

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**January 10, 2011**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, January 10, 2011 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 Cartwright, Ellison, Thweatt and Elsaesser were present. City Manager Ron Alles, City Attorney David Nielsen and City Clerk Debbie Havens were present. Others present were Dan Bernhardt 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 December 20, 2010 were approved as submitted.

***Appointments***

APPOINTMENTS:

- A. Lewis & Clark County/City of Helena Library Board
- B. Pre-Release Screening Committee
- C. Public Art Committee

Mayor Smith asked for Commission concurrence on the following appointments:

Lewis & Clark Library – Appointment of Robert Bayuk to the Library Board; first term will begin upon appointment and expire January 1, 2015.

Pre-Release Screening Committee – Appointment of Peter Hartman to the Helena Pre-Release Screening Committee; term will begin upon appointment.

Public Art Committee – Reappointment of Carol Swanson and Carol Montgomery to first full terms. Terms will begin upon appointment and expire December 31, 2013.

***Motion***

**Commissioner Thweatt moved to appoint Nicki Whearty to the Lewis & Clark Library Board.** Commissioner Cartwright seconded the motion.

***Discussion***

Commissioner Thweatt spoke in support of his motion for the appointment of Ms. Nicki Whearty.

Mayor Smith asked City Attorney Nielsen to address the duties of the Mayor regarding board appointments. City Attorney Nielsen stated the Mayor, per City Charter, makes board and committee appointments, subject to approval by the Commission. The Commission can reject the recommendation; however, the Commission cannot make appointments.

Mayor Smith then spoke on his recommendation to appoint Mr. Bayuk. Commissioner Thweatt withdrew his motion. Commissioner Cartwright withdrew his second.

**Motion** **Commissioner Thweatt moved to reject the appointment of Robert Bayuk.** Motion failed due to lack of a second.

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

**Motion** **Commissioner Ellison moved approval of the appointments to the Lewis & Clark Library Board, Pre-Release Screening Committee and Public Art Committee as outlined above.** Commissioner Elsaesser seconded the motion. Motion carried 4-1 with Commissioner Thweatt voting no.

**Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. State bid for Administrative and Service fleet purchases

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 Elsaesser moved approval of items A and B on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Mayor Smith reported on the 2010 City of Helena employee food drive. City employees also bought gifts and provided a portion of the food to an adopted family.

Mayor Smith congratulated Elroy Golemon for being elected as East Helena Fire Chief.

Commissioner Elsaesser also complimented Elroy Golemon for his recent election to East Helena Fire Chief. He announced the next plastics drive will be held on Friday, January 14, 2011 in the area of the YMCA parking lot.

Commissioner Ellison spoke of this being his one-year anniversary on the City Commission and expressed appreciation for the environment of civility and respect that is shown by the members of the Commission.

Commissioner Ellison noted the Carroll College women's soccer team has 17 Academic All-Americans.

Commissioner Cartwright referred to the recent Commission vote to create districts for landfill monitoring and urban forest maintenance. Since that vote, he has met with three of those who testified at the December 20<sup>th</sup> Commission meeting to listen to their concerns.

Commissioner Cartwright spoke of electronic signs at the First Presbyterian Church and St. Helena Cathedral; they may be unfortunate but they do comply with the city's sign regulations. Commissioner Cartwright thanked Dick Anderson Construction and American Federal Bank for keeping their sidewalks shoveled and reminded citizens to keep their sidewalks clean.

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

**Report of the City  
Manager**

REPORT OF THE CITY MANAGER

City Manager Alles commented on the great job the Street Department has done this winter and acknowledged the work Code Enforcement Officer Greta Dige has done to enforce snow removal requirements on sidewalks.

**Report from the  
Helena Citizens  
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Chair Dan Bernhardt reported it has been two years since he was elected chair of the HCC. He noted that neither he nor Vice Chair Winston Greely can serve another term. The election of HCC officers will be held on January 26, 2011. He thanked the Commission and city staff for their assistance over the last two years.

Commissioner Elsaesser thanked Mr. Bernhardt for his service on the HCC. Mayor Smith concurred with Commissioner Elsaesser's comments and expressed appreciation for Mr. Bernhardt's leadership on the Council.

**Craftsman Village**

CONSIDER THE FINAL PLAT FOR THE CRAFTSMAN VILLAGE PHASE I OF CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION CREATING 61 RESIDENTIAL LOTS AND PARKLAND, GENERALLY LOCATED NORTH OF RUNKLE PARKWAY AND EAST OF ALICE STREET.

CONSIDER A RESOLUTION OF ANNEXATION FOR CRAFTSMAN VILLAGE PHASE I OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION, GENERALLY LOCATED EAST OF ALICE STREET AND NORTH OF RUNKLE PARKWAY.

**Staff Report**

City Planner Lucy Morell-Gengler reported on February 9, 2009, the Helena City Commission gave conditional preliminary plat approval for the Crossroads at Mountain View Meadows Subdivision creating 892 lots from approximately 381 acres. On July 12, 2010 the City Commission approved an amendment to the preliminary plat affecting the Craftsman Village section of the subdivision.

The applicant is requesting approval of the final plat for the first phase of the Craftsman Village portion, creating 61 residential lots and one park lot located on 28.24 acres pre-zoned R-4 (Residential) District. The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact which have been completed for this phase.

For reference, a list of the original subdivision conditions and their status was included in the Commission packet. Final annexation of the property into the city is also proposed with this final plat application.

The applicant is requesting approval of a major subdivision /final plat creating 61 residential lots and one park lot on approximately 28.24 acres. Three of the residential lots are higher density condominium lots and one of the lots, Lot 3 Block 40, will be further subdivided in the future in accordance with the approved preliminary plat. The plat also dedicates parkland and all the public improvements, such as the streets, to the City.

A lighting district will be established after the final plat is filed to accommodate street lights for the subdivision. The parameters of that lighting district will be established at that time.

Ms. Gengler recommended approval of the final plat as it would allow the sale of the lots and encourage the development of the property

in this area with city services including municipal water and wastewater. Development would be allowed to city density which has the potential to reduce vehicle miles traveled in the Helena area.

The owner of this property, Greg Dahl representing R&D Partners, has requested annexation for approximately 28.24 acres described as Lots 1-20, Block 41; Blocks 42 and 43; Lots 20 and 21, Block 44; Lot 22, Block 45; Lot 2 Parkland, Block 40; and Lot 3, Block 40 (future phase portions of Blocks 40 and 41), including the internal street network of the Craftsman Village Phase of the Crossroads at Mountain View Meadows Subdivision. The property is located adjacent to existing city limits; and the revised preliminary plat for the property was approved July 12, 2010; the property was rezoned R-4 (Residential) District by Ordinance # 3109. On February 9, 2009, the Helena City Commission approved the Resolution of Intention to Annex the subject property (Resolution # 19627) and established conditions for annexation as an intermediate step toward the finalization of annexation. A request for final plat approval has been submitted and the conditions for subdivision and annexation of this phase have been met.

Ms. Gengler recommended approval of the resolution and noted the proposed annexation is adjacent to the city; water and sewer mains, stormwater, and streets have been installed to city standards or financially guaranteed. Therefore, annexing this property is a logical expansion of the city, an opportunity to promote compatible urban growth, and would be consistent with the efficient use of land, infrastructure, energy and resources and the 2001 Helena Growth Policy.

**Discussion** Commissioner Thweatt clarified Crossroads is a smaller portion of the larger Mountain View Meadows Subdivision and asked if that is why all of the conditions for approval are not applicable. Ms. Morell-Gengler concurred.

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

**Motion** **Commissioner Elsaesser moved approval for the final plat of the Craftsman Village Phase I of Crossroads at Mountain View Meadows Subdivision creating 61 residential lots and one park lot, and to accept the dedication to the city of property for public improvements designated thereon.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Motion** **Commissioner Elsaesser moved approval of a resolution annexing Craftsman Village Phase I of Crossroads at Mountain View Meadows Subdivision, as legally described in the resolution of annexation, into the City of Helena.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res #19805**

Commissioner Cartwright noted this is the first subdivision approved through the new subdivision regulations and thanked the developers for the work they have done.

***Airport Authority*** CONSIDER A JOINT CITY/COUNTY RESOLUTION EXTENDING THE DURATION OF THE HELENA REGIONAL AIRPORT AUTHORITY.

**Staff Report** City Attorney Nielsen reported since late 1993, the Helena Regional Airport Authority (HRAA) has been operated by an airport

authority created jointly by the City of Helena and Lewis & Clark County. The original resolution provided that if the airport authority is not extended the airport reverts back to a city/county airport, which would be administered by the city and county.

Staff is recommending extension of the duration of the HRAA until June 30, 2021, at which time the Commission would jointly consider whether to renew, terminate or modify the authority. If not extended, both the City Commission and County Commission would have to develop, rather quickly, a substitute legal governing mechanism for the management and operation of the airport, which might require the two governing bodies to manage the airport until a permanent solution was found. The airport land would have to be transferred back to the city and county in the parcel as originally conveyed to the HRAA. Dissolution of the authority would be very legally and logistically complex.

#### Discussion

City Attorney Nielsen noted he has had discussions with a Commissioner on cleaning-up conflicting language regarding the Airport Board of Adjustment. However, he would recommend that issue not be considered in conjunction with the resolution to extend the duration of the HRAA. A separate resolution will be brought forward at a later date to address the language issues identified in Section 7.

City Manager Alles noted the HRAA has reviewed the airport's criteria for disposition and development of airport property and that will be presented to the Commission at a future date. He then recognized Airport Director Ron Mercer, the HRAA and airport staff for the work they have done over the last year.

Commissioner Cartwright noted he is a little concerned that there is a clause in the existing resolution that is contrary to city ordinances, specifically related to the Airport Board of Adjustment. He stated he would have liked to deal with the issue prior to consideration of the resolution on the agenda tonight.

Mayor Smith reiterated the inconsistencies will be corrected through a future resolution and asked City Attorney Nielsen when the issue would be brought forward. Attorney Nielsen noted it would be a joint City-County resolution amending Section 7 and he would anticipate it being brought forward in February 2011.

Commissioner Cartwright recognized and thanked Airport Director Mercer and the Authority for the resolution they adopted and the work they have done with the community.

#### Public Comment

Mayor Smith asked for public comment.

Airport Director Ron Mercer spoke in support of the resolution. He introduced HRAA members Mark Eichler and Bill Beaman, Assistant Airport Director Jeff Wadekamper, Rocky Mountain Emergency Services Training Center Director Peter Hartman and Engineer Tim Orthmeyer with Morrison and Maierle Engineering. Director Mercer stated the renewal has been a good process and the airport will continue to be a viable community partner. He then referenced correspondence from himself and Airport Authority Chair Mark Eichler regarding the Helena Regional Airport Authority's 2010-01 Resolution related to the Airport's criteria for the development of Airport property.

#### Motion

**Commissioner Ellison moved approval of a resolution extending the duration of the Helena Regional Airport Authority until June 30, 2021.** Commissioner Elsaesser seconded the motion.

Discussion

Commissioner Ellison spoke of his tenure on the HRAA and the viability of the operation; the Authority is very engaged in airport operations and the community. He encouraged the City and County Commissions to approve the resolution.

Commissioner Cartwright spoke in support of the resolution the Airport Authority adopted regarding non-aeronautical use of airport property.

Commissioner Elsaesser commented on the renewal and operation of the airport and noted he looks forward to continuing to work with the HRAA.

Commissioner Thweatt recognized the HRAA for working to address concerns related to airport property over the last few years.

Mayor Smith indicated he would support the resolution to extend the Authority and spoke of transportation being necessary for economic viability. He also expressed how important the future revisions to Section 7 are.

Vote

All voted aye, motion carried. **Res #19806**

***Surplus Property***

CONSIDER A RESOLUTION OF INTENTION TO AUTHORIZE THE SALE OF SURPLUS REAL PROPERTY GENERALLY LOCATED AT 1103 HELENA AVENUE.

Staff Report

City Controller Glenn Jorgenson reported Peak Health Realty owns the property at 1103 Helena Avenue and has requested that the City sell it a parcel of adjacent property. The adjacent property has been used for many years as part of the parking lot for the current and several prior businesses. Peak Health would like to obtain clear title to the adjacent property. All department directors were notified of this request, and it was determined that none of the departments have a need to retain the property.

Staff is recommending the City declare parcel number 1888-30-1-17-35-0000, described as Lots 30-32 in the Lockey Subdivision, to be surplus real property. The property would be sold to the highest bidder for a minimum price of \$6 per square foot. This property contains approximately 4,329 square feet, which would result in a minimum bid of \$25,974.00, based on the current market value of Peak Health Realty's property and adjacent properties.

If the resolution of intention is approved, staff will notify all property owners within 300 feet of the property proposed for sale and schedule a public hearing. Mr. Jorgenson recommended approval of the resolution of intention.

Discussion

Commissioner Cartwright asked if the minimum bid price needs to be stated in the resolution. City Attorney Nielsen stated no, as this is the resolution of intention to set the public hearing. Commissioner Cartwright asked if the City has been paying the assessments on this property. Mr. Jorgenson stated yes.

Public Comment

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Cartwright moved approval of a resolution of intention to authorize the sale of surplus real property and set a public hearing date of January 24, 2011.** Commissioner Ellison

seconded the motion. All voted aye, motion carried. **Res #19807**

**Public Hearings**

**PUBLIC HEARINGS:**

- A. CONSIDER WHETHER THE RIVER ROCK RESIDENCES PROJECT, PROPOSED TO BE LOCATED IN THE ANDERSON BUSINESS PARK SUBDIVISION, WOULD MEET A COMMUNITY HOUSING NEED.

**Staff Report**

Community Development Director Sharon Haugen reported Rocky Mountain Development Council (RMDC) is considering purchasing a lot in the Anderson Business Park Subdivision to develop low income housing. The proposed project, to be known as the River Rock Residences, will be located at the corner of Bed Rock Drive and River Rock Drive. Rocky Mountain Development Council, Inc. intends to submit an application for Low-Income Housing Tax Credits to partially fund the construction of 27 one bedroom and 6 two bedroom apartments which will be available to senior citizens whose income is at or below 60% of median income (currently \$27,600 for a one person household). It is RMDC's intent to build the new units as one-level apartments with no-step entrances for accessibility and visitability. A community room and on-site Manager's office will also be located on the property.

According to a recent market study completed for RMDC in the last three months, this project will only address less than 15% of the estimated need for affordable housing need. If RMDC is successful at receiving the tax credits and other grants, it will be able to keep the units affordable to households who are at or below 60% of median income.

State law, under MCA 15-6-221(2), requires the local government where the proposed project is to be located to hold a public hearing to solicit comment on whether the proposed low-income rental housing project meets a community housing need. A record of this public hearing will be forwarded to the MT Board of Housing for consideration in granting the allocation of tax credits.

Director Haugen noted if funded, the project will further serve the needs of low income citizens in the community. It will also result in infill development in a mixed use area.

**Discussion**

Commissioner Cartwright asked if the Airport Authority Board of Adjustment has to take an action on locating this project in the Airport Noise Influence Area before it is considered by the city's Board of Adjustment. Director Haugen noted the hearing tonight is strictly to determine if the project meets a community housing need.

**Public Testimony**

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

Jeff Miller, Community Development Director with RMDC, spoke in support of the project. He gave an overview of the project and potential funding sources and noted an acoustics expert has been hired to address the Airport Noise Influence Area.

Mark Simonich, Helena Association of Realtors, spoke in support of the proposed project.

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

Motion

**Commissioner Ellison moved to determine that the River Rock Residences project proposed by Rocky Mountain Development Council, located at Bed Rock Drive and River Rock Drive, will address a community housing need.** Commissioner Cartwright seconded the motion.

Commissioner Cartwright addressed the importance of providing connectivity from this development to the businesses east of Montana. Mayor Smith thanked the Helena Realtors Association for their support and participation.

Vote

All voted aye, motion carried.

B. CONSIDER A RESOLUTION ADOPTING FEES TO BE CHARGED AT BILL ROBERTS GOLF COURSE FOR THE 2011 SEASON.

Staff Report

Parks & Recreation Director Amy Teegarden reported with the rising cost of expenses and the need for capital improvements, city staff developed a financial and capital improvement strategy. During the past year, city staff fine-tuned the golf CCIP to reflect a more realistic approach to funding and scheduling improvements. City staff identified a debt-service level of \$125,000 to \$135,000 that they believe the golf course can maintain. This level is based on current debt service levels. Particular focus was given to the golf cart replacement plan, "pay-as-you-go" opportunities, and a replacement strategy for the irrigation system. City staff recommends a slight fee increase for the 2011 season and moving forward with planning for an irrigation replacement system.

Fee increases of less than 3% (to the nearest dollar) are recommended to close the gap between inflationary expenses and revenues. Some fees were not recommended for an increase where they were identified as being on the higher end of the market comparison. Using the same "counts" as 2010, the increase would generate approximately \$14,500 more than the 2010 fees. The recommended fees are consistent with other Montana golf courses. The 2011 fee recommendation does not include a differential rate between residents and non-residents. Given the fact the 2010 BRGC season was "stable", the GAB and city staff recommend staying status quo rather than risk losing paying non-resident customers.

Director Teegarden recommended approval of the resolution as it would meet the city's needs and the Golf Advisory Board's goals.

Discussion

Commissioner Cartwright clarified that these fees were not recommended by the Golf Advisory Board. Director Teegarden explained this is a staff recommendation as there was not a quorum at the Golf Board's November and December meetings. The Board members are aware of the recommendation and have not expressed any concerns.

Commissioner Cartwright commented he understands the decision to charge city residents and non-residents the same fees; however, if there were a proposal that required major capital investments he would feel leery about funding it with only city taxpayer funding.

Commissioner Elsaesser asked for more information on the Golf Course's debt service level. Director Teegarden noted the debt service is for debt currently incurred; payment of some outstanding loans and

SIDs. Other funding will need to be identified to cover any capital improvement requests.

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 to establish fees to be charged for the Bill Roberts Golf Course- 2011 season.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #19808**

Commissioner Elsaesser thanked the GAB for the work they have done to address the debt at the golf course.

Mayor Smith stated he too is sensitive to the non-residency issues when capital improvement requests are involved.

Commissioner Thweatt noted County Commissioner Derek Brown has recommended forming a City-County Recreation District which could be a funding source.

- C. CONSIDER ACCEPTANCE OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) GRANT FUNDING IN THE AMOUNT OF \$40,388.

Staff Report

Police Chief Troy McGee reported the Commission has approved the funding for this grant, however, upon awarding grant monies the Department of Justice (DOJ) included a separate amount awarded to Lewis & Clark County Sheriff's Office in the award document to the City of Helena.

The total grant award to be split evenly between the City of Helena and Lewis and Clark County is \$26,499. However, Lewis and Clark County was eligible to apply for additional grant funding, which they did, however, that grant funding was added on to the original \$26,499 instead of being awarded solely to Lewis and Clark County. With the additional funding being added the total award amount of the grant is now \$40,388. The Helena Police Department will still only receive the approved amount of \$13,889 and Lewis and Clark will receive \$26,499. Normally this money would be split evenly between the two agencies, however, Lewis and Clark has already delegated this money.

Chief McGee recommended approval of the grant funding in the amount of \$40,338 and authorization to transfer \$26,499 to the Lewis and Clark County Sheriff's Office. He noted the funding will help offset MRDTF salaries.

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 approval to accept Justice Assistance Grant (JAG) funding in the amount of \$40,388 and authorize the transfer of \$26,499 to the Lewis & Clark County Sheriff's Office.** Commissioner Cartwright 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 Wednesday, January 19, 2011 and the next Commission Meeting is Monday, January 24, 2011.

***Adjournment***

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

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission