

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
February 13, 2012  
6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, February 13, 2012 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 Elsaesser, Ellison, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, Acting City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Cyndi Forbes 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, 2012 were approved as submitted.

***Presentations***

PRESENTATIONS:

- A. Confirmation and Introduction of Police Officers Andrew Steinbrecher and Trevor Tangen

Police Chief Troy McGee introduced Probationary Officers Steinbrecher and Tangen. He gave the education and work history of both officers and recommended their confirmation as Police Officers with the Helena Police Department (HPD).

Officers Steinbrecher and Tangen introduced family members in attendance and thanked City Manager Alles and the Commission for the opportunity to join the HPD.

Mayor Smith and the Commission members congratulated Officers Steinbrecher and Tangen on their confirmation.

***Motion***

**Commissioner Ellison moved approval of the confirmation of Andrew Setinbrecher and Trevor Tangen as Police Officers with the Helena Police Department.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

***Board Appointments*** BOARD APPOINTMENTS:

- A. Civic Center Board

Mayor Smith asked for Commission concurrence on the following appointments:

Civic Center Board – Appointment of Appointment of Riley Johnson to an unexpired term to the Civic Center Board. Term will begin upon appointment and expire March 1, 2014.

Reappointment of the following to the Civic Center Board: Joann Christnacht, Mike DaSilva, William Hunter, and Frank Montibeller. Terms will expire on March 1, 2015.

***Public comment***

Mayor Smith asked for public comment, none was received.

**Motion** Commissioner Ellison moved approval of the above listed appointments to the Civic Center. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Consent Agenda**

CONSENT AGENDA:

- A. Claims
- B. Void payroll checks more than a year old
- C. A resolution relating to \$1,325,000 Water System Revenue Bond (DNRC Drinking Water Revolving Loan Program), Series 2012; authorizing the issuance and fixing the terms and conditions contained thereof
- D. A Memorandum of Agreement (MOA) between the Montana Department of Transportation (MDT) and the City of Helena for the purchase of a new street sweeper
- E. A Professional Services Agreement with Hydrometrics, Inc. for construction management services for the Missouri River Treatment Plant Backwash Recycle Loop Improvements, City Project #11-18
- F. A resolution outlining the City's commitment to meet the financial and legal obligations associated with receipt of a WaterSMART Grant

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 Thweatt moved approval of items A through F on the consent agenda. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Thweatt commented he had found some sharp glass shards on the street. He took the shards to Eric Grove at Great Divide Cyclery and asked if they were capable of putting a hole in bike tires. Mr. Grove stated the shards could puncture road bike tires but not mountain bike tires. Commissioner Thweatt urged residents to use mountain bike tires during the winter to adapt to the road conditions.

Commissioner Elsaesser congratulated both Capital and Helena High on their recent swim meet in Great Falls and announced the city would be holding an electronics waste drive on Wednesday, February 15<sup>th</sup>.

Commissioner Ellison reminded city employees to sign up for the free health screenings being held in March. He also encouraged citizens to participate in the E-Waste drive this Wednesday.

Commissioner Ellison also commented on the recommencing of construction on the Custer Interchange.

**Report of the City Attorney**

REPORT OF THE CITY ATTORNEY

Acting City Attorney Thomas Jodoin reported City Prosecutor/Deputy City Attorney Luke Berger has accepted a job with the County Attorney's Office. He noted Mr. Berger is flexible as to when he will start the position and County Attorney Leo Gallagher has offered their office's assistance during the transition.

**Report of the City  
Manager**

**REPORT OF THE CITY MANAGER**

City Manager Alles spoke about consent agenda item D, which was approval of a MACI grant for a new street sweeper. He reported he has told the Street Department not to add any additional glass to the sand mix but they will be reusing what is already on the streets.

**Report from the  
Helena Citizens  
Council**

**REPORT FROM THE HELENA CITIZENS COUNCIL (HCC)**

HCC member Cyndi Forbes reported the following officers were elected at the January Council meeting: Chair- Jim McCormick, Vice-Chair- Janet Hess-Herbert, Secretary- Bob Habeck and Treasurer- John Forbes. Ms. Forbes also gave an overview of other issues discussed at the meeting.

Commissioner Thweatt thanked the HCC for serving the citizens of Helena.

**Regular Items**

**REGULAR ITEMS:**

A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3150 AMENDING TITLE 11 OF THE HELENA CITY CODE, REPEALING CHAPTER 24, LANDSCAPING, AND ESTABLISHING A NEW LANDSCAPING CHAPTER.

**Staff Report**

City Planner Elroy Golemon reported on January 9, 2012 the City Commission tabled second passage of an Ordinance, amending Helena City Code by repealing Chapter 24 and establishing a new Landscaping chapter, until the call of the City Manager. Prior to tabling, the Commission amended Section 11-24-6 of the proposed Ordinance so that trees, bushes and shrubs must be spaced no more than 30 feet apart. The Commission also amended that section of the proposed ordinance to delete the reference to "no more than 25 feet" and the requirement that "this vegetation must grow to 4 feet within 2 years."

The proposed requirements of the Landscaping Ordinance would apply to tracts in all zoning districts and to all uses except for tracts with only a single residential dwelling unit, two residential dwelling units, three residential dwelling units, or mobile home or recreational vehicle parks. New landscaping area standards are included which revise the formula used to determine the requirements.

Mr. Golemon noted the proposed ordinance incorporates environmental concepts of the 2011 Growth Policy and improves upon the current Ordinance. Landscaping and screening requirements are addressed for parking lots all in the same chapter. Nonconforming landscaping must be brought to current standards when the size of the building changes or is reconstructed instead of tying the requirements to building occupancy, or when a parking lot is reconstructed or increased in size. The proposed ordinance will help relieve summer heat from paved parking areas and would not preclude stormwater requirements.

**Public comment**

Mayor Smith called for public comment.

Susan Newell, Growing Friends of Helena; recommended two amendments to the ordinance. Those amendments were sent via email and are included in the Commission packet as part of the official record.

Mary Morris, Growing Friends; spoke in support of the ordinance. She also expressed concern for the existing configuration of handicapped parking spots.

- Motion** Commissioner Ellison moved approval of final passage of Ordinance No. 3150 amending Title 11 of the Helena City Code, repealing Chapter 24, Landscaping and establishing a new Landscaping chapter. Commissioner Elsaesser seconded the motion.
- Amendments** Commissioner Thweatt moved to amend the ordinance as outlined in the "Thweatt Amendments" document, dated 02/07/2012, excluding Section 11-24-5 C. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- Note: The document "Thweatt Amendments" is included in the Commission packet as part of the official permanent record.*
- Commissioner Ellison moved to amend the ordinance as outlined in the "Ellison Amendments" document. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.
- Note: The document "Ellison Amendments" is included in the Commission packet as part of the official permanent record.*
- Discussion** Commissioner Elsaesser asked for more information on hedging. Mr. Golemon explained the current screening requirements.
- Commissioner Elsaesser moved to amend Section 11-24-5 C to strike second and insert "third". Commissioner Thweatt seconded the motion. All voted aye, motion carried.
- Public comment** Mayor Smith called for public comment; none was received.
- Motion** Commissioner Haque-Hausrath moved approval of final passage of Ordinance No. 3150 amending Title 11 of the Helena City Code, repealing Chapter 24- Landscaping and Section 11-22-9, and establishing a new Landscaping chapter, as amended. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Ord #3150**
- B. CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH FEES TO BE CHARGED FOR THE LAST CHANCE SPLASH WATERPARK AND POOL.
- Staff Report** Parks & Recreation Director Amy Teegarden reported the City of Helena has completed its third operational season of the Last Chance Splash Waterpark and Pool. Based on evaluation of operational programming, hours of operation and fee options that were instituted for the 2009 through 2011 seasons, staff recommends changes to the fee schedules and the establishment of fees for new programs.
- Staff is proposing to restructure how some fees are assessed; establish fees for new programs; and establish the ability to give "safety vouchers" for when the pool or waterpark must be closed during operating hours due to lightning.
- Director Teegarden recommended approval of the resolution of intention as the proposed changes would result in improved customer service and satisfaction. She noted staff is striving to be responsive to customer feedback and evaluation.

- Public comment Mayor Smith called for public comment; none was received.
- Discussion Commissioner Ellison thanked staff for their work and spoke in support of the recommended changes.
- Motion** **Commissioner Ellison moved approval of a resolution of intention to establish fees to be charged for the Last Chance Splash Water Park and Pool and set a public hearing date for February 27, 2012.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19899**
- C. CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH FEES TO BE CHARGED FOR PARK USE AND RECREATION SERVICES AND PROGRAMS IN HELENA CITY PARKS.
- Staff Report Director Teegarden reported the City of Helena's Parks & Recreation Department has developed a comprehensive methodology for establishing park use and recreation activities fees. The proposed fees are based on a framework of combining cost recovery principles, community benefits, and comparative rate pricing and actual costs. The methodology that was used to formulate the proposed fees provide a connection between the types of uses that occur in city parks and the fees that are charged in relation to the city's cost of providing services and those who benefit from the use or service. The fees are proposed as a mechanism to recover a portion of the costs associated with providing parks and recreation services. Director Teegarden recommended approval of the resolution of intention as it proposes to establish a framework for which fees are set; fees for services that previously there was no formal approval for fee rates; and fees for park use policies and categories. Park use and recreation fee revenues will be deposited into a "Park Improvement Fund" for the development and improvement of park and recreation facilities and or services. Director Teegarden noted the fees on page 4 under Option 2- Fundraising Events would be changed to read \$30.00 instead of \$120.00 and \$60.00 instead of \$240.00.
- Discussion Commissioner Thweatt noted these fees will be applied when someone makes a reservation, but if a person just shows up at a park they will get to use it for free. Director Teegarden concurred with Commissioner Thweatt and explained Parks Department staff has no mechanism to go to parks and charge people that do not have a reservation. Commissioner Elsaesser spoke in support of the fee proposal.
- Public comment Mayor Smith called for public comment; none was received.
- Motion** **Commissioner Thweatt moved approval of a resolution of intention to establish fees to be charged for park use and recreation activity and set a public hearing date for February 27, 2012.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #19900**

D. CONSIDER A PRELIMINARY PLAT FOR THE HOWETH 2 LOT MINOR SUBDIVISION CREATING ONE ADDITIONAL LOT FROM 9365 SQUARE FEET, LOCATED IN AN R-2 (RESIDENTIAL) DISTRICT; GENERALLY LOCATED SOUTH OF CHOTEAU STREET AND WEST OF MONROE AVENUE WITH A PROPERTY ADDRESS OF 705 KNIGHT STREET.

Staff Report

City Planner Dustin Ramoie reported the applicant is requesting preliminary plat approval for the Howeth 2 lot Minor Subdivision creating one additional residential lot (A-1) that is 2,966 square feet located in an R-2 (Residential) District. The remainder lot (A-2) has a pre-existing dwelling unit and will be 6,669 square feet. The proposed two (2) lot minor subdivision is located within the "Urban Standards Boundary" and is part of an existing neighborhood. The additional lot will be served by city services and utilize existing transportation networks and stormwater facilities.

Mr. Ramoie recommended approval of the proposed subdivision as it is in compliance with the 2011 Growth Policy, Zoning Ordinance, Subdivision Regulations, and would comply with the Montana Subdivision and Platting Act after the conditions are met. The proposed 2-lot minor subdivision would enable compatible uses with the surrounding neighborhood, encourage infill development and utilize existing infrastructure. Mr. Ramoie recommended approval of the preliminary plat for the Howeth 2 lot Minor Subdivision.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Ellison moved to conditionally approve the preliminary plat for the Howeth 2 lot Minor Subdivision and to adopt the Findings of Fact and the conditions contained therein for property legally described in the Findings of Fact.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

E. CONSIDER A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA LOTS 1, 2A, 3A, 4A, 5A, AND 6 IN BLOCK 191 OF THE BRADFORD ADDITION, LEWIS & CLARK COUNTY, MONTANA; AND THE ADJACENT LE GRANDE CANNON BOULEVARD AND LAUREL STREET RIGHTS-OF-WAY.

Staff Report

Planner Dustin Ramoie reported the applicant has requested the annexation of Lots 1, 2A, 3A, 4A, 5A, and 6 in Block 191 of the Bradford Addition, Helena, Montana. The property is adjacent to the City of Helena and is located within the "Urban Standards Boundary Area." It is in accordance with the 2011 Growth Policy to annex property that is adjacent to the city, and within the defined "Urban Standards Boundary Area."

The property is currently developed with a single family residential dwelling and is served by city water and is proposed to be served by city wastewater. The City of Helena has worked with the Maddox family over recent years to acquire a portion of their property to facilitate the reconstruction of Le Grande Cannon Boulevard. Part of that project included the extension of a wastewater main to the subject property. The applicant wishes to annex this property to attain wastewater and other city services and to utilize the property with an R-1 (Residential) zoning designation for the existing dwelling on the property.

He noted the subject property was pre-zoned to the R-1 (Residential) District by the Helena City Commission on August 18, 2003.

Mr. Ramoie recommended approval of the annexation and noted the subject property is currently using city water but is not annexed. It is wholly surrounded by the City of Helena. Annexation will eliminate a wholly surrounded property, bring into the city a property that is already using some city services but is in the county and will remove the need for a septic system on the property.

Discussion

Commissioner Haque-Hausrath asked if there is any cost to the city for the applicant to hook into the wastewater system. Mr. Ramoie stated this proposal is unique in that the wastewater mains have already been extended to the property; therefore there should not be any costs.

Commissioner Ellison asked if the proposal qualifies as infill development. Mr. Ramoie explained the applicant is proposing a better use for infrastructure in the area.

Commissioner Elsaesser asked for more information on access from the property to LeGrande. Manager Alles noted there are currently two points of access from this parcel to LeGrande Cannon Boulevard. The topography of the parcel may place limitations on additional accesses.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Haque-Hausrath moved approval of a resolution of intention to annex property legally described as Lots 1, 2A, 3A, 4A, 5A, and 6 in Block 191 of the Bradford Addition, Lewis & Clark County, Montana; and the adjacent Le Grande Cannon Boulevard and Laurel Street rights-of-way and establish conditions for annexation.** Commissioner Thweatt seconded the motion. All voted aye, motion carried.

**Public Hearings**

PUBLIC HEARINGS:

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING TITLE 11 OF THE HELENA CITY CODE, REPEALING CHAPTER 22, OFF-STREET LOADING AND PARKING AND ESTABLISHING A NEW PARKING CHAPTER.

Staff Report

City Planner Kathy Macefield reported on December 19, 2011 the City Commission held a public hearing to consider first passage of an ordinance amending Helena City Code by repealing Chapter 22 and establishing a new Parking chapter. The Zoning Commission had unanimously recommended APPROVAL (4:0 vote) for the new parking ordinance on November 8, 2011.

The Commission approved a series of amendments to the proposed ordinance and the ordinance as amended was included in the Commission packet. The Commission tabled action on first passage of the proposed ordinance until the call of the City Manager. This action also required that a new public hearing be advertised and held.

The processes to develop the proposed off-street parking requirements included reviewing and evaluating more current ITE standards, other Montana communities' requirements, and Helena's experience and correspond to the land use table of Chapter 2 of the Zoning Ordinance. Consideration was made to reducing requirements for residential uses. The existing requirements for bicycle parking would

continue with the current proposal. As proposed, offstreet loading requirements (which no longer appear to be pertinent) have been deleted as was the limit on maximum parking spaces.

ADA accessible parking requirements would be clarified. Parking space reductions would also be clarified and would be an option for residential dwelling units. The landscaping and screening requirements are deleted from the parking chapter and incorporated into the landscaping chapter.

Ms. Macefield recommended approval of the parking ordinance as it should be easier for the public to understand, and for staff to interpret and administer. The proposed off-street parking requirements correspond better to the land use table of Chapter 2 of the Zoning Ordinance and have been revised to better reflect the current trends in the community. It also puts those requirements in an easier-to-read table format. She noted proposed parking reductions recognize alternative transportation options and may help encourage the use of those modes of transportation.

#### Public Testimony

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

Rachel Carol-Revis, MT Conservation Voters Board member; expressed concern for the off-street parking requirements and extensive requirements for parking lots. She commented a reduction in these requirements would promote non-motorized transportation in Helena.

Cindy Forbes, Helena; urged the Commission to provide an adequate amount of parking places to encourage people to spend time in Helena.

Elizabeth Andrews, 727 12<sup>th</sup> Avenue; spoke in support of amendments to the ordinance recommended by Commissioner Haque-Hausrath. She submitted the report "Parking Spaces / Community Places" for the record.

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

#### Motion

**Commissioner Ellison moved to approve first passage of an Ordinance amending Title 11 of the Helena City Code, repealing Chapter 22, Off-street Loading and Parking, and establishing a new Parking chapter.** Commissioner Elsaesser seconded the motion.

#### Amendments

**Commissioner Haque-Hausrath moved to amend the ordinance as outlined in the "Haque-Hausrath Amendments" document, dated 02/12/2012.** Commissioner Thweatt seconded the motion.

#### Discussion

Commissioner Haque-Hausrath gave an overview of her proposed amendments.

*Note: The document "Haque-Hausrath Amendments" is included in the Commission packet as part of the official permanent record.*

Commissioner Thweatt commented this has been a very difficult consideration and discussed his concerns with the ordinance. He noted he would like more time to review ordinance as presented by staff, in addition to the amendments proposed by Commissioner Haque-Hausrath.

Commissioner Ellison thanked Commissioner Haque-Hausrath for her amendments. He noted he is supportive of many of her proposed changes but expressed concern for some of the amendments and would like more time to review them.

Commissioner Elsaesser stated he too would support many of the recommendations by Commissioner Haque-Hausrath but expressed concern with some of the proposed amendments. He noted the Commission needs to hold more discussion on the ordinance and recommended a work session be scheduled.

Mayor Smith concurred he would like more time to review the amendments proposed by Commissioner Haque-Hausrath.

Commissioner Haque-Hausrath stated she does not want the city to go down the path of locking in too much parking, unnecessarily increasing the cost of development, and essentially locking in the reliance on cars to the detriment of creating the denser development that is enjoyed in Helena. She spoke in support of her amendments and noted some of the requirements in the proposed ordinance are not consistent with the city's Growth Policy and the recommendations of the Global Climate Change Task Force.

**Substitute Motion**

**Commissioner Thweatt moved to table first passage of an Ordinance amending Title 11 of the Helena City Code, repealing Chapter 22, Off-street Loading and Parking, and establishing a new Parking chapter to the call of the City Manager.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

***Public Communications***

**PUBLIC COMMUNICATIONS**

No public communications were given.

***Meetings of Interest***

**MEETINGS OF INTEREST**

The next Administrative Meeting is February 22, 2012 and the next Commission Meeting is February 27, 2012.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 8:08 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission