

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 22, 2010
6:00 P.M.**

Time & Place

A regular City Commission meeting was held on Monday, February 22, 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 Deputy City Clerk Robyn Brown were present. Others present were Dan Bernhardt 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 February 8, 2010 were approved as submitted.

Appointments

APPOINTMENTS:

- A. Board of Adjustment
- B. Civic Center Board
- C. Non Motorized Travel Advisory Council
- D. Transportation Coordinating Committee

Mayor Smith asked for Commission concurrence on the following appointments:

Board of Adjustment - Appointment of Tracy Oulman to an expired term on the Board of Adjustment as the alternate member. Unexpired term will begin upon appointment and expire October 1, 2012.

Civic Center Board - Appointment of Steve Crider to the Civic Center Board; term will begin upon appointment and expire March 1, 2013. Appointment of Cheryl A. Garrett to an unexpired term on the Civic Center Board; term will begin upon appointment and expire March 1, 2012. Reappointment of the following Civic Center Board members: Craig Wilkerson, Chris G. Gadzia, C.W. "Skip" Hatveldt and Jeannie Pullin; terms will expire March 1, 2013.

Non-Motorized Travel Advisory Council - Appointment of Sarah Sadowski to an unexpired term on the Non-Motorized Travel Advisory Council; term will begin upon appointment and expire March 31, 2012.

Transportation Coordinating Committee - Appointment of Adam Kraft to the TCC as the non-voting city representative member; term will begin upon appointment and expire December 31, 2011.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval of the appointments to the Board of Adjustment, Civic Center Board, Non-Motorized Travel Advisory Council and Transportation Coordinating

Committee as outlined above. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Final passage of Ordinance No. 3122 amending the official zoning map, described in Section 11-1-3 of the Helena City Code, for a zone change from PLI (Public Lands and Institutions) District to R-4 (Residential-Office) and B-2 (General Commercial) Districts for property generally located north of Custer Avenue and west of York Road **Ord #3122**

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 Ellison moved approval of items A and B on the consent agenda. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Mayor Smith announced he would be in Washington, D.C. February 23 – 25, 2010, with Public Works Director John Rundquist and Wastewater Superintendent Don Clark visiting Montana's congressional delegation. It was noted Commissioner Elsaesser would be traveling to Washington D.C. as well.

Commissioner Ellison congratulated the Talking Saints of Carroll College for winning their 20th debate championship in a row. He spoke of attending the Boy Scout's 100th Birthday and the MT League of Women Voters 90th Birthday celebrations.

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 updated the Commission on the proposed Centennial Trail Project. Commissioner Cartwright spoke in support of the project.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Dan Bernhardt reported the HCC's next meeting is Wednesday, February 24, 2010 and the annual Neighborhood Fair will be held March 24, 2010 at the Civic Center.

Public Art

CONSIDER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND SIGN A CONTRACT WITH AN ARTIST TO INSTALL PUBLIC ART IN THE BUTTE/SANDERS STREET TRAFFIC CIRCLE.

Staff Report

City Planner Kathy Macefield reported the City Commission authorized \$15,000 in the FY2010 budget to install public art in the Butte Avenue/Sanders Street traffic circle. The Helena Public Art Committee (HPAC) solicited public art proposals for this location. Eight artists submitted proposals, including two artists who submitted more than one proposal.

The HPAC discussed the submitted proposals for the traffic circle at a special meeting on January 28, 2010. HPAC reviewed each of the submitted proposals to determine if they included the required information, and how they complied with the original selection criteria as stated in the RFP.

The HPAC ranked the artists' proposals using the following selection criteria:

1. Artistic merit as evidenced by the submitted materials;
2. Appropriateness of the concept to the location of the project;
3. Appropriateness of the materials and construction in terms of durability and low maintenance;
4. Professional qualifications; and
5. Demonstrated ability to undertake projects of a similar scope.

The HPAC is recommending the selection of "Take it Easy" by Kirsten Kainz of Belgrade, MT. The design with snails is intended to encourage traffic to slow down through the area and the art will be made of metal which is durable and intended to reduce maintenance requirements. Ms. Macefield recommended the Commission authorize the City Manager to negotiate and sign a contract with Ms. Kainz.

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| Commission comment | Commissioner Cartwright suggested Ms. Macefield look at how Missoula minimizes signage at their traffic circles. |
| Public comment | Mayor Smith called for public comment, Kirsten Kainz, artist; urged the Commission to support the HPAC recommendation. |
| Motion | <u>Commissioner Thweatt moved approval to authorize the negotiation of a contract with Kirsten Kainz in the amount of \$15,000 to install public art in the Butte/Sanders traffic circle, and authorized the City Manager to sign the contract.</u> Commissioner Cartwright seconded the motion. All voted aye, motion carried. |
| FY11 HATS Budget | CONSIDER THE PROPOSED FY2011 HELENA AREA TRANSIT SERVICE (HATS) PRELIMINARY BUDGET AND SECTION 5311 TRANSPORTATION ASSISTANCE, JOB ACCESS REVERSE COMMUTE (JARC), NEW FREEDOMS GRANT APPLICATIONS. |
| Staff Report | Assistant Public Works Director Phil Hauck reported the FY2011 Section 5311 Transportation Assistance Grant is a primary funding source for the HATS bus system. In FY2011 HATS will be requesting \$514,191 in 5311 operating funds and \$172,000 in capital funding for a new replacement bus. In addition, HATS will be requesting funding of \$66,071 through the Job Access Reverse Commute Grant. As the state designated lead transit agency for the Helena area, HATS will also include requests for grant funding for several other agencies: Rocky Mountain Development Council (RMDC) will be applying for a New Freedoms grant of \$67,424 and Spring Meadow Resources will be applying for \$82,650 in capital funding for a new bus and new van. Applications are due by March 1, 2010. Public notice of the grant requests were advertised February 2 and 16, 2010. Approval of these preliminary budgets for grant submittal purposes does not indicate |

Commission approval of the transit budgets. These budgets will be reviewed and may be changed by the Commission during the regular budget process.

The preliminary budget covers the cost of operations for HATS, the Helena Trolley and contracted services for FY2011. The total proposed operating budget for FY2011 is \$1,571,691. The requested federal match for the projected budget is \$580,262. Capital expenditures proposed for the HATS system include one new bus. The local match for these acquisitions in FY2011 is \$47,000 including the state's indirect cost allocation. The federal grant appropriation would be \$172,000.

Assistant Director Hauck recommended approval of the proposed preliminary FY2011 HATS budget to allow staff to complete the FY2011, Section 5311 Transportation Assistance, Job Access Reverse Commute and New Freedoms grant applications. The budget incorporates some recommendations identified in the 2007 Greater Helena Area Five Year Transit Plan Update. He added funding of the bus operation provides Helena area residents with the option to reduce energy consumption and green house gases by using public transportation instead of personal vehicles.

Commission comment Commissioner Ellison thanked Assistant Director Hauck for providing him with additional information on the HATS program.

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

Motion **Commissioner Cartwright moved approval of the proposed preliminary operating budget for the Helena Area Transit Service and Helena Trolley and authorized staff to complete and submit the FY2011 Section 5311 Transportation Assistance, Job Access Reverse Commute, New Freedoms Grant applications.**

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

Alley Vacation CONSIDER A RESOLUTION OF INTENTION TO VACATE THE FULL WIDTH OF THE ALLEY RIGHT-OF-WAY EAST OF LOTS 7-12 AND LOT 29, AND WEST OF LOTS 19-27, ALL IN BLOCK 37 OF THE CENTRAL ADDITION NO. 2.

Staff Report City Engineer Ryan Leland reported the applicant, Darla Agtarap, is requesting the vacation of an alley east of Lots 7-12 and 29 and west of Lots 19-27 in Block 37 of the Central Addition No.2. Qwest, Bresnan, and Northwestern Energy all have existing utilities in the portion of the alley right-of-way (ROW) proposed for vacation. All the utilities and the other property owner adjacent to the rest of the alley have been contacted and none have objections. The square footage of the alley to be vacated is 3288, with the square foot value ranging from \$3.83 per square foot to \$7.50 per square foot for a total value of \$20,082.96. Vacation of this alley will provide some of the area necessary to construct a new First Interstate Bank Building on the applicant's property.

Mr. Leland recommended approval of the alley vacation as the city will receive revenue from this proposed vacation and the bank will have enough property to install its parking area and drive-through facility.

Mr. Leland noted staff has no recommendation on this proposal. Staff has tried to form an SID in the area numerous times but it has always had too many protests to pass.

Commission comment

Commissioner Thweatt asked if the Commission could condition the variance on the applicant not protesting an SID in the future? Mr. Leland stated the City Attorney's Office has opined it is too much of a stretch to tie a sidewalk variance to the construction of a road. Attorney Nielsen stated the problem is the nexus between the condition and what is being requested seems to be a little tenuous to stand legal muster. He noted the Commission can order in sidewalks at any time, even when variances are granted, and recommended against a condition related to a future SID. Commissioner Thweatt asked if sidewalks would be paid for by the SID in addition to curb, gutter and pavement. Attorney Nielsen stated no, in some instances they have been installed with an SID and other times they have been installed independently. Commissioner Thweatt summarized the Commission doesn't need an SID to require sidewalks and curbs be installed. Attorney Nielsen concurred.

Commissioner Cartwright expressed concern for the wording of the recommended motion. Attorney Nielsen suggested the motion could read that the Commission is deferring installation of sidewalk until either Hillsdale Street is constructed to city standards or adjoining sidewalks are installed.

Commissioner Thweatt noted this section of Hillsdale is an important part of the pedestrian/bicycle route from east to west and spoke of ordering in sidewalks along the other properties on Hillsdale instead of deferring them for this property. City Engineer Leland noted a portion of Hillsdale has never been dedicated to the city so sidewalks could not be required on that portion. Attorney Nielsen commented the city would have a prescriptive ROW but the width of it would be limited to the traveled section and would probably not allow room for sidewalk.

Public comment

Mayor Smith called for public comment, Sarah Niccolai, applicant; noted she was available to answer questions.

Discussion

Commissioner Cartwright commented sidewalks need to be installed on Shiland; however, Hillsdale is level and can wait until sidewalks are installed on the entire length. Commissioner Elsaesser indicated he would support the motion because the construction is due to a fire but noted he would be comfortable requiring sidewalks even if they are on a dirt road.

Motion

Commissioner Cartwright moved approval of deferral of installation of sidewalks along Hillsdale Street adjacent to 27 Shiland Street until either Hillsdale Street is constructed to city standards or adjoining sidewalks are installed. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

***Renaming of
Beltview Park***

CONSIDER RENAMING BELTVIEW PARK THE SELMA HELD PARK.

Staff Report

City Parks & Recreation Director Amy Teegarden reported in January, 2010, the City/County Parks Board approved a request by

representatives of the Growing Community Project and Friends of Beltview park to rename Beltview Park to the Selma Held Park.

Ms. Selma Held was well known and respected in the neighborhood and community. She was a resident of Helena since 2001 and passed away in August 2009, at the age of 88. She was instrumental in gaining community and Commission support for the development of six new neighborhood parks including converting the 5.83-acre undeveloped park (Beltview) across the street from her house. Selma spoke publically in support of general fund financing for the development of the parks, helped to organize neighborhood surveys, design workshops and the formation of a non-profit organization, "The Friends of Beltview Park". Following her death, her family established a memorial fund to support the construction of a future pavilion at Beltview Park.

According to the park naming policy, existing parks which have never been named through an act of the City Commission may be named according to: location, donation as a gift, direct purchase, direct involvement and extraordinary service. Ms. Held's support and involvement in Beltview Park meet the criteria for direct involvement and extraordinary service. Currently the park is named Beltview based on its location along Beltview Drive.

Director Teegarden recommended renaming the park in order to honor former Helena resident who dedicated her final years to gain support and funding to ensure that neighborhood park designs included local involvement and funding for construction.

Commission comment Commissioner Thweatt asked when the park was established? Director Teegarden stated it was created through subdivision approximately 19-20 years ago. Commissioner Thweatt asked if the name Beltview Park has become the name in common usage for this land. Director Teegarden explained until just recently the property has been an undeveloped piece of land and there have never been any signs denoting Beltview Park.

Public comment Mayor Smith called for public comment.
 Cyndi Forbes, 2526 Heritage Drive; spoke in support of renaming the park.
 Brian Shovers, 210 S. California; spoke in support of renaming the park.
 John Forbes, 2526 Heritage Drive; spoke in support of renaming the park.
 Jim Burton, Friends of Beltview Park; spoke in support of renaming the park.
 Janet Hess-Herbert, Growing Community Project; spoke in support of renaming the park.
 Dan Bernhardt, 1875 Peosta; spoke in support of renaming the park.

Motion **Commissioner Ellison moved to rename Beltview Park to the Selma Held Park.** Commissioner Thweatt seconded the motion. All voted aye, motion carried.

Intent to Annex CONSIDER A RESOLUTION OF INTENTION TO ANNEX THE FULL WIDTH OF THE ITASCA STREET RIGHT-OF-WAY ADJACENT TO LOTS 1-6, BLOCK 189 AND THE FULL WIDTH OF THE LAUREL ST.

RIGHT-OF-WAY ADJACENT TO LOTS 1-2, BLOCK 192, INCLUDING THE FULL INTERSECTION OF SAID STREETS ALL IN THE BRADFORD ADDITION IN LEWIS AND CLARK COUNTY.

Staff Report

City Planner Dustin Ramoie reported a request to annex these rights-of-way (ROW) has been submitted by Lewis & Clark County via Resolution #2010-34. The City of Helena Department of Public Works is planning the construction of the Le Grand Cannon Boulevard roadway.

Mr. Ramoie recommended approval of the resolution of intention as annexation of the Row will allow the construction of a modern and safe intersection and roadway with Le Grande Cannon Boulevard, Laurel Street, and Itasca Street. It will also provide more contiguous ROW which allows for better access by police and fire services.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Cartwright moved approval of a resolution of intention to Consider a resolution of intention to annex the full width of the Itasca Street right-of-way adjacent to Lots 1-6, Block 189 and the full width of the Laurel St. right-of-way adjacent to Lots 1-2, Block 192, including the full intersection of said streets all in the Bradford Addition in Lewis and Clark County and set a public hearing date of March 22, 2010. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19723**

Res. of Annexation

CONSIDER A RESOLUTION ANNEXING LOTS 9 THROUGH 11, BLOCK 162 OF THE BRADFORD ADDITION AND THE FULL WIDTH OF THE ADJACENT HAUSER BOULEVARD AND LAUREL STREET RIGHTS-OF-WAY.

Staff Report

Planner Ramoie reported the applicant, Jill Caldwell, is applying for annexation for her property at 1801 Hauser Boulevard. The property can be served by city water and wastewater services. Resolution of Intent to Annex #19715 was passed on December 21, 2009. All established conditions for annexation set forth in that resolution have been met by the applicant.

Mr. Ramoie recommended approval of the resolution as it will provide water and wastewater services to a property with a failed well and remove a septic system from an area with high groundwater sensitivity.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Elsaesser moved approval of a resolution annexing Lots 9-11, Block 162 of the Bradford Addition, Helena Montana; and the full width of the adjacent Hauser Boulevard and Laurel Street ROW all located in Lewis & Clark County, into the City of Helena, Montana. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #19724**

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION ANNEXING CONTIGUOUS GOVERNMENT PROPERTY, BEING A PORTION OF LAUREL STREET IN LEWIS AND CLARK COUNTY

GENERALLY LOCATED SOUTH OF HAUSER BOULEVARD AND NORTH OF STUART STREET INTO THE CITY OF HELENA, MONTANA.

Staff Report

Planner Ramoie reported Lewis & Clark County is requesting to annex the full width of the Laurel Street ROW north of an including the intersection with Stuart Street, to a point even with the north side of the alley located between Stuart Street and Hauser Boulevard. This annexation is being proposed to facilitate the final annexation of the property at 1801 Hauser Boulevard.

Mr. Ramoie recommended approval of the proposed annexation as it will finalize the annexation of 1801 Hauser Boulevard and provide a contiguous ROW for police and fire services to serve the property.

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.

Commission comment

Commissioner Cartwright spoke of the proposed westside sewer district that was voted down by the residents. He stated he is not interested in annexing additional properties in this area if the collective area is not interested in working with the city.

Motion

Commissioner Ellison moved approval of a resolution annexing contiguous government property, being a portion of the Laurel Street ROW, into the City of Helena, Montana. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19725**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

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

Commissioner Ellison announced he would be in Missoula, Montana on March 4, 2010.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:18 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission