

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
October 29, 2007
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, October 29, 2007 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, Peura, and Throssell were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Ken Saunders 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 October 15, 2007 were approved as submitted.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Resolution declaring certain personal property to be abandoned and unclaimed (bicycles) **Resolution #19523**
- C. Safe Routes To School (SRTS) grant approval and Allocation of Community Transportation Enhancement Program (CTEP) funds to construct sidewalks adjacent to Bryant Elementary and Helena Middle schools
- D. Final passage of Ordinance No. 3092 amending the official zoning map and pre-zoning 25.6 acres of undeveloped land to a CLM (Commercial Light Manufacturing) District. Property is generally located north of Meagher Road, south and east of York Road, and east of Toole Drive, with a property address of 2093 York Road **Ordinance #3092**

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

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright commented that consent agenda item C, represents the first substantive part of the city's neighborhood transportation program. He spoke of LED business signs and noted he had previously recommended a moratorium on them, which cannot be done. He will keep researching ways to stop their installation and urged citizens to complain about signs that do not comply with city ordinances. Regarding the error with the HCC ballots for the upcoming election, some people have wondered if the entire election is postponed or just

the HCC portion. He noted only the HCC election is postponed to January.

Commissioner Oitzinger spoke of past discussions regarding the city funding neighborhood parks. She indicated she would like to discuss the issue again and asked Community Development Director Sharon Haugen to research whether this could be funded with Community Development Block Grants or civic engagement grants. Mayor Smith concurred with Commissioner Oitzinger's request.

**Report of the City
Attorney**

REPORT OF THE CITY ATTORNEY

A. Call for Special Election

City Attorney David Nielsen reported the recently mailed ballots for the Neighborhood District elections, as prepared by the Lewis & Clark County Elections Office, did not contain all of the nominees' names on the ballot for each District. Each nominee's name only appears on a ballot prepared for that nominee's home precinct.

Section 4.01 of the Helena City Charter states that the City of Helena is divided into seven Neighborhood Districts. Each District has a council composed of four members elected to two-year terms. Section 1-4-10 of the Helena City Code states that each of the seven districts is composed of a combination of city precincts. For the 2007 election for the Neighborhood Councils, rather than having a ballot for each district, the ballots were on a precinct basis. In reviewing the City Charter and the City Code, Attorney Nielsen found these precinct-based ballots to be in error. They cannot be used to determine the successful candidates for Neighborhood Council membership.

This ballot deficiency does not affect the validity of the City ballot used for election of City Commissioners, City Judge, the Parks Bond issue, or the war referendums.

In talking to the Elections Administrator, a new HCC ballot special election could be held on January 8, 2008. This gives time to print new ballots, re-advertise the election and mail the ballots. This new election would allow for sufficient time for the newly elected Neighborhood Council persons to organize and establish a Helena Citizens' Council.

Because of the invalidity of the precinct-based ballots, Attorney Nielsen recommended that:

1. The Commission declare the precinct-based ballots used for the November 6, 2007 election of the Neighborhood Council members void and that they not be counted or used;
2. The ballots be destroyed;
3. A special election for the Neighborhood Council members be held on January 8, 2008, by mail ballot to be mailed to each elector in the City no later than 15 days before the election date; and
4. The Commission reaffirm all other provisions of Resolution No. 19493, passed on July 2, 2007, not superseded by this new action.

Attorney Nielsen recommended approval of a resolution calling for a special election on January 8, 2008, by mail ballot. Previously, he had recommended December 11, 2007, but subsequent to that

recommendation checked with the Secretary of State's Office and because of other statutory time requirements, the earliest a special election could be held by mail ballot would be December 28, 2007. Because that date falls during the holiday season, and after meeting with the Elections Administrator, January 8, 2008, appears to be the better time for this special election. Attorney Nielsen noted the error only effects the ballots for the HCC election; it does not affect any other ballot items.

Commission comment Commissioner Throssell asked how the special election would be funded? Attorney Nielsen stated the Election Office has indicated they would bear the full expense of the special election; there will be no extra cost to the city. Commissioner Peura asked what would happen to any erroneous HCC ballots that are turned in and voted upon? Attorney Nielsen explained they would not be tallied and would be destroyed.

Public comment Mayor Smith called for public comment.
William McCausland, HCC candidate, Helena; thanked the Commission for their prompt attention to the matter.

Motion **Commissioner Oitzinger moved approval for a resolution voiding defective mail ballots and calling for a special election by mail ballot.** Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19524**

Report of the City Manager

REPORT OF THE CITY MANAGER

A. Certificate of Achievement for Excellence in Financial Reporting

City Manager Burton asked City Controller Glen Jorgenson to accept the award for excellence in financial reporting for the 19th consecutive year. Mr. Jorgenson explained the award for the Comprehensive Annual Report and thanked city staff Brandi Pierson and Robert Ricker for their work on the budget. Mayor Smith presented the award to Mr. Jorgenson and the Commission commended the Administrative Services Department for their work.

B. Project update - Golf Course driving range project

Manager Burton asked Parks & Recreation Director Randy Lilje to report on the project. Director Lilje reported the Golf Course Driving Range Project will do improvements to the Bill Roberts Golf Course, driving range and clubhouse including grading and topsoil, irrigation system, expansion of the tee, additional 50 foot tall poles and nets at the far end, improvement of the teaching area, equipment storage building and clubhouse patio cover. The estimated cost is \$207,000.

The project was approved by the Commission in the FY 2008 budget. Approval included acquiring an Intercap Loan for a duration of 10 years. The estimated annual debt service on the loan is approximately \$26,000.

Director Lilje recommended proceeding with the loan application and begin work on the improvements this fall. The estimated time for project completion is the spring of 2009 by the time the turfgrass has grown in.

Commission comment Commissioner Oitzinger commended staff for their work in securing the use of a well to provide irrigation to the golf course instead of treated city water.

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

Motion **Commissioner Oitzinger moved approval to proceed with the Intercap Loan application to proceed with the golf course driving range/clubhouse improvement project.** Commissioner Peura seconded the motion. All voted aye, motion carried.

Comment City Manager Burton thanked Lewis & Clark County for their collaboration on the well project.

***Report from the
Helena Citizens
Council***

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Ken Saunders spoke about the October 18, 2007 HCC District Meetings. He thanked the Parks & Recreation Department for the information they provided regarding the improvements related to the GO Bond at the meetings. He indicated meeting attendees were split on the location of the MT Historical Society. Regarding the branding of Helena, attendees were positive towards the concept of creating a brand; they did not find it outside of the context of the city. Attendees found electronic business signs distracting, they do not enhance the quality of life and would not match the future branding of Helena. Also, they tend to grow in number quickly and could soon fill the city. Related to junk vehicles, there was consensus by attendees to fall back and watch the Police Department's renewed efforts toward the problem. Mr. Saunders thanked City Attorney Nielsen for his prompt response to the HCC election error. The next HCC Meeting is November 28, 2007 at 7:00p.m. in City/County Building Room 326.

Commissioner Peura stated although the election is set for January 8, 2008, the ballot is not open for applicants to file to run for election to the HCC. City Attorney Nielsen concurred. Commissioner Oitzinger asked if voter registration would be extended to January 8, 2008. Attorney Nielsen stated yes.

Martha Eberle, HCC VISTA; encouraged interested persons to run for the HCC as write-in candidates.

***Reimbursement of
Parking Garage
Expenditures***

CONSIDER A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF HELENA, MONTANA TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY.

Staff Report

City Controller Glenn Jorgenson reported the city has agreed to construct a parking garage in the Great Northern area to ensure the Montana State Fund can have ample parking for its new building that is in the planning process. The city will need to issue bonds to finance the project; the garage is anticipated to be built during calendar year 2008.

The City Commission recently approved architectural contracts of approximately \$400,000 for the parking garage. The architectural and other miscellaneous expenditures will be incurred prior to issuing the bonds. Staff is recommending financing these expenditures by using Parking Reserves first and a short-term General Fund loan for the remainder. The Parking and General funds will need to be reimbursed from the bond funds received.

Internal Revenue Service regulations require municipalities to pass a "reimbursement resolution" declaring that expenditures made prior to the issuance of bonds are anticipated to be reimbursed by bonds proceeds. Without this resolution the city may have to pay for preliminary expenditures from other sources.

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

Motion Commissioner Oitzinger moved approval of a resolution declaring the official intent of the City of Helena, Montana to reimburse certain expenditures from the proceeds of bonds to be issued by the city. Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19525**

Public Communications PUBLIC COMMUNICATIONS
No communications were given.

Meetings of Interest MEETINGS OF INTEREST
The next Administrative Meeting is Wednesday, October 31, 2007 and the next Commission Meeting is Monday, November 5, 2007. The City/County Joint Work Session will be held Thursday, November 1, 2007. Commissioner Peura added a public meeting and discussion on the city's Growth Policy would be held Tuesday, October 30, 2007 at 7:00p.m. in the Student Union Building at HCT.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 6:47p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission