

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

Time & Place A regular City Commission meeting was held on Monday, July 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, and Elsaesser were present. Commissioner Peura was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present.

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 July 7, 2008 were approved as submitted.

Consent Agenda CONSENT AGENDA:

- A. Claims
- B. Resolution of intention to levy an assessment and to approve the work plan and budget for the Business Improvement District for fiscal year 2009 **Resolution #19567**
- C. Approval of FY2009 Section 5311 Operating Grant
- D. Memorandum of Understanding with Montana Department of Transportation regarding the widening of Custer Avenue at Cooney Drive and Villard Avenue
- E. Collection Agreement with USDA Forest Service for Chessman Road No. 299 Reconstruction Project
- F. Impact Fee Study Professional Services Agreement for the City's Fire/Rescue, Water and Wastewater Impact Fee Analysis
- G. Impact Fee Study Professional Services Agreement for the Joint City/County Transportation Impact Fee Analysis
- H. Impact Fee Study Professional Services Agreement for the Joint City & County Parks & Recreation Impact Fee Analysis
- I. Resolutions of intention to levy and assess annual charges on the following districts for fiscal year 2009:
 - a. Open Space Maintenance District **Resolution #19568**
 - b. Sidewalk Improvement Program **Resolution #19569**
 - c. Special Improvement Districts **Resolution #19570**
 - d. Storm Water Utility **Resolution #19571**
 - e. Street Lighting Districts **Resolution #19572**
 - f. Street Maintenance District #1 **Resolution #19573**
 - g. Tree Planting and Maintenance District **Resolution #19574**
- J. Resolution of intention to establish charges and consider a rate increase up to 2.81% for collection and disposal of residential garbage and refuse in the City of Helena, Montana for fiscal year 2009 **Resolution #19575**
- K. Resolution of intention to establish a rate matrix and consider a rate increase up to 2.81% for service charges for commercial collection and disposal of garbage and refuse in the City of Helena, Montana for fiscal year 2009 **Resolution #19576**
- L. Resolution of intention to increase water rates up to or less than 5.00% **Resolution #19577**
- M. Resolution of intention to increase wastewater rates up to or less than 15.70% **Resolution #19578**

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

Commission comment Commissioner Cartwright urged citizens to provide public comment regarding the proposed rate increases at the August 18, 2008 public hearing. Commissioner Oitzinger noted the proposed increases are higher than the cost of living increase; some of the increases are designed to get the city more advanced in its Comprehensive Improvement Program.

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

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

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser urged citizens to attend the upcoming Lewis & Clark County Stampede & Fair.

Commissioner Cartwright announced today was the first day of service for the capitol commuter bus; it was at about 40% capacity. He referred to the proposed public safety levy and urged public input on the amount of funding. Commissioner Cartwright spoke of Blue Cross/Blue Shield moving to Airport property and commented any kind of development imposes costs on the city, some borne by the developer some borne by others. He gave examples of taxpayer money being spent on traffic improvements because of development and stated the Commission is supposed to be looking out for costs to taxpayers and encourage development that minimizes costs to the public. He referred to the Airport Authority and stated the airline industry is changing due to the cost of oil and the Commission may want to look into what the Authority does in the future, when the air travel world is different.

Commissioner Oitzinger noted the transit schedule is on the City of Helena website under the tab "bus service". She commented on attending the Chalk Up Helena event and spoke of the wonderful entries.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager REPORT OF THE CITY MANAGER
A. FEMA Grant Award

City Manager Burton asked Parks & Recreation Director Amy Teegarden to report on the FEMA Grant Award. Director Teegarden stated last winter the Tri-County Fire Working Group submitted a grant proposal to FEMA to conduct tree-thinning projects throughout the South Hills on city property. FEMA selected the city's proposal for grant funding in the amount of \$102,956 (federal funds) with a matching requirement from the city in the amount of \$34,318 (in-kind). Natural Resource Coordinator Kelda Hedstrom will administer the grant.

Director Teegarden recommended acceptance of the grant.

Motion **Commissioner Cartwright moved acceptance of the FEMA grant in the amount of \$102,956 to conduct tree-thinning projects on city property in the South Hills.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Director Teegarden gave an overview of the landscaping project on the Walking Mall; it will be more of a maintenance project, creating a line of site, cutting overgrown vegetation and replacing some aged shrubberies. A couple

trees will need to be cut down because they will become hazardous in a few years. Manager Burton noted the final maintenance plan would be brought forward at an Administrative Meeting for review.

City Manager Burton reported the final Environmental Assessment Plan regarding the city's deer reduction program has been received and the Montana Department of Fish, Wildlife and Parks has approved the recommended action and a full blown Environmental Impact Study will not be necessary. The city will move forward by engaging the Fish, Wildlife, and Parks Commission for implementation of the plan.

Manager Burton gave an overview of a recent meeting with Montana Department of Administration and General Services Division officials concerning the state land by the armory. The Department of Administration proposes to do a long term lease of the property, automatically renewable, for \$1.00 and other considerations. Other considerations would be that it be used for public purpose with the investments of irrigation systems and grass.

Commissioner Cartwright spoke in support of using the property for some kind of building to shelter the playing fields from traffic on Lyndale Avenue. Plus, it would allow the city to share parking between the building and the park, thus lowering the overall cost of the park.

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

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was given.

Navy Artifacts

CONSIDER TRANSFER OF THE USS HELENA PROPELLER, ANCHOR AND BELL, ON LOAN TO THE CITY OF HELENA FROM THE UNITED STATES DEPARTMENT OF THE NAVY, FROM PIONEER PARK TO THE FORT HARRISON MILITARY MUSEUM.

Staff Report

City Attorney David Nielsen reported the city has a propeller, anchor and ship's bell from the U.S.S. Helena (CA-75) on loan from the United States Navy. This property is currently on display in Pioneer Park. The city is accountable to the Curator of the Naval Historical Center for the care and display of these artifacts. The current loan period for the artifacts is five years, which started in November 2006.

The Helena Council of the Navy League of the United States has requested that the propeller, anchor, and bell be relocated to the Montana Military Museum at Fort Harrison, Montana. The Council is a separate organization from the Montana Military Museum. In order to transfer the loan of these artifacts to the Montana Military Museum, the Museum must make a written request to the city containing all the information set forth by the City Attorney's office via a memorandum to Colonel Ray Read (retired); a copy of the memorandum was included in the Commission packet. The city will then make a written request to the Curator of the Naval Historical Center to transfer the loan of the artifacts from the city to the Museum.

Attorney Nielsen recommended approval of the transfer, as it will allow the artifacts to be located with other U.S.S. Helena artifacts currently at the Montana Military Museum.

Commission comment

Commissioner Cartwright noted he would feel much better about the artifacts being in the public eye everyday rather than in a museum. Mayor Smith asked if the Public Art Committee has held discussions on replacement of the artifacts? Commissioner Elsaesser stated the committee has had informal discussions, nothing formal yet. Commissioner Elsaesser indicated he would like to hear more public comment on the proposal before making a decision, as it is not an urgent matter. Commissioner Oitzinger concurred with Commissioner Elsaesser's comments.

Public comment Mayor Smith called for public comment.
William McCausland, Helena; urged the Commission to keep the artifacts downtown.

Motion Commissioner Oitzinger moved to table the loan of the propeller, anchor, and bell to the Montana Military Museum and release the city from its obligations under the current loan agreement to the call of the City Manager. Commissioner Elsaesser seconded the motion. Motion carried 3-1, with Mayor Smith voting no.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION RELATING TO FINAL BUDGETS, BUDGET AUTHORITIES AND ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009, AS AMENDED.

B. CONSIDER A RESOLUTION TO BUDGET ADDITIONAL PROPERTY TAX REVENUE OF UP TO 9.99% FOR FISCAL YEAR 2009.

Staff Report

Administrative Services Director Tim Magee reported the Local Government Budget Act, MCA, Title 7, Chapter 6, Part 4, requires the City to develop and adopt an annual budget. The annual budget development process has encouraged public participation and included:

- City Manager presentation of the Preliminary Budget to the City Commission on May 5, 2008
- A series of City Commission work sessions in which the entire Preliminary Budget was reviewed;
- Public Hearing Notices published in accordance with MCA 7-1-4127; and,
- A list of amendments to the Preliminary Budget provided at the June 16, 2008 City Commission Budget Work Session.

Director Magee recommended the Commission conduct the public hearing on the proposed budget, determine if there are any additional changes to be added to the list of amendments to the preliminary budget and adopt the annual budget resolution for the final budget as amended. Approval of the resolution enhances the city's ability to conduct business in a timely and efficient manner, while maintaining effective budgetary controls.

State statute requires the city to hold a public hearing before budgeting any increase in total property tax revenues. The city intends to budget tax revenue increases over the total property tax revenue levied in the prior year, as follows:

\$ 95,224 - 1.39% for the 1.66% CPI-U Inflation Factor
 \$ 81,288 - 1.19% for the tax revenue authorized but not levied in the prior year
 \$117,645 - 1.72% for the increase in group benefit premiums
 \$ 16,199 - 0.24% for the projected State Personal Property Tax Reimbursement decrease

\$310,356 - 4.52% Subtotal

\$375,103 - 5.47% for the increase in voter approved G.O. Bond levies

\$685,459 - 9.99% Total increase over the property tax revenue levied in the prior year

The total property tax revenue levied in the prior year was \$6,859,183. Director Magee recommended approval of the resolution to budget additional property tax revenue for fiscal year 2009, as the proposed increases are necessary to preserve the present level of services to the community.

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.

Discussion Mayor Smith and Commissioners Elsaesser and Oitzinger thanked city staff for their work on the budget.

Motion Commissioner Elsaesser moved approval for a resolution to budget additional property tax revenue of up to 9.99% for fiscal year 2009.
Commissioner Oitzinger seconded the motion. All voted aye, motion carried.
Resolution #19580

Motion Commissioner Oitzinger moved approval of a resolution relating to final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2008 and ending June 30, 2009, as amended.
Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
Resolution #19579

Public Communications PUBLIC COMMUNICATIONS
None communications were given.

Meetings of Interest MEETINGS OF INTEREST
The next Administrative Meeting is Wednesday, July 30, 2008 and the next Commission Meeting is Monday, August 4, 2008.

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

Mayor James E. Smith

ATTEST:

Clerk of the Commission