

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 18, 2009
6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, May 18, 2009 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Pro Tem Alan Peura indicated for the record that Commissioners Elsaesser and Shropshire were present. Mayor Smith and Commissioner Cartwright were excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Julie Haehnel representing the Helena Citizens Council.
- Pledge of Allegiance** Mayor Pro Tem Peura 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 May 4, 2009 were approved as submitted.
- Proclamation** PROCLAMATION
A. Buddy Poppy Week

Mayor Pro Tem Peura read the Buddy Poppy Week proclamation and presented it to Shirley Pouliot and Helen Dawson.
- Appointments** APPOINTMENTS:
A. City-County Planning Board
B. Public Art Committee

Mayor Pro Tem Peura asked for Commission concurrence on the following appointments:

City-County Planning Board - Appointment of Donald Foucar to an unexpired term on the City-County Planning Board. Term will begin upon appointment and expires September 1, 2011

Public Art Committee - Appointment of Russell A. Cargo to an unexpired term on the Public Art Committee. Term will begin upon appointment and expire December 31, 2011
- Public comment** Mayor Pro Tem Peura asked for public comment, none was received.
- Motion** Commissioner Elsaesser moved approval of the appointments to the Planning Board and Public Art Committee as outlined above. Commissioner Shropshire seconded the motion. All voted aye, motion carried.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. Resolution approving and adopting the Montana Municipal Interlocal Authority Revised and Restated Interlocal Agreement,

- Workers' Compensation Program Agreement, Liability Coverage Program Agreement and Property Program Agreement
- C. Final passage of Ordinance No. 3112 amending sections 11-2-3 and 11-2-4 of the Helena city code to clarify the permitted location and definition of a bus terminal
 - D. Consultant Proposal - Centennial Trail Master Plan and Preliminary Design
 - E. Trolley System Memorandum of Understanding
 - F. Summer Youth Transit Program
 - G. Project Cooperation Agreement between the Department of the Army and the City of Helena for projects at the Missouri River Water Treatment Plant (MRTP)

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

Public Comment Mayor Pro Tem Peura asked for public comment, none was received.

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

Commission comment Mayor Pro Tem Peura asked for the cost benefit of the Summer Youth Transit Program. Fleet Manager Ed Robinson reported about 2500 youth were transported last summer, this year there is a projected increase in ridership. Last year's ridership would equal approximately \$2500.

Bid Award BID AWARDS:
A. Helena Skate Park Expansion

Staff Report Parks Director Amy Teegarden reported the bid opening was held on May 6, 2009 at 2:00 p.m. One bid was submitted by Dreamland Skateparks, LLC for a 7,000 square foot expansion of the skatepark in the amount of \$151,200 and Alternate #1 for a 500 square foot modification to the existing skatepark for \$9,000 bringing the total to \$160,200. The bid meets the requirements of the bidding document. The Helena Skate Park Improvement Group has been fundraising for approximately four years and the design process has taken nearly one year. A total of \$235,000 is available for the expansion project. The project is partially funded by the G.O. Bond funds (\$150,000) and \$85,000 in donations and in-kind services raised by the Helena Skate Park Improvement Group. The contract with Dreamland is a labor and equipment contract using supplies and materials that are provided through donations and discounts. The bid is within budget. The contract will utilize park bond funds as well as a direct cash donation from the Helena Skate Park Improvement Group for a total budget of \$160,200.

Director Teegarden recommended awarding the bid to Dreamland Skateparks, LLC for the skatepark expansion in the amount of \$160,200.

Commission comment Discussion was held on improvements in safety that would result from the expansion.

Public comment

Mayor Pro Tem Peura called for public comment.
Pete Brown, Skatepark Improvement Group Director; spoke in support of the proposed improvements.

Motion

Commissioner Elsaesser moved approval of the bid award to Dreamland Skateparks, LLC for the skatepark expansion in the amount of \$160,200. Commissioner Shropshire seconded the motion. All voted aye, motion carried.

B. Dump Truck – Street Maintenance Division

Staff Report

Fleet Manager Ed Robinson reported bids were received for one, new 12-cubic yard dump truck to replace Unit #315, a 1992 GMC 5-yard dump truck. The low bid that met specifications was received from Montana Peterbilt. A summary of the bids was included in the Commission packet. Montana Peterbilt bid a 2010 Peterbilt Model 365 with a Crysteel body at a cost of \$110,143. Mr. Robinson explained a budget amendment that would accommodate the bid price.

Fleet Manager Robinson recommended awarding the bid to Montana Peterbilt for one new 12-yard dump truck for the bid price of \$110,143.

Public comment

Mayor Pro Tem Peura called for public comment, none was received.

Motion

Commissioner Shropshire moved approval of the bid award to Montana Peterbilt for one new 12-yard dump truck for the bid price of \$110,143. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser spoke about cameras posted on traffic lights. Manager Burton explained the cameras on the lights; they are motion sensors used to coordinate the cycling of the lights, not enforce traffic regulations.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Nielsen had no items to report on.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Burton had no items to report on.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Coordinator Julie Haehnel gave an overview of updates to the HCC's website. The Commission thanked the HCC for their work.

Resolution of Annexation

CONSIDER A RESOLUTION ANNEXING 5.259 ACRES INTO THE CITY OF HELENA, GENERALLY LOCATED EAST OF WILKERSON STREET AND SOUTH OF TRICIA STREET (HIGHWAY 12 EAST FRONTAGE ROAD).

Staff Report

Planner Kathy Macefield report Robert Allen has requested annexation of 5.259 acres generally located east of Wilkerson Street and south of Tricia Street.

On August 6, 2007 the City Commission approved Resolution 19498 to annex this property and rezoned it as B-2 (General Commercial) District. Resolution 19498 was extended by one year on August 4, 2008 and was subject to the following four conditions:

1. **Infrastructure:** The property owner must install all infrastructure improvements required by the city, to city standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements.
2. **Review of New Construction:** The property owner must submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning, and all other code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the city.
3. **Taxes and Assessments:** Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
4. **Completion of Conditions:** The conditions of annexation must occur within one year of the date of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within the time frame, the city is under no obligation to annex the property and may discontinue any city services, including water and sewer service to the property.

This property is located adjacent to the city limits. On April 21, 2009, the applicant's representative submitted a written statement stating that the four conditions for annexation had been completed. The City Engineering Division completed a final inspection of the infrastructure improvements. The applicant plans to be open for business as soon as the Commission has approved the resolution of annexation.

Ms. Macefield recommended approval of the resolution annexing 5.259-acres for property described in the resolution.

Public comment

Mayor Pro Tem Peura called for public comment, none was received.

Motion

Commissioner Elsaesser moved approval of a resolution annexing 5.259-acres into the City of Helena, generally located east of Wilkerson Street and south of Tricia Street. Commissioner Shropshire seconded the motion. All voted aye, motion carried. **Res #19646**

Minor Subdivision

CONSIDER A MINOR SUBDIVISION/PRELIMINARY PLAT CREATING 5 LOTS FROM 21.44 ACRES LOCATED IN THE B-2 (GENERAL COMMERCIAL) DISTRICT; GENERALLY LOCATED NORTH OF CUSTER AVENUE AND WEST OF SANDERS STREET

Staff Report

Planner Kathy Macefield reported an application for a minor subdivision of the Shopko Minor Subdivision, creating 5 lots from 21.44-acres located in the B-2 (General Commercial) District, has been submitted for review. A traffic impact study, wetlands report, well logs, and preliminary engineering report have been submitted. No parkland is required.

The applicant's objective is to obtain approval for a minor subdivision creating 5 lots. Approval of the subdivision would facilitate the infill development of a commercial area that can be readily served by city infrastructure.

Planner Macefield recommended approval for a preliminary plat for a minor subdivision of the Shopko Minor Subdivision, creating 5 lots from 21.44-acres located in the B-2 (General Commercial) District, and to adopt the Findings of Fact and the conditions contained there.

Commission comment Discussion was held on wetlands on the property, the groundwater depth in the area, and pedestrian amenities in the proposed subdivision.

Public comment Mayor Pro Tem Peura called for public comment.
Tim Bury, Morrison-Maierle Engineering, representing the applicant; gave an overview of the development and pedestrian connectivity, and urged the Commission to support the preliminary plat.
Gary Fredrick, 1005 Partridge Place, Suite 1; spoke in support of the proposed subdivision.
Robert Schmidt, PEG Development, Provo, Utah, applicant; urged the Commission to support the project.

Discussion Commissioner Elsaesser recommended adding a condition that mitigation of the identified wetlands be addressed by the applicant; he spoke in support of the stormwater detention pond being used as a way to provide the mitigation. Attorney Nielsen commented the condition would go under Effects on the Natural Environment.

Mayor Pro Tem Peura asked for more information on pedestrian access in the subdivision. Mr. Bury assured the Commission the future site plans will contain curb, gutter and curb cuts and approaches in compliance with city standards. He noted after islands and intermediate landscaping infill the parking lots there will be opportunities to locate and install crosswalks and ramps.

Commissioner Shropshire asked if the stormwater detention pond could be upgraded to also create wetland components. Mr. Bury spoke to recommendations by Jim Wilbur, WQPD Coordinator, and indicated the design of the detention pond would provide remediation; the developer could also try to transplant some of the existing wetlands. Commissioner Shropshire asked if it would be fair to call the detention pond a wetland? Mr. Bury stated he believes it will create a wetland over time and noted the soils and plant types would need to be conducive. Discussion was also held on setbacks.

Commissioner Peura requested the applicant ensure pedestrian connectivity is included in the subdivision.

City Manager Burton gave a detailed update on the Custer Interchange Project.

Commissioner Elsaesser recommended requiring the applicant to mitigate any loss of wetlands.

Amendment Commissioner Elsaesser moved to add a condition under "Effects on the Natural Environment" stating the applicant will mitigate any loss of wetlands at the south end portion of the property for the purpose of protecting wildlife habitat.
Commissioner Shropshire seconded the motion.

- Comment Commissioner Shropshire spoke in support of incorporating some wetland mitigation into the stormwater detention pond design.
- Vote** All voted aye, motion carried.
- Motion** **Commissioner Elsaesser moved approval for a preliminary plat for a minor subdivision of the Shopko Minor Subdivision, creating 5 lots from 21.44-acres located in the B-2 (General Commercial) District, and to adopt the Findings of Fact and the conditions contained therein, as amended.** Commissioner Shropshire seconded the motion. All voted aye, motion carried.
- Sidewalk Variance** CONSIDER A SIDEWALK VARIANCE FOR 1705 UNIVERSITY STREET
- Staff Report City Engineer Ryan Leland reported the property at 1705 University is currently an empty lot in which an old home was torn down. The adjacent streets are unpaved without curb and gutter. The owner has signed an annexation agreement that waives the right to protest an SID to bring Glendale and University up to City Standards.
The owner of the property, Joseph Warhank, has applied for a building permit for 1705 University and is requesting two sidewalk variances. The first one is to defer the installation of sidewalk, ADA ramps, and drive approach until University and Glendale are constructed to City Standards. The second variance request is to allow curbside sidewalks when the sidewalks are installed.
Mr. Leland noted staff does not provide recommendations for sidewalk variance requests.
- Commission comments Mayor Pro Tem Peura clarified the sidewalks would not be part of an SID. Mr. Leland concurred. Manager Burton noted the Commission could reserve action related to curbside or boulevard sidewalks to a future date.
- Public comment Mayor Pro Tem Peura called for public comment.
Analise Warhank, applicant; spoke in support of the variance.
- Discussion Commissioner Peura recommended the Commission defer the decision on curbside versus boulevard sidewalks to a later date.
- Motion** **Commissioner Shropshire moved approval of deferring the installation of sidewalks until such time the streets are constructed to city standards for the property at 1705 University Street.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- SLD 220** CONSIDER A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICTR NO. 220 ALONG THE STREETS AND AVENUES IN PARTS OF THE STONE MEADOW SUBDIVISION.
- Staff Report Administrative Services Director Tim Magee reported a petition has been signed and filed by Justin Joyner requesting a light district be created in parts of the Stone Meadows Subdivision.

The proposed facilities will consist of 42 units, with underground wiring, fiberglass or metal poles for 14-foot mounting heights, and Star-Shield Acorn luminaries with 100-watt high-pressure sodium vapor lamps.

The estimated costs of maintenance, electrical energy, and administration for the first year is \$29,398.28 with the estimated cost being \$.0175 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 assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment.

Director Magee recommended approval of the resolution of intention to create Special Improvement Lighting District No. 220 and set a public hearing date for June 22, 2009.

Public comment Mayor Pro Tem Peura called for public comment, none was received.

Motion Commissioner Elsaesser moved approval of a resolution of intention to create Special Improvement Lighting District No. 220 and set a public hearing date for June 22, 2009. Commissioner Shropshire seconded the motion. All voted aye, motion carried. **Res #19647**

Public Communications

PUBLIC COMMUNICATIONS

Tom Huddleston, 2416 Teakwood Lane; invited the Commission to the Helena Action Coalition on Homelessness on June 4, 2009 from 8:00 a.m. to 5:00 p.m. at St. Peters Hospital.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, June 3, 2009 and the next Commission Meeting is Monday, June 8, 2009. There are Budget Work Sessions on Wednesday, May 20 and 27; Monday, June 1 and Wednesday, June 3, 2009. The City/County Joint Work Session will be held Thursday, June 4, 2009.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission