

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
March 10, 2014
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, March 10, 2014 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, Haque-Hausrath and Haladay were present. Acting City Manager/City Attorney Jeff Hindoien and Deputy City Clerk Robyn Brown were present. Others present were Allyssa Bones 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 February 10, 2014 were approved as submitted.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Acceptance of pledged collateral for City deposits at financial institutions
C. Memorandum of Understanding (MOU) between the City of Helena and Lewis & Clark County for the Comprehensive Operational Review of both the Transfer Station and the Lewis & Clark County Landfill operations

Acting City Manager Jeff Hindoien recommended approval of the claims and the consent agenda.

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

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

Item C MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF HELENA AND LEWIS & CLARK COUNTY FOR THE COMPREHENSIVE OPERATIONAL REVIEW OF BOTH THE TRANSFER STATION AND THE LEWIS & CLARK COUNTY LANDFILL OPERATIONS

Public Works Director Randall Camp introduced Lewis & Clark County Solid Waste Manager Sherrel Ryhs.

Commissioner Haque-Hausrath read language from page 37 of the packet included in Exhibit B related to covering the cost of recycling services and asked for an explanation of what the language “subsidy from somewhere else” would mean. Public Works Director Camp explained it means the city would need to come up with a funding stream to pay for the service; if the material costs do not make the program whole then the city would need to charge additional for the service by possibly increasing rates. Commissioner Haque-Hausrath stated the city

increased solid waste rates 2% last year and asked for clarification if that increase would be a means to pay for the service. Director Camp stated the assessment needs to be done to find out where the city stands. A cost/benefit analysis needs to be completed to find the most efficient and economical way to provide the service. Commissioner Haque-Hausrath indicated the city's current rate structure for residential solid waste could be used to pay for recycling. Director Camp concurred.

Commissioner Haque-Hausrath commented their MOU indicates the consultant will present their findings to staff, and the report may be tweaked, and then a final report will come before the Commission. She asked if there will be an opportunity for the consultant to present directly to the Commission. Ms. Rhys stated there will be several options for comment on the study, there will be a public meeting to allow for public input, and also the consultant has agreed to perform a public presentation and answer questions in Helena. Commissioner Haque-Hausrath asked if the consultant would be able to attend a City/County Joint Work Session. Director Camp and Ms. Rhys confirmed the consultant would be presenting the results of the study to the Commission at a Joint Work Session.

Commissioner Haque-Hausrath again referred to Exhibit B of the MOU and stated the MOU indicates the consultant will study paying for the costs of recycling; will there also be an analysis done for the cost of not recycling in the landfill. Director Camp indicated yes.

Commissioner Haque-Hausrath referred to the Scope of Work in the MOU and the recycling analysis included in it. She asked for an overview of what is intended for study related to recycling in the current scope of work. Director Camp stated the consultant was to review all recycling functions/ operations, the fees charged and the way materials are handled to ensure all is being performed in the most cost effective manner.

Commissioner Ellison commented this contract is costly and has also increased quite a bit; and asked how the consultant was chosen. Ms. Rhys explained the county interviewed many consulting and engineering service providers. Neil Bolton with Blue Ridge Services has provided training and consulting services to the county in the past and is an expert in this field all over the world. In discussions following the consultant interviews it was decided it was important to staff to hire someone with Mr. Bolton's expertise. The cost of this contract was substantially below the statutory requirement for an RFP/RFQ .

Commissioner Ellison referred to third paragraph of the addendum there is following language "*this makes the transfer station less competitive when compared to alternative disposal options which may not include similar costs*". Commissioner Ellison noted this stated that language is troubling as it seems like a statement that would be included in a final report when the study is still a proposal and marked "DRAFT". Director Camp explained that is a typo and the word "*may*" is missing following the word "*this*". The language will be revised to include it. Commissioner Ellison stated he is troubled that in a proposal it appears conclusions have already been reached and reiterated this is supposed to be a draft.

Commissioner Haladay asked referred to Commissioner Haque-Hausrath's questions regarding the scope's recycling portion and asked if that was the original addendum Scope of Services, or on the current proposed addendum. Director Camp indicated it was on the proposed addendum.

Commissioner Haladay stated since the Commission has added to the Scope of Services, Blue Ridge Services has not begun work on the review. Director Camp concurred and explained the MOU must be approved then the contract will come before both the City and County Commissions for approval then the study can commence. Commissioner Haladay asked for the timeframe of the study. Ms. Rhys stated the consultant indicated he believes he can still have it completed by July depending on what he finds and what additional information is requested by the Commissions and staff.

Commissioner Elsaesser referred to lines in parenthesis in Exhibit B and asked if that language was provided by the consultant. Ms. Rhys stated staff worked with the consultant and provided a lot of information that was already known. Commissioner Elsaesser asked if there is anything precluding Mr. Bolton from working with private companies such as Helena Recycling to review other services that are provided in our area. Director Camp agreed that will be part of the discussion.

Commissioner Elsaesser referred to page 35 regarding ways to stabilize the current waste stream and asked for clarification of that statement. Director Camp confirmed that is a fairly generic statement meaning keeping your tonnage up to keep your income up; stability is crucial to a smooth operation.

Acting City Manager Hindoen explained under consideration for Commission approval tonight is approval or disapproval of the MOU and to approve or disapprove paying for half of the study; Exhibit B is not under consideration only the MOU to conduct the study.

Further discussion was held on approval of the MOU and Exhibit B. The Commission requested their concerns related to the study be passed along to Lewis & Clark County Officials and staff.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haque-Hausrath moved approval of item C on the consent agenda. Commissioner Ellison seconded the motion. Motion carried 4-1 with Commissioner Elsaesser voting no.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser referred to design concepts included in the Greening America's capital's program and urged the Commission to be mindful of those concepts when reviewing the CCIP for FY2015.

Commissioner Elsaesser spoke to the approval of the resolution regarding residential parking districts on February 24th and offered the following motion:

Motion

Commissioner Elsaesser moved to reconsider the Commission's action on Resolution #20071 related to Residential Parking Districts at the February 24, 2014 meeting. Commissioner Ellison seconded the motion.

Commissioner Ellison voiced concern over the resolution and noted he expressed his concern via email correspondence the day after the resolution was approved

Commissioner Haque-Hausrath stated she is not interested in revisiting the issue; however she did submit several questions to staff requesting clarification of several items discussed during the public

hearing. She stated she would like a response to those questions but is not supportive of revisiting the issue.

Commissioner Haladay stated if the resolution is revisited he would probably recommend that Residential Parking Districts be done away with entirely. He is not comfortable with public right of way being "purchased" via permit. He noted that unless discussion of getting rid of the districts is included in the revisiting of the resolution he would not support its consideration again.

Commissioner Elsaesser spoke to concerns for and against the districts.

Mayor Smith indicated he would not vote in support of the reconsideration as he felt that concerns with the districts would be addressed as each individual district was renewed.

Vote

Motion failed 2-3 with Mayor Smith and Haladay and Haque-Hausrath voting no.

Commissioner Haladay stated he has become involved with a coalition to end childhood hunger in Helena; it's made up of several local groups and gave a description of the program. He invited other members of the Commission to get involved and stated the group meets on the 4th Wednesday of the month at the Lewis and Clark Library (tentatively). He listed the topics that will be discussed related to the problem, such as the lack of public transportation to the Food Share location.

Commissioner Ellison commended the Chamber of Commerce on an orientation they recently gave to new board members; it was very well done and informative.

Commissioner Ellison referred to the March Joint Work Session and stated the Commission discussed the issue related to Mr. Mueller's proposal to close his property on California Street and the city's proposal to install barricades on California Street. This would affect both city and county residents

City Engineer Leland stated the city has not installed barricades yet, as there is currently too much stormwater to install. Engineer Leland explained where the barricades would be located and what access would be allowed and what access would be denied. He indicated that the owner, Kermit Mueller, thanked both the City and County Commissions for holding discussion with him on the issue and agreed he would not close the road.

Commissioner Ellison thanked Mr. Mueller for his spirit of community service in choosing the action he took.

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. New Helena Police Department (HPD) K-9 "Dino"

Helena Police Department (HPD) Chief introduced K9 "Dino". Dino is a 15-month old, 70 lb. German Shepherd/Mainois cross, born in Hungary where he was purchased specifically to become a Law Enforcement Canine.

Officer John Kalezyc, who has been assigned as Dino's handler, just recently returned with Dino after attending training for six weeks in North Carolina. Chief McGee noted Dino responds to commands in Dutch, which Officer Kalezyc is still mastering. Chief McGee explained Dino's abilities and noted he was paid for by Crimestoppers.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Alyssa Bones gave an overview of the Council's February meeting, during which their workplan for 2014 approved. The top three priorities are: Transportation; Growth and Development; and Recycling.

Commissioner Haladay urged the HCC to follow along and get involved in the city's future discussions on recycling.

Regular Items

REGULAR ITEMS:

- A. CONSIDER ENLARGEMENT OF THE CITY OF HELENA'S WATER AND SEWER SERVICE AREA FOR LOTS 16 AND 17 IN BLOCK 30 OF THE EASTERLY ADDITION.

Staff Report

Acting City Manager Hindoien recommended tabling this item to the call of the City Manager as it is directly related to a future action on an amended plat for the property. He recommended the Commission consider both proposals as a package and it would only require the applicant to attend one Commission Meeting.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Ellison moved to table enlargement of the City of Helena's Water and Sewer Service Area for Lots 16 and 17 in Block 30 of the Easterly Addition to the call of the City Manager.
Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

**Public
Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is March 19, 2014 and the next Commission Meeting is March 24, 2014.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:22 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission

