

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**October 15, 2012**  
**6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, October 15, 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 Hindoien 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 September 24, 2012 were approved as submitted.
- Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Acceptance of the 100% State of Montana funded Pass Through Grant for the Hazmat Team in the amount of \$44,167  
C. Job Access Reverse Commute (J.A.R.C.) contract for the Helena Area Transit Service (HATS) for operation of the East Valley Bus Service and MOU with L&C County/City of East Helena cost share agreement  
D. Notification of Absence from City  
E. Resolution declaring tangible personal property owned by the City of Helena to be surplus property (Fire Department equipment) Res #19969
- City Manager Ron Alles recommended approval of the claims and the consent agenda.  
Commissioner Elsaesser spoke in favor of the items on the consent agenda.
- Public comment** Mayor Smith asked for public comment, none was received.
- Motion** Commissioner Thweatt moved approval of items A through E on the consent agenda. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- Bid Award** BID AWARD:  
A. One (1) new 2013 truck chassis (single axle) with one (1) new 5 cubic yard dump body for the Street Division
- Staff Report** Street Superintendent Ben Sautter reported four bids were received and opened for one (1) new 2013 truck chassis (single axle) with one (1) new 5-cubic yard dump body for the Street Division on September 5th, 2012. The low bid meeting specifications was received from I-State Truck Center of Great Falls at a cost of \$101,196.00. This new purchase will replace a 1980 Ford F-7000 (Unit #314). The FY13

budget appropriation for this unit is \$108,470.00.

Mr. Sautter recommended the purchase of the new unit at the bid price of \$101,196.00 from I-State Truck Center to replace Unit #314. This transaction will allow the Street Division to continue regular asphalt maintenance operations and will provide for long term planning and completion of various special improvements to the city's streets and pathways. Also, the city will continue to upgrade its fleet providing reliable equipment and reducing maintenance costs.

Public comment

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Ellison moved approval to award the bid for one (1) new 2013 truck chassis (single axle) with one (1) new 5-cubic yard dump body to I-State Truck Center in the amount of \$101,196.00.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

B. K-Mart Pond Improvements, City Project # 09-10

Staff Report

City Engineer Ryan Leland reported currently the K-Mart Ponds are the main stormwater control and treatment for the Davis Gulch Basin in the City of Helena. The ponds were originally constructed for flood control by detaining the peak runoff from stormwater events and releasing the water at a constant rate over time. With stormwater regulations shifting more to quality control than purely quantity concerns, the city has tried operating the ponds differently to allow for more water quality treatment. The proposed improvements to the K-Mart Ponds are the installation of six control structures that can be operated at anytime, which will help to better control the stormwater and improve the treatment. Also additional volume will be added to ponds 1 and 3, plus a new berm will be added to pond 2.

The City of Helena opened four bids for this project on September 11, 2012. Bullock Construction was the lowest responsible bidder with a bid of \$249,137.50 for the base bid and \$120,990 for additive alternate #1 for a total bid price \$370,127.50. Mr. Leland recommended award of the bid to Bullock Construction.

Discussion

Commissioner Ellison asked where the funding for the project will come from. Mr. Leland explained the project would be paid for by the stormwater utility itself; the impervious area fee that is charged to all properties in the city.

Commissioner Thweatt asked if the ponds discharge or only infiltrate. Mr. Leland explained the ponds discharge into the Interstate irrigation ditch and from there the water makes its way to the wastewater treatment plant. At this time the ponds do not have good enough infiltration rates to absorb all the water.

Commissioner Elsaesser asked if impacts to existing wildlife are being considered in the project. Mr. Leland explained staff has been working with Fish, Wildlife and Parks to perform the construction with as little impact on the wildlife as possible.

Public comment

Mayor Smith asked for public comment, none was received.

- Motion** **Commissioner Haque-Hausrath moved to award the base bid and additive alternate #1 of the K-Mart Pond Improvement Project, City Project #09-10 to the lowest responsible bidder, Bullock Construction Inc., in the amount of \$370,127.50.**  
Commissioner Ellison seconded the motion. All voted aye, motion carried.
- Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Ellison referred to a presentation given at a recent Non-Motorized Transportation Advisory Council (NMTAC) meeting by the Police Department regarding compliance with traffic laws at busy intersections around town. He commented it was a wonderful presentation and thanked the Police Department for their work. He spoke of attending the Fire Department (FD) Open House; it was a great event and well attended.  
Commissioner Elsaesser also spoke of attending the Fire Department Open House and urged citizens to purchase a pink FD shirt to support breast cancer awareness. He updated the Commission on the activities of the Montana Business Assistance Connection (MBAC).
- 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 Transfer Station would be closed for maintenance Thursday, October 25, 2012, from noon to close.
- Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL  
No report was given.
- Regular Items** REGULAR ITEMS:  
A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 6 OF THE HELENA CITY CODE TO CLARIFY THE ANNUAL TESTING REQUIREMENTS FOR BACKFLOW PREVENTION DEVICES.
- Staff Report** Utility Maintenance Supervisor Kevin Hart reported amendments made by the state agency controlling plumbing codes removed the requirement for annual testing. The City of Helena adopted and operates under this version of code. The proposed amendments will clarify that the intent of the commission's original passage of the backflow ordinance was to provide for annual testing of backflow devices. The adopted plumbing code will remain the authorization to require backflow devices where code warrants.  
Supervisor Hart recommended the proposed amendments to make clear the Commission intent to annually test backflow devices connected to the Helena water system and to place this requirement within the water rules. The proposed changes to the backflow ordinance have been drafted to clarify language and clearly state the intent to perform annual testing on installed backflow devices.
- Discussion** Commissioner Elsaesser asked for an explanation of the purpose of the backflow ordinance. Supervisor Hart gave the purpose

and spoke to the importance of protecting the city's water system.  
Commissioner Elsaesser spoke in support of the program.

Public comment Mayor Smith called for public comment; none was received.

**Motion** **Commissioner Elsaesser moved approval of first passage of an ordinance amending Chapter 2 of Title 6 of the Helena City Code to clarify the annual testing requirement for backflow prevention devices, and set a public hearing date of October 29, 2012.**  
Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Ord #3161**

B. CONSIDER APPROVAL OF AN AMENDED PLAT VACATING A PORTION OF CABOOSE WAY AND DEDICATING RIGHT-OF-WAY.

Staff Report City Planner Kathy Macefield reported on August 6, 2012 the City Commission approved Resolution No. 19945 vacating the full width of a portion of Caboose right-of-way (ROW) between Lot 1 in Block D and the common area adjacent to Lot 2 in Block A, and an additional portion adjacent to the eastern property boundary of Lot 1 in Block D, all located in the Great Northern Town Center planned unit development (PUD).

Approval of the resolution was subject to 10 conditions which included presenting the amended plat to the Commission for review and approval, the dedication of ROW across Lot 4 and for the emergency services turnaround (Lot R-1). The status of each of the required conditions was included in the staff report.

Ms. Macefield recommended approval of the amended plat as it will allow it to be filed with the County Clerk & Recorder which will facilitate financing for building construction.

Discussion Commissioner Elsaesser asked if the ROW on the plat is designated for pedestrian use. Ms. Macefield answered she was unsure.

Public comment Mayor Smith called for public comment.  
Alan Nicholson, 1 Quarry Lane, applicant; explained the ROW on the plat is dedicated as a bike path.

**Motion** **Commissioner Thweatt moved approval of the amended plat for Block D of the Great Northern Town Center and acceptance of the dedicated right-of-way (ROW) as shown on the amended plat.**  
Commissioner Ellison seconded the motion. All voted aye, motion carried.

C. CONSIDER THE FINAL PLAT FOR HOWETH MINOR SUBDIVISION CREATING 2 PARCELS, GENERALLY LOCATED WEST OF MONROE AVENUE AND SOUTH OF CHOTEAU STREET.

Staff Report City Planner Dustin Ramoie reported on February 13, 2012, the Helena City Commission gave conditional preliminary plat approval for the Howeth Minor Subdivision. The applicant is now requesting approval of the final plat. This final plat for Howeth Minor Subdivision will create Lot A-1 containing 2,365 square feet and Lot A-2 containing 6,670 square feet, all in Block 18 of the Hauser Addition and zoned R-2

(Residential) District. Platting these lots results in splitting the existing Lot A into one additional parcel. These two parcels are identified as Lot A-1 containing 2,965 square feet zoned R-2 (Residential) District and Lot A-2 containing 6,670 square feet zoned R-2 (Residential) District. Monroe Avenue and Knight and Choteau Streets are pre-existing adjacent to Lots A-1 and A-2. A water main has been installed to serve development of these lots. A wastewater main is installed to serve Lot A-2. Although water and streets have been installed; a wastewater main to serve lot A-1 has not been completed yet. The applicant has provided a financial guarantee to the City for the wastewater main to be installed during the excavation period of building on the lot. The approval of the preliminary plat was subject to the conditions of the wastewater main being extended and that all water or wastewater mains be in an easement or right of way as stated in the Findings of Fact. Those conditions have been met, with all mains being in right of way and the extension of the wastewater main bonded for. A list of the original subdivision conditions and their status was included in the Commission packet.

Mr. Ramoie recommended approval of the plat to allow the sale of the lot and the development of the property with city services including municipal water and wastewater.

Public comment

Mayor Smith called for public comment.

Phil Howeth, applicant; clarified the legal address of the property is 702 Knight.

Motion

**Commissioner Elsaesser moved approval of the final plat for Howeth Minor Subdivision.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

- D. CONSIDER A RESOLUTION OF INTENTION TO AUTHORIZE THE EXCHANGE OF A PORTION OF MOUNT HELENA CITY PARK PROPERTY OWNED BY THE CITY OF HELENA WITH THE OWNERS OF LOTS 1 AND 2 IN THE IRVING MINOR SUBDIVISION IN THE CITY OF HELENA, MONTANA.

Staff Report

Parks & Recreation Director Amy Teegarden reported the owners of Irving Minor Subdivision Lot #1 and Lot #2 would like to exchange 396 square feet of their combined parcels for 396 square feet of Mt. Helena parkland adjacent to private land and Clarke Street. This exchange would allow for the design and construction of a mutually shared driveway to access these private lots. The owners are planning to construct two private homes, one on each of the lots. The proposed driveway would cross the acquired parkland. The driveway will be shared through a private access easement between the property owners.

Currently the parkland proposed for exchange is not critical for either access to the park or part of a trail system. A former trail that crossed this section has since been removed and rerouted. The city would be acquiring a linear strip of equal amount of property in exchange, that is adjacent to parkland.

In August, 2011, the Helena City Commission gave preliminary approval of a lot line relocation survey, for the purpose of providing vehicular access to the aforementioned parcels; the applicants have paid for the work associated with amending the existing plat.

Director Teegarden recommended approval of the resolution of intention and stated the proposed amended plat meets all requirements

and reviews. She added home construction on these lots will be considered in-fill development and the proposed driveway will provide adequate access for emergency response vehicles.

Discussion

Commissioner Haque-Hausrath asked if both parcels are contiguous to Mount Helena. Director Teegarden stated yes, on the south boundary. Commissioner Haque-Hausrath asked if the proposed exchange would impact any existing residents of the area. Director Teegarden stated no and explained the only neighbors are to the east of the property and are already developed.

Commissioner Thweatt commented he lives near the property and believes it is a good proposal. He noted the parcel to be traded is already disturbed ground.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Ellison moved approval of a resolution of intention to exchange 396 square feet of City of Helena parkland with the owners of Lot #1A and lot #2A as identified on the amended Irving Minor Subdivision plat and set a public hearing date for October 29, 2012.** Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Res #19970**

**Public  
Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

Brad and Sandy Nelson, 1617 Winne, representing the Winne Avenue Traffic Safety Group; thanked the City for installing traffic calming devices in the neighborhood. Mr. Nelson submitted written testimony for the record; this correspondence will be kept in the Commission packet as part of the official record.

Manager Alles and the Commission thanked the Public Works Department for their work on the project.

**Meetings of  
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is October 24, 2012 and the next Commission Meeting is October 29, 2012. A Subdivision Regulations Work Session will be held October 17, 2012.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 6:52 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission

