

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**May 17, 2010**  
**6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, May 17, 2010 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 Deputy City Clerk Robyn Brown were present. Others present were Winston Greely 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 May 3, 2010 were approved as submitted. Commissioner Cartwright referred to discussion related to the Centennial Park Phase I Bid Award on page 3 of the minutes and asked for clarification if there was Commission consensus to support the addition of crushed granite running trails in future phases of the park. Mayor Smith and Commissioners Ellison, Thweatt and Elsaesser acknowledged there was consensus to pursue installation of the trails in future phases of the project.
- Proclamation*** PROCLAMATION:  
A. Buddy Poppy Week
- Mayor Smith read the proclamation designating May 17-22, 2010 at Buddy Poppy Week. Former City Commissioner Tom Pouliot and Mrs. Shirley Pouliot accepted the proclamation.
- Appointments*** APPOINTMENTS:  
A. Civil Service Commission
- Mayor Smith asked for Commission concurrence on the following appointments:
- Civil Service Commission – Reappointment of Ken Morrison to the Civil Service Commission; second term will begin June 1, 2010 and expire May 31, 2013.
- Public comment Mayor Smith asked for public comment, none was received.
- Motion*** Commissioner Cartwright moved approval of the appointment to the Civil Service Commission as outlined above. Commissioner Thweatt seconded the motion. All voted aye, motion carried.

**Consent Agenda**

CONSENT AGENDA:

- A. Claims
- B. Update of the Official Zoning Map for the City of Helena reflecting changes approved by Commission action since the last update in June 2009
- C. Utility bill insert – Public Works 2010 Consumer Confidence Report

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

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser spoke highly of the transparency and openness of the city's budget creation and general actions.

Commissioner Cartwright reminded citizens to water their trees and noted Growing Friends is getting ready to do a planting at Bill Roberts Golf Course. He reported petitions are being circulated to form a transit district in the City of Helena and Lewis & Clark County and encouraged citizens to sign the petition and support creation of the district.

Mayor Smith spoke of participating in Military Appreciation Day on Saturday, May 15, 2010.

**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 Winston Greely reported the HCC is working on providing FY2011 budget recommendations to the City Commission. He spoke of the HCC's involvement in the Green Blocks Program and announced a HCC sponsored Wildfire Prevention Response Meeting would be held on May 27, 2010 at the Lewis & Clark County Library. He referred to the proposed transit district and noted it would be discussed at the HCC's regular monthly meeting on Wednesday, May 26, 2010.

Commissioner Cartwright gave an overview of the Green Blocks Program and thanked the HCC for their involvement in promoting the transit district. Commissioner Elsaesser thanked Commissioner Cartwright for his work on the transit district.

**Public Hearings**

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ASSISTED LIVING FACILITY WITH UP TO 32 RESIDENTS TO BE LOCATED IN AN R-4 (RESIDENTIAL-OFFICE) DISTRICT.

Staff Report

City Zoning Officer Elroy Golemon reported on Tuesday, April 13, 2010, the Helena Zoning Commission recommended approval (4:0 vote) for the adoption of a resolution granting a Conditional Use Permit (CUP) to allow an assisted living facility with up to 32 residents to be located on lots in an R-4 (Residential-Office) District; for property legally described as property Lot 8 of the H.T.P. Subdivision to the City of Helena, Lewis & Clark County, Montana, as shown on Certificate of Survey #285115; generally located north of Beltview Drive and west of Wildwood Lane, subject to the following condition: a building permit must be obtained for the first assisted living facility structure within one year from the date of approval of the CUP.

Mr. Golemon recommended approval of the CUP as it will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity or in the zoning district in which the subject property is located. In addition, this proposal will allow for the development of a vacant lot located in an R-4 District.

Discussion

Discussion was held on sidewalks in the area; the applicant has indicated they will be installing curbside sidewalks on Wildwood Lane. Mr. Golemon noted Wildwood Lane is a private road and not under the city's jurisdiction.

Public Testimony

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

Dean Bjerke, 545 South Harris, applicant; urged the Commission to support the CUP.

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

Comment

Commissioner Cartwright encouraged the applicants to plant a large number of trees for the residents to enjoy. Commissioner Elsaesser noted the proposal complements the zoning of the neighborhood.

Motion

**Commissioner Ellison moved approval of a resolution granting a Conditional Use Permit (CUP) to allow an assisted living facility with up to 32 residents to be located on lots in an R-4 District; for property legally described in the staff report; subject to the following condition: a building permit must be obtained for the first assisted living facility structure within one year from the date of approval of the CUP.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res #19732**

B. CONSIDER A RESOLUTION ESTABLISHING FEES FOR THE LAST CHANCE SPLASH WATER PARK AND POOL FOR THE 2010 SEASON.

Staff Report

City Manager Alles spoke of considerable budget constraints being placed on the city and noted one of the areas for constraint is the pool. He commented Parks Department staff has worked hard to come up with ideas to deal with the city's budget shortfall.

Parks & Recreation Director Amy Teegarden reported after the completion of the 2009 swim season, city staff gathered public comments, and analyzed visitation and program participation at the Last Chance Waterpark and Pool. Valuable lessons were learned in the

management of the site, staff and customer use of the programs and facility after completing the first summer season. Director Teegarden presented a budget snapshot of the city's subsidy of the pool from FY2008 to the proposed expenditures and revenue for FY2011. The following changes are recommended as an effort to increase revenues and decrease operating (staff) expenses and improve customer satisfaction.

Hours of Operation: Based on review of the 2009 use records, open swim customers were fewer on weekends and weekday evening hours. As a result hours of operation will be changed to the following:

- ◆ Seasoning opening date – June 16, 2010
- ◆ Closed on Sundays in June (2 Sundays)
- ◆ Weekend hours: shorten open swim by three hours, Saturday and Sunday from 1-5 p.m. instead of 1-8 p.m. and offer discounted weekend rates
- ◆ Weekday hours: shorten open swim by one hour, Monday – Friday 1-7 p.m. instead of 1-8 p.m.

Programming: Discontinue three water aerobics classes that were not well attended. This will eliminate 165 hours of instruction costs (\$2,215.95).

Fee Structures: Overall objective is to increase visitation via the following recommendations:

- ◆ Offer option to purchase season passes for open swim and water activities. Price of a season pass is based on a 25 visit cost
- ◆ Offer option to purchase an “Adult Companion Pass” (with the purchase of one regular season pass)
- ◆ Continue to offer 10-punch cards, discontinue the 30 and 50 punch cards since season passes will be offered
- ◆ Eliminate the \$1 re-entry fee
- ◆ Offer a “spectator entrance” fee of \$1 for non-swimmers, rather than charging the full swim entrance fee
- ◆ Offer discounted weekend open swim rates since the hours have decreased
- ◆ Increase private rental fee to \$375 for a 2-hour period; the increased rate will ensure cost-recovery of staff/facility costs

Director Teegarden recommended approval of the proposed resolution of intention as changes in hours will ensure that staff is not working when typically there are few to no patrons. Eliminating classes that were not well attended will decrease the cost of staff fees. By offering season pass options, discounts are increased and this may increase visitation. These changes are responsive to public comments and also reflect opportunities to improve efficiency from what was learned from the first season of operation of the new waterpark.

#### Discussion

Commissioner Cartwright asked if the pool could stay open until Labor Day if part of it was closed and there was enough staff willing to work. Director Teegarden explained the idea has been discussed with water park staff and the city would be willing to keep the park open; however, there are costs associated with heating the water and staffing.

Historically, once school starts people lose interest in the pool. Also, the business of the pool is very dependent on the weather.

Commissioner Elsaesser asked if including the hours in the resolution would preclude staff from keeping the park open later if it is busy. Director Teegarden stated the hours were included to show the connection between the reduced hours and reduced rate. City Attorney Nielsen stated the hours listed in the resolution would not become binding and is surplusage to the rate setting.

Mayor Smith asked if staff would be able to keep the park open until 8:00 p.m. if the pool and park is busy. Director Teegarden commented past history has shown that past 7:30 p.m. there is more staff than patronage. However, with offering season passes this year there may be an increase in use and staff is prepared to stay open if warranted.

Commissioner Thweatt asked if the hours should be stricken from the resolution. Attorney Nielsen commented it would be fine to edit the resolution to remove the hours. Commissioner Cartwright disagreed with removing the hours, as listing them in the resolution guarantees the pool will be open at those times.

Public Testimony

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

Jesse Aber, 318 Power Street; spoke against reducing the weekend and evening hours.

Jennifer Sheehy, 2131 Villard Ave, Helena; spoke in support of the season pass feature and expressed concern that there is not enough space available in the pool for lap swimmers in the evenings.

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

Motion

**Commissioner Ellison moved approval of a resolution establishing fees to be charged for the Last Chance Splash Waterpark and Pool for the 2010 season.** Commissioner Cartwright seconded the motion.

Amendment

**Commissioner Thweatt moved to amend page 2 to insert "hours not less than" before Monday through Friday 1-7pm, and Saturday and Sunday 1-5 pm.** Commissioner Cartwright seconded the motion.

Substitute Motion

**Commissioner Elsaesser moved to strike all references to hours of operation in the resolution.** Commissioner Ellison seconded the motion. Motion carried 4-1 with Commissioner Cartwright voting no.

Comment

Commissioner Cartwright commented he is uncomfortable with the use of the word subsidize to describe the city's funding of the pool and gave the example of the city's funding of the Fire Department as a subsidy that everyone is comfortable paying for but does not use. He commented the waterpark is a city service.

Commissioner Cartwright urged staff to consider being open on Labor Day if the weather is nice and provide more lap swim opportunities at night.

Commissioner Ellison asked how many people lap swim at night. Director Teegarden responded past history has been not more than three people at a time at night. He indicated he would support the

motion.

Commissioner Elsaesser stated there are a lot of recreation and cultural opportunities the city supports and is working hard to continue to support. He added the waterpark has been a learning experience and hopes the season passes increase use.

Mayor Smith urged Park's Department staff to watch the weather, demand and usage and added they are empowered to operate the park as they believe is right.

**Vote**

All voted aye, motion carried. **Res #19733**

**Public  
Communications**

**PUBLIC COMMUNICATIONS**

Jerry Hutch, 1111 East State Street; spoke of pedestrian safety in Helena and two recent incidents of pedestrians being hit and injured by motor vehicles while in crosswalks. He suggested the Commission authorize the Police Department (HPD) to actively enforce MCA's related to yielding of ROW to pedestrians and gave examples of how other communities enforce these codes. He announced 28 visually impaired people will be in Helena on June 13, 2010 for classes at Carroll College on learning how to live with their impairment through the MT School for the Deaf and Blind.

Commissioner Cartwright spoke of Missoula's "Travel Education Month" Program and noted the Non-Motorized Transportation Advisory Council hopes Helena can put on a similar program. Commissioner Thweatt thanked Mr. Hutch for his comments and spoke of close-calls he has had with vehicles while traveling as a pedestrian.

Mayor Smith stated HPD officers are currently authorized to enforce all laws and noted the Commission will discuss particular enforcement of this code with City Manager Alles and Police Chief McGee.

**Meetings of  
Interest**

**MEETINGS OF INTEREST**

The next Administrative Meeting is June 2, 2010 and the next Commission Meeting is June 7, 2010. Budget Work Sessions will be held May 19 and 24, 2010.

**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