

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
October 5, 2009
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, October 5, 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. Commissioner Shropshire was excused. Acting City Manager Troy McGee, Acting City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were M.C. Beeby 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 September 28, 2009 were approved as submitted.

Proclamation PROCLAMATION:
A. Fire Prevention Week

Mayor Smith read the proclamation designating October 4-10, 2009 as Fire Prevention Week. Deputy Fire Marshal Keith Simendinger accepted the proclamation and announced Fire Prevention Week activities in the City of Helena.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Memorandum of Understanding for East Valley Bus Service
C. City Manager Employment Contract

Acting City Manager Troy McGee recommended approval of the claims and the consent agenda.

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

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

Comment Commissioner Cartwright thanked Lewis & Clark County for providing some of the matching funding to continue the East Valley Bus Service.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Peura spoke of the Clean Indoor Air Act, which was implemented throughout Montana on October 1, 2009. He spoke in support of a tobacco-free policy in the City of Helena.
Commissioner Elsaesser spoke of a very busy Trash for Trees event on October 3 & 4, 2009.

Commissioner Cartwright reported the Non-Motorized Transportation council has created a map of bike/ped routes. He announced the Holter Museum would be displaying items local veterans carried during their service on October 11, 2009 from 2:00-4:00pm and encouraged citizens and veterans to attend.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

Acting City Attorney Jodoin reported the City of Helena has been served with a lawsuit by Lifestyle Court, owned by Andy and Carol Skinner, regarding city street assessments; the city will be filing its response in the coming days.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. St. Paul's United Methodist Church right-of-way (ROW) use

Acting Manger McGee asked Acting Attorney Jodoin to report of the ROW use agreement. Attorney Jodoin reported St. Paul's United Methodist Church, the owner of the property adjacent to the undeveloped Cruse Avenue ROW adjacent to Lots 1-4 in Block 2 of the Central Addition, is requesting a ROW use agreement to construct a non-exclusive community garden and a 6-foot high fence. The agreement would be for an 87' x 17' rectangular portion of the Cruse Ave ROW with an area of approximately 1480 square feet. The city has no immediate use for the property and has no utilities located in this portion of ROW. He added the agreement calls for 10% of the raised beds to be ADA accessible.

Attorney Jodoin stated Acting Manager Nielsen has approved the agreement as it would allow the adjacent landowner to utilize undeveloped ROW for a garden before winter. He noted no Commission action is needed.

Public comment

Mary Caffero, WEEL, spoke in support of the ROW Use Agreement.

Acting Manager McGee asked Public Works Director John Rundquist to report on a large water main break. Director Rundquist reported a 36-inch diameter transmission main from Ten Mile Water Treatment Plant experienced large break today in the area of the Broadwater Athletic Club. It is currently being repaired but will take approximately one day to complete. Westside residents experienced low pressure, which has been restored, and the Missouri River Treatment Plant is being used to compensate for the lost water. Commissioner Peura spoke of upcoming discussions regarding water rates and the funding of the water treatment Comprehensive Capital Improvement Program (CCIP).

Acting Manager McGee reminded the Commission of the deer census that begins tonight.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member M.C. Beeby reported the HCC is planning a city-wide neighborhood meeting on November 18, 2009 at the University of Montana-Helena College of Technology; details of the meeting will be provided soon. She encouraged citizens to run for the HCC via write-in.

General Fund Bonds CONSIDER A RESOLUTION RELATING TO \$750,000 GENERAL FUND BONDS (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), CONSISTING OF A \$390,700 TAXABLE SERIES 2009A BOND AND A \$359,300 TAX-EXEMPT SERIES 2009B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

Staff Report

City Controller Glenn Jorgenson reported the city was awarded \$390,700 of American Recovery and Investment Act (ARRA) funds to complete two projects. The city must borrow a total of \$750,000 of which \$390,700 will be forgiven after the projects are completed and approved. The remaining amount borrowed will then be paid in full by the city's Stormwater and Wastewater Funds. The city was able to use its General Fund borrowing authority to make the funding process simpler.

The two projects are a wastewater main replacement on Laurel Street and stormwater rehabilitation on 6th avenue and Lawrence. Both projects have been bid and awarded, and construction is underway.

The city will borrow the money from the State of Montana, Department of Natural Resources and Conservation (DNRC). According to the regulations we must issue two sets of bonds, one taxable and one non-taxable. The taxable portion will be forgiven once DNRC staff certifies the projects were completed in accordance with the requirements.

Mr. Jorgenson recommended approval of the proposed resolution as the grant funds will pay for a large portion of the projects.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval of a resolution relating to \$750,000 general fund bonds (DNRC Water Pollution Control State Revolving Loan Program), consisting of a \$390,700 taxable series 2009A bond and a \$359,300 tax-exempt series 2009B bond; authorizing the issuance and fixing the terms and conditions thereof. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res #19696**

Water System Revenue Bonds

CONSIDER A RESOLUTION RELATING TO \$750,000 WATER SYSTEM REVENUE BONDS (DNRC DRINKING WATER STATE REVOLVING LOAN PROGRAM), CONSISTING OF A \$416,300 TAXABLE SERIES 2009A BOND AND A \$333,700 TAX-EXEMPT SERIES 2009B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

Staff Report

Mr. Jorgenson reported the city was awarded \$416,300 of American Recovery and Investment Act (ARRA) funds to complete two projects. The city must borrow a total of \$750,000 of which \$416,300 will be forgiven after the projects are completed and approved. The remaining amount borrowed will then be paid in full by the Water Fund.

The two projects are a water main replacement on Laurel Street and a water main slipline on Airport Road. Both projects have been bid and awarded, and construction is underway.

The city will borrow the money from the State of Montana, Department of Natural Resources and Conservation (DNRC). According to the regulations we must issue two sets of bonds, one taxable and one non-taxable. The taxable portion will be forgiven once DNRC staff

certifies the projects were completed in accordance with the requirements.

Mr. Jorgenson recommended approval of the proposed resolution as the grant funds will pay for a large portion of the projects.

Commission comment

Commissioner Cartwright asked who would be holding the bonds? Mr. Jorgenson responded DNRC. He asked if the city had to hire bond counsel? Mr. Jorgenson stated yes and gave more information on the loan program.

Commissioner Cartwright asked when the stormwater project between Lawrence and 6th Avenue would be completed. Director Rundquist explained construction on the project should start in the coming weeks and may run into December. Commissioner Cartwright expressed his hope that it would be done before the start of the Christmas shopping season the weekend after Thanksgiving.

Commissioner Peura spoke of utility rates for water and wastewater and asked for information at the October 19, 2009 Commission Meeting regarding what percentage the stimulus monies have impacted funding of the CCIP. He spoke in support of the "business" of the city's utilities and urged state government to allow cities to create low-income utility programs. Director Rundquist indicated he would provide the requested information.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval of a resolution relating to \$750,000 general fund bonds (DNRC Water Pollution Control State Revolving Loan Program), consisting of a \$416,300 taxable series 2009A bond and a \$333,700 tax-exempt series 2009B bond; authorizing the issuance and fixing the terms and conditions thereof. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res #19697**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is October 14, 2009 and the next Commission Meeting is October 19, 2009.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:47 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission

