

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**SEPTEMBER 24, 2001**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, September 24, 2001, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

***Members Present***

Mayor Ken Morrison indicated for the record that Commissioners Netschert, Groepper, Smith and Oitzinger were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Cathy Beck-Jenkins were present.

***Pledge of Allegiance***

Mayor Morrison 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 September 10, 2001 were approved as submitted.

***Proclamations***

WALK OUR CHILDREN TO SCHOOL DAY

Mayor Morrison declared Tuesday, October 2, 2001, as "Walk Our Children to School Day" in Helena and asked Commissioner Smith to read the proclamation. Kathy Harris introduced students from various schools and thanked the commission for bringing attention to the issue.

FIRE PREVENTION WEEK

Mayor Morrison declared the week of October 7-13, 2001, as "Fire Prevention Week." He asked Fire Marshall Craig Trapp to explain the various activities planned for the week.

Fire Marshall Craig Trapp explained the Helena Fire Department educates over 800 students on fire safety during this week and also holds their annual open house, which is Thursday, September 27, 2001. He invited the commission and the public to attend.

***Presentation***

2000 FIRE DEPARTMENT ANNUAL REPORT

Fire Chief Steve Larson presented the 2000 Fire Department Annual Report and explained the services offered to the community. Also included in the report are statistics for 2000 as well as retirees and new hires. Listed on the back of the report is a general disaster preparedness kit.

***Appointments***

BOARD OF ADJUSTMENT  
BUILDING BOARD OF APPEALS

Mayor Morrison asked for concurrence on the appointments of Jim Whaley to the Building Board of Appeals and Sam Prestipino to the Board of Adjustment.

***Motion***

**Commissioner Groepper moved approval of the appointments of Jim Whaley to the Building Board of Appeals and Sam Prestipino to the Board of Adjustment.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Consent Agenda**

CONSENT AGENDA

- A. Claims
- B. Grandstreet Theatre Lease
- C. Architectural Contract - Fire Station Remodel
- D. Contract for \$5,000 CDBG grant for the Micro-Business Development Program managed by Gateway Economic Development Corporation
- E. Resolution declaring certain tangible personal property to be surplus property and authorizing the sale thereof (miscellaneous Fire Department equipment) **Resolution No. 11695**
- F. Right of way use agreement for Fountain Court
- G. Second passage of Ordinance 2921 – amending Chapter 9 of Title 3, Fire Prevention Code
- H. Second passage of Ordinance No. 2922 – zone change, Helena Community Federal Credit Union
- I. Second passage of Ordinance No. 2923 – zone change, Brewhouse and former recycling center

City Manager Tim Burton recommended approval of the claims.

**Commissioner Netschert asked to remove items C, D, and I for discussion.**

**Item C**

Commissioner Netschert asked how many bids were received for the fire station remodel project.

Community Facilities Director Gery Carpenter replied four different architectural firms were interviewed. The information was then brought to the commission to select a firm and this is the contract that resulted from those interviews.

**Item D**

Commissioner Netschert asked if Broadwater and Jefferson Counties would be contributing to the Micro-Business Development Program.

Community Development Director Michael Barros replied Broadwater and Jefferson Counties don't contribute to the fund. However, the Micro-Business Development Program is an eligible program within the city of Helena. The \$5,000 is given from the Department of Commerce, through the city, to Gateway. Apparently, the Department of Commerce prefers to give the money through a municipality.

**Item I**

Commissioner Netschert asked if staff had sent a letter to the Brewhouse regarding the signage compliance and the current sign that will be grand fathered due to the zone change of the area.

Michael Barros replied a letter had not yet been sent. However, he had verbally explained to the owner what his rights are under one zone versus another. He noted he would see that a formal letter is sent immediately.

**Motion**

**Commissioner Groepper moved approval of consent agenda items A-I.** Commissioner Smith seconded the motion. All voted aye, motion carried.

**Bid Awards**

BID AWARDS

- A. FIRE DEPARTMENT AERIAL TRUCK

**Staff Report**

Fire Chief Steve Larson reported that the Aerial and Apparatus

Committee extensively researched the development of aerial specifications and proper advertising and evaluation procedures. The committee has recommended acceptance of the low bid by Becker Fire Equipment for a 100-foot American LaFrance LTI-100Lt aerial apparatus for \$674,241.00. This would replace the 26-year old aerial tower, which assists the city of Helena in meeting ISO requirements and improves the firefighting and rescue capabilities of the Helena Fire Department.

Mayor Morrison noted the bid tabulation sheets were not attached to the packet memo. He asked Chief Larson if he would verbally review the list of bids.

Chief Larson read the five open bid tabulations and noted there was a fairly large spread between the bids.

**Motion**

**Commissioner Netschert moved to award the bid for the 100-foot American LaFrance LTI-100Lt aerial apparatus to Becker Fire Equipment in the amount of \$674,241.00 and authorize the city manager to sign a contract for the purchase.** Commissioner Groepper seconded the motion. All voted aye, motion carried.

**B. LAND LEASE AT WASTEWATER TREATMENT PLANT**

**Staff Report**

Public Works Director John Rundquist reported the city currently owns about 33 acres north of the Wastewater Treatment Plan that has been historically leased for pasture. The city property is located in the NE ¼, SE ¼, Township North, Range 3 West, Lewis and Clark County. The property has been retained by the city for future expansion of treatment facilities and to provide an open space buffer between the treatment plant and neighboring properties. Staff proposes to lease the land for a maximum period of three years and reserves the right to terminate the lease on 90 days notice. The lessee will be responsible for the maintenance of all fences around the tract and for control of noxious weeds on the property. The lease agreement had been reviewed and approved by the city attorney. Notice to bidders was published in the Independent Record on September 7, 2001 and September 14, 2001. The high bidder on the lease agreement was Leroy Belling at \$475.00 per year. Mr. Rundquist recommended the lease be awarded to Mr. Belling.

**Motion**

**Commissioner Smith moved to award the lease agreement for the pastureland near the wastewater treatment plant to the highest responsible bidder, Leroy Belling, P.O. Box 5685, Helena, Montana, in the amount of \$475.00.** Commissioner Groepper seconded the motion. All voted aye, motion carried.

**Communications**

**COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS**

Commissioner Smith stated he and Commissioner Netschert attended a Hometown Helena Pride meeting and discussion included the Montana Power Summer Symphony. The question was raised as to whether there would be a summer symphony in the year 2002 and if so would it be in Helena. Kathy Burwell of the Helena Chamber of Commerce informed the group she would be attending a meeting on September 25 at Fairmont Hot Springs with a group collectively called the Montana Power Summer Symphony Committee. Commissioner Smith handed out a letter prepared to send with Ms. Burwell that states commission support to keep the summer symphony in Helena on the

Carroll College grounds. He stated the letter is not proposing any monetary commitments but simply expressing interest in keeping the event in Helena. He asked the commission to review the letter and okay it for signature.

Commissioner Groepper asked about reviewing the rates for residential refuse collection. He stated there was a commitment to review those rates before they went on the final tax roll to discern whether there could be a change in the sizing of the dumpsters for occasional use rental facilities.

Mr. Rundquist replied the issue is scheduled for an administrative meeting in October.

Commissioner Netschert noted the commission took action on a request from residents in the Westridge area on signage. At that time, it was indicated the majority of the residents were in favor of the signs. Recently, a letter was sent to the commission from a number of residents indicating not all of the neighbors are happy with the signage. He asked if staff could re-evaluate the action and take into consideration the comments from the portion of residents that don't want the signs.

Mr. Rundquist replied there was never an intention not to have signage in the Westridge Subdivision. The impetus was some of the residents came to the city to ask for signage. The actual signage plan was one that the city engineer and the street supervisor worked on and would have been done regardless of the resident's requests. He noted he would look into the current requests and review the signage plan.

Mayor Morrison acknowledged Jerry and Connie Hutch and Bill Leary as being in attendance at all commission meetings and thanked them for their contributions to the commission. He also relayed as an FYI that on September 20, 2001, the District Court judge struck down the Billings franchise fees as an unlawful sales tax.

**Report of the City  
Attorney**

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen had nothing to report.

**Report of the City  
Manager**

REPORT OF THE CITY MANAGER

City Manager Tim Burton asked Disaster Emergency Services Coordinator Paul Spengler to address the commission.

Mr. Spengler addressed the commission and asked for formal written support for Project Impact to continue in Lewis and Clark County including areas of Helena and East Helena. He stated a \$300,000 grant was received two years ago to build a disaster resistant community. There have been many projects engaged in the areas of wildfires, earthquake and flood and successfully managed by Pat McKelvy, Project Impact Manager. The project is due to end at the end of the calendar year. FEMA will still pursue disaster mitigation with a new program called Pre-Disaster Mitigation. The state of Montana is hoping FEMA will provide a half million dollars available to the state for local communities to request in the form of grant applications. Mr. Spengler noted he has already prepared an application and sent it in. He stated the formal support would be needed to let the state know the community plans on supporting the program for another two years.

Commissioner Smith asked if this was 100 percent federally funded. Mr. Spengler replied there is a match of 25 percent and it's very easy to match.

**Motion** Commissioner Smith moved approval of a letter of support for a Pre-Disaster Mitigation Grant to be submitted by Lewis and Clark County Disaster Emergency Services. Commissioner Groepper seconded the motion. All voted aye, motion carried.

**Property Purchase** CONSIDER THE PURCHASE OF VACANT PROPERTY ADJACENT TO THE MISSOURI RIVER TREATMENT PLANT, LOTS 1A AND 2A OF THE EMILY ACRES PHASE 2 SUBDIVISION

**Staff Report** Public Works Director John Rundquist reported the owners of vacant property adjacent to and north of the Missouri River Water Treatment Plant approached staff last spring regarding purchase of this vacant property by the city. Following the meeting, the property owners provided an appraisal of the property in its current condition. The property value indicated by the appraisal is \$70,000 for two parcels of 1.75 acres each. This amount was included in the Water R&D capital outlay line item in the FY02 budget. The current owners have agreed to the purchase at the appraisal value and have executed a buy/sell agreement with the city for this purchase. The properties would conserve adjacent land for future expansion of MRTP facilities in the long term. Also, the land will allow a greater buffer between the plant and developing residential properties. Staff recommends purchase of the two properties.

**Discussion** Commissioner Smith noted the agreement only states that Lot 2A is being considered.

Mr. Rundquist replied there are two separate agreements and the agreement for Lot 1A is the same language as the agreement for Lot 2A. He noted the second agreement must not have been copied to the packet.

**Motion** Commissioner Smith moved approval of the buy/sell agreements and authorize the city manager to execute the purchase of Lots 1A and 2A of the Emily Acres, Phase II Subdivision. Commissioner Netschert seconded the motion. All voted aye, motion carried.

**Annexation  
1900 Floweree** CONSIDER A RESOLUTION OF INTENTION TO ANNEX A 3.711-ACRE PARCEL OF LAND LOCATED AT 1900 FLOWEREE, SHOWN AS TRACT A ON COS #493019 AND LOCATED IN LEWIS & CLARK COUNTY, MONTANA, INTO THE CITY OF HELENA, MONTANA AND ESTABLISH CONDITIONS FOR ANNEXATION

**Staff Report** City Planner Hal Fossum presented the proposal to review and establish conditions for annexation of property to enable new sewer connection for St. Andrew School, which is generally located at 1900 Floweree Street. This 3.711-acre property, which is adjacent to the eastern boundary of the Reber PUD, is used as a private school. The facility is presently served by city water and sewer utilities. The request for annexation is precipitated by an apparent failure of the current sewer service line. Property owners wish to connect to a different city sewer outfall line in the Reber PUD, and staff review has concluded that redirecting the sewer line to this main is acceptable. A completed application for annexation has been received. No public hearing is required for this action. Because of the need to move forward with utility work, this application is being sought in advance of the zoning commission hearing on pre-zoning and the annexation of street rights-of-way. Those proposals will be brought forward at the

earliest opportunity. Approval of this resolution will enable critical sewer work to move forward. Annexation of the private property is consistent with city policy and consistent with the policy of annexing properties served by city infrastructure. Mr. Fossum stated the annexation is subject to the following conditions:

1.     **Infrastructure**  
The applicant must install infrastructure improvements as required by the city and to city standards including water, sewer, fire hydrants, street, curb, gutter and sidewalks, or enter into a development agreement acceptable to the city of Helena that defines responsibility for installation or deferment of the improvements.
  
2.     **Site Plan**  
Site plans must be presented showing building locations, areas and building setbacks, building uses, sewer and water utilities and service lines, fire hydrants, parking provided to each building, signage, sidewalks, and landscaping.
  
3.     **Sewer Annexation Fee**  
The sewer annexation fee of \$300 per acre shall be paid to the city engineering department.
  
4.     **Review of New Construction**  
For all construction commenced subsequent to the adoption of this resolution, the property owners shall submit plans for review by the city of Helena to ensure compliance with infrastructure, zoning, and uniform fire code requirements of the city.
  
5.     **Fire Code Compliance**  
The applicant shall arrange for inspection by the city fire department and bring facilities into compliance with the uniform fire code under a schedule agreeable to the city.
  
6.     **Taxes and Assessments**  
Taxes and assessments shall be paid and current at the time of filing the resolution of annexation.
  
7.     **Completion of Conditions**  
The applicant shall notify city planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within one (1) year of the date of approval of this resolution of intention, the city is under no obligation to annex the property or to continue any city services, including water and sewer.

Discussion

Commissioner Netschert asked if this proposal would create a wholly surrounded area.

Mr. Fossum replied this will not create any wholly surrounded area and noted there is no proposal for annexation of rights-of-way at this time.

Mark Smiley, School Board Chairman, and John Kodson addressed the commission and urged them to support the proposal.

Motion

**Commissioner Groepper moved approval of a resolution of**

**intention to establish conditions for annexation of private property legally described as Tract A, COS #493019, Lewis and Clark County, Montana; generally located west of the intersection of Linden and Floweree Streets on Helena's west side subject to the listed conditions.** Commissioner Smith seconded the motion. All voted aye, motion carried. **Resolution No. 11696**

**Final Plat  
Fountain Court**

CONSIDER A FINAL PLAT FOR FOUNTAIN COURT SUBDIVISION CREATING 7 LOTS IN THE R-1 DISTRICT, GENERALLY LOCATED SOUTH OF THIRD STREET AND WEST OF MONTANA AVENUE

**Staff Report**

City Planner Kathy Macefield presented the final plat approval for the Fountain Court Subdivision, creating 6 lots for up to 18 dwelling units, plus 1 small lot to be transferred to an adjacent property owner. On July 10, 2000, the city commission gave preliminary plat approval to the property located in the R-2 District subject to 11 conditions which have been completed. The new subdivision plat will vacate the previous subdivision plat for specific lots located in the Chris Kenck Addition and the Shaffer Addition and the closed and vacated portion of Dakota Street. The water, sewer, stormwater drainage, streets (including curb, gutter, boulevard sidewalks and street trees), erosion control measures, and pedestrian trail between Lots 5 and 6 have been installed. A right-of-way improvements agreement for Fountain Court has been submitted for commission approval and the city manager's signature. Covenants, articles of incorporation and bylaws have been submitted and will be filed with the subdivision plat. The applicant is requesting two changes: Condition 6B states a trail will be installed in the drainage easement located between Lots 3 and 4. He has indicated pedestrians can travel anywhere within the pedestrian easement and would like to not have to install a specific trail. Second, the applicant is requesting a variance from the 20-foot front and rear yard setback requirements to allow structures on Lots 1, 2, 3, and 6 to be constructed with a 10-foot wide front and rear yard. Ms. Macefield recommended approval of the final plat.

**Discussion**

Commissioner Groepper asked if there should be some clarification on the trail that is supposed to go between Lots 3 and 4. His understanding was the applicant had no problem with public access through the area; they just don't want a formal trail, as it would mess up the stormwater detention. He stated the motion is to delete the requirement of a trail without giving an indication of allowing continued public access through the area. He further relayed the condition should be amended to make the public aware that there is still access through the area.

Ms. Macefield concurred and replied this would be a good clarification.

Commissioner Oitzinger noted the disadvantage in the memo for not having a designated path that had to do with erosion because of pedestrian traffic. She asked Ms. Macefield if she was satisfied that the pedestrian traffic would be minimized enough not to cause damage. She asked where the location of the area was.

Ms. Macefield replied most people would tend to stay on the official improved trail.

**Joe Mueller**, applicant, addressed the commission and explained where the trail area was and noted there are bird watchers that utilize the area and he was asked if they could still have access to the area. These are no construction zones and the public has complete access to the area, as it is an easement that is actually on the plat. He explained where there was an official trail built and

noted between the easement and the official trail, the parkland requirements are met.

**Motion**

**Commissioner Groepper moved approval of the final plat for the Fountain Court Subdivision (4.511 acres), creating 6 lots for up to 18 dwelling units, and one small lot that will be transferred to the adjacent property owner, all located in the R-2 District in the NE ¼ of Section 31, T10N, R3W, Helena, Montana; generally located south of Third Street and west of Montana Avenue with three amendments: (1) to allow approval for 10 foot wide front yards and 10 foot wide rear yards for Lots 1-3 and Lot 6 with a statement identifying the exception to be noted on the final plat; (2) delete condition 6B which states "a trail would be installed in the drainage easement between Lots 3 and 4; (3) and an amendment that would still allow public access between Lots 3 and 4 on the dedicated easement.**  
Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Election Referendum  
Ordinance 2911**

CONSIDER A RESOLUTION ORDERING A SPECIAL ELECTION FOR THE REFERENDUM ON CITY OF HELENA ORDINANCE NO. 2911 (THE CLEAN INDOOR AIR ORDINANCE)

**Staff Report**

City Attorney David Nielsen reported the election administrator for Lewis and Clark County received a petition with a sufficient number of signatures for a referendum on city Ordinance No. 2911 (Clean Indoor Air Ordinance). Pursuant to state statute, the election on the referendum would be at the next regular city election on November 4, 2003, unless the commission calls for a special election to be held in conjunction with a primary or regular election. The next possible election is the primary election on June 4, 2002. Mr. Nielsen stated he had prepared a resolution, which would incorporate the letter from Paulette DeHart with a copy of the ordinance attached. He asked for direction from the commission on what their intent may be.

Commissioner Groepper recalled that when Mr. Nielsen last briefed the commission on this issue, any changes to the ordinance would have to come from the commission within 60 days from the time the signatures were submitted. He asked if the commission does nothing within that 60 days, is it the standing ordinance that is voted upon. He also asked for clarification that if the ordinance is successful on the ballot, no commission can change that ordinance for a period of two years after that.

City Attorney Nielsen stated that is correct and the statute states that when there is a referendum, the commission has 60 days in which to take the action requested by the referendum which in this case is total repeal. The only action that could be taken within the 60 days is total repeal. Once the 60 days window is closed, no further action can be taken to repeal or amend the ordinance.

Commissioner Smith asked about the original effective date of the ordinance, which was September 1, 2001, and what happens to that effective date.

Mr. Nielsen stated the receipt of the petition for the referendum suspends the effective date. If the voters approve the ordinance it becomes effective the following day.

- Motion** Commissioner Smith moved approval of a resolution ordering a special election for the referendum on city of Helena Ordinance No. 2911 (Clean Indoor Air Ordinance) for June 4, 2002, in conjunction with the primary election scheduled for that date. Commissioner Groepper seconded the motion. All voted aye, motion carried. Resolution No. 11697
- YMCA Lease** CONSIDER AN EXTENSION OF YMCA LEASE AGREEMENT (TABLED FROM SEPTEMBER 10)
- Staff Report** City Attorney David Nielsen reported the city owns the property upon which the YMCA facility is located next to Centennial Park. The city initially leased the property to the YMCA as a site for the facility it constructed. The lease commenced on March 1, 1970, and with the last renewal will expire in February of 2020. The YMCA wants to add a major addition and renovate the existing facility and extend the lease term by an additional fifty (50) years to financially justify making the improvement expenditures. At the September 10, 2001 commission meeting, the commission concurred this would be a good time to review the agreement to ensure the lease does not require other modifications. Mr. Nielsen stated he was satisfied with the existing lease and recommended approval.
- Motion** Commissioner Smith moved to amend the lease agreement with the YMCA to extend the term of the lease by an additional fifty (50) years to the year 2070. Commissioner Groepper seconded the motion. All voted aye, motion carried.
- Public Hearings** PUBLIC HEARINGS
- CUP Bus Depot** A. CONSIDER A RESOLUTION FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A 1,100 SQUARE FOOT BUS DEPOT PROVIDING PASSENGER SERVICE TO BE CONSTRUCTED IN THE B-2 (GENERAL COMMERCIAL) DISTRICT. LEGALLY DESCRIBED AS THE NORTHERN PORTION OF BLOCK 29, BOYCE ADDITION, HELENA, MONTANA; GENERALLY LOCATED NORTH OF HIGHWAY 12 EAST AND EAST OF 20TH STREET (TABLED FROM SEPTEMBER 10)
- Staff Report** City Planner Kathy Macefield reported the city commission tabled this request on September 10, 2001 to give the applicant an opportunity to appear and address questions related to access for the proposed bus terminal. Several variances would be needed from the city code requirements for curb cuts and conflicts with parking on the west side of the proposed building if 20<sup>th</sup> Street remains a city street right-of-way. The applicant has indicated they plan to submit a request to close the adjacent portion of 20<sup>th</sup> Street but have not yet done that. The question of closing 20<sup>th</sup> Street would require a separate public hearing and commission action and is not part of this CUP proposal. The conditions related to the curb openings could still be required without referencing potential street closure. The applicant has verbally stated the property is all in single-ownership and the bus terminal would be leased from the property owner; as a lessee, the buses would be able to cross the applicant's property. The bus station is currently located on the west side of 20<sup>th</sup> Street on property that was pre-zoned as B-2 in 1999 but has not yet been annexed. A CUP was approved at that same time for a casino at the site of the Hi-Country Plaza truck stop. Conditions for

approval of both the annexation and the CUP included constructing 20<sup>th</sup> Street to city standards complete with paving, curb, gutter and sidewalk. The submitted site plan shows the building will be located on the northwestern portion of the property behind the truck stop and casino. Buses will enter and exit via 20<sup>th</sup> Street and the eastern curb cut onto Highway 12 East. Currently the 4 parking spaces located on the west side of the building would cause vehicular conflicts as they back out onto the 20<sup>th</sup> Street right-of-way and would be in violation of Section 7-5-8-G of the city codes. Therefore, the site plan would need to be revised to eliminate this conflict; this clarification should be added to condition #3 A. Originally the site plan showed the bus would unload passengers on the south side of the building but a revised site plan has not yet been submitted. If the bus drop-off location is revised to the west side of the building, some access arrangement should be made to cross the property located to the west; the site plan would also need to be revised. Ms. Macefield noted the proposal is subject to the following conditions:

**1. Parking**

Ten paved onsite parking spaces, which includes one space for persons with disabilities must be installed in accordance with Chapter 22 of the Helena Zoning Ordinance.

**2. Access**

- A. Curb cuts onto 20<sup>th</sup> Street must comply with Section 7-5-7 and 7-5-8 of the city codes.
- B. 20<sup>th</sup> Street must be constructed to city standards, including curb, gutter and sidewalk.
- C. Pedestrian access must be installed to provide a safe location for pedestrians walking from the bus station to Highway 12 East.

**3. Site Plan Revisions**

The site plan shall be revised to show:

- A. Ten parking spaces for the bus terminal that do not conflict with Section 7-5-8G of the Helena City Codes.
- B. Dumpster location.

**4. Financial Guarantee**

All of the following improvements shall be installed, or the improvements shall be financially guaranteed in accordance with Section 11-21-3G of the Helena Zoning Ordinance:

- A. Paved onsite parking.
- B. 20<sup>th</sup> Street improvements.

**5. Building Permit**

Applicant shall obtain a building permit within one year.

Public Testimony

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

**Dustin LoHoff**, contractor for the travel plaza and applicant, addressed the commission and explained the owner would like to vacate 20<sup>th</sup> Street. He stated if 20<sup>th</sup> Street was built to city standards with boulevard curb sidewalks, it would encroach into the Hi -Country Travel Plaza parking lot and encroach into the motel property. He further explained where the bus station would be located and noted the current bus depot building would have to be removed. He was amenable to the conditions and urged the commission to support the proposal.

Commissioner Groepper noted at the last commission meeting, there was some discomfort with taking action on the conditional use permit with the vacation of 20<sup>th</sup> Street included. He was comfortable with the two items being separated and action considered separately.

With no further persons wishing to address the commission, Mayor Morrison closed the public hearing.

Motion

**Commissioner Groepper moved approval of a resolution for a conditional use permit to allow a 1,100-square foot bus terminal providing passenger service to be constructed in the B-2 (General Commercial) District. Legally described as the northern portion of Block 29, Boyce Addition, Section 28, T10N, R3W, Helena, Montana; generally located north of Highway 12 East and east of 20<sup>th</sup> Street subject to the listed conditions.**

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

**Resolution No. 11698**

**Public  
Communications**

PUBLIC COMMUNICATIONS

City Manager Tim Burton thanked the city staff that helped with the Greatest Generation celebration. He noted there was staff from Parks, Police Department, Fire Department, Solid Waste, Community Facilities, and the Traffic Division that worked diligently behind the scenes to ensure the event was a success.

**Meetings of  
Interest**

MEETINGS OF INTEREST

City Manager Tim Burton relayed the Montana League of Cities and Towns conference would be held in Great Falls the week of October 1, 2001. He stated Randy Lilje would be acting as City Manager in his absence.

Commissioner Oitzinger asked for a moment of silence in consideration of the World Trade Center tragedy.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 7:15.

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MAYOR

ATTEST:

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CLERK OF THE COMMISSION