

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
January 26, 2004
6:00 P.M.**

Time & Place

A regular City Commission meeting was held on Monday, January 26, 2004, 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 Oitzinger, Cartwright, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Jacki Pierson were present. Others present were Jerry Hutch representing the Helena Citizens Council and Alex representing the Youth Advisory Council.

Pledge of Allegiance

Mayor Smith asked persons present to please stand and join him and Boy Scout Troop 214 in the pledge of allegiance.

Minutes

The minutes of the regular city commission meeting of January 5, 2004 were approved as submitted.

State of the City

Mayor Smith delivered the State of the City Address; a copy of the speech is attached and made a part of the record.

Certificate of Recognition

CERTIFICATE OF RECOGNITION:

A. Zack Wheeler

Mayor Smith read and presented a Certificate of Recognition to Zach Wheeler. Mr. Wheeler thanked the city and Randy Lilje for making this project available and thanked his parents and troop for their help on the project. Mr. Wheeler stated he hoped that the citizens of Helena would enjoy the area.

Appointments

APPOINTMENTS:

Lewis & Clark City-County Library Board

Elizabeth Goldes – 2nd term – will expire 01-01-08

James E. Smith – Unexpired term – will expire 01-01-05

Public Art Committee

Mike Casey – 2nd term – will expire 12-31-05

Transportation Coordinating Committee

Byron Roberts – 1st term – will expire 12-31-05

Raymond L. Bell – 1st term – will expire 12-31-05

Commissioner Board Appointments

MAYOR PRO TEM

Sandy Oitzinger

BOARD OF ADJUSTMENT

three year term - expires December 31, 2004

Marc Parriman

AMERICANS WITH DISABILITIES COMMISSION

Will appoint a commission member when necessary

AUDIT COMMITTEE

One year term - expires December 31, 2004

Sandy Oitzinger

James E. Smith

Paul Cartwright

BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS/HELENA PARKING COMMISSION

Marc Parriman

CITY COUNTY ADMINISTRATION BUILDING BOARD OF DIRECTORS

1 year term - expires December 31, 2004

Tom Pouliot

City Manager Tim Burton - standing member

CITY-COUNTY BOARD OF HEALTH

No specific term

Sandy Oitzinger

CIVIC CENTER BOARD

No specific term

Tom Pouliot

GATEWAY ECONOMIC DEVELOPMENT

No specific term

Sandy Oitzinger

HELENA CHAMBER OF COMMERCE LIAISON

No specific term

Local Government Committee

James E. Smith

INFORMATION TECHNOLOGY COMMITTEE

No specific term

Paul Cartwright

INFRASTRUCTURE COMMITTEE

No specific term

Marc Parriman

LEWIS & CLARK LIBRARY BOARD

Unexpired term – expires January 1, 2005

James E. Smith

MONTANA LEAGUE OF CITIES AND TOWNS

No specific term

James E. Smith

PRE-RELEASE SCREENING COMMITTEE

No specific term

Tom Pouliot

PUBLIC ART COMMITTEE

No specific term
Sandy Oitzinger

PEACE OFFICERS STANDARDS & TRAINING COUNCIL (P.O.S.T.)

No specific term
James E. Smith

ROCKY MOUNTAIN DEVELOPMENT COUNCIL

No specific term
James E. Smith

TRANSPORTATION COORDINATING COMMISSION

One year term - expires December 31, 2004
James E. Smith
Paul Cartwright

TRANSPORTATION DEMAND MANAGEMENT

No specific term
Will appoint a staff member to be the commission liaison

YOUTH ADVISORY COUNCIL

No specific term
Sandy Oitzinger

Motion Commissioner Oitzinger moved approval of the above appointments. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Second passage of Ordinance 2986 – amending section 11-21-5 of the Helena City Code.
C. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the transfer of that property (Smith & Wesson pistols) **Res. #12074**
D. Updated official zoning map reflecting the changes approved by Commission action since the last update in November 2002
E. Bureau of Reclamation Memorandum of Understanding to negotiate a long term water service contract from the Helena Valley Unit, Canyon Ferry Project

City Manager Tim Burton recommended approval of the claims.

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

Motion Commissioner Pouliot moved approval of items A through E on the consent agenda. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Bid Award BID AWARD:
A. 2004 motor grader w/grader gate – Street Division

Staff Report Fleet Manager Ed Robinson reported bids were let for a new motor grader to replace unit #390 on January 7, 2004. Three bids were

received with the low bid coming from Tri-State Equipment. Tri-State bid a 2004 Volvo G726B at a net price of \$102,500.00 after trade of unit 3390. Budget appropriation for this unit was \$118,000.00.

Mr. Robinson recommended the purchase of this Volvo G726B from Tri-State Equipment at the net bid price of \$102,500.00 for the replacement of unit #390.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Parriman moved to accept the bid from Tri-State Equipment for the 2004 Motor Patrol with grader-gate for a price not to exceed \$102,500.00. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright stated a tabling motion was passed at the last city commission meeting having to do with yard signs; assured the citizens that a recommendation will be coming forward.

Commissioner Parriman stated Helena has received some appropriations from the U.S. Senate and thanked Senator Conrad Burns, Senator Max Baucus and Congressman Rehberg for all their efforts in obtaining those appropriations for Helena.

Commissioner Oitzinger thanked Mayor Smith for being the voice of the heart and the hope of Helena.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen spoke regarding Commissioner Cartwright's comments on the yard signs. He explained the new ideas may be more expansive than what was brought to the commission and staff may be required to go back to the zoning commission. If that occurs it will be a better result and a better product.

Report of the City Manager

REPORT OF THE CITY MANAGER

- A. Introduction of Corporal Tory Keltner, Sergeant Curt Stinson and Lieutenant Dave Jeseritz.
- B. Introduction of Mark Fitzwater, Wastewater Treatment Plant Supervisor

A. City Manager Tim Burton invited Chief of Police Troy McGee forward to introduce the officers who have recently been promoted within new promotions in the Helena Police Department. Chief McGee gave some brief history on Tory Keltner, Curt Stinson, and Dave Jeseritz.

Officer Jeseritz thanked the commission and it has been one of his goals to rise to this rank.

Officer Stinson thanked the commission and mentioned how great the working relationship between the Helena Police Department and the city commission is.

Officer Keltner thanked the support from the commission to the Helena Police Department. The Helena Police Department is the best police department in the State of Montana.

B. Mr. Burton invited Director of Public Works John Rundquist forward to introduce the new Wastewater Treatment Plant Supervisor Mark Fitzwater. Mr. Fitzwater thanked the commission for this opportunity and stated he will do his best.

HCC Report

COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL

Jerry Hutch stated he is an elected representative of District 7 of the Helena Citizens Council. January 28, 2004 will be the first Helena Citizens Council meeting of the New Year. The first item on the agenda will be the election of officers to serve for the coming year. The second item will be appointments of interested citizens who are will to serve on the Helena Citizens Council.

Gateway

RECEIPT OF ANNUAL PRESENTATION BY GATEWAY ECONOMIC DEVELOPMENT CORPORATION EXECUTIVE DIRECTOR, AND CONSIDERATION OF A REQUEST TO APPROVE PROPOSED 2004 CALENDAR YEAR BUDGET OF \$20,617 FOR GATEWAY'S ADMINISTRATIVE COSTS TO MANAGE CITY'S REVOLVING LOAN FUND

Staff Report

City Planner Belinda Waters reported in September 1999, the city of Helena entered into a Sub-Recipient Agreement with Gateway Economic Development Corporation for administering the city's revolving loan fund and conducting economic development activities.

Ms. Waters recommended approval for Gateway Economic Development Corporation's \$20,617 request for their 2004 budget.

Discussion

Commissioner Cartwright asked how much the revolving loan is? Ms. Waters stated \$1.4 million dollars.

Commissioner Parriman asked why the request is \$1,000 less than last year? Ms. Waters explained Gateway has resolved a lot of the issues and have tried to make it fair for all the entities that are putting funds in to keeping them going.

Gateway Economic Development Executive Director Sheldon Bartel stated Helena is growing and that he is happy to be in Helena at this time. He thanked the commission for supporting the Gateway Economic Development Corporation. Gateway received a grant this last year that help the corporation greatly and stated they will be making more loans this year. The overhead cost has and will improve over this year. He explained Gateway has more contributions to choose from which mean they can ask for less from the city. Mr. Bartel explained how the money would be spent. He reviewed Gateway's 2003 accomplishments.

Commissioner Oitzinger asked for more detail regarding the program that provides loans for energy development? Mr. Bartel explained it is from the Department of Commerce, provides up to \$10,000 at a maximum interest 5.5%. One of the benefits of using this program is the access to tax credits from the State of Montana.

Commissioner Cartwright corrected Mr. Bartel stating that although some of the money from the Department of Commerce, the energy program is from Department of Environmental Quality. Commissioner Cartwright asked what was happening with Gateway's older building? Mr. Bartel explained there are two tenants occupying the space and they are looking for a third. Commissioner Cartwright asked when Gateway's sets their goal for attracting new businesses how is the commission involved? Mr. Bartel explained Commissioner Oitzinger has replaced Mayor Smith on the Board of Directors and Executive Committee and the city manager attends the Executive Committee meeting.

Commissioner Parriman asked if the budget could continue to drop? Mr. Bartel stated he would make his best effort to reduce it as much as possible.

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

Motion Commissioner Oitzinger moved approval of Gateway's budget request in the amount of \$20,617 for administrative expenses to manage the city's revolving loan fund for calendar year 2004. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Improvement Program CONSIDER A RESOLUTION SUPERSEDING RESOLUTION NO. 10259 AND ESTABLISHING PROCEDURE FOR AN IMPROVEMENT PROGRAM FOR SIDEWALKS, CURBS, GUTTERS, AND ALLEY APPROACHES IN THE CITY OF HELENA, MONTANA

Staff Report Administrative Services Director Tim Magee reported in 1990, through Resolution 10359, the city established the first year of the current sidewalk program. The program's administrative policies and procedures evolved as the program was continued from year to year. The original 8% interest rate for the program was never adjusted, and has become a detraction from the program.

Mr. Magee recommended authorizing a resolution for the ongoing Sidewalk Program, formalizing current policies and procedures and establishing an interest rate of prime plus 1%.

Discussion Commissioner Cartwright asked what the city's borrowing rate is? Mr. Magee stated currently the intercap rate loan is around 3%, which is through the state for special projects and it is competitive with it depending on which market the city has to be in for programs. Commissioner Cartwright asked how the sidewalk replacement program works? Mr. Magee explained the policy states the city would look at the Special Improvement Districts, which would spread the cost into the neighborhood. Commissioner Cartwright stated he would like to have a discussion regarding these issues to make sure the city is treating sidewalks and streets comparably. Mr. Magee explained these issues could be discussed in February during the budget deliberations.

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

Motion Commissioner Pouliot moved approval of a resolution superseding Res. 10259 and establishing procedure for an improvement program for sidewalk, curbs, gutters, and alley approaches in the city of Helena. Commissioner Parriman seconded the motion. All voted aye, motion carried. **Res. #12075**

L&C Experience Project CONSIDER A CONTRACT FOR DESIGN AND CONSTRUCTION OF THE LEWIS & CLARK EXPERIENCE PROJECT

Staff Report City Manager Tim Burton explained staff discovered more work is needed on this item before action is taken. He recommended tabling this time to the call of the city manager.

- Motion** Commissioner Pouliot moved to table the contract with Mosaic Architecture for design and construction of the Lewis & Clark Experience Project in the amount of \$97,320.00 until the call of the city manager. Commissioner Cartwright seconded the motion. All voted aye, motion carried.
- HATS Grant Approval** CONSIDER APPROVAL OF PROPOSED OPERATING BUDGET FOR HELENA AREA TRANSIT SERVICE (HATS) AND TROLLEY AND AUTHORIZE STAFF TO COMPLETE AND SUBMIT THE FY05 SECTION 5311 TRANSPORTATION GRANT APPROVAL
- Staff Report** Transportation Superintendent Ed Robinson reported this budget is proposed to cover the cost of operations of the HATS system and the Helena Trolley for FY2005. The total proposed budget for FY2005 is \$520,091.00. The requested Federal match for the projected budget is \$194,794.00, which is 50% match of the estimated net operating deficit.
Capital expenditures proposed for the HATS system include One (1) New 21 Passenger bus at a cost of \$60,000.00. The city's 20% match would be \$12,000.00. The city is also requesting additional funding for a new transit facility. The city has received preliminary approval for \$500,000.00 in earmarked congressional funds. The city feels additional funding will be required for completion of this facility and is requesting those funds from the State Section 5311 Grant. The city is requesting additional \$200,000.00. The city's 20% match would be \$40,000.00. This match could be in cash of property.
Mr. Robinson recommended approval for the proposed budget.
- Discussion** Commissioner Cartwright asked if the federal grant doesn't come through what has the city obligated itself to do by adopting this budget? Mr. Robinson explained the city would have to revise the budget to fit the available funding.
Mayor Smith asked where the 5311 Transportation Grant comes from? Mr. Robinson stated it comes from the Federal Government through the State of Montana.
- Public Comment** Mayor Smith asked for public comment, none was received.
- Motion** Commissioner Oitzinger moved approval of the proposed operating budget for the Helena Area Transit Service and Helena Trolley and authorize staff to complete and submit the FY2005 Section 5311 Transportation Assistance Grant application. Commissioner Pouliot seconded the motion. All voted aye, motion carried.
- Helena Visitor Commerce Center** CONSIDER FINALIZATION OF THE ACQUISITION OF THE HELENA VISITOR AND COMMERCE CENTER BUILDING BY:
1) ISSUANCE OF A PROMISSORY NOTE IN THE AMOUNT OF \$80,000 TO THE HELENA AREA CHAMBER OF COMMERCE IN SATISFACTION OF ITS EQUITY INTEREST;
2) ENTERING A SHORT-TERM LEASE BETWEEN THE CITY OF HELENA AND THE CORPORATION;
3) RELEASING THE CITY OF HELENA'S SECURITY INTEREST IN THE BUILDING FOR THE TIF LOAN.

Staff Report

Community Facilities Director Gery Carpenter reported the Helena Visitor and Commerce Center building was constructed by Helena Visitor and Commerce Center Inc. ("Corporation"), a corporation whose shareholders consist of the City of Helena, the Helena Area chamber of Commerce and the Helena Parking commission. Each shareholder has a 33 1/3% interest in the Corporation. The Corporation's initial assets included a cash contribution from the Chamber of Commerce of \$35,000 and a contribution of land valued at \$75,000 from the city and Parking Commission. In addition to using the assets to construct the Building, the Corporation received a TIF grant of \$120,000 and borrowed \$600,000 from TIF and \$60,000 from the Parking Commission.

The city commission recently agreed to release the Corporation from the balance of the TIF loan in exchange for the Corporation conveying the building to the city. This conveyance has been consummated. As consideration for the conveyance, the Chamber of commerce requested to be reimbursed for its equity in the Corporation. Since the building is the Corporation's sole asset, the Chamber's equity in the Corporation is one-third of the Corporation's equity of the Building, which is \$80,000.

The city now owns the building, subject to a security interest in the city, for the balance of the \$600,000 TIF loan to the Corporation. To clean up legal title to the property, this security interest needs to be released. The current square-foot rental costs for the Chamber and the Parking commission exceed \$25 per square foot per year and do not allow any funding for necessary repairs or capital improvements. With the satisfaction and release of the TIF loan to the Corporation, the city, as owner, can apply all of the rental income to the maintenance and operation of the building.

For purposes of transition and temporary continuance of leases with existing tenants in the building, the city needs to lease the building to the Corporation, which has existing leases with tenants that need to be continued until the city can establish funding for maintenance and repair.

Mr. Carpenter recommended authorizing the city manager to sign necessary documents to release the city's security interest in the Building for the TIF loan and approve the issuance of a promissory note to the Helena Area Chamber of Commerce in the amount of \$80,000, which represents the Chamber's initial investment in the Corporation and its equity in the corporation and the Building. In addition, authorize the approval of a lease between the city of Helena and the Corporation for transitional period of six months ending June 30, 2004.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of the issuance of a promissory note in the amount of \$80,000 to the Helena Area Chamber of Commerce in satisfaction of its equity interest.

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

Motion

Commissioner Oitzinger moved approval of the short-term lease between the city of Helena and the Corporation. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Motion**Commissioner Oitzinger moved approval to release the city of Helena's security interest in the Building for the TIF loan.**

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

**Public Hearings
Open Space Bond**

PUBLIC HEARINGS:

- A. CONSIDER THE EXPENDITURE OF \$34,000, THE REMAINING UNCOMMITTED FUNDS, OF THE OPEN SPACE BOND

Staff Report

Director of Parks & Recreation Randy Lilje reported the Open Space Bond Advisory committee is making the following recommendations for the expenditures of the remaining uncommitted funds in the Open Space Bond in the following order:

1. \$1,000.00 to Prickly Pear Land Trust to acquire 2 small parcels of land, one west of quarry Hill and the other nears the acquisitions on Meatloaf Hill. Both have existing trails going through them that lead to the city's trail system. This will reimburse PPLT for title work, appraisals, and legal fees;
2. \$1,967.50 to Mr. Bob Robinson for services as the Sports Field Development Consultant;
3. Up to \$10,000.00 toward the development of the Centennial Park master plan. The City-County Parks Board will facilitate this process;
4. Up to \$2,250.00 toward the appraisal of a parcel of railroad property outside the city limits through which the Centennial Park/Spring meadow Lake Trail would run. This would assist Lewis & Clark country with completing its part of the trail.
5. \$2,000.00 as a match for a Recreational Trails Program (RTP) grant to develop signage for the Helena Open Lands System; and
6. After the expenditure of the above the balance would go toward the following trails projects:
 - a. Reroute the trail from the North Access Trail to Mount Helena ridge. This would go mostly through the Drennan/Stewart acquisition;
 - b. Create a sustainable trail as well as a minor trailhead at the Swaney property acquisition;
 - c. Develop a major trailhead at the mouth of Dump Gulch;
 - d. Develop trail connections on the Bompert Hill with other trails on Mount Ascension both east and west; and
 - e. Acquire a trail easement or pay a fee for a trail to access city parkland on top of Mount Ascension.

Mr. Lilje recommended the approval of the above recommendation expenditures from OSBAC.

Discussion

Commissioner Cartwright asked if the trails would be maintained in a priority order? Mr. Lilje concurred and explained they list high on HOLMAC's recommendations and should be done about the same time. Commissioner Cartwright asked regarding Centennial Park's master plan and what assumption it makes about the state owned land next to

Lydale? Mr. Lilje explained the city would invite the state as one of the stakeholders to give input.

Public Testimony

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

Jon Hollow, 800 2nd Street, mentioned there have been problems with his mothers mail because of Helena's numerous Washington Streets.

Mr. Hollow explained he hopes the city can ensure that the public is notified of the idea that Centennial Park will not be a focal point for play, soccer and softball. He stated it caught him by surprise and believes that Helena needs fields in the middle of the city in order to have easy access for single parent families and because Helena is still short on soccer fields.

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

Motion

Commissioner Parriman moved approval of the expenditure of \$34,000 of Open space Bond Funds as per the recommendation of OSBAC. Commissioner Oitzinger seconded the motion.

Discussion

Commissioner Oitzinger stated there was an element of risk about using the Centennial Park area for the soccer fields because of issues with compaction and concerns that the fields would have to be replaced. She feels it is important to have this aired to the public and asked Mr. Lilje to make a special concerted outreach effort as the planning for Centennial Park approaches.

Mayor Smith he believes there will be a full open public discussion of how to precede with Centennial Park.

Mr. Burton stated it is the city's intent and the recommendations coming through OSBAC has allocated all the sports field monies to Northwest park, the Airport fields and the new softball complex. Mr. Burton explained relative to the bond money there are no sports monies left. The city hopes to not only look at the future development of Centennial Park but also looked at options on how to pay for the improvements.

Vote

All voted aye, motion carried.

**OSBAC
Expenditure**

CONSIDER THE ALLOCATION OF \$238,138 OF THE OPEN SPACE BOND MAINTENANCE ALLOCATION

Staff Report

Mr. Lilje reported OSBAC recommends the following expenditure out of the maintenance allocation of the Open Space Bond, which has roughly \$238,000.00 remaining in it at this time:

1. Allocate up to \$4,000.00 toward the purchase of a tractor to be used for field maintenance for the Ryan Park baseball field complex. The Helena Babe Ruth Baseball Association would pay the balance of the cost for the tractor;
2. Allocate \$134,000.00 at this time to go toward maintenance and management of the open lands system as recommended by HOLMAC in the Open Lands Management Plan;

3. Hold on to the remainder of the maintenance allocation, roughly \$100,000.00, for one year until it is determined how the sports associations will be able to fund the maintenance of the

sports complexes developed from the Open Space Bond. If a funding mechanism such as a parks maintenance district is created, OSBAC recommends the rest of the maintenance allocation go to the open lands system management as per plan.

Mr. Lilje recommended allocating the remainder of the Open Space Bond as recommended by OSBAC above.

Discussion

Commissioner Cartwright asked who would hold the title for the maintenance tractor for the Ryan Parks baseball complex? Mr. Lilje stated it would be either the city or the county. Commissioner Cartwright asked if liability and maintenance would follow the title? Mr. Lilje concurred.

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 Pouliot moved approval of the allocation of \$238,138.00 of the maintenance allocation as recommended by OSBAC. Commissioner Oitzinger seconded the motion.

Discussion

Mr. Burton explained the city will own the tractor and explained both organizations have the cities liability and insurance coverage.

Vote

All voted aye, motion carried.

Federal Law Enforce. Block Grant

- C. CONSIDER ACCEPTANCE OF FY03-04 FEDERAL LAW ENFORCEMENT BLOCK GRANT FUNDING IN THE AMOUNT OF \$24,021

Staff Report

Chief of Police Troy McGee reported the HPD has received funding from BJA for the past 6 years, which has been used to retain one officer position that may have otherwise been eliminated due to budget cuts. Funding is for a two-year period, however, because we have chosen to use the grant for salaries, our funding lasts for only one year.

Chief McGee recommended approval for the FY2003-04 Federal Law Enforcement Block Grant funding in the amount of \$24,021 and provide required match of \$2,669.

Discussion

Commissioner Cartwright asked if this is funding a position or a person? Chief McGee stated if the money went away the HPD would have to make a proposal to the commission whether to retain the position or not and come up with funding through the general fund.

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 Pouliot moved approval of the acceptance of Grant funding in the amount of \$24,021 from the Bureau of Justice assistance to be used for officer salary and benefits. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Skyway Regional Shopping Center

D. CONSIDER A MINOR SUBDIVISION /PRELIMINARY PLAT FOR THE SKYWAY REGIONAL SHOPPING CENTER CREATING 5 NON-RESIDENTIAL LOTS FROM TRACT 1B OF COS 3050013, LEWIS AND CLARK COUNTY, HELENA, MONTANA, LOCATED IN A B-2 (GENERAL COMMERCIAL) DISTRICT GENERALLY LOCATED SOUTH OF CUSTER AVENUE AND WEST OF WASHINGTON STREET

Staff Report

City Planner Lucy Morell-Gengler reported the applicant is requesting approval of a minor subdivision/preliminary plat creating 5 non-residential lots to accommodate the Skyway Regional Shopping Center. The property is located adjacent to the existing Home Depot store. Access would be primarily by means of Washington Street with a "right in" only from Custer Avenue.

A 6-inch water main is located in Washington Street, which is smaller than the City's standard for a water main. A 20-inch water main is located in Custer Avenue which connects to a 16-inch line in adjacent Tract 1A(Home Depot). The preliminary Utility Plan indicates 8-and 10-inch water mains will be installed throughout the shopping center to serve the proposed lots and to provide adequate fire flows. A 30-inch wastewater main is located in Washington Street, which can serve the properties. The plans indicate 8-inch sewer mains will be installed throughout the shopping center to serve the proposed lots and the existing Home Depot building.

The preliminary plat indicates the existing storm drainage detention facility will be removed and the area developed. The plans indicates a detention basin located on the north side of Lot 1 would accommodate some of the stormwater detention lost by removal of the existing basin that would have been located on proposed Lots 4 and 5. A regional stormwater detention facility may be established to accommodate the majority of the anticipated stormwater run off resulting from the development of this property.

No parkland is required for this major subdivision.

Ms. Morell-Gengler recommended approval of a minor subdivision/preliminary plat creating five lots from approximately 30 acres.

Discussion

Commissioner Cartwright asked regarding internal foot movement paths within the subdivision? Ms. Morell-Gengler explained that is usually determined when the building permit comes in and the site is finalized. Commissioner Cartwright asked regarding pedestrian access on the north side and if it has to be dedicated? Ms. Morell-Gengler explained there are still improvements to be made in that area. MDT owns the right-of-way on Custer Avenue, which means what the city can require, is limited compared to city owned right-of-way. MDT also owns the Washington Street right-of-way but because the city maintains it the city has had some input as to the design of Washington Street.

Commissioner Parriman asked regarding adequate parking? Ms. Morell-Gengler explained the parking standards are developed by

National Standards, which meets city standards and the developers can request a variance in order to request more parking.

Commissioner Oitzinger asked regarding the changes in the proposal for stormwater and asked for discussion. Mr. Rundquist explained the current developers expressed an interest to use the existing storm drainage pond for commercial use instead. However, there are numerous stormwater issues in that area that are being worked on by MDT and city consultants. Mr. Rundquist explained the city met with MDT, the city consultant, the airport and the landowners downstream who receive this stormwater, in an attempt to identify what the appropriate future plan for drainage problems in that area should be. It was mutually decided that the drainage should move toward the old drainage pattern, which is west of the freeway. The current developers have agreed to install a conduit underneath Custer Avenue for the future extension on down to the old drainage. Mr. Rundquist stated the city has offered the use of the old sludge beds as temporary retention ponds until the interchange project comes together.

Public Testimony

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

Cameron Gunter, 182 East 1200 South, Springville, Utah, explained he appreciates the city staff and all their help. Mr. Gunther explained they are more than willing to work with the city on this project.

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

Motion

Commissioner Oitzinger moved approval of a minor subdivision/preliminary plat of approximately 30 acres creating 5 lots located in a B-2 (General Commercial) District and to adopt the Findings of Fact and the conditions contained therein for property legally described as Tract 1B of COS 3050013 recorded in the office of the Clerk and Recorder, Lewis and Clark County, Montana; generally located south of Custer Avenue and west of Washington Street. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Anderson Business Park

E. CONSIDER A MINOR SUBDIVISION/PRELIMINARY PLAT CREATING 4 LOTS FROM LOT 11, A 58,991 SQUARE FOOT LOT (1.35 ACRES), LOCATED IN A B-2 (GENERAL COMMERCIAL) DISTRICT. LEGALLY DESCRIBED AS LOT 11, ANDERSON BUSINESS PARK MAJOR SUBDIVISION, HELENA, MONTANA; GENERALLY LOCATED EAST OF MCHUGH DRIVE AND SOUTH OF RIVER ROCK DRIVE

Staff Report

City Planner Belinda Waters reported the applicant is requesting approval of a preliminary plat to subdivide Lot 11 of the Anderson Business Park Major Subdivision into four lots all located in a B-2 (General Commercial) District.

Ms. Waters recommended approval of the preliminary plat.

Public Testimony

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

Dick Anderson, 1800 Lodgepole Road, stated he has had a lot of requests from small business owners that are looking for smaller lots.

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

Motion

Commissioner Pouliot moved approval of a minor subdivision/preliminary plat creating 4 lots from Lot 11, a 58,991 square foot lot (1.35 acres), in a B2 (General Commercial) District to be known as the Anderson Business Park II Minor Subdivision, and to adopt the Findings of Fact and the conditions contained therein.
Commissioner Parriman seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS
No report was given.

Meetings of Interest

MEETINGS OF INTEREST
Mayor Smith reported the next Administrative Meeting would be held on Wednesday, February 4, 2004, 4 p.m. - 6 p.m. in room 326 and the next City Commission Meeting will be held on February 9, 2004 at 6:00 p.m.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m.

Mayor Smith

ATTEST:

CLERK OF THE COMMISSION