4-1 with Mayor Smith voting no.

Motion

Commissioner Cartwright moved in Table 6-3-1 Native Plant Issues of Concern, adding a new objective, "Apply weed control methods in ways that lessen the impact on Native Plants", which would be under special plant resources and protect rough fescue. Commissioner Oitzinger seconded the motion. Motion carried passed 4-1 with Commissioner Parriman voting no.

Motion

Commissioner Cartwright moved to amend in 7.5.1.20, Trail Use Dispersion through the HOL, striking "consider the need to". Commissioner Pouliot seconded the motion.

Discussion

Commissioner Pouliot stated he assumed that HOLMAC was in agreement regarding the Trail Use Dispersion and he asked for Ms. Stanley's comments. Ms. Stanley explained she feels they are good recommendations.

- Vote** All voted aye, motion carried.
- Discussion** Mayor Smith asked regarding Ms. Pfister's proposed amendments on structural improvements, such as signage and fencing. Her amendment ask for these structural improvements should be brought before the commission and keeping in mind the natural ordinance governing Mt. Helena and asked Mr. Lilje if he has a comment for the commission's consideration.
- Mr. Lilje stated he doesn't feel this is inconsistent with HOLMAC's desire to conduct public hearings on work plans developed from year to year and there would be subsequent meetings on different aspects of the incorporation of the plan. Mr. Lilje explained as HOLMAC brings this to the city commission the work plan will be stated in areas of fences and trailheads and signage.
- Commissioner Cartwright stated in the plan there are numerous trails proposed and budgets for trails and other items laid out. He asked if the commission is adopting a budget or adopting the immediate construction of all this and paying for it? Mr. Burton stated the budget is not being approved with the adoption of this plan; we're approving general intent and priority.
- Mayor Smith asked if the structural improvements including trails would come before the commission next year? Mr. Burton concurred.
- Commissioner Oitzinger asked if instead of making a deletion, have it say, "Structural improvements must be approved by the city parks department and HOLMAC and in accordance with work plans approved by the city commission" and asked if that would add anything? Commissioner Cartwright stated he assumed the plan proposed, the commission would not have to hold hearings on different trail proposals but when the Parks Department and HOLMAC have made an agreement, then the commission would have a package that would be dealt with instead of assembling it. He feels comfortable leaving the HOLMAC plan stand as it is.
- Motion** **Commissioner Oitzinger moved to amend 7.5.1.5 Volunteers and User Groups and insert "any structural improvements, such as signage, fencing, steps, the "H", trails or activities involving the placement of permanent structures, must be in a work plan developed by the city Parks Department and HOLMAC and approved by the city commission".** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
- Discussion** Mayor Smith asked regarding Ms. Pfister proposed amendment about the Swaney parcel and construction of a trail that links it the north access trail. It would appear there is a proposal to delete that and not link the two trails together. Mr. Lilje explained any new trails would be developed according to standards that are set out in the trails plan, in which, it would a sustainable trail and not an erosion problem. He would like to leave that connection in and if it can't be done the city would forgo that particular trail.
- Vote on Original Amended Motion** All voted aye, motion carried.
- Public Communications** PUBLIC COMMUNICATIONS
No report was given.

***Meetings of
Interest***

MEETINGS OF INTEREST

Mayor Smith reported the next Administrative Meeting will be held on Wednesday, March 3, 2004 and the Joint City/County Work Session on March 4, 2004.

Commissioner Pouliot invited the public to attend the Twist and Shout for Kay's Kids on Friday and reported the Civic Center

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m.

James E. Smith, Mayor

ATTEST:

Clerk of the Commission