

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**November 21, 2011**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, November 21, 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 Deputy City Clerk Robyn Brown were present. Others present were Jim McCormick representing the Helena Citizens Council.

***Pledge of Allegiance***

Mayor Smith asked the members of Weeblo Pack #215 to please stand and lead the pledge of allegiance.

***Minutes***

The minutes of the regular City Commission meeting of November 7, 2011 were approved as submitted.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. A two-year time extension to December 13, 2013 for final plat approval for the Burnham Ranch Marketplace Subdivision; generally located northeast of the Custer Avenue /Kelleher Drive intersection
- C. A resolution forgiving the balance of the operating cash loan from the General Fund to the Golf Course Fund **Res #19888**
- D. A resolution adopting the Lewis & Clark County Pre-Disaster Mitigation Plan **Res #19889**

City Manager Ron Alles recommended approval of the claims and the consent agenda.

Commissioner Cartwright asked item C be removed for further discussion.

**Public Comment**

Mayor Smith asked for public comment, none was received.

**Motion**

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

**Item C**

- C. A resolution forgiving the balance of the operating cash loan from the General Fund to the Golf Course Fund

**Discussion**

Commissioner Cartwright gave the history of the loan and noted it was given with the understanding that if the golf course moved towards becoming more of a self-sustaining enterprise it would most likely be forgiven. He commented, for the record, the city is doing a fair amount to support the golf course by forgiving the \$250,000 loan. Commissioner Elsaesser noted the city has given water rights and other assistance.

**Motion**

**Commissioner Cartwright moved approval of item C on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Bid Award**

BID AWARD:

- A. One (1) new 2011/2012 Truck Chassis (Single Axle) with one (1) new 4-Cubic Yard Hot Asphalt Body for the Street Division

Staff Report

Fleet Superintendent Ben Sautter reported bids were received for one (1), new 2011/2012 truck chassis (single axle) with one (1) new 4-cubic yard hot asphalt body to replace Unit #315, a 1992 GMC Kodiak patch truck. This is a scheduled replacement. The low bid meeting specifications was received from Motor Power Great Falls. A summary of the bids was included in the Commission packet. Motor Power Great Falls bid a 2012 Kenworth, model 3T470 truck chassis with a Pro-Patch asphalt body at a cost of \$158,500.00. The FY12 budget appropriation for this unit is \$160,000.00.

Mr. Sautter recommended the purchase of the new unit at the bid price of \$158,500.00 for the replacement of the city's existing unit #315. Unit #315 will be sold at the State of Montana surplus auction. This transaction will allow the Street Division to continue regular asphalt maintenance operations and provide for long term planning and completion of various special improvements to the city's streets and pathways and provide reliable equipment and reduce maintenance costs.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

**Commissioner Ellison moved to award the bid to Motor Power Great Falls for one (1) new 2011/2012 truck chassis (single axle) with one (1) new 4-cubic yard hot asphalt body for the bid price of \$158,500.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Ellison noted the Girl Scouts are celebrating their 100<sup>th</sup> anniversary this month.

He commended city staff for their work on the Capitol Interchange pedestrian bridge.

Commissioner Ellison congratulated the Helena High's Girls Volleyball team on taking the state title last weekend and introduced Coach Sheila Williams and players Kayla Cummings and Eris Frost. Mayor Smith and the entire Commission congratulated the team on their successful title win. Commissioner Ellison also congratulated the Capital High Football team on their state championship win over Billings.

Commissioner Thweatt urged citizens to shovel their sidewalks now that the snow has fallen.

Mayor Smith and the Commission members congratulated Commissioner Elsaesser on being re-elected for a second term on the City Commission. Commissioner Elsaesser thanked the community for electing him to a second term.

**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 explained the city's policy on snow removal/plowing and priority snow routes. He commended Street Department staff for their work.

**Report from the  
Helena Citizens  
Council****REPORT FROM THE HELENA CITIZENS COUNCIL (HCC)**

HCC Chair Jim McCormick reported the HCC met on November 16, 2011 and gave an overview of the meeting. The HCC voted to support and partner with Public Art Committee and Holter Museum of Art to submit an Art Place Grant to improve the Lyndale and Anchor Park pedestrian tunnels. The council also voted to support city staff and the Urban Wildlife Advisory Committee's deer management recommendations for winter 2012.

Chair McCormick announced the Elections office has canvassed write-in candidates from the election; the HCC is hopeful some of them will accept a seat on the council.

**Regular Items****REGULAR ITEMS:**

- A. CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS GOLF COURSE (BRGC) 2012 SEASON

**Staff Report**

Parks & Recreation Director Amy Teegarden reported three main factors influence staff ability to meet or exceed the FY12 approved budget: revenues, golf trends, and meeting projections. Some of these factors are within staff control (revenue rate increases, expense savings) and some are not (weather influences, play trends). It takes a combination of rate increases, positive trends and successful projections to successfully meet or exceed the approved budget.

City staff reviews the golf operations, maintenance and concessions budget annually to ensure revenue projections are aligned with expenses. As part of this review, golf fees are reviewed and discussed with the Golf Advisory Board (GAB). At the October 2011 meeting, the GAB voted to support the recommend rate adjustments for the 2012 golf season.

The adjustments include some selected rate increases as well as some decreases while some rates remain unchanged. For instance, 9-hole play is decreasing and it would not be wise to raise 9-hole fees or punch cards. Because the rental cart fleet is in an older condition, rates for daily cart rental are recommended to stay the same. The course is experiencing a decline in youth golfers and it is recommend to decrease costs of junior passes in an effort to promote more use by juniors and their families. Fee increases of less than 3% (to the nearest dollar) have been recommended to close the gap between inflationary expenses and revenues. In addition to adjusting fees, city staff will continue to utilize alternative programs which have proven successful in the past few years for generating revenue, such as increasing use of the golf simulator during the winter, offering private cart mechanical services and paid sponsorships.

Director Teegarden recommended approval of the proposed resolution of intention and fee schedule for the 2012 season as it will help meet the city and GAB's financial goals.

**Discussion**

Commissioner Elsaesser asked if staff provides maintenance for both gas and electric carts and if the repairs and maintenance are done at the golf course. Director Teegarden stated staff works on both types of carts, year round, at the maintenance shop on the course.

Commissioner Cartwright asked for confirmation that the Golf Advisory Board supports the proposed rates. Director Teegarden stated the GAB, which does represent the golfing community, held two

meetings on the rates and recommended their approval. She added the Junior Golf Association also provided input on the rates.

Public Testimony

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Ellison moved approval for a resolution of intention to establish fees to be charged for the Bill Roberts Golf Course for the 2012 season, and set a public hearing date for December 5, 2011.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19890**

B. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3147 AMENDING THE OFFICIAL ZONING MAP, DESCRIBED IN SECTION 11-2-1 OF THE HELENA CITY CODE AND ADOPTED BY REFERENCE, FOR A ZONE CHANGE FROM CLM TO B-1 DISTRICT FOR PROPERTY LOCATED AT 1200 BOULDER AVENUE

Staff Report

City Planner Kathy Macefield reported on November 7, 2011 the Helena City Commission approved (4:1 vote) first passage of an Ordinance amending the Official Zoning Map, described in Section 11-2-1 of the Helena City Code and adopted by reference, for a zone change from CLM to B-1 District for property located at 1200 Boulder Avenue.

The Helena Zoning Commission had unanimously recommended approval (3:0 vote) for this zone change on October 11, 2011. Fifty-five platted lots are located within 150 feet of the proposed zone change. Property owners of 18 platted lots (32.7% of the platted lots) have submitted a written protest by signing a petition received on November 7, 2011. The petition was included in the Commission packet along with the map showing the location of the properties located within 150 feet that are included in the November 7, 2011 petition. This map was accompanied by a spreadsheet identifying the property owners, with those included on the submitted petition highlighted in bold.

More than 25% of the adjacent property owners have submitted written protests in accordance with 76-2-305 MCA. Therefore, approving the zone change will require an affirmative vote by 2/3 of the City Commission attending the public hearing for final passage of the ordinance.

Ms. Macefield recommended approval of final passage of the zone change and noted this area has been designated as a mixed use area on the Future Land Use map of the 2001 City of Helena Growth Policy and the B-1 zoning district is more consistent with this designation than the CLM District. The proposed B-1 District: is more restrictive for uses and their size than the CLM District which can help minimize the amount of traffic that would be generated; provides a transition between the B-2 zoning located west of Montana Avenue and the R-2 zoning located to the east; and provides a greater opportunity to encourage a mixed use redevelopment of the property than is currently available with the existing CLM District. The proposed B-1 District is a mixed use zoning designation that is consistent with the 2011 City of Helena Growth Policy and the Montana zone change criteria.

Discussion

Commissioner Cartwright referred to a letter from the Department of Commerce about Rocky Mountain Development Council's (RMDC) previously awarded Neighborhood Stabilization Program (NSP) 3 grant. A copy of this letter is included in the Commission packet as

part of the official record. City Manager Alles reported the NSP grant required taxes on the property be in arrears. Due to a third party paying the property taxes, Lewis & Clark County and RMDC are no longer eligible for the grant funding.

Public comment

Mayor Smith called for public comment.

Dean Bjerke, 545 South Harris; spoke in support of the zone change.

Matt Pettit, 201 State Street; spoke in support of the zone change.

Michael O'Neill, 621 Hillsdale; spoke in support of the zone change.

Mignon Waterman, 530 Hazlegreen; spoke in support of the zone change.

Mark Roylance, 707 N. Warren; spoke in support of the zone change.

Rick Pyfer, 534 Diehl Drive; spoke in support of the zone change.

M.C. Beeby, 1620 Townsend; urged the Commission to postpone the zone change at this time.

Bonnie Lorang, Helena; urged the Commission to vote against the zone change without knowing what could be developed on the property.

Rose Casey, 1422 Walnut Street; asked the Commission to vote against the zone change and urged the city to help the neighborhood form a railroad business district.

Susan Bjerke, 545 South Harris; spoke in support of the zone change.

Joe Mueller, 2002 Sweetgrass, representing the applicant; urged the Commission to vote in support of the zone change and noted the applicant is in compliance with all requirements.

Mark Simonich, 1 S. Montana Avenue, Montana Association of Realtors; referred to the city's recently updated and adopted Growth Policy and spoke in support of the zone change.

Gene Leuwer, 1601 Jerome; urged the Commission to support the zone change. He noted the buy/sell agreement between RMDC and the Caird property owners is still in effect.

Motion

**Commissioner Elsaesser moved approval of final passage of Ordinance No. 3147 amending the Official Zoning Map described in Section 11-2-1 of the Helena Zoning Ordinance, change from CLM (Commercial-Light Manufacturing) to B-1 (Neighborhood Business) District for lots and closed alleys as described in the ordinance and located at 1200 Boulder Avenue.** Commissioner Thweatt seconded the motion.

Comment

Commissioner Elsaesser spoke in support of the zone change.

Commissioner Cartwright stated when this proposal came forward two years ago he thought it was bad urban design and continues to question it. He spoke of a discussion held with Mr. Leuwer on November 17<sup>th</sup>; there are options for the design that finally make more sense. In the long run, B-1 is the correct zoning designation for the entire area; it should've been brought forward as a package with more properties.

Commissioner Cartwright noted he would still have to vote against the proposal at this time. The Commission has criteria to follow

when considering zone changes; one is public health, public safety, and general welfare. He does not feel this process, over the past two years, has promoted the general welfare. It's been a divisive issue in the community and has affected the workings of the Commission, RMDC and the neighborhood. He stated he still has questions he would like answered. Based on what he's seen now, he's not sure the Commission had to go through these two painful hearings. He does not believe the NSP grant had much of a chance from the get-go and rather than discuss that, the Commission has discussed what the zoning should or shouldn't be. Two years ago, he and Commissioner Peura raised questions about the urban design of the project. After the City Commission voted the grant down it went to the County Commission for their consideration and the Department of Commerce wrote a letter to Commissioner Hunthausen expressing concern about the likelihood of the Caird property receiving the grant. He commented the NSP grant required the property taxes not be paid to be successful and the city's zone change application required the property taxes be paid to be successful. He commented the City Commission has not dragged their feet on the proposal; they did not have much at all to do with the NSP grant.

The neighborhood, RMDC and the City Commission should've met two years ago to work together on the development of the property. He was not aware of what RMDC, city staff or City Commission members were doing and he was not able to contribute anything to the process; if he was he may have been able to point out some of these problems. He expressed hope that there will be a community effort focused on developing a small portion of the property.

Commissioner Ellison spoke to the large amount of public comment regarding the zone change request. He listed the zoning designations that surround the property and stated the area is currently a mixed-use area and meets the criteria laid out in the Growth Policy. He commented the Commission labored over mixed-use areas while considering the Growth Policy and designated this area as a prime area for mixed-use development. Many people that have protested the zone change and fear it will have an adverse effect on their business, although he is not sure how it could negatively effect their business since it's a zone change from a designation that has not been working in the community for many years, to a designation that may create a workable plan for development of the area. He stated it is a tough call but would vote in support of the zone change.

Commissioner Thweatt indicated he would support the zone change as the Growth Policy does designate this area as mixed-use and embraces the concept of mixed-use towards the overall goal of a more sustainable community. One of the main purposes of the Growth Policy is to guide the Commission's zoning decisions and it is incumbent to follow those recommendations. The Commission's power to zone allows the setting of parameters for development of individual properties, not the power to design the development of individual properties.

Commissioner Thweatt strongly encouraged all involved parties to sit down with city staff to work out what the appropriate zoning is for the area surrounding the Caird property.

**Vote**

Motion carried 4-1, with Commissioner Cartwright voting no.

**Ord #3147**

***Public  
Communications***

**PUBLIC COMMUNICATIONS**

Michael O'Neill, Chairman of the Board of Trustees for Helena School District #1; invited the Commission and City Manager Alles to attend a community workshop to discuss the state of Helena's schools and future of school facilities on December 6, 2011 at 6:00pm at the Front Street Learning Center.

***Meetings of  
Interest***

**MEETINGS OF INTEREST**

The next Administrative Meeting is November 30, 2011 and the next Commission Meeting is December 5, 2011. The City/County Joint Work Session will be held on December 1, 2011.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 7:14 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission