

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 8, 2016
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 8, 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 August 8, 2016 were approved as submitted.

Board Appointment BOARD APPOINTMENT:
A. ADA Compliance Committee, Helena Housing Authority, Lewis & Clark County Heritage Preservation and Tourism Council

ADA Compliance Committee – Appointment of George McCauley, as citizen-at-large representative; first term will begin upon appointment and expires September 1, 2019.

Lewis & Clark County Heritage Preservation and Tourism Council – Appointment of Patrick Riley to the Lewis & Clark County Heritage Preservation and Tourism Council; first term will begin upon appointment and expire on June 30, 2019.

Commissioner Haladay moved approval of the appointment to the ADA Compliance Committee and Lewis & Clark Heritage Preservation & Tourism Council as outlined above. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Amended plat showing the vacation of the Dodge Avenue right-of-way (ROW) between Lots 4 and 5 in Block 7 and Lots 7-9 in Block 8 of the Grand Avenue Addition; generally located north of Argyle Street and Lyndale Avenue, west of Montana Avenue, and east of National Avenue in the City of Helena, Montana.
C. Resolution of intention to amend Resolution No. 20003 to eliminate redundant and inconsistent fees related to the tapping of water mains and production of copies of accident reports. City Manager Ron Alles recommended approval of the claims and the consent agenda. **Res #20279**

Manager Alles recommended approval of the claims.

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

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

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Ellison discussed Lockheed Martin's recent visit to Pioneer Aerostructures and commended Pioneer Aerostructures for their success and bringing much to the community.

He also spoke of attending Shodair Hospital's 120th Anniversary celebration and discussed their world-class work in genetic and cancer research, commenting they are truly working to make the world a better place.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Alles updated the Commission on a previous discussion regarding repairs to the Fire Department's ladder truck. He reported a recent inspection showed the ladder is fine and will only require low-end maintenance repairs.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Gary Spaeth thanked Commissioner Haladay for attending the July meeting and Commissioner Farris-Olsen for agreeing to attend the August meeting.

He referred to a report given at the August City/County Joint Work Session by Sumner Sharpe regarding the implementation of a local option gas tax. He stated he thought the presentation was well received and expressed appreciation for the opportunity to discuss it with both Commissions.

He commented the Council has received several comments on the rate increases being proposed for Fiscal Year 2017 from constituents and they will be discussed further at the HCC's August 24th meeting.

Commissioner Farris-Olsen commended Chair Spaeth on several issues the Council has been working on.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION ANNEXING LOTS 31-32 IN BLOCK 182 LOCATED PARTIALLY IN THE SYNDICATE ADDITION AND PARTIALLY IN THE BROOKE ADDITION, AND THE ADJACENT CHOTEAU STREET AND ALLEY RIGHTS-OF-WAY; GENERALLY LOCATED NORTH OF CHOTEAU STREET AND EAST OF WINSTON STREET, IN LEWIS AND CLARK COUNTY, MONTANA INTO THE CITY OF HELENA, MONTANA.

Staff Report

Senior Planner Dustin Ramoie reported the applicant has completed the conditions required for annexation and is now requesting the annexation of the subject property. The applicant would like to annex the property to attain all city services and to utilize the property with an R-2 (Residential) zoning designation. At the July 11, 2016 City Commission meeting a Resolution of Intention to Annex the subject property, Resolution #20272, was passed unanimously and provided the

conditions for annexation. The subject property was pre-zoned to the R-2 (Residential) District by adoption of Ordinance #3206 on April 6, 2015.

Planner Ramoie recommended approval of the annexation, as it will allow development to City standards with City services, rather than an individual well and septic system.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Farris-Olsen moved approval for a resolution annexing Lots 31-32 in Block 182 located partially in the Syndicate Addition and partially in the Brooke Addition located in Lewis and Clark County, and the adjacent Choteau Street and alley rights-of-way, into the City of Helena, Montana. Commissioner Noonan Noonan seconded the motion. All voted aye, motion carried. **Res #20280**

B. CONSIDER ENLARGEMENT OF THE WATER AND WASTEWATER SERVICE AREA TO INCLUDE TRACT 10-A WITHIN COS #3286625 AND PROPERTY BEING DESCRIBED AS LOT 10-A-1 ON THE PROPOSED AMENDED PLAT.

Staff Report

City Engineer Ryan Leland reported the applicant is requesting the City of Helena expand the water and wastewater service area boundary. The current legal description for the subject property is the Tract 10-A within COS #3286625. The applicant is also requesting to eliminate the boundaries for Parcel A, less Highway Right-of-Way, Bk – M43 PG 492, and plans to aggregate the lots to make one lot to be identified as Lot 10-A-1. The proposal would.

The applicant and owner of the property, Mike Wall, is requesting an enlargement of the water and wastewater service area. This will allow the applicant to complete sale of the property and allow for additional commercial development within the City of Helena. City water and sewer mains are located adjacent to the subject property in recorded easements.

Engineer Leland noted staff had no recommendation on the proposal.

Discussion

Mayor Smith requested clarification on whether the property is currently annexed into the City. Engineer Leland indicated it is annexed but does not have water and sewer service and gave a brief history explaining why. He explained enlargement of the service area is the mechanism used by the City to provide services to such properties.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval for enlargement of the water and wastewater service area for Tract 10-A within COS #3286625 and to be described as Lot 10-A-1 with proposed amended plat and allow for the development of the property. Commissioner Noonan seconded the motion. All voted aye, motion carried.

C. CONSIDER ENLARGEMENT OF THE WATER AND WASTEWATER SERVICE AREA FOR AN ADDITIONAL SINGLE FAMILY RESIDENCE FOR PARCEL #1, TRACT B,

BEING A PORTION OF THE HAWKEYE LODGE MINING CLAIM;
AND PARCEL #2, GOVERNMENT LOT 4, ME NO. 4335, AND
GOVERNMENT LOT 5, ME NO. 3562, BEING PLACER MINING
CLAIMS.

Staff Report

Engineer Leland reported the above referenced property is generally located at the end of Chaucer Street with Iowa and Rhode Island streets dead-ending into the property. The City Commission, on May 9, 2011, approved the enlargement of the area for a single-family residence with conditions. One of the conditions was to loop the water main. Subsequently on June 29, 2015 the City Commission amended the request to remove the condition to loop the water main.

The applicant, Paula Theide, is requesting to enlarge the water and sewer area to include an additional single-family residence for a total of two residences to be served by a single dead end main from Iowa Street to the property. The parcel is currently applying to amend the existing parcel boundaries for an additional lot. The calculated fire flow based on the City of Helena's water model for a hydrant near the proposed homes will be under the City's fire flow requirement of 1750 gpm. With the lesser fire flows there could be additional building requirements such as sprinklering. In addition, the City's system is limited to serve to a top floor elevation of 4420'. This could limit where the houses can be located on the lot.

Engineer Leland noted this proposal will perpetuate and increase a dead end water main. Industry standards and good practice is to loop all water mains to provide for better fire flows and water quality.

Engineer Leland noted staff had no recommendation on the proposal.

City Attorney Jodoin noted the proposal is not necessarily an enlargement as the service area was already enlarged for the property in 2011. At this time, the applicant is requesting removal of the restriction placed on the property at that time, which was approval for extension of the service area for the entire property, including the boundary line relocation, for one single-family dwelling. In his view, the Commission is being asked to functionally eliminate that condition, placed on the property in 2011, in order to build as many houses allowed by zoning in the area.

Discussion

Mayor Smith asked if the main would be able to be looped in the future should further build out occurs in the area. Engineer Leland explained if a subdivision were to develop in the area, the City would be able to require the main be looped. However, at this time there is no right of way or easement on the property so the City does not have a right to be on the property.

Commissioner Haladay asked for clarification of the number of dwellings the applicant intends to locate on the property.

Attorney Jodoin explained the City agreed to this proposal coming before the Commission for an additional, meaning two total single-family residences, to be located on the property absent of subdivision, zoning and Building Department review. He noted the applicant is asking for basic elimination of any and all conditions placed on the property and intends to rely on future subdivision and development in the area to provide the infrastructure the City has already indicated must be installed.

Commissioner Noonan asked for the reasoning behind the initial requirements imposed by the City. Engineer Leland explained the initial condition for a looped main was due to low water pressure in the area.

Public comment

Mayor Smith called for public comment.

Harley Harris, applicant; noted this process has been difficult. He read an excerpt from written correspondence provided by Ms. Thiede to Commissioner Noonan into the record. He reiterated the process has been challenging, noting specifically the Engineering Standards have been difficult to work with, and explained the reasoning behind the past and current service area enlargement requests.

Mr. Harris stated the zoning for the property allows for two dwellings or duplexes, but no more than two single-family residences are allowed. He assured the Commission that if the possible problems and/or issues referred to by Engineer Leland arise, they would work with the City on whatever is needed, as they want to be good neighbors and a healthy neighborhood.

Mr. Harris urged the Commission to approve the proposal.

Motion

Commissioner Noonan moved approval for the enlargement of the water and wastewater service area for Parcel #1 to include an additional single family residence. Tract B, being a portion of the Hawkey Lode Mining Claim and Parcel #2, Government Lot 4, ME No. 4335, and Government Lot 5, ME No. 3562 being placer mining claims. Commissioner Haladay seconded the motion.

Discussion

Commissioner Ellison asked if the Commission were to remove the restrictions to allow for two residences, what would happen if in the future one of those homes were sold or if a subdivision were proposed for the area. Attorney Jodoin indicated the issue would come back before the Commission to discuss the history and restrictions on the property.

Mayor Smith stated he believes future development will occur in this area requiring installation of a looped main and indicated he would vote in support of the request.

Discussion was held on various options and scenarios for future installation of the looped main and who would fund its installation. Engineer Leland stated barring subdivision of the property, he does not foresee this main ever being looped.

Commissioner Ellison noted he wants to support the proposal as it is being requested with good intent; however, he does not want to bind future Commissions with issues that could arise from approval of this request.

Commissioner Haladay asked if there is a legal mechanism for enforcing installation of a looped main in the future. Attorney Jodoin noted this property is only two lots; creation of a third lot would be subdivision and subject to the subdivision requirements. Discussion was held on who would be financially responsible for future installation of a looped main. Attorney Jodoin discussed several options for funding; however, the property owner is the party responsible for completing the requirements of subdivision. Commissioner Haladay noted boundary relocation is the distinguishing characteristic of this proposal because the existing lots are zoned R-2; since there is not a third lot for boundary relocation, subdivision will become the only option in the future and will require consideration by the Commission. Attorney Jodoin concurred.

Commissioner Ellison noted he would support the proposal, as he feels more comfortable with the request after listening to the discussion between Commissioner Haladay and Attorney Jodoin.

Commissioner Noonan pointed out the applicant has already displayed a willingness to work together, with both the City and neighborhood, to identify a solution agreeable to all of the parties involved.

Vote 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 August 17, 2016 and the next Commission Meeting is August 22, 2016.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 6:59 p.m.

/S/ JAMES E. SMITH

Mayor

ATTEST:

/S/ DEBBIE HAVENS

Clerk of the Commission