

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**July 7, 2014**  
**6:00 P.M.**

***Time & Place*** A regular City Commission meeting was held on Monday, July 7, 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. 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 June 23, 2014 were approved as submitted.

***Proclamation*** PROCLAMATION:  
A. National Park & Recreation Month

Mayor Smith read the proclamation designating July 2014 as National Park & Recreation Day in the City of Helena. City Parks & Recreation Department Director Amy Teegarden accepted the proclamation and commented on the importance of parks and recreation opportunities in communities. Director Teegarden also thanked Park's Recreation, Open Lands, and Golf staff for the passion and professionalism they bring to the Department. She discussed the Parks Department's efforts to bring more focus to the City's recreation opportunities by expanding existing and creating new programs, noting there has been increased participation by Helena's citizens and new revenue generated.

Director Teegarden introduced newly hired Recreation & Aquatics Manager Liz Jones, who began her employment with the city on April 1<sup>st</sup> and gave her education and background. Ms. Jones commented she is very excited about her position with the City and listed events being held in Helena in honor of National Park & Recreation Month.

***Board Appointments*** BOARD APPOINTMENT:  
A. Helena Housing Authority

Mayor Smith recommended the following appointment:

Helena Housing Authority – Re-Appointment of Judy Nielsen to a 2nd term on the Helena Housing Authority. Term will begin upon appointment and expire August 1, 2019.

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

**Motion**

**Commissioner Haque-Hausrath moved approval of the appointment to the Helena Housing Authority as listed above.**

Commissioner Haladay seconded the motion. All voted aye, motion carried.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Resolution authorizing the disposal of surplus property (8 Aimpoint Electronic Rifle Sights.)
- C. Resolution dissolving the Intergovernmental Transit Committee.
- D. HCTV Agreement from 2014 until 2019.
- E. Resolution of intention to amend the boundaries and levy an assessment upon all property in the Open Space Maintenance District No. 1 for fiscal year 2015 and set a public hearing date of August 18, 2014 .
- F. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Tourism Business Improvement District (TBID) for fiscal year 2015 and set a public hearing date of August 18, 2014..
- G. Resolution of intention to levy and assess a tax on all properties in the Special Improvement Districts to defray the cost of maintaining improvements for fiscal year 2015 and set a public hearing date.
- H. Resolution of intention to amend the boundaries and levy an assessment upon all property in the Storm Water Utility District for fiscal year 2015 and set a public hearing date of August 18, 2014.
- I. Resolution of intention to levy an assessment upon all property in the Special Street Lighting Districts to defray the costs of installing and maintaining improvements for fiscal year 2015 and set a public hearing date of August 18, 2014.
- J. Resolution of intention to levy an assessment upon all property in the Urban Forest Management District for fiscal year 2015 and set a public hearing date of August 18, 2014.
- K. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Business Improvement District (BID) for fiscal year 2015 and set a public hearing date of August 18, 2014.
- L. Resolution of intention to levy assessments for fiscal year 2015 for improvements made to properties in the Sidewalk Improvement Districts and set a public hearing date of August 18, 2014.
- M. Resolution of intention to specify the assessment option and levy an assessment upon all property in the Landfill Monitoring and Maintenance District for fiscal year 2015 and set a public hearing date of August 18, 2014.
- N. Resolution of intention to increase wastewater charges for all customers and set a public hearing date of August 18, 2014.
- O. Resolution of intention to specify the assessment option, amend the boundaries and levy and assess the annual charge for Street Maintenance District #1 for fiscal year 2015 and set a public hearing date of August 18, 2014.
- P. Resolution of intention to establish charges for collection and disposal of residential garbage and refuse in the City of Helena, Montana, for fiscal year 2015 and set a public hearing date of

August 18, 2014 .

- Q. Resolution of intention to increase water rates for all customers and set a public hearing date of August 18, 2014.
- R. Resolution of intention to increase wastewater rates for all customers and set a public hearing date of August 18, 2014.
- S. Resolution of intention to increase water charges for all customers and set a public hearing date of August 18, 2014.

City Manager Ron Alles recommended approval of the claims and the consent agenda. He noted once the proposed resolutions of intention to increase the rates and assessments listed above are approved, the Commission cannot increase the rates any higher than the amount contained in said resolutions of intention during their public hearings on August 18th. However, the amount of increase can be lowered.

Commissioner Elsaesser requested Items N through S be removed.

**Motion** Commissioner Elsaesser moved approval of items A through M on the consent agenda. Commissioner Ellison seconded the motion.

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

**Vote** All voted aye, motion carried.

**Items N through S** Commissioner Elsaesser explained he would like to reduce the advertised increase for the following assessments: Street Maintenance District #1 (O.), residential solid waste (P.), water and wastewater. He indicated he left the Stormwater Utility District assessment as proposed in the resolution of intention based on the new regulatory requirements the city needs to meet, as well as infrastructure improvements scheduled to be performed and that an engineer is to be hired to work specifically on Stormwater issues.

**Motion** Commissioner Elsaesser moved approval of consent agenda item N. Resolution of intention to increase wastewater charges in an amount up to 2% for FY 2015. Commissioner Haladay seconded the motion.

Discussion Manager Alles clarified consent agenda item N. is associated with the cost the city charges for various wastewater fees, permits or repairs; such as septic dumping or sewer line jetting.

*Motion withdrawn* Commissioner Elsaesser withdrew his motion.

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

**Motion** Commissioner Elsaesser moved approval of consent agenda item N. Resolution of intention to increase wastewater charges for FY 2015 as proposed in the Commission packet. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

**Item O.** Commissioner Elsaesser referred to item O. and stated the city has made substantial increases to this district over the past few years and he feels it is currently very solvent and in good hands.

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

**Motion** **Commissioner Elsaesser moved approval of consent agenda item O. Resolution of intention to specify the assessment option, amend the boundaries and levy and assess the annual charge for Street Maintenance District # in an amount up to 1% for FY 2015.** Commissioner Haque-Hausrath seconded the motion. Motion carried 3-2, with Mayor Smith and Commissioner Ellison voting no.

**Item P.** Commissioner Elsaesser noted the Commission is awaiting results of the Solid Waste Study being performed by Mr. Neil Bolton; an increase of 1.5% will still leave the Commission with options based on that study.

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

**Motion** **Commissioner Elsaesser moved approval of consent agenda item P. Resolution of intention to establish charges using an increase of up to 1.5% for collection and disposal of residential garbage and refuse for FY 2015.** Commissioner Haladay seconded the motion. Motion carried 3-2, with Mayor Smith and Commissioner Ellison voting no.

**Item Q.** Commissioner Elsaesser noted there was a 5% increase in the water rates last year. He commented there is a healthy reserve in this fund that will be able to cover projects for the Tenmile as well as improvements to deal with extra capacity.

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

**Motion** **Commissioner Elsaesser moved approval of consent agenda item Q. Resolution of intention to increase water rates in an amount up to 2%.** Commissioner Haladay seconded the motion. Motion carried 3-2, with Mayor Smith and Commissioner Ellison voting no.

**Item R.** Commissioner Elsaesser noted he would feel comfortable with an increase of 2.5% for wastewater rates for fiscal year 2015. He indicated he may lowering the increase even further but as the city is only two years into its permit he would like to ensure there are funds available should something arise.

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

**Motion** **Commissioner Elsaesser moved approval of consent agenda item R. Resolution of intention to increase wastewater rates in an amount up to 2.5% for FY 2015.** Commissioner Haladay seconded the motion. Motion carried 3-2, with Mayor Smith and Commissioner Ellison voting no.

**Item S.** **Commissioner Elsaesser moved approval of consent agenda item S. Resolution of intention to increase water charges for FY 2015 as proposed in the Commission packet.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Bid Award**

BID AWARD:

A. Brady-Henderson Signal, City Project #13-28

**Staff Report**

City Engineer Leland reported the Brady-Henderson Signal has been a budgeted project for years. Right-of-way and design issues have delayed the project. The project will install a signal with video detection at the Brady-Henderson Street Intersection. Left turn signal will not be installed at this time but the mast arms and wiring will be installed, so only the signal head will have to be changed if and when the left turn arrow is warranted. Montana Department of Transportation (MDT) will not allow the left turn arrow until it is warranted.

On June 17th, 2014 the City received 3 bids for the Brady-Henderson Signal Project. The lowest responsible bidder for the project was Stillwater Electric with a bid of \$218,720.96. The bid was higher than the engineer's estimate because the MDT originally was going to supply the control for the project but during the bidding MDT will not be able to supply the controller. In order to reduce the project cost the City did an addendum after the fact to remove the striping from the project. The low bidder did not object to the removal. The City will add the removed striping to next years City wide striping project at a reduced cost for the bid amount. This will bring the lowest responsible bid to \$194,770.96.

Engineer Leland recommended approval of the bid award as proposed by staff.

**Public comment**

Mayor Smith asked for public comment, none was received.

**Discussion**

Commissioner Elsaesser asked if the project will include the surrounding sidewalks and ADA ramps. Engineer Leland stated all of the corners will be ADA compliant; however, no new features will be added due to right-of-way issues.

**Motion**

**Commissioner Haque-Hausrath moved to award the bid for the Brady-Henderson Signal Project #13-28, to the lowest responsible bidder, Stillwater Electric, in the amount of \$194,770.96.**

Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser thanked Lewis & Clark County for establishing funding for the East Valley Commuter Route.

**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

No report was given.

**Public Hearings**

PUBLIC HEARINGS:

- A. CONSIDER ACCEPTANCE OF BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDING.

Staff Report

Police Chief Troy McGee reported the Helena Police Department has received funding from the Federal Bureau of Justice Assistance (BJA) for the past 13 years.

The HPD is proposing that grant award be used to supplement the City's portion of the Missouri River Drug Task Force (MRDTF). This task force has been in existence for 13+ years and has had a positive impact on drug possession and trafficking in Montana. The program is definitely worth supporting, as city officials have indicated many times.

Total funding for both the City of Helena and Lewis & Clark County (LCC) is \$39,990. Normally the city and the county split this amount; however, the county is only requesting the amount determined by JAG, which is \$13,398. The City of Helena will then receive \$26,592.

The Helena Police Department will use these funds for the MRDTF supervisor's salary and overtime and has also requested a portion of the funding, \$6,534, be used to purchase new equipment. Chief McGee recommended acceptance of the grant funding.

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 Ellison moved to accept Bureau of Just Assistance Edward Byrne Memorial Justice Assistant Grant (JAG) funding.** Commissioner Haladay seconded the motion. All voted aye, motion carried.

- B. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A ZONE CHANGE FROM R-2 (RESIDENTIAL) TO R-4 (RESIDENTIAL) DISTRICT FOR PROPERTY LEGALLY DESCRIBED AS LOTS 6A,7A, AND 8, BARBEAU VILLA ESTATES, HELENA, MONTANA AS SHOWN ON COS#3001700 AND COS#506650; WITH PROPERTY ADDRESSES OF 220 AND 222 CUSTER AVENUE RESPECTIVELY.

Staff Report

City Planner Kathy Macefield reported on Tuesday, June 10, 2014 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 R-2 to R-4 District for approximately 1.48 acres for property legally described as Lots 6A, 7A and 8, Barbeau Villa Estates, Helena, Montana as shown on COS #3001700 and COS #506650; with property addresses of 220 and 222 Custer Avenue respectively.

The property contains one (1) single dwelling unit and 12 mobile homes which could continue if the proposed zone change is approved. Any of the uses allowed in the R-4 District would be allowed on the property if the property is redeveloped in the future. The permitted and conditional uses and the dimensional standards of the R-4 Residential District are the same as the R-O (Residential- Office) District.

The property is adjacent to R-3 and R-4 zoning on the north and east respectively, and the B-2 District on the west. The proposed zone change area contains the only R-2 zoning district located on the north side of Custer Avenue. The continued viability of the small isolated R-2 zoning district located north of Custer Avenue may be questionable.

Ms. Macefield recommended approval of the proposal as it would facilitate opportunities for mixed use redevelopment of the property which would be compatible with the area and could allow the property to be redeveloped with higher density residential uses or a limited number of non-residential uses. The property's location at the intersection of two minor arterials, in the vicinity of other R-4 zoning and its compatibility with the surrounding land uses, indicate the proposed R-4 District would be more appropriate than the current R-2 zoning. Ms. Macefield noted no objections to the proposal had been received.

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.

Comment

Commissioner Ellison commented this is the only R-2 zoning north of Custer Avenue and it does seem out of place; an R-4 designation seems much more appropriate.

Motion

**Commissioner Ellison moved approval for first passage of an ordinance amending the Official Zoning Map, for a zone change from R-2 (Residential) to a R-4 (Residential) District for Lots 6A, 7A and 8, Barbeau Villa Estates, Helena, Montana, with property addresses of 220 and 222 Custer Avenue; and legally described in the ordinance.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Ord #3196**

C. CONSIDER A RESOLUTION OF INTENTION TO CREATE A SPECIAL DISTRICT FOR NON-MOTORIZED TRANSPORTATION IMPROVEMENTS, REPAIR AND MAINTENANCE AND SET A PUBLIC HEARING DATE FOR OCTOBER 20, 2014.

Staff Report

Administrative Services Director Tim Magee reported the City Commission has determined a city-wide special district for non-motorized transportation improvements, repair and maintenance is needed to improve, repair and maintain the public access and thoroughfares throughout the city that do not qualify for funding under the Street Maintenance District No. 1.

MCA Title 7, Chapter 11, Part 10 requires the City to hold a public hearing prior to the passage of a resolution of intent to create a new special district. The initial annual assessment will total \$105,000, starting with the 2015 tax bill. The assessment method will be the same as that used for the City of Helena's Street Maintenance District. The

general character is to provide for improvements, repair and maintenance of non-motorized access and thoroughfares throughout the City.

Director Magee noted the 60-day protest period will run from July 24, 2014 – September 22, 2014 and requested the 2nd public hearing be set for October 20, 2014.

Public Testimony

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

Gus Byrom, 703 Red Letter; urged the Commission to approve of the proposal.

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

Discussion

Commissioner Elsaesser stated it is not possible for this district to be created by a simple “yes” or “no”, thus the protest process.

Commissioner Ellison stated he is not in favor of the proposed district. He noted both past and the current City Commission have done well at funding and prioritizing non-motorized projects and amenities and he does not feel the citizens need to be taxed any further at this time.

Mayor Smith indicated he does not support creating any new taxing jurisdiction at this time.

Commissioner Haque-Hausrath stated she strongly supports creation of a non-motorized district. She commented per state law the City is constrained by how it can spend its Street Maintenance funding, therefore creation of this district is required to spend those funds on sidewalks and other non-motorized improvements. Unfortunately the general fund also affords emergency services so non-motorized improvements receive the short end of the stick

Commissioner Haladay echoed Commissioner Haque-Hausrath’s comments. He commented he doesn’t feel it has been reported on very well in the Independent Recording and stated this district breaks down to a cost of 1.2 cents per day to a Helena homeowner. Commissioner Haladay spoke of the benefits to creating the district, such as serving as grant match funding, providing more options for Helena’s citizens, and funding quality of life-type projects. He referred to positive economic effects of a district and stated during the recent recession each dollar spent on a non-motorized project generated two dollars. He also discussed the many health benefits created by the availability of non-motorized transportation.

Commissioner Elsaesser concurred with Commissioner Haladay’s and Haque-Hausrath’s comments and indicated he looks forward to community discussion on the issue and would vote in favor of the proposed district.

Motion

**Commissioner Haque-Hausrath moved approval of a resolution of intention to create a special district for non-motorized transportation improvements, repair and maintenance.**

Commissioner Haladay seconded the motion. Motion carried 3-2, with Mayor Smith and Commissioner Ellison voting no. **Res #20105**

**Public Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

***Meetings of  
Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is July 16, 2014 and the next Commission Meeting is July 21, 2014.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 7:11 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission