

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
December 16, 2013
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, December 16, 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 Deputy City Clerk Robyn Brown were present.

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 December 2, 2013 were approved as submitted.

Confirmation & Introduction

CONFIRMATION & INTRODUCTION OF HELENA POLICE OFFICERS BRIAN STRUBLE, BRYAN BENIGER, AND RUSSELL BROADHURST

Staff Report

Helena Police Department (HPD) Chief Troy McGee gave an overview of Brian Struble, Bryan Beniger, and Russell Broadhurst education and work history and recommended approval of their confirmation as Officers with the Helena Police Department. Chief McGee also introduced members of the HPD in attendance.

Mr. Struble, Mr. Beniger and Mr. Broadhurst introduced their family and friends in attendance and thanked the Commission and City Manager Alles for the opportunity to serve the citizens of Helena by working for the HPD.

Mayor Smith and the Commission members congratulated the officers on their achievement and commended their desire to serve in this profession.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Thweatt moved approval of the confirmation of Brian Struble, Bryan Beniger and Russell Broadhurst as Officers with the Helena Police Department. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

Chief McGee presented Officers Struble, Beniger and Broadhurst with HPD "Challenge Coins", which represent the ideals and mission of the department.

Assistant Chief Steve Hagen's wife, Barb, presented the spouses of the newly confirmed officers with the book, *I Love a Cop*.

Board Appointments

BOARD APPOINTMENTS:

A. Public Art Committee & Transportation Coordinating Committee

Mayor Smith recommended the following board appointments:

Public Art Committee - Reappointment of John Moore to a first full term on the Public Art Committee. Term will begin upon appointment and expire December 31, 2016.

Transportation Coordination Committee - Reappointment of Melinda Barnes to a second term on the Transportation Coordinating Committee. Term will begin upon appointment and expire December 31, 2015.

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

Motion Commissioner Haque-Hausrath moved approval the appointments to the Public Art Committee and Transportation Coordinating Committee as outlined above. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Acceptance of a grant from Target in the amount of \$500 to the Helena Police Department
C. Acceptance of pledged collateral for City deposits at financial institutions
D. Acceptance of the 2013 Comprehensive Annual Financial Report (CAFR)
E. Enlargement of water and wastewater service area for Block 21 of the Boyce Addition in Lewis and Clark County
F. Request for permission to replace damage siding at Colwell Building

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

Mayor Smith asked item B be removed for discussion.

Commissioner Elsaesser asked item F be removed.

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

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

Item B B. ACCEPTANCE OF A GRANT FROM TARGET IN THE AMOUNT OF \$500 TO THE HELENA POLICE DEPARTMENT

Chief McGee reported Corporal Corey Bailey, Lieutenant Tim Coleman and Officer Buck Herron had applied for the grant which will be used to purchase Christmas gifts for ten underprivileged students. Chief McGee and the members of the Commission commended the officers for taking the initiative to apply for the grant and thinking of those less fortunate in the community during this holiday season.

Motion Commissioner Ellison moved approval of item B on the consent agenda. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

Item F F. REQUEST FOR PERMISSION TO REPLACE DAMAGE SIDING AT COLWELL BUILDING

Commissioner Elsaesser thanked the City of Helena/Lewis & Clark County Heritage Tourism Council for their commitment to keeping buildings like this viable and preserving their historic nature .

Motion Commissioner Elsaesser moved approval of item F on the consent agenda. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Ellison wished the citizens of Helena a happy holiday season. He included special wishes for Governor and First Lady Bullock and Montana’s legislators.
Mayor Smith and Commissioners Ellison, Haque-Hausrath, and Elsaesser thanked Commissioner Thweatt for his service on the Commission over the past four years and commended the way he worked through the many issues facing the city and Commission over those years. Commissioner Thweatt commented it has been an honor to work for the citizens of Helena and serve on the Commission. He indicated he would miss working with the Commission members and city staff greatly.

Mayor Smith congratulated Administrative Services staff for another successful, unqualified audit/CAFR.

Commissioner Elsaesser referred to the document titled “Elsaesser, Commissioner Proposals” and explained Items A and B in detail. This document is included in the Commission packet as part of the official record.

Motion- Item A Commissioner Elsaesser moved the allocation of any remaining CTEP funds for Centennial Trail Phase 1 and other CTEP projects recently approved by the City of Helena Commission to be placed on the agenda of a Monday meeting in January 2014 (January 13th or January 27th), prior to final grant submission. Commissioner Haque-Hausrath seconded the motion.

Discussion City Manager Alles outlined the process he anticipates following to comply with the motion. Thorough discussion was held on Commissioner Elsaesser’s rational for the proposed motion.

Vote All voted aye, motion carried.

Motion- Item B Commissioner Elsaesser moved discussion of the use of City of Helena Revolving Loan funds to enable Montana Business Assistance Connection (MBAC) to purchase what is generally referred to as the “Caird property” be placed on the agenda for Monday, January 13, 2014. Commissioner Ellison seconded the motion.

Discussion Commissioner Ellison spoke in support of the motion. Mayor Smith expressed concern that via City Charter the City Manager sets the agenda. He spoke against motions that negate that authority and charge and indicated he would not support the motion.

City Manager Alles discussed the purchase of the property and funding sources and noted he is unable to guarantee that the necessary due diligence and staff report would be ready for Commission review, discussion, and action by January 13th.

Discussion was held on placing the item on the agenda at the call of the City Manager.

Friendly amendment **Commissioner Elsaesser moved the use of City of Helena Revolving Loan funds to enable Montana Business Assistance Connection (MBAC) to purchase what is generally referred to as the "Caird property" be placed on the agenda for Monday, January 13, 2014 to the call of the City Manager.** Commissioner Ellison accepted the amendment.

Comment Commissioner Thweatt concurred with Mayor Smith's concerns and noted he would not vote in support of the motion. He expressed concern related to moving the issue along too quickly.

Vote Motion passed 3-2 with Mayor Smith and Commissioner Thweatt voting no.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager REPORT OF THE CITY MANAGER
No report was given.

Report from the Helena Citizens Council REPORT FROM THE HELENA CITIZENS COUNCIL
There was no member of the HCC present to provide a report.

Public Hearings PUBLIC HEARINGS:
A. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A ZONE CHANGE FROM PLI (PUBLIC LANDS AND INSTITUTIONS TO B-2 (GENERAL COMMERCIAL) DISTRICT.

Staff Report Planner Kathy Macefield reported on Tuesday, November 12, 2013 the Helena Zoning Commission unanimously recommended approval (3:0 vote) for passage of an Ordinance amending the Official Zoning Map described in Section 11-1-3 of the Helena Zoning Regulations, for a zone change from PLI (Public Lands and Institutions) to B-2 (General Commercial) District. Said property subject to the zone change consists of the following three (3) parcels as referenced on COS # 615814/MS:

- Parcel identified as "Lot A2" (4.186 acres);
- Parcel identified as "MPC BK-107 PG-533" (1.04 acres); and
- Parcel identified as "State of Montana Fish, Wildlife and Parks" (7.936 acres). These parcels are generally located north of Custer Avenue between Dredge Drive and McHugh Lane with a property address of 930 Custer Avenue.

The property contains 3 tracts that are all shown on COS #615814/MS, including one unnumbered tract, for a total of 13.162 acres. Initially the proposed zone change was presented as 4 parcels

due to each one having its own separate geo-code number. However, upon further review of the filed certificates of survey (COS), staff determined there are actually three properties as described in the preceding paragraph of this memo, with one owned by Northwest Energy and two owned by Montana Fish Wildlife and Parks.

Ms. Macefield recommended approval of the zone change.

Discussion

Commissioner Thweatt asked how well this property could be connected to the street network to the north. He expressed concern that all of the traffic will be funneled to Custer Avenue causing congestion issues. Ms. Macefield explained currently Custer Avenue is the access proposed to be provided. Conceivably a connection may be provided via River Rock Drive at some point. Cul-de-sacs exist north of the subject property.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Clint Erb, 5150 Creekside Lane, applicant; spoke in support of the zone change.

Howard Skjervem, Northwestern Energy, 1315 North Last Chance Gulch; spoke in support of the proposal.

Hugh Zackheim, Fish, Wildlife and Parks; urged the Commission to support the zone change.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Elsaesser moved approval of first passage of an ordinance for a zone change from PLI (Public Lands & Institutions) to B-2 (General Commercial) District. Commissioner Thweatt seconded the motion.

Comment

Commissioner Ellison disclosed while under employment as Chief of Administration and Finance at Fish, Wildlife and Parks he was directly involved in financial transactions such as these. However, he does not feel this creates a conflict of interest and indicated he would vote on the item.

Vote

All voted aye, motion carried. **Ord#3187**

Public Communications

PUBLIC COMMUNICATIONS

Howard Skjervem, Northwestern Energy; thanked the Commission and city staff for the work they do for the community.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is January 8, 2014 and the next Commission Meeting is January 13, 2014. The next City/County Joint Work Session will be held January 9, 2014.

The Swearing-In Ceremony for Mayor Smith, Commissioner Ellison and Commissioner-Elect Andres Haladay is scheduled for January 6, 2014 at 10:00 a.m.

Adjournment

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

Mayor James E. Smith

ATTEST:

Clerk of the Commission