

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
April 8, 2013
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, April 8, 2013 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 and Thweatt. Commissioner Haque-Hausrath was excused. City Manager Ron Alles, City Attorney Jeff Hindoién and Deputy City Clerk Robyn Brown were present. Others present were Andres Haladay representing the Helena Citizens Council.

Pledge of Allegiance The members of the Helena Barbershop Harmony Group led those present in singing *God Bless America* in lieu of the pledge of allegiance.

Proclamation- Barbershop Harmony Week

Mayor Smith read the proclamation designating April 7 – 13, 2013 as “Barbershop Harmony Week” and thanked the group for their performance. Mr. Mike Pardis accepted the proclamation.

Minutes The minutes of the regular City Commission meeting of March 25, 2013 were approved as submitted.

Presentation PRESENTATION:
A. Confirmation of Officers Josh VanDyke and Bryan Haven

Police Chief Troy McGee introduced Josh VanDyke and Bryan Haven and recommended their confirmation as Police Officers with the Helena Police Department (HPD). Officers VanDyke and Haven introduced their friends and family members in attendance and thanked the Commission for the opportunity to serve with the Helena Police Department. Mayor Smith, on behalf of the Commission, welcomed the officers to the City of Helena.

Motion Commissioner Ellison moved approval of the confirmation of Josh VanDyke and Bryan Haven as Police Officers with the HPD. Commissioner Thweatt seconded the motion. All voted aye, motion carried.

Proclamations PROCLAMATIONS:
B. Arbor Day

Mayor Smith read the proclamation designating April 26, 2013 as “Arbor Day” in the City of Helena. Parks and Recreation Director Amy Teegarden accepted the proclamation and reported on Arbor Day events being held in the community. She also introduced the city’s arborists Jason Herberger and Kevin Jenkins.

C. National Service Recognition Day

Mayor Smith read the proclamation designating April 9, 2013 as National Service Recognition Day. Service Nation (Montana) Representatives Heather Margolis and Jackie Girard accepted the proclamation and spoke about the importance of volunteer service in Helena and throughout the country. Mayor Smith and the Commission members thanked those who volunteer.

Board Appointments

BOARD APPOINTMENTS:

A. Non-Motorized Transportation Advisory Council (NMTAC), Tourism Business Improvement District (TBID) & Helena Open Lands Advisory Council (HOLMAC)

Mayor Smith asked for Commission concurrence on the following appointments:

Helena Open Lands Management Advisory Committee (HOLMAC) - Appointment of Craig McLane to a first term on HOLMAC; term will begin upon appointment and expire June 30, 2015.

Non-Motorized Travel Advisory Council (NMTAC) - Reappointment of Greg Olsen to a third term on NMTAC; term will begin upon appointment and expire March 31, 2016.

NOTE: Due to the high turnover on NMTAC, Mayor Smith recommended to reappoint Mr. Olsen to a third term.

Tourism Business Improvement District (TBID) - Appointment of Jim Tucker to an unexpired term on the TBID; term will begin upon appointment and expire April 20, 2016.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Thweatt moved approval of the appointments to NMTAC, TBID and HOLMAC as outlined above. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Consider a resolution declaring certain personal property to be abandoned and unclaimed (bicycles). **Resolution 19993**
- C. Professional services contract for the design of the Ten Mile Treatment Plant Backwash Handling Project, City Project #13-8 to Anderson Montgomery Consulting Engineers.

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

Public comment

Mayor Smith asked for public comment, none was received.

Motion

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

Bid Award

BID AWARD:

A. Four (4) new 2014 single-axle automated residential side loading refuse trucks, including bodies, for the Solid Waste Division

Staff Report

Fleet Superintendent Ben Sautter reported Bids were received for four (4) new 2013-2014 single-axle automated residential side loading refuse trucks, including bodies, for the City Solid Waste Division. These trucks will replace the 2007 American LeFrance Condor refuse trucks that have been in operation for the past six years. There were three bidders offering a total of five bids. After reviewing all five bids it was determined that two bids didn't meet the side arm specification and would not work in our narrow alley ways. Of the remaining three bids, two of those bids didn't meet the 360 degree visibility specification. This safety specification requires the truck have 360 degree visibility from the operator's seat that is accomplished by the corner cab windows. The AUTOCAR bid was the only bid that included this safety feature and offers a curved windshield with a narrow "A" pillar to improve driver visibility, a roomier cab with easier access and a tighter turning radius that will reduce the need for backing up. The AUTOCAR ACX42 is designed with the refuse business in mind. Innovations that result in trucks with smarter, more efficient design, lighter tire weight, less fuel consumption and the lowest lifecycle costs in the industry will provide higher long-term value. All bids included an option allowance for trade-ins. The trade-in bids were lower than expected and staff feels the city can get a better price through a surplus sale.

Staff is recommending the purchase of 4 new refuse trucks at the base bid price of \$968,848 for the replacement of our existing American LeFrance Condor units. This price will not include any extended warranty or trade-in values. The FY13 amended budget for this purchase is \$971,920.

The purchase of these units will allow the city to continue to upgrade its Solid Waste Maintenance fleet, provide reliable equipment with reduced maintenance costs and could provide single stream recycling collection in the future if so desired by the City Commission.

Public comment

Mayor Smith asked for public comment, none was received.

Comment

Commissioner Elsaesser referred to language in staff's memo where it states "the FY13 amended budget for this purchase is \$971,920." and asked for clarification on what fiscal year these units were budgeted.

City Manager Alles explained the units, through the CCIP, were budgeted in FY13; however, staff made the decision to postpone the purchase. At this time, if new units are not purchased, it would cost a significant amount for the maintenance of them. Therefore, the funds from the FY13 will be used to purchase the units.

Commissioner Elsaesser stated he will not support the motion to purchase these units; he would like to see a more concrete plan on recycling prior to moving forward.

Motion

Commissioner Ellison moved to award the bid to Jack's Truck & Equipment for four (4) new 2014 single-axle automated residential side loading refuse trucks, including bodies, for the Solid Waste Division for the base bid price of \$968,848.

Commissioner Thweatt seconded the motion. Motion carried 3-1, with

Commissioner Elsaesser voting no.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser congratulated the Big Horn Hockey Team on their season.

Commissioner Ellison congratulated Commissioner Haque-Hausrath on the birth of her daughter, Coretta. He also congratulated Police Chief McGee on the birth of his first grandson.

Commissioner Thweatt announced he would not be running for re-election to the City Commission and encouraged civic-minded citizens to consider running.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. Funding from Humanities Montana and the Montana History Foundation to digitize the first eleven minute books of the meetings of the Helena City Commission.

B. US Department of Transportation, Hazardous Material Emergency Preparedness planning grants

City Manager Alles gave an overview of the above grants.

C. Recognition of Helena Fire Department (HFD) Firefighters that participated in the Seattle Stairclimb

City Manager Alles invited Interim Fire Chief Sean Logan to report on the HFD's participation in the Seattle Stairclimb, which raises money for The Leukemia & Lymphoma Society.

Chief Logan recognized Firefighters Owen Koeppen, Mike McDaniel, Brandt Buresh, Captain Brian Roberts and Interim Assistant Fire Chief Kelly Tuck. In addition to the Helena Fire Department team, there as a team from Helena College's Fire Rescue Program.

Through entry fees and funding raising events, the Helena teams raised over \$4,400.

Mayor Smith and the commission members congratulated the firefighters and thanked them for their involvement in the fundraiser.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Andres Haladay reported the HCC members are available to assist the commission/ city staff in researching expanding the city's recycling program. This item is in the HCC's 2012 work plan.

Commissioner Elsaesser thanked the HCC for their desire to become involved. Mayor Smith requested the issue be discussed during Fiscal Year 2014 budget meetings.

Regular Items

REGULAR ITEMS:

A. CONSIDER A RESOLUTION ACCEPTING A DONATION FROM THE PAD FOR PAWS FOUNDATION FOR CONSTRUCTION OF PAWS PARK, A DOG PARK TO BE LOCATED IN CENTENNIAL PARK.

Staff Report

Parks & Recreation Director Amy Teegarden reported The City Parks Department is working with a committee of community volunteers to design and raise funds for a dog park in Centennial Park. While the City is contributing to the cost of the dog park, additional private partnership funds are necessary. Over the course of project planning and fundraising, the Pad for Paws Foundation has become involved in the effort. In the form of a sponsorship, the Foundation has offered to donate \$25,000 towards the construction phase of the dog park. The dog park committee and the City-County Park's Board support the proposed sponsorship and formally referring to the future dog park as "Paws Park, sponsored by the Pad for Paws Foundation".

Director Teegarden recommended approval of the resolution and that the City enters into a Letter of Understanding with the Pad for Paws Foundation for the acceptance of the \$25,000 donation. The sponsorship leverages city funding with private funding, making it possible to begin construction of the first phase of the dog park this summer.

Discussion

Commissioner Elsaesser asked for the anticipated opening date for the dog park. Director Teegarden stated the end of June/beginning of July 2013.

Public comment

Mayor Smith called for public comment.

Sarah Sadowski spoke in support of the dog park and thanked the Pad for Paws Foundation for their donation.

Comment

Mayor Smith and the Commission members expressed gratitude to the Pad for Paws Foundation for their generosity.

Motion

Commissioner Ellison moved approval of a resolution accepting a donation from the Pad for Paws Foundation for construction of Paws Park, a dog park to be located in Centennial Park. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution 19994**

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR PARK USE AND RECREATION SERVICES AND PROGRAMS IN HELENA CITY PARKS.

Staff Report

Director Teegarden reported last February the City Commission adopted Resolution #19902 establishing fees to be charged for park use and recreation services and programs. The fee resolution was based on administrative guidelines that incorporate the principles of cost recovery and levels of community/individual benefits. The appropriate level of cost recovery is based on an assessment of who benefits from the service provided. The resolution also combined and listed existing recreation fees into the same fee schedule.

After nearly a year of implementation, staff has identified changes needed to the existing resolution. These changes are the result of identifying inconsistencies in the fee schedule; clarifying fee names and/or categories; finding that some services/fees had been left out of the resolution and the addition of new services or facilities.

On March 25, 2013, the City Commission approved a resolution of intention and set a public hearing date for consideration of the

proposed resolution. A legal ad was published twice in the Independent Record advertising tonight's public hearing.

Director Teegarden recommended approval of the resolution as it will provide for consistent implementation of policy and collection of fees. The collected fees will generate funding for a "park improvement" fund and help to recover costs associated with providing the services and/or facilities.

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 establishing fees to be charged for park use and recreation services and programs in Helena city parks. Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Resolution 19995**

- B. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A DAYCARE CENTER WITH UP TO 30 STUDENTS TO BE LOCATED IN A CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT.

Staff Report

City Planner Elroy Golemon reported on Tuesday, March 12, 2013 the Helena Zoning Commission held a public hearing on the proposed CUP and unanimously recommended approval, (4:0 vote) of a resolution granting a CUP to allow a daycare center with up to 30 students to be located in a CLM District in a vacant office space of a building at 3390 Colton Drive.

According to the 2011 Growth Policy Future Land Use Map, the subject property is located in a mixed use area. Mixed use areas support higher density development, a mix of activities, more transportation options, and services. Mr. Golemon stated the proposed daycare center CUP will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity or in the zoning district in which the subject property is located. Also, infill development related to mixed-use areas can reduce the need for automobiles, encourage walking and save energy by allowing for the development of a compatible mix of land uses and structure types and encourage the use of existing infrastructure.

To date, there have been no public comments received.

Planner Golemon recommended approval of a resolution granting a Conditional Use Permit (CUP) to allow a daycare center with up to 30 students to be located in a CLM (Commercial Light Manufacturing) District; for property legally described in the resolution and subject to the following condition:

One (1) additional Van Accessible ADA parking space designed and marked in accordance with the Americans with Disabilities Amendments Act of 2010 and Accessible Design Standards must be provided on-site, including accessible path to closest front entrance of the building that serves the Daycare Center.

Discussion

Commissioner Ellison asked what the impact to the CUP would be if the property were sold. Mr. Golemon explained if the new owner desired to continue the use granted by the CUP; the regulations applied

at the time would still apply. The CUP stays with the property and not the ownership.

Commissioner Elsaesser asked when staff sends out notice to adjacent property owners for comments, does that include properties outside the city limits. Planner Golemon stated property owners both inside and outside the city limits were notified of the CUP request.

Mayor Smith asked if this facility will be licensed through the State of Montana. Planner Golemon reported Title 38 of the Helena City Code requires the facility to be licensed through the State of Montana.

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 granting a Conditional Use Permit to allow a daycare center with up to 30 students to be located in a CLM (Commercial Light Manufacturing) District; for property legally described in the resolution and subject to the following condition: One (1) additional van accessible ADA parking space designed and marked in accordance with the Americans with Disabilities Amendments Act of 2010 and Accessible Design Standards must be provided on-site, including accessible path to closest front entrance of the building that serves the daycare center.

Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution 19996**

Public Communications

PUBLIC COMMUNICATIONS

Sarah Sadowski spoke in support of the NMTAC appointment of Greg Olson and thanked the Commission for recognizing volunteer service proclamation.

Doug Graham, property owner of the CUP application, stated the daycare/Montessori School is currently licensed through the State of Montana.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is April 17, 2013 and the next Commission Meeting is April 22, 2013. The April Joint Work Session has been scheduled for April 11, 2013.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:45 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission