

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
April 23, 2018 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, April 23, 2018 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Collins indicated for the record that Commissioners Farris-Olsen, Noonan, and O'Loughlin were present. Commissioner Haladay was excused. City Manager Ron Alles, Deputy City Attorney Iryna O'Connor and City Clerk Debbie Havens were present.

Pledge of Allegiance Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

Minutes The minutes of the regular City Commission meetings of March 26 and April 9, 2018, were approved as submitted.

Proclamation PROCLAMATION:
A. Arbor Day
Mayor Collins read the Arbor Day Proclamation and presented it to Parks Superintendent Craig Marr.
Superintendent Craig Marr thanked Mayor Collins for the proclamation and invited the commission to the Arbor Day event on Friday, April 27th at 12:00 noon at Anchor Park where a tree will be planted.

Board Appointments BOARD APPOINTMENTS:
A. Helena Housing Authority, Helena Open Space Lands Management Advisory Committee, Tourism Business Improvement District
Mayor Collins recommended the following appointments:
Helena Housing Authority (HHA)
Appointment of Lanessa Littrell as a resident representative to the Helena Housing Authority. The unexpired term will begin upon appointment and expire August 1, 2018.
Helena Open Lands Management Advisory Committee (HOLMAC)
- Reappointment of Eric Sivers to HOLMAC. The second term will begin July 1, 2018 and expire June 30, 2021.
Tourism Business Improvement District (TBID)
- Appointment of Kaela Johnson to the Tourism Business Improvement District. First term will begin upon appointment and expired April 20, 2022.

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

Motion Commissioner Noonan moved approval of the board appointments as outlined above. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Authorization for staff to void stale dated checks
C. Amended Plat showing the vacation of the alley rights-of-way (ROW) in Block 14 of the Grand Avenue Addition, generally located south of Chestnut Street and east of Columbia Avenue with property addresses of 907 Chestnut Street and 1803 Columbia Avenue in the City of Helena, Montana

City Manager Alles recommended approval of the claims.

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

Motion **Commissioner Farris-Olsen moved approval of Items A - C on the consent agenda.** Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

Communications From Commissioners COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
No items to report on.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
Deputy City Attorney O'Connor had no items to report on.

Report of the City Manager REPORT OF THE CITY MANAGER
Manager Alles reported the city street crews continue to fill potholes and pick up sand on the streets. There have been a few water main breaks.

Report from the Helena Citizens REPORT FROM THE HELENA CITIZENS COUNCIL
There was not an HCC member present.

Regular Items REGULAR ITEMS:
A. CONSIDER A SIDEWALK VARIANCE FOR PROPERTY ADJACENT TO LINDEN COURT AND LEGRANDE CANNON BOULEVARD, LEGALLY DESCRIBED AS PAUL REBER PROPERTIES PUD S26, T10N, R04W, BLOCK 11, LOT 18A, COS# 3023685.

Staff Report City Engineer Ryan Leland reported Jeff and Traci Swingley are the applicants for the variance and the owners of the property legally described as Paul Reber Properties PUD S26, T10N, R04W, Block 11, Lot 18A, COS# 3023685. The property is undeveloped and adjacent to LeGrande Cannon Boulevard to the north and Linden Court to the south. The applicants are planning to construct a home on the site in the near future. City Code will require sidewalks along all adjacent rights of way.

The owners of the property are requesting a sidewalk variance to defer the installation of sidewalk along LeGrande Cannon Boulevard. The reasons provided with the variance request are the following: the property is steep along LeGrande, making the construction of sidewalks more difficult; the sidewalk is not needed as there is an existing pedestrian asphalt path on the other side of LeGrande; the sidewalk wouldn't connect to anything as there are no other sidewalks along that side of LeGrande.

Sidewalks may not be installed with a building permit.

Engineer Leland recommended to approve, table, or deny a sidewalk variance to defer the installation of sidewalks adjacent to LeGrande Cannon Boulevard, property described as Paul Reber Properties PUD S26, T10N, R04W, Block 11, Lot 18A, COS# 3023685.

Public Comment Mayor Collins asked for public comment. Jeff Swingley, property owners, spoke in support of the sidewalk variance due to safety concerns created by the slope of the lot and there being no other sidewalks on the north side of LeGrande Cannon Boulevard.

- Discussion Commissioner Noonan asked if the front of the house will face Linden Court. Engineer Leland noted the parking and driveway will be off of LeGrande Cannon.
- Motion** **Commissioner Noonan moved approval of a sidewalk variance to defer the installation of sidewalks adjacent to LeGrande Cannon Boulevard, property described as Paul Reber Properties PUD S26, T10N, R04W, Block 11, Lot 18A, COS# 3023685.**
Commissioner Farris-Olsen seconded the motion.
- Discussion Commissioner O'Loughlin clarified the property owners will install sidewalks on Linden Court and will connect with existing sidewalks. Engineer Leland concurred. She asked if there are sidewalks on the north side of LeGrande Cannon. Engineer Leland stated no.
Commissioner Farris-Olsen stated he generally does not support sidewalk variances; however, this one makes sense due to safety reasons and there being no other sidewalks on the north side of LeGrande Cannon and the bike/ped path on the south side.
- Vote** **All voted aye, motion carried.**
- Public Hearings** PUBLIC HEARINGS:
A. CONSIDER A TWO-YEAR EXTENSION OF THE CONDITIONAL PRELIMINARY PLAT APPROVAL FOR THE CROSSROADS AMENDMENT AT MOUNTAIN VIEW MEADOWS MAJOR SUBDIVISION, GENERALLY LOCATED SOUTH OF HIGHWAY 12, EAST OF CROSSROADS PARKWAY, AND WEST OF HIGHWAY 282, IN HELENA AND LEWIS AND CLARK COUNTY, MONTANA.
- Staff Report City Planner Lucy Morell-Gengler reported on February 9, 2009, the Helena City Commission gave conditional preliminary plat approval for the Crossroads at Mountain View Meadows subdivision creating 892 lots from approximately 381 acres. A resolution of intention to annex (ROIA) and ordinance pre-zoning the proposed subdivision were also passed. An amendment to that major subdivision preliminary plat was submitted, which enlarged the area and increased the number of lots which required another major subdivision preliminary plat review process in 2012.
On May 7, 2012, the Helena City Commission gave conditional preliminary plat approval for the Crossroads Amendment (CA) at Mountain View Meadows (MVM) subdivision creating 956 lots from approximately 442 acres. This approval was for three years; an extension was granted on May 4, 2015, for an additional three years. That extension included approved revisions to the Commercial Phase II of the CA at MVM subdivision preliminary plat. This extension will expire on May 7, 2018, unless extended by the City in accordance with City Code Section 12-2-11G. An application for an extension of the subdivision preliminary plat has been submitted by the property owners and a letter dated February 27, 2018, has been submitted on behalf of the CA at MVM subdivider requesting a two-year extension beyond the current May 7, 2018, expiration (attached).
Several phases of the CA at MVM subdivision have been completed and have obtained final plat approval. Those phases that have filed final plats have been removed from the preliminary plat extension request. In addition, Tract B-2, shown as Block 47 on the preliminary plat, is owned by the International Church of Foursquare

Gospel (Foursquare Church). Mark Runkle of Mountain View Meadows, LLC, is no longer the subdivider of that property. The church representative was contacted regarding the pending expiration of the preliminary plat but has not submitted a request for an extension of their preliminary plat approval. That tract is not included in this request and the preliminary plat for this property is expected to expire on May 7, 2018.

The City Commission must consider the criteria in City Code Section 12-2-11(G) when evaluating an extension request. These criteria include changes in the subdivision regulations since preliminary plat approval, the impact delaying infrastructure installation would have on the subdivision phasing and on other developments, and if the approved Findings of Fact and conditions remain relevant and adequate.

There have been various changes to both the city regulations and to the Montana Subdivision and Platting Act (MSPA) since the CA at MVM preliminary plat approval. Evaluations of the changes since preliminary plat approval that relate to this request are attached. There are no phases or other developments in the area that would be impacted by a delay of installation of the public infrastructure. The Findings of Fact and conditions identified during preliminary plat review remain relevant, adequate, and applicable for the proposed two-year extension of the subject subdivision.

Per the applicant's letter, the circumstance for the requested extension is "to allow more time for the preparation of a new preliminary plat application." When the CA at MVM preliminary plat was reviewed in 2012, it was expected that final platting of the proposed 956 lots would take longer than the three-year time frame and the Findings of Fact noted "The Crossroads subdivision is proposed to be developed in multiple commercial and residential phases."

Within the six years since preliminary plat approval, the developer has demonstrated a commitment to completing the subdivision and has shown progress towards that end through extensive infrastructure installation, improvements to Highway 12, filing several final plats and annexing areas into the city. The developer has also developed and dedicated to the City a five-acre neighborhood park.

The applicant is requesting a two-year extension of the conditional preliminary plat approval for the CA at MVM Subdivision including the Commercial Phase II preliminary plat, legally described as: Tracts 1-A-2 and 1-A-1, and portions of Tract C-2-A-1-A-1-A-1-A of Uplands Phase 1 of the Crossroads at Mountain View Meadows Subdivision COS No. 3305702; Tracts 2-A-1 and 2-A-2 of Antelope Trace Phase 2 of Crossroads at Mountain View Meadows Subdivision COS No. 3206220; Parcel D-1-A, COS No. 3173426; Tract A-1, COS No. 3015742; Lot 3-A, Block 40, Craftsman Village Phase II COS No. 3271188; and portions of Tract A-1-A-1-A-1-A-1, Craftsman Village Phase 3 of the Crossroads at Mountain View Meadows Subdivision, COS No. 3312862 (all filed in Lewis and Clark County, Montana), generally located south of Highway 12, east of Crossroads Parkway, and west of Highway 282 in Helena and Lewis and Clark County.

Approval of this large CA at MVM preliminary plat allowed the City to review area-wide infrastructure for the transportation network, water and wastewater, storm water, and recreational needs. This facilitates a better evaluation of main size requirements, system capacities, upgrades, and provides a holistic plan for the mitigation of impacts. Extending the preliminary plat approval would provide additional time to revise the preliminary plat to comply with current regulations. It

also would require a revision to the ROIA allowing for review based on current circumstances.

The original preliminary plat approval established a level of commitment for both the developer and the City; extending the time frame would continue that commitment. Approval would also provide predictability and some sense of security when investing in city development. The conditions in the ROIA this property are tied to the completion of the subdivision conditions; extending the preliminary plat also retains the ROIA. This preliminary plat extension would promote development of lots within the city and facilitate mixed-use development consistent with the city Growth Policy in relatively close proximity to jobs, services, schools, and recreational opportunities.

Granting the extension could promote urban mixed-use development which may reduce the amount of vehicle miles traveled.

Planner Morell-Gengler recommended approval of extending the conditional preliminary plat approval until May 7, 2020, for the Crossroads Amendment at Mountain View Meadows Subdivision including the Commercial Phase II Amendment as legally described in the extension agreement.

Discussion

Commissioner O'Loughlin asked what infrastructure has already been installed. Planner Morell-Gengler stated a large water main has been extended to the subdivision, a regional lift stations and wastewater mains have been upgraded; the intersection into the subdivision off of Highway 12 was improved and a traffic light installed, the subdivision is anticipated to connect to the South Interchange and other connectively has been installed, a number of detention ponds have been installed and a developed city park was donated to the city.

Engineer Leland noted the water main was connected from Nob Hill to the property.

Commissioner O'Loughlin noted there have been a series of policy changes since preliminary plat. Planner Morell-Gengler noted the stated laws in effect at the time of preliminary plat, they stay with the preliminary plat; conditions cannot be added to the preliminary plat with an extension. State law also allows the commission to deny the extension of the preliminary plat. The applicant is aware of the law and is revising the preliminary plat to address those changes.

Commissioner Noonan noted this subdivision has consistently had thoughtful planning, worked well with the city and has installed improvements that were not required. The park that was developed and given to the city was a huge gesture.

Public Testimony

Mayor Collins opened the public hearing and called for anyone wishing to address the commission.

There being no persons wishing to address the commission, Mayor Collins closed the public portion of the hearing.

Motion

Commissioner Farris-Olsen moved approval of extending the conditional preliminary plat approval until May 7, 2020, for the Crossroads Amendment at Mountain View Meadows Subdivision including the Commercial Phase II Amendment as legally described in the extension agreement. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

Andy Fierra, 731 5th Avenue, Helena Youth Against Gun Violence, reported there will be a National Town Hall for Our Lives Event

on Friday, April 27 at 5:30 at the Helena Middle School. He noted all of the congressional candidates have been invited to attend and he extended the invitation to mayor and commissioners and asked them to promote the event.

Commissioner Farris-Olsen and Mayor Collins thanked Mr. Fierra for organizing the event.

Jeannie Meyer, 504 W. Main, expressed concerns with the traffic in front of her house that is on a blind curve. The speed limit is currently 35mph and she believes it creates a safety concern. It is also a safety concern for bikes and pedestrians. Ms. Meyer stated her concern is if West Main is going to be reconstructed, it is her understanding that there are no plans to remove the blind curve. She asked the commission to consider lowering the speed limit to 25 mph and possibly install a flashing sign notifying vehicles of blind driveways.

Commissioner Noonan stated he has the same personal experience and that is a very dangerous curve and speed is a factor.

Commissioner O'Loughlin asked if staff has any thoughts on Ms. Meyer's comments. She appreciates her appearing before the commission. Manager Alles noted this project has been bid out; he will talk with staff to see if anything can be done to address the issues brought up by Ms. Meyer. MDT would have to approve any speed reduction. Engineer Leland noted construction will begin on April 30th; there will be some design changes to the curve; however, there isn't much right of way to work with. There will be a flashing sign for the speed limit and after the project is complete, staff will look to see what other safety measures could be installed.

Commissioner O'Loughlin stated 35mph seems fast for a residential area; she would support starting the process to lower the speed limit. Mayor Collins concurred.

Meetings of Interest

MEETINGS OF INTEREST

The Administrative Meeting is scheduled for May 2, City-County Joint Work Session is May 3, and the next Commission Meeting is May 7, 2018.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:50 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION