

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**January 25, 2010**  
**6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, January 25, 2010 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, Ellison, Thweatt and Elsaesser were present. City Manager Ron Alles, City Attorney David Nielsen and City Clerk Debbie Havens were present. Others present were VISTA Bonnie O'Neill representing the Helena Citizens Council.
- Pledge of Allegiance*** Mayor Smith introduced Councilor Marilyn Pfisterer from the City of Indianapolis and asked her to lead the pledge of allegiance.
- State of the City Address*** STATE OF THE CITY ADDRESS  
Mayor Smith presented the 2010 State of the City Address. A copy of the address is included in the Commission packet as part of the official record.
- Minutes*** The minutes of the regular City Commission meeting of January 11, 2010 were approved as submitted.
- Appointments*** APPOINTMENTS:  
A. Non-Motorized Travel Advisory Council  
  
Mayor Smith asked for Commission concurrence on the following appointment:  
  
Non-Motorized Travel Advisory Council – Appointment of David Scrimm as the Helena Citizens Council Representative.
- Public comment Mayor Smith asked for public comment, none was received.
- Motion*** Commissioner Ellison moved approval of the appointments to the Non-Motorized Travel Advisory Council as outlined above. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- Consent Agenda*** CONSENT AGENDA:  
A. Claims  
B. Resolution relating to Amendment No. 1 to Lease-Purchase Agreement with regard to the Certificates of Participation, Series 2009 (15<sup>th</sup> Street Parking Garage) Res #19717  
  
City Manager Ron Alles 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 and B on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Bid Award** BID AWARD:  
A. Helena Area Transit Service (HATS) Facility

**Staff Report** Public Works Director John Rundquist gave an overview of the transit facility and the funding sources that have been obtained to complete the project.

Director Rundquist acknowledged and thanked HATS Superintendent/Fleet Manager Ed Robinson, Community Facilities Director Gery Carpenter, City Attorney Nielsen, MDT Transit staff, and CWG Architects for their work on the project.

Superintendent Robinson presented a PowerPoint overview of the project. He then reported bids from seven general contractors were received and opened on January 7, 2010 for the HATS Facility Project. The bid consisted of a base bid, three alternates and two unit prices. The base bid provides the general construction, mechanical construction and electrical construction components of the structure. Alternate #1 was for the addition of a bus storage building, Alternate #2 was for a flush mounted bus lift and Alternate #3 was for a bus wash system.

Superintendent Robinson recommended awarding the base bid and alternates 1 through 3 for construction of the HATS Facility. The bid amounts were within the current funding for the project with the inclusion of Alternative #1, #2 and #3. The lowest bid including the base bid and three alternates was submitted by Swank Enterprises in the amount of \$2,527,500.

Construction of this building will provide housing for transit facility offices and services, provide a bus storage building, a flush mounted bus lift and a bus wash system for the bus equipment. This project is funded through ARRA funds.

**Commission comment** Commissioner Cartwright noted there has been an issue since the development of the design regarding connectivity to the facility from Helena Avenue. MDT has ruled that the new access is an off-site improvement and there are no funds to build the sidewalk. Commissioner Cartwright asked if the sidewalk could be built if MDT were to change their ruling. Superintendent Robinson noted those improvements could be added to the project at a later date.

Commissioner Ellison asked if the bid process included any of the recommendations from the Global Climate Change Task Force. Mr. Robinson explained the facility was designed before the recommendations were issued; however, energy conservation specifications were included in the bid specifications and the design does incorporate energy efficiency.

**Public comment** Mayor Smith asked for public comment.  
Keith Allen, Business Agent for IBEW, Local 233; expressed concern with the city hiring Townsend Electric as a sub-contractor for the HATS Facility project. He explained he had filed claims against Townsend Electric in the past related to apprentice to journeyman ratio and prevailing wage violations and referred to an Independent Record article showing Townsend Electric in violation of many OSHA standards.

He urged the city ensure all standards are followed during the construction of the HATS facility.

Mayor Smith asked Mr. Allen who inspects the commercial jobs; specifically the Buffalo Wild Wings building. Mr. Allen stated the City of Helena's Building Division would inspect the job and city staff would certify the payroll records.

City Manager Alles assured the Commission the city has all the proper protocols in place to comply with labor standards.

**Motion**

**Commissioner Thweatt moved to award the base bid and Alternates 1, 2, and 3 for the construction of the HATS Facility to Swank Enterprises in the amount of \$2,527,500.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Commissioner Elsaesser commented this is a great project and asked staff to continue to look for all energy savings opportunities. Commissioner Elsaesser thanked Mr. Allen for his testimony.

**Communications**

**COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS**

Commissioner Ellison acknowledged the return of the members of the 189<sup>th</sup> Battalion from Iraq and thanked them and their families for their service. Commissioner Ellison referred to the recently installed stop signs at the corner of Winne and Saddle Drive. He noted the alert signs have assisted with traffic control and thanked city staff for their work.

Commissioners Thweatt and Elsaesser also acknowledged and thanked the members of the 189<sup>th</sup> Battalion.

Commissioner Elsaesser commented it is an honor to sit on the Helena City Commission and spoke of the importance of their role. He also spoke in support of the State Fund building/15<sup>th</sup> Street Garage project.

**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 Alles reported the newly created Urban Wildlife Advisory Committee held their first meeting last week and are anxious to move forward.

City Manager Alles asked Assistant Fire Chief J.R. Feucht to update the Commission on the fire at the Power Block. Assistant Chief Feucht gave an overview of the fire that occurred on Friday, January 22, 2010, at the Power Block. Assistant Chief Feucht recognized and thanked the firefighters who responded to the fire and saved the building.

**Report from the Helena Citizens Council**

**REPORT FROM THE HELENA CITIZENS COUNCIL**

HCC Coordinator Bonnie O'Neill reported the HCC's first meeting of 2010 is January 27<sup>th</sup> at 7:00 p.m. in Room 326. Election of officers will be conducted at the meeting.

**PPLT Parcels**

**CONSIDER ACCEPTANCE OF A GRANT FROM THE MONTANA FISH & WILDLIFE CONSERVATION TRUST TO PURCHASE A 21-ACRE TRACT KNOWN AS THE PORTER PARCEL FROM PRICKLY PEAR LAND TRUST.**

CONSIDER ACCEPTANCE OF A DONATION FROM PRICKLY PEAR LAND TRUST OF FIVE PARCELS OF PROPERTY, 3 PARCELS ON MOUNT ASCENSION AND 2 ON MOUNT HELENA.

Staff Report

Natural Resource Coordinator Brad Langsather reported the City of Helena has been selected as a grantee to receive \$75,000 in funding from the Montana Fish and Wildlife Conservation Trust to purchase a 21-acre tract of land located on Mount Ascension that Prickly Pear Land Trust (PPLT) currently owns. This trust provides a permanent source of funding to acquire publicly accessible land in Montana from willing sellers at fair market value to enhance public recreational opportunities.

The parcel proposed for acquisition is located on the north facing side of Mount Ascension directly south of the City of Helena.

Encompassing the summit of Mount Ascension, acquisition of the Porter parcel will protect this icon of the city's scenic skyline. This area, which is located immediately adjacent to Helena's open lands system, is still largely undeveloped and acts as an important wildlife buffer zone between Helena's urban area and rural residential development located on the east facing slopes of Mount Ascension.

At the City Commission meeting on July 31, 2006, Commissioners approved the concept of the city accepting ownership of a 40-acre parcel that PPLT was pursuing on Mount Ascension and a 0.66-acre parcel that they were purchasing on Mount Helena. During the FY2008 budget process, the commission committed \$15,000 to help pay off a portion of the \$95,000 bank loan PPLT had combined with Montana Fish Wildlife and Parks (FWP) grant assistance to complete the purchase of the 40-acre Mount Ascension tract. While the Mount Helena portion of the property acquisitions PPLT described during the course of the July 2006 commission meeting has remained unchanged, the Mount Ascension acquisitions completed as part of PPLT's "Backdrop Initiative" now include two additional parcels totaling 71.14 acres that PPLT would like to donate to the City of Helena as open space properties.

Staff is recommending the commission accept Grant Agreement No. 2009-01 from the Montana Fish & Wildlife Conservation Trust to acquire the Porter Parcel on Mount Ascension. Additionally, staff recommends acceptance of a property donation from PPLT that includes two parcels of property located on Mount Ascension that total 71.14 acres. He noted the city would be obtaining ownership of 133 acres of open lands property having an appraised value of \$1,266,200. Acquisition of these parcels would help accomplish several previously established Parks Department open lands management goals including: helping to preserve Helena's scenic backdrop, maintaining important wildlife habitat and recreational trail values, and protecting critical access corridors to Mount Ascension and Mount Helena.

Natural Resource Coordinator Brad Langsather presented a land donation impacts chart that included weed control, forestry and trail maintenance. He acknowledged the great partnership the City of Helena has with PPLT.

Commission comment

Commissioner Ellison referred to Lots 14 and 18 and asked who owns lots 15, 16 and 17. Natural Resource Coordinator Brad Langsather stated those three lots are privately owned. He explained they are part of PPLT's backdrop initiative and they continue to work to acquire those properties.

Public comment

Mayor Smith called for public comment.

Andy Bauer, PPLT Executive Director; spoke in support of acceptance of the grant from the Montana Fish & Wildlife Conservation Trust and the acceptance of a land donation from Prickly Pear Land Trust of five parcels of property. Mr. Bauer thanked the Commission and city staff for their partnership with PPLT.

Mary Arnold, HOLMAC Chair; spoke in support of both open space agenda items.

Motion

**Commissioner Cartwright moved acceptance of a grant from the Montana Fish & Wildlife Conservation Trust to purchase the Porter Parcel.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Motion

**Commissioner Cartwright moved acceptance of the donation of properties noted in the warranty deeds from the Prickly Pear Land Trust described as follows:**

**Lots 25 and 26 in Block 4 of the G.W. Shaw's Addition to the City of Helena, Lewis & Clark County, Montana as recorded in Book M16, Page 7602 in records of Lewis & Clark County, MT; and**

**Lots 27 and 28 in Block 4 of the G.W. Shaw's Addition to the City of Helena, Lewis & Clark County, Montana as recorded in Book M14, Page 7394 in records of Lewis & Clark County, MT; and**

**Tract 14 of Alpine Meadows shown on COS #488656/E, records of Lewis & Clark County, Montana and shown on COS #160590, Folio 277B, in records of Jefferson County, MT; and**

**Lot 14A of Alpine Meadows shown on COS #488656/E, records of Lewis & Clark County, Montana and shown on COS #160590, Folio 277B, in records of Jefferson County, MT; and**

**Tract 18A of Alpine Meadows shown on COS #3154625, in records of Lewis & Clark County, MT and shown on COS #230844, Folio 782-BBR, in records of Jefferson County, MT.**

Commissioner Thweatt seconded the motion. All voted aye, motion carried.

Commissioner Elsaesser spoke in support of the land donations. Commissioner Thweatt thanked PPLT for their work with the City of Helena.

Mayor Smith acknowledged the Open Space Bond Advisory Committee for their work on the original bond issuance to purchase open lands and noted HOLMAC has now assumed that responsibility.

***Intent to Annex***

CONSIDER A RESOLUTION OF INTENTION TO ANNEX THE FULL WIDTH OF LAUREL STREET RIGHT-OF-WAY NORTH OF AND INCLUDING THE INTERSECTION WITH STUART STREET, TO A POINT EVEN WITH THE NORTH SIDE OF THE ALLEY LOCATED BETWEEN STUART STREET AND HAUSER BOULEVARD ALL LOCATED IN LEWIS AND CLARK COUNTY, MONTANA, INTO THE CITY OF HELENA.

Staff Report

City Planner Dustin Ramoie reported the City of Helena proposes to annex the following right-of-way (ROW) to improve efficiency, minimize confusion for emergency providers and to provide a contiguous ROW to annex the property at 1801 Hauser Boulevard.

For the City of Helena to consider annexation of property under Montana Code Annotated Section 7-2-440, Annexation of contiguous government land, the owner of the property to be annexed must consent to annexation. Lewis & Clark County approved Resolution #2009-130 approving the annexation of the subject section of Laurel Street.

Mr. Ramoie recommended approval of the resolution of intention to annex as it is consistent with city policy and will allow for adequate street maintenance and assist emergency providers.

## Public comment

Mayor Smith called for public comment, none was received.

## Motion

**Commissioner Ellison moved approval of a resolution of intention to annex the full width of the Laurel Street ROW north of and including the intersection with Stuart Street, to a point even with the north side of the alley located between Stuart Street and Hauser Boulevard in Lewis & Clark County and set a public hearing date for February 22, 2010.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19718**

**Public Hearings**

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR THE BILL ROBERTS GOLF COURSE FOR THE 2010 SEASON.

## Staff Report

Parks & Recreation Director Amy Teegarden reported BRGC is an "enterprise program" which is expected to establish and maintain self-sustaining operations. In the past, BRGC has encumbered debt, borrowed from the general fund and has had difficulty in establishing a capital reserve program.

During the past year, city staff has been working with the Golf Advisory Board (GAB) in the development of a business management plan in an effort to provide guidance for maintenance, operations and fiscal management of the course. City staff and the GAB have analyzed the existing fiscal situation and have developed alternatives for reducing costs, improving cash flow and establishing a capital reserve program. Administrative policies have been reviewed and changes made as appropriate.

At the January 6, 2010 Administrative Meeting city staff presented a resolution of intention to raise golf rates approximately 3% for a total revenue increase of approximately \$47,975. This recommendation was supported by the GAB. Following Commission discussion at the meeting, city staff prepared a fee schedule to include a 5% non-city resident differential for green fees, cart rental and cart storage based on 50% of the estimated total green fees. The addition of the non-city resident rates is estimated to increase fee-based revenue by \$22,500. The draft resolution includes an approximate 3% increase on existing fees and an additional 5% increase on those rates for non-city residents. Director Teegarden noted the non-resident fee schedule has not been presented as a recommendation to the GAB.

## Commission comment

Commissioner Cartwright stated he likes the theory behind the resident and non-resident rate proposal; however, he is hesitant to do so without further discussion with the GAB.

Commissioner Cartwright asked for the size of BRGC. Director Teegarden stated the golf course is 145-acres. Commissioner Cartwright asked if he would be able to play frisbee on the golf course. Director Teegarden stated during the golf season, if you are on the course you have to be a paying customer or season pass holder. During the off season you cannot disc golf; however, when the weather allows there is cross country skiing. Commissioner Cartwright asked who maintains the cross-country ski trails. Director Teegarden stated there is a partnership between the City and the Nordic Ski Club, who maintains the trails.

Commissioner Cartwright asked if there are other Parks & Recreation Department activities that charge differential rates. Director Teegarden explained swim lessons charge different rates for residents and non-residents.

Commissioner Thweatt relayed some of the history of the funding of the golf course. The first portion was established in 1927 using city and federal funds. Improvements to the back nine holes were financed with a SID and are currently being paid off. In 2003 the golf course borrowed \$250,000 from the city's general fund that was to be paid back. Director Teegarden concurred and noted staff has been working on a pay-back schedule beginning in 2015. Commissioner Thweatt stated the golf course has no capital reserve fund and asked if staff foresees million-dollar expenses to repair and replace the irrigation system in the near future. Director Teegarden concurred and explained there are no cost estimates or designs for the irrigation system yet, staff's current goal is to keep the system solvent.

Commissioner Thweatt asked if there are other municipal courses that charge differential rates for residents and non-residents. Director Teegarden stated Whitefish, MT does and she has been told it is the industry standard in other communities in other states. Commissioner Thweatt asked staff if the golf course is currently self sufficient. Director Teegarden stated it is not. Commissioner Thweatt asked if the golf course is always used at capacity. Director Teegarden stated for the most part it is.

#### Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Jim Hill, 8462 N. Montana; spoke against the proposal for a different fee for non-city residents.

Phil Colbert, 1331 Waukesha; stated the Commission should not adopt a different rate for non-city residents. He stated he would support a 3% increase in the green fees; however, not to the specific services.

Kevin Hayes, 1700 Knight; spoke in support of a 3% increase to all fees and against different rates for residents and non-residents.

Robert Allen, 8665 Buffalo Horn Drive; spoke against the proposed differential rate for county residents.

Shelia Hill, 8462 N. Montana Avenue, member of the GAB; noted the GAB unanimously supported the 3% increase. Ms. Hill urged the Commission to vote against charging different rates based on residency.

John Pallister, Lewis & Clark County; stated the golf course has been in trouble for approximately ten years and has improved over the last few years. He urged the Commission to support the 3% increase recommended by the GAB and thanked current golf course staff for their work.

Roy Murray, 108 Willow Avenue; spoke against charging a different rate for non-city residents. Mr. Murray suggested other ways to generate revenues for the golf course.

Skip Hatveldt, 3000 Villard; spoke against the proposed differential rate. He asked city staff reduce their expenses by 3% if the rates are increased.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

**Commission Comments**

Commissioner Cartwright stated he would support the 3% increase; however, he would not support the 5% differential fee. Commissioner Cartwright stated the golf course must stay viable if it's going to continue; if it doesn't it becomes a very large park that has to be maintained. He commented all users currently pay for services to use the golf course, but don't pay for the underlying land.

Commissioner Cartwright then spoke of city services and the Helena residents who support the services by paying city taxes; these services are also used by county residents who do not have to pay the taxes. He encouraged the GAB to consider a rate structure based on residency for 2011.

Commissioner Elsaesser concurred with Commissioner Cartwright's comments and noted the Commission is significantly liable to make sure the golf course is solvent. He spoke of the general fund supporting the golf course and stated he would be interested in the differential rate at a future date.

Commissioner Thweatt stated that the city has an obligation to make sure the golf course is run as an enterprise fund. The city's green fees are lower than the county courses and he believes the differential fee is the correct option and city residents deserve a discount.

Commissioner Ellison noted eight people testified, both city residents and county residents, and not one supported the differential rate.

Mayor Smith stated he would support the 3% increase and would not support the proposed differential rate at this time. He stated he would like to work with the GAB over the next year to develop a new recommended rate for the 2011 season.

Director Teegarden noted the proposed resolution would need to be amended to remove the non-residential rates.

**Motion**

**Commissioner Thweatt moved approval of a resolution establishing fees to be charged for the Bill Roberts Golf Course for the 2010 season as proposed in the draft resolution.** Commissioner Elsaesser seconded the motion.

**Friendly Amendment**

**Commissioner Cartwright moved to amend the resolution by striking the non-residential fees and make a 3% increase across the board.**

Commissioner Thweatt opposed the amendment.

**Substitute Motion**

**Commissioner Cartwright moved approval of the resolution establishing fees for the 2010 season without the non-resident fees.** Commissioner Ellison seconded the motion. Motion carried 3-2 with Commissioners Thweatt and Elsaesser voting no. **Resolution #19719**

**Public**

PUBLIC COMMUNICATIONS



**Communications**

No public communications were given.

**Meetings of  
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, February 3, 2010 and the next Commission Meeting is Monday, February 8, 2010. The City/County Joint Work Session will be held Thursday, February 4, 2010.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 8:10 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission