

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 13, 2006
6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, February 13, 2006 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, Oitzinger, Peura, and Pouliot were present. 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.
- 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 January 30, 2006 were approved as submitted.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. Helena International Affairs Council (HIAC) By-Law amendments
C. Utility Bill Insert - Growing Friends of Helena
D. Utility Bill Insert - L & C Humane Society
E. Final passage of Ordinance No. 3051 pre-zoning Artisan Park subdivision to R-2 (Single-Family Residential) and B-1 (Neighborhood Business) District prior to annexation into the City of Helena, Montana. **Ordinance #3051**
- 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 Oitzinger moved approval of items A through E on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
- Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
A. Consider a resolution establishing a Veterans Community Advisory Board for the City of Helena.
- Mayor Smith reported currently there is not a Veterans' Community Advisory Board for the City of Helena. Creation of this board would provide non-binding recommendations to assist the Montana Veterans' Foundation in attaining its goals of providing high-quality service to homeless veterans and being a good neighbor with a responsible, positive force in the Helena community. He added the Board may serve as an ombudsman to receive complaints and recommend resolutions for conflicts that may arise between the Foundation, the local citizenry, and the Foundation's clients.
- Commission comment** Commissioner Peura asked how interested members of the public can apply for the board? Mayor Smith indicated the board

openings would be advertised and he would recommend the appointment of members.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval for a resolution creating a Veterans' Community Advisory Board for the City of Helena. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution #19317**

B. Consider a resolution establishing an Urban Wildlife Task Force for the City of Helena.

Mayor Smith explained currently there is not an Urban Wildlife Task Force for the City of Helena. This Task Force would study the interface between urban wildlife and their human neighbors, and recommend solutions to the City Commission to reduce human-wildlife conflicts while allowing for a sustainable presence of wildlife in the community. He noted the Task Force would receive written "charge/request" so that it is clear what the Commission is looking for from the task force.

Commission comment

Commissioner Cartwright asked that notice of the board openings be sent to citizens that have appeared before the Commission to discuss the deer problem. Mayor Smith stated he has kept a list of interested citizens and has notified them that the board vacancies would be advertised in the Independent Record and on HCTV. Commissioner Peura stated he has received a lot of positive feedback from members of the community regarding the task force.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval for a resolution creating an Urban Wildlife Task Force for the City of Helena. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19318**

Commissioner Cartwright referred to Resolution #19181 regarding the protection of the civil liberties of the citizens of the City of Helena and the bi-annual requirement that the City Manager send a letter to federal authorities requesting information on any arrests or investigations related to terrorism or the Patriot Act. He expressed appreciation to City Manager Burton for sending the letter. He spoke of the storage units located next to Shodair Hospital and stated he believes their outdoor lights don't conform to the city's dark sky ordinance and urged the property owners to be considerate to their neighbors and dim their lights. He also spoke of the Transportation Plan, which approved the concept of a bike/pedestrian coordinator and indicated the Transportation Coordinating Committee 2 is in the process of forming a job description and he is looking into ways to fund the position.

City Manager Burton stated relative to the letter Commissioner Cartwright referred to, he has not received a response. He also addressed the issue of lighting at the storage units and stated discussions have occurred at the staff level and he would look into progress on the issue and report back to the Commission.

Mayor Smith referred to the bike/pedestrian coordinator position and suggested that if Commissioner Cartwright and others feel it is an urgent item that it would be proper to include it in the upcoming budget resolution of intent. Commissioner Cartwright added he would like the description on paper, something the Commission could review and react to.

Commissioner Pouliot referred to traffic safety issues occurring in town and asked Police Chief McGee to speak with his patrol staff about the increasing number of citizens running red lights.

Commissioner Peura indicated he spoke with residents in the 6th Ward area over the past weekend, specifically Katherine Madden who is 95 years young. He asked citizens to take the time to speak with senior citizens in the community as they have great knowledge and stories. He reminded citizens to be neighborly and lend a hand to people who need help shoveling their snow. He also encouraged people to volunteer within the community.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. Corporal Peter Callahan

City Manager Burton invited Police Chief Troy McGee to speak about Corporal Peter Callahan. Chief McGee introduced members of the Helena Police Department in attendance. He announced Corporal Callahan had been promoted to his current rank on November 20, 2005, and gave his background and qualifications. He also noted that he is a member of the National Guard Reserve and served in Operation Iraqi Freedom. Corporal Callahan thanked Chief McGee and the Commission for giving him the opportunity to serve the City of Helena.

Commissioner Pouliot thanked Corporal Callahan for his service in the armed forces.

B. Karen Hruska, IT & S Business Application Center Manager

City Manager Burton invited Information Technology & Services Director Art Pembroke to introduce Karen Hruska, who will be retiring after over 30 years of service on February 28, 2006. Director Pembroke spoke of Ms. Hruska's work history and listed her accomplishments.

Commissioner Oitzinger thanked Ms. Hruska for all of her hard work on various boards and committees for the state, city and county. City Manager Burton commended Ms. Hruska on her service over the past 30 years. Mayor Smith read and presented a certificate of appreciation to Ms. Hruska.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Rebecca Ridenour reported the HCC sponsored methamphetamine town hall meeting will be held sometime in May. She noted the HCC has submitted their fiscal year 2007 budget and funding request for a half-time employee to City Clerk Havens. Also, the Mayor and City Commission members will be attending the February 22, 2006 HCC Meeting.

Annexation

CONSIDER A RESOLUTION ANNEXING APPROXIMATELY 1.8 ACRES OF LAND WHICH IS GENERALLY LOCATED EAST OF DOUGLAS STREET AND NORTH OF 10TH STREET.

Staff Report

Community Development Project Manager Debra LaFontaine reported Gerald Gilbert is proposing to complete the annexation of Lots 1-8 in Block 38 of the City Park Addition, in Lewis and Clark County. On December 19, 2005, the City Commission adopted a Resolution of Intention (#19309) to Annex Lots 1-8 in Block 38 of City Park Addition, one-half of the vacated alley adjacent to said lots, the south half of vacated Cannon Street adjacent to said lots, and the adjacent portions of Wilkinson and Douglas Streets.

The applicant has completed the conditions for annexation which include the following:

1. Infrastructure: The property owner must install infrastructure improvements as required by the City, to City standards, including paved streets, curb, gutter, and sidewalks, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements.

2. Review of New Construction: The property owner must submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

4. Completion of Conditions: The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. The applicant notified City Planning in writing (January 5, 2006) of the completion of conditions for annexation.

Ms. LaFontaine noted annexation of this private property is consistent with city policy and consistent with the policy of annexing properties served by city infrastructure.

Commission comment

Mayor Smith asked for confirmation that the mobile home units to the west of the subject property lie in a CLM zone. Ms. LaFontaine agreed.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Pouliot moved approval for a resolution annexing Lots 1-8, in Block 38 of the City Park Addition, one-half of the vacated alley adjacent to said lots, the south half of vacated Cannon Street adjacent to said lots and the adjacent portions of Wilkinson and Douglas Streets and extend services to the property as shown on Exhibit "A" attached to the resolution. Commissioner Cartwright seconded the motion. All voted aye, motion carried.
Resolution #19319

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION AUTHORIZING THE CITY OF HELENA TO APPLY FOR LAND AND WATER CONSERVATION FUND FINANCIAL ASSISTANCE FROM THE NATIONAL PARK SERVICE THROUGH MONTANA'S FISH, WILDLIFE & PARKS DEPARTMENT FOR RESTROOM, CONCESSION AND PICNIC SHELTER FACILITIES IN NORTHWEST PARK IN THE CITY OF HELENA, MONTANA.

Staff Report

Parks & Recreation Director Randy Lilje reported the Northwest Park master plan was developed in 1998 with extensive public input and participation. The City Commission approved this plan in December of 1998 and later authorized development of the park, as well as the expenditure of \$450,000 of Open Space Bond Funds. Most of the park was completed in 2001.

However, the funds allocated did not allow for the completion of all of the features of the park master plan. Most notable of the facilities still left to accomplish are the restroom/concession building and the picnic shelter.

Since the sponsor of the grant has to be a local government, staff is recommending passage of a resolution authorizing the City of Helena to apply for a Land & Water Conservation Fund grant to pay for half of the \$150,000 project to construct these two buildings. The other half would be funded mostly by contributions from Helena School District #1, supporters of the Capital High School Softball and Soccer Teams, supporters of the Helena Girls Softball leagues, the Helena Softball Association and other private contributors. The City of Helena would also fund \$10,000 of the \$75,000 local match.

Director Lilje noted the City-County Parks Board reviewed this proposal at its February 1, 2006 meeting. The Board unanimously voted to recommend approval of this grant application. If the city is successful in securing this grant, the facilities identified in the park master plan would be developed at relatively low cost to the city.

Commission comment

Commissioner Peura asked if the city contribution of \$10,000 is included in the fiscal year 2006 budget? Director Lilje stated it would be included in the park improvement fund of the fiscal year 2007 budget. Commissioner Peura asked what would happen if the city was not awarded the grant and also, would approval of the proposed resolution obligate the city to provide funding? Director Lilje stated staff and supporters of the project would have to work out a plan to finance the improvements and explained there would be no obligation to provide funding by submitting the grant application.

Public Testimony

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

Gary Dunn, 1621 Leslie Avenue, spoke in support of the resolution.

Cecile Demming, 1701 Missoula Avenue, referred to funding for softball and soccer and asked that more funding be provided for baseball.

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

Comment

City Manager Burton gave an overview of prior funding given for baseball facilities.

Motion

Commissioner Cartwright moved approval for a resolution authorizing the City of Helena to apply for Land and Water Conservation Fund financial assistance from the National Park Service through Montana's Fish, Wildlife & Parks Department for restroom, concession and picnic shelter facilities in Northwest Park in the City of Helena. Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19320**

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP THEREOF FOR A ZONE CHANGE FROM R-3 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO B-2 (GENERAL BUSINESS) DISTRICT FOR PROPERTY GENERALLY LOCATED BETWEEN 11TH AND 12TH AVENUES AND BETWEEN MONTANA AVENUE AND DAKOTA STREET.

Staff Report

City Planner Belinda Waters reported the property is generally located between 11th and 12th Avenues, and Montana Avenue and Dakota Street. The applicants propose to construct a Walgreen's Pharmacy with a drive-through window. If these properties are re-zoned, they will be combined with other properties located in this block that are already zoned B-2, which will allow the entire block to be utilized for the proposed business. The property located in the proposed zone change currently contains single-family residences. The remaining uses in the block already zoned B-2 consist of a Burger King, an automotive service center, and a former gas station. The proposal is to remove all of these structures and construct a pharmacy with a drive-through window consisting of 14,820 square feet.

On Tuesday, January 10, 2006, the Helena Zoning Commission recommended approval (2:1 vote) for adoption of an ordinance for a zone change, from R-3 (Medium Density Residential) District to B-2 (General Commercial) District for approximately 22,500 square feet for property legally described as Lots 27, 28, 61,62 and the west ½ of Lot 63, Block 4, Beattie Addition with property addresses of 1104 11th Avenue, 1106 11th Avenue, and 1101 12th Avenue.

Ms. Waters stated this proposal represents infill development, and efficient use of energy, infrastructure and resources. This proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses.

Commission comment

Commissioner Peura referred to the proposed buffer to the R-2 zone on Dakota Street and asked if it is a condition of approval? Ms. Waters stated conditions cannot be placed on zone change requests, the buffer would be part of the building permit process which includes the submission of a landscaping plan to be approved by Parks & Recreation Director Lilje. Commissioner Peura noted Zoning Commission comments about proposals that had landscaping designs that were drastically changed after approval and stated he wants as much authority as possible to ensure the buffer is installed.

Commissioner Cartwright referred to boulevard trees along 11th Avenue and asked which would be cut down? Ms. Waters stated it was her understanding that the applicants would try to keep all of the perimeter trees.

Public Testimony

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

Shane Winters, Hawkins Companies, 8645 West Franklin, Boise, ID, developer; spoke in support of the zone change and gave an overview of the project. He stated for the record that the 6-foot high buffer would be installed on Dakota Avenue. He noted they would be removing one existing tree from the 11th Avenue boulevard, which would be replaced.

Andy Utick, 314 Last Chance Gulch, subject property owner; spoke in support of the zone change and proposed development.

Paulette Brown, 1037 11th Avenue, expressed her concern with traffic on 11th Avenue and allowable uses of the zone change.

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

Discussion

Commissioner Cartwright stated he is concerned with landscaping of the property and spoke of other developments that have promised landscaping and not followed through. He asked what exactly the landscaping would be? Mr. Winters stated the landscaping shown to the Commission tonight is conceptual; the Hawkins Company would hire a landscape architect to form a complete plan. Commissioner Cartwright indicated the kind of landscaping he would like to see. Discussion was held on how to ensure landscaping requirements are met. Ms. Waters reiterated the building permit would not be issued until Director Lilje has approved the landscaping plan.

Commissioner Peura asked Mr. Winters to address Ms. Brown's concerns regarding traffic. Mr. Winters stated there would be less traffic on 11th because the proposed use generates less traffic. He indicated they would perform a traffic study if the zone change were approved.

Commissioner Peura stated he has public policy concerns that Helena can't bear another national chain pharmacy store and Walgreens might put another pharmacy in the area out of business. He commented an important public policy discussion that should be held is the possibility of forming a reclamation bond ordinance that would deal with empty big box stores.

Mayor Smith referred to Ms. Brown's concerns that a casino could be located in a B-2 District. City Attorney Nielsen explained that casinos are not allowed within 300 feet of a residential district.

Motion

Commissioner Pouliot moved approval for first passage of an ordinance amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof for a zone change, from R-3 (Medium Density Residential) to B-2 (General Commercial) District for approximately 22,500 square feet as legally described in the ordinance. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Ordinance #3052**

C. TWO SIMULTANEOUS PROPOSALS FOR THE SAME PROPERTY GENERALLY LOCATED EAST OF HARRIS STREET AND SOUTH OF TOWNSEND AVENUE:

1. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP THEREOF FOR A ZONE CHANGE FROM R-2 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT.

2. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW CONSTRUCTION OF A PARKING LOT WITH 153 PARKING SPACES WITH VARIANCES FROM THE PAVING AND LANDSCAPING REQUIREMENTS.

Staff Report

City Planner Kathy Macefield reported on January 10, 2006 the Helena Zoning Commission unanimously recommended approval (3:0 vote) for the adoption of an ordinance amending City of Helena Ordinance No. 2359, and amending the Official Zoning Map for a zone change from a R-2 (Single-Family Residential) District to a PLI (Public Lands and Institutions) District. Legally described as Tract B-1 of St. Mary's Minor Subdivision as shown on COS #517897E, Helena, Montana; generally located east of Harris Street and south of Townsend Avenue. On January 10, 2006 the Helena Zoning Commission also unanimously recommended approval for a Resolution granting a Conditional Use Permit (CUP) to allow construction of a landscaped and lighted parking lot with 153 parking spaces to serve the Helena College of Technology. The CUP approval was subject to two conditions (parking and financial guarantee). At the same time, the Zoning Commission unanimously recommended denial for the requested paving and landscaping variances. The City Attorney clarified if the Zoning Commission did not vote to recommend approval for the requested variances that would essentially be a form of denial. Ms. Macefield noted the applicant notified staff today that they would like to withdraw their request for the proposed variances.

At the public hearing, the applicant stated they have plans to install a sidewalk along the south side of Townsend Avenue between Harris and Sanders Streets, and along the north and west sides of the parking lot. Sidewalk installation is required with a building permit; however, constructing a parking lot does not require such a permit. The sidewalk would be important for pedestrian safety from the college to the parking lot. Additionally, installing the intervening sidewalk would be important to minimize potential trespass and conflict with the adjacent residential properties. Therefore, planning staff and the City Attorney determined installing the sidewalks should be a condition of the CUP.

Five out of 10 adjacent property owners have submitted written protests, which would require a positive vote by four City Commissioners to over-ride the opposition for the zone change. For reference, Montana law (§76-2-305 MCA) states (2) An amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city or town council or legislative body of the municipality if a protest against a change pursuant to subsection (1) is signed by the owners of 25% or more of: (a) the area of the lots included in any proposed change; or (b) those lots 150 feet from a lot included in a proposed change.

Ms. Macefield added this proposal represents infill development, and efficient use of energy, infrastructure and resources. This proposal is generally consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and compatible with the surrounding land uses.

Commission comment

Commissioner Peura disclosed in his employment as a budget analyst with the Legislative Fiscal Division of the State of Montana he is assigned to analyze the Montana University system which includes the Office of the Commissioner of Higher Education as well as the University of Montana-Helena College of Technology (HCT); in addition he did teach at as an adjunct faculty member at HCT in 2004. He spoke with

City Attorney Nielsen regarding the issue and it was decided there is no formal conflict of interest that should prevent him from voting. City Attorney Nielsen concurred.

Commissioner Cartwright referred to redeveloping the 6th Ward and asked how this proposal relates to that project? Ms. Macefield stated the applicant would describe their neighborhood planning effort during public testimony.

Commissioner Peura expressed concerns with traffic in the area, property values and landscaping of the property. Ms. Macefield stated the applicant has completed a traffic impact study. She also noted a professional appraiser would be giving testimony regarding property values and the applicant would address landscaping during their presentation.

Public Testimony

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

Vicki Knutson, 1515 Livingston; spoke in opposition to the proposed office building.

Daniel Bingham, CEO of University of Montana Helena College of Technology; gave an overview of the project and spoke in support of the zone change and conditional use permit. He noted the College of Technology and the Commissioner of Higher Education's Office are willing to work with the neighborhood and community to resolve traffic issues.

Jim Whaley, Montana State Architects Office; gave a description of the proposed office building.

Naomi Miller, 1106 North Lamborn; spoke in opposition of the proposed zone change and parking lot.

Brian Kostian, 1621 Missoula; spoke in opposition to the zone change.

Jeff Downhauer, Mosiac Architecture; summarized the history of the proposed office building and spoke in support of the proposal.

Joe Maronick, 1000 North Lamborn Street; spoke in opposition of the proposed office building and parking lot.

Bill Hanson, Think One Architecture, Bozeman, MT; spoke in support of the zone change and gave a description of the proposed office building.

Gary Watt, 1515 Missoula Avenue; spoke in opposition to the zone change and parking lot.

Jeff Key, Robert Peccia and Associates; gave an overview of the traffic impact study performed in the area.

MC Beeby, 1620 Townsend; spoke in opposition to the construction of the office building.

Ella Vonada, 1610 Townsend; spoke in opposition to the zone change.

Leroy Beeby, 1620 Townsend; spoke in opposition to the zone change and noted the proposed office building would cause his property value to decrease.

Eric Schindler, 1 Reeders Village Drive; spoke in support of the zone change and CUP.

Tim Moore, 1921 Virginia Dale, Real Estate Appraiser; spoke regarding the increase or decrease of property values due to varying land uses in residential areas. In his professional opinion, there is no supportable adverse influence on single family property values from proximity to commercial type uses, parking lots or frontage to high traffic streets in the general Helena area market at present.

Becky Bird, 1500 Butte Avenue; spoke in opposition to the proposed office building due to traffic and quality of life issues.

Kimberley Gardner, 1814 Livingston; suggested property and buildings in the area that the College of Technology could use to expand their facilities.

Sue Dolby, 926 North Lamborn; President of Bryant School Parent Alliance, spoke in opposition of the zone change and conditional use permit.

Rick Hayes, 504 Dearborn, member of HCT Executive Board; spoke in support of the proposal.

Jean Schute, 1605 Livingston, expressed her concern for additional traffic in the area and decreasing property values.

Sheila Sterns, 2404 Grayson Court, Commissioner of Higher Education; spoke in support of the proposal.

Holly Dunn, 1829 Livingston, spoke in opposition to the zone change.

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

Commission comment

Commissioner Pouliot asked what sort of notice was posted in the neighborhood? Ms. Macefield stated legal notice was published in the Independent Record and also letters were sent to adjacent property owners within 200 feet of the property. Commissioner Cartwright noted he would like to discuss the notification process at a future Administrative Meeting.

Commissioner Pouliot asked Mr. Hansen what the height of the proposed office building would be? Mr. Hansen explained each floor would probably be 13 feet tall so the building would be around 26 feet tall, depending on the type of roof. The Florence Crittenton Home's height, at the peak, is roughly equivalent to the proposed office building; 24 to 26 feet.

Commissioner Peura asked Mr. Key if there are additional traffic engineering treatments that could be installed in the area to help with traffic issues? Mr. Key concurred and referred to Missoula's neighborhood-wide traffic calming measures. Commissioner Peura asked if it is conceivable that there are a lot of traffic problems that need to be addressed even though the traffic study, using an engineering capacity point of view, gave the area an A and B rank? Mr. Key agreed, and explained there is always more that can be done and more that needs to be studied.

Commissioner Peura asked Ms. Sterns and Mr. Bingham their institutions would willingly participate and if necessary, provide funding for comprehensive studies to address long-standing traffic problems in the area? Ms. Sterns explained they would absolutely participate and would provide funding to the extent they could. Mr. Bingham concurred with Ms. Sterns.

Commissioner Cartwright stated the HCT has contributed a lot to the community and there is a growing need for its educational services. The Legislature has made it clear that it's not going to provide funding for a new campus. Practically, the campus core is going to stay where it is currently located and it has to grow somewhere. He referenced the two bond issues surrounding the proposal and stated the funding is intertwined. He suggested using the Helena School District maintenance building to the north of HCT for the Commissioner of Higher Education's office as it would keep the office closer to the business core of the 6th

Ward area. He indicated he would support tabling the zone change to allow time to work out problems associated with the proposal.

Motion

Commissioner Cartwright moved to table first passage of an ordinance amending City of Helena Ordinance No. 2359, and amending the Official Zoning Map for a zone change from a R-2 (Single-Family Residential) District to a PLI (Public Lands and Institutions) District. Legally described as Tract B-1 of St. Mary's Minor Subdivision as shown on COS #517897E, Helena, Montana; generally located east of Harris Street and south of Townsend Avenue for no more than four weeks. Motion died for lack of a second.

Discussion

Commissioner Peura identified six issues connected to the proposal:

1. Traffic- there are long-standing problems with traffic in the area that need to be addressed regardless of the outcome of the proposal, but this project could be used to leverage institutions that have let the problems get out of control.
2. Property values- the testimony given by Mr. Moore indicated property values are increasing across the City of Helena and there doesn't appear to be any correlation with problems with areas located near state offices or institutes of higher learning.
3. The proposal would make a major change to existing land uses in the neighborhood- there are concerns that the addition of a state office building would be a drastic difference, but along with every single institutional building listed in purple on the area map there are office buildings inextricably linked to the institution.
4. Pedestrian safety- approval of this proposal would provide an opportunity to leverage improvements to pedestrian safety in the area.
5. Landscaping- if this project is approved he would like a good faith agreement by the Commissioner of Higher Education and HCT that they would provide proper landscaping.
6. Smart and efficient land use- the project would be infill development, an efficient and effective use of city services and land resources, would not contribute to the increase of taxes, and is smart growth.

Motion

Commissioner Peura moved to approve first passage of an ordinance amending City of Helena Ordinance No. 2359, and amending the Official Zoning Map for a zone change from a R-2 (Single-Family Residential) District to a PLI (Public Lands and Institutions) District. Legally described as Tract B-1 of St. Mary's Minor Subdivision as shown on COS #517897E, Helena, Montana; generally located east of Harris Street and south of Townsend Avenue. Commissioner Oitzinger seconded the motion.

Comment

Commissioner Oitzinger stated the neighborhood's sentiments are not lost on her but the development would empower and enable an institution that is responsible for growth and manufacturing in Helena.

She noted the Commission needs to grapple with the larger problems in the neighborhood and surrounding area.

Commissioner Cartwright stated he is uncomfortable that the City Commission is pulled in at the end to make the decision. He indicated he would support the motion but is unhappy with the process.

Commissioner Pouliot stated he would not support the motion for the reasons stated by the neighborhood during public testimony.

Mayor Smith stated he is unsure of whether or not to support the motion. He is concerned that there was not enough discussion held with the neighborhood. He noted the school is headed for larger attendance regardless of what the Commission does tonight. He also referred to Mr. Maronick's testimony and stated he believes the neighborhood is renewing and developing as envisioned. However, the neighborhood is not pure residential, there are mixed uses. He summarized that he could see both points of view on the proposal.

Vote Motion failed 3-2 with Mayor Smith and Commissioner Pouliot voting no.

Public Communications PUBLIC COMMUNICATIONS

Meetings of Interest MEETINGS OF INTEREST

The next Administrative Meeting is February 22, 2006 and the next Commission Meeting is February 27, 2006.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 10:30p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission