

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 5, 2008
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, May 5, 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, Deputy City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Larry Mitchell 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 21, 2008 were approved as submitted.

Proclamations PROCLAMATIONS:
A. Buddy Poppy Day

Mayor Smith read the proclamation designating May 19-26, 2008 as Buddy Poppy Week. Ms. Toni Osteroth and Ms. Pam Pennington accepted the proclamation and spoke about Buddy Poppy Week.

B. Building Safety Week

Mayor Smith read the proclamation designating May 5-11, 2008 as Building Safety Week. Chief Building Official Brandt Salo spoke on the importance of Building Safety.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Resolution of Commission Intent for the FY 2009 Annual Budget
C. Utility Bill Insert – City Water Quality Report
D. Release of interest in Utility Easement for a portion of the 20-foot wide sanitary sewer easement located within Lot 4-G of the Amended Skyway Regional Shopping Center Plat, Phase I
E. Acceptance of 125 acres of open space lands for Mount Ascension Park if successfully acquired by Prickly Pear Land Trust
F. Neighborhood Center lease agreement amendment for Rocky Mountain Development Council

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

Commission comment Commissioner Elsaesser requested item E be removed for further discussion. Commissioner Peura asked item B be removed for further discussion.

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

Motion **Commissioner Oitzinger moved approval of items A, C, D and F on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Item B B. Resolution of Commission Intent for the FY 2009 Annual Budget

Commissioner Peura referred to Montana Code 76-1-410, which allows local governments to implement a new type of planning fee related to growth policies. The Commission Resolution of Intent includes a statement under Section 8, item C related to growth policy provisions as outlined in Section 76-1-601, Section 4. Commissioner Peura recommended adding the language and 76-1-410. He noted the amendment would essentially put in the resolution of intent that in addition to the other statutory updates, staff will be asked to consider the opportunity for planning fees; it simply adds it to the workplan for the year.

Motion **Commissioner Peura moved to amend the Commission Resolution of Intention to add the language “and 76-1-410” under Section 8, Item C.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Motion **Commissioner Oitzinger moved to amend page 8, Item D to state “set” and strike consider setting.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Discussion Mayor Smith referred to language regarding the creation of a public works advisory council and asked Commissioner Peura if he meant to unequivocally commit the city to creating the council? Commissioner Peura explained the Global Climate Change Task Force may recommend the committee; it may happen within the FY 2009 budget so he recommended it be included in the resolution.

Motion **Commissioner Peura moved approval of the Resolution of Commission Intent for the FY 2009 budget on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19556**

Item E E. Acceptance of 125 acres of open space lands for Mount Ascension Park if successfully acquired by Prickly Pear Land Trust

Commissioner Elsaesser spoke in support of item E and asked Prickly Pear Land Trust (PPLT) Director Andy Bauer to explain the agenda item.

Public comment Andy Bauer, PPLT Director; gave the history of the subject open space land and proposed acquisition. Mr. Bauer also reviewed the new Open Space Trail Map. He noted the Don't Fence Me In trail run would be held on Saturday, May 10, 2008.

Motion **Commissioner Elsaesser moved approval of item E on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD:

- A. Helena Lift Station Telemetry and Central Terminal Unit, Project WM-8903

Water Utility Superintendent Kevin Hart reported currently the City of Helena relies on analog radio alarms for emergencies and has no diagnostic or telemetry control capabilities at important sites such as lift stations and pressure reducing stations. Any problems at the lift station must be investigated by sending staff out to diagnose problems and determine corrective action. The city also has little data collection capabilities on operations (pump run times or gallons pumped per hour) for trending and determining system capacities.

The proposed project will provide equipment and installation at the Utility Maintenance offices and at two lift station sites to allow complete two-way communication with the lift station. Local and remote control will be provided by a telemetry system and computerized human machine interface (HMI) system that allows viewing and operation from the office or over a secure internet connection. The ability to collect and use operational data to determine lift station functions and capacities and maintenance information on equipment operation and failures will be greatly enhanced. An evaluation of the bids received and the recommended award to MSE Technology Applications was included in the Commission packet.

Mr. Hart recommended award of the bid to MSE Technology Applications as it would improve operational efficiency, enhance maintenance capabilities and tracking, and improve personnel use. It will also improve data collection and information sharing with other city departments.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Cartwright moved to award the Helena Telemetry CTU Design Project to the lowest responsible bidder, MSE Technology Applications of Butte, Montana, in the amount of \$69,580, which includes the base bid and additive alternate items 101 through 105, as provided in the project manual and authorized the City Manager to sign a contract with MSE Technology Applications. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

- B. Westside Mount Helena Forest Fuels Reduction Project

Natural Resource Coordinator Keldah Hedstrom reported a bid opening was held for the subject project April 22, 2008 at 3:00p.m. One bid was submitted by Miller Creek Reforestation, Inc., of Missoula in the amount of \$86,680. The bid contained all the required information to be considered.

Ms. Hedstrom recommended the city award the bid to Miller Creek Reforestation and explained the project will be funded by the Open Space Bond Maintenance Fund and a Western States Wildland Urban Interface Grant administered by the Montana Department of Natural Resources and Conservation. This project will reduce the fire fuel hazard on Mount Helena, which will also serve to mitigate the pine beetle problems occurring on the Mountain.

Commission comment

Commissioner Cartwright asked when the project would be

performed. Ms. Hedstrom stated the burn portion of the project would need to wait until winter, as the thinning will be completed in July. Commissioner Cartwright commented the thinning will help with the pine beetles by reducing the stress on the remaining trees but the beetles in the downed trees will still fly.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Peura moved to award the contract for the Westside Mount Helena Forest Fuels Reduction Project, Project No. OL1-08 to Miller Creek Reforestation, Inc. in the amount of \$86,680, and authorized the City Manager to enter into a contract with Miller Creek Reforestation, Inc. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Peura referenced the Downtown Business Improvement District (BID) and its recent work with Blue Cross/Blue Shield (BC/BS) to help them consider the opportunity for a downtown building site. He noted BC/BS may be working on a lease agreement with the Helena Regional Airport Authority to build their new building on airport property. He requested that representatives from the BID and Helena Regional Airport Authority attend the June 5, 2008 City/County Joint Work Session to discuss the authorities that exist for both quasi-governmental bodies. Commissioner Cartwright expressed concern for traffic in the area if a large office building is built on Airport property before the Custer Interchange is completed and the proposed completion date is not guaranteed. Commissioner Elsaesser concurred he would like to discuss the issue at the June Joint Work Session (JWS). City Manager Burton confirmed he would invite the Airport Director and members of the BID to the June JWS.

Mayor Smith spoke of attending the Dignity Dinner on Saturday, May 3, 2008.

Commissioner Elsaesser commented on a very successful Trash for Trees event. He announced the Global Climate Change Task Force is co-hosting a discussion on energy by S. David Freeman on May 12, 2008 at 7:00p.m. at the Civic Center.

Commissioner Cartwright referred to the lease agreement on the consent agenda between the city and Rocky Mountain Development Center (RMDC) and noted RMDC pays their own utility bills. He suggested RMDC or any other lessee that pays their own utility bills, partner with the city on energy efficiency investments where the city would make the investments and the lessee would give the money they previously would've given to Northwestern Energy to improve the building. It has worked successfully for government and private entities around the country and would be a good way to get funding for the city and lower the bills for lessees.

Commissioner Cartwright spoke of the recent Zoning Ordinance update and noted some minor technical amendments will be coming forward soon. Discussion of applying different zoning requirements to new development will be held off on for now.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

Deputy City Attorney Thomas Jodoin introduced new City Prosecutor Ole Olson. Mr. Olson thanked everyone involved in the hiring

process and stated he is looking forward to working for the City of Helena.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Burton invited Fire Chief Steve Larson to introduce newly hired Assistant Fire Chief Glenn Davis. Assistant Chief Davis expressed his excitement for his new position.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Larry Mitchell reported the HCC's next round of neighborhood meetings are on May 15, 2008 and gave the meeting locations. He noted the HCC has four members on its budget committee and they look forward to attending the city's budget work sessions.

Mr Mitchell noted the HCC is supportive of expanding the city's recycling program and of the Fire Service Review recommendations.

Commissioner Peura requested the HCC discuss the city budget process at the upcoming neighborhood meetings; Commissioner Oitzinger requested the HCC provide information about the city's recycling program.

FY 2009 Budget

PRESENTATION OF CITY MANAGER'S FISCAL YEAR 2009 PRELIMINARY BUDGET.

Staff Report

City Manager Burton used a power point presentation to present the Fiscal Year 2009 Preliminary Budget and recommended the Commission acknowledge receipt of the preliminary budget and set a public hearing date.

The Budget Work Sessions are scheduled as follows:

- May 7, 2008 3:00 – 6:00p.m. City/County Bldg- Room 326
- May 12, 2008 3:00 – 6:00p.m. City/County Bldg- Room 326
- May 21, 2008 3:00 – 6:00p.m. City/County Bldg- Room 326
- June 4, 2008 3:00 – 6:00p.m. City/County Bldg- Room 326
- June 9, 2008 3:00 – 6:00p.m. City/County Bldg- Room 326

Commission comment

Mayor Smith recognized and thanked Administrative Services staff for their work on the development of the preliminary budget. Commissioner Cartwright spoke of increased energy cost's impact on the budget.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura acknowledged receipt of the preliminary budget and set a public hearing date of June 16, 2008. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Res. of Intention to Annex

CONSIDER A RESOLUTION OF INTENTION TO ANNEX CONTIGUOUS GOVERNMENT PROPERTY BEING PORTIONS OF HIGHWAY 12 EAST AND CROSSROADS PARKWAY RIGHTS-OF-WAY INTO THE CITY OF HELENA, GENERALLY LOCATED BETWEEN HELENA AND EAST HELENA.

Staff Report

City Planner Lucy Morell-Gengler reported in 2005, the City Commission passed a resolution of intention to annex the Aspen Park at Mountain View Meadows Major Subdivision. One of the conditions of the annexation was to provide a route of annexation via a street connecting the subdivision to the City. This route includes a portion of Highway 12 and Crossroads Parkway, both of which are the Montana Department of Transportation (MDT) rights-of-way (ROW). The City has received a request to annex these ROWs from MDT; thus, the City of Helena proposes to annex the following rights-of-way to improve efficiency and minimize confusion for emergency providers:

1. The full right-of-way width of Highway 12 East from the existing city boundary line, eastward 361 feet to the easternmost section of the intersection of Highway 12 and future Crossroads Parkway, generally located between Helena and East Helena; and
2. Tract HWY1 of Certificate of Survey # 3145703, containing approximately 4.37 acres, that has been deeded to the Montana Department of Transportation for Crossroads Parkway ROW.

These rights-of-way are adjacent to land that is currently in the City of Helena. The annexation of these street rights-of-way into the City is intended to assist emergency response personnel in correctly defining the City/County service boundaries for emergency aid, as well as promote uniform development of street section improvements and street maintenance.

In accordance with Montana Law (Section 7-2-4403 MCA), the administrative head of the owner of land referred to in 7-2-4402 or the administrative head of the holder of a beneficial interest in such land shall file with the clerk of the municipality a description of the land, a certification of ownership or of beneficial interest therein, and a statement that the owner or the holder of the beneficial interest in the land desires to have it annexed. Mr. Jim Lynch, director of the Montana Department of Transportation, has submitted a request to have the subject rights-of-way annexed to the city.

Ms. Morell-Gengler recommended approval of the resolution of intention as annexation of these rights-of-way is consistent with city policy, will allow for adequate street maintenance and will assist emergency providers.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval of a resolution of intention to annex contiguous government property being portions of Highway 12 East, and Crossroads Parkway rights-of-way as legally described in the resolution into the City of Helena and set a public hearing date of June 2, 2008. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19557**

Commission comment

Commissioner Cartwright commented he would support this annexation as it connects to a larger network, unlike areas that have very long blocks without good connectivity between them.

Design Contract**CONSIDER AWARD OF A CONTRACT FOR THE DESIGN OF
LEGRANDE CANNON BOULEVARD.**

Staff Report

Public Works Director John Rundquist reported with construction proceeding on the final phase of the Reber PUD approved by the city in 1980, staff has been working with the developer to assure the extension of adequate infrastructure to the development. The developer is already constructing a 500,000-gallon reservoir on private property on the slopes of Mount Helena above Forest Estates. This is necessary for fire protection and adequate pressure for the new homes. The developer has also committed to participate in the extension of LeGrande Cannon Boulevard from the end of the existing pavement, west to the street entrance to the Reber PUD. It is proposed to construct this extension with a street section similar to the existing paved street with two travel lanes and a paved bicycle/pedestrian trail.

The City of Helena solicited Qualifications Proposals for the design of LeGrande Cannon Boulevard and received submittals from five local consulting engineering firms. The city's selection committee reviewed the proposals and interviewed the highest-ranking consultant, Robert Peccia & Associates (RPA). A scope of services has been negotiated that includes preliminary design, final design, a neighborhood traffic impact study and public outreach.

Director Rundquist recommended award of the professional services contract to Robert Peccia & Associates of Helena for an amount not to exceed \$138,000 for the work defined in the scope of services. When project costs can be reasonably identified, staff will work with the developer to identify fair project cost participation and bring forward for approval a construction agreement. The agreement will include Lewis & Clark County, as much of LeGrande Cannon is currently under county jurisdiction.

Commission comment

Commissioner Peura asked for more information on how RPA plans to get the informational pamphlet on the project out to the public? Director Rundquist explained the pamphlet will be sent to everyone in the neighborhood, the press, and made available at the Lewis & Clark Library. Commissioner Peura referred to the timeline of the project, specifically a public meeting on July 30, 2008 and the final plan submitted for review on August 30, 2008 and asked if one month will provide an adequate amount of time for public input to have an impact on final review changes? Also, would it be possible to hold a second public meeting, if needed? Director Rundquist explained the timetable is just an estimate and is presumptive that things will go well during the public outreach. Presently, there is only one public meeting budgeted; staff and the consultant are confident they can work through any issues with the preliminary design through one meeting and newsletter; however, if the need arises for an additional public meeting an addendum to the contract can be done to expand the scope of services. Commissioner Peura noted most of the initial phases involve engineering work, including identifying the best location for public parking; in advance of the preliminary meeting on July 30, 2008 would there be an opportunity for upfront communication between the neighbors and the project manager related to the public parking? Director Rundquist stated yes and noted the neighborhood could submit a list of their comments and concerns to him and he would deliver them to RPA.

Commissioner Cartwright commented information from residents of the neighborhood might be useful in the preliminary design stage from

an engineering standpoint. How does the consultant plan to find out how that area is actually used? Director Rundquist explained the public outreach is a large part of the preliminary design. There is a lot of work relative to surveying, geotechnical work and putting together ground cross sections associated with how the design will fall together. Commissioner Cartwright commented the fewer change orders the better; public outreach will help with engineering things that need to be known. He referred to construction to surrounding streets and asked if it will be a related but separate project at a future date? Director Rundquist stated yes, the scope of services for the proposed contract is for LeGrande Cannon Boulevard only. City Manager Burton there will be a future contract for a broader study of the westside area. It will be challenging as a large portion of the area is outside the city boundary.

Commissioner Oitzinger stated this process with LeGrande Cannon is also a process by which people further west than the entrance of the subdivision can begin to address what happens on LeGrande. Director Rundquist stated the scope of this project is limited from the edge of the pavement to the entrance to the Reber PUD but staff has open ears to any public comment relative to the disposition of the stretch of LeGrande Cannon between the entrance of the subdivision west where it drops down to Silverette.

Mayor Smith asked if stormwater is included in the scope of services. Director Rundquist stated yes.

Public comment

Mayor Smith called for public comment.

Ken Eden, Helena; thanked staff for their work on the scope of services and spoke highly of past work by Robert Peccia & Associates. He stated traffic calming, residential safety and preservation of historical and recreational aspects of the Boulevard will be important aspects of the project and should be considered carefully.

Patty Dean, Helena; asked for an explanation of the language on page 3 "although there have been some historical significance questions raised about the roadway, the city will handle anything that might come up through their own internal staff". Also, shouldn't the traffic impact study count bike or pedestrian traffic, as it is one of the historical intents of the Boulevard? She referred to the project information pamphlet and asked if there would be any opportunity for the public to learn about the historical significance of the Boulevard?

Dennis Peterson, Glendale and LeGrande Cannon Boulevard; asked how long after LeGrande Cannon is paved will Glendale Avenue be paved? He expressed safety concerns for the fire hydrant at the corner of Glendale and LeGrande and recommended something be placed around the fire hydrant to protect it from being hit by a vehicle in the interim between LeGrande and Glendale being paved. He also expressed concern for erosion to Glendale once LeGrande is paved and Glendale is not

Discussion

Director Rundquist stated in regards to the questions about historical significance of the roadway, in scoping the project staff assumed, for the purposes of scoping, that the roadway will follow the existing roadway, nothing will be changed. Relative to the historic aspects, nothing should be disturbed or need an exurbanite amount of attention; if something does come up, staff would anticipate a change in the scope of services or hiring someone qualified in that regard to review that issue. Staff did not feel a roadway on top of the existing roadway would impact the historical aspects of the road.

Regarding the fire hydrant at the corner of Glendale and LeGrande, it will be addressed it during the design. If there are utility conflicts that would pose a problem to traffic, staff will include relocating the hydrant or another protective measure in the design. Director Rundquist thanked Mr. Peterson for his comment regarding the hydrant.

Commissioner Cartwright referred to Ms. Dean's comments and asked how bike and pedestrian traffic will be counted and also if traffic gets on LeGrande to the east and just travels along the contour or if there is a large amount fed up some of the streets? Director Rundquist stated staff will need to research those questions and noted the traffic monitors will count a bicycle if the sensor is positioned correctly and the bicycle drives over it. From a public safety point of view, the initial concerns were the effects of the Reber PUD on receiving streets to the North of the subdivision. Commissioner Cartwright commented on bike and pedestrian traffic conflicts with the intersection design.

Mayor Smith stated it may be helpful for staff to hold a consultation with the Historic Preservation Commission regarding the project. Director Rundquist concurred.

Motion

Commissioner Peura moved to award a professional services contract to Robert Peccia & Associates for the design of LeGrande Cannon Boulevard in an amount not to exceed \$138,000.

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

Comment

Commissioner Cartwright asked City Manager Burton to formulate a possible timeline to address improvements to Silverette and Glendale. City Manager Burton stated the direction from the Commission was to study the impacts on the neighborhood; he has not concluded the city is going pave Glendale or Silverette or any other project, particularly outside the city limits, without further discussion and prioritization within the city's budget.

Public Communications

PUBLIC COMMUNICATIONS
None given.

Meetings of Interest

MEETINGS OF INTEREST
The next Administrative Meeting is Wednesday, May 14, 2008 and the next Commission Meeting is Monday, May 19, 2008. Commissioner Peura announced the Town Hall Community Discussion "Growing Up or Growing Out: Sustainable Multimodal Transportation in a Growing Downtown Core" will be held on Thursday, May 22, 2008 at 6:00p.m. in the Civic Center Ballroom.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:10p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission