

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 26, 2005
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, September 26, 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, Oitzinger, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Anne Pichette representing the 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 September 12, 2005 were approved as amended.

Proclamation

PROCLAMATION

A. Fire Prevention Week

Mayor Smith read and presented the Fire Prevention Week proclamation to Fire Marshall Craig Trapp. Mr. Trapp explained 2005's campaign is "When you go out, blow out", which reminds citizens to extinguish their candles when leaving home.

Presentation

PRESENTATION:

A. Confirmation of Firefighter Neil Koehler

Fire Chief Steve Larson introduced Firefighter Neil Koehler, gave a brief history and asked for the Commission's confirmation of Mr. Koehler as a firefighter for the Helena Fire Department.

Mr. Koehler thanked the Commission and expressed his gratitude for being able to work as a firefighter for the City of Helena.

Motion

Commissioner Pouliot moved the confirmation of Firefighter Neil Koehler. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Appointments

APPOINTMENTS:

- A. Helena Housing Authority
- B. Airport Board of Adjustment

Mayor Smith asked for Commission concurrence on the following board appointments:

Airport Board of Adjustment – Appointment of Marc Parriman and Jeff Martin.

Helena Housing Authority – Appointment of Pat Franks, Maureen Garrity, Steve Netschert and Brian Taylor.

Public comment Mayor Smith called for public comment, none was received.

Motion Commissioner Pouliot moved approval of the appointments to the Helena Housing Authority. Commissioner Parriman seconded the motion.

Discussion Commissioner Cartwright commended citizens who serve on volunteer boards but asked the newly appointed members to start their service with a clean slate.

Vote All voted aye, motion carried.

Motion Commissioner Otizinger moved approval of the board appointments to the Airport Board of Adjustment. Commissioner Cartwright seconded the motion.

Public comment Mayor Smith called for public comment, none was received.

Vote Motion carried with Commissioner Parriman abstaining.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Consider final passage of Ordinance No. 3040 for pre-zoning prior to annexation to R-0 (Residential-Office) for .44 acres of land, being two portions of Tract B-1 of COS #535417/B, Lewis & Clark County; generally located north of Sonoma Drive and south of Colonial Drive and Interstate 15.
C. Consider final passage of Ordinance No. 3041 for a pre-zoning designation prior to annexation to R-0 (Residential-Office) for 19.84 acres for property legally described as a portion of Tract B-1 of COS #535417/B, Lewis & Clark County; generally located north of Saddle Drive, south of Tracy Drive, and east of Belt View Drive.
D. Consider final passage of Ordinance No. 3042 amending City of Helena Ordinance No. 2359 and amending the official zoning map thereof in reference to that property known as 13, 15, and 21 North Rodney Street in Helena Montana, for a zone change from R-3 (Medium-Density Residential) to B-1 (Neighborhood Business) District.

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

Commissioner Cartwright asked that item C be removed for discussion.

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

Motion Commissioner Parriman moved approval of item A, B and D on the consent agenda. Commissioner Oitizinger seconded the motion. All voted aye, motion carried.

Item C Commissioner Cartwright referred to access to Nob Hill Park through the proposed subdivision and asked City Attorney Nielsen if action on this item commits the city to annexation. City Attorney Nielsen stated no.

Motion Commissioner Cartwright moved approval of item C on the consent agenda. Commissioner Oitzinger seconded the motion.

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

Vote All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Pouliot invited citizens to visit downtown Helena even though Alive at 5 is over for the season.

Commissioner Oitzinger spoke of Reverend Bob Holmes who passed away on Saturday, September 24, 2005 and offered her condolences to his family. His memorial service will be held on Thursday, September 29, 2005.

Commissioner Parriman referred to the Community Development Building Department. The latest Helena Building Industry Association (HBIA) newsletter indicated the department is falling behind on the timeliness of their permit issuance. He offered to meet with the HBIA and staff to rectify the situation.

City Manager Burton stated he met with the Executive Director of HBIA, Ron Bartsch, last week. He explained when you can't measure or regulate the volume of work that will be coming into the department, it's hard to know how fast you can get it done. There have also been some medical reasons for staff absence. He added there might be an opportunity to re-engage the Commission on hiring an inspector in the field, which the HBIA recommended. He accepted Commissioner Parriman's offer to attend discussions between staff and the building community.

Commissioner Cartwright referred to deer problems within the city limits. The solution to the problem is unknown but the Commission should still be taking steps to resolve the issue. He would like to readdress the issue when there is opportunity, after January 1, 2006.

Mayor Smith reviewed discussion held at the Wednesday, September 21, 2005 Administrative Meeting regarding deer. City Manager Burton noted citations for feeding deer are to be issued at the first offense without giving warnings. Discussion needs to be held with Fish Wildlife and Parks (FWP) as to how to proceed because they have statutory authority. City Manager Burton added an informational pamphlet could be mailed out with water bills.

Commissioner Pouliot asked that the citizens of Helena be informed as to a contact for FWP that could be called directly. City Manager Burton added concerned citizens can also contact the Helena Police Department at 447-8479.

Commissioner Parriman stated he's convinced the city should have some formal plan in place to deal with the deer.

Mayor Smith noted FWP recommended harvesting the deer; he doesn't believe the community and Commission are ready to take that step.

Mayor Smith announced the annual League of Cities and Towns Convention will be held Tuesday, September 27 through Thursday, September 29, 2005 at the Colonial.

Report of the City

REPORT OF THE CITY ATTORNEY

Attorney

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. \$30,000 contribution for Hurricane Katrina relief

City Manager Burton reviewed the proposed donation through the Rotary International Fund at First Interstate Bank to Hurricane Katrina relief. City Attorney Nielsen explained the necessary requirements to donate public funds to the relief effort. The funds can be earmarked for re-construction of infrastructure in designated communities.

Commissioner Cartwright spoke in support of the donation and asked that the funding be set at \$27,196, which is the population of Helena according to the 2004 census.

Motion

Commissioner Cartwright moved to donate \$27,196 through First Interstate Bank, Rotary International Fund, earmarked for restoration of public infrastructure. Commissioner Pouliot seconded the motion.

Commissioner Parriman noted he would like to make sure the donation is spent as designated in the motion. City Attorney Nielsen stated along with the motion, a letter would be sent with the donation explaining it is restricted to infrastructure restoration.

Commissioner Oitzinger spoke of homelessness due to Hurricane Katrina and expressed her concern about preventive health measures for children. She is hopeful some of the city's contribution or other contributions will go towards those needs.

Public comment

Mayor Smith called for public comment, none was received.

Vote

All voted aye, motion carried.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

There was no report given.

Fund Expenditure

CONSIDER THE EXPENDITURE OF \$120,000 FROM THE CAPITAL IMPROVEMENT FUND AND PARK IMPROVEMENT FUND RESERVES TO CLOSE THE PURCHASE OF TRACT B1 OF RED LETTER SUBDIVISION FROM RICHARD AND BETTI HILL.

Staff Report

Parks and Recreation Director Randy Lilje reported the city entered into a Buy-Sell Agreement with Richard and Betti Hill on August 8, 2005, for the purpose for two parcels. The Buy-Sell allows the City to close on the purchase of the parcels at different time and provides the city with options on when to close and the configuration of the parcels. Tract B1 is the larger parcel and is contiguous to the city's exterior limits. Under the Buy-Sell the purchase price is \$150,000. Though the city's FY06 budget did not expressly contain a budget authorization for this purchase, funds are available as follows:

- \$111,500 from the Capital Improvement Fund (440)
- \$ 38,500 from the Park Improvement Fund (441)

The purchase price of the remaining smaller parcel is \$55,000, which is the appraised value, and has a delayed closing of 18 months.

Director Lilje stated this purchase adds new open space land adjacent to existing city-owned open space land located in the South Hills, and provides public access to all this open space land from Winscott Lane. Also, this prevents the parcel from being privately developed in a manner that might be adverse to the residential properties located in the city. Mr. Lilje recommended approval of the purchase of Tract B1, Red Letter Minor Subdivision.

City Manager Burton reminded the Commission that the \$111,500 is proceeds from the sale of city owned property to Boyd Andrew.

Commission comment Commissioner Cartwright asked what funding might become available for the purchase of the smaller parcel? Director Lilje explained staff is looking into funding the purchase with grant money, which will be available to apply for in January.

Commissioner Parriman referred to funding the maintenance of open space and asked if the city will be able to afford to maintain these parcels? Director Lilje explained the funding sources would be obtained through various grants. Also, the Prickly Pear Land Trust provides volunteer maintenance. HOLMAC will be making recommendations to the Commission on how to fund the maintenance in the future.

Public comment Mayor Smith called for public comment, none was received.

Motion **Commissioner Oitzinger moved approval to allow the City Manager to spend \$120,000 plus closing costs from Capital Improvement Fund and Park Improvement Fund reserves to close the purchase of Tract B1 of the Red Letter Minor Subdivision from Richard and Betti Hill.** Commissioner Cartwright seconded the motion.

Discussion Commissioner Parriman stated he doesn't think it is responsible or prudent to acquire more open land when there is not funding available to properly maintain it. Mayor Smith asked Director Lilje to express Commissioner Parriman's concerns to HOLMAC.

Commissioner Oitzinger noted in tax exempt financing, being able to earmark money for maintenance is daunting; HOLMAC will find innovative solutions for funding maintenance. If this property remains private it could be developed which could possibly create other problems for the city. She believes this is a good purchase.

Vote All voted aye, motion carried.

Street name change CONSIDER A RESOLUTION OF INTENTION TO CHANGE THE NAMES OF STIRRUP DRIVE IN THE SUNRISE LOOP SUBDIVISION AND SADDLE DRIVE IN THE NOB HILL SUBDIVISION, BOTH IN THE CITY OF HELENA, TO NOB HILL DRIVE.

Staff Report City/County Address Coordinator John Hinshaw reported Sunrise Loop Subdivision was platted with Stirrup Drive, and Nob Hill Subdivision was platted with Saddle Drive. This leaves the city with a short section (approximately 650 feet) of Stirrup Drive between two Saddle Drives. There are no address assignments on either of these

new streets at this time so this would be the best time to make the changes so that no addresses will be affected.

Staff is proposing to amend both plats to reflect the street name changes from Stirrup Drive and Saddle Drive to Nob Hill Drive. The Nob Hill subdivider has agreed to pay for the amended plats. The address range for the new street would be continuous instead of being divided by a short segment of Stirrup Drive. By changing the street name of Saddle Drive at the top of the hill where these two subdivision streets turn and head east is the perfect place to change the numbering to match the City's addressing system. Mr. Hinshaw recommended approval of the resolution of intention. City Manager Burton added this is all new development, there are currently no houses addressed on the subject portion of Saddle Drive.

Commission comment Commissioner Pouliot stated he would not support the name change and suggested changing Stirrup Drive to Saddle Drive and keeping Saddle Drive the same throughout the subdivision to keep the street name the same throughout the area. City Manager Burton noted the Commission could table the resolution of intention to provide time for further discussion.

Motion Commissioner Pouliot moved to table a resolution of intention to change the name of Stirrup Drive in Sunrise Loop Subdivision and Saddle Drive in Nob Hill Subdivision to Nob Hill Drive to the call of the City Manager. Commissioner Parriman seconded the motion.

Public comment Mayor Smith called for public comment, none was received.

Vote All voted aye, motion carried.

Amending Resolution No. 19240 – Storm Water Utility Districts CONSIDER A RESOLUTION OF INTENTION AMENDING RESOLUTION NO. 19240 THAT LEVIED AN ASSESSMENT UPON ALL PROPERTY IN THE STORM WATER UTILITY DISTRICT TO DEFRAY THE COST OF MAINTAINING SERVICES IN THE DISTRICT FOR FISCAL YEAR 2006.

Staff Report Accounting Supervisor Brandi Pierson reported on June 13, 2005, the City Commission adopted Resolution of Intention No. 19222 and on June 27, 2005 adopted Resolution No. 19240 that levied and assessed a tax upon all property located within the storm water utility district to help defray the cost of maintaining the services in the district. Each lot or parcel in the district is assessed based upon the square foot area of the impervious surface. The intent of the resolution of intention is to exempt right-of-ways, publicly owned streets, runways, and taxiways from the storm water utility assessment. The right-of-ways, publicly owned streets, runways, and taxiways have never been included for calculation purposes of the assessment. However, the resolution that annually sets the stormwater utility rates has never excluded these parcels.

Staff recommended passage of the resolution of intention amending Resolution No. 19240 as the amendment will exclude right-of-ways, publicly owned streets, runways, and taxiways from the Storm Water Utility assessment calculation and resolution for fiscal year 2006.

Commission comment Commissioner Cartwright asked for an explanation of why runways and taxiways wouldn't be taxed. Assistant Public Works Director Phil Hauck explained this district began with an engineering study in 1989; the first assessments were added in 1991. At that time there were a few properties in the district that were to receive special circumstances, the airport and the DNRC detention basin. The airport has received a credit for improvements that were made at the conception of the district. Although the credit has expired, they have historically been excluded from the assessment. City Manager Burton stated staff has been working with the airport on this issue for many years. He noted the airport has its own stormwater system, funded by the federal government. Their system handles their own needs, which is complementary to the city's drainage. Also, the airport itself is a public purpose, an entity created by the City and County Commissions. The figures included in the resolution of intention are because of those reasons and also mirror the original engineering report.

Commissioner Cartwright stated the airport is a public authority but not under city control the way city streets are; it is a public entity but not the same as government. He added even though there are many public entities in the subject area, they all have their own cash flow and although it might be useful to not include all the runways in the area, some portions should be subject to the assessment.

Public comment Mayor Smith called for public comment, none was received.

Motion **Commissioner Cartwright moved approval for a resolution of intention amending Resolution No. 19240 and set a public hearing date of October 17, 2005.** Commissioner Oitzinger seconded the motion.

Commission Comment Commissioner Cartwright stated he does support the airport but he would like to make sure that all of the details surrounding the assessment are provided to the Commission and the public.

Vote All voted aye, motion carried. **Resolution #19278**

Public Communications PUBLIC COMMUNICATIONS

Wes Krofcheck, 117 Pine Street, spoke of his concern with a duplex being built on the corner of Cutler and Warren Street. He expressed his frustration about the ingress and egress of the development and stated the increased traffic will add to the dangerous driving conditions of the area. He passed out pictures of the development to the Commission.

City Engineer Ryan Leland explained the conditions of the development and stated by law, the city is required to allow the development access through Warren Street.

Meetings of Interest MEETINGS OF INTEREST

The next Joint Work Session is Thursday, October 6, 2005; the next Administrative Meeting is October 12, 2005 and the next Commission Meeting is October 17, 2005. Commissioner Oitzinger added the Public Art Committee's Women's Mural restoration celebration will be held on Friday, Sept 30, 2005 @ 3:00pm.

Adjournment

There being no further business to come before the Commission,
the meeting was adjourned at 8:18p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission