

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**January 26, 2009**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, January 26, 2009 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 Deputy City Clerk Robyn Brown were present. Others present were David Scrimm representing the Helena Citizens Council.

***Pledge of Allegiance***

Mayor Smith asked Boy Scout Troop #228 to lead those persons present in the pledge of allegiance.

***Minutes***

MINUTES:

- A. Regular City Commission Meeting – January 12, 2009
- B. Executive Sessions – December 15, 2008, December 17, 2008, January 12, 2009 and January 14, 2009

The minutes listed above were approved as amended and submitted, respectively.

***State of the City***

STATE OF THE CITY ADDRESS

Mayor Smith gave the 2009 State of the City Address. A copy is attached to these minutes as part of the official record.

***Appointments***

APPOINTMENTS:

- A. Commission Board Appointments - 2009

Mayor Smith asked for Commission concurrence on the following Commission board appointments for 2009:

MAYOR PRO TEM

Paul Cartwright

ADA COMPLIANCE COMMITTEE

Two-year term – expires September 1, 2009

James E. Smith

BOARD OF ADJUSTMENT

Three year term - expires December 31, 2009

Paul Cartwright

AUDIT COMMITTEE

One-year term - expires December 31, 2009

Matt Elsaesser

James E. Smith

Alan Peura

BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS/HELENA PARKING COMMISSION

No specific term  
Robin Shropshire

CITY COUNTY ADMINISTRATION BUILDING BOARD OF DIRECTORS

One-year term - expires December 31, 2009  
Matt Elsaesser  
City Manager Tim Burton - standing member

CITY-COUNTY BOARD OF HEALTH

No specific term  
Alan Peura

CITY-COUNTY PARKS BOARD

No specific term  
James E. Smith

CITY-COUNTY WEED BOARD

No specific term  
Robin Shropshire

CIVIC CENTER BOARD

No appointment as monthly meeting conflicts with JWS

GLOBAL CLIMATE CHANGE TASK FORCE

One year term – Expires February 2009  
Alan Peura

HELENA CHAMBER OF COMMERCE LIAISON

no specific term  
Local Government Committee  
James E. Smith

INFORMATION TECHNOLOGY COMMITTEE

No specific term  
Robin Shropshire

INFRASTRUCTURE COMMITTEE

No specific term  
Paul Cartwright

MONTANA BUSINESS ASSISTANCE CONNECTION

No specific term  
Matt Elsaesser

MONTANA LEAGUE OF CITIES AND TOWNS

No specific term  
James E. Smith

NON-MOTORIZED TRAVEL ADVISORY BOARD

One year term – Expires March 1, 2009  
Paul Cartwright

PRE-RELEASE SCREENING COMMITTEE

No specific term  
Matt Elsaesser

PUBLIC ART COMMITTEE

No specific term  
Robin Shropshire

TEN-MILE WATERSHED COLLABORATIVE COMMITTEE

Expires September 2009  
James E. Smith

TRANSPORTATION COORDINATING COMMITTEE

One year term - expires December 31, 2009  
Alan Peura  
Matt Elsaesser

TRANSIT COMMITTEE

Three year term – expires July 1, 2010  
Paul Cartwright

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

**Motion** Commissioner Peura moved approval of the 2009 Commission Board Appointments as outlined above. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Consent Agenda**

CONSENT AGENDA:

- A. Claims
- B. A request to rescind the current contract for printing, stuffing and mailing of monthly utility bills
- C. Utility adjustment agreement with the Montana Department of Transportation for the Williams Street signalization project

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

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioners Cartwright, Peura, Elsaesser, and Shropshire thanked Mayor Smith for his comments during the State of the City address.

Commissioner Cartwright spoke of the Non-Motorized Transportation Committee and current non-motorized infrastructure within the city and referred to a recent survey in the Independent Record where a majority of the participants voted in support of the city moving forward with its Bike-Pedestrian Trail Corridor Project. He gave an update on the project and noted he feels confident in the progress being made by the city.

Commissioner Peura commended the Non-Motorized Transportation Committee and Commissioner Cartwright for the work they have done.

Mayor Smith spoke of progress by the Non-Motorized Transportation Committee and other committees of the city and noted he will have a great deal of information to report at the next State of the City Address.

**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 Burton thanked Mayor Smith for his State of the City Address.

**Report from the Helena Citizens Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member David Scrimm reported the HCC has adopted guidelines for more effective meetings and addressing issues in order to provide recommendations to the City Commission. He noted the election of the HCC's Executive Officers for 2009 will be held at the January 28, 2009 meeting.

Commissioner Peura requested the HCC discuss options for aiding in the community discussion about the Rocky Mountain Development Council's Caird Project. Discussion was also held on Neighborhood Conservation Clubs.

**INTERCAP Loan**

CONSIDER BORROWING \$350,000 FROM THE STATE OF MONTANA INTERCAP LOAN PROGRAM FOR THE 2007 AND 2008 SIDEWALK IMPROVEMENT PROGRAM.

**Staff Report**

City Controller Glenn Jorgenson reported the City Commission approved borrowing up to \$350,000 from the State of Montana, Board of Investment's INTERCAP loan program to finance the 2007 and 2008 sidewalk replacement programs on August 4, 2008. The proposed resolution provides legal approval of the loan and gives permission for the City Manager to sign the closing documents.

Additional information provided in the staff report was:

- The city will borrow \$98,000 of the \$350,000 right away to fund the 2007 Sidewalk Program
- Staff can borrow up to \$252,000 additionally when the 2008 program is complete
- The principal portion of the loans will be paid by the sidewalk property owners
- The interest portion of the loans will be paid from city funds since the city loaned to the property owners at a 0% rate

Mr. Jorgenson recommended approval of a resolution authorizing participation in the INTERCAP Loan Program as it would allow the city to adequately fund the 2007 and 2008 Sidewalk Improvement Programs.

**Commission comment**

Commissioner Peura commended public participation in the program and asked for a future report on the amount of linear feet of

sidewalk that have been installed during the life of the program. City Manager Burton concurred to provide the Commission with the data during the upcoming budget meetings.

Public comment

Mayor Smith called for public comment, none was received.

Motion

**Commissioner Peura moved approval of a resolution authorizing participation in the Board of Investments of the State of Montana annual adjustable rate tender option municipal finance consolidation act bonds (INTERCAP Revolving Program), and authorizing the execution and delivery of documents related thereto.** Commissioner Shropshire seconded the motion. All voted aye, motion carried. **Res #19624**

**SLD No. 221**

CONSIDER A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 221, WEST RIDGE HEIGHTS.

Staff Report

Accounting Supervisor Brandi Pierson reported a petition has been signed and filed by Benchmark Development, LLC requesting a light district be created in parts of the West Ridge Heights Phase V of Reber PUD.

The proposed facilities will consist of thirty units, with underground wiring, fiberglass or metal poles for 16-foot mounting heights, and Lexington Colonial luminaries with 100-watt high-pressure sodium vapor lamps.

The estimated cost of maintenance, electrical energy, and administration for the first year is \$21,434.80 with the estimated cost being \$.0340 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first year's assessment. Thereafter, the annual assessment will be approximately on-half of the first year's assessment.

Ms. Pierson recommended approval of the resolution of intention and noted the benefits of street lighting are the convenience, safety, and security of property and improvements. Specific benefits include: enhanced deterrence of crime and aid to police protection; increased nighttime safety on roads; improved ability of pedestrians, cyclists, and motorists to see; and improved ingress and egress to property.

Commission comment

Commissioner Peura spoke of Billings using LED streetlight fixtures and asked when the City of Helena may be technologically ready to use them? Ms. Pierson stated discussions have been held with Northwestern Energy; at this time it would not be cost effective but research is continuing. Manager Burton noted he would contact the City of Billings to discuss their LED fixtures.

Commissioner Cartwright indicated he would support the resolution of intention as the city is moving forward on updating its lighting ordinance and using more efficient lights.

Public comment

Mayor Smith called for public comment, none was received.

Motion

**Commissioner Cartwright moved approval of a resolution of intention to create Special Improvement Lighting District No. 221**

**and set a public hearing date for February 23, 2009.** Commissioner Peura seconded the motion. All voted aye, motion carried. **Res #19625**

***Fuel Treatments***

CONSIDER IMPLEMENTATION OF THE ORIGINAL PRESCRIPTIONS FOR THE LIME KILN AND BOMPART HILL (TANK) FUEL TREATMENT PROJECTS.

Staff Report

Parks & Recreation Director Amy Teegarden reported following the decision by FEMA not to allow further analysis for a new prescription for the Lime Kiln and Bompert Hill fuel treatment projects, the city's Natural Resources Coordinator, Brad Langsather, conducted a field analysis of the project areas and provided a follow-up recommendation to the Helena Open Lands Management Advisory Committee (HOLMAC) and the Parks Department for further consideration.

An analysis of the tree inventory data gathered within the Lime Kiln and Bompert Hill treatment units revealed the fact that the current FEMA approved fuels treatment prescription will address approximately 47% of the mountain pine beetle killed trees and approximately 86% of the cull (malformed/unhealthy) trees occurring within the Lime Kiln unit. The current FEMA approved treatment prescription will address approximately 71% of the mountain pine beetle killed trees and approximately 100% of the cull trees occurring within the Bompert Hill unit.

Although the harvest restriction on trees greater than 9 inches in diameter at breast height (4.5 feet) negates the opportunity to treat approximately 690 mountain pine beetle infested trees and 50 cull trees within both treatment units combined, city staff and HOLMAC believe that execution of the FEMA approved fuels treatment prescription will provide adequate fuels reduction benefits over the majority of the treatment acreage occurring within the two units.

Staff and HOLMAC also recommend that a follow-up treatment of the anti-aggregate pheromone Verbenone be completed in an effort to retain as many living ponderosa pine in the tracts as possible, in anticipation of the 2009 beetle flight.

Public comment

Mayor Smith called for public comment.

Herb Eskilson, 550 Baarson Boulevard; urged the Commission to move forward with the project in order to provide employment to Helena citizens in addition to mitigating fire hazards in the area.

Mary Arnold, HOLMAC; reported HOLMAC voted in support of the original prescriptions and urged the Commission to move forward with their implementation.

Commission comment

Commissioner Shropshire asked who would be performing the work? Manager Burton explained the projects would be put to bid and awarded according to state statute and city ordinance. Commissioner Shropshire recommended staff track the number of jobs created by city projects. Manager Burton stated staff would begin compiling those statistics and it would not be an undue burden.

The Commission thanked staff and HOLMAC for their work on the implementation of the prescriptions.

**Motion** Commissioner Cartwright moved approval to implement the original prescriptions for the Lime Kiln and Bompert Hill (Tank) Projects. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Public Communications** PUBLIC COMMUNICATIONS  
Riley Pierse, Boy Scout Troop #228; spoke in support of the Commission addressing the pine beetle infestation in the Helena forest.

**Meetings of Interest** MEETINGS OF INTEREST  
The next Administrative Meeting is Wednesday, February 4, 2009 and the next Commission Meeting is Monday, February 9, 2009. The City/County Joint Work Session will be held on Thursday, February 5, 2009.

**Adjournment** There being no further business to come before the Commission, the meeting was adjourned at 7:16p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission