

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
December 20, 2010
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, December 20, 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 David Scrimm 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 December 6, 2010 were approved as submitted.

Appointments

APPOINTMENTS:

- A. City-County Parks Board
- B. Non-Motorized Travel Advisory Council

Mayor Smith asked for Commission concurrence on the following appointments:

City-County Parks Board – Appointment of Melissa Lewis to the Parks Board; term will begin upon appointment and expire September 30, 2013.

Non-Motorized Travel Advisory Council – Appointment of Christopher Colberg to an unexpired term on NMTAC; term will begin upon appointment and expire March 31, 2012.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval of the appointments to the Parks Board and 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. Update to previously adopted Drug and Alcohol Policy
- C. Community Transportation Enhancement Program (CTEP) Project Approval Agreement - 3- park sidewalks
- D. Community Transportation Enhancement Program (CTEP) Project Approval Agreement - Broadway ADA improvements
- E. Water Bill Insert – Kay McKenna Youth Foundation
- F. Acceptance of dedication of parcel of real property from Eileen Maycumber
- G. Acceptance of the 2010 Comprehensive Annual Financial Report (CAFR)

City Manager Ron Alles recommended approval of the claims and the consent agenda.

Commissioner Ellison asked item G be removed for further discussion. Commissioner Cartwright asked items C and F be removed for further discussion.

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

Motion **Commissioner Ellison moved approval of items A, B, D and E on the consent agenda.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Item C C. COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM (CTEP) PROJECT APPROVAL AGREEMENT - 3- PARK SIDEWALKS

Commissioner Cartwright referred to the cost estimates for the projects and asked how the city would provide the match funding as it was not budgeted for in FY2011. City Manager Alles explained the \$15,787 will come from the Parks & Recreation Department budget. Funding may be shifted within the department and may be cut in other areas to make the project work. Commissioner Cartwright recommended delaying or re-designing one of the park projects once official cost amounts are provided from the State of Montana so other projects/programs are not cut.

Item F F. ACCEPTANCE OF DEDICATION OF PARCEL OF REAL PROPERTY FROM EILEEN MAYCUMBER

Commissioner Cartwright thanked Ms. Maycumber for donating the subject property to the city.

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

Item G G. ACCEPTANCE OF THE 2010 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Commissioner Ellison referred to participating on the city's audit committee to review the CAFR and commended city staff for their work on an excellent audit, which was rated at the highest level possible. Commissioner Cartwright concurred with Commissioner Ellison's comments and noted the city's financial reports are transparent.

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

Motion **Commissioner Ellison moved approval of item G on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Thweatt thanked citizens for shoveling their walks and reminded everyone to be careful walking in the slick conditions.

Commissioner Elsaesser thanked everyone that applied for appointment to the Parks and NMTAC Board. He congratulated Carroll College on their championship football win and spoke of an excellent visit to the USS Helena.

Commissioner Cartwright commented on the need for the city's webpage and web services to be compatible with smart-phones.

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 announced the city has entered into a contract for a preliminary study on the feasibility of a quiet zone in Helena.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member David Scrimm thanked Mayor Smith, City Manager Alles and City Clerk Havens for attending the December HCC Meeting.

Mr. Scrimm noted the HCC has recommended the City Commission vote in support of the proposed Complete Streets Policy.

Golf Rates

CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS GOLF COURSE (BRGC), 2011 SEASON.

Staff Report

Parks & Recreation Director Amy Teegarden reported with the rising cost of expenses and the need for capital improvements, city staff has focused on developing a financial and capital improvement strategy. During the past year, city staff fine-tuned the golf CCIP to reflect a more realistic approach to funding and scheduling improvements. City staff identified a debt-service level of \$125,000 to \$135,000 that they believe the golf course can maintain. This level is based on current debt service levels. Particular focus was given to the golf cart replacement plan, "pay-as-you-go" opportunities, and a replacement strategy for the irrigation system. City staff recommends a slight fee increase for the 2011 season and moving forward with planning for an irrigation replacement system.

Irrigation replacement is critical in maintaining a sustainable, high-quality golf operation. It is critical to develop a funding and replacement strategy for the near future to avoid the need for any "emergency" general fund loans. Approximately \$1.35 million would be needed to replace the complete irrigation system all at once. Staff is recommending a 2-phase irrigation replacement strategy to address the "above-ground" system first and the below ground items afterwards. Phase 1 would cost approximately \$316,000 in 2012-2014 and Phase 2 is estimated to cost approximately (\$950,000) and would need to be scheduled for 2020-2022.

Fee increases of less than 3% (to the nearest dollar) are recommended to close the gap between inflationary expenses and revenues. Using the same "counts" as 2010, the increase would generate approximately \$14,500 more than the 2010 fees. The

recommended fees are consistent with other Montana golf courses. The 2011 fee recommendation does not include a differential rate between residents and non-residents. During the 2010 season, staff documented resident/non-resident customers. Given the fact the 2010 BRGC season was "stable", the GAB and city staff recommend staying status quo rather than risk losing paying non-resident customers.

Director Teegarden recommended approval of the resolution of intention as it would meet the city's and Golf Advisory Board's goals for 2011.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval for a resolution of intention to establish fees to be charged for the Bill Roberts Golf Course for the 2011 season, and set a public hearing date for January 10, 2011. Commissioner seconded the motion. All voted aye, motion carried. **Res #19798**

Complete Streets

CONSIDER A RESOLUTION PROVIDING A COMPLETE STREETS POLICY.

Staff Report

Public Works Director John Rundquist reported the concept of complete streets appears to originate with the National Complete Streets Coalition, a non-profit advocacy group in Washington, D.C. In Helena the Complete Streets Ordinance was first proposed by the City's Climate Change Task Force Action Plan in 2009. Since that time, the Non-Motorized Transportation Advisory Council (NMTAC) has been a strong advocate for a Complete Streets Ordinance in Helena that would address the design of new streets and upgrade of existing streets to adequately accommodate all users of the public right-of-way with special emphasis on transit, non-motorized traffic, pedestrians, people with disabilities, and, streetscape amenities. Staff has met with the NMTAC subcommittee on several occasions to review and make recommendations on their efforts. Earlier this year the NMTAC obtained support for a Complete Streets Ordinance from the Lewis and Clark County Board of Health.

Elements of the NMTAC's ordinance recommendations fall within the subject matter of several existing codes including the Subdivision Ordinance and Street Ordinances. In addition, the Commission approved Engineering Standards are also suitable for incorporation of the design elements of complete streets. Given the range of codes and standards to which complete streets concepts would apply, staff recommends that the goals of Complete Streets be accomplished by first establishing a policy for complete streets that would provide direction to the City Manager relative to inventory and assessment of existing infrastructure and modification of existing ordinances and standards. Staff also recommends that a timeline for completion of changes also be included in the policy.

Director Rundquist recommended approval of the proposed resolution and noted the concept of complete streets improves access and use of the public right-of-way to all users and improves the aesthetics of street corridors such that users are invited and encouraged to make use of healthy and climate friendly transportation alternatives to the automobile. Use of alternative modes of travel such as walking and

biking can significantly reduce energy consumptions and generation of greenhouse gas emissions.

Public Comment

Mayor Smith asked for public comment.

Pete Donovan, City/County Board of Health; spoke in support of the Complete Streets Policy.

Bruce Newell, Chair of NMTAC; submitted written testimony from Julie McKenna of the Helena Bicycle Club.

Mr. Newell spoke in support of the policy but urged the Commission to include specific timelines and benchmarks in the resolution.

Kim Abbott, 523 6TH Avenue; urged the Commission to approve the policy.

Eric Grove, Great Divide Cyclery; spoke in support of the resolution but expressed concern that it would be more enforceable as an ordinance.

Melanie Reynolds, Lewis & Clark County Health Officer and Health Department Director; urged the Commission to support the Complete Streets Policy.

Barbara Rush, 720 Holter; cautioned the Commission against installing bike lanes in her neighborhood.

Jamie Grier, Ewing Street; spoke in support of the resolution.

Mark VanAlstein, 444 Barney Street; urged the Commission to approve the policy.

M.C. Beeby, 1620 Townsend; spoke in support of the proposed policy.

Bob Shepherd, Helena; urged the Commission to approve the resolution.

Norma Terrell, Helena; spoke in support of the policy.

Jill VanAlstein, 444 Barney Street; spoke in support of the policy.

Jay VanAlstein, 444 Barney Street; urged the Commission to support the policy.

Rob Friestad, 511 1st Street; urged the Commission to support the resolution.

Discussion

Commissioner Thweatt asked how the city will afford to install the amenities included in the policy. Public Works Director John Rundquist stated funding has not been discussed. City Manager Alles noted various projects and funding will have to be tackled one-by-one during the budget process. Commissioner Thweatt asked for more information on the city's policy for ordering in sidewalks. Attorney Nielsen explained the policy. Commissioner Thweatt asked for the history of neighborhoods that don't have sidewalks. Attorney Nielsen stated past Commissions had accommodated developers and didn't require installation of sidewalks if the street width wouldn't accommodate installation.

Commissioner Ellison referred to the recent Cedar Street Project and asked how that project may have been different if this policy was in place a year ago. Director Rundquist stated there would've been more of a concerted effort to tie the project to city standards and ordinances relative to the street template, although it may not have been designed any different.

Commissioner Elsaesser referred to the proposed timeline for staff to provide an implementation report and asked if it is reasonable. Manager Alles stated yes.

Motion

Commissioner Elsaesser moved approval of a resolution establishing a Complete Streets Policy. Commissioner Ellison seconded the motion.

Commissioner Cartwright spoke in support of the policy and explained the amendments listed below. Written rationale related to the amendments is included in the Commission packet as part of the official record.

Amendments

Commissioner Cartwright moved to amend the policy as follows:

Section 1.

Strike "and" after "planning, design,"

Insert ", and maintenance" after "construction"

Strike remainder of section after "of streets"

Replace with "to contribute towards the goal of making streets in Helena complete streets."

Section 2 (a).

Insert ", motorized and non-motorized," after "all modes of transportation"

Insert "ages and" after "people of all"

Section 3.

Strike: "At a time set by the City Commission and in accordance with its direction,"

Insert at end of section: "No later than the end of June 2011, the City Manager shall present a scoping document for the process of making this recommendation, which identifies sections of City Code and engineering and design standards likely to need changes."

Section 4.

Strike: "At a time set by the City Commission and in accordance with its direction,"

Replace with: "By the end of June, 2011,"

Section 5.

Strike entire section.

Section 7.

Strike remainder of section after "complete streets features by"

Insert: "reporting:"

- a. descriptive statistics such as miles of on-street bicycle and multi-use routes created, new linear feet of pedestrian accommodations, and number of ADA sidewalk ramps installed or improved;
- b. qualitative measures, comparison with benchmarks or other appropriate metrics; and
- c. other information the City Commission may require."

Commissioner Thweatt seconded the motion.

Discussion Commissioner Ellison asked if the maintenance referenced to in Commissioner Cartwright's amendments to Section 1 of the resolution would be problematic for the city's street maintenance department. Manager Alles stated no as he sees the intent of the amendment to mean minor maintenance. Commissioner Ellison indicated he would support the amendments.

Vote on amendments All voted aye, motion carried.

Comment Commissioner Thweatt spoke of financial costs related to implementation of the policy. Commissioner Cartwright commented there is nothing in the resolution that orders the city to do or not do improvements. Commissioner Ellison cautioned the public that the improvements referred to in the policy will take time and will not happen right away.

Motion **Commissioner Ellison moved approval of a resolution establishing a Complete Streets Policy, as amended.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19799**

Public Hearings PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION TO ESTABLISH FEES TO PROVIDE A DEDICATED FIRE UNIT AT SPECIAL EVENTS AND COST RECOVERY AT A HAZARDOUS MATERIALS EVENT.

Staff Report Fire Chief Steve Larson reported the City of Helena Fire Department is currently operating under an outdated fee structure for dedicated fire units at special events and has no existing fee structure for cost recovery at a hazardous materials event. Approval of the proposed resolution would provide a mechanism for the city to recuperate actual costs incurred when working a special or hazardous materials event. Chief Larson recommended approval of the resolution.

Discussion Commissioner Cartwright asked if these fee increases will affect the general taxpayer. Chief Larson stated no, only citizens that use the services will be affected.

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.

Motion **Commissioner Ellison moved approval for a resolution establishing a fee structure to provide a dedicated fire unit at special events and cost recovery at a hazardous materials event.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res #19800**

B. CONSIDER A RESOLUTION CREATING A LANDFILL MONITORING AND MAINTENANCE DISTRICT.

Staff Report

City Controller Glenn Jorgenson reported a city-wide special landfill monitoring and maintenance district is needed to control, attend to, maintain, monitor, protect, and care for the former city landfill that was closed officially on January 27, 2000, and is located under or adjacent to what is now known as Centennial Park.

Process to date:

- 1st Public Hearing was held on November 15, 2010
MCA 7-11-1007(1)
- Resolution of Intent to Create was passed on November 15, 2010
MCA 7-11-1007(2)
- Notices of the Intent and 2nd Hearing were published
MCA 7-11-1007(3a)
- Notices of the Intent and 2nd Hearing were mailed
MCA 7-11-1007(3c)
- 30 day Protest period (11/19 thru 12/20)
MCA 7-11-1008

The protest period was open until 5 p.m. Monday, December 20, 2010. The total percentage of protests received was 14.7%.

The initial annual assessments will be:

- A. For each residential lot, parcel, or condominium unit, and vacant lot: \$6.00 per lot, parcel, or unit.
- B. For each commercial lot or parcel:
- i. \$15.00 per lot or parcel having an impervious area of less than 10,000 square feet;
 - ii. \$35.00 per lot or parcel having an impervious area of 10,000 square feet or more, but less than 50,000 square feet;
 - iii. \$60.00 per lot or parcel having an impervious area of 50,000 square feet or more, but less than 100,000 square feet;
 - iv. \$90.00 per lot or parcel having an impervious area of 100,000 square feet or more, but less than 250,000 square feet; and
 - v. \$125.00 per lot or parcel having an impervious area of 250,000 square feet or more.

Controller Jorgenson recommended approval of the proposed resolution as it would create a sustainable program with assessments paid by all benefitted city residents and businesses.

Public Testimony

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

Barbara Rush, 720 Holter; spoke against creation of the district.

Jim Dusenberry, J & D Truck Repair; spoke against creation of the district.

Alan Bock, 1405 University Street; spoke against creation of the Landfill Monitoring and Urban Forest Management District.

Martin Holt, 576 3rd Street; spoke against the creation of the district because of the added cost to his property taxes.

Bryan Sandrock; Applegate Drive; spoke in opposition to the proposed district.

John Rush, 720 Holter; spoke against creation of the district.

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

Motion

Commissioner Elsaesser moved approval for a resolution creating a Landfill Monitoring and Maintenance District, noting that all public notices, hearings and protest periods have been completed and all protests have been considered. Commissioner Ellison seconded the motion.

Discussion

Commissioner Cartwright explained the history of landfill monitoring on the property and noted solid waste fees may be reduced if the proposed district is created. He emphasized the proposed district has nothing to do with the construction of Centennial Park, that all closed landfills must be monitored per state law. Commissioners Elsaesser and Thweatt concurred with and reiterated Commissioner Cartwright's comments.

Vote

All voted aye, motion carried. **Res #19801**

C. CONSIDER A RESOLUTION CREATING AN URBAN FOREST MANAGEMENT DISTRICT.

Staff Report

Parks & Recreation Director Amy Teegarden reported in the mid-90s the City of Helena created a Tree Maintenance District with a \$10 per lot or parcel annual assessment rate. That district has provided valuable funding for tree maintenance in the city, but is not flexible enough to accommodate the need for an expanded urban forestry program, and has no provision for inflation.

Process to date:

- 1st Public Hearing was held on November 15, 2010
MCA 7-11-1007(1)
- Resolution of Intent to Create was passed on November 15, 2010
MCA 7-11-1007(2)
- Notices of the Intent and 2nd Hearing were published
MCA 7-11-1007(3a)
- Notices of the Intent and 2nd Hearing were mailed
MCA 7-11-1007(3c)
- 30 day Protest period (11/19 thru 12/20)
MCA 7-11-1008

The protest period was open until 5 p.m. Monday, December 20, 2010. The total percentage of protests received was 14.0%.

MCA 7-11-1008 requires the City to hold a public hearing and consider all protests prior to the passage of a resolution creating a new special district.

The initial annual assessment of \$20 per lot or parcel, starting with the 2011 tax bill, will replace the annual assessment of \$10 for the existing Tree Maintenance District. The proposed Resolution to Create an Urban Forest Management District would replace the existing Tree Maintenance District.

The purpose is to create a sustainable program including expanding the staffing organization to include:

- professional leadership from an urban forester;
- additional tree maintenance staff -- trained and certified in the latest industry standards;
- increased operational and capital funding for tree maintenance and planting efforts; and
- community outreach and education.

Director Teegarden recommended approval of the resolution as it would facilitate the city's ongoing commitment to maintain, enhance and preserve Helena's tree canopy, as outlined in the Urban Forest Management Plan.

Discussion

Commissioner Thweatt asked for more information on risks outlined in the management plan. Director Teegarden explained ash bore disease and how to lessen the risk and treat the consequences of other dangers to the city's urban forest. Commissioner Thweatt asked if there is any evidence that public trees enhance property values. Director Teegarden stated yes, they have been proven to increase property values and community well-being, such as reduced crime rates, less vandalism and blight, and lower citizen stress levels and depression.

Commissioner Cartwright asked why this was proposed as a district rather than through taxes. Manager Alles explained property owners that are not required to pay property taxes would pay this fee because it's an assessment. Commissioner Cartwright spoke of the relation between the management plan and the fee; the proposed assessment will create less funding than the plan calls for. Director Teegarden explained the plan contains recommendations that are not necessarily the same as what city staff recommends.

Public Testimony

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

Clint Culver, Nitro Green, Helena; spoke in support of the Urban Tree Maintenance District.

Ward Shanahan, Helena; expressed confusion over the details of the district.

Barbara Rush, 720 Holter; spoke against creation of the district.

James Driggers, Helena; urged the Commission to create the district.

Bill Donaldson, 841 11th Avenue; spoke in support of the district.

Nancy McClain, 621 3rd Street; urged the Commission to vote in support of the district.

Sarah Eilers, 11th Avenue, arborist; spoke in support of the district and services of an arborist.

Gerald Lambean, Director of Groundskeeping at Carroll College; urged the Commission to support creation of the district.

John Iverson, Lockey Avenue; spoke against the process for protesting the district and urged the Commission to deny the resolution.

Gary Peterson, 19 Alta Street; spoke in opposition to the proposed district.

Martin Holt, 576 3rd Street; spoke in support of the Urban Tree Management Plan.

Nancy Silver, Helena; urged the Commission to support creation of the district.

Sean Logan, 1954 Stuart Street; urged the Commission to deny creation of the district until economic conditions improve.

Rob Friestad, 501 1st Street; spoke in support of the creation of the district.

Barry Potter, 1204 Peosta Avenue; expressed concern for creation of the proposed district.

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

Motion

Commissioner Cartwright moved approval of a resolution creating an Urban Forest Management District, noting that all public notices, hearings and protest periods have been completed and all protests have been considered. Commissioner Ellison seconded the motion.

Discussion

Commissioner Ellison commented that citizen protest of 14% is a large number of protests to him. Commissioner Elsaesser spoke of the importance of the proposed district and acknowledged current difficult fiscal times.

Amendment

Commissioner Elsaesser moved to amend page 4, line 5 of the resolution by replacing \$20 with \$10. Commissioner Ellison seconded the motion.

Discussion

Commissioner Cartwright indicated he would oppose the amendment as \$20 is a minimum amount to spend on trees. Also, there are separate actions related to approving the assessment and approving the management plan. Mayor Smith asked for clarification of the motion. Commissioner Elsaesser stated the motion is intended to set up the new district with an initial assessment and allow the Commission to decide whether or not to raise the fee in the next budget cycle.

Vote on amendment

Motion failed 2-3 with Mayor Smith and Commissioners Cartwright and Thweatt voting no.

Discussion

Commissioner Cartwright addressed many comments given during public testimony and indicated he would vote in support of the district. He commented about many private companies increasing fees without increasing services and noted the City of Helena would be increasing fees while also increasing services.

Commissioner Ellison indicated he would not support creation of the district due to the amount of protests.

Vote

Motion carried 3-2, with Commissioners Ellison and Elsaesser voting no.

D. CONSIDER A RESOLUTION TO VACATE HOLLY STREET RIGHT OF WAY (ROW) OF THE ANTELOPE TRACE PHASE OF CROSSROADS AT MOUNTAIN VIEW MEADOWS FINAL PLAT.

Staff Report

City Engineer Ryan Leland reported Holy Street right-of-way (ROW) was dedicated as part of the final plat of the Antelope Trace Phase of Cross Roads at Mountain View Meadows Final Plat to provide access to the dedicated parkland.

The owner is requesting to relocate the ROW and the access to the parkland to Ascent Avenue as part of the proposed Craftsman Village Phase 1 of the Cross Roads at Mountain View Meadows Final Plat.

The Department of Revenue value for the adjacent property is at less than one cent per square foot, so the transfer fee for the portion of the ROW that is not relocated is \$6.59. The total area vacated is 14,472.85 ft² with 12,780.6 ft² being relocated as new dedicated ROW. Leaving a difference of 1,692.25 ft² of additional vacated ROW.

Mr. Leland recommended approval of the vacation as it would allow the owners of the property to comply with the City Parks Board recommendations.

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.

Motion

Commissioner Elsaesser moved approval of a resolution to vacate Holly Street ROW of the Antelope Trace Phase of Crossroads at Mountain View Meadows Final Plat. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #19803**

- E. CONSIDER A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF SURPLUS REAL PROPERTY OWNED BY THE CITY TO MONTANA DEPARTMENT OF TRANSPORTATION FOR THE CUSTER INTERCHANGE PROJECT.

Staff Report

Public Works Director John Rundquist reported interstate widening associated with the Custer Interchange will require that the Montana Department of Transportation (MDT) acquire a small sliver of additional right-of-way on the east side of the City's K-Mart Ponds property and adjacent to existing I-15 right-of-way.

MDT proposes to purchase 18,760 square feet of City property as shown in the attached exhibits for the amount of \$48,650. The additional right-of-way would not impact the existing stormwater storage and treatment facilities and staff proposes to use the revenue from the sale to assist in completion of planned improvements to the K-Mart Ponds.

Director Rundquist recommended approval of the resolution as the additional Interstate 15 right-of-way will assure that adequate width is available to construct a third travel lane between Custer Avenue and Cedar Street.

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.

Motion

Commissioner Ellison moved approval of a resolution to convey surplus real property owned by the City of Helena to the Montana Department of Transportation. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19804**

**Public
Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is January 5, 2011 and the next Commission Meeting is January 10, 2011. The next City/County Joint Work Session will be held on January 6, 2011.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:52 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission