

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**December 8, 2014**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, December 8, 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, Haque-Hausrath and Haladay were present. Commissioner Ellison was excused. Acting City Manager Police Chief Troy McGee, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Paul Pacini 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 November 24, 2014 were approved as submitted.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Acceptance of the 2014 Comprehensive Annual Financial Report (CAFR)
- C. Acceptance of pledged collateral for City deposits at financial institutions

Acting City Manager Chief McGee recommended approval of the claims and the consent agenda.

***Public comment***

Mayor Smith asked for public comment, none was received.

***Comment***

Commissioner Haque-Hausrath announced the city's audit for 2014 was unqualified and the firm that conducted the audit, Galusha Higgins, & Galusha, spoke very highly of the professionalism and competency of the city's finance staff.

Mayor Smith and the Commission members commended Administrative Services Director Tim Magee, City Controller Glenn Jorgenson and Accounting Supervisor Liz Hirst for their continued excellent work.

***Motion***

**Commissioner Haque-Hausrath moved approval of items A through C on the consent agenda.** Commissioner Haladay seconded the motion. All voted aye, motion carried.

***Communications***

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser spoke of comments given by the Railroad Advocacy Team (RAT) at the December 4<sup>th</sup> Joint Work Session in support of creating a Targeted Economic Development District (TEDD) or Tax Increment Finance (TIF) District for a large area of the city to include the historic railroad district and Caird Property. He thanked the group for coming forward and expressed interest in their proposal.

Commissioner Elsaesser then stated he would be sending out recommendations to help better keep track of large Public Works projects that transcend multiple budget years. He gave the examples of Centennial Trail and improvements to Airport Road as the types of projects that should be tracked and need a more public process. The following details should be made available during the planning, contracting, construction, and other phases as prudent: project description and justification; summary of all funding sources; list of effected parties; timeline- including milestones and deadlines (anticipated and preferred schedule); map of the impacted area; formal public presentation and hearing prior to final design; online and traditional comment box and record of comments received; and history of amendments to the above. He added he believes all of these documents are available; his proposal will put a policy in place to make them easier to find.

Commissioners Haque-Hausrath and Haladay also expressed interest in the proposal for creation of a TIF or TEDD District for the area including the railroad district.

Commissioner Haladay requested the Commission hold discussion related to the consideration of a resolution of support for the expansion of federal funds for Medicaid expansion in Montana. He stated he was told there was not time available for the Commission to discuss the issue due to its workload and that such a resolution does not pertain to city business. He stated he believes there is time available for the Commission to discuss the subject, given the brevity of tonight's agenda and the recent cancellation of the December 3<sup>rd</sup> Administrative Meeting. Regarding whether the issue is City business, he gave examples of City Resolutions related to the Patriot Act and the withdrawal of American troops from Iraq, an expression of support for Montana Rail Link, and comments on coal trains and Rural Development Loans, as issues the Commission felt were necessary to advocate for regardless of being able to control them.

Commissioner Haladay asked for concurrence from the Commission to place this item on an Administrative Meeting agenda in January 2015. There was consensus from Mayor Smith and Commissioners Elsaesser and Haque-Hausrath to request City Manager Alles place the item on a January Administrative meeting agenda.

A. Recognition of Shawn White Wolf and Sharon Twoteeth

Mayor Smith recognized Ms. Twoteeth and Mr. White Wolf for the hand-beaded artwork they presented the City of Helena to celebrate its sesquicentennial. He conveyed great appreciation to Ms. Twoteeth for her work on the logo and stated he wanted to formally express the entire Commission's gratitude for the gift. Mr. White Wolf commented on the many hand-beaded items Ms. Twoteeth has made for the community.

Mayor Smith thanked Executive Assistant Sarah Elkins for her work on the celebrations for Helena's 150<sup>th</sup> that were held over the summer.

***Report of the City  
Attorney***

**REPORT OF THE CITY ATTORNEY**

City Attorney Thomas Jodoin referred to litigation regarding the use of wood shingles, the City of Helena vs. Svee, and announced the Supreme Court had affirmed the District Court's judgment in favor of

Svees. The Supreme Court ruled the city's zoning regulation regarding wood roofing materials is impermissible; essentially that the city cannot regulate anything having to do with building materials. City Code still contains a requirement that vent openings be screened; although it's not building material, Attorney Jodoin expressed concern with the language since Building Codes regulate how vents are installed and what materials to use. Since Judge Seeley overturned the City's Ordinance it has not been and will not be enforced.

The Supreme Court also determined the Svee's are due relief from their legal fees; both parties will appear before Judge Seeley to determine those fees and the City will be obligated to pay them. Attorney Jodoin noted this is of concern since this was simply an enforcement of City Code, something municipalities do every day. Because of this ruling there may be some legal exposure related to Attorney fees when enforcing Building Codes; this possibility will be analyzed.

Mayor Smith expressed concern over the decision with regard to Attorney fees and the crafting of future City ordinances. Attorney Jodoin added the Department of Labor and Industry is considering adopting some codes that would allow the city to jump into the issue of fire prevention if it wanted to. Commissioner Elsaesser commented the City needs to find a way to enforce this requirement to fulfill the City's obligation to protect lives and property if there is a wildfire, even miles from town.

Commissioner Elsaesser requested the Commission be provided with a report of cases related to the City's Sign Ordinance that have been legally overturned prior to the Commission's work session on the subject on December 18<sup>th</sup>.

***Report of the City  
Manager***

**REPORT OF THE CITY MANAGER**

Don Clark reported the Ten Mile Water Treatment Plant (TMTP) is methodically being brought back on-line in order to prevent any stagnant water from being pushed through the water lines into the community; the process will take approximately 10 days. He commented the citizens of Helena love to get their water from the TMTP and he is proud of the quality they are used to.

He reported the Clearwell Cover Replacement Project took two months, came in under bid and was completed on time despite weather creating a slight hindrance. He noted City Engineering staff oversaw the project and did a fantastic job, also providing a savings of approximately \$300,000 on the project.

***Report from the  
Helena Citizens  
Council***

**REPORT FROM THE HELENA CITIZENS COUNCIL**

No report was given.

***Public Hearings***

**PUBLIC HEARINGS:**

- A. CONSIDER A RESOLUTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS GOLF COURSE- 2015 SEASON.

**Staff Report**

Parks & Recreation Director Amy Teegarden reported on November 24, 2014, the City Commission passed a resolution of intention to establish fees to be charged for the 2015 golf season at Bill

Roberts Golf Course and set a public hearing date for December 8, 2014.

City staff and the Golf Advisory Board do not recommend any increases or changes to the existing fee structure for the 2015 season. While the FY15 approved budget indicates a loss of \$25,363, the budget figures are an estimate and staff believes this is a manageable loss that can be controlled through savings in expenditures and alternative revenue.

Director Teegarden recommended approval of the proposed resolution as the current fee structure will help maintain a competitive edge in the local golf market.

**Discussion**

Commissioner Elsaesser asked if the new golf simulator is open for business. Director Teegarden reported the equipment arrived today and will take three days to set up. The winter league program will start on Monday, December 15<sup>th</sup>. She noted the league was able to be expanded by five teams this season.

**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 the fees to be charged for the Bill Roberts Golf Course-2015 Season.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20145**

***Public Communications***

**PUBLIC COMMUNICATIONS**

No public communications were given.

***Meetings of Interest***

**MEETINGS OF INTEREST**

The next Administrative Meeting is December 17, 2014 and the next Commission Meeting is December 22, 2014. The Commission will hold a Work Session on the Sign Ordinance on December 18, 2014 at 3:00 p.m. in City/County Building Room 326.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 6:38 p.m.

/S/ James E. Smith  
Mayor James E. Smith

ATTEST:

/S/ Debbie Havens  
Clerk of the Commission