

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
April 21, 2008
6:00 P.M.

- Time & Place*** A regular City Commission meeting was held on Monday, April 21, 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 April 7, 2008 were approved as submitted.
- Recognition*** DIRECTOR OF PARKS & RECREATION RANDY LILJE
Mayor Smith and the Commission members recognized and thanked Director Lilje for his 25-years of service to the City of Helena. Mayor Smith presented Director Lilje with a City of Helena paperweight.
- Proclamation*** PROCLAMATION:
A. Arbor Day

Mayor Smith read the proclamation designating April 25, 2008 as Arbor Day in the City of Helena and asked Parks & Recreation Director Randy Lilje to accept the proclamation.
Director Lilje announced the city's official observance of Arbor Day will be held on the Walking Mall across from Performance Square on Friday, April 25, 2008 at 12:15p.m.; a spring snow flowering crab tree will be planted. Commissioner Cartwright commented Trash for Trees will be held on Saturday, April 26, 2008 at the Northgate Shopping Center.
- Consent Agenda*** CONSENT AGENDA:
A. Claims
B. Consultant services contract for landscape architecture and engineering services for Centennial Park and Kindrick-Legion Field.
C. Utility bill insert – Community Development Department- Building Division
- Public Comment Mayor Smith asked for public comment, none was received.
- Motion*** Commissioner Cartwright moved approval of items A through C on the consent agenda. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD:

A. Centennial Park Ball Fields Grading Project

Staff Report

Director of Parks & Recreation Randy Lilje reported bids were opened for the Centennial Park Softball grading project on April 9, 2008. Bidders included Helena Sand & Gravel, Inc., Helena; Bullock Contracting, L.L.C., Boulder; and Robinett Construction, Helena. All bids contained all the required information to be considered.

The low bid was submitted by Helena Sand and Gravel, Inc. in the amount of \$68,920.00.

Director Lilje referred the Commission to a letter from John Piccone, Contracting Engineer with Robert Peccia & Associates, who reviewed the bidding documents. He recommends that the city award the contract to Helena Sand & Gravel based on its low bid.

Director Lilje recommended the Commission award the contract for the Centennial Park Softball Fields Grading Project, No. PR1-2008 to Helena Sand & Gravel, Inc. in the amount of \$68,920.00.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved to award the contract for the Centennial Park Softball Fields Grading Project, No. PR1-2008 to Helena Sand & Gravel, Inc. in the amount of \$68,920.00.

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

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser announced April 22, 2008 is Earth Day and listed events occurring in Helena celebrating the day. He also noted there will be a plastics drive May 2 - 6, 2008.

Commissioner Cartwright spoke of the US Bank sidewalk replacement and noted the wheelchair ramps point into the middle of intersection; he urged city staff and state officials to design and build ramps that point straight across.

Commissioner Peura referred to emails and phone calls the Commission has received from landowners adjacent to the Reber PUD. One email states the developer did damage to private lots adjacent to Open Space parkland and water tank property while installing the water line. These emails also expressed concern for whether the water line has been properly sited in the city's right-of-way. Commissioner Peura spoke of concern for not only damage to the private property but any incursion that may have occurred to city parkland.

Manager Burton stated he is aware of the issues and Public Works staff has met with the landowners, contractors and developers. When a public infrastructure project takes place, city staff reviews and approves the design to make sure they meet city engineering standards and ordinances. He noted Public Works staff is comfortable the water pipes are within the easement, and the concerned landowners were notified. There was some damage done to some private property but it is his understanding that the contractor and landowners have discussed the damage and restoration of the property. Manager Burton noted the Commission placed some pretty stringent re-vegetative criteria in place with approval of the water tank. He is not aware of any encroachment on city parkland but if it did occur, it would be to a minor degree and would

be required to be re-vegetated. In talking with the various private property owners, the developer and landowners have met and come to agreement about how the damages will be handled and are moving forward. He added staff would stay engaged with the neighborhood. Manager Burton updated the Commission on the process for installation of improvements and paving to LeGrande Cannon Boulevard.

Commissioner Peura asked Manager Burton for the Commission to receive an update on the project on a regular basis, just to keep the Commission apprised as the project goes forward. He commented the situation is now a matter of a private situation between the developer and landowners; he encouraged the developer to consider apologizing to the affected neighbors.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Nielsen thanked Director Lilje for his service to the city and spoke of how nice he has been to work with.

Attorney Nielsen also reported on the extension of Benton Avenue; Valley View Lutheran Church has voted to work with the city regarding right-of-way acquisition and the project is moving forward.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Burton gave the history of the Benton Avenue extension project and spoke of the tremendous job staff has done on the project.

He also commented on the recent retirement of numerous members of the city's management team and noted he is encouraged by the type of people applying to fill the vacant positions.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

Marshall Gingery thanked Director Lilje for his work. He reported the HCC's Executive Committee has been working to streamline the HCC meetings, align the council with the city's priorities and hold more important district meetings. He noted council members are excited to attend city board and committee meetings but would like to be voting members.

Custer Landing Major Subdivision

CONSIDER THE FINAL PLAT FOR THE CUSTER LANDING MAJOR SUBDIVISION CREATING EIGHT (8) COMMERCIAL LOTS FROM PROPERTY GENERALLY LOCATED SOUTH OF CUSTER AVENUE AND WEST OF I-15.

Staff Report

City Planner Lucy Morell-Gengler reported on June 4, 2007, the City Commission gave conditional preliminary plat approval for the Custer Landing major subdivision creating 8 lots located in a B-2 (General Commercial) District from approximately 14.9 acres. The plat also includes the dedication of 70-foot wide Sanders Street right-of-way. A Conditional Use Permit for a shopping center on the property was approved on October 15, 2007.

The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact, which have been completed. For reference, a list of the original subdivision conditions and their status was attached to the transmittal memo.

Approving the final plat would allow the sale of the lots and would encourage infill development of property with city water and wastewater. The final plat also provides a portion of the Sanders Street

extension, which is an important component in the transportation network.

Ms. Morell-Gengler recommended approval of the final plat for the Custer Landing Major Subdivision creating 8 lots and to accept the dedication to the city of property for public improvements designated thereon.

Commission comment Mayor Smith noted the ADA ramps are misaligned and lead out into the middle of the intersection. Manager Burton explained the city follows standards set by the stated and federal governments.

Commissioner Peura referred to pedestrian circulation and asked for an explanation of how it has been accommodated for within the subdivision. Brandon Whalen, Hawkins Companies, applicant, Boise, ID; outlined the pedestrian connectivity of the subdivision. Mr. Whalen thanked city staff for their work on the project.

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

Motion **Commissioner Cartwright moved approval of the final plat for the Custer Landing major subdivision creating 8 lots and to accept the dedication to the City of property for public improvements designated thereon.** Commissioner Peura seconded the motion. All voted aye, motion carried.

Public Communications PUBLIC COMMUNICATIONS
None given.

Meetings of Interest MEETINGS OF INTEREST
The next Administrative Meeting is Wednesday, April 30, 2008 and the next Commission Meeting is Monday, May 5, 2008. The City/County Joint Work Session will be held on Thursday, May 1, 2008.
City Manager Burton announced he would be at a City Manager's Meeting in Wyoming Wednesday, April 23, 2008 through Friday, April 25, 2008; City Attorney Nielsen will be Acting City Manager. Commissioner Cartwright reminded everyone of Trash for Trees on Saturday, April 26, 2008 at the Northgate Plaza.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 7:03p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission

