

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**May 4, 2009**  
**6:00 P.M.**

**Time & Place** A regular City Commission meeting was held on Monday, May 4, 2009 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 and Peura were present. Commissioners Shropshire and Elsaesser were excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown 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 April 20, 2009 were approved as submitted.

**Appointments** APPOINTMENTS:  
A. Tourism Business Improvement District

Mayor Smith asked for Commission concurrence on the following appointments:

Tourism Business Improvement District – Cindy Dallas- term will expire April 20, 2010; Jeff Kurtz- term will expire April 20, 2011; Barb Morris- term will expire April 20, 2012; Marti Bara- term will expire April 20, 2013 and Jean Sabatini- term will expire April 20, 2013.

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

**Motion** Commissioner Peura moved approval of the appointments to as outlined above. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Water Bill Insert – Public Works Water/Wastewater Treatment Annual Consumer Confidence Report

City Manager Tim Burton recommended approval of the claims and the consent agenda.

Commission comment Commissioner Peura asked item B be removed for further discussion.

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

**Motion** Commissioner Peura moved approval of item A on the consent agenda. Commissioner Cartwright seconded the motion. All voted aye, motion carried.



commended Superintendent Clark for his work toward addressing issues related to global climate change.

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

**Motion** **Commissioner Cartwright moved approval of the bid award to Bison Ford in the amount of \$29,791.** Commissioner Peura seconded the motion. All voted aye, motion carried.

C. Transfer trailer - Solid Waste Division

Staff Report Street/Solid Waste Superintendent Ben Sautter reported bids were received for one new transfer trailer to replace unit #234, a 2003 Wilkens Loadrunner transfer trailer. The low bid was received from Wilkens Industries for a 2009 Wilkens Loadrunner. A summary of the bids was included in the Commission packet. Wilkens Industries bid after trade was \$49,967. The FY2009 budget appropriation for replacement of this unit was \$63,760.

Superintendent Sautter recommended approval of the bid award as it would allow the city to continue to upgrade its Solid Waste fleet providing reliable equipment and reducing maintenance costs.

Commission comment Discussion was held on the city's pothole-patching program.

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

**Motion** **Commissioner Cartwright moved approval for the bid award to Wilkens Industries for one (1) new transfer trailer for the bid price of \$49,967.** Commissioner Peura seconded the motion. All voted aye, motion carried.

***Communications***

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright stated he will miss working with Commissioner Peura when his term ends this December, as Commissioner Peura has decided not to run for re-election.

Mayor Smith announced filing for seats on the City Commission opened today and noted he filed for re-election as Mayor.

***Report of the City Attorney***

REPORT OF THE CITY ATTORNEY

City Attorney Nielsen reported Yellowstone Pipeline filed a notice to move the case Federal Court under a claim of diversity of citizenship; the suit is proceeding forward in Federal Court in Helena.

***Report of the City Manager***

REPORT OF THE CITY MANAGER

City Manager Burton commented on the 2009 Legislative Session. Commissioner Cartwright spoke about the Non-motorized Transportation Committee and future trails.

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

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Dan Bernhardt reported Global Youth Service Day was very successful. The HCC discussed bikes on the walking mall at its April Meeting, there was a very good turnout; a majority of the comments were in support of bikes on the mall. Mr. Bernhardt also gave an overview of updates to the HCC's website.

Commissioner Peura asked for a formal communication from the HCC related to the comments received about bikes on the walking mall. Discussion was held on possible subjects for future HCC community meetings.

**Lease- HVCC**

CONSIDER LEASING THE GEORGE D. ANDERSON COMMERCE CENTER BUILDING TO THE HELENA VISITOR AND COMMERCE CENTER, INC.

Staff Report

Community Facilities Director Gery Carpenter reported the George D. Anderson Commerce Center building is owned and managed by the City of Helena. It is leased to the Helena Visitor and Commerce Center Corporation on a long-term basis. The proposed agreement will extend the lease until June 30, 2015.

Director Carpenter recommended approval of the proposed lease as it would allow continued use of the building by the current tenants: The Helena Area Chamber of Commerce, the Helena Parking Commission and Montana Business Assistance Connection, Inc. Long-term leases by the Corporation with these entities have been negotiated.

Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Peura moved approval of the lease by the City of Helena and George D. Anderson Commerce Center Building to the Helena Visitor and Commerce Center, Inc., commencing on May 1, 2009 and terminating on June 30, 2015.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**HOLMAC Work Plan**

CONSIDER THE 2009-2010 HELENA OPEN LANDS BIENNIAL WORK PLAN.

Staff Report

Parks & Recreation Director Amy Teegarden reported the 2009-2010 Helena Open Lands Biennial Work Plan was drafted in consultation with the Helena Open Lands Management Advisory Committee (HOLMAC). This plan is a collaborative effort that includes input from five HOLMAC subcommittees (Weeds, Trails, Forestry, Cultural and Wildlife). The 2009-2010 Helena Open Lands Biennial Work Plan was made available for public comment on the city's website on March 25, 2009 and formally presented at HOLMAC's annual Open House event on March 31, 2009. To date, neither city staff nor HOLMAC has received any public comment with regards to the open lands work plan.

Director Teegarden stated city staff and HOLMAC recommend approval of the work plan. The plan will be amended annually to address land management needs that have emerged as a result of input from the citizens of Helena, HOLMAC, and/or city staff. Approval of the plan will allow the city to implement land stewardship activities required to manage the city's open lands over the next two years.

Commission comment

Commissioner Cartwright referred to reclamation work below the westside water tank and noted it is a Public Works Department project but the Parks & Recreation Department and HOLMAC are advising on it. Commissioner Cartwright asked citizens to bear with the city as it works on beetle infestation issues. Mayor Smith commended HOLMAC on their work plan.

Public comment

Mayor Smith called for public comment.

Randy Pierson, Helena valley; spoke against using verbenone packets against the mountain pine beetle. He urged the city to take an aggressive approach on the infected trees and use caution when disposing of the trees.

Dawn North, HOLMAC Chair; urged the Commission to approve the work plan.

John Rush, 720 Holter; expressed concern for beetle infestation on Mount Helena and urged the Commission to fund remediation of the issue immediately.

Motion

**Commissioner Peura moved approval of the 2009-2010 Helena Open Lands Biennial Work Plan.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Discussion

Discussion was held on the beetle infestation and fire mitigation in Helena's open lands. Commissioner Peura asked for an update on a future grant application to DNRC. Director Teegarden explained the grant and stated she would update the Commission throughout the grant process. City Manager Burton outlined the city's open lands management plan.

**Public Hearings**

PUBLIC HEARINGS:

A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTIONS 11-2-3 AND 11-2-4 OF THE HELENA CITY CODE TO CLARIFY THE PERMITTED LOCATION AND DEFINITION OF A BUS TERMINAL.

Staff Report

City Zoning Officer Elroy Golemon reported on April 14, 2009 the Helena Zoning Commission recommended approval for the adoption of an Ordinance making bus terminals a permitted use in the B-2 and B-3 Districts, not permitted in the M-I District and a conditional use (CUP) in the PLI District by amending Section 11-2-3, and clarifying the definition of Bus Terminal by amending Section 11-2-4.

Upon further review of the definition for bus terminals on April 20, 2009, the City Attorney's Office recommended making a minor wording correction to give clarity to the proposed bus terminal definition. The wording correction does not change the scope or the intent of the definition as discussed by the Zoning Commission.

The revised bus terminal definition as now recommended by staff is as follows:

**"BUS TERMINAL: A place used for the service and storage of buses, loading and unloading of bus passengers and freight, ~~including~~ **and includes** facilities for ticket sales and food service that are primarily intended for bus passengers."**

Mr. Golemon recommended approval of the proposed ordinance amendments as they would support and encourage development of a more efficient transportation system by locating bus terminals in the B-2 and B-3 Districts which allows better access to employment opportunities, commercial uses, business districts, government centers and services, cultural and recreational activities and outlying communities. Further, the proposed amendment supports mixed use and in-fill development. In addition, the proposed amendments to the

definition of Bus Terminal are intended to separate bus stops/shelters from the uses and activities associated with bus terminal facilities. The amendments are consistent with the 2001 Growth Policy and the Montana zoning criteria.

**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 Cartwright moved approval of first passage of an ordinance making bus terminals a permitted use in the B-2 and B-3 Districts, not permitted in the M-I District and a conditional use (CUP) in the PLI District by amending Section 11-2-3, and clarifying the definition of Bus Terminal by amending Section 11-2-4 and amending the definition of "BUS TERMINAL" as recommended by staff.** Commissioner Peura seconded the motion. All voted aye, motion carried. **Ord #3112**

**Public Communications**

**PUBLIC COMMUNICATIONS**

No public communications were given.

**Meetings of Interest**

**MEETINGS OF INTEREST**

The next Administrative Meeting is Wednesday, May 13, 2009 and the next Commission Meeting is Monday, May 18, 2009. There is a Budget Work Session Wednesday, May 6, 2009 and the City/County Joint Work Session is on Thursday, May 7, 2009.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 7:29p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission