

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
OCTOBER 29, 2001
6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, October 29, 2001, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Ken Morrison indicated for the record that Commissioners Netschert, Groepper, Smith and Oitzinger were present. City Manager Tim Burton, City Attorney David Nielsen and City Clerk Debbie Havens were present. HCC representative was George Hoff.
- Pledge of Allegiance** Mayor Morrison 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 October 15, 2001 were approved as submitted.
- Appointments** APPOINTMENTS
A. City-County Parks Board
Mayor Morrison recommended the reappointment of Mike Downey to the City-County Parks Board. Term will expire September 30, 2004.
- Motion** Commissioner Groepper moved approval of the reappointment of Mike Downey to the City-County Parks Board. Term will expire September 30, 2004. Commissioner Smith seconded the motion. All voted aye, motion carried.
- Confirmation of Firefighter** CONFIRMATION OF FIREFIGHTER VINCE WILLIAMS
Fire Chief Steve Larson introduced Firefighter Vince Williams and recommended his confirmation. Chief Larson also introduced Vince's wife, Kim and his daughter Shelby.
Firefighter Vince Williams thanked City Manager Tim Burton and the city commission for giving him the opportunity to work for the City of Helena Fire Department.
- Motion** Commissioner Groepper moved the confirmation of Firefighter Vince Williams. Commissioner Smith seconded the motion. All voted aye, motion carried.
- Consent Agenda** CONSENT AGENDA
A. Claims
City Manager Tim Burton recommended approval of the claims.
- Motion** Commissioner Groepper moved approval of the consent agenda, Item A. Commissioner Smith seconded the motion. All voted aye, motion carried.
- Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Groepper asked for an update on the residential garbage rates in reference to the resident on Howie Street and on the traffic calming devices on Howie Street. City Manager Burton noted an update would be given

at the next administrative meeting. Commissioner Groepper stated he recently hiked the Ridge Trail on Mount Helena and noticed there is some trees that need trimming. One possibility would be to allow citizens to cut some down for Christmas trees. This would help thin the trees.

Commissioner Groepper noted a nice way to thank all those who have participated with the open space funding would be to give them a trail map showing the trails from Mount Helena to Mount Ascension. The map could be put on a CD and made available to city residents prior to putting it on the web page.

Commissioner Netschert reported he received a phone call regarding advertising practices from certain car dealers. He asked City Attorney Nielsen if the city has any ordinances that cover this. City Attorney Nielsen stated staff is referring people to the Department of Commerce, Consumer Affairs Office.

Mayor Morrison stated he has had several conversations with the owners of the Padbury property to encourage them to annex the property.

**Report of the City
Attorney**

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen had no items to report on.

**Report of the City
Manager**

REPORT OF THE CITY MANAGER

City Manager Burton reported that he has reviewed the invoice for printing the Gateway Business packet and will be paying \$5,000 that was budgeted. There is a couple of old and new contract issues to work through with Gateway prior to the check being issued.

City Manager Burton noted that letters of invitation have been sent out to all the candidates to tour the city facilities. The tour will be on Tuesday, October 30, 2001 at 1:30 p.m.

**Public
Communications**

PUBLIC COMMUNICATIONS

A. Helena International Affairs Council

Stephen Maly introduced HIAC members William McBride, Ron Luckenbill, and Rick & Kate Bridwell. Mr. Maly referred the commission to the memo updating them on what the committee has been working on. Mr. Maly noted there are six official members of the HIAC and recommended a total of nine members be on the committee. A member would represent Carroll College, the Montana National Guard and an additional citizen.

HIAC is currently reorganizing and will have an intern working this winter through the commission office.

Mayor Morrison thanked the members of the HIAC for their commitment to the City.

Motion

Commissioner Netschert moved to expand the HIAC membership from six to nine members with a member representing Carroll College and a member representing the Montana National Guard. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Amending Res.11685

CONSIDER A RESOLUTION OF INTENTION TO AMEND RESOLUTION 11685, FIXING THE ANNUAL APPROPRIATIONS FOR THE CITY OF HELENA, MONTANA IN THE 2001-2002 BUDGET.

Staff Report

Director of Administrative Services Tim Magee reported during the final phase of adoption of the FY 2002 budget, the city commission implemented a

number of cuts to the proposed budget. An \$8,000 cut, which as applied to the appropriate department, was also erroneously applied to the commission budget resulting in an unintended reduction.

The amendment proposes to provide this budget authority by using available general fund cash reserves.

Mr. Magee recommended approval of the resolution of intention and to set a public hearing date for November 19, 2001.

Motion

Commissioner Groepper moved approval of a resolution of intention to amend Resolution 11685, fixing the annual appropriations for the City of Helena, Montana in the 2001-2002 budget and set a public hearing date for November 19, 2001. Commissioner Smith seconded the motion. All voted aye, motion carried. **Resolution 11701**

Land Use Management

Advisory Committee CONSIDER THE LAND USE MANAGEMENT ADVISORY COMMITTEE'S MISSION STATEMENT

Staff Report

Parks and Recreation Director Randy Lilje referred the commission to a copy of the Mission Statement in his staff memo and recommended approval.

Mayor Morrison noted he spoke with Alice Stanley, chair of the committee, to discuss amending the mission statement. Mayor Morrison asked for commission concurrence to amend the Mission Statement as follows:

First sentence after the word development, add **and implementation.** Mayor Morrison noted that Ms. Stanley supports the amendment.

Commissioner Groepper asked for clarification when talking of "Open Space" is it all open space and not just the land acquired from the bond issue? Mr. Lilje stated it is all of the natural open space including Mount Helena from 1902, right up through what has been recently acquired. Commissioner Groepper noted the word "natural" should be included in the language.

Commissioner Groepper asked for commission concurrence to amend the Mission Statement as follows:

First sentence after the word Helena's, add the word **natural.**

Mayor Morrison noted he also spoke with Ms. Stanley on the renaming of the committee. He recommended the Land Use and Management Advisory Committee be renamed to **Helena Open Lands Management Advisory Committee (HOLMAC).** With referring to open lands, this would imply a broader view of natural land.

Motion

Commissioner Groepper moved to rename the Land Use and Management Advisory Council to the Helena Open Lands Management Advisory Committee (HOLMAC). Commissioner Smith seconded the motion. All voted aye, motion carried.

Motion

Commissioner Groepper moved to amend the Mission Statement, the first word following development in the first sentence add "and implementation". Commissioner Smith seconded the motion. All voted aye, motion carried.

Motion

Commissioner Groepper moved to amend the Mission Statement, the first sentence after the word Helena's insert "natural", with the understanding HOLMAC's recommendations will include Mount Helena and

Mount Ascension Parks. Commissioner Smith seconded the motion. All voted aye, motion carried.

Motion **Commissioner Groepper moved approval of the Land Use Management Advisory Committee's Mission Statement as amended.** Commissioner Smith seconded the motion. All voted aye, motion carried.

CONSIDER A REQUEST FOR PROPOSALS FOR THE OPEN SPACE MANAGEMENT PLAN

Staff Report

Parks and Recreation Director Randy Lilje referred the commission to the RFP for consulting services for the Open Space Management Plan. Mr. Lilje stated the committee members would like to serve on the consultant selection committee. He also recommended that at least one city commission member also serve on the consultant selection committee.

Mr. Lilje recommended approval of the RFP, with the committee members and at least one commission member sitting on the consultant selection committee.

Mayor Morrison asked if the City-County Parks Board should be included in the RFP. Mr. Lilje noted the Parks Board should be included in the RFP.

Motion **Commissioner Smith moved approval of the Request for Proposals and the members of the Helena Open Lands Management Advisory Committee and that the City-County Parks Board be included in the RFP.** Commissioner Groepper seconded the motion. All voted aye, motion carried.

CONSIDER CHANGING THE NAME OF THE LAND USE MANAGEMENT PLAN ADVISORY GROUP TO THE OPEN SPACE MANAGEMENT ADVISORY COMMITTEE

Mayor Morrison noted the name change was approved in a previous motion.

Final Plat CONSIDER A FINAL PLAT CREATING TWO LOTS FROM LOT 14, BLOCK 1 IN THE LANDMARK ADDITIN, LOCATED IN THE R-4 DISTRICT

Staff Report

City Planner Lucy Morell-Gengler reported on May 7, 2001, the city commission gave preliminary plat approval for a two-lot minor subdivision of Lot 14, Block 1. Each of the lots will be developed with a single townhouse unit. Eight-inch sewer and water lines are currently located in Dayspring Loop to serve the two lots. The preliminary plat approval was subject to completing four conditions in addition to the standard requirements for all subdivisions. The conditions have been met.

Ms. Gengler recommended approval of the final plat.

Motion **Commissioner Netschert moved approval of a minor subdivision/final plat, creating two lots from Lot 14, Block 1 in the Landmark Addition, Located in the R-4 District.** Commissioner Smith seconded the motion. All voted aye, motion carried.

Public Hearings PUBLIC HEARINGS

Staff Report

A. CONSIDER ADOPTION OF THE 2001 HELENA GROWTH POLICY
(Tabled form October 15, 2001)

City Planner Kathy Macefield referred the commission to the staff memo outlining the items that are still needing to be resolved. The four items are listed below:

I. **Cultural Policy:**

4. The City ~~shall~~ **SHOULD** develop land use policies that maintain and promote its heritage by....

The City Attorney has suggested the following explanation for "shall" which would apply to all of the policies and would negate the need to change Cultural policy #4. The following language would be inserted as the last paragraph of the unnumbered "Organization of the Growth Policy" section on page 1-6.

As used in this Growth Policy in regard to actions by the City, the word "shall" means "intends to" and is not mandatory. Furthermore, the word "shall" does not create an obligation on the part of the City. Any City action intended by this Policy is subject to Commission approval and financial constraints.

II. **Environment Policy:**

10. The City shall adopt a policy that protects the natural open spaces, skylines, and sightlines on the City's south border.

III. **Transportation Policy:**

1. The City shall:
A. Plan and systematically implement an affordable, integrated system of vehicular, pedestrian, bicycle, bus, rail and air service facilities for the movement of people and goods **while focusing first on the needs of city residents.**

IV. **Future Land Use Map**

The future land use map in the Growth Policy is the same map that is currently used in the 1994 Comprehensive Plan with the exception that the new open space acquisitions have been added as requested by the Planning Board. However, the future land use map was not discussed in detail with the Planning Board. The City Commission has indicated they may want to review this map to determine if revisions are warranted.

Ms. Macefield noted the commission has not addressed Mayor Morrison's proposed amendments to Chapter 3, Implementation Mechanisms.

Public Testimony

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

There being no persons wishing to address the commission, Mayor Morrison closed the public hearing.

Commission Discussion Mayor Morrison reviewed his recommended revisions to Chapter 3, Implementation Mechanisms.

Commissioner Netschert asked if a development proposal is supported by the Growth Policy but not supported by the neighborhood, would the commission be bound by the policy to take the comments into consideration? Mayor Morrison stated the commission would need to take the comments into consideration; however, they may not be the controlling element of the decision.

City Manager Tim Burton explained the growth policy represents the desire to protect communities and also provide for infill growth and development. Even though the two are goals within the policy, there are times when they will oppose each other. In those instances, it will be the commission's responsibility to find the middle ground between the two goals.

Commissioner Groepper stated he supports the strong language supporting the existing neighborhoods.

Commissioner Oitzinger asked for clarification on using the term "landowner" instead of "resident" in Mayor Morrison's proposed amendments. City Attorney David Nielsen indicated the term "landowner" would be appropriate for this document, as they have the property rights.

Commissioner Smith asked what would happen if the adjoining property owners do not support a proposal, would the commission be able to approve a conditional use permit in an existing neighborhood? Commissioner Groepper stated the language in the Growth Policy would protect the neighborhood; the commission would not be forced to approve the CUP. However, if the neighborhood residents support a proposal, the commission could approve it.

Commissioner Smith stated he would like to see some discretion and flexibility left for the commission to balance the various requests for CUP's. Mayor Morrison noted the land use classifications are intended to be interpreted in a broad, flexible manner. The commission will always initially look at any proposal, however, if the neighborhood does not support the proposal, then the commission has the option to deny the proposal.

Commissioner Netschert asked City Attorney Nielsen if the Growth Policy could be amended at any point to address areas of concern. City Attorney David Nielsen stated going through the entire process could amend the document.

Motion Commissioner Smith moved approval of the Mayor Morrison's amendments to Chapter 3, Implementation Mechanisms. Commissioner Groepper seconded the motion. All voted aye, motion carried.

Motion Commissioner Groepper moved approval of the following amendment:
1. The following **public/private partnership** language could be inserted as Housing policy #7 (page 2-7):

The City shall encourage participation of various interest groups in planning, prioritizing and implementing housing projects. These groups may include private sector developers, lenders, realtors, non-profit agencies, city and county government, low-income community residents, and senior citizens. Successful projects should strive to generate agreement and support from the different sectors in the community, and may need to focus on existing community resources for projects.

Commissioner Smith seconded the motion. All voted aye, motion carried.

There was no motion made for the following amendment:

2. A reference to **student housing** could be inserted as the second line, first paragraph of the Housing Strategy section (page 8-8); the line that is currently second in this paragraph would become the first line in a new paragraph.

The market's ability to provide affordable housing opportunities for all citizens is the basic housing problem for the City of Helena. The needs of student housing have not been specifically analyzed to date. Addressing these needs may need to be considered in the future.

Other issues such as economic growth, neighborhood uniqueness, lands use patterns, and community appearance is also directly affected when housing choices are limited. This Growth Policy outlines how these issues are to be addressed through a three-phased approach...

Motion

Commissioner Groepper moved approval of the following amendment:

3. The following paragraph, addressing an **education partnership**, could serve as the educational introduction under the Other Facilities heading on page 7-21.

Educational facilities in Helena include the public school system, a private four-year liberal arts college, a vocational school that is part of the University of Montana system, plus several private schools. The City should work in a cooperative partnership with all of the educational facilities to address issues related to the community's economic vitality, sharing recreational resources and revenues for city resources.

Commissioner Smith seconded the motion. All voted aye, motion carried.

Motion

Commissioner Groepper moved approval of the following amendment:

I. Cultural Policy:

4. The City ~~shall~~ **SHOULD** develop land use policies that maintain and promote its heritage by....

The City Attorney has suggested the following explanation for "shall" which would apply to all of the policies and would negate the need to change Cultural policy #4. The following language would be inserted as the last paragraph of the unnumbered "Organization of the Growth Policy" section on page 1-6.

As used in this Growth Policy in regard to actions by the City, the word "shall" means "intends to" and is not mandatory. Furthermore, the word "shall" does not create an obligation on the part of the City. Any City action intended by this Policy is subject to Commission approval and financial constraints.

Commissioner Netschert seconded the motion. All voted aye, motion carried.

Motion

Commissioner Smith moved approval of the following amendment:

II. Environment Policy:

10. The City shall adopt a policy that protects the natural open spaces, skylines, and sightlines on the City's south border.

Commissioner Oitzinger seconded the motion. Motion carried 4-1, with Commissioner Netschert voting nay.

Motion

Commissioner Groepper moved approval of the following amendment:

III. Transportation Policy:

1. The City shall:

A. Plan and systematically implement an affordable, integrated system of vehicular, pedestrian, bicycle, bus, rail and air service facilities for the movement of people and goods **while focusing first on the needs of city residents.**

Commissioner Smith seconded the motion. All voted aye, motion carried.

Mayor Morrison stated in regards to the future land use map, the commission would vote on the growth policy and then talk about reviewing the map.

Commissioner Groepper asked if there is a way to adopt the plan and indicate for the record the map associated with the growth policy is a preliminary map and it will go through additional review and adjustment? City Attorney David Nielsen stated it would be clearer to adopt the growth policy with the map and then make a motion to send the map back through the process.

Mayor Morrison noted the Planning Board had the opportunity to review the map, however, the city commission has not. He asked if the city commission could review and change the land use map without going back through the entire process? Commissioner Smith asked if the future land use map could be segregated from the growth policy? City Attorney David Nielsen noted the land use map is a critical part of the growth policy. City Manager Burton stated the first motion should be the adoption of the growth policy.

Further discussion was held on the process of adopting the growth policy, including the map, and then coming back and looking at the map.

Motion

Commissioner Groepper moved the adoption of the 2001 Helena Growth Policy, as amended by the city commission and further direct staff to advise the commission, at the first available meeting of the commission, on how to go about subjecting the map process to additional scrutiny and changes if necessary to make sure it is current and reflective of the Growth

Policy and the infrastructure the city has. Commissioner Netschert seconded the motion. All voted aye, motion carried.

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A ZONE CHANGE FROM B-2 (GENERAL COMMERCIAL) AND PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICTS TO A CLM (COMMERCIAL-LIGHT MANUFACTURING) DISTRICT FOR APPROXIMATELY 6.8-ACRES. LEGALLY DESCRIBED AS PARCEL A ON COS #553574 IN THE SOUTH EAST ¼ OF SECTION 20, T10N, R3W, HELENA, LEWIS AND CLARK COUNTY; GENERALLY LOCATED WEST OF WASHINGTON STREET AND NORTH OF CEDAR STREET.

Staff Report

City Planner Belinda Waters noted the applicant is the Helena Regional Airport, represented by Ron Mercer. Ms. Waters, using overhead maps, showed the location of the proposed zone change and surrounding area. If the zone change is approved, it will allow the property to be developed for light manufacturing related uses. The applicant seeks the zone change to allow for the construction of a printing facility with special building specifications. All uses in the CLM District would be allowed if the proposed zone change were approved.

The property is currently vacant and undeveloped. The property is adjacent to and has access from an existing city street. The Helena Regional Airport Authority acquired the property from several property owners.

The airport will retain ownership of the property and will lease the property to the Independent Record. The airport has expressed its intention to allow only one structure to be placed on the property.

Ms. Waters recommended approval of the zone change.

Public Testimony

Mayor Morrison declared the public portion of the hearing opened and called for any persons wishing to address the commission.

Airport Director Ron Mercer spoke in support of the zone change.

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

Motion

Commissioner Smith moved approval for first passage of an ordinance for a zone change from B-2 (general commercial) and PLI (Public Lands and Institutions) Districts to a CLM (Commercial-Light Manufacturing) District for approximately 6.8-acres. Legally described as parcel A on COS #553574 in the south east ¼ of Section 20, T10N, R3W, Helena, Lewis and Clark County; generally located west of Washington Street and north of Cedar Street. Commissioner Groepper seconded the motion. All voted aye, motion carried. **Ordinance 2824**

Public Communication

Tom Brown, PO Box 91, appeared before the commission to discuss the lack of ADA curb-cuts in the downtown area, bicycle routes, and the Helena Dial-A-Ride system.

Meetings of Interest

MEETINGS OF INTEREST

There is an administrative meeting on October 31, 2001.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:45 p.m.

MAYOR

ATTEST:

CLERK OF THE COMMISSION