

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 9, 2012
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, July 9, 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, City Attorney Jeff Hindoi and Deputy City Clerk Robyn Brown were present. Others present were Janet Hess-Herbert 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 June 18, 2012 were approved as submitted.

Board Appointments BOARD APPOINTMENTS:
A. Helena Open Lands Management Advisory Council (HOLMAC)

Mayor Smith asked for Commission concurrence on the following appointment:

HOLMAC – Reappointment of Corey Baker to a second term on HOLMAC; term to begin upon appointment and expire June 30, 2015.

Comment Mayor Smith called for public comment.
Mary Arnold, HOLMAC Chair; spoke in support of the appointment of Mr. Baker.

Motion Commissioner Elsaesser moved approval of the appointment to HOLMAC as outlined above. Commissioner Thweatt seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Acceptance of a grant from the Montana Department of Natural Resources and Conservation (DNRC) to reduce forest fuel loads within approximately 38 acres of Helena's Open Lands (HOL) ownership located on Mount Ascension
C. Acceptance of a grant from the Federal Emergency Management Agency (FEMA) to reduce forest fuel loads within approximately 206 acres of Helena's Open Lands (HOL) ownership primarily located on Mount Helena & Mount Ascension
D. 2012 Helena Open Lands Work Plan
E. A Release of Easement for the City of Helena's interest in a 5 foot utility easement located adjacent to the original east lot line of Lot 12 in Block J of the Touchstone P.U.D.
F. A cost share agreement with the USDA Forest Service, Helena National Forest to perform trail maintenance and resource

- improvement activities, and other resource management projects/programs on U.S. Forest Service properties located adjacent to City of Helena open lands ownership
- G. FY 2013 Intercity 5311 (F) Rimrock Operating Contract
- H. FY2013 Section 5311 operating contract for the Helena Area Transit Service
- I. Acceptance of the May 2012 pledged collateral
- J. FY2013 New Freedom Grant for Rocky Mountain Development Council Inc. (RMDC) for expansion of their Senior Companion Transportation Program
- K. A resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Business Improvement District (BID) for fiscal year 2013 (FY2013) and set a public hearing date **Res #19925**
- L. A resolution of intention to levy an assessment upon all property in the Landfill Monitoring and Maintenance District for fiscal year 2013 and set a public hearing date **Res #19926**
- M. A resolution of intention to amend the boundaries and levy an assessment upon all property in the Open Space Maintenance District No. 1 for fiscal year 2013 and set a public hearing date **Res #19927**
- N. A resolution of intention to establish charges for collection and disposal of residential garbage and refuse in the City of Helena, Montana, for fiscal year 2013 and set a public hearing date **Res #19928**
- O. A resolution of intention to levy assessments for fiscal year 2013 for improvements made to properties in the Sidewalk Improvement Districts and set a public hearing date **Res #19929**
- P. A resolution of intention to levy and assess a tax on all properties in the Special Improvement Districts to defray the cost of maintaining improvements for fiscal year 2013 and set a public hearing date **Res #19930**
- Q. A resolution of intention to amend the boundaries and levy an assessment upon all property in the Storm Water Utility District for fiscal year 2013 and set a public hearing date **Res #19931**
- R. A resolution of intention to levy an assessment upon all properties in the Special Street Lighting Districts to defray the cost of installing and maintaining improvements for fiscal year 2013 and set a public hearing date **Res #19932**
- S. A resolution of intention to specify the assessment option, amend the boundaries and levy and assess the annual charge for Street Maintenance District #1 for fiscal year 2013 **Res #19933**
- T. A resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Tourism Business Improvement District (TBID) for fiscal year 2013 and set a public hearing date **Res #19934**
- U. A resolution of intention to levy an assessment upon all property in the Urban Forest Management District for fiscal year 2013 and set a public hearing date **Res #19935**
- V. A resolution of intention to increase wastewater charges for all customers **Res #19936**
- W. A resolution of intention to increase wastewater rates for all customers **Res #19937**

- X. A resolution of intention to increase water charges for all customers **Res #19938**
- Y. A resolution of intention to increase water rates for all customers **Res #19939**
- Z. Adoption of the updated Official Zoning Map for the City of Helena

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

Commissioner Haque-Hausrath asked that items D and Z be removed for discussion.

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

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

Item D D. Helena Open Lands Work Plan – 2012

Commissioner Haque-Hausrath asked for more information on the purchase of a water collection and distribution device listed in the work plan. Natural Resource Coordinator Brad Langsather explained the common term for the equipment is a guzzler and explained it collects rainwater and puts it into a cistern and allows wildlife to water in a dry area; it will hopefully keep the mule deer up in the open lands more. He noted the location for the equipment has not been decided, but it would be located away from trails and would not be a sight obstruction.

Item Z Z. Updated Official Zoning Map for the City of Helena

Commissioner Haque-Hausrath asked how the proposed map differs from the current zoning one. Director Haugen explained the map is adopted every year to reflect any zone changes or zoning designations associated with annexations. She commented there were not many changes to the 2012 map but it must be adopted annually.

Motion **Commissioner Haque-Hausrath moved approval of items D and Z on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser thanked all emergency service providers for their response to the Corral Fire.

He announced he will be attending the USS Helena Change of Command ceremony on July 20th in Norfolk, VA.

Commissioner Ellison also thanked emergency responders for their work fighting the Corral Fire. He spoke to consent agenda items related to grant funding for open lands fire mitigation and commended staff for their work securing the grants.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Jeff Hindoi announced the settlement amount of the Fisher lawsuit related to Mr. Fisher's death at Kindrick Legion Field is

\$500,000; the amount was agreed upon by both parties and the suit will be dismissed.

***Report of the City
Manager***

REPORT OF THE CITY MANAGER

City Manager Alles asked Coordinator Langsather to introduce Americorp volunteers in attendance that have been working on Helena's open lands. Coordinator Langsather introduced Team Gold 1 Leader Asia Henriquez. Ms. Henriquez introduced her teammates and gave an overview of activities provided by the team. She thanked the Helena community for its friendliness and warmth.

Mayor Smith and the Commission members thanked the Americorp members for their service to the community.

Manager Alles asked Police Chief Troy McGee to report on some recent awards received by Helena Police Department (HPD) officers and employees at the annual Montana Association of Chiefs of Police convention. Chief McGee gave an overview of the awards received and commended Officers Casey, Herbst Shanks, O'Connell and Stinson. He also introduced Mr. Jason Harris, who received an award given to civilians for their service to the community.

Mayor Smith and the Commission members congratulated the HPD officers and Mr. Harris for their hard-earned recognition.

***Report from the
Helena Citizens
Council***

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Janet Hess-Herbert gave an overview of the June HCC meeting and reported the HCC will be using magnets and brochures for community outreach.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3158 PROHIBITING NUISANCE VEGETATION BY AMENDING CHAPTER 7 OF TITLE 7 OF THE HELENA CITY CODE.

Staff Report

Parks & Recreation Director Amy Teegarden reported state law directs a county weed district to provide weed control on all lands and rights-of-way owned or controlled by a county or municipality. Control of nuisance weeds within the municipality remains the responsibility of the governing body of the municipality, as specified in §7-22-4101. It has been 17 years since revisions were made to the current weed ordinance. The need to revise the current City Code comes from issues raised by the county weed district, complaints and concerns expressed by city residents and the city code enforcement officer.

City staff review of the current ordinance found that the existing definition of a weed is subjective and open for interpretation. Follow-up on complaints identified that the current ordinance definition for a weed does not support "alternative" landscaping practices that are encouraged in water conservation practices and defensible space landscaping. Further, the current code requires a cumbersome complaint-driven process.

Director Teegarden gave an overview of the intent, definition, action, enforcement process and miscellaneous changes of the proposed ordinance.

Some of the proposed changes in the amended ordinance include:

1. Change the title and intent of the ordinance to "Nuisance Vegetation".

2. Change "Public Works" to "Parks and Recreation" Department to reflect current supervision of the code enforcement position.
3. Define "Nuisance Vegetation".
4. Revise the notification and enforcement process to require one 15-day notice to clear and/or remove if necessary the nuisance vegetation.
5. Reorganize the ordinance so that information is explained in an order that clearly outlines definitions, public notice requirements and the complaint and notification process followed by enforcement procedures.

Director Teegarden recommended approval of final passage of the proposed ordinance as it will result in improved clarification of the intent, definition and enforcement of nuisance vegetation.

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 final passage of Ordinance No. 3158, defining and prohibiting nuisance vegetation by amending Chapter 7 of Title 7 of Helena City Code. Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Ord #3158**

Public Communications

PUBLIC COMMUNICATIONS

Chief McGee announced the Junior Police Chief Leadership Academy is being held at the Law Enforcement Academy this week and invited the Commission to attend and observe.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is July 18, 2012 and the next Commission Meeting is July 23, 2012.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:02 p.m.

/S/ James E. Smith
Mayor James E. Smith

ATTEST:

/S/ Debbie Havens
Clerk of the Commission