

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 17, 2008
6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, November 17, 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, Peura, and Elsaesser were present. City Manager Tim Burton, City Attorney David Nielsen and City Clerk Debbie Havens were present.
- Pledge of Allegiance** Mayor Smith asked Cub Scout Pack 215 to lead the pledge of allegiance.
- Minutes** The minutes of the regular City Commission meeting of November 3, 2008 were approved as submitted.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. MDT Right-of-Way (ROW) deed transfer - Cruse Avenue, from 6th Avenue to 11th Avenue
C. Resolution declaring seized evidence items to be abandoned and unclaimed and authorizing the disposal of said property **Res #19614**
D. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the donation of that property (VHS System) **Res #19615**
E. Resolution declaring certain personal property to be abandoned and unclaimed (bicycles)
- City Manager Tim Burton recommended approval of the claims and the consent agenda.
- Commission comment Commissioner Elsaesser asked that item E be removed for further discussion.
- Public Comment Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Elsaesser moved approval of items A through E on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
- Item E** RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY TO BE ABANDONED AND UNCLAIMED (BICYCLES)
- Commissioner Elsaesser commended the donation of unclaimed bicycles to the Kiwanis Club for distribution to children.
- Motion** **Commissioner Elsaesser moved approval of the resolution declaring certain personal property to be abandoned and unclaimed (bicycles).** Commissioner Peura seconded the motion. All voted aye, motion carried. **Res #19616**

Comment

Mayor Smith asked Police Chief McGee to explain the process for children who might need a bicycle. Chief McGee recommended they contact the Kiwanis Club.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright gave an overview of the history, process and adoption of the Helena Regional Airport Authority's Rules for Disposal of Property, which were adopted at the November 6, 2008 City/County Commission Joint Work Session. He noted Commissioner Hunthausen had suggested a joint planning effort between the city, county and airport for the subject area and expressed hope that work on the effort would begin after Christmas.

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. Deer Reduction Project Closeout Report

City Manager Burton asked Police Chief Troy McGee to report on the Deer Reduction Project. Chief McGee introduced Assistant Chief Mark Lerum and Captain Dave Jeseritz in attendance.

Chief McGee gave a thorough report on the City of Helena Deer Reduction Pilot Program, which occurred from September 15, 2008 through October 30, 2008. A copy of the report and related correspondence is included in the Commission Packet as part of the official record.

Commissioner Elsaesser asked if MT Fish, Wildlife, and Parks (FWP) took care of the 40 deer that were killed because of aggressiveness, automobile accident or injury while the project was occurring. Chief McGee explained the Police Department handled the majority of the 40 deer that were killed separate from the reduction program.

Mayor Smith thanked Chief McGee for an excellent report and acknowledged all parties involved. He specifically thanked Assistant Chief Lerum and Officer Steve Hagen for their work on the project.

Commissioner Peura asked City Manager Burton to give an overview of what the city has been approved to do and what the next step could be. City Manager Burton noted the FWP Commission authorized the city to conduct the pilot project. He recommended Chief McGee's report be presented to the FWP Commission.

Manager Burton stated the original plan for an ongoing reduction project recommended the formation of a standing committee and an annual census and Police Department recommendations would need to be considered as well. He asked for Commission consensus to reengage the FWP Commission for further discussion on the creation of a continuing reduction program.

Manager Burton added the MT League of Cities and Towns is putting together a legislative agenda that would put in place an urban wildlife program that presently doesn't exist at FWP.

Commissioner Cartwright stated he was pleased with how the pilot program worked; with the way it was carried out by the Police Department, the support of the community and the cost was much less than originally anticipated. Mayor Smith concurred with Commissioner Cartwright's comments.

There was Commission consensus for City Manager Burton to engage FWP in discussions on the program. Commissioner Peura recommended the Urban Wildlife Task Force (UWTF) reconvene to receive the report and be asked if they would change any portion of their original recommendations. City Manager Burton concurred.

**Report from the
HCC**

REPORT FROM THE HELENA CITIZENS COUNCIL

There was no report from the HCC.

15th Street Parking Lot

CONSIDER A RESOLUTION AUTHORIZING CERTIFICATES OF PARTICIPATION FOR THE FUNDING OF THE PARKING RAMP AND LOT PROJECT ADJACENT TO 15TH STREET, INCLUDING THE RELATED LEASE ARRANGEMENTS, PROJECT COMMITMENTS, PROFESSIONAL AND STAFF AUTHORIZATIONS, AND REIMBURSEMENT RATIFICATIONS.

Staff Report

Administrative Services Director Tim Magee reported the Montana State Fund and the Montana Board of Investments are proceeding with the design and construction of a new State Fund Building. At the same time, the city and its Parking Commission are expanding city owned parking capacity adjacent to the new building.

In consultation with the City's Bond Counsel and Financial Consultants, staff has identified Certificates of Participation (COPs) to be the most cost effective and secure option to finance the parking ramp and lot project adjacent to 15th Street.

As authorized by the October 29, 2007 Resolution of Intent to Reimburse, approximately:

- A. \$450,000 is being spent for testing, architect, engineering and other costs; and,
- B. \$450,000 is now proposed for excavation and shoring costs.

These "original expenditures" will total approximately \$900,000 to be reimbursed from the issuance of COPs.

Staff is recommending passage of a 2009 COPs resolution which identifies: the legal authority, the project, financing documents and related commitments; provides for the issuance and sale of the COPs for identified costs; authorizes city staff and Bond Counsel to prepare related documents; and ratifies the October 29, 2007 resolution of intent to reimburse original expenditures.

Director Magee outlined the anticipated timetable as follows:

11/17 – Adopt COPs Authorizing Resolution
 12/16 – Documents to Rating Agency
 01/12 – Commission – Award Resolution
 01/22 – COPs offered & Purchase Agreement
 02/01 – Commission – Pass Related Documents
 02/05 – Closing (COPs funds received)

He reviewed the COPs Process as listed below:

❖ The Land

- Owned by the City
- "Ground Leased" to the Trustee (Bank)

❖ The Project

- Funded by the issuance of COPs
- City builds the Project – Bank owns the Project
- 30-year Lease Purchase by the City

The Intent to Reimburse is as follows:

❖ 10/29/2007 Resolution of Intent to Reimburse

❖ "Advance of Funding" Commitments

- | | |
|----------------------------------|------------------|
| • Site Surveys | \$ 7,500 |
| • Geotechnical Evaluations | \$ 17,500 |
| • Environmental Studies | \$ 3,000 |
| • Architect & Engineering | \$350,000 |
| • Excavation, Shoring & Backfill | <u>\$475,000</u> |

Reimbursement Total (Approx) \$852,500

He noted reimbursement from the COPs is expected February 5, 2008.

Commission comment

Commissioner Cartwright asked if the parking garage would be privately owned for tax purposes? Director Magee stated yes, the bank (trustee) would actually own the building and lease it to the city. Commissioner Cartwright asked if the tax benefits of owning a building will be calculated into the lease payments the city has to pay. Director Magee explained it is the method under which the city can use the lease purchase arrangement; the city must be leasing something so the trustee must own the building and the certificates are what pay for it.

Mayor Smith asked for more information on how the payments would be made through the annual appropriations process. Director Magee stated the monthly lease payments would be a general obligation set up through the General Fund or Capital Improvement Fund. Mayor Smith asked for the role of the Helena Parking Commission (HPC) in the project. Director Magee stated the HPC will operate the ramp and has committed to raising their rates to a sufficient level to create additional city revenue to assist in paying the lease purchase.

Commissioner Peura stated what the city will see, is as part of the budget there will be a monthly payment but the funding to do this project will come from the HPC. Director Magee concurred. Commissioner Peura noted he has had some citizen inquiries as to how to invest in this project? Director Magee stated interested citizens can contact him and he will refer them to the appropriate contacts.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval of a resolution relating to Certificates of Participation, Series 2009 evidencing the proportional interests of the registered owners thereof in lease payments to be made by the City of Helena, Montana, under a lease-purchase agreement between the City of Helena, Montana, as lessee and U.S. Bank National Association, as lessor, relating to the construction and equipping of an approximately 365 space parking garage to be attached to the Montana State Fund office building and an adjacent approximately 100 parking space surface parking lot; taking other preliminary actions with respect to the lease purchase

agreement and the 2009 Certificates. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19617**

***South Hills Fuel
Mitigation Projects***

Staff Report

CONSIDER IMPLEMENTATION OF THE SOUTH HILLS FUELS
MITIGATION PROJECTS.

City Parks & Recreation Director Amy Teegarden reported the City of Helena prioritized several areas for fuel reduction work on city-owned open lands in Helena's South Hills and applied for a FEMA Pre Disaster Mitigation (PDM) grant in 2006. Project prioritization was determined collaboratively involving the City of Helena Department of Parks and Recreation, City of Helena Fire Department, Helena Open Lands Management Advisory Committee (HOLMAC), Northwest Management, Inc., and the Tri-County Fire Safe Working Group. The project areas are also listed as priority projects in the Helena Open Lands Management Plan. Project areas include:

- 1) Prairie Trail/1906 Trail (Mt. Helena)- 62 acres
- 2) McKelvey Trail Area (Mt. Helena)- 15 acres
- 3) Entertainment Trail (Mt. Ascension)- 11 acres
- 4) Easy Rider Trail Area (Mt. Ascension)-36 acres
- 5) Bompert Hill -Water Tank Area (Mt. Ascension)-12 acres
- 6) Lime Kiln/Lodgepole parcel- 15 acres
- 7) Nob Hill- 5 acres

At the July 14, 2008 meeting, the Commission gave approval to accept approved grant funding in the amount of \$137,275.30. (\$102,956.47 federal share and \$34,318.83 city share). In August project areas were surveyed and marked by Northwest Management and in September potential contractors responded to request for proposals.

Director Teegarden stated the Mt. Helena and Mt. Ascension projects are in areas governed by the city's natural park ordinances. The overriding objectives of the ordinance are to ensure the parks' natural character in perpetuity for the visual and recreation enjoyment of present and future generations. The ordinances also list development activities that are allowed; those that apply to the proposed projects are improvements necessary to ensure safe public use of the park and the right to plant, re-vegetate, restore and manage native plants; the right to manage forest resources for the enhancement of forest resources, wildlife habitat, watershed protection and thinning to promote growth, fire protection, disease control and harvesting of trees that pose a hazard to people or property. The ordinances prohibit the creation of temporary or permanent roads and clear cutting of timber.

Identified treatment methods included a combination of hand thinning, hand pruning, hand piling, mechanical chipping and burning of piles. Trees would be hand thinned with a chainsaw to provide at least 10 feet of space between tree crowns and pruned at the same time to remove both dead and live lower branches allowing trees to retain a minimum of 30% live crown. No merchantable sized trees would be cut.

Of the seven projects, two projects, Lime Kiln and Bompert Hill, require a prescription change from what was originally proposed in the grant application. Recent trips to the project sites for contractor bid familiarity, numerous telephone calls from open space lands users, city parks employees' comments, and the general recognition by all indicates the insect infestation (bark beetle) has changed the forest conditions.

There is now an increased risk of wildfire threats in these two areas from when the treatment prescription was written two years ago. The need for activity in these two areas is higher now than even previously described, and they remain an extremely high- priority for the city's treatment because of increased residential population nearby.

As originally written, these two projects are scheduled for hand thinning. Current conditions make that option no longer the viable preferred method for treating them. The per acre costs in recent bids is out of proportion for the work that can be accomplished, so the work needs to be performed in these new stand conditions. Beetle kill (tree mortality) has impacted all tree size classifications, rendering the option for "leave" trees over the 6"-8" size no longer feasible.

The proposed new prescription requires the use of mechanical treatment: removal of all beetle-infested trees in all size classifications; removal of pulp-size trees for disposal as pulp logs; mechanical chipping or masticating of non-pulp size trees; allowance for safe entry and operation of mechanical equipment; and reclaimed and reseeded areas of soil disturbance with native grass species. The hours of operation would be limited to 8:00am to 5:00pm during the workday. Dead trees that can remain for wildlife habitat values and coarse woody debris will be identified. Director Teegarden added staff feels there is a potential to merchandise some of the larger material for pulp.

These two areas need to be treated as a forest restoration project rather than the typical fuel hazard reduction project originally envisioned. The treatment goal remains to reduce the risk of wild fire by managing the forest to promote survival and re-establishment of historically fire resistant Ponderosa pine stands using mechanical and/or hand treatments and prescribed fire. This treatment would be used in areas where Ponderosa pine is currently dominant or where a remnant Ponderosa pine component exists in stands dominated by other conifer species such as Douglas fir.

Dominant Ponderosa pine stands would be maintained using mechanical treatments and prescribed fire as described originally and would proceed as planned on the three project sites where the original prescription remains valid (Nob Hill, Easy Rider Trail, and Entertainment Trail). Over-stocked stands would be managed to reduce stocking levels and to improve the health and vigor of the residual trees on those areas where beetle infestation allows for that option.

The proposed silvicultural treatment is still to thin from below by removing suppressed and intermediate trees first, followed by co-dominant and dominant trees as necessary to meet the desired canopy cover. Small, young trees with good crowns would be left to improve size and age class distribution in the remaining stand. This mosaic forest structure would provide fuel breaks and diverse wildlife habitats.

There is no negative change to the benefit cost ratio; in fact, the allowance for mechanization will have a favorable benefit on the cost per acre as we now know it. It will be done much faster. The risk assessment of the now almost totally-dead trees does change dramatically, and the estimated mortality in the Tank and Lime Kiln park areas is at 95 percent of the Ponderosa pine dominant tree species.

Proposals for the Prairie-1906 Trail came in at \$97,454 and it was determined to drop this project from implementation due to funding constraints. The McKelvey trail has also been put "on hold" due to survey and land ownership discrepancies. Staff recommends implementation of the Nob Hill, Easy Rider and Entertainment Trail using

the original prescriptions and implementation of the Water Tank and Lime Kiln projects using the new prescriptions described above.

Director Teegarden recommended approval of changing the silvicultural prescriptions for the Lime Kiln and Bompert Hill projects and awarding fuel reduction contracts for the following projects: Nob Hill, Easy Rider Trail, Entertainment Trail, Bompert Hill and Lime Kiln in order to reduce fuel hazards in high fire risk areas.

Commission comment

Commissioner Cartwright stated the equipment used in last summer's thinning project did not leave skid trails and asked why would the new prescription need to allow for skid trails? Director Teegarden clarified access trails would be needed and would be over the ground without tread marks being made.

Commissioner Elsaesser asked if the other parties involved in the original 2006 prescriptions are in agreement to the change prescriptions. Director Teegarden stated yes and noted partner organizations and contractors have been involved in the changes to the project.

Commissioner Peura asked if the goal was to keep the chipped and masticated slash product on site as a way to help contribute to the regeneration of the soil. Director Teegarden stated some product would be removed for commercial reasons to help with disposal but affirmed coarse woody debris would be left to help maintain the soil quality. Commissioner Peura noted citizen concern for the "removal of all beetle infested trees" and asked for clarification of if all trees would be removed. Director Teegarden stated an objective of the project is to provide for wildlife and soil values; however, the forest is in such a changed condition from the earlier prescription that there will be an increase in the amount of trees removed that have beetle activity.

Public comment

Mayor Smith asked for public comment.

Gary Ellingson, 816 Power Street, Northwest Management, contractor for the project; offered to answer technical questions.

Commissioner Peura asked if the equipment shown in Director Teegarden's power point presentation is the same as what would be used on the proposed projects. Mr. Ellingson stated he does not believe it would be the same equipment. The proposed equipment would be determined by the proposals received from contractors, but it is likely that most of the mechanical equipment will have tracks with different attachments. Other common equipment used are skidsteers with mulching head attachments. The equipment will differ due to the size of the trees.

Pat McKelvey, Tri-County Fire Working Group; stated he wrote the FEMA grant that will fund these projects and spoke in support of the projects and revised prescriptions.

Robert Rasmussen, Helena; spoke in support of the proposed projects.

Commission comment

Commissioner Cartwright stated there has been discussion of Douglas Fir versus Ponderosa and Lodgepole Pine and asked what type of trees are in the areas that have been identified for more extensive harvesting. Mr. Ellingson stated in the areas identified for a revised prescription the stands are dominated by an overstory of Ponderosa Pine with very few Douglas Fir seedlings in the understory. The two projects being recommended for non-completion have a higher preponderance of

Douglas Fir. Commissioner Cartwright asked what exactly was being cut and what is being left behind. Director Teegarden stated the projects will be very site specific and the areas will not be clear cut.

Commissioner Elsaesser asked what percentage of harvested wood constitutes a clear cut. Mr. Ellingson stated there are various definitions of a clear cut; in some cases it means removal of all of the merchantable size material. In other cases it would mean a removal of all trees. Commissioner Elsaesser asked what percentage of trees are proposed to be harvested in the new prescription versus the original project. Mr. Ellingson stated the original prescription targeted trees less than 8 inches in diameter for thinning; the revised prescription calls for many more trees to be cut due to almost 100% beetle infestation.

Mayor Smith asked if there is any way to know if a tree will survive? Mr. Ellingson stated there is no definitive answer but based on experience you can identify trees that may have a chance of survival and will be left.

Commissioner Peura referred to performing an underburn as a post thinning strategy and asked Mr. Ellingson for his comments. Mr. Ellingson stated it is a very valid approach, would be an ideal way to manage the forest into the future and logistically is possible.

Commissioner Elsaesser expressed concern with changing the prescriptions for the Lime Kiln and Bompert Hill-Water Tank projects, specifically related to the use of equipment. He indicated he would support tabling revisions to the prescriptions and moving forward on the other projects.

Commissioner Peura asked if the grant is time sensitive. Director Teegarden explained the grant has a two year timeframe; however, staff was hoping to implement the project in the winter so there is less disturbance to the soils and would also be prior to the beetle flight in June.

Mayor Smith stated he is comfortable with the proposed changes to the prescriptions due to the pine beetle infestation.

Motion

Commissioner Elsaesser moved approval to award fuel reduction contracts for the following projects: Nob Hill, Easy Rider Trail and Entertainment Trail and to table the Bompert Hill-Water Tank and Lime Kiln Projects. The motion died for a lack of a second.

Motion

Commissioner Peura moved approval to change the silvicultural prescriptions for the Lime Kiln and Bompert Hill-Water Tank projects and awarding fuel reduction contracts for the following projects: Nob Hill, Easy Rider Trail, Entertainment Trail, Bompert Hill-Water Tank and Lime Kiln. Commissioner Cartwright seconded the motion.

Commissioner Peura stated he has concerns with the changes related to mechanization on the prescriptions but he also has concern with not doing anything at this point. He requested staff host a tour of the areas for the Commission once the projects are completed and also asked staff to identify an area where it would be safe to scientifically test the idea of doing nothing and record the results.

Mayor Smith concurred with the idea of a tour and commented it may be difficult to find a parcel that can not be treated and asked staff to report on their findings at a future Administrative Meeting.

Commissioner Cartwright stated he is persuaded to move forward with the projects because of the support from partner organizations. He said, however, he would appreciate receiving a written statement from HOLMAC when issues like this come up in the future. He commented these projects are small and might not establish long term solutions.

Vote Motion carried 3-1, with Commissioner Elsaesser voting no.

Golf Course Fees CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS MUNICIPAL GOLF COURSE FOR THE 2009 SEASON.

Staff Report Parks & Recreation Director Amy Teegarden reported the Golf Advisory Board has analyzed in detail the operations and capital needs of the golf course and developed a long-term plan for continued improvement. Based on its review, the Golf Advisory Board is recommending the fee schedule for the 2009 season. The changes recommended will help continue the high level of maintenance and operation that the golfers have come to expect at Bill Roberts Golf Course and fund the debt service for capital repairs, replacements, and improvements that have been done.

Finally, the Golf Advisory Board always considers the golfing market in the Helena area, as well as the region so that golf at the course remains affordable to the golfing public while maintaining its high standards; Bill Roberts Golf Course remains the best golfing value in the area.

Director Teegarden recommended approval of the resolution of intention establishing fees for the 2009 Season in order to meet the goals of the city and the Golf Advisory Board and set a public hearing date for December 1, 2008.

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

Motion Commissioner Cartwright moved approval of a resolution of intention establishing fees to be charged at the Bill Roberts Golf Course for the 2009 season and set a public hearing date of December 1, 2008. Commissioner Peura seconded the motion. All voted aye, motion carried. Res #19618

Northwest Park CONSIDER AN AGREEMENT WITH THE HELENA SCHOOL DISTRICT FOR THE OWNERSHIP, INSTALLATION AND MAINTENANCE OF AN IRRIGATION WELL FOR USE AT CAPITAL HIGH SCHOOL AND NORTHWEST PARK.

Staff Report Parks & Recreation Director Amy Teegarden reported as a condition for the city using Open Space Bond money for improvements to Northwest Park, the Helena School District (HSD) agreed to do the maintenance, including irrigation of the landscaping. The HSD developed a well on its property at Capital High School that it wants to use for irrigation of the high school property and Northwest Park. HSD does not have water rights that it can use to augment the amount of water the well will produce. The city has unused water rights on Ten Mile Creek that were originally used for Forestvale Cemetery. In the meantime, the city and HSD are using city water for irrigation purposes.

HSD desires to obtain water rights to augment the amount of water the well will produce. The city can use its unneeded Forestvale water rights for the augmentation requirement. In order to do that, the city must be the owner of the well being developed. Under the proposed agreement, the city would be owner of the well, but HSD will develop and pay for the operation. The parties would split the repair and maintenance costs.

Director Teegarden recommended approval of the agreement as it would allow for irrigation to parkland and school property by cheaper well water rather than treated city water.

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

Motion Commissioner Cartwright moved approval of an agreement with the HSD for the ownership, installation, maintenance, and repair of an irrigation well for use at Capital High School and Northwest Park. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

15th Street Parking Lot CONSIDER AN AMENDMENT TO THE CONTRACT FOR THE 15TH STREET PARKING STRUCTURE PROJECT.

Staff Report Community Facilities Director Gery Carpenter reported Dick Anderson Construction (DAC) currently has a preconstruction contract with the City of Helena to provide leadership and administration services for the 15th Street Parking Ramp. During the process of implementing this contract, DAC noted that one element of their cost projection for backfill and construction of the lower level floor still had an unknown value. The unknown element is the make-up of the subsurface on the project site. Geotechnical borings have been completed and provide information as to the site, but they do not provide information as to the exact fill composition in between the borings. This information is unknown until excavation. DAC's cost estimate for the backfill and subsequent concrete floor is based on conjecture of what the subsurface may or may not contain and, therefore, will include contingencies that may not be necessary. The Commission previously authorized the City Manager to sign contracts and amendments thereto that are exempt from statutory bid requirements.

Staff recommends that the excavation, shoring, and backfill be completed as soon as possible for two reasons: 1) to complete the process before the ground freezes to minimize costs; and 2) to provide accurate data to eliminate contingencies necessary for the backfill process. The current contract should be amended to include construction management and general contractor services to be provided by DAC, and allow the advertisement for bid of the excavation, shoring and backfill. DAC estimates the cost of this work at \$450,000. Amendment of the preconstruction contract with DAC will include compensation to DAC at 5% of the actual bid award amount, not to exceed \$30,000, and will require DAC to provide bonding and insurance.

Commission comment Commissioner Cartwright stated this is not giving the contract to DAC, but to have them do the paperwork to put out to general bid. Director Carpenter concurred. Mayor Smith commented in the past the city has run into uncertain conditions with previous garages and indicated he would support the amendment.

- Public comment Mayor Smith called for public comment, none was received.
- Motion** **Commissioner Peura moved to authorized the City Manager to negotiate and enter into an amendment to the preconstruction contract with Dick Anderson Construction for construction management/general contractor services in the amount of 5% of the actual bid award for excavation, shoring, and backfill, not to exceed \$30,000.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
- Public Hearings** PUBLIC HEARINGS:
- A. CONSIDER A RESOLUTION INCREASING THE FEES CHARGED BY THE HELENA CIVIC CENTER FOR TICKETING SERVICES.
- Staff Report Community Facilities Director Gery Carpenter reported an internet based ticketing system has been purchased for ticketing services. There are additional costs associated with the new system requiring an increase to users and promoters for ticketing services. The Civic Center Board's Fee Committee in conjunction with Civic Center staff reviewed the policy and recommended changes. The Civic Center Board approved the proposed schedule at their October 2, 2008 meeting.
- The ticket charge and return charge will increase from \$.25/ticket to \$.50/ticket. Box office service fees will remain the same, but the maximum fee charged per show to promoter's increases from \$2,500 to \$3,000. The fee for box office hours outside normal business hours is set at \$25/hour per person. Comp tickets will increase from \$.40/ticket to \$1.00/ticket. Patrons who purchase by mail, phone or internet will be charged a \$2.00/ticket convenience fee.
- Director Carpenter recommended approval of the fee increase s clients will be able to purchase tickets from the internet, allowing for 24/7 access to ticketing services. Promoters will also be able to see ticket sales on a particular show on the internet any time of the day or week.
- 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 Elsaesser moved approval of a resolution to increase the fees charged by the Helena Civic Center for ticketing services.** Commissioner Peura seconded the motion. All voted aye, motion carried. **Res #19619**
- Public Communications** PUBLIC COMMUNICATIONS
No communications were given.
- Meetings of Interest** MEETINGS OF INTEREST
The next City Commission meeting is December 1, 2008 and there will be a City/County Joint Work Session on December 4, 2008. The next Administrative Meeting will be held on Wednesday, December 10, 2008.

Adjournment

There being no further business to come before the Commission,
the meeting was adjourned at 8:06p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission