

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**June 27, 2005**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, June 27, 2005 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 Cartwright, Parriman, and Pouliot were present. Commissioner Oitzinger was excused. City Manager Tim Burton, City Attorney David Nielsen and City Clerk Debbie Havens were present. Also present was HCC Representative Teresa Klotz.

***Pledge of Allegiance***

Mayor Smith asked the members of Boy Scout Troop #206 to lead the pledge of allegiance.

***Minutes***

The minutes of the regular City Commission meeting of, June 13, 2005 were approved as submitted.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Final passage of Ordinance No. 3032, pre-zoning prior to annexation to B-1 (Neighborhood Business) District for Lots 1-5 of the proposed Cottonwood Business Park Minor Subdivision
- C. Final passage of Ordinance No. 3033, pre-zoning prior to annexation to B-2 (General Commercial) District for Lots 10 and 11 and the storm water detention area of the proposed Cottonwood West Major Subdivision; and to CLM (Commercial Light Manufacturing) District for Lots 1-9 of the proposed Cottonwood West Major Subdivision
- D. Utility Bill Insert - City of Helena Transfer Station
- E. Utility Bill Insert - St. Peter's Hospital
- F. Contract with the State of Montana Department of Environmental Quality to review water and sewer main extensions within the City of Helena

City Manager Tim Burton recommended approval of the claims and the consent agenda.

***Public Comment***

Mayor Smith asked for public comment, none was received.

***Motion***

**Commissioner Pouliot moved approval of items A through F on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

***Communications***

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright reported Growing Friends recently completed a planting project down near the Great Northern Town Center and the Lyndale Tunnel. This was a joint project with the Forest Service that provided a grant and Growing Friends matched it. The Forest Service also provided the Helena Hot Shot team to help with the planting. Commissioner Cartwright acknowledged and thanked the Helena Hot Shot team for their contribution toward this project.

Mayor Smith asked for an update on the Trash for Trees event. Commissioner Cartwright noted Growing Friends sponsors the Trash for Trees twice a year and the most recent one was a few weeks ago. At this time the numbers for the day are not available.

Commissioner Pouliot wished the citizens of Helena a happy and safe 4<sup>th</sup> of July. He encouraged everyone to use the Memorial Park swimming pool.

***Report of the City Attorney***

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen had no items to report on.

***Report of the City Manager***

REPORT OF THE CITY MANAGER

City Manager Tim Burton had no items to report on.

***Report from the Helena Citizens***

REPORT FROM THE HELENA CITIZENS COUNCIL

Teresa Klotz reported HCC discussed the boulevard ordinance at their June 22<sup>nd</sup> meeting. A number of property owners in the Barney Subdivision have indicated it appears City Code 7-4-2 is not being uniformly enforced. Some property owners have received violation notices, while their neighbors (who are also in violation of this section of the code) have not received a violation notice.

**The HCC made the following recommendation: The HCC recommends that the City Commission issue a moratorium on enforcement of current 'boulevard' violations (violations of the Helena City Code 7-4-2, Section F) and, further, that the City Commission review 7-4-2, Section F of the Helena City Code, with citizen involvement and input, for possible revision.**

Commission comments

Commissioner Pouliot asked when the boulevard ordinance was last reviewed. City Attorney Nielsen noted the last amendment was adopted in December 2002. Commissioner Pouliot noted the commission has recently looked at the ordinance.

Commissioner Parriman asked why the HCC believes this ordinance is hard to enforce? Ms. Klotz stated the level of exceptions and the variance portion of the ordinance were the areas of concern.

Commissioner Parriman noted the ordinance is not hard to enforce; a more accurate statement may be it is hard to define compliance. Commissioner Parriman asked City Attorney Nielsen if he believes the ordinance is hard to enforce? Commissioner Parriman noted this issue was discussed at the June 22<sup>nd</sup> administrative meeting and it was the concurrence of the commission to continue to enforce the ordinance.

City Attorney Nielsen stated he does not believe the ordinance is hard to enforce. The weed information officer who is looking at the boulevards, initially focused on the boulevards that have no vegetation. There are some neighborhoods that have a high percentage of non-compliance.

There have been 40 letters sent out and to date, there are only seven residents who have not come into compliance. City Manager Burton stated in terms of the violations, it does take time to identify and follow-up on the violations. He encouraged people who have concerns or are aware of a violation to please contact city staff. City Manager Burton stated once the majority of the boulevards are brought into

compliance with the city ordinance, the amount of violations will become fewer and fewer.

City Manager Burton noted three years ago the commission did review the ordinance and did amend it. Prior to that, the standard in the past was grass or grass and trees, even at that time all of these boulevards were not in compliance and continue to be out of compliance. Even though based upon the Public Works Department's Water Conservation Committee, which went through and put protocol in place regarding managing water through drought and asking for a variance for other types of vegetation and not just grass and trees. The commission amended the ordinance in December of 2002 to adopt the Water Conservation Committee's recommendations.

Mayor Smith asked Ms. Klotz to forward the HCC recommendation to the city commission office. Mayor Smith will follow-up with a written response to the recommendation. Mayor Smith also noted this issue was discussed at the administrative meeting and the commission concurred not to put a moratorium on the compliance issue; however, would be acceptable to review the boulevard ordinance.

Commissioner Parriman stated the commission also discussed expanding the city's sidewalk program to include boulevards.

City Manager Burton stated what he took out of the administrative meeting is the commission will look at the ordinance, particularly if it is a misdemeanor or a civil infraction. Staff will bring forward a proposal for an amendment to the boulevard ordinance.

Commissioner Cartwright gave examples of how some businesses and homeowners use the boulevards. There are good reasons to have boulevards.

***BID Agreement for Signage***

CONSIDER AN AGREEMENT WITH DOWNTOWN HELENA BUSINESS IMPROVEMENT DISTRICT FOR SIGNAGE FOR THE BENEFIT OF THE TAX INCREMENT FINANCING DISTRICT IN DOWNTOWN HELENA IN THE AMOUNT OF \$100,000.00.

**Staff Report**

Community Facilities Director Gery Carpenter reported on May 23, 2005 the city commission approved expending \$100,000.00 for signage in the tax increment financing district in downtown Helena. The Downtown Helena Business Improvement District has proposed to design, locate, produce, and install signs to improve entryway, directional, and informational signs for the benefit of the tax increment financing district in downtown Helena.

Mr. Carpenter recommended approval of the agreement with the Downtown Helena Business Improvement District for signage for the benefit of the tax increment financing district in downtown Helena in the amount of \$100,000.00 and authorize the City Manager to sign the contract.

**Commission comment**

Commissioner Parriman noted the BID/HPC Board discussed this at their last meeting and was concerned the city has an appetite to tell them where the signs should be located. Commissioner Parriman stated he relayed to the BID Board that he did not believe the city commission had the desire to direct the BID on where the signs should be located.

Commissioner Cartwright stated he trusts the BID to know what type of signage and the location.

Commissioner Pouliot stated he thought the commission would see a plan prior to any signs being installed. Commissioner Cartwright noted the language is included in the contract that requires the contractor to provide the recommendations to the commission.

Public comment

Mayor Smith called for public comment.  
Hal Fossum, Director of the Business Improvement District, spoke in support of the agreement.

Motion

**Commissioner Pouliot moved approval of agreement with Downtown Helena Business Improvement District for signage for the benefit of the tax increment financing district in downtown Helena in the amount of \$100,000.00 and authorize the City Manager to sign the contract.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**City Manager's Contract**

CONSIDER EXTENSION OF THE CITY MANAGER'S EMPLOYMENT CONTRACT THROUGH JUNE 30, 2010 WITH NO CHANGE IN CURRENT PROVISIONS WITH THE EXCEPTION OF DURATION.

Staff Report

Human Resource Director Salty Payne reported the City Manager's current contract has one year remaining. The proposal is to extend the contract for a five-year period from July 1, 2005 through June 30, 2010, with no change in current provisions with the exception of duration.

Mayor Smith noted this extension follows an evaluation of the City Manager. City Manager Burton thanked the commission for the opportunity to serve as the City Manager. He then reiterated the comments Mayor Smith has said many times, the role of the city is to provide service; resolve conflict; build a community and build for the future. In the past 5½ years the past commission and the current commission have shown great leadership in that regard for this community. Because of the leadership of the commission, he as City Manager can respond with good information to the citizens of Helena.

Commissioner Pouliot commended City Manager for having the leadership skills to bring many of the projects forward to the commission for review.

Commissioner Cartwright noted there was an article in the paper with positive quotes from Commissioner Oitzinger regarding City Manager Burton's performance. Commissioner Cartwright stated the City Manager position is the one position that serves at the pleasure of the City Commission. Commissioner Cartwright stated the extension of the contract shows the commission's support of City Manager Burton's performance.

Commissioner Parriman commended City Manager Burton for what he has and continues to do for the City of Helena. He thanked City Manager Burton for being willing to extend the contract.

Mayor Smith stated he too is eager to vote for the extension of the contract. The commission has adopted the governance model for the City of Helena. The commission hires the City Manager to manage the day-to-day operation of the city.

Public comment

Mayor Smith called for public comment. None was received.

**Motion** Commissioner Pouliot moved approval the City Manager's employment contract through June 30, 2010 with no change in current provisions with the exception of duration. Commissioner Parriman seconded the motion. All voted aye, motion carried.

**Water System Bonds** CONSIDER A RESOLUTION RELATING TO \$3,100,000 WATER SYSTEM REVENUE BONDS (DNRC DRINKING WATER REVOLVING LOAN PROGRAM), SERIES 2005; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

**Staff Report** Administrative Services Director Tim Magee asked that the resolution be tabled to the July 25, 2005 city commission meeting.

**Public comment** Mayor Smith called for public comment. None was received.

**Motion** Commissioner Pouliot moved to table a resolution relating to \$3,100,000 Water System Revenue Bonds (DNRC Drinking Water Revolving Loan Program), Series 2005; authorizing the issuance and fixing the terms and conditions thereof to July 25, 2005. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**East Valley Bus Service** CONSIDER A MEMORANDUM OF UNDERSTANDING WITH LEWIS AND CLARK COUNTY AND ROCKY MOUNTAIN DEVELOPMENT COUNCIL FOR THE OPERATION OF THE SENIOR TRANSPORTATION PROGRAMS AND THE EAST VALLEY BUS SERVICE.

**Staff Report** Assistant Public Works Director Phil Hauck reported currently transportation services in the East Valley and the City of East Helena are provided by RMDC and the Helena Area Transit Service (HATS) through a cooperative effort. This program was originally funded through two grants, a Real Choice Systems Change Grant and a state TransADE Grant to develop and operate an East Valley Bus service, integrating this service with the present HATS service. The larger of these two funding sources expires on September 30, 2005. Through a cooperative efforts, HATS and RMDC have identified an alternative funding source to continue operation of the East Valley Bus.

Approval of the MOU between the City of Helena, Lewis and Clark County and RMDC will provide for the continued operation of the East Valley Bus. Essentially Lewis and Clark County will contract with the City to provide its existing senior transportation program. The City will contract out this program to RMDC. The City will utilize matching Section 5311 Transportation funds and TransADE funds to continue operation of the East Valley Bus.

Mr. Hauck recommended approval of the Memorandum of Understanding with Lewis and Clark County and Rocky Mountain Development Council for the operation of the Senior Transportation Programs and the East Valley Bus Service.

**Public comment** Mayor Smith called for public comment. None was received.

**Motion** Commissioner Parriman moved to authorize the City Manager to sign the Memorandum of Understanding with Lewis and Clark County and Rocky Mountain Development Council for the

**operation of the Senior Transportation Programs and the East Valley Bus Service.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Amending Res. 19215** CONSIDER A RESOLUTION AMENDING RESOLUTION NO. 19215 THAT CHANGED THE NAMES OF NORTH MAIN STREET AND CEDAR STREET IN THE CITY OF HELENA TO LAST CHANCE GULCH.

Staff Report

City Attorney David Nielsen reported on May 9, 2005, the city commission held a regularly scheduled public hearing and changed the names of North Main Street and Cedar Street to Last Chance Gulch by Resolution 19215. Notice of this name change was mailed to all the property owners who own property fronting on those streets on April 12, 2005, which notice allowed for comments and objections to the proposed name change. At the May 9, 2005 commission meeting, an unverified petition signed by property owners owning property fronting on Cedar Street and objecting to the name change was received by the city. Subsequently signatures of 15 of the 27 property owners along Cedar Street have been verified. Pursuant to §7-14-4112, MCA, the city commission may change the name or number of any street within the city limits, except when 51% of the property owners object to the name change. Therefore, since more than 51% of the property owners have objected, the change of the name of Cedar Street to last Chance Gulch should be rescinded.

City Attorney Nielsen recommended approval of the resolution amending Resolution 19215.

Public comment

Mayor Smith called for public comment, none was received.

Motion

**Commissioner Cartwright moved approval of a resolution amending Resolution No. 19215 that changed the names of North Main Street and Cedar Street in the City of Helena to Last Chance Gulch to show that the name of Cedar Street will remain Cedar Street.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution 19238**

**Anderson Business Park**

CONSIDER GRANTING A VARIANCE FOR THE REDUCTION OF THE 20-FOOT WIDE (TOTAL WIDTH) UTILITY EASEMENT REQUIREMENT OF SECTION 12-4-7 PARAGRAPH B OF THE CITY OF HELENA SUBDIVISION ORDINANCE. (ORD. 2913, 8-13-2001) TO ALLOW 7.5-FOOT UTILITY EASEMENTS FOR A PROPOSED FINAL PLAT CREATING LOTS 33A, 33B, 34A, 34B, 35A, 35B, 39A, 39B, 40A, 40B, 41A, 41B, 42A AND 42B AND AMENDING THE ANDERSON BUSINESS PARK SUBDIVISION PLAT.

**Anderson Business Park**

CONSIDER A FINAL PLAT CREATING LOTS 33A, 33B, 34A, 34B, 35A, 35B, 39A, 39B, 40A, 40B, 41A, 42B, 42A AND 42B AMENDING THE ANDERSON BUSINESS PARK SUBDIVISION PLAT

Staff Report

Planner Kathy Macefield reported on May 23, 2005 the city commission gave preliminary plat approval for a subdivision creating 16 townhouse lots from 8 lots located in the R-3 (Medium Density Residential) District. The amended plat represented a series of minor subdivisions that involved 3 separate property owners who originally

combined all of their subdivision actions onto a single plat. Jack Casteel, owner of original Lot 36, filed his final plat separately from the other lots. The conditions of preliminary plat approval will be completed if the variance request for the width of the utility easements is approved as requested by the applicants.

Joe Bower owns original Lots 33, 34, and 35 and Joe Duncan owns original Lots 39, 40, 41, and 42. They plan to develop these lots with a duplex-style townhouse so that one dwelling unit would be located on each new lot. Separate water and sewer services have been installed for the new townhouse lots; the digital format of the plat will be submitted city records when the plat is submitted for filing with the Clerk and Recorder. The plat shows a 10-foot wide pedestrian easement along the southern property boundary of Lot 35B; the plat also shows 10-foot wide utility easements along the front and rear property boundaries, and 7.5-foot wide utility easements (for a total width of 15 feet) along the exterior side lot lines.

The original Anderson Business Park subdivision plat states, "Utilities will be provided as specified by utility agencies" and does not graphically show the location of utility easements on this block. The applicants have requested to reduce the utility easement requirement from 10 feet wide to 7.5 feet along the interior side lot lines (for a total width of 15 feet) to allow the buildings to be centered in the lots; they would be able to use the lots better and improve building separation; and the utility easement width would coincide with the R-3 zoning setback for side yards (attached). (For reference, the R-3 District requires 2 side yards that have a minimum total of 15 feet, with no side yard less than 6 feet wide.)

Section 12-4-7 of the Helena Subdivision Regulations states:

- A. *Easements must be provided for utilities, drainage, and vehicle and pedestrian access not located in public right-of-way.*
- B. *Utility easements not adjacent to dedicated rights of way must have a minimum width of twenty (20) feet and when established on a lot line must be centered on the lot line. Easements adjacent to dedicated right of way must be at least ten (10) feet wide.*

Notarized letters from the affected utility companies have been received saying they agree with reducing the utility easements to 7.5 feet (for a total width of 15 feet) instead of the 10 feet (20 feet total width) required by the Helena Subdivision Regulations. The lots are served by water and sewer services that connect to the mains in Expedition Trail, so these easements are not required for city utilities.

The final plat contains the following "Utility Easement Note: Utility easements along the front and rear property lines and along property lines adjacent to streets are 10 feet wide. Utility easements along the side lot lines are 7.5 feet wide on each side of the line. Where a townhouse building is on the sideline, the utility easement extends from the rear lot line to the building only, and is 7.5 feet on each side of the property line. These easements are shown on the plat as dashed lines."

Ms. Macefield noted the final plat will facilitate infill development with duplex-style townhouses. Again, notarized letters have been received from Qwest and Northwestern Energy stating concurrence with the utility easement reduction; the easements are not needed for city

utilities. Section 12-4-7 of the Helena Subdivision Regulations does not say utility easements are required, but must be 10 feet wide when provided.

According to the applicants, the variance would allow the buildings to be centered in the lots, they would be able to use the lots better and improve building separation, and the utility easement width would coincide with the R-3 zoning setback for side yards.

This variance from the utility easement requirements would be the first such variance in the new Anderson Business Park Subdivision and could set the tone for other similar requests in the future.

Ms. Macefield referred the commission to the two motions regarding the variance request. Staff does not make a recommendation on variances. She then recommended approval of the final plat.

**Commission comments** Commissioner Cartwright commented on the two utility companies signed off on the variance, which would give a 15' utility easements; he wants to keep that in mind when the commission reviews other zoning. Mayor Smith asked if this type of variance has been granted in other areas of town. Ms. Macefield noted there have been times when the commission lifted or removed the utility easement that a person has had. This particular request is new to this subdivision. In the past, in some of the earlier subdivisions, the 7-½ foot easement on each side was the requirement. When the subdivision regulations were changed in the early 90's, at that time the easement was changed to 10' on all lot lines.

City Manager Burton noted staff has better information on this particular plat than at the time of preliminary plat approval. The commission, in the past, has completely abandoned easements when they know they are not needed. City Manager Burton added the Public Works Director Rundquist supports keeping the 20' standard for city utilities.

**Public comment** Mayor Smith called for public comment. Mr. Joe Bowers, 6 Reeders Village; spoke in support of the variance and final plat.

**Motion** **Commissioner Parriman moved approval for a variance from the 10-foot wide utility easement requirement of Section 12-4-7 of the City of Helena Subdivision Regulations to allow 7.5-foot utility easements for a proposed Final Plat creating Lots 33A, 33B, 34A, 34B, 35A, 35B, 39A, 39B, 40A, 40B, 41A, 41B, 42A and 42B of the Anderson Business Park.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Motion** **Commissioner Parriman moved approval of the final plat creating Lots 33A, 33B, 34A, 34B, 35A, 35B, 39A, 39B, 40A, 40B, 41A, 41B, 42A, and 42B amending the Anderson Business Park subdivision plat.** Commissioner Cartwright seconded the motion. Motion carried 3-1 with Commissioner Pouliot voting no.

**Public Hearings** PUBLIC HEARINGS:  
A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3031, AMENDING SECTION 2-8-5(E) OF THE HELENA CITY CODE TO ALLOW COURT FEES TO BE ASSESSED AGAINST DEFENDANTS CONVICTED OF PARKING VIOLATIONS.

Staff Report

City Attorney David Nielsen reported Section 2-8-5 of the Helena City Code provides for assessment of court fees in criminal cases except for cases involving parking violations. Parking violations are misdemeanor criminal actions. Court fees are assessed against defendants convicted of all other misdemeanor criminal actions.

With the final passage of Ordinance 3031, the assessment of court fees against defendants convicted of all misdemeanors will be the same. Court staff expends the same time handling parking violation cases as in handling other misdemeanor cases so it would be appropriate to allow assessment of the same court fees chargeable in all other misdemeanor cases.

City Attorney David Nielsen recommended approval for final passage of Ordinance 3031.

Public Testimony

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

There being no persons wishing to address the commission, the public portion of the hearing was closed.

Motion

**Commissioner Parriman moved approval for final passage of Ordinance 3031, amending Section 2-8-5 (E) of the Helena City Code to allow Court fees to be assessed against defendants convicted of parking violations.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance 3031**

- B. CONSIDER RESOLUTIONS TO LEVY AND ASSESS THE FOLLOWING ANNUAL CHARGES FOR FISCAL YEAR 2006:
  - A. STREET LIGHTING DISTRICTS
  - B. STORM WATER UTILITY
  - C. TREE PLANTING AND MAINTENANCE DISTRICT
  - D. SPECIAL IMPROVEMENT DISTRICTS (SID'S)
  - E. SIDEWALK IMPROVEMENT PROGRAM
  - F. STREET MAINTENANCE DISTRICT #1

Staff Report

Budget Manager Robert Ricker reported each year the Commission must levy and assess annual charges on the above districts in order for them to be placed on the upcoming tax bills. The assessment budgets are as follows:

Street Lighting Districts: Street Lighting Districts assessments are based upon the anticipated cost of electric utility bills and administrative services.

Storm Water Utility: The Storm Water Utility resolution anticipates no increase in the rate or change in the method of assessment.

Tree Planting and Maintenance District: Staff is proposing to keep the assessment rate the same at \$10.00 per geo code or parcel.

Special Improvement Districts (SID): The SID assessments are for outstanding debt. New SIDs or advance payments of assessments will automatically create related budget adjustments.

Sidewalk Improvement Program: The Sidewalk Improvement Program resolution of intention shows the total amount of annual assessments that will be placed on the tax bills for the 2004 and prior programs.

Street Maintenance District #1: Street Maintenance District #1 assessments are based on square footage rates and the type of property as classified in the resolution of intention. Staff is proposing to keep assessments the same as last year.

Mr. Ricker recommended approval of the above referenced resolutions.

Public Testimony

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

Mr. Ed McHugh, 9 Cloverview Drive, addressed the commission regarding Street Maintenance District #1 assessment. Mr. McHugh read a prepared letter into the record.

There being no further persons wishing to address the commission, the public portion of the hearing was closed.

Commissioner Cartwright noted he would support the street lighting and tree planting resolutions. However, he has some concerns and would like the city to get involved to make sure the most efficient lights are being used for street lighting. He would also like to review the assessment for the tree planting, as many of the boulevards trees may need to be replaced.

Commissioner Cartwright has been concerned on what the city should do in regards to private streets that was addressed by Mr. McHugh. As he understands it, the commission will adopt the resolution and at a later date discuss if there would be any credits should be given. Administrative Services Director Tim Magee explained the resolution would set the assessment for FY06 and once they are certified they would be placed on the tax bills. The city normally does not refund an assessment that has been set. This assessment for FY06 would have to be adopted by the 2<sup>nd</sup> week of August.

City Manager Burton stated the commission has several options; if they review the assessment methodology, then discussions on rebates could be held.

Commissioner Cartwright summarized the commission could adopt the resolution as is and then have further conversations regarding rebates. City Manager Burton concurred. Administrative Services Director Tim Magee further explained the commission could discuss and set up a rebate process after the assessments have been set.

Commissioner Parriman stated he is willing to discuss the street maintenance at an administrative meeting; he did caution the commission on when you change an assessment it affects all areas of town.

Commissioner Cartwright stated he too is unsure of what will transpire during commission discussion; however, he would like to have the conversation.

Mayor Smith noted in the past, the commission has discussed the street maintenance assessment methodology in depth. He feels the current methodology works well for the majority of the citizens. Mayor Smith recommended polling the commission to see if there is an appetite to revisit this issue.

Commissioner Pouliot stated he would like to have a discussion regarding the street maintenance assessment methodology.

**Motion**

**Commissioner Pouliot moved approval of the resolutions to levy and assess the following annual charges for fiscal year 2006:**

- A. Street Lighting Districts – Resolution 19239**
- B. Storm Water Utility – Resolution 19240**
- C. Tree Planting and Maintenance District – Resolution 19241**
- D. Special Improvement Districts – Resolution 19242**
- E. Sidewalk Improvement Program – Resolution 19243**
- F. Street Maintenance District #1 – Resolution 19244**

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

- C. CONSIDER A RESOLUTION TO APPROVE THE PROPOSED BUDGET OF THE 9-1-1 FUND FOR FISCAL YEAR 2006. ACTION: APPROVE, TABLE OR DENY A RESOLUTION TO APPROVE THE PROPOSED BUDGET OF THE 9-1-1 FUND.

**Staff Report**

Budget Manager Bob Ricker reported state law (7-6-4035 MCA) requires the City Commission approve the budget of any appointed board. The 9-1-1 funds fall under the direction of the Support Services Division Board, which has presented the proposed budget to the Commission for consideration. Mr. Ricker noted this fund would be adjusted because of a change in the retro-premium from MMIA.

Budget Manager Ricker recommended approval of the resolution.

**Public Testimony**

Mayor Smith 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 portion of the hearing was closed.

**Motion**

**Commissioner Parriman moved approval of a resolution to approve the proposed budget of the 9-1-1 funds for fiscal year 2006.**

Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution 19245**

- D. CONSIDER A RESOLUTION TO APPROVE THE PROPOSED BUDGET OF THE SUPPORT SERVICES DIVISION FOR FISCAL YEAR 2006

**Staff Report**

Budget Manager Bob Ricker reported state law (7-6-4035 MCA) requires the City Commission approve the budget of any appointed board. The Support Services Division has presented its proposed 2006 budget to the Commission for consideration. Mr. Ricker noted this fund would be adjusted because of a change in the retro-premium from MMIA.

Budget Manager Ricker recommended approval of the resolution.

**Public Testimony**

Mayor Smith 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 portion of the hearing was closed.

**Motion**

**Commissioner Parriman moved approval of a resolution to approve the proposed budget of the Support Services Division for fiscal year 2006.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution 19246**

E. CONSIDER A RESOLUTION SETTING FEES CHARGED FOR DISPOSAL OF GARBAGE AND REFUSE AT THE CITY OF HELENA TRANSFER STATION FOR FISCAL YEAR 2006.

**Staff Report**

Budget Manager Bob Ricker reported the City Commission passes a resolution annually establishing charges for the transfer station. The Public Works Department has not recommended any fee increase for fiscal year 2006.

Budget Manager Bob Ricker recommended approval of the resolution.

**Public Testimony**

Mayor Smith 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 portion of the hearing was closed.

Commissioner Pouliot noted the commission has met in several work sessions to review these budget resolutions.

**Motion**

**Commissioner Pouliot moved approval of a resolution setting fees charged for disposal of garbage and refuse at the City of Helena Transfer Station for fiscal year 2006.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution 19247**

F. CONSIDER A RESOLUTION ESTABLISHING A RATE MATRIX FOR SERVICE CHARGES FOR COMMERCIAL COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE IN THE CITY OF HELENA, MONTANA FOR FISCAL YEAR 2006.

**Staff Report**

Budget Manager Bob Ricker reported the City Commission passes a resolution annually establishing charges for commercial sanitation. The proposed resolution includes all charges that are currently being utilized by commercial sanitation and includes them in one resolution. The Public Works Department has not recommended any increase in fiscal year 2006 charges.

Budget Manager Bob Ricker recommended approval of the resolution.

**Public Testimony**

Mayor Smith 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 portion of the hearing was closed.

**Motion**

**Commissioner Cartwright moved approval of a resolution establishing a rate matrix for service charges for commercial collection and disposal of garbage and refuse in the City of Helena, Montana for fiscal year 2006.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution 19248**

- G. CONSIDER A RESOLUTION ESTABLISHING CHARGES FOR COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE IN THE CITY OF HELENA, MONTANA FOR FISCAL YEAR 2006.

Staff Report

Budget Manager Bob Ricker reported the City Commission passes a resolution annually establishing charges for residential sanitation. The proposed resolution includes all charges that are currently being utilized by residential sanitation and includes them in one resolution. The Public Works Department has not recommended any increase in fiscal year 2006 charges.

Budget Manager Bob Ricker recommended approval of the resolution.

Public Testimony

Mayor Smith 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 portion of the hearing was closed.

Motion

**Commissioner Cartwright moved approval of a resolution establishing charges for collection and disposal of residential garbage and refuse in the City of Helena, Montana for fiscal year 2006.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution 19249**

- H. CONSIDER A RESOLUTION TO APPROVE THE PROPOSED BUDGET OF THE HELENA PARKING COMMISSION FOR FISCAL YEAR 2006

Staff Report

Budget Manager Bob Ricker reported state law (7-14-4615 MCA) requires the Helena Parking Commission (HPC) report transactions and financial affairs, and the City Commission approves the budgets of any appointed board. The HPC has presented its proposed 2006 budget to the Commission for consideration.

Budget Manager Bob Ricker recommended approval of the resolution.

Public Testimony

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

Hal Fossum, Helena Parking Commission Director spoke in support of the resolution.

There being no further persons wishing to address the commission, the public portion of the hearing was closed.

Motion

**Commissioner Parriman moved approval of a resolution to approve the proposed budget of the Helena Parking Commission for fiscal year 2006.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution 19250**

- I. CONSIDER A RESOLUTION TO LEVY AN ASSESSMENT FOR THE CITY OF HELENA BUSINESS IMPROVEMENT DISTRICT (BID), AND APPROVE THE PROPOSED BUDGET AND WORK PLAN FOR FISCAL YEAR 2006

Staff Report

Budget Manager Bob Ricker reported on July 24, 2000, the City Commission passed Resolution #11542 which recreated the Business Improvement District (BID) for an additional ten years. State law (7-12-1132 MCA) requires the BID to submit its budget and work plan to the Commission for consideration and approval of the related assessment to support the district.

Budget Manager Bob Ricker recommended approval of the resolution and the proposed budget and work plan for fiscal year 2006.

Public Testimony

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

Hal Fossum, Business Improvement District Director, spoke in support of the resolution. Mr. Fossum thanked the commission and city staff for working with the BID on the signage program and approving the contract.

There being no further persons wishing to address the commission, the public portion of the hearing was closed.

Motion

**Commissioner Cartwright moved approval of a resolution to levy an assessment for the City of Helena Business Improvement District (BID), and approve the proposed budget and work plan for fiscal year 2006.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution 19251**

J. CONSIDER A RESOLUTION TO LEVY ADDITIONAL PROPERTY TAX REVENUE FOR FISCAL YEAR 2006

Administrative Service Director Tim Magee reviewed the timeframe and number of meetings that are held annually regarding the budget adoption. Mr. Magee thanked Budget Manager Bob Ricker and Administrative Assistant Julie Krause for their work on the budget. He also thanked the commission, City Manager Burton and the staff in all of the city departments who are involved in the development of the budget.

Mayor Smith also thanked all staff involved in the development of the budget.

Staff Report

Budget Manager Bob Ricker reported:

- ✓ 15-10-203 MCA requires the city hold a public hearing before passing a resolution to budget additional property tax revenue.
- ✓ 15-10-420 (1)(a) MCA authorizes a property tax levy increase of "one-half of the average rate of inflation for the prior three years". The Consumer Price Index showed a 2.51% average increase. Therefore, the city is allowed and is proposing a 1.25% property tax levy increase.
- ✓ 15-10-420 (1)(b) MCA allows the city to carry forward its levy authority, even if it did not levy the maximum levy authorized in a prior year.
- ✓ 15-10-420 (5)(b) and 2-9-212 MCA allow the city to levy for group benefit premium increases.
- ✓ 15-10-420 (7) MCA allows the city to levy for any decrease in reimbursements.

The proposed budget includes tax revenue increases for:

1. The CPI-U inflation factor of 1.25%, or \$54,124;

2. The tax revenue authorized but not levied in the prior year totaling \$-0-;
3. The increase in group benefit premiums of \$4,022; and,
4. The projected State Personal Property Tax Reimbursement decrease of \$10,842.

These increases total \$68,988, or 1.28% of the \$5,394,528 in property tax revenue levied in the prior year.

Mr. Ricker explained the cost to an average property owner of a \$100,00 house is \$3.52 a year; \$150,000 house is \$5.27 a year and a \$200,000 house is \$7.03 a year.

Public Testimony

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

There being no further persons wishing to address the commission, the public portion of the hearing was closed.

Commissioner Pouliot noted this increase is ½% of the rate of inflation and the 1.2.8% is a reasonable increase. He stated Great Falls is increasing their tax revenue by 4.5%.

Motion

**Commissioner Pouliot moved approval of a resolution to levy additional property tax revenue for fiscal year 2006.**

Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution 19252**

- K. CONSIDER A RESOLUTION TO ADOPT FINAL BUDGETS, BUDGET AUTHORITIES AND ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006.

Staff Report

Budget Manager Bob Ricker reported the Local Government Budget Act, MCA, Title 7, Chapter 6, Part 4, requires the city to develop and adopt an annual budget. The annual budget development process has encouraged public participation and included:

- City Manager presentation of the Preliminary Budget to the City Commission on May 9, 2005;
- A series of City Commission work sessions in which the entire Preliminary Budget was reviewed;
- Public Hearing Notices published in accordance to MCA 7-1-4127; and
- A list of amendments to the Preliminary Budget provided at the June 22, 2005 City Commission Administrative meeting.

After the public hearing is held the commission can determine if there are any additional changes to be added to the list of amendments to the preliminary budget; and then adopt final budgets for FY 2006.

Commission comments

Commissioner Pouliot asked if this is the resolution that includes the COLA for the employees. Budget Manager Ricker noted the budget includes a 2.5% COLA for employees. Mr. Ricker referred the commission to the Appendix A of the resolution.

Public Testimony

Mayor Smith 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 portion of the hearing was closed.

**Commission Comments** Commissioner Pouliot stated he supports the 2.5% COLA; however, he would like to review the COLA for FY07. Commissioner Pouliot stated he believes the employees who make the least amount should receive the higher increase. He may recommend in the future, different percentages for the various salary ranges.

**Motion** Commissioner Parriman moved approval of a resolution to adopt final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2005 and ending June 30, 2006. Commissioner Cartwright seconded the motion. All voted aye, motion carried. Resolution 19253

**Public Communications**

**PUBLIC COMMUNICATIONS**

Robert Bean, 211 Springfield Drive, addressed the commission regarding the boulevard ordinance. Mr. Bean noted he has rocks and trees in his boulevard. He then addressed the other boulevards in other neighborhoods.

Mr. Bean asked the commission to review the current boulevard ordinance and amend it to accommodate the citizens.

Commissioner Cartwright noticed on some of the properties the reason given was their concerns with using water; however, in several instances the homeowner doesn't want to water the boulevard but has a full lawn to water.

Mayor Smith stated the commission has a two part process. The ordinance is a complaint driven process and the other part is enforcement. Whatever the commission may do when reviewing this ordinance, it will not fit all citizens.

Mayor Smith stated his starting point is to ask the question if the city should have a boulevard ordinance at all. He thanked Mr. Bean for his comments.

Commissioner Cartwright commented boulevards have both benefits and problems. They are a collective good; when there are mature trees in the boulevard, they affect the property values.

Tal Redpath, 441 Paxon Street, addressed the commission in reference the boulevard ordinance. He also urged the commission to adopt a moratorium on the enforcement of the boulevard ordinance.

Jerry Skillman also addressed the commission in reference to the boulevard ordinance.

Mayor Smith stated he would not support a moratorium on the enforcement of the boulevard ordinance.

Commissioner Cartwright noted part of the concern is not just the existing properties but also the new lots being developed. He too is concerned with the ordinance but believes some form of the ordinance is necessary. A moratorium on the enforcement is not the answer to this issue.

Commissioner Pouliot noted he supports reviewing the ordinance as soon as possible.

Mayor Smith cautioned the commission and citizens that this ordinance may not be reviewed and amended prior to the fall and possibly later.

Commissioner Parriman stated there is an ordinance on the books and it should be enforced until the ordinance is amended. This commission has a civic duty to the citizens of Helena to enforce the ordinances of the City of Helena.

Commissioner Cartwright stated the city might want to look at offering incentives to property owners who have boulevards to maintain.

City Manager Burton noted staff would prioritize the amendment to the boulevard ordinance. This item will be placed on an administrative meeting for review.

***Meetings of Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is July 6, 2005 and the next Commission Meeting is July 11, 2005. The City-County Joint Work Session is on July 7, 2005.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission