

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
May 20, 2013  
6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, May 20, 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, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, City Attorney Jeff Hindoien and City Clerk Debbie Havens were present. Others present were Andres Haladay representing the Helena Citizens Council.
- Pledge of Allegiance*** Mayor Smith asked Boy Scout Troop 228 to lead the pledge of allegiance.
- Minutes*** The minutes of the regular City Commission meeting of May 6, 2013 were approved as submitted.
- Confirmation of Firefighter*** PRESENTATION:  
A. Confirmation of Probationary Firefighter Brad Patterson  
  
Fire Chief Sean Logan gave Firefighter Brad Patterson's work and personal history and then introduced him to the commission. Chief Logan recommended the confirmation of Firefighter Brad Patterson.  
Chief Logan read the procedure of the appointment of a firefighter from the revised city ordinances of 1908.  
Chief Logan introduced Bob Drake, Chief of the Tri Lakes Fire Department.  
Firefighter Patterson recognized the opportunity he has working for the Helena Fire Department. He recognized and thanked the mentoring he received during his first year. He also recognized and thanked his family for their support.  
  
Commissioner Ellison congratulated Firefighter Patterson for the completion of his probationary period. Mayor Smith echoed Commissioner Ellison's comments and added it is the commission's intent that all firefighters are well trained, well equipped and well orientated.  
Mayor Smith administered the Oath of Office to Firefighter Brad Patterson.
- Board Appointments*** BOARD APPOINTMENTS:  
A. Emergency Medical Service Board  
Mayor Smith recommended the appointment of Dr. Andy Coil to the Emergency Medical Service Board. Term will begin upon appointment and expire December 31, 2015.
- Public Comment** Mayor Smith asked for public comment; none was received.
- Motion** Commissioner Elsaesser moved approval of the appointment to the Emergency Medical Service Board as listed

**above.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

**Consent Agenda**

CONSENT AGENDA:

- A. Claims
- B. Amended plat showing the vacation of the Nicole Court right-of-way adjacent to Lot 1 in Block 4 and Lot 6 in Block 2 of the Inter-City Commercial Subdivision.

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 and B on the consent agenda.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser stated he is looking forward to the transportation safety meeting scheduled for Tuesday, May 21<sup>st</sup> at 6:00 p.m. at the Civic Center

Commissioner Haque-Hausrath announced on May 30<sup>th</sup> there is an event celebrating service organizations including AmeriCorps Vista and Senior Corp Vista. The celebration will be held at Exploration Works and begins at 5:30 p.m.

Commissioner Ellison recognized members of the commission to include Commissioner Haque-Hausrath for submitting a Your Turn article to the Independent Record; Commissioner Elsaesser for another successful plastics drive and Commissioner Thweatt for the work he did during the Benton Avenue Cemetery clean-up day.

Commissioner Ellison stated there was a lot going on in town this past week-end, including the Ales for Trails and the History Fair.

Mayor Smith stated he received a note from Dr. Tom Pearson recognizing the work of Commissioners Dick Thweatt and Dan Ellison, and City Arborist Kevin Jenkins and his family during the Benton Avenue Cemetery clean-up day.

**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 reported on Tuesday, May 21<sup>st</sup> city staff will host the Greater Helena Safety Summit at the Civic Center at 6:00 p.m. He gave an overview of what will be discussed.

**Report from the Helena Citizens**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Andres Haladay reported the HCC will review the HATS Transit Plan and will submit comments.

Commissioner Haque-Hausrath asked the HCC to look at the recommendation chapter and review what information might be helpful for the public when reviewing the document.

Commissioner Elsaesser noted the HATS Transit Plan is a very important document and concurred the HCC should continue to review

and make recommendation to the commission. He suggested the HCC might want to look at the non-compliant lighting districts to review the possibility of reverting back to bring them back into compliance with the dark sky ordinance.

Mayor Smith noted the HCC continues to be involved in the city budget process.

### **Regular Items**

#### REGULAR ITEMS:

- A. CONSIDER A RESOLUTION TO ALLOW CITY EMPLOYEES TO PARTICIPATE IN THE STATE OF MONTANA 457 (B) DEFERRED COMPENSATION PLAN ADMINISTERED BY THE MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION.

### Staff Report

Human Resources Director James Fehr reported the city currently contracts with both Nationwide and ICMA to administer 457(b) deferred compensation plans for the city. There are just over 90 city employees participating in the plans. The city carries full fiduciary responsibility to ensure plans and investments of each plan are managed appropriately for the benefit of participants. Nationwide and ICMA currently charge much higher administrative fees than the MPERA does for its plan.

Director Fehr recommended the adoption of the resolution to allow city employees to participate in the State of Montana 457 (b) deferred compensation plan administered by the Montana Public Employee Retirement Administration (MPERA). At a future date, all future deferred compensation contributions from employees will go to the State's plan. Employees will be allowed to keep current investments where they are with ICMA and Nationwide if they so choose. They will also have the opportunity to move their funds to the State's plan at any point in the future.

The Public Employees' Retirement Board provides oversight of plan assets and investments and carried the fiduciary responsibility that is currently the responsibility of the city. The administrative fees associated with investments are considerably lower with the State's plan than with current contracts, which will help employees' investment dollars go further. Access to consistent education and local support to plan participants will be improved with the State.

### Discussion

Commissioner Elsaesser asked what the reason is that employees can no longer contribute to ICMA and Nation Wide. Director Fehr stated it is for fiduciary reasons.

### Public comment

Mayor Smith called for public comment; none was received.

### Motion

**Commissioner Haque-Hausrath moved approval of a resolution authorizing participation in the State of Montana 457 (b) Deferred Compensation Plan administered by the Montana Public Employees Retirement Administration.** Commissioner Ellison seconded the motion; all voted aye, motion carried. **Resolution 19998**

- B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTION 1-4-10 OF THE HELENA CITY CODE TO CORRECTLY SHOW NEW BOUNDARIES OF THE HELENA CITIZEN COUNCIL DISTRICTS.

Staff Report

City Attorney Jeff Hindoien reported on May 6, 2013, the city commission adopted Ordinance 3175, an emergency ordinance amending Section 1-4-10 of the Helena City Code to correctly show new boundaries of the Helena Citizen Council Districts. This ordinance will supersede Ordinance 3175.

Attorney Hindoien recommended first passage of an ordinance amending Section 1-4-10 of the Helena City Code to show new boundaries of the Helena Citizen Council Districts and to set a public hearing date for June 10, 2013.

Attorney Hindoien noted the HCC members reviewed the map and concurred to move forward with the proposed districts. Mayor Smith thanked staff for working with the HCC.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Thweatt moved approval for first passage of an ordinance amending Section 1-4-10 of the Helena City Code to correctly show new boundaries of the Helena Citizens Council Districts and to set a public hearing date of June 10, 2013.**

Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Ordinance 3176**

C. CONSIDER THE 2013 UPDATE TO THE CITY OF HELENA ENGINEERING STANDARDS.

Discussion

Commissioner Ellison noted the commission intended to discuss the standards at the last administrative meeting; however, there were key staff and commission members absent from the meeting. In addition there was an updated comment page that was not available for full discussion. Therefore, he was not comfortable moving forward in considering the standards.

Motion

**Commissioner Ellison moved to withdraw this item from the agenda and direct the City Manager to secure the preparation of an updated "red line" version of the draft Engineering Standards and the presentation of the updated "red line" document at the June 5<sup>th</sup> administrative meeting for the commission's further consideration.**

Commissioner Thweatt seconded the motion.

Public comment

Mayor Smith called for public comment; none was received.

Discussion

Commissioner Elsaesser concurred with Commissioner Ellison's comments and noted how important this document is to the city and he would support taking the extra time.

Commissioner Haque-Hausrath stated she also supports withdrawing the agenda item; giving staff additional time to bring forward a clean document.

Commissioner Ellison summarized this document should be made as good as possible and he believes with the delay it will allow staff to do just that.

Mayor Smith concurred with the recommendation and asked Engineer Leland if he feels comfortable being ready on June 5<sup>th</sup>.

Engineer Leland stated the document would be ready for commission review on June 5<sup>th</sup>.

City Manager Alles concurred with the motion to withdraw the agenda item.

**Vote**

All voted aye, motion carried.

- D. CONSIDER FIRST PASSAGE OF AN ORDINANCE ADOPTING A UNIFORM PROCEDURE FOR ESTABLISHING MUNICIPAL FEES AND CHARGES.
- E. CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH BY RESOLUTION VARIOUS MUNICIPAL FEES AND CHARGES PREVIOUSLY SET BY ORDINANCE.

**Staff Report**

City Attorney Hindoien explained currently city ordinances provide for the setting or amending fees and charges by either ordinance or resolution. Staff is recommending creating a uniform procedure for all fees and charges to taking two coordinated commission actions: 1) Uniform Procedure for Establishing Municipal Fees and Charges Ordinances and 2) Resolution Establishing Various Municipal Fees and Charges.

Attorney Hindoien recommended approval of first passage of an ordinance adopting the Uniform Procedure for Establishing Municipal Fees and charges and set a public hearing date of June 10, 2013. Attorney Hindoien recommended approval of a resolution of intention to establish by resolution various municipal fees and charges previously set by ordinance and set a public hearing date of June 10, 2013.

**Public comment**

Mayor Smith called for public comment; none was received.

**Discussion**

Commissioner Ellison asked for confirmation with this ordinance change, no fees, charges or fines are being increased, it is providing an improved structure to set fees in the future. Attorney Hindoien concurred and explained in the future if a fee is changed a resolution of intention will be considered and with approval a public hearing will be set at which time a resolution will be considered.

Commissioner Elsaesser asked if the fees are set by resolution, any adjustments would require two public meetings. Attorney Hindoien concurred; a resolution of intention will be brought forward and then ultimately a public hearing with proper notice to consider a resolution.

Mayor Smith thanked Attorney Hindoien and Director Magee for bringing these recommendations forward.

**Motion**

**Commissioner Ellison moved approval for first passage of an ordinance adopting a uniform procedure for establishing municipal fees and charges and set a public hearing date of June 10, 2013.** Commissioner Haque-Hausrath seconded the motion. All voted aye; motion carried. **Ordinance 3177**

**Motion**

**Commissioner Ellison moved approval of a resolution of intention to establish by resolution various municipal fees and charges previously set by ordinance and set a public hearing date of June 10, 2013.** Commissioner Haque-Hausrath seconded the motion. All voted aye; motion carried. **Resolution 19999**

F. CONSIDER A RESOLUTION OF INTENTION TO BUDGET  
ADDITIONAL TAX REVENUE FOR FY2014.

Staff Report

Administrative Services Director Magee reported state statute allows the city to budget additional property tax revenues over the prior year level as specified in 15-10-420, MCA. In accordance with 15-10-203, MCA the city is required to hold a public hearing before the budgeting any increase in total property tax revenues. The city intends to budget tax revenue increase as allowed by state law.

Director Magee noted a replacement resolution is on the commission's desks and explained when the resolution was first drafted staff used 5% for the health insurance increase; however, the final increase is 2.5%.

Director Magee recommended approval of a resolution of intention to Budget Additional Property Tax Revenue of up to 1.12% for fiscal year 2014 and set a public hearing date of June 10, 2013.

Discussion

Commissioner Elsaesser stated he is pleased the city continues to have lower health insurance increases than most other municipalities.

Commissioner Ellison stated this is good news there will be a decrease in the intent to budget additional property tax revenue.

Public Comment

Mayor Smith asked for public comment; none was received.

Motion

**Commissioner Haque-Hausrath moved approval of a resolution of intention to Budget Additional Property Tax Revenue of up to 1.12% for fiscal year 2014 and set a public hearing date of June 10, 2013.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution 20000**

**Public  
Communications**

PUBLIC COMMUNICATIONS

Ed McHugh, 9 Cloverview, addressed the commission regarding a proposal to annex 40-acres into the city. At this time, the Assembly of God Church has made an offer to purchase 15-acres. Mr. McHugh noted the Zoning Commission approved the pre-zone; however, the city is now requiring that all 40-acres be brought up to city standards.

Mr. McHugh requested the commission consider asking staff to work with him to find a process where the land can be developed.

City Manager Alles assured the commission staff is looking at the proposal and is applying the current engineering and subdivision standards. Manager Alles stated he has not seen the proposal and offered to meet with Mr. McHugh.

Mayor Smith noted in the past other developers have signed a developer's agreement prior to annexation. Manager Alles noted this is new development that will require staff review.

Rudy Whitney with Boy Scout Troop 228 appeared before the commission to discuss the position of the eagle on the American flag pole.

**Meetings of Interest**

MEETINGS OF INTEREST

Commission Budget Work Sessions - May 22, 2013 and June 3, 2013 - 3:00p.m. - City/Co Bldg., Room 326

Administrative Meeting - Wednesday, June 5, 2013 - 4:00 p.m. - City/Co  
Bldg., Room 326

City-County Joint Work Session – June 6, 2013 – 4:00 p.m. – City/Co  
Bldg., Room 326

City Commission Meeting - Monday, June 10, 2013 - 6:00 p.m. - City/Co  
Bldg., Commission Chambers

***Adjournment***

There being no further business to come before the Commission,  
the meeting was adjourned at 7:25 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission