

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
March 10, 2008  
6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, March 10, 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 Ellen Bell 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 25, 2008 were approved as submitted.

***Appointments***

APPOINTMENTS:

- A. ADA Compliance Committee

Mayor Smith asked for Commission concurrence on the following appointment:

**ADA Compliance Committee** – Appointment of Kathy Collins to the ADA Compliance Committee. Unexpired term will begin upon appointment and expire September 1, 2010.

Public comment

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Elsaesser moved approval of the appointment to the ADA Compliance Committee as outlined above.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims  
B. Utility Bill Insert - Prickly Pear Land Trust  
C. Utility Bill Insert - Old Glory Landmark Committee  
D. Buy/Sell Agreement for the purchase of rights-of-way from two parcels described by Certificates of Survey #331780 and #374211 for the extension of Benton Avenue

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

**Bid Award**

Bid Award:

A. Vibratory asphalt compactor – Street Division

Fleet Manager Ed Robinson reported bids were received for a new Vibratory Asphalt Compactor for the Street Division. He noted this Compactor is a scheduled addition to the Street Division. The low bid was received from RDO Equipment, for a 2008 Sakai SW652 at a unit cost of \$76,000. RDO Equipment also offered an optional extended warranty for two years at \$4,713 and for five years at \$12,006. The FY07 budget appropriation for this unit is \$81,000.

Mr. Robinson recommended the purchase of the vibratory asphalt compactor at the bid price of \$76,000 in addition to the two year extended warranty for a total bid award of \$80,713. He noted the purchase of this unit would allow the Street Division to expand its street maintenance program and to upgrade the Street Division's fleet, providing reliable equipment.

Public Comment

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Oitzinger moved to award the bid to RDO Equipment for one new vibratory asphalt compactor with a two year extended warranty for the bid price of \$80,713.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser reminded the public the community plastics drive is under way through Friday, March 14, 2008 in the parking lot of the old armory.

Commissioner Cartwright referred to the Zoning Ordinance hearing on March 24, 2007 and noted his page of the City of Helena's website contains maps showing the lot coverage of blocks of Reeder's Village and an area near Hawthorne School. There is also a map of the taxable value, by block, of the city; the more traditional development seen in the older part of town pays more taxes per square foot than the newer. He also spoke of seminars by the US Forest Service regarding the impacts of climate change on forests and a recent topic was pine bark beetles. He noted there are pine bark beetles on Mt. Helena and the issue will need to be dealt with by city staff and the Commission.

Commissioner Oitzinger noted the importance of the update to the zoning ordinance and encouraged citizens to view the proposed changes on the city's website.

**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 Tim Burton invited Helena Fire Department (HFD) Chief Steve Larson to speak about HFD Captain Pat Clinch's retirement. Chief Larson listed Captain Clinch's accomplishments and work history. Captain Clinch spoke of his career and urged the Commission to follow the recommendations of the Fire Service Review and increase staff levels at the Fire Stations. Mayor Smith and the Commission members congratulated Captain Clinch on his retirement.

**Report from the  
Helena Citizens  
Council**

## REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Chair Ellen Bell reported the HCC currently has 25 of its 28 seats filled and thanked the city for their work with the HCC. She stated the district meetings were very successful and many of the issues that came out of the meetings are being worked on by the city via new boards and committees. She noted there are five neighborhood groups meeting on a regular basis to work on neighborhood issues.

Commissioner Peura thanked the HCC for their work over the past year.

**GO Bond**

CONSIDER A RESOLUTION RELATING TO \$7,850,000 GENERAL OBLIGATION BONDS (PARKS AND RECREATION PROJECTS), SERIES 2008; DETERMINING THE FORM AND DETAILS; AUTHORIZING THE EXECUTION AND DELIVERY; AND LEVYING TAXES FOR THE PAYMENT THEREOF.

## Staff Report

City Controller Glenn Jorgensen reported the City Commission authorized the issuance of \$7,850,000 General Obligation Bonds to finance improvements to Centennial Park, Memorial Park Swimming Pool and Kindrick-Legion Field on January 28, 2008. This proposed resolution is the final authorizing document that details all aspects of the bond sale, form of the bonds, promise to levy taxes and method of issuance. Details of the resolution include:

- Sale date – March 12, 2008
- Award Committee- Mayor Smith, City Manager Burton and Administrative Services Director Tim Magee
- Maximum rate allowed by resolution is 6%
- Establishes a Construction Fund and Debt Service Fund and pledges to use the funds for bond purposes only
- City pledges to levy taxes in an amount to pay the annual debt service

Mr. Jorgenson explained the original resolution distributed in the packet had been revised to include language stating the bonds are “bank qualified”. New pages of the resolution outlining the changes were given to the Commission.

Mr. Jorgenson noted the Award Committee would meet on March 12, 2008 at 11:00a.m. to award the bonds to the lowest bidder. He recommended approval of the resolution, as it will allow for construction of the planned improvements to be financed.

## Commission comment

Commissioner Oitzinger commended the Administrative Services Department and the city's bond counsel for their work on the bond sale. Commissioner Cartwright noted the savings through issuing “bank qualified” bonds would equal \$100 a household over the life of the bond. City Manager Burton thanked staff for their work.

## Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Oitzinger moved approval for a resolution relating to \$7,850,000 General Obligation Bonds (Parks and Recreation Projects), Series 2008; determining the form and details; authorizing the execution and delivery; and levying taxes for the**

**payment thereof.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19552**

**Res. of Intention  
to annex**

CONSIDER A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA ALL OF LOT 9, BLOCK 189 AND THE NORTH 12 FEET OF LOT 8, BLOCK 189 OF THE BRADFORD ADDITION AS REFERENCED IN THE BOOK OF DEEDS BOOK 290 PAGE 445, AND THAT PORTION OF THE ALLEY BETWEEN THE PROPERTY, ALL IN LEWIS & CLARK COUNTY, MONTANA; AND TO ESTABLISH CONDITIONS OF ANNEXATION FOR THE PROPERTY, GENERALLY LOCATED SOUTH OF UNIVERSITY STREET AND WEST OF GLENDALE STREET.

Staff Report

City Planner Elroy Golemon reported Lot 9 is currently developed with a single-family residential dwelling. The north 12 feet of lot 8 is an undeveloped 600 square foot lot. The property is adjacent to University Street and Glendale Street, both city rights of way. The estate of Kenneth Vandaele owns the property. The property owner and applicant are seeking annexation to obtain city services.

A signed petition for annexation in accordance with § 7-2-4601, MCA, has been received from the applicant Tina Wagner, Personal Representative for the estate of Kenneth Vandaele.

On August 18, 2003 the Helena City Commission unanimously passed Ordinance #2975 pre-zoning to R-2 (Single-Family Residential) District several lots and blocks south of Hauser Boulevard, including the subject property.

The property currently receives water from the City of Helena. The water service to the property comes from the University Street water main. A city sanitary sewer main is located on the east side of the property in Glendale Street. The applicant wishes to connect to city sewer upon annexation of the property.

The streets adjacent to the property do not meet city standards. The applicant will be required to install paving, curb, sidewalk and gutter on University and Glendale Street across the full frontage of the property. The applicant will be required to waive the right to protest the creation of a special improvements district to finance the improvements.

The full width of the adjacent rights of way of the property being annexed must also be included in the annexation. Annexation of this property will require taking in a portion of the alley between Lot 9 and the north 12 feet of Lot 8 of the Bradford Addition. The portions of University and Glendale Streets that extend the full width of the property are city streets through prior annexations.

Mr. Golemon recommended approval of the resolution of intention to annex as the property is located adjacent to the city; infrastructure can be readily extended to serve the property, making efficient use of land, infrastructure, energy and other resources. This proposal does not create any individually wholly surrounded properties. Annexation of the private property is consistent with city policy, and consistent with the policy of annexing properties contiguous with city boundaries.

Commission comment

Mayor Smith asked if there are other properties adjacent to this one considering annexation? Mr. Golemon stated at this time, this is the only known property in this situation. City Manager Burton noted he has been contacted by others in the neighborhood regarding annexation. Commissioner Elsaesser asked for the timeline for installation of curb,

gutter and sidewalk in the area. Mr. Golemon stated he does not have an estimated timeline.

Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Cartwright moved approval for a resolution of intention to annex into the City of Helena all of Lot 9, Block 189 and the north 12 feet of Lot 8, Block 189 of the Bradford Addition as referenced in the Book of Deeds Book 290 Page 445, and the portion of the alley between the property located in Lewis & Clark County, Montana, into the City of Helena, Montana, and establish conditions of annexation for the property as per the resolution.**

Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19553**

***Public Communications***

**PUBLIC COMMUNICATIONS**

City Manager Burton referred to the above agenda item, and explained the applicant has waived the right to protest an SID; there are a number of properties that have done so if they have requested annexation because of failing septic systems. When improvements are done to LeGrande Cannon and potential improvements off of LeGrande Cannon, staff will look at opportunities on a neighborhood basis to see if there is a way to bring the neighborhood together to cost-share in those improvements in a cost effective way.

Manager Burton added he was contacted by the chairman of the sewer district for Pleasant Valley and Ten Mile Subdivisions. The district has selected hooking into the city sewer system as their preferred option to solve their sewer system problems. He asked for Commission concurrence to hold preliminary discussions with the sewer district to see how they may want to approach those improvements. There was Commission concurrence.

***Meetings of Interest***

**MEETINGS OF INTEREST**

The next Administrative Meeting is Wednesday, March 19, 2008 and the next Commission Meeting is Monday, March 24, 2008. There will be a meeting between the Helena Citizens Council and City Commission on Tuesday, March 18, 2008 at 3:30p.m. in City/County Building-Room 326.

Commissioner Peura noted the Friendship Center's Empty Bowl Fundraiser will be held Tuesday, March 11, 2008 at Carroll College.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 7:00p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission