

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**October 20, 2008**  
**6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, October 20, 2008 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 Peura and Elsaesser were present. Commissioner Cartwright was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Rebecca Ridenour representing the Helena Citizens Council and special guests Paul Nielsen and the members of Boy Scout Troop 208.
- Pledge of Allegiance** Mayor Smith asked Boy Scout Troop 208 to lead those persons present in the pledge of allegiance.
- Minutes** The minutes of the regular City Commission meeting of October 6, 2008 were approved as submitted.
- Appointments** APPOINTMENTS:  
A. Intergovernmental Transit Committee  
B. Tenmile Watershed Collaborative Committee
- Mayor Smith noted the Library Board appointment was pulled from the agenda and asked for Commission concurrence on the following appointments:
- Intergovernmental Transit Committee** - Vivian Crabtree, Helena Area Transit Council Representative and Kent Schlosser from the Helena Citizens' Council. Unexpired terms will begin upon appointment and expire on July1, 2010.
- Tenmile Watershed Collaborative Committee** - John Gatchell, Representative of the Montana Wilderness Association and Michael Garrity, Representative of the Alliance for the Wild Rockies. Terms will begin upon appointment and expire September 2009.
- Public comment** Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Peura moved approval of the appointments to the Intergovernmental Transit Committee and Tenmile Watershed Collaborative Committee as outlined above.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Final passage of Ordinance No. 3103 amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof in reference to property legally described as Lots 6-9, Cottonwood West Subdivision, for a zone change from CLM

(Commercial Light Manufacturing) to B-2 (General Commercial)  
District **Ord #3103**

- C. Rocky Mountain Development Council separate bus lease agreement
- D. FY 09 Section 5311 Capital Grant contract for passenger shelters

City Manager Tim Burton 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 through D on the consent agenda.** Commissioner Peura seconded the motion. All voted aye, motion carried.

***Bid Award***

BID AWARD:

- A. Three (3) new Solid Waste front-load refuse trucks

Fleet Superintendent Ed Robinson reported bids were received for three new Solid Waste front-load refuse trucks to replace three existing units. One of the existing units will be kept as a reserve unit, two will be traded in. The low bid that met specifications was received from Montana Peterbilt. Other notable bidders did not meet specifications for delivery date and warranties. A summary of the bids was included in the Commission packet. Montana Peterbilt bid a 2009 Peterbilt with a New Way Mammoth body at a unit cost before trade of \$208,845.49. Total cost of the acquisition for the three units is \$510,333.97 after trade. The FY09 Budget appropriation for these units is \$566,880.00.

Superintendent Robinson recommended the purchase of the new units at the bid price of \$510,333.97 for the replacement of the city's existing units along with the purchase of extended warranties at a cost of \$12,228.45. The total cost of the bid is \$522,566.42. The proposed purchase will allow the city to continue to upgrade its Solid Waste Division's fleet providing reliable equipment and reducing maintenance costs.

Commission comment

Commissioner Peura commended Superintendent Robinson and Public Works Department staff for recommending a bid award that is \$44,000 under the projected budget for the project. Superintendent Robinson referred to the bus shelters approved on the consent agenda and noted one of the shelters will be located across the street from Stewart Homes at Ramey Park, and the other shelter will be in East Helena. The City of East Helena agreed to install the pad at their own expense and the shelter will be at the only fixed stop on the east valley route.

Public Comment

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Elsaesser moved to award the bid to Montana Peterbilt for three (3) new Solid Waste front-load refuse trucks with extended warranties for the bid price of \$522,566.42.**

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

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Peura announced the City of Helena/Lewis & Clark County Volunteer Appreciation Event will be held on October 30, 2009 at the Fairgrounds new Multi-purpose Building. He thanked the citizens that volunteer on city boards and commissions for their work and time.

**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 Burton announced the City Commission and Lewis & Clark County Commission would consider adoption of the Helena Regional Airport Authority Rules for Disposition of Property at the Thursday, November 6, 2008 Joint Work Session; it will be a public hearing in the Commission Chambers beginning at 4:00p.m.

Commissioner Peura stated his intent at the Joint Work Session, possibly through amendments to the rules or resolution creating the Authority, will be to reach an endpoint goal for maximizing the opportunity for accountability for development on Airport property by the City and County Commissions. Mayor Smith noted both Commissions need to discuss any proposed amendments as both will need to approve the rules.

City Manager Burton asked Water Utility Maintenance Superintendent Kevin Hart to report to the Commission on the City of Helena Main Flushing Program. Superintendent Hart explained and gave the progress of the program through October 17, 2008. He also explained the reason for recent discoloration issues with some city water.

Commissioner Peura thanked staff for the report and the explanation of the water discoloration. He asked for a future update in order to see if there is measurable progress towards reducing the number of complaints about water discoloration. City Manager Burton noted the complaints have been tracked using the GIS system so there is a baseline to provide a progress update. Mayor Smith thanked staff for their work on the project. Discussion was held on the city's Comprehensive Capital Improvement Program.

**Report from the Helena Citizens Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Rebecca Ridenour gave an overview of the District Meetings held October 9, 2008. She announced there continue to be vacancies in Districts 4, 5 and 6 and gave an update on the undeveloped parks project. She noted the HCC will hold a retreat session instead of its regular October meeting and the November and December regular meetings will likely be rescheduled due to holidays.

The Commission members thanked the HCC for their work.

**Public Hearings**

PUBLIC HEARINGS:

A. CONSIDER FIRST PASSAGE OF AN ORDINANCE TO AMEND CHAPTER 2, CHAPTER 4 AND CHAPTER 40 OF TITLE 11, THE CITY OF HELENA ZONING ORDINANCE.

Staff Report

City Planner Kathy Macefield reported on September 9, 2008 the Helena Zoning Commission unanimously recommended approval (3:0 vote) for the adoption of the following ordinance:

A. Chapter 2 – Land Uses

- 1) Amending Table 1 (Land Use Table) to add "See Chapter 40 " under the supplemental requirements for casinos.
- 2) Adding construction material sales to Table 1 as a permitted use in the B-2, CLM and M-I Districts.
- 3) Adding "crematorium" to Table 1 as a permitted use in the CLM and M-I Districts.
- 4) Removing differentiation between "funeral homes with crematorium" shown on Table 1 (Land Use Table) and "funeral homes without crematoriums" so that Table 1 would identify "funeral homes" as a permitted use in the B-1, B-2, B-3, CLM and M-I Districts.
- 5) Amending Section 11-2-4, Land Use Definitions for Zoning Districts, revising the definition for Entertainment, Sports and Recreation to clarify these uses are "permanent."
- 6) Amending Section 11-2-4 to add definitions for "carnivals and circuses" and "outdoor concerts and theatrical performances."

B. Chapter 4 – District Dimensional Standards

- 1) Amending Section 11-4-2 and Table 2 to delete the reference to a 60% square footage limitation for secondary structures in the R-1, R-2 and R-3 Districts.
- 2) Amending Table 2 to reduce the minimum lot size requirement for multiple dwelling units in the B-1 District from 1,200 to 1,000 square feet of lot area per dwelling unit.

C. Chapter 40 – Establishment of Areas that Allow the Sale of Alcoholic Beverages and Casinos within City Limits

- 1) Amending Section 11-40-3B to state casinos are allowed in the districts as shown on Table 1.

Ms. Macefield recommended approval of the proposed ordinance as it would correct some inadvertent omissions and inconsistencies, and remove a requirement that has been difficult to administer effectively. The amendments can encourage infill development and efficient use of energy, infrastructure and resources, and is consistent with the 2001 Helena Growth Policy and Zoning Ordinance.

Commission comment

Commissioner Elsaesser asked for an example of a business that would need the 1000 foot minimum in the B-1 District? Ms. Macefield explained that requirement is for multi-family residences; its intent is to allow a higher density but at the same time keep the development small as it would be in a small neighborhood areas. Commissioner Peura thanked Community Development staff for their work on the Zoning Ordinance update.

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 Peura moved approval for first passage of an ordinance amending Title 11, the Helena Zoning Ordinance, as described in the ordinance.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Ordinance #3104**

- B. CONSIDER EXPANSION OF THE CITY'S WASTEWATER SERVICE AREA BOUNDARY TO INCLUDE THE FOLLOWING PROPERTY: LOT 12 OF THE COUNTRY CLUB PARK ADDITION, AS DESCRIBED ON COS# 262332.

Staff Report

City Planner Elroy Golemon reported property owners Robert P. Barrett and Isaac Barrett have made application to the city to extend its Wastewater Service area to include their property located off Head Lane, legally described as Lot 12 of the Country Club Park Addition as described on COS# 262332, Lewis and Clark County Montana, generally located south of Head Lane. Their property is adjacent to the Fort Harrison Sewer line, which is currently in the city's Wastewater Service Area. The Barretts currently own the 10 acres of land and existing barn. The Barretts' intend to build a residential dwelling on the property.

The property in question is located south of the Mountain Meadow Inn and property owned by Mary Donnelly, which are currently in the city's wastewater service area. The City Commission also approved an extension of the wastewater service area to include property owned by Brad and Maureen Drinville located to the west of the subject property. If the city were to allow the extension of the wastewater service area, the city would have the advantage of further guaranteeing how land would develop in the proximity of its sewer line.

Section 6-5-4 of the Helena City Code identifies options that are available to property owners who apply for the enlargement of the City of Helena water and/or wastewater service areas. The property owner can 1) annex immediately; 2) become part of an annexation district; or 3) enter into an agreement to defer annexation. The deferral of annexation agreement will govern any further subdivision of the property, will ensure that further development will be built to the appropriate standards and will guarantee that the new system being added to the wastewater system will be constructed to the appropriate standard and plumbing codes.

Mr. Golemon recommended approval of the extension as it would allow the property to be developed without the need for a additional septic system. The conditions outlined in the agreement would prevent any further subdivision of the property without review and approval of the City Commission.

Commission comment

Commissioner Peura stated what is under consideration is extension of wastewater service, not water, because it is too far away at this time. In return, the Development Agreement would also prohibit any further subdivision or development without city standards and approval. Mr. Golemon concurred. Discussion was held on the possibility of ten-acre city lots and water quality in the Helena valley.

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 Peura moved approval for the extension of the City of Helena wastewater service area to include Lot 12 of the Country Club Park Addition as described on COS# 262332, Lewis and Clark County Montana, and to enter into an Agreement for the Deferral of Annexation and Enlargement of the Wastewater Service Area in accordance with city ordinance.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

***Public Communications***

**PUBLIC COMMUNICATIONS**

Dick Thweat, 36 Harrison Avenue; urged the Commission to review development and land use on Helena Regional Airport Property.

Alan Nicholson, 1 Quarry Lane; gave the reasoning for his lawsuit against the Helena Regional Airport Authority and urged the Commission to require the HRAA to comply with state statute. Mr. Nicholson submitted copies of the state statutes related to Airport Authority's and a memo from Lewis & Clark County Chief Civil Deputy Attorney Paul Stahl.

***Meetings of Interest***

**MEETINGS OF INTEREST**

The next Administrative Meeting is Wednesday, October 29, 2008 and the next Commission Meeting is Monday, November 3, 2008. The next Joint Work Session is Thursday, November 6, 2008 and the City/County Volunteer Appreciation Event will be held on October 30, 2008.

***Adjournment***

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

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission