

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**June 4, 2012**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, June 4, 2012 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 Elsaesser, Ellison, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, Acting City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Mary DuVernay 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 May 21, 2012 were approved as submitted.

***Proclamation***

PROCLAMATION:

A. Helena Area Habitat for Humanity

Mayor Smith read the proclamation designating June 10<sup>th</sup> through June 17<sup>th</sup> Helena Area Habitat for Humanity Week. Helena Area Habitat for Humanity Executive Director Melony Bruhn thanked Mayor Smith for the proclamation and spoke of the 20 year anniversary of the program.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Final passage of Ordinance #3153 amending the Official Zoning Map, described in Section 11-1-3 of the Helena City Code and adopted by reference, for a zone change from B-2 (General Commercial) District to R-4 (Residential-Office), R-2 (Residential), and PLI (Public Lands and Institutions) Districts, for property generally located south and west of Alice Street and east of Crossroads Parkway **Ord #3153**
- C. Final passage of Ordinance #3157 rezoning portions of Crossroads Amendment at Mountain View Meadows Subdivision to B-2 (General Commercial), R-3 (Residential), and R-2 (Residential) Districts prior to annexation into the City of Helena, Montana; for property generally located north of Runkle Parkway and west of Alice Street, Lewis and Clark County, Montana **Ord #3157**
- D. Final passage of Ordinance #3154 for a change in rezoning from B-2 (General Commercial) District to R-2 (Residential), and PLI (Public Lands and Institutions) Districts, for property generally located south and west of Alice Street and east of Crossroads Parkway **Ord #3154**
- E. Final passage of Ordinance #3156 for a change in rezoning from R-4 (Residential-Office) District to R-2 (Residential) District, for property generally located south and west of Alice Street and north of Runkle Parkway **Ord #3156**

- F. Final passage of Ordinance #3155 amending the Official Zoning Map, described in Section 11-1-3 of the Helena City Code and adopted by reference, for a zone change from R-4 (Residential-Office) District to B-2 (General Commercial) and R-2 (Residential) Districts, for property generally located south and west of Alice Street and north of Runkle Parkway **Ord #3155**
- G. Acceptance of FY2012 USDOT-HMEP Training Grant for the Continuing Challenge HazMat Emergency Response Workshop
- H. A resolution of intention to budget additional property tax revenue for FY2013 **Res #19917**
- I. A resolution of intention to establish rates and charges and consider no increase in those rates and charges for commercial collection and disposal of garbage and refuse in the City of Helena **Res #19918**
- J. A resolution of intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station and set a public hearing date Res **#19919**
- K. Authorization to void stale dated checks

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 K on the consent agenda.** Commissioner Thweatt seconded the motion. All voted aye, motion carried.

***Bid Award***

BID AWARD:

- A. Solid Waste Transfer Station Recycling Waste Oil Structure, City Project #11-13

Staff Report

City Engineer Ryan Leland reported the City of Helena Transfer Station currently takes used motor oil and other liquid waste for recycling. The used oil container is located on the bare ground next to the solid waste administrative offices. The Department of Environmental Quality has notified the City that the liquid waste container must have a containment vault around the container in case of a leak or spill. The City of Helena hired Great West Engineering to design the recycling and drainage improvements. The project was bid with two different schedules: schedule one for the earthwork and asphalt work and the second schedule for the containment structure.

The first phase of the project for the earthwork and asphalt was awarded in November of 2011 to Helena Sand and Gravel. This portion of the project was recently completed. The second phase of the project for the Waste Oil Structure was not awarded and was re-advertised as a separate project. The city opened 4 bids for the second phase of the project the Waste Transfer Station Recycling Waste Oil Structure City Project #11-13 on May 1, 2012.

Mr. Leland recommended award of the bid to the lowest responsible bidder on the project, Yak & Abe Construction of Helena with a bid of \$83,850.80.

Discussion

Commissioner Elsaesser asked if the improvements will serve both residential and commercial customers. Mr. Leland stated yes.

Public comment Mayor Smith asked for public comment.  
Jonathan Matthews, Helena; expressed concern that waste oil is currently being burned.

**Motion** **Commissioner Haque-Hausrath moved to award the Solid Waste Transfer Station Recycling Waste Oil Structure, City Project #11-13 to the lowest responsible bidder, Yak & Abe Construction, for the amount of \$83,850.80.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Elsaesser commended the completion of the Custer Interchange Project.  
Commissioner Ellison announced Municipal Judge Bob Wood would be increasing the fine for non-compliance with the city's distracted driving ordinance. He clarified the City Commission did not act to increase the fine; it is the discretion of the Judge.

**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 Kay McKenna Youth Foundation Recreation Program will begin soon and the Last Chance Waterpark and Pool will open Wednesday, June 13<sup>th</sup>. He invited citizens to visit the Parks & Recreation Department website for more information on the city's summer recreational programs.

**Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL  
No report was given.

**Regular Items** REGULAR ITEMS:  
A. CONSIDER A LETTER TO U.S. ARMY CORPS OF ENGINEERS REQUESTING CONSIDERATION OF POTENTIAL EFFECTS ON HELENA DUE TO INCREASED COAL TRAINS.

Mayor Smith noted the City Commission at its May 21, 2012 meeting voted to place consideration of the proposed letter on the June 4<sup>th</sup> agenda to allow for public comment and discussion on the issue.

Commissioner Thweatt spoke in support of the letter and gave an overview of why he believes it should be sent. Commissioner Haque-Hausrath concurred with Commissioner Thweatt's comments.

Public comment Mayor Smith called for public comment.

The following persons spoke in opposition to the proposed letter as it may hinder the creation of sustainable jobs in Montana: John Rober, Boilermakers Local Lodge #11; Jim Lewis, Montana Rail Link (MRL); Jim McGarvey, Lewis & Clark County; Carl Schweitzer, Helena; Jim Cowan, Locomotive Engineer, Missoula; Chuck Cashell, Helena; Todd O'Hair, Cloud Peak; Mariah Rich, Helena; Mike McKay, MRL; Keith Allen, Electrical Workers Union #233; Randy Jensen, Helena; Eric Meridith, Pacific Steel & Recycling; James Trankol, Helena; Dan Tudor,

Bar T Timber; Michelle Seitz, Red Lion Hotel; Jeff Mertz, MRL; Patrick Hartwig, Rosebud Mine, Colstrip, Montana; Bobby Selvy, MRL; Craig Brown, R & R Pressure Washing; Susan Wolcott, Helena; Tim Ravndall, Townsend; Nikoli Cocherigan, United Food Workers Union; Linda Frost, MRL; Bridgette Holland, Helena; and Matt Miller, Helena.

The following persons spoke in support of sending the proposed letter as it would address concerns with increased train traffic and environmental issues: Kate French, Helena; Mary Ann Dunwell, Helena; Mark Annas, Helena; Allie Savage, Helena; Shiloh Hernandez, Helena; Mark Lambrecht, WEDA; Jessica Peterson, Helena; Kim Abbott, 6<sup>th</sup> Avenue; Layna George, Helena; Jill Valonstein, Helena; Mary DuVernay, Helena; Roxa Reller, Helena; Andrew Shonya, Helena; Mary Ann McKay, Helena; Sherene Ayoub, Helena; Teegan Maynard-Hahn, Helena; Jim Kammerer, Helena; Anne Wilsnack, Helena; Beth Campshure, Helena; Jonathan Matthews, Helena; and Norm Mullen, Helena.

**Motion**

**Commissioner Thweatt moved approval to send a letter to the U.S. Army Corps of Engineers requesting consideration of potential effects on Helena due to increased coal trains.**

Commissioner Haque-Hausrath seconded the motion.

**Discussion**

Commissioner Thweatt stated sending the letter will not threaten anyone's current job. He noted the Army Corp of Engineers would provide increased oversight over the project; more than if the city's concerns were only sent to MRL and believes there is no harm in sending the letter.

Commissioner Ellison stated the draft letter asks the Army Corp of Engineers to do something they are already doing. The cost of the letter is a great deal more than \$.44 when you consider all of the costs associated with citizens providing testimony on the issue.

Commissioner Ellison commended the Custer Interchange Project and recommended the Commission send the letter to MRL to address and work together on traffic issues instead of the Army Corp of Engineers. He commented the city needs a cooperative relationship with the railroad to complete the trail network for Centennial Park.

Commissioner Haque-Hausrath explained the Army Corp of Engineers is not currently looking at the impacts on Helena; by sending the letter it will get them involved in Helena's concerns. She noted she is not anti-MRL or anti-union.

Commissioner Elsaesser commented MRL has always been a great neighbor to the City of Helena and commended their donation to Centennial Park. He indicated he would support sending the current version of the letter.

Mayor Smith recognized there has been a great deal of public comment on this issue. He recommended the city send the letter to try to get some help for the City of Helena related to traffic issues at railroad crossings. He noted if there is any risk to jobs in the community he must be very reserved in his approach to the issue.

**Amendment**

**Commissioner Ellison moved to amend the letter to the U. S. Army Corps of Engineers requesting consideration of potential effects on Helena due to increased coal trains according to Coal Train Amendment DE01.** Commissioner Thweatt seconded the motion.

*Note: The document titled Coal Train Amendment DE01 is included in the Commission packet as part of the official record.*

**Discussion**

Commissioner Haque-Hausrath spoke in opposition to Commissioner Ellison's amendments.

Mayor Smith expressed concern the letter may strain the city's relationship with MRL.

Commissioner Elsaesser indicated he would support the original letter and would not vote for Commissioner Ellison's amendments.

Commissioner Ellison noted the community is divided on this issue and it is a tough decision. He recommended working on the issue locally, with the railroads, state government and congressional delegation.

Commissioner Thweatt commented he does not believe this letter will poison the city's relationship with MRL, it is just a matter of course.

**Vote on amendment**

Motion failed 2-3, with Commissioners Thweatt, Elsaesser and Haque-Hausrath voting no.

**Amendment**

**Commissioner Ellison moved to amend the letter to the U. S. Army Corps of Engineers requesting consideration of potential effects on Helena due to increased coal trains according to Coal Train Amendment DE02.** Commissioner Elsaesser seconded the motion.

*Note: The document titled Coal Train Amendment DE02 is included in the Commission packet as part of the official record.*

**Discussion**

Commissioner Elsaesser indicated he would support the amendment. Commissioner Haque-Hausrath noted she would oppose the amendment as she has heard many comments from citizens regarding train noise.

Commissioner Ellison commented the community grew around the already existing train tracks and spoke in support of his amendment as the problem of train noise is a separate issue.

**Vote on amendment**

Motion failed 2-3, with Mayor Smith and Commissioners Thweatt and Haque-Hausrath voting no.

**Vote on original motion**

Motion carried 3-2 with Mayor Smith and Commissioner Ellison voting no.

**Public Communications**

**PUBLIC COMMUNICATIONS**

No public communications were given.

**Meetings of Interest**

**MEETINGS OF INTEREST**

The next Administrative Meeting is June 13, 2012 and the next Commission Meeting is June 18, 2012.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 8:31 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission