

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
APRIL 11, 2016  
6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, April 11, 2016 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 Noonan and Farris-Olsen were present. Commissioners Ellison and Haladay were excused. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Eric Hiltz 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 March 21, 2016 were approved as submitted.

***Proclamation***

PROCLAMATION:

A. Crime Victims' Rights Week

Mayor Smith read the proclamation designating April 10-16, 2016 as National Crime Victims' Rights Week in the City of Helena. Mr. Chuck Denowh accepted the proclamation and discussed the importance of crime victims' rights and availability of appropriate services. He provided an overview of Marsy's Law, which expands the constitutional rights of victims and will be on the November 2016 ballot in Montana.

Mayor Smith thanked Mr. Denowh for his work on such an important issue.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Authorization for staff to void stale dated checks
- C. Amended plat showing reversion of vacated alley right-of-way and aggregation with adjacent portions of Lots 12 and 13 in Block 3 of the Grand Avenue Addition per Resolution 20234.
- D. Forgiveness of a loan to the YWCA in the amount of \$25,000 made on December 19<sup>th</sup> 2008 and recorded in Book M39 of Mortgages on Page 3301 and authorize the City Manager to sign a satisfaction of mortgage to recognize the same.

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 Farris-Olsen moved approval of item A through D on the consent agenda.** Commissioner Noonan seconded the motion. All voted aye, motion carried.

**Bid Award**

BID AWARD:

- A. Water Utility Maintenance Division – one (1) new 2017 truck chassis (tandem axle) with one (1) new 12-cubic yard dump body.

Staff Report

Utility Maintenance Superintendent Kevin Hart reported bids were received and opened for one (1) new 2017 truck chassis (tandem axle) with one (1) new 12-cubic yard dump body for the Water Utility Maintenance Division on March 8th, 2016. Rocky Mountain Truck Center offered a low bid of \$124,369.00 for a 2017 Freightliner with a Mailhot CS130 Williamson–Godwin WG Series dump body. They also offered a low bid for a 2017 Freightliner with a Marathon 138 Crysteel Select dump body at a cost of \$125,097.00, which also meets specifications. We are opting to invest the additional \$728.00 for the Marathon Crysteel Select dump body as the preferred piece of equipment from a proven and familiar body manufacturer. This new purchase will replace a 2005 Freightliner 6-yard dump truck (Unit #444). The FY16 budget appropriation for this unit is \$154,550.00.

Superintendent Hart recommended approval for the purchase of the new unit at the bid price of \$125,097.00 from Rocky Mountain Truck Center to replace Unit #444. This transaction will allow the Water Utility Division to continue regular maintenance operations more efficiently with the use of a 12-yard dump truck as opposed to a 6-yard dump truck. It will also provide for long term planning and completion of various special improvements to the City's water operations using reliable equipment and reducing maintenance costs.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Farris-Olsen moved approval to award the low bid for one (1) new 2017 truck chassis (tandem axle) with one (1) new 12-cubic yard dump body for the Water Utility Maintenance Division to Rocky Mountain Truck Center in the amount of \$125,097.00.** Commissioner Noonan seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Noonan spoke of the recent passing of Helena's former Mayor Russ Ritter and commended his dedication to the City and its citizens.

Mayor Smith requested a moment of silence be observed in honor of Mayor Ritter.

**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

HCC member Eric Kiltz reported the Council has compiled a list of approximately thirty (30) topics that it intends to look into in order to better serve their constituency.

**Regular Items**

REGULAR ITEMS:

A. CONSIDER APPROVAL OF AN AMENDED PLAT SHOWING THE REVERSION OF VACATED ALLEY RIGHTS-OF-WAY PER RESOLUTION #20234 AND AGGREGATION OF A PORTION OF TRACT R-1 COS #3179876 WITH THE ADJACENT PORTIONS OF LOTS 1 AND 7 IN BLOCK 4 AND LOT 12 IN BLOCK 3 OF THE GRAND AVENUE ADDITION.

Staff Report

City Planner Lucy Morell-Gengler reported the subject plat shows:

1. In 2009, the BNSF Railway Company donated to the city of Helena a portion of abandoned BNSF Railway spur line, Quick Claim Deed Book 41 page 3225 – document #3179877, shown as Tract R-1 on COS#3179876 filed in Lewis and Clark County. As part of the agreement associated with that transfer, certain sections of Tract R-1 would be conveyed, by the city, to the adjacent property interest holders and incorporated into their respective lots and parcels as described in Exhibit B of that deed. The subject plat shows the required aggregation of the adjacent portion of Tract R-1 with adjacent portions of Lots 1 and 7 in Block 4 and Lot 12 in Block 3 of the Grand Avenue Addition known as Rucker's Furniture (Wylie A. Rucker) per deed Exhibit
2. On February 22, 2016 the City Commission reviewed and approved the vacation of the platted alley rights-of-way (ROW) adjacent to the southern portion of Lots 1 and 7 in Block 4 and the east portion of Lot 12 in Block 3 of the Grand Avenue Addition per Resolution #20234. Condition A in that resolution requires an amended plat to be prepared and presented to the City Commission showing the proposed new boundary lines of the adjoining property to which title will revert upon vacation of the ROW. The subject plat shows the alley vacated and aggregated into the applicant's lots in compliance with the condition of the resolution.
3. The property owner is also aggregating all of their adjacent property, portions of Lots 1 and 7 in Block 4, and portions of Lots 8-12 in Block 3 of the Grand Avenue Addition, creating new Lot 7-A. The subject property is in a B-2 (General Commercial) District and contains an existing structure. Access is available via adjacent National Avenue, a wastewater service line has been extended from the main in the adjacent alley located north of new Lot 7-A, and a water main is located in adjacent National Avenue.

Approval of the amended plat facilitates the reversion and aggregation of adjacent vacated alley ROW and the required portion of Tract R-1 with the southern portions of Lots 1 and 7 in Block 4 and east portion of Lot 12 in Block 3 of the Grand Avenue Addition; generally located west of National Avenue and north of Lyndale Avenue known as the Rucker's Furniture (Wylie A. Rucker) property. It will also facilitate finalizing the conditions of the BNSF-City agreement and Resolution No. 20234.

Planner Gengler recommended approval of the proposal.

Public comment Mayor Smith called for public comment; none was received.

**Motion** Commissioner Noonan moved approval for the amended plat showing the reversion of vacated alley rights-of-way per Resolution #20234 and aggregation of a portion of Tract R-1 COS #3179876 with the adjacent portions of Lots 1 and 7 in Block 4 and Lot 12 in Block 3 of the Grand Avenue Addition. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

**Public Hearings** PUBLIC HEARINGS:  
A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3218 AMENDING SECTION 1-4-18 OF HELENA CITY CODE TO PROVIDE FOR CITY MANAGER DISPOSITION OF SURPLUS PERSONAL PROPERTY WORTH LESS THAN \$5,000.

Staff Report Administrative Services Director Glenn Jorgenson reported currently the Commission is supposed to approve disposal of any personal property. Staff is recommending changing the ordinance to be more efficient and to simplify the process for departments needing to dispose of non-capital items with little or no value. The proposed changes are shown in the attached draft ordinance.  
Historically we have disposed of most capital assets by trading them in for new equipment or disposing of them at the State auction. The City has used other processes for small equipment such as garage sales at the City shop, on-line auctions, and disposal if there is no value. The garage sales and on-line auctions have not functioned well and have been discontinued. The City Commission approved first passage of the proposed ordinance on March 21, 2016.

Staff is recommending revising section 1-4-18 of Helena City Code to allow the City Manager to dispose of surplus personal property with an original value of less than \$5,000 (capital asset minimum) using one of the five methods described in the proposed ordinance.

The main change will be to first attempt to recover any value the City can using trade-in or resale. If there is no market the City Manager would then have the ability to donate the property to another government or non-profit organization. If the items are considered to have no value and we can find no one that wants them the City Manager can authorize disposal at the landfill. Staff believes the proposed changes will simplify the process while maintaining good internal controls over City owned personal property.

Director Jorgenson recommended approval to allow for the City's surplus personal property with little or no value to be disposed of in a more efficient manner.

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 Farris-Olsen moved approval for final passage of Ordinance No. 3218 amending section 1-4-18 of Helena City Code to provide for City Manager disposition of surplus personal property worth less than \$5,000. Commissioner Noonan seconded the motion. All voted aye, motion carried. Ord #3218

B. CONSIDER A RESOLUTION AMENDING RESOLUTION NO. 20226 TO INCLUDE VACATION OF THE DODGE AVENUE RIGHT-OF-WAY BETWEEN LOTS 4 IN BLOCK 7 AND LOT 9 IN BLOCK 8 IN THE GRAND AVENUE ADDITION.

Staff Report

City Engineer Ryan Leland reported Max Pigman, owner of Lewis & Clark Brewing Company, applicant, requested and received Commission approval to vacate a portion of Dodge Avenue located in the Grand Avenue Addition between Lot 5 in Block 7 and lots 7-8 in Block 8 Lots 7-8 on December 7th, 2015. During the building plan development of the Lewis and Clark Brewery Expansion, the architectural plans show an additional 12 feet of Dodge Avenue Right-of-way (ROW) is needed for the building. As a result, the applicant is requesting to vacate Dodge Ave. between Lot 4 in Block 7 and Lot 9 in Block 8 of the Grand Avenue Addition. The total portion of the Dodge Ave to be vacated with this request and the previous approved vacation would be the portion of Dodge Avenue located in between Lots 4-5 in Block 7 and Lots 7-9 in Block 8 in the Grand Avenue Addition.

The vacation will allow the construction and expansion of a new building that would attach to the existing brewery buildings, allowing the brewery to expand its brewery operation within the City of Helena.

The proposed resolution would amend Resolution No. 20226 to include vacation of the Dodge Avenue Right-of-Way between Lots 4 in Block 7 and lot 9 in Block 8 in the Grand Avenue Addition. The total square footage of the ROW to be vacated is 5251 square feet. The Square foot value for the east half of the street is \$4.78 per square foot and the west half of the street is \$5.15 per square foot. The approximate total calculated value to vacate the portion of alley is \$26,089. The required survey by the applicant will determine the total square footage and final cost of the vacation. Staff recommends the following conditions:

The Helena Fire Department would accept an alternative means of providing legal and physical access for fire department access as established in 503.1.1 of the International Fire Code to enable the vacation and joining of the buildings on Dodge Avenue at railroad property as follows:

- #1. Current access to the north side of the building is provided. A 12 foot wide gravel access is provided from North Montana Avenue to the location of the proposed new structure that is to connect the existing buildings. A gravel turnaround is provided near the end of this access. Both the roadway and the turnaround are maintained and kept clear of snow in the wintertime.
- #2. The existing old Agri Feeds building and the proposed building have fire sprinklers.
- #3. Existing Lewis & Clark Brewing, old Agri Feeds building and the proposed building have early warning devices installed throughout. These devices include smoke detection, heat detection, or other devices that provide early warning and are approved by the Fire Marshal.
- #4. An 12-foot wide access is provided on the south side of the building from Dodge Avenue to the adjacent property where Helena Restore is currently located.

Engineer Leland recommended approval of the proposed resolution as the vacation will allow Lewis & Clark Brewery to construct and expand its current operation at the subject location.

**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 Noonan moved to conditionally approve a resolution amending Resolution No. 20226 to include vacation of the Dodge Avenue Right-of-Way between Lots 4 in Block 7 and lot 9 in Block 8 in the Grand Avenue Addition.** Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Res #20238**

**Public Communications**

**PUBLIC COMMUNICATIONS**

Christopher Keeler, Helena; expressed disagreement with Helena City Code 8-11-2 prohibiting overnight camping on City streets and suggested the City allow such camping by permit to keep tabs on individuals and make money. Mayor Smith stated the issue could be discussed at the next Administrative Meeting if desired by three members of the Commission.

Attorney Jodoin provided a brief summary of how the Code is currently enforced and noted there are historically very few violations that have resulted in citations.

**Meetings of Interest**

**MEETINGS OF INTEREST**

The next Administrative Meeting is April 20, 2016 and the next Commission Meeting is April 25, 2016.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 6:44 p.m.

**/S/ JAMES E. SMITH**  
**Mayor**

**ATTEST:**

**/S/ DEBBIE HAVENS**  
**Clerk of the Commission**