

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 11, 2008
6:00 P.M.**

Time & Place

A regular City Commission meeting was held on Monday, February 11, 2008 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 Elsaesser were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Marshall Gingery 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 January 28, 2008 were approved as submitted.

Appointments

APPOINTMENTS:

- A. Public Art Committee
- B. Transportation Coordinating Committee
- C. Civic Center Board

Mayor Smith asked for Commission concurrence on the following appointments:

Civic Center Board- Appointment of Chris Gadzia, C.W. "Skip" Hatveldt and Linda Kindrick to the Civic Center Board. Unexpired terms will begin upon appointment and expire March 1, 2010. Reappointment of Sherron Massman, Brad Culver, Crystal Kelly, Ellen Livers, Judy Kline and Jeanne Schutt. Appointments will begin upon appointment and expire March 1, 2011.

Public Art Committee- Appointment of Ken Saunders to the Public Art Committee. Unexpired term will begin upon appointment and expire December 31, 2010.

Transportation Coordinating Committee (TCC)- Appointment of Patricia Johnson as the voting member and Will Selser as the non-voting member on the TCC. Terms will begin upon appointment and expire on December 31, 2009.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of the appointments to the Public Art Committee, Transportation Coordinating Committee and Civic Center Board as outlined above. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Utility Bill Insert - Growing Friends of Helena
- C. Utility Bill Insert - Helena Civic Television
- D. Accept \$5000.00 Project Incentive Agreement from NorthWestern Energy to add variable frequency drives to the non-potable water system at the Wastewater Treatment Facility
- E. Extension of time for final plat approval for the Aspen Park at Mountain View Meadows Subdivision; generally located southwest of East Helena, west of Highway 282 and north of the Jefferson County line
- F. Final passage of Ordinance No. 3094 amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof for a zone change from CLM to B-2 District for Blocks 15, 21 and 22, Boyce Addition; generally located north of Prospect Avenue and south of Billings Avenue between Gibbon and Market Streets **Ord #3094**
- G. Final passage of Ordinance No. 3095 pre-zoning to R-2 (Single Family Residential) District property to be known as Tract B1-A of the Red Letter Minor Subdivision, Lewis and Clark County, containing approximately 1.5 acres prior to annexation into the City of Helena; property is generally located south of Gold Rush Avenue between Winscott Lane and Crystal Drive **Ord #3095**
- H. Final passage of Ordinance No. 3096 pre-zoning to PLI (Public Lands and Institutions) District property to be known as Lot 11-A of the Red Letter Minor Subdivision, the Fraction Lode Mining Claim, and Tiger Lode Mining Claim, all in Lewis and Clark County, prior to annexation into the City of Helena; property is generally located south of Gold Rush Avenue between Winscott Lane and Crystal Drive **Ord #3096**

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

Commissioner Elsaesser asked item D be removed for further discussion.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Peura moved approval of items A through C and E through H on the consent agenda. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Item D

Commissioner Elsaesser commended staff for their work on the \$5000.00 Project Incentive Agreement from NorthWestern Energy to add variable frequency drives to the non-potable water system at the Wastewater Treatment Facility. Wastewater Superintendent Don Clark explained the project and commented staff is very conscious of the plant's energy consumption and always looking for new ways to conserve energy. Commissioner Cartwright added Northwestern Energy is going to be raising their incentive payments in response to the growing price of conventional fuels.

- Motion** **Commissioner Elsaesser moved approval of item D on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
- Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Oitzinger stated there was an article in the Wall Street Journal about nine cities and their strategies for saving energy; the Commission members will receive the article via email.
Commissioner Elsaesser presented Mayor Smith with an award from the Helena Regional Airport Authority for the city's work toward securing a grant that will bring United Airlines service to Helena. He noted he received the award on behalf of the city at a meeting on Tuesday, February 5, 2008.
- Report of the City Attorney** REPORT OF THE CITY ATTORNEY
No report was given.
- Report of the City Manager** REPORT OF THE CITY MANAGER
City Manager Burton asked Public Works Director John Rundquist to report on the water main break on Helena's Westside and Highway 12. Director Rundquist gave an overview of the large breaks to the 14 and 24-inch mains and staff's work to repair it. He recognized the following Water Utility Maintenance staff: Superintendent Kevin Hart, Supervisors Rick Cabbage and Bill Horner, Heath LaFromboise, Bronson Brown, Wayne Helmbrecht and Paul Kienlen, who were in attendance, as well as Janice Long, Pat Devine, Jamie Newlun, Chuck Briese, Nathan Tabbert, Earl O'Leary and Rick Williamson, who were not in attendance, and thanked them for their hard work.
- Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL
HCC member Marshall Gingery reported at its January Meeting the HCC elected the following officers: Chair Ellen Bell, Vice Chair Ole Olson, Treasurer Marshall Gingery and Secretary Lynne Boone. District Chairs will be elected at the February meeting. Mr. Gingery expressed the HCC's desire to be voting members on city boards and councils.
Mayor Smith noted the HCC would be meeting with the Commission members and City Manager on March 18, 2008 at 3:30pm in Room 326 of the City/County Building.
- Non-Motorized Travel Advisory Council** CONSIDER A RESOLUTION ESTABLISHING A NON-MOTORIZED TRAVEL ADVISORY COUNCIL.
- Staff Report** Neighborhood Transportation Coordinator Alan Cormany reported the formation of this council is mentioned as a goal in The Greater Helena Area Transportation Plan, Chapter 6. This new council would replace the Transportation Choices Committee (TCC2), which meets regularly to discuss non-motorized transportation. The general purpose of the new council would be to advise the city commission on the Neighborhood Transportation Program. The council will have up to seven voting members that represent the community; one city commission member; one HCC representative and one City of Helena public safety employee. The city staff liaison for this new council will be the Neighborhood Transportation Coordinator.

As drafted in the resolution, the duties of the Council will be:

- Recommending priorities
- Advocating for non-motorized facilities in development projects
- Developing, supporting and sponsoring educational programs
- Advocating for funding in the City budget and identifying potential funding sources
- Reviewing and advising on grant applications, including CTEP
- Advising on traffic-calming measures
- Developing and distributing a non-motorized transportation system map, and
- Other duties as assigned by the City Commission

Mr. Cormany recommended approval of the resolution as it will allow an advisory council to advocate for an ensure implementation of the non-motorized transportation plan.

Public comment

Mayor Smith called for public comment.

George McCauley, 926 5th Avenue; spoke against allowing a member of city staff to be a voting member.

Will Snider, Helena; spoke against allowing a member of city staff be a voting member.

Robert Ray, 501 Adams Street; spoke in support of the resolution.

Fran Penner-Ray, 501 Adams Street; spoke in support of the creation of the council.

Discussion

Commissioner Cartwright recommended the public safety employee be an ex-officio member because the Commission will take any comments that public safety staff has very seriously and he is concerned it would put the representative in an awkward position of trying to work with the committee and being consistent with what the departments are doing. Commissioner Peura concurred with Commissioner Cartwright's proposal and recommended the council include seven voting citizens, in addition to one voting City Commissioner, and one voting HCC member for a total of nine voting members. He noted it is important for a public safety employee to be a member of the council and making them a non-voting member will alleviate concerns. Commissioner Oitzinger stated it is important the HCC member on the council sit in a city-wide capacity. Manager Burton confirmed he was comfortable with the proposed amendments.

Motion

Commissioner Cartwright moved approval for a resolution to establish a Non-Motorized Travel Advisory Council, as amended to include seven citizens, one City Commissioner and one HCC member as voting members. Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19549**

ROW Dedication

CONSIDER A RIGHT-OF-WAY DEDICATION FOR A PORTION OF 15TH STREET IN BLOCK 12 OF THE LOCKEY ADDITION AND TRACT D OF THE BURLINGTON NORTHERN ADDITION TO THE CITY OF HELENA.

Staff Report

City Engineer Ryan Leland reported the Helena School District (HSD) is in the process of trying to clean up property boundaries within the City of Helena. The HSD has petitioned the city to vacate the rights-of-ways (ROW) on which Helena Middle School and Vigilante Stadium were built and dedicate the ROW for 15th Street.

15th Street is also part of the project for the Safe Routes to School Grant the City of Helena received last year. This dedication will help streamline the project.

Mr. Leland recommended approval of the ROW dedication, as it will clean up the property boundaries for the City of Helena and HSD.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval of a ROW dedication for a portion of 15th Street in Block 12 of the Lockey Addition and Tract D of the Burlington Northern Addition to the City of Helena. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

A.

CONSIDER A RESOLUTION VACATING PORTIONS OF DAVIS STREET, LIVINGSTON AVENUE, BILLINGS AVENUE, 16TH STREET AND HOBACK STREET RIGHTS-OF-WAY (ROW) AND ALLEYS BETWEEN BLOCKS 27 AND 32 OF THE CHESSMAN AND DAVIS CENTRAL ADDITION #1, BLOCKS 12, 13, 18 AND 23 OF THE LOCKEY ADDITION AND TRACT D OF THE BURLINGTON ADDITION TO THE CITY OF HELENA.

Staff Report

City Engineer Ryan Leland reported the HSD has petitioned the City of Helena to vacate the above rights-of-way in order to clean up School District and city property boundaries. Along with the vacation the School District will dedicate ROW to the City of Helena that is currently used for 15th Street. Also, the City of Helena has existing water, sewer, and storm mains in the Davis Street and Livingston Street ROW. If the city approves the vacation an easement will be maintained for all the utilities.

City Engineer Leland recommended approval of the resolution to vacate portions of the Davis Street, Livingston Avenue, Billings Avenue, 16th Street, and Hoback Street Rights-of-way and the platted alleys between Blocks 27 and 32 of the Chessman and Davis Central Addition #1, Blocks 12,13,18 and 23 of the Lockey Addition, and Tract D of the Burlington Addition, all in the City of Helena, Montana in order to clean up property boundaries for the City of Helena and HSD.

Public Testimony

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

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

Motion

Commissioner Cartwright moved approval of a resolution vacating portions of the Davis Street, Livingston Avenue, Billings Avenue, 16th Street, and Hoback Street Rights-of-way and the platted alleys between Blocks 27 and 32 of the Chessman and Davis Central Addition #1, Blocks 12, 13, 18 and 23 of the Lockey

Addition, and Tract D of the Burlington Addition, all in the City of Helena, Montana. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19550**

***Public
Communications***

PUBLIC COMMUNICATIONS

George McCauley, 926 5th Avenue; commended the Commission for their work on bike and pedestrian issues and energy conservation.

***Meetings of
Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, February 20, 2008 and the next Commission Meeting is Monday, February 25, 2008.

Commissioner Peura reported the Advantage Helena steering committee will hold a meeting regarding the branding of Helena on Wednesday, February 13, 2008 at 7:00 p.m. at St. Peter's Hospital.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:50p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission