

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
May 23, 2016  
6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, May 23, 2016 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 Ellison, Haladay, Noonan and Farris-Olsen were present. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Gary Spaeth representing the Helena Citizens Council.
- Pledge of Allegiance** Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** The minutes of the regular City Commission meeting of May 9, 2016 will be placed on the June 6, 2016 agenda for approval.
- Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Acceptance of a grant from the Montana Department of Natural Resources and Conservation (DNRC) to complete 65 acres of forest health restoration work within Helena's Open Lands system.  
C. Final passage of Ordinance No. 3219 pre-zoning to R-2 (Residential) District and upon annexation amending the Official Zoning Map for the City of Helena for property legally described as Lot C, Block 11 of the Highland Park Subdivision, Lewis and Clark County, Montana. **Ord #3219**  
D. Final passage of Ordinance No. 3220 pre-zoning to B-2 (Commercial) District and amending the Official Zoning Map for the City of Helena for a 5-acre portion of Tract B-1-A COS#3207070, as more particularly described in the associated metes and bounds description in Lewis and Clark County, Montana prior to annexation into the City of Helena. **Ord #3220**
- City Manager Ron Alles recommended approval of the claims and the consent agenda.  
Commissioner Ellison requested item B be removed for discussion and Commissioner Haladay requested item C be removed for discussion.
- Public comment** Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Ellison moved approval of items A and D on the consent agenda.** Commissioner Haladay seconded the motion. All voted aye, motion carried.
- Item B** B. ACCEPTANCE OF A GRANT FROM THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) TO COMPLETE 65 ACRES OF

FOREST HEALTH RESTORATION WORK WITHIN HELENA'S OPEN LANDS SYSTEM.

Commissioner Ellison referenced the DNRC grant and scope of the project; it involves eight different areas. He requested Parks & Recreation Director Amy Teegarden speak to the grant and the work to be done.

Parks & Recreation Director Teegarden gave an overview of the forest health restoration project and noted the affected properties lie adjacent to the City limits and also within the City limits. She commended the ongoing partnership between the City and DNRC.

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

**Motion** **Commissioner Ellison moved approval of item B on the consent agenda.** Commissioner Noonan seconded the motion. All voted aye, motion carried.

**Item C** C. FINAL PASSAGE OF ORDINANCE NO. 3219 PRE-ZONING TO R-2 (RESIDENTIAL) DISTRICT AND UPON ANNEXATION AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA FOR PROPERTY LEGALLY DESCRIBED AS LOT C, BLOCK 11 OF THE HIGHLAND PARK SUBDIVISION, LEWIS AND CLARK COUNTY, MONTANA.

Commissioner Haladay noted this pre-zoning is related to a request for annexation due to a failed septic system. He recommended a condition of annexation be attached that would require the property owner to clean up or remove the failed septic tank prior to final annexation of the property. Manager Alles stated he spoke with Environmental Health Department Director Kathy Moore and confirmed County Health Department regulations require the property owner to either clean and fill the failed tank or remove it completely.

Commissioner Haladay asked how those regulations are enforced and compliance is ensured. Manager Alles explained enforcement and compliance with said regulations is a function of the County Environmental Health Department. Commissioner Haladay stated enforcement and compliance with failed septic system regulations should be a condition the Commission considers for approval of final annexation requests. Manager Alles agreed such a condition could be added as a condition for approval.

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

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Ellison spoke of Helena Police Officer Domingo Zapata's involvement with the Special Olympics of Montana Program and commended on his enthusiasm and commitment to the program and its activities.

He also recognized and congratulated City 9-1-1 Dispatcher Jennifer Waites, who received the statewide 2016 Emergency Medical Dispatcher of the Year Award given by the Department of Health and Human Services EMS and Trauma Systems.

**Report of the City Attorney**

**REPORT OF THE CITY ATTORNEY**

City Attorney Jodoin provided the Commission with an update on the ongoing Tenmile water rights case.

Attorney Jodoin reported earlier in the day, the City was served notice of a suit against the City by a group of Westside property owners regarding the recently approved annexation of Phase I and the required infrastructure installation associated with the annexation. He stated he has not reviewed the details of the suit in depth; however, the assertions contained in the complaint are frustrating, at best. He indicated he would keep the Commission well informed about the complaint as it moves forward.

**Report of the City Manager**

**REPORT OF THE CITY MANAGER**

Manager Alles reported the Tenmile Water Treatment Plant is operational and being run every other day in coordination with the Missouri River Treatment Plant.

He announced the Transfer Station would be closed tomorrow, May 24<sup>th</sup>, in order to complete a maintenance project; and would reopen Wednesday, May 25<sup>th</sup>.

**Report from the Helena Citizens Council**

**REPORT FROM THE HELENA CITIZENS COUNCIL**

HCC Chair Gary Spaeth spoke of attending last week's Budget Work Session, noting it was very informative and he wishes more of Helena's residents would become involved in the process and view the Commission's deliberations over the options available in order to produce a balanced budget.

He indicated he plans to charge one of the HCC's standing committees with investigating the deficit facing the Civic Center with the hope of identifying a solution for submission to the Commission.

**Regular Items**

**REGULAR ITEMS:**

A. CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH A TYPE B RESIDENTIAL PARKING DISTRICT FOR THE 800 BLOCK OF JACKSON STREET AND HALF OF THE BLOCK ON THE NORTH SIDE OF 14<sup>TH</sup> STREET EAST TO THE ALLEY ADJACENT TO THE PROPERTY AT 801 NORTH JACKSON STREET IN HELENA, MONTANA.

**Staff Report**

Parking Director Hewitt reported new businesses have opened and other nearby businesses have expanded in the area around the 800 block of Jackson, causing difficulty for residents of that block to find parking. Resolution 20071 describes the process for residents to follow to request establishments of a residential parking district. It also describes required criteria to establish the district. The proposed residential district is inside the parking commission's defined boundary.

If the district is created parking will be less difficult for residents in the area.

Director Hewitt recommended approval of the Resolution of Intention to establish a Type B Residential Parking District along the north and south sides of the 800 block of Jackson Street, including the north side of 14<sup>th</sup> Street adjacent to the 801 Jackson Street property and set a public hearing date for June 6, 2016.

**Public comment**

Mayor Smith called for public comment.

The following persons spoke in support of the proposal:

Mr. Filson, resident of the 800 Block of Jackson Street; Mr. Cowie, area Townhouse owner; Linda Parisian, future homeowner in the area; and Ken Kessler, 833 Jackson Street.

**Comment**

Manager Alles noted a portion of the area is zoned B-2 and requested the Commission keep that zoning designation in mind and whether that area should be included in the proposed district, when pondering approval or denial for creation of the Parking District. He commented the resolution outlining requirements for Residential Parking Districts speaks to zoning designations of R-1, R-2 and R-3.

**Motion**

**Commissioner Ellison moved approval of a resolution of intention to establish a Type B Residential Parking District along the north and south sides of the 800 block of Jackson Street, including the north side of 14<sup>th</sup> Street adjacent to the 801 Jackson Street property and set a public hearing date for June 6, 2016.**

Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Res #20249**

***Public Communications***

**PUBLIC COMMUNICATIONS**

No public communications were given.

***Meetings of Interest***

**MEETINGS OF INTEREST**

The next Administrative Meeting is June 1, 2016 and the next Commission Meeting is June 6, 2016. The monthly City/County Commission Joint Work Session will be held June 2, 2016.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 6:44 p.m.

/S/ JAMES E. SMITH

Mayor

ATTEST:

/S/ DEBBIE HAVENS

Clerk of the Commission