

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
March 28, 2011
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, March 28, 2011 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 Lorabelle Behlmer 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 March 14, 2011 were approved as submitted.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Resolution providing the Commission guide for FY2012 annual budget development
C. Montana Nutrition and Physical Activity Program (NAPA) Grant
D. Amendment to professional services agreement with HDR Engineering Inc. for the Water Master Plan Update

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.

Bid Award BID AWARD:
A. 2011 Slipline Project, City Project No. 11-1

Staff Report City Engineer Ryan Leland reported this project will rehabilitate deteriorated sewer mains in Walnut, Prospect, Hollins, Cutler, Warren and Ewing streets. Instead of open excavation to replace the main, a slipline process will restore the mains with a plastic liner. The process has been used on many sewer main rehabilitation projects with good success. The city opened one bid on February 15, 2011. The only responsible bidder for the project was Planned and Engineered Construction Inc. of Helena, Montana with a bid of \$138,650. City staff was able to negotiate with the contractor to reduce the unit price of the 48-inch standard straight manhole rehabilitation from \$435 per foot to \$300 per foot by removing the requirement to install new rings and covers. With the lower price, the total contract comes to \$123,395.

Mr. Leland recommended approval of the bid award as several deteriorated sewer mains will be rehabilitated which will stop either

exfiltration or infiltration of groundwater. Sliplining the existing mains eliminates the need for open excavation and expensive street repairs.

Discussion

Commissioner Cartwright noted the cost of the project is \$300 per foot because the project is in an older part of town where the lots are narrower. If it were being done in a newer area of town or out in the county where the lots are wider, the cost would be much more per lot.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Cartwright moved to award the contract for the 2011 Slipline Projects- City Project No. 11-01, to Planned and Engineered Construction Inc. in the amount of \$123,395.

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

- B. Wood chipper (forestry equipment) as a portion of Helena's obligated cash match for the Helena Open Lands (HOL) FY-10 Forest Health (PSR) - Western Bark Beetle Grant

Staff Report

Natural Resources Coordinator Brad Langsather reported the grant match requirements contained within the HOL-FY-10- PSR grant afford the City of Helena the opportunity to purchase an equivalent amount of grant project related forestry equipment in lieu of the city's obligated cash match of \$83,750. City staff recommends exercising the forestry equipment purchase options contained within the grant.

In late February the Parks Department requested bids for a new 2011 Tracked (9" disc style) hand fed chipper. This mobile, off-road machine is capable of chipping woody, cut waste material up to 9" in diameter. A bid opening was held on March 10, 2011 and one bid was received. City staff recommends accepting a bid from Global Machinery, Denver, Colorado for a net price of \$58,694.50. This bid is considerably below the obligated grant cash match of \$83,750.00. The objective of purchasing the equipment is to lower costs associated with forest fuel treatment and hazard tree removal projects within the open lands system.

Mr. Langsather recommended approval of the bid award as the purchase of the chipper would increase the Park Department's ability to utilize staff resources to respond to forest fuel treatment and hazard tree removal needs within the open lands system.

Discussion

Commissioner Cartwright asked for the difference between this chipper and the one used at the transfer station. Mr. Langsather explained this chipper is meant to be used on site with little disturbance to the ground and is not able to digest the large amounts of varied material brought to the transfer station. He noted it will be very useful for Parks Department-specific projects.

Mr. Langsather provided the Commission with an update on beetle damaged tree removal on Helena's open lands.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Cartwright moved approval of the purchase of a Bandit Model 90 XP Track Chipper from Global Machinery at the quoted purchase price of \$58,694.50. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

C. Construction of Sanders Street Extension – City Project No. 09-26

Staff Report

City Engineer Leland reported Sanders Street currently dead ends just north of Maple Street and also in the Custer Landing Subdivision. The subject project will extend Sanders Street to complete the north/south street system between Cedar and Custer Avenues. The project will become an important link during construction of the Custer Interchange, but also for the flow of traffic in that area. The City opened six bids on March 8, 2011. The lowest responsible bidder for the project was Bullock Contracting LLC of Boulder, Montana with a bid of \$296,171.80.

Mr. Leland recommended approval of the bid award and noted the project will provide a vital transportation link between Cedar and Custer Avenues.

Public Comment

Mayor Smith asked for public comment, none was received.

Discussion

Commissioner Cartwright thanked the developer of Custer Landing for agreeing to modify their proposed parking lot access into a street.

Discussion was held on the construction of the Custer Interchange.

Commissioner Ellison thanked the Skinner and Schulke families for donating the right-of-way necessary for the extension.

Commissioner Elsaesser spoke in support of the project.

Motion

Commissioner Ellison moved to award the contract for the Sanders Street Extension, City Project No. 09-26, to Bullock Contracting, LLC in the amount of \$296,171.80. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser referred to the legislature and issues in the Middle East and commented he is happy to be involved in transparent local government.

Commissioner Thweatt spoke of attending a conference on Sustainable Community Grants. He commended the Community Development Department for applying for one of the grants for the Midtown/6th Ward neighborhood.

Commissioner Ellison noted the Commission packet had been provided electronically for tonight's meeting and thanked staff for their work on the transition to electronic packets.

Commissioner Ellison acknowledged the passing of Mr. Gary Davis. Mr. Davis was an excellent attorney, former City Commissioner and great friend to the City of Helena through participation in various organizations. He will be deeply missed.

Commissioner Cartwright spoke of recent medical marijuana business raids by the federal government in Helena. The Helena Police Department (HPD) was involved even though it was a federally led raid.

He commented on the SWAT style used by the federal government to carry out the raids and thanked the HPD for their different style of operation.

Commissioner Cartwright announced he would not run for re-election in 2012. Mayor Smith noted the Commission would be losing a valuable member. Commissioner Cartwright provided the following quote by Charles de Gaulle - *"The cemeteries of the world are filled with indispensable men"*.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER
No report was given.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL
HCC member Lorabelle Behlmer reported the HCC is currently working on analyzing community sentiment for a railroad quiet zone. Commissioner Ellison asked for an update on the HCC/City Boards and Committees integration proposal. Ms. Behlmer explained the council is still discussing the pros and cons of the proposal and hopes to vote on it soon.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION ADOPTING THE 2011 CITY OF HELENA GROWTH POLICY

Staff Report

Community Development Director Sharon Haugen reported the City of Helena has been updating the Helena Growth Policy that was adopted in 2001 and amended in 2008. At previous open houses and public meetings, the public identified a number of quality of life issues as important for the future of the city.

The Consolidated Planning Board held public hearings June 15 and July 27, 2010 and approved a Resolution recommending approval for the proposed 2011 Growth Policy. The City Commission reviewed the Consolidated Planning Board's recommended draft document during a series of 11 work sessions and made some amendments. On March 14, 2011, the City Commission approved a Resolution of Intention No. 19817 to adopt the 2011 Growth Policy and set a public hearing date of March 28, 2011. Public comments received to date were included in the Commission packet.

City Manager Alles recommended the Commission receive public testimony on the proposal tonight and vote on the policy on May 9, 2011 once all public comment has been considered and any amendments proposed in writing.

Public Testimony

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

Fran Penner-Ray, 501 Adams Street, Planning Board member; urged the Commission to approve the policy.

Scott Aspenlighter, 10 Mile and Pleasant Valley Subdivision Sewer District; urged the Commission to extend the proposed urban services boundary to include the Pleasant Valley Subdivision in order to

provide sewer service to the subdivisions which are experiencing significant issues with their lagoon system.

Mark Simonich, Helena Association of Realtors, 1 S. Montana Avenue; gave an overview of written comments submitted by the association.

Ryan Morton, 818 ½ 11th Avenue; referred to written testimony which was included in the Commission packet.

Jim Sage, MT Legacy Real Estate, 203 Cromwell Dixon Lane; gave an overview of written testimony regarding Aspen Trails Ranch subdivision from Mr. Dick Bowen.

Scout Farrell, 1580 Boston Road; spoke regarding the Aspen Trails Ranch development. She stated she is supportive of the sustainable subdivision and concerned for the proposed urban services boundary from Munger Road south. Ms. Farrell urged the Commission to adjust the boundary to include the property in the Aspen Trails Ranch development.

Marshall Gingery, Planning Board member; spoke in support of the policy and thanked Community Development staff for their work. He noted Lewis & Clark County is currently revising their growth policy and it is evident that the city and county policies want to work together.

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

Discussion

Discussion was held on the boundary of the proposed urban services map east of I-15 and the exclusion of Pleasant Valley Subdivision. The Commission concurred with the westside boundary of the map.

Discussion was also held on the boundary of the map related to Aspen Trails Ranch subdivision and the history of the development.

Commissioner Cartwright spoke of increased costs related to growth further from the city limits. He referred to comments from the Montana Association of Realtors and noted the Commission must respect both property rights and taxpayer rights; citizens should not pay for business fantasies. He referred to their comments about regulation and stated he believes it is reasonable for a regulating body to regulate; doing away with regulation is asking for disaster.

Commissioner Thweatt asked for an explanation of the city's policy related to providing water and/or wastewater services without requiring annexation. Director Haugen explained under the current ordinance, you cannot receive water and/or wastewater services without agreeing to be annexed at some point in the future.

Commissioner Elsaesser spoke to the Montana Realtors Association comments regarding incentives for conservation. He explained he envisions the Commission putting together some structure to formalize neighborhood plans that would include benefits for the plan if it contained conservatory measures such as increased density.

Commissioner Cartwright stated the policy is a five year plan with a twenty year vision. The growth policy is updated every five years.

Commissioner Cartwright asked if discussion on the adoption of the growth policy would be ex parte communications. Attorney Nielsen stated this is a legislative action, not quasi judicial, so the Commission is not precluded from discussing issues related to the policy. However, it would be better if the Commission confined their conversations to topics already on the record. If too much new information is provided, the Commission may need to re-notice the growth plan.

Commissioner Ellison asked if movement of the urban services boundary north would be substantive enough to warrant re-advertising the hearing on the adoption of the policy. Attorney Nielsen stated no.

Commissioner Elsaesser recommended accepting public comment on the proposed policy until the end of April. Mayor Smith stated the public comment period closed at the conclusion of the public hearing portion of the agenda item.

There was Commission consensus to take action on the policy at the May 9, 2011 Commission Meeting.

***Public
Communications***

PUBLIC COMMUNICATIONS

No public communications were given.

***Meetings of
Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is April 6, 2011 and the next Commission Meeting is April 11, 2010. The City/County Joint Work Session will be held April 7, 2011 at 3:00p.m.; joint city/county budgets will be discussed.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:58 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission