

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 23, 2010
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 23, 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 Ellison, Thweatt and Elsaesser were present. Commissioner Cartwright was excused. City Manager Ron Alles, City Attorney David Nielsen and City Clerk Debbie Havens were present. Others present were Jim McCormick 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 August 9, 2010 were approved as submitted.

Appointments APPOINTMENTS:
A. City-County Planning Board
B. Helena Regional Airport Board

Mayor Smith asked for Commission concurrence on the following appointments:

City/County Planning Board – Reappointment of Marshall Gingery to a second term. Term will begin upon appointment and expire September 1, 2013.

Helena Regional Airport Authority – Appointment of Janice Schenk to the Helena Regional Airport Authority. First term will begin upon appointment and expire September 1, 2013.

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

Motion **Commissioner Ellison moved approval of the appointments to the City/County Planning Board and Airport Authority as outlined above.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Acceptance of the Helena Open Lands FY-10 Forest Health - Western Bark Beetle Grant awarded and administered by the Montana Department of Natural Resources and Conservation
C. Resolution providing for the annual tax levy in mills for fiscal year July 1, 2010 through June 30, 2011 **Resolution #19767**
D. Supplemental Memorandum of Agreement with Montana Department of Transportation to set value of City's parcel donated to the Custer Interchange Project and allow credit against City's obligation for water/sewer relocation costs for the Project

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 through D on the consent agenda. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Mayor Smith thanked Commissioner Cartwright for chairing the August 9th City Commission meeting.

Commissioner Ellison reminded everyone that school will be starting soon and to slow down in school zones.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. Fire Department Promotion – Captain Scott Bockman

Fire Chief Steve Larson announced Firefighter Scott Bockman was recently promoted to the rank of Captain. Chief Larson gave Captain Bockman's training and work history and congratulated him on his promotion.

Mayor Smith, on behalf of the City Commission, congratulated Captain Bockman on his promotion and issued the Firefighter's Oath of Office.

Captain Bockman thanked the Commission for their recognition.

B. Helena Housing Authority – Recognition of Officer Roy Tanniehill

Police Chief McGee introduced Helena Police Department (HPD) Officers in attendance. He then recognized Officer Tanniehill's service to the Helena Police Department and gave his work history. Chief McGee introduced Helena Housing Authority Executive Director Josh LaFromboise to present a recognition plaque to Officer Roy Tanniehill for his work with the Helena Housing Authority (HHA).

Director LaFromboise presented a plaque to Officer Tanniehill and thanked him and the Helena Police Department for their continued partnership with the HHA.

Officer Tanniehill thanked the Executive Director LaFromboise for the plaque and kind words. He acknowledged the mentors during his career and introduced and thanked his wife and children for their support.

Officer Tanniehill spoke of the importance of being a police officer with the HPD and the impact it has on the citizens of Helena.

Mayor Smith and Commissioners Elsaesser, Ellison and Thweatt thanked Officer Tanniehill for his service and recognized him as an outstanding officer.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Jim McCormick reported the HCC will hold its next regular meeting on Wednesday, August 25, 2010. The council's current focus is completing their VISTA Application which is due in September.

Ord. No. 3129

FINAL PASSAGE OF ORDINANCE NO. 3129 PERMITTING GENERAL RETAIL SALES BY RIGHT IN THE COMMERCIAL LIGHT MANUFACTURING DISTRICT AND CONSOLIDATING THE DEFINITIONS OF GENERAL/SPECIALTY SALES AND SECONDHAND SALES BY AMENDING SECTION 11-2-3 AND 11-2-4 OF THE HELENA CITY CODE. (TABLED ON AUGUST 9, 2010)

Ord. No. 3132

FINAL PASSAGE OF ORDINANCE NO. 3132 PERMITTING COMMUNITY RESIDENTIAL FACILITIES, TYPE II, (13 OR MORE RESIDENTS) IN THE R-4/RO RESIDENTIAL DISTRICTS BY AMENDING SECTION 11-2-3 OF THE HELENA CITY CODE. (TABLED ON AUGUST 9, 2010)

Staff Report

Zoning Officer Elroy Golemon reported the Helena Zoning Commission conducted a work session this spring to discuss additional amendments to the Zoning Ordinance Land Use Table and definitions. On Tuesday, June 08, 2010 the Helena Zoning Commission held a public hearing to consider the adoption of Ordinances amending the Land Use Table for Zoning Districts for Uses such as Community Residential Facilities Type I (1-12 residents) and Type II (13 or more residents), Emergency Shelters, Indoor Entertainment, Sports and Recreation, General/Specialty Sales, Secondhand Sales/Auction Sales and amending the definitions of lot coverage, garage entrance setbacks and general/specialty sales.

The Zoning Commission made no recommendation for the adoption of an ordinance amending the Land Use Table for Zoning Districts in Section 11-2-3 making Community Residential Facility, Type I as a permitted use in the PLI District. The Zoning Commission recommended approval of the other amendments.

Mr. Golemon recommended approval of the proposed amendments as they are consistent with the City of Helena Growth Policy. In addition, the proposed zoning ordinance amendments support and encourage mixed use development. Further, the proposed amendments and could improve access for all citizens to uses and services such as: public transportation; places of employment; commercial businesses; government services and centers; cultural and recreational activities; and affordable housing options. They will also encourage a more efficient use of the land and possible infill development.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval for final passage of Ordinance No. 3129 permitting General Retail Sales by right in the Commercial Light Manufacturing District and consolidating the definitions of General/Specialty Sales and Secondhand Sales by amending Section 11-2-3 and 11-2-4 of the Helena City Code.

Commissioner Thweatt seconded the motion.

Discussion

Commissioner Elsaesser commented he would oppose this ordinance. He is fine with consolidating the definition of sales; however, he is not in support of allowing general retail sales by right in the CLM District. He believes the CUP process works and would continue to work.

Commissioner Thweatt asked Planner Golemon to respond to Commissioner Elsaesser's comments and explain why the ordinance has been proposed. Zoning Officer Golemon explained the current CUP process in the CLM District and what type of conflicts may occur with permitting general retail sales by right.

Mayor Smith and Commissioner Ellison spoke in support of the proposed ordinance.

Substitute Motion

Commissioner Elsaesser moved to amend page 5 to strike "general retail be permitted" and CUP be restored to the proposed ordinance. Motion died for a lack of a second.

Vote- original motion

Motion carried 3-1 with Commissioner Elsaesser voting no.
Ordinance #3129

Motion

Commissioner Ellison moved approval for final passage of Ordinance No. 3132 permitting Community Residential Facilities, Type II, (13 or more residents) in the R-4/R-O Districts by amending Section 11-2-3 of the Helena City Code. Commissioner Thweatt seconded the motion.

Discussion

Commissioner Elsaesser stated he would be opposing the motion and explained he would like to continue to use the CUP process.

Commissioner Ellison spoke of the federal housing guidelines City Attorney Nielsen reviewed at the August 18, 2010 Administrative Meeting and indicated he would vote in support of the ordinance.

Vote

Motion carried 3-1 with Commissioner Elsaesser voting no.
Ordinance #3132

Guardian Building

CONSIDER ALLOCATION OF COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM FUNDS (CTEP) – GUARDIAN BUILDING SIDEWALK PROJECT. (TABLED ON AUGUST 9, 2010)

Staff Report

Public Works Director John Rundquist reported in January of 2010, the Public Works Department asked the Helena community to submit project proposals for the CTEP Program. Eligible projects include but are not limited to pedestrian & bicycle facilities, education, landscaping and historic preservation. Public Works received 19 requests for CTEP funding. Projects were reviewed and ranked by the Non-motorized Travel Advisory Council and Public Works staff. A public open house was conducted on May 12, 2010 to gather community input.

Staff is proposing the allocation of CTEP funding for the following project:

- **Guardian Building sidewalk repair (\$36,700).** This project was discussed but not approved at the August 9, 2010 City Commission meeting. This sidewalk does pose a safety issue for the general public and a determination by the City Commission on the use of CTEP funds would be helpful to the

Guardian Condominium Association, who first asked for assistance on this matter in 2006. The project would repair a deteriorated concrete walkway that provides ADA access to the Walking Mall from City Parking Lot 9. The required 13.42% project match will be provided by the Guardian Condominium Association.

The current CTEP balance after the approval of Centennial Trail, Way to Go Campaign and the Broadway ADA crossing is \$400,802.77. If the above project is approved the balance would be reduced to \$364,102.77.

Director Rundquist recommended approval of the CTEP project as it would provide a safe pedestrian access along the north side of the Guardian Building from Parking Lot #9 to the downtown walking mall.

Discussion

Commissioner Elsaesser asked what the new design would look like. Director Rundquist explained the design would be similar to the current ramp; however, the issue of corrosion would be addressed. Discussion was held on the cost of the project.

Mayor Smith spoke on the public benefit of this access; he requested if it is approved that additional signage be installed to let people know it exists.

Commissioner Thweatt stated he is not inclined to support staff's recommendation to use CTEP funding for the project.

Public Comment

Mayor Smith asked for public comment.

Jim McHugh, Business Improvement District Executive Director; spoke in support of the proposal to use CTEP funds for the Guardian Building sidewalk repair. Mr. McHugh committed to installing additional signage as recommended by Mayor Smith.

Blair Williams, Helena; asked if it would also be possible to allocate CTEP funding to improve the sidewalk on Park Avenue adjacent to this ramp. There are safety concerns that there isn't a connection to the sidewalk from Park Avenue.

Public Works Director John Rundquist stated staff could look at better access in the area as a CTEP project. He noted signage could also be a part of the project.

Motion

Commissioner Thweatt moved approval to allocate CTEP funds for the Guardian Building sidewalk repair in the amount of \$20,000, contingent upon construction beginning one-year from today. Commissioner Elsaesser seconded the motion.

Commissioner Thweatt explained his motion and referenced the easement with Guardian Building ownership outlining the maintenance of the sidewalk. Commissioner Thweatt stated he believes the original design was defective and the owners should be responsible for its repair.

Discussion was held on the time-frame for the project. Director Rundquist stated one-year is a responsible time-frame; however, if the CTEP project is not approved through the state in one year, the timeline would have to be extended. Commissioner Thweatt commented the intent of the time-frame in the motion is to perform the repairs in a timely fashion.

Commissioner Ellison commented he would not support the motion to fund it at \$20,000. Mayor Smith concurred with

Commissioner Ellison's comments.

Vote Motion failed 2-2, with Mayor Smith and Commissioner Ellison voting no.

Motion Commissioner Ellison moved to allocate CTEP funds in the amount of \$37,500 for the Guardian Building sidewalk repair project. Commissioner Elsaesser seconded the motion.

Commissioner Elsaesser asked that Ms. Williams' comments regarding the sidewalks be taken into consideration by staff.

Commissioner Thweatt noted he would support the motion as the project needs to be completed; however, he still believes the owners have a legal obligation to pay a larger amount of the total cost.

Commissioner Ellison thanked Commissioners Thweatt and Cartwright for the background work they did on the project.

Vote All voted aye, motion carried.

Zone Change CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA FOR A ZONE CHANGE FROM CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT TO R-O (RESIDENTIAL OFFICE) DISTRICT FOR PROPERTY GENERALLY LOCATED SOUTH OF REED AVENUE AND WEST OF GREEN MEADOW DRIVE. (TABLED ON AUGUST 9, 2010)

Staff Report Planner Golemon reported on Tuesday, July 13, 2010, the Helena Zoning Commission held a public hearing on the proposed zone change and made no recommendation, (2:2 vote), with one abstention, for the adoption of an ordinance for a zone change from, CLM District to an R-O District for property legally described in the attached staff report.

The proposed zone change from CLM to R-O District for the subject properties is consistent with the Montana Zone Change Criteria, Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses. Mr. Golemon recommended approval of the ordinance.

Discussion Commissioner Thweatt asked for the past history on the proposed zoning for the area. Planner Golemon explained the process that was used to designate the current zoning and the subject proposal with the zone change. He noted some of the neighbors feel it is important to protect the CLM uses and continue to have the non-conforming residential uses.

Public Comment Mayor Smith asked for public comment.
Alan Boch, property owner and applicant; spoke in support of the zone change. Mr. Boch noted the existing CLM uses would continue to be allowed with the zone change.

Motion Commissioner Elsaesser moved approval of first passage of an ordinance amending City of Helena Ordinance No. 2359 and amending the official zoning map, for a zone change from CLM District to R-O District for property legally described in the ordinance. Commissioner Ellison seconded the motion.

Commissioner Elsaesser stated he would support first passage of the ordinance as this area is a mixed-use neighborhood and the proposed zoning seems reasonable.

Commissioner Ellison noted there are three items he has concerns with regarding the zone change; there has been neighborhood opposition, the current zoning was designated very recently, and Mr. Boch's statements that he wasn't aware of the zoning when he purchased the property.

Commissioner Thweatt stated he would oppose the zone change as it is being proposed too soon after the initial zoning designation. Mayor Smith stated he too would oppose the change.

Vote

Motion failed 2-2 with Mayor Smith and Commissioner Thweatt voting no.

Public Hearings

PUBLIC HEARINGS:

Administrative Services Director Tim Magee recommended presenting the staff reports for items A-G with one public hearing and separate motions. City Attorney Nielsen concurred.

- A. CONSIDER RESOLUTIONS OF INTENTION TO LEVY AND ASSESS ANNUAL CHARGES ON THE FOLLOWING DISTRICTS FOR FISCAL YEAR 2011:
1. OPEN SPACE MAINTENANCE DISTRICT
 2. SIDEWALK IMPROVEMENT PROGRAM
 3. SPECIAL IMPROVEMENT DISTRICTS (SID'S)
 4. STORM WATER UTILITY
 5. STREET LIGHTING DISTRICTS
 6. TREE PLANTING AND MAINTENANCE DISTRICT

Staff Report

Administrative Services Director Tim Magee reported each year the City Commission must levy and assess annual charges on the following districts in order for them to be placed on the upcoming tax bills. Director Magee explained the proposed assessments:

Open Space Maintenance District: The proposal is to continue the current assessment rate of a minimum \$17.00 per parcel plus \$0.00215 per square foot of impervious area in excess of 2,222 square feet.

Sidewalk Improvement Program: The Sidewalk Improvement Program Resolution of Intention shows the total amount of annual assessments that will be placed on the tax bills for the 2010 and prior programs.

Special Improvement Districts (SIDs): The SID assessments are necessary to cover the annual payments for the outstanding debt.

Storm Water Utility: A rate increase of up to 5.72% will be considered. There is no change in the method of assessment.

Street Lighting Districts: Street Lighting districts assessments are based upon the anticipated cost of electric utility bills and administrative services.

Tree Planting and Maintenance District: The proposal is to levy the assessment at the rate of \$10 per GEO code or parcel as allowed by the district.

Director Magee noted the public hearings will provide an opportunity for input on the assessments and approval of the resolutions will provide the necessary funding for annual operation of the districts.

B. CONSIDER A RESOLUTION AMENDING THE BOUNDARIES AND LEVYING AN ASSESSMENT UPON ALL PROPERTY IN STREET MAINTENANCE DISTRICT #1 ("DISTRICT") TO DEFRAY THE COST OF PROVIDING STREET MAINTENANCE FOR FISCAL YEAR 2011

Staff Report

Administrative Services Director Tim Magee reported each year the City Commission must levy and assess annual charges on the District in order for them to be placed on the upcoming tax bills. On July 26, 2010 the City Commission adopted Resolution No. 19754 which amended the district boundaries, specified the district assessment option and levied an assessment rate upon all property in said district. The proposed rate is an 11.72% increase in Street Maintenance District annual charges.

The Street Maintenance District #1 assessment is based on square footage rates and the type of property as classified in the Resolution of Intention. As a result of the 2009 Impact Fee Service Area Report for the Greater Helena Area, which determined that dwelling units within mobile home parks have forty percent (40%) of the transportation impact per unit of Single Family ("Residential") dwelling units, it is proposed that the Property Type "Commercial Residential" for mobile homes within a mobile home park be reclassified as "Manufactured or Mobile Home Dwelling Units" within a licensed mobile home park and assessed a rate of 40% of the "Residential" property type.

C. CONSIDER A RESOLUTION TO INCREASE WATER CHARGES FOR ALL CUSTOMERS.

Staff Report

Administrative Services Director Tim Magee reported each year the City Commission may adjust water charges for services or equipment. The FY2011 Annual Budget and management discussions call for funding of essential services, including:

- Providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components;
- Annually reviewing rates to:
 - Ensure adequate funding of operations, maintenance, and debt;
 - Address and consider funding up to 50% of the annual CCIP schedule of capital project priorities;
 - Provide for part or all of the impact of inflation; and
 - Make incremental rate changes that are regular and predictable for citizens...

The water charges include recommended increases to cover the costs of providing those services or equipment to customers.

Director Magee noted approval of the resolution will allow the department to establish charges to fund the water operating and capital systems for FY2011.

D. CONSIDER A RESOLUTION TO INCREASE WASTEWATER CHARGES FOR ALL CUSTOMERS

Staff Report

Administrative Services Director Tim Magee reported each year the City Commission may adjust wastewater charges for services or equipment. The FY2011 Annual Budget and management discussions call for funding of essential services, including:

- Providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components;
- Annually reviewing rates to:
 - Ensure adequate funding of operations, maintenance, and debt;
 - Address and consider funding up to 50% of the annual CCIP schedule of capital project priorities;
 - Provide for part or all of the impact of inflation; and
 - Make incremental rate changes that are regular and predictable for citizens...

The wastewater charges include recommended increases to cover the costs of providing those services or equipment to customers.

Director Magee noted approval of the resolution will allow the department to establish charges to fund the water operating and capital systems for FY2011.

E. CONSIDER A RESOLUTION TO INCREASE WATER RATES UP TO 6.72% FOR ALL CUSTOMERS.

Staff Report

Administrative Services Director Tim Magee reported each year the City Commission may adjust the water rates. The FY2011 Annual Budget and management discussions call for funding of essential services, including:

- Providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components;
- Annually reviewing rates to:
 - Ensure adequate funding of operations, maintenance, and debt;
 - Address and consider funding up to 50% of the annual CCIP schedule of capital project priorities;
 - Provide for part or all of the impact of inflation; and
 - Make incremental rate changes that are regular and predictable for citizens...

Water rates were last increased in November 2009. Public hearing notices provided for the City Commission to consider increasing water rates up to 6.72%.

Director Magee noted approval of the resolution will allow the department to establish charges to fund the water operating and capital systems for FY2011.

F. CONSIDER A RESOLUTION TO INCREASE WASTEWATER RATES UP TO 4.72% FOR ALL CUSTOMERS

Staff Report

Administrative Services Director Tim Magee reported each year the City Commission may adjust the wastewater rates. The FY2011 Annual Budget and management discussions call for funding of essential services, including:

- Providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components;
- Annually reviewing rates to:
 - Ensure adequate funding of operations, maintenance, and debt;
 - Address and consider funding up to 50% of the annual CCIP schedule of capital project priorities;
 - Provide for part or all of the impact of inflation; and
 - Make incremental rate changes that are regular and predictable for citizens...

Wastewater rates were last increased in November 2009. Public hearing notices provided for the City Commission to consider increasing water rates up to 4.72%.

Director Magee noted approval of the resolution will allow the department to establish charges to fund the water operating and capital systems for FY2011.

G. CONSIDER A RESOLUTION ESTABLISHING AN ASSESSMENT INCREASE UP TO 6.32% FOR COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE IN THE CITY OF HELENA, MONTANA FOR FISCAL YEAR 2011.

Staff Report

Administrative Services Director Tim Magee reported each year the City Commission may adjust charges and fees for collection and disposal of residential garbage and refuse (Residential Solid Waste Operating and Capital). Approval of the resolution will adjust the rates. The FY2011 Annual Budget and management discussions call for funding of essential services, including:

- Providing annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components;
- Annually reviewing rates to:
 - Ensure adequate funding of operations, maintenance, and debt;
 - Address and consider funding up to 50% of the annual CCIP schedule of capital project priorities;
 - Provide for part or all of the impact of inflation; and
 - Make incremental rate changes that are regular and predictable for citizens.

Public hearing notices provided for the City Commission to consider increasing charges and fees for Residential Solid Waste Operating and Capital up to 6.32%.

In addition to a rate increase, two options are still under consideration by the City Commission:

1. Continue limiting the Residential Solid Waste categorization to residential structures with up to 4 units, leaving residential structures with over 4 units classified as commercial.
2. Change the Residential Solid Waste categorization to include all residential units and establishing a sliding rate scale for multiple unit structures.

Director Magee noted approval of the resolution would establish rates to fund the Residential Solid Waste Operating and Capital for fiscal year 2011.

Discussion

Commissioner Elsaesser asked for clarification on the proposed discount for mobile homes parks in the Street Maintenance District and asked if there are other entities that receive a discount. Director Magee explained there are currently residential and commercial classifications and the proposal is to split mobile home parks and classify them separately. Commissioner Elsaesser asked if the proposal is the result of the streets being maintained by the park owners. Director Magee explained it is the result of the 2009 Impact Fee Study.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission on items 14A-14G.

Ed McHugh, representing the McHugh Mobile Home Park; stated the mobile home park provides affordable living for its residents and asked the Commission to carefully consider the percentage of increases on all the assessments.

Andy Skinner and Steve Skinner, Box 5447, Helena; spoke regarding Street Maintenance District assessments. Mr. Andy Skinner stated he appreciates staff's recommendation to classify mobile home parks separately. However, he expressed concerns with Section 2C.i. – the classification of vacant land and the storage of personal property. He offered to meet with City Manager Alles and City Attorney Nielsen to address these concerns.

Mr. Steve Skinner also expressed concern for Section 2C.i. of the resolution.

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

Motion

Commissioner Ellison moved approval of a resolution to levy and assess annual charges on the Open Space Maintenance District for Fiscal Year 2011. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19768**

Motion

Commissioner Ellison moved approval of a resolution to levy and assess annual charges on the Sidewalk Improvement Program for Fiscal Year 2011. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19769**

Motion

Commissioner Ellison moved approval of a resolution to levy and assess annual charges on Special Improvement Districts (SID's) for Fiscal Year 2011. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19770**

Motion

Commissioner Ellison moved approval of a resolution to levy and assess annual charges of 5.72% on the Storm Water Utility District for Fiscal Year 2011. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19771**

Motion

Commissioner Ellison moved approval of a resolution to levy and assess annual charges on the Street Lighting Districts for

Fiscal Year 2011. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19772**

Motion **Commissioner Ellison moved approval of a resolution to levy and assess annual charges on the Tree Planting and Maintenance Districts for Fiscal Year 2011.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19773**

Motion **Commissioner Ellison moved approval of a resolution confirming increasing Street Maintenance District #1 annual charges by 11.72%.** Commissioner Thweatt seconded the motion.

Discussion Commissioner Ellison asked for clarification on the issues presented by Mr. Skinner and asked what triggers the charges for storage of personal property. City Attorney Nielsen commented staff tries to balance the benefit versus the assessment costs and explained how properties are classified. Attorney Nielsen acknowledged the Skinners may use their property for limited storage; however, the city cannot get into that level of detail when setting an assessment.

Commissioner Elsaesser asked if staff knows the number of properties that may have the same issues as explained by Mr. Skinner. Director Magee explained the number of properties hasn't been identified.

Vote All voted aye, motion carried. **Resolution #19774**

Motion **Commissioner Elsaesser moved approval of a resolution setting water charges for all customers of the City of Helena water system by 5%.**

Withdrawn Commissioner Elsaesser withdrew the motion.

Motion **Commissioner Elsaesser moved approval of a resolution setting water charges for all customers of the City of Helena water system.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution #19775**

Motion **Commissioner Ellison moved approval of a resolution setting wastewater charges for all customers.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19776**

Comment Commissioner Elsaesser explained he would support raising water rates by 5%.

Motion **Commissioner Elsaesser moved approval of a resolution increasing water rates 5%.** Commissioner Ellison seconded the motion. Motion carried 3-1 with Commissioner Thweatt voting no. **Resolution #19777**

Motion **Commissioner Elsaesser moved approval of a resolution increasing wastewater rates by 4%.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution #19778**

Motion

Commissioner Elsaesser moved approval of a resolution increasing charges and fees for collection and disposal of residential garbage and refuse of 5% while continuing to limit the Residential Solid Waste categorization to residential structures with up to four units. Commissioner Ellison seconded the motion.

Commissioner Elsaesser stated the motion would keep categorization status quo, the same as last year. City Manager Alles concurred.

Vote

Motion carried 3-1 with Commissioner Thweatt voting no.

Resolution #19779

- H. CONSIDER A RESOLUTION APPROVING THE WORK PLAN AND BUDGET FOR THE BUSINESS IMPROVEMENT DISTRICT (BID) FOR FISCAL YEAR 2011.
- I. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT FOR THE BUSINESS IMPROVEMENT DISTRICT (BID) FOR FISCAL YEAR 2011.

Staff Report

Administrative Services Director Tim Magee reported on August 9, 2010, the City Commission adopted a resolution creating the BID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the BID to submit its budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget.

Director Magee noted approval of the resolution allows for public input on the BID's work plan and budget. In addition, State law requires the Commission's approval of the budget and work plan.

The BID is not requesting any change to the assessment methodology, however an additional clarification is provided in the resolution that distinguishes how the assessment methodology is to be applied to private property and public property within the district. The complete methodology is outlined in the resolution and is in accordance with the prescribed methodologies allowed by state law (7-12-1133, MCA). The BID's proposal is, after receiving public comment, the City Commission approve the resolution levying an assessment to defray the costs of the budget and work plan for fiscal year 2010 as submitted.

Public Testimony

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

Jim McHugh, BID Director; spoke in support of the resolutions approving the work plan and budget and levying the assessment. Mr. McHugh explained proposed changes to the budget. He also committed to working with the retail community in the downtown area.

Greg Allen, Downtown property owner; spoke on the process for renewal of the BID and the inclusion of city properties.

Beth Angelee, Placer Center condo owner; stated her BID assessment will be approximately \$1,000 and asked for clarification on what her assessment will pay for.

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

Thorough discussion was held on the process for renewal of the BID. It was noted there were sufficient signatures to move forward with the process for creation of the BID prior to public properties being added to the district.

Commissioner Ellison commented he has read through the work plan and asked Mr. McHugh what recruitment efforts for the BID Board will consist of. Mr. McHugh stated the BID Board and staff has heard the concerns of business owners and the City Commission and will perform outreach; however, anyone who qualifies can apply to sit on the BID/HPC board.

Motion Commissioner Ellison moved approval of a resolution approving the work plan and budget for the Business Improvement District for Fiscal Year 2011. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19780**

Motion Commissioner Ellison moved approval of a resolution levying an assessment for the Business Improvement District for Fiscal Year 2011. Commissioner Elsaesser seconded the motion.

Commissioner Elsaesser spoke of concerns expressed by BID business owners and encouraged staff to work to alleviate those concerns.

Commissioner Thweatt expressed concern for the residential assessments and asked if the Commission could discuss the methodology for FY2011. City Attorney Nielsen stated it is feasible to discuss the assessment methodology; however, he would not recommend doing it for FY2011.

Mayor Smith stated he will support the resolutions; however, following discussions at the August 18, 2010 Administrative Meeting he'd like the BID Board and staff to begin to think differently.

Vote All voted aye, motion carried. **Resolution #19781**

- I. CONSIDER A RESOLUTION APPROVING THE WORK PLAN AND BUDGET FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR FISCAL YEAR 2011.
- K. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR FISCAL YEAR 2011.

Staff Report Director Magee reported on April 20, 2009, the City Commission passed Resolution #19644 which created the TBID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the TBID to submit its budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget.

Approval of the resolution allows for public input on the TBID's work plan and budget. In addition, State law requires the Commission's approval of the budget and work plan.

On April 20, 2009, the City Commission passed Resolution #19644 which created the TBID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the TBID to submit its budget and work plan to the City Commission for approval and to

recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget.

The assessment methodology is an allowable method under 7-12-1133, MCA and is outlined in the resolution. The TBID's proposal is, after first having the TBID budget and work plan approved (separate resolution) and after receiving public comment, that the City Commission approve the assessment methodology as submitted and levy an assessment on all property within the TBID to defray the costs of the district for fiscal year 2011.

Approval of the resolution allows for public input on the TBID's assessment methodology and levy. In addition, State law requires the Commission's approval of the method of levying the assessment.

Public Testimony

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

Marti Bara, TBID Board Member; spoke in support of the work plan and the assessment for the TBID.

Heidi O'Brien, TBID staff; spoke in support of the resolutions.

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

Motion

Commissioner Elsaesser moved approval of a resolution approving the work plan and budget for the Tourism Business Improvement District for Fiscal Year 2011. Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Resolution #19782**

Motion

Commissioner Elsaesser moved approval of a resolution approving the work plan and budget for the Tourism Business Improvement District for Fiscal Year 2011. Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Resolution #19783**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is September 8, 2010 and the next Commission Meeting is September 13, 2010.

A Growth Policy Work Session will be held on August 25, 2010 at 4:00 p.m.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission