

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 25, 2002
6:00 P.M.**

- Time & Place** A regular City Commission meeting was held on Monday, February 25, 2002, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Jim Smith indicated for the record that Commissioners Netschert, Oitzinger and Parriman were present. Commissioner Pouliot was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Barb Fairhurst were present.
 Jerry Hutch of the Helena Citizens Council was also present.
- Pledge of Allegiance** Mayor Smith lead those persons present in the pledge of allegiance.
- Minutes** The minutes of the regular city commission meeting of February 11, 2002 were approved as submitted.
- Appointments** APPOINTMENTS:
 A. Civic Center
 B. Public Art Committee
- Mayor Smith asked for commission concurrence on the following appointments:
- Civic Center Board**
 Michael Allen - Unexpired term - will expire March 1, 2004
 Brad Culver - 1st term - will expire March 1, 2005
- Public Art Committee**
 Michael Casey - Unexpired term - will expire December 31, 2003
 Ric Casteel - 1st term - will expire December 31, 2004
- Motion** **Commissioner Oitzinger moved approval of the appointments to the Public Art Committee.** Commissioner Netschert seconded the motion. All voted aye, motion carried.
- Motion** **Commissioner Oitzinger moved approval of the appointments to the Civic Center Board.** Commissioner Netschert seconded the motion. All voted aye, motion carried.
- Consent Agenda** CONSENT AGENDA
 A. Claims
 B. Utility bill insert - Susan G. Komen Breast Cancer Foundation
 C. Consider a resolution adopting a revised Enforcement Response Plan
 Resolution 11731
- Motion** **Commissioner Netschert moved approval of the consent agenda, items A-C.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Bid Award Bid Award
A. Snow Blower - Street Division

Staff Report Assistant Public Works Director Phil Hauck reported for years the city has used only a front-loader to remove the snow berms after major snowstorms. This process is very slow and cumbersome resulting in an increase in labor and additional wear on equipment. Bids were opened on January 30, 2002 for the purchase of a New Two Stage, 700 TPH Loader Mounted, Self Contained Snow Blower. Numerous bids were received and a copy of the summary of bids is attached. The low bid was submitted by Kois Brothers Equipment for a SNO-GO WK800 loader mounted snow blower for \$47,200.00. Budget appropriation for this acquisition was \$60,000.00. Staff is recommending authorization to purchase the SNO-GO WK800 snow blower for \$47,200.00. Approval would provide the Street Division with an essential piece of equipment enabling it to better maintain the city's streets during times of heavy snow accumulations.

Motion **Commissioner Netschert moved to award the Sno-Go WK800 Snow Blower to Kois Brothers Equipment for an amount not to exceed \$47,200.00.** Commissioner Parriman seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Netschert had three items to report. The first was in regards to a letter Commissioner Netschert passed out referencing a phone conversation he had and hopes that these types of conversations will be discouraged in the future.

Commissioner Netschert had a meeting February 25, 2002 with Tim and Carol Mackowaine and Betty Babcock regarding the 100th anniversary celebration and rededication of our state capital building. There will be a parade, events and show-stopping attractions at the capitol. They had hoped the city would participate with support of permit fees, signage, street closures, garbage, etc. Also, a letter from the mayor and commissioners requesting other municipalities to participate would be appreciated. There will be a dance, ice cream social, BBQ's, laser light shows and many other events taking place. Draft agendas of this event will be passed out to the commissioners.

Commissioner Netschert presented Mayor Smith with a homemade apple wood gavel and noted it is a good example of what can be produced with recyclable materials. Mayor Smith thanked Commissioner Netschert for his thoughtful gift.

Commissioner Oitzinger stated she was not able to attend the meeting with Mrs. Babcock, but she did talk briefly with her on the telephone and explained that as a single commissioner, she is not able to commit staff resources, but she would like to know what they require from the commission as a whole. Mrs. Babcock indicated they might contact other commissions across the state.

Mayor Smith asked when this event would take place. Commissioner Netschert stated it is July 5-7, 2002. The bulk of the activities are Saturday, July 6, 2002.

Commissioner Parriman stated in the packet, there was a letter from Karla Day to Police Chief McGee concerning fines she received for her dog.

Commissioner Parriman spoke with Ms. Day regarding this and is confident that Chief McGee is on top of the situation. City Manager Tim Burton vouched that Chief McGee is working with Mrs. Day to take care of the problem.

Mayor Smith noted a letter received from Bryant School regarding the traffic on Boulder Avenue. City Engineer Chuck Hanson reported another letter was received from the Bryant School neighborhood. They responded to the first letter and have been out doing traffic counts. Staff referred the actual study to the consultant traffic engineers and is waiting for results.

Mayor Smith stated that he will be absent from the March 11, 2002 city commission meeting. Commissioner Netschert will be Mayor Pro Tem.

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 Tim Burton reported he will be out of state the week of March 4-8 for the Federal Emergency Management Agency training on recovery from disaster. Director of Parks and Recreation Randy Lilje will be acting City Manager in Mr. Burton's absence.

FY01 Comprehensive Annual Financial Report

CONSIDER ACCEPTANCE OF THE FISCAL YEAR 2001 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Staff Report

Administrative Services Director Tim Magee stated subject to a February 22, 2002 recommendation by the Audit Committee, the annual audit will be presented to the city commission by Mark Blessinger, CPA, of Galusha, Higgins and Galusha. This will allow completion and presentation of the annual audit in time to submit the Comprehensive Annual Financial Report to the Government Finance Officers Association for the Certificate of Achievement for Excellence in Financial Reporting. The city has received this certificate for 13 consecutive years. The Audit Committee has made the recommendation to accept the report. Mr. Magee thanked Budget Analyst Bob Ricker and Finance Manager Glenn Jorgenson for their hard work in completing the financial statements.

Discussion

Mayor Smith thanked Mr. Ricker and Mr. Jorgenson for the assistance they provided with regards to this audit and their constant good work for the city.

Mark Blessinger of Galusha, Higgins and Galusha stated he met with the Audit Committee, Mr. Magee and his staff on February 21, 2002, to discuss the audit report in detail. The audit report this year, as in prior years, was an unqualified opinion which is the highest level of assurance on the financial statements that can be obtained.

Commissioner Parriman stated that on the cover letter, it calls it out as a corporation, but it should read the City of Helena. Commissioner Parriman had a conversation with Mr. Blessinger in regards to whether the city received any financial compensation from the State of Montana for the fire protection and police protection that would provide for those complexes and various state buildings around the city. Mr. Blessinger stated the city did receive some minor compensation that went into the police and fire retirement fund, but it was a very minor amount. City Manager Tim Burton reported the service related issues with the State of Montana are very important and starting last August, a committee

was put together of state and city representatives and they continue to work through those issues. Mr. Blessinger stated the payments received from the state as part of the pension contributions to the firefighters and the police retirement are set by statute.

Mayor Smith asked about the nomenclature. Can the word "corporation" be changed to "city of" in the final report? Mr. Blessinger stated that was correct. That happened on required communication that an auditor is to make to an audit committee. Instead of "corporation", the "City of Helena" should have been noted on the cover sheet.

City Manager Tim Burton noted the good work that was done by Budget Analyst Bob Ricker, Finance Manager Glenn Jorgenson and others. It was quite a challenge this year with all the transitions taking place.

Motion

Commissioner Netschert moved approval of the Fiscal year 2001 Comprehensive Annual Financial Report with the adjustment as stated by Commissioner Parriman. Commissioner Parriman seconded the motion. All voted aye, motion carried.

**Annexing
Lots 1-4, Block 160
Syndicate Addition**

CONSIDER A RESOLUTION ANNEXING LOTS 1-4, BLOCK 160, SYNDICATE ADDITION, LEWIS AND CLARK COUNTY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CHOTEAU AND LAUREL STREETS.

Staff Report

Project Manager Hal Fossum reported on January 12, 2001, property owner John Skogstad applied for annexation of this property to the city of Helena. On March 19, 2001, the city commission established conditions to annexation (Res. 11617), and the property was rezoned in the R-2 District (Ord. 2908). The property has since sold to James and Mary Heidlebaugh.

Conditions to annexation included the following:

1. **Infrastructure:** The applicant must install infrastructure improvements to city standards, including water, sewer, fire hydrant, street, curb, gutter and sidewalks, or enter into a development agreement acceptable to the city of Helena that defines responsibility for installation of or deferment of the improvements.
2. **Annexation Fee:** The annexation fee of \$86.00 (\$300 per acre) shall be paid to the City Engineering Department.
3. **Taxes and Assessments:** Taxes and assessments shall be paid and current at the time of filing the Resolution of Annexation.
4. **Completion of Conditions:** The applicant shall notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within one year of the date of approval of this Resolution of Intention, the city is under no obligation to annex the property and may discontinue any city services being provided to the property.

Staff of the Community Development Department have verified that all these conditions have been met. The final steps are a resolution of annexation, and administrative transfer of responsibilities from county to city providers.

Staff proposes the City Commission adopt a resolution of annexation.

Completion of this annexation will enable the property to be developed for residential use with city water and sewer services.

Discussion

Commissioner Netschert asked if any wholly surrounded areas would be created out of this annexation? Mr. Fossum stated that no wholly surrounded areas would be created.

Commissioner Netschert asked if the annexation fee was waived and changed to system development fee? If that is the case, Commissioner Netschert would like to amend this to waive the annexation fee. Mr. Fossum stated that under the enabling ordinance that was passed in December, 2001 by this commission, the sewer annexation fee continues on those properties in which the conditions have already been set. City Attorney David Nielsen stated that when the commission took the action to adopt the system development fee and simultaneously repeal the annexation fee, there is transition language in the amendment that says that any of these properties that were pending annexation where the commission had already set a resolution of intention to annex and set conditions, those would still continue to pay the fee. The reason that was put in there was so they were not advantaged over other properties that have paid it to come in. This has been paid and would go on track the same way. City Manager Tim Burton stated we have transitioned from a \$300 per acre fee to a system development fee. There still is an annexation fee that is a table based upon staff time. Mr. Fossum stated there is a fee for application for annexation and rezoning that amounts to \$560 if those requests come to the city at the same time.

Commissioner Netschert asked how many transitional properties does the city have? Mr. Fossum reported there are three properties, including this one. Commissioner Netschert asked if they would be setting a precedent if the city was to waive this fee for the other properties or can we do it on a case by case basis? City Attorney David Nielsen stated that legally, the repeal of the annexation fee was done by ordinance. That transition language is in there, so technically, we should amend that ordinance to do that. It would set a precedence because what happens, with the transition language, it puts those properties on exactly the same basis as all other properties that have annexed before them.

Motion

Commissioner Oitzinger moved approval of a resolution of annexation to the City of Helena property legally described as Lots 1-4, Block 160, Syndicate Addition, Lewis & Clark County, Montana, generally located at the southeast corner of Choteau and Laurel Streets.
Commissioner Parriman seconded the motion. All voted aye, motion carried.
Resolution 11732

**Install paved
Parking at the
Airport soccer fields**

CONSIDER A RESOLUTION AMENDING RESOLUTION #11072 TO ALLOW ADDITIONAL TIME TO INSTALL PAVED PARKING AT THE AIRPORT SOCCER FIELDS.

Staff Report

Planner Kathy Macefield reported on September 30, 1996, the City Commission approved a Conditional Use Permit (CUP) to allow soccer fields to be located in the Airport District (Resolution #11072). Original condition #8 stated: *A paved parking lot shall be provided in accordance with Section 11-22-*

4(H) of the Helena Zoning Ordinance with enough spaces to accommodate the number of soccer fields in place and the anticipated number of vehicles generated. The applicants shall construct said parking lot within two years of operation of the proposed soccer fields. A gravel parking lot shall be constructed with dust control during the interim. The parking lot surfacing, landscaping, dumpster and bicycle racks were to be financially guaranteed before the soccer fields were in operation (original condition #10).

The soccer fields, leased and maintained by the volunteer non-profit Helena Youth Soccer Association, became operational fall 1999. Since that time, the parking lot has been installed with a gravel surface at a cost of approximately \$20,000. According to the Soccer Association's representative, it would cost approximately \$138,000 to pave the 100,000-square foot parking area (estimated 330 parking spaces). Due to the anticipated paving expense, the Soccer Association has contacted the Montana Department of Transportation (MDT) to obtain millings for the paving surface.

MDT indicated they would not have additional time to pave the parking lot and would like to use MDT's millings in 2004. If correctly applied, the millings would serve as a satisfactory all-weather surface.

If this alternative is acceptable to the city, dust control measures should continue to be applied to the parking lot during the interim. Allowing additional time to install the paving would require an amendment to condition #8 of the CUP. Additionally, the landscaping has already been installed and would no longer be needed in the financial guarantee; dumpsters are not typically financially guaranteed and would also be eliminated from condition #10.

Finally, the Soccer Association plans to install handicap-accessible bathrooms later this year. This facility would be an accessory to the soccer fields and would not require an amendment to the CUP.

This will allow the Helena Youth Soccer Association additional time until December 2004 to pave the parking lot at the airport soccer fields, and revise conditions #8 and #10 of Resolution # 11072.

Condition #8 would be revised to state:

8. Parking: *A paved parking lot shall be provided in accordance with Section 11-22-4(H) of the Helena Zoning Ordinance, with enough spaces to accommodate the number of soccer fields in place and the anticipated number of vehicles. The applicant shall construct this paved parking lot by December of 2004. A gravel parking lot has been constructed for use during the interim and the dust control measures apply until the paving is completed.*

Condition #10 would be revised to continue to require the financial guarantee for the bicycle racks and paved parking, and delete the original requirement for landscaping and a dumpster.

Using millings for the parking lot surface would be a cheaper and more affordable option for the Soccer Association.

Discussion

Commissioner Parriman asked about the millings. In the original CUP, when they are talking about a paved parking lot, were they talking about actual asphalt paving or millings? Ms. Macefield replied that if millings are properly applied, it can work to serve as asphalt. It is not something the city was using at the time, but since then, the city has used millings at Batch fields, on the north side of the railroad tracks on Benton and also over at the Babe Ruth Baseball fields by the fairgrounds.

Commissioner Oitzinger asked if there is any advantage to using millings in terms of stormwater, because of porosity. City Engineer Chuck Hanson stated

that they try to eliminate porosity. After the millings are down and rolled flat, we apply a very thick coat of reinforced reclaimite which is a penetrating oil that softens the millings and actually sticks them together and hardens the surface and makes it water tight. The reason you don't want water in the millings is because it breaks down the asphalt, gets into the base and causes frost heaves.

Commissioner Netschert asked if the millings are reclaimed asphalt. Mr. Hanson stated the millings are a byproduct of an overlay on a highway project where they have a scarifying machine that kicks up the millings from the roadway that are 1-3 inch diameter pieces and puts them in a dumptruck. They are a form of reclaimed asphalt, but not totally reclaimed by the time the city gets them. Commissioner Netschert asked if there are any other materials besides millings that would work. Other places do have reclaimed asphalt available. Mr. Hanson stated the biggest source of those materials is from the state. 1000's of yards of millings are needed for this project.

City Manager Tim Burton noted that millings from the state come at no price.

Mayor Smith asked if the soccer association or the city have any assurance that millings in the required amount will be available to the city in 2004? Mr. Hanson stated that it is not known how many millings are needed for this parking area. The Montana Department of Transportation assures the city that because of another overlay project in the Helena area, there will be millings available in 2004.

Ms. Macefield stated that Hugh Zackheim and Mike Heil from the Helena Youth Soccer Association are available if the commission has questions.

Mayor Smith stated this is not a public hearing, but Mr. Zackheim or Mr. Heil could briefly address the commission.

Hugh Zackheim, 315 Ming Pl., stated he is the president of the Helena Youth Soccer Association. The Soccer Association appreciates the work that Ms. Macefield has done and the consideration by the commission for this proposal. The annual budget is about \$50,000 and that is registration fees paid by the 300 families that participate in the Helena Arsenal Program and the All Girls League. Mike Heil has done the landscaping and parking lot work. The commissioners are invited for a tour of the soccer fields. It is a great facility and they are doing their best in terms of parking. They are hosting three tournaments this year and it will be a great boost for the city as well as the soccer program.

Leo Ward, 18 Reeders Village, stated in 1996, he was the president of the Helena Youth Soccer Association. The goal then was to build a few fields on some space that was available. They entered into a partnership with the airport and are now in a 3-way partnership which includes the city because of open space money. The goal from the beginning has been to put as much green out there as they can. They know there are requirements for parking and those requirements will be met to the best of their abilities. There are now five fields and at least three or four more fields are planned in the future. The goal is to do what is best for the kids to provide the green space that they need to play.

Mayor Smith stated he was disappointed the soccer kids were not at the commission meeting. The invitation stands that the kids are welcome to attend the next commission meeting and be recognized. Mayor Smith asked if the association is comfortable that millings will be available to do this job in 2004? Mr. Ward stated they are comfortable that millings will be available in 2004.

Commissioner Netschert asked if the city could get a letter from the Montana Department of Transportation for a commitment to receive the millings in 2004. Mayor Smith asked if Commissioner Netscherts support of this

resolution is contingent upon that letter. Commissioner Netschert stated he would feel more comfortable having something that says the millings would be available. City Manager Tim Burton stated he is not aware of what the fall back position is if millings are not available in 2004. A letter on behalf of the mayor to DOT letting them know the city is interested in a certain quantity of millings would be appropriate. The letter should also state that MDT's engineer stated millings would be available in 2004 and also that the city would expect a response. Mayor Smith would be happy to write such a letter under the mayor's signature. If this resolution is approved tonight, we are extending the time period to have this paving done and the resolution does not speak to the source of the millings. If the extension is granted and millings are not available, than other sources of asphalt paving material will be required.

Motion

Commissioner Oitzinger moved approval of a resolution amending Resolution #11072, for the airport soccer fields to revise Condition #8, Parking to allow the Soccer Association until December 31, 2004 to pave the parking lot, and revise condition #10, Financial Guarantee, for bicycle racks and paving. Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution 11733**

**Major subdivision
Preliminary plat**

CONSIDER A MAJOR SUBDIVISION/PRELIMINARY PLAT FOR THE CRYSTAL SPRINGS MAJOR SUBDIVISION CREATING 108 RESIDENTIAL LOTS ON 60 ACRES. [TABLED FROM FEBRUARY 11, 2002]

Staff Report

Planner Lucy Morell-Gengler reported on February 11, 2002, the Helena City Commission tabled the proposed Crystal Springs major subdivision/preliminary plat. At that time, the commission requested further evaluation of the proposed water system and the Benton Avenue extension. The commission also requested the staff recommendations for the conditions be submitted as a separate document. The following are the recommended conditions from city staff. Conditions regarding the Benton Avenue improvements and the water main are in ***Bold Italics***.

Said preliminary plat approval is subject to the following conditions which must be completed prior to filing the final plat:

1) Agriculture and Agricultural Water User Facilities

- A) Access to the two existing water wells located on the subject property must be maintained through 20-foot wide access easements.
- B) The applicant must submit to the City documentation as to the disposition of the water rights for the property including but not limited to the existing two water wells and their maintenance responsibility, the irrigation canal, and stream. Utilization of the water wells must be in compliance with City Code Title 3 well ordinance.

2) Local Services

A) Water and Sewer

- 1) A preliminary water system design must be submitted for staff review and approval.

- 2) ***For the water main extension between Brookside Drive and Crystal Springs Drive extending through the proposed parkland, the applicant shall grant to the City fee title to the property to accommodate a 30- foot wide utility corridor. An all weather surface must be installed within this corridor that is compatible with the parkland.***
- 3) ***If a water line is located through parkland, said water line must be cased through wetlands areas and areas where the disturbance of the parkland for maintenance may be detrimental to the use of the parkland and preservation of wetlands.***
- 4) ***A reclamation and revegetation plan including the developers responsibility for mitigation must be approved by the City prior to installation of water mains not in the right-of-way.***
- 5) ***If wetlands are impacted by the placement of a water main, the applicant must obtain all required permits for disturbance of the wetlands.***
- 6) ***A 12-inch water main must be installed through the proposed subdivision to provide future connectivity for adjacent parcels. This line must extend to the proposed subdivision's southwest and northwest corners of existing Lot 1 and provide connectivity within the Green Meadow right-of-way.***
- 7) ***If the City Public Works Department determines the water system design must be further looped to provide adequate water service to the subdivision, the developer must install a 12-inch main south within the Green Meadow right-of- way that would connect to the existing main in Custer Avenue.***
- 8) High groundwater in this area may contribute to the design decisions for water and sewer main materials. Therefore, a geotechnical investigation must be conducted by the developer to determine depth to groundwater, soil resistivity and provide recommendations for system design. Public Works must approve water and sewer system designs.
- 9) Leakage testing must be conducted on sanitary sewer mains and manholes.
- 10) An engineer must inspect and certify the installation of the utilities complies with the plans and the Montana Public Works Standard Specifications.
- 11) Adequate provisions for future water main and sewer main extensions must be provided for connectivity to future development adjacent to existing Lot 1.

- 12) The design of the water and sewer systems must conform to City standards for types of materials, spacing of hydrants and valves, manholes, and other appurtenances

B) Access and Traffic

- 1) Proposed approaches to Green Meadow Drive must be approved and permits obtained through MDT; an access permit for proposed Greenfield Drive must be obtained prior to filing the final plat for Phase I of the subdivision, and an access permit for proposed Horseshoe Bend Road must be obtained prior to filing the final plat for Phase IV of the subdivision.
- 2) The northern-most access to Green Meadow Drive must align with existing Horseshoe Bend Drive.
- 3) A non-access restriction must be noted on the plat limiting vehicular access, such as private driveways, onto Green Meadow Drive and Benton Avenue for lots abutting those streets. This restriction must also be stated in the covenants.
- 4) The developer must provide 38 feet of right-of-way, which is half of the 76 feet needed for a minor arterial, along the eastern length of the subdivision from the southern lot line of existing Lot 1 to existing Lot 6 to accommodate the future expansion of Benton Avenue.
- 5) ***The extension of Benton Avenue adjacent to existing Lot 1 must be financially guaranteed with Phase I and installed in conjunction with Phase IV of the development unless Kingsbrook Drive is eliminated from the plat. If Kingsbrook Drive is eliminated, Benton Avenue must be installed in conjunction with each applicable phase of the development in accordance with a City-approved phasing plan. The improvements to Benton Avenue must include two traffic lanes with curb, gutter, and boulevard sidewalks on the developer's side through the length of the proposed subdivision of existing Lot 1. The final street design must provide for the development of the remaining adjacent east section of Benton Avenue.***
- 6) The connection between proposed Hunters Chase and Colter Loop in Pioneer Village must be constructed in conjunction with Phase I of the development.
- 7) Because adjacent lots and the length of blocks 4 and 6 limit access to the parkland ***and adjacent phases***, non-motorized access to ***and through*** the parkland must be developed and approved by the City to allow better access from Crystal Springs Drive and Brookside Drive ***and from Phase II to Phase IV.***
- 8) If there is City owned or controlled right-of-way, the developer must provide, in conjunction with Phase I, a temporary bike/pedestrian path that connects the subject subdivision to the existing

bike/pedestrian system. The trail must be a minimum 5 feet wide, constructed of decomposed granite or other accessible surface, and be designed and constructed to City standards.

3) The Natural Environment

- A) The developer must preserve or mitigate all wetlands within the subdivision since they provide an important feature of the natural environment.
- B) Wetland areas must be graphically shown on the final plat. If wetlands are located within a lot, the wetlands area must be designated as a conservation area where land disturbances are restricted and no construction is permitted.
- C) The covenants must protect wetlands located on private property.
- D) An erosion control plan that addresses erosion control mechanisms, a weed control plan, and a revegetative plan must be submitted to the City for approval with each Phase.

4) Wildlife And Wildlife Habitat

The wetlands on the subject property provide wildlife habitats within the project site and must be preserved or mitigated.

5) Habitat Public Health And Safety

A) Fire Hydrants

The fire protection system, including the location and placement of fire hydrants meeting fire flow requirements, must be submitted for approval by the Fire Marshal. Fire hydrants must be installed by the developer in accordance with the requirements of the Helena Fire Department and as required by the Fire Marshal.

B) Stormwater Drainage

- 1) A stormwater drainage plan, complete with drainage calculations provided by an engineer, not allowing drainage in excess of the historical run-off, must be submitted to the City for review and approval.
- 2) The final designs for any stormwater detention basins and drainages must meet all City of Helena Standards and, must blend the detention basins into the landscaping.
- 3) Ground water studies must be conducted. If areas of high ground water are found, those areas must be designated on the final plat and construction of basements must be restricted. The final plat must state "basement construction only allowed if the owner of the lot can provide adequate proof to the City that the construction of basements will not adversely affect, or be affected by groundwater." Restrictions must also be stated in the covenants.

6) The Survey Requirements Provided For In Part 4 Of This Chapter

The final plat for this subdivision must be tied to the City coordinate system and be provided to the City on acceptable digital formats which include AutoCad 14 and higher for archival and mapping purposes.

7) Helena Subdivision Regulations

A) Chapter 2

- 1) An overall development phasing plan indicating the applicant's intention for the development of the tract, including incremental provisions for infrastructure and estimated timing of construction, must be submitted to the City prior to filing the final plat.

B) Chapter 4

1) Streets

- (a) Due to the phasing of this development, streets that may temporarily dead-end and are over 150 feet long must incorporate a temporary turn around that meet Fire Department design standards.
- (b) The new Horseshoe Bend roadway must provide for future connection, and not dead-end into the sewer lift station.
- (c) The Horseshoe Bend roadway must be constructed to collector standards with a minimum right-of-way width of 64 feet to accommodate anticipated traffic volumes.
- (d) A street sign plan must be included with the submitted street design. Signing must be designed to City standards and approved by the City Engineer.
- (e) All final street designs must be engineered to soil and groundwater conditions and a geotechnical report must be submitted with that final design. The roadway pavement section must be submitted for approval by the City.

2) Financial Guarantee

All of the following improvements must be installed or the improvements must be financially guaranteed in accordance with Section 12-4-13 and 12-4-14 of the Helena Subdivision Regulations:

- (f) Stormwater drainage improvements;
- (g) Fire hydrants;
- (h) Streets, curbs, and gutters;
- (i) Sidewalks;
- (j) Erosion control;
- (k) Water and sewer mains; manholes and other appurtenances;
- (l) Streetlights; and
- (m) Parkland fence
- (n) Water main mitigation and reclamation

2) Building Permits

The developer must install utilities and service lines, and the streets must be constructed to final base course or paved prior to building permits being issued for any lots.

C) Parkland

- 1) The developer must submit a park development plan that contains recommendations for improvements to the proposed park and financing options for the installation of improvements and maintenance. The park plan must identify the neighborhood or community park that will serve this subdivision. If an accessible park is not available, the park plan must include how the proposed park area will function as a neighborhood park to meet the recreational needs of the proposed subdivision residents. The parkland dedication and park plan must be resubmitted to the Park Board for recommendation and approval by the City.
- 2) Any parkland in excess of the required dedication for existing Lot 1 may be credited to the future subdivision of existing Lot 6.
- 3) To mitigate impacts to the park areas from construction encroachment, the developer must survey and stake on site to delineate the parkland and install temporary barriers around the designated park area during the construction phases of the development.

8) Easements

Easements for stormwater drainage, natural or man-made, and/or detention basins must be graphically shown on the plat. These easements must restrict any encroachments that may inhibit the required stormwater drainage. These restrictions must be included in the covenants.

9) Historic Documentation

Historic documentation of the property and its structures must be submitted to the Historic Preservation Officer, including photos of the interiors and exteriors of the arched roof barn, the hog barn, and the large shed or barn immediately to the east of the existing dwelling and their settings and a written description of the history of the property that may be available to the property owner.

Conditions 2(A) 3 through 2(A) 5

Findings:

1. The location for the proposed water main looping Phase 4 includes wetlands area, areas with high ground water, and parkland that, in addition to other functions, provides protection for the natural environment and wildlife habitat.
2. Maintenance of water mains may be more difficult in wetlands areas and areas of high ground water. In addition, maintenance of the proposed water main could result in excavation of a large area of the proposed parkland that could be disruptive to the intended use of the park.
3. Section 6-2-5 of the Helena City Codes states "All water service shall be provided from public mains in public streets or ways. Each service shall be placed to the extent practical, perpendicular to the public main or public way."

Therefore staff is proposing the following conditions to mitigate the impacts resulting from locating the water main in the parkland and wetlands areas.

- 1) ***For the water main extension between Brookside Drive and Crystal Springs Drive extending through the proposed parkland, the applicant shall grant to the City fee title to the property to accommodate a 30-foot wide utility corridor. An all weather surface must be installed within this corridor that is compatible with the parkland.***
- 2) ***If a water line is located through parkland, said water line must be cased through wetlands areas and areas where the disturbance of the parkland for maintenance may be detrimental to the use of the parkland and preservation of wetlands.***
- 3) ***A reclamation and revegetation plan including the developers responsibility for mitigation must be approved by the City prior to installation of water mains not in the right-of-way.***
- 4) ***If wetlands are impacted by the placement of a water main, the applicant must obtain all required permits for disturbance of the wetlands.***

Condition 2(A) 6

Findings:

1. A water main established in the Green Meadow right-of-way could facilitate future connection of this subdivision to the existing Custer water main which would provide a more reliable water source for this development.
2. Section 6-2-5 of the Helena City Codes requires mains to be extended through the entire property to be served.

Therefore staff is proposing the following condition:

A 12-inch water main must be installed through the proposed subdivision to provide future connectivity for adjacent parcels. This line must extend to the proposed subdivision's southwest and northwest corners of existing Lot 1 and provide connectivity within the Green Meadow right-of-way.

Condition 2(A) 7

Findings:

1. The proposed water system must provide adequate fire flows at periods of peak water usage.

2. The 1978 Water Master Plan indicates a 12-inch water line should be located in the Green Meadow right-of-way.

Therefore staff is proposing the following condition:

If the City Public Works Department determines the water system design must be further looped to provide adequate water service to the subdivision, the developer must install a 12-inch main south within the Green Meadow right-of-way that would connect to the existing main in Custer Avenue.

Condition 2 (B) 5

Findings:

1. The right-of-way indicated as a component of a phase must be constructed with that phase.
2. Legal and physical access must be provided to the parkland.
3. The proposed Benton Avenue will redirect traffic from the proposed local streets to proposed Horseshoe Bend which is designed as a collector.
4. The applicant has indicated a street redesign to accommodate the construction of Benton Avenue may include the elimination of Kingsbrook Drive.
5. The extension of Benton Avenue adjacent to existing Lot 1 would maximize connectivity and continuity of the proposed street network.
6. The extension of Benton Avenue would provide for future extension of the transportation network.

Therefore staff is proposing the following condition:

The extension of Benton Avenue adjacent to existing Lot 1 must be financially guaranteed with Phase I and installed in conjunction with Phase IV of the development unless Kingsbrook Drive is eliminated from the plat. If Kingsbrook Drive is eliminated, Benton Avenue must be installed in conjunction with each applicable phase of the development in accordance with a City-approved phasing plan. The improvements to Benton Avenue must include two traffic lanes with curb, gutter, and boulevard sidewalks on the developer's side through the length of the proposed subdivision of existing Lot 1. The final street design must provide for the development of the remaining adjacent east section of Benton Avenue.

Discussion

Commissioner Parriman asked if Kingsbrook Drive is not put in, then Benton Avenue has to be extended as they go through Phases I-IV? Ms. Morell-Gengler stated what they are proposing is that this would provide vehicular access until Phase IV. This would connect Phase II, I and III. Benton Avenue would not be necessary for traffic flow until Phase IV in which case it would not be constructed until Phase IV, but the financial guarantee would be in place with

the first phase.

Commissioner Netschert commended staff and the developers for working out the issues which were brought up at the February 11, 2002 city commission meeting and doing it in such a timely fashion.

City Manager Tim Burton asked if the applicant had anything to add to Ms. Morell-Gengler's presentation. Mayor Smith stated this is not a public hearing, but the applicant is present along with neighbors from the neighborhood so all should be allowed to speak if it is opened to the public. City Manager Tim Burton stated his question is relative to the applicant's agreement to the conditions. Mayor Smith stated that if it were opened up for comment, the commission will take comments from the neighbors as well as the applicant. City Attorney David Nielsen stated when this issue was closed on February 11, 2002, the public hearing was closed. To open it up without a public notice becomes unfair. What the city manager is suggesting is that the applicant should state for the record if they agree or disagree with the conditions. We don't need comment or discussion, but a simple affirmation or denial from the applicant. That was the reason for the table, was to work this out and see if the applicant agreed with the conditions.

Mayor Smith stated the applicant is represented by Jeff Larson. The commission has a question for Mr. Larson and all it takes is a one-word answer. "Are you in agreement with the conditions that Ms. Morell-Gengler put before the commission?" Mr. Larson answered "yes."

Motion

Commissioner Netschert moved approval for Crystal Springs major subdivision/preliminary plat creating 108 residential lots from 60.03 acres to be located in an R-2 and R-3 District on property legally described as Lots 1 and 6 of COS#501240/E located in Section 13, T10N, R4W, and Section 18, T10N, R3W, Lewis and Clark County, Montana. Said preliminary plat approval is subject to the conditions listed above. Commissioner Parriman seconded the motion. All voted aye, motion carried.

PUBLIC HEARINGS

Fee for hauled Waste

- A. CONSIDER A RESOLUTION INCREASING THE FEE FOR HAULED WASTE DISCHARGED INTO THE CITY OF HELENA SEWER SYSTEM (ORIGINALLY SET BY RESOLUTION No. 9894 PASSED ON NOVEMBER 3, 1986). [TABLED FROM FEBRUARY 11, 2002]

Staff Report

Assistant Public Works Director Phil Hauck reported it has been fifteen (15) years since the original resolution setting the rate for hauled waste at \$26.60 per 1,000 gallons. The city's consultant for updating our Industrial Pretreatment Program has recommended increasing these fees to cover the current cost of treatment and disposal.

In reviewing our fees for hauled waste and discharge that is not domestic waste, the consultant determined that the rate should be increased to \$35.04 per 1,000 gallons to cover the cost of treating this waste stream.

Increasing the fees for hauled waste will cover the treatment cost for special waste hauled to the treatment plant.

Public Testimony

Mayor Smith 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, the public

portion of the hearing was closed

Motion

Commissioner Parriman moved approval of a resolution to set hauled waste fees to \$35.04 per 1,000 gallons. Commissioner Netschert seconded the motion. All voted aye, motion carried. **Resolution 11734**

Adopting fees for Industrial waste Discharge application and permits

CONSIDER A RESOLUTION ADOPTING FEES FOR INDUSTRIAL WASTE DISCHARGE APPLICATION AND PERMITS. [TABLED FROM FEBRUARY 11, 2002]

Staff Report

Assistant Public Works Director Phil Hauck reported during re-codification of the Industrial Wastewater Ordinance, application and permit fees were deleted and are now to be set by resolution.

To process an application for an Industrial Waste Discharge Permit, the fee recommended is \$75.00 per application. An annual fee of \$75.00 for each permit will be charged to cover administrative costs to monitor and reconcile each permittee.

Setting application and permit fees will help cover the administration cost to review the plans and process a permit for the industrial user.

Public Testimony

Mayor Smith 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, the public portion of the hearing was closed

Motion

Commissioner Parriman moved approval of a resolution setting Industrial Waste Discharge Application Fees to \$75.00 per application and an annual fee of \$75.00 per Industrial Waste Discharge Permit. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution 11735**

Establishing a Type B Residential parking District

CONSIDER A RESOLUTION ESTABLISHING A TYPE B RESIDENTIAL PARKING DISTRICT FOR A PORTION OF STUART STREET. [TABLED FROM FEBRUARY 11, 2002]

Staff Report

Assistant Public Works Director Phil Hauck reported the owner of the residential property on the northwest corner of Stuart and Getchell Streets has petitioned the city for a change to Residential Type B parking from the existing 2-hour parking limit due to limited parking available for their rental property. Parking Commission staff support the proposal. This request encompasses only that parking in front of the residence and only on the north side of Stuart Street.

The proposal will facilitate adequate street parking for an existing multi-family residence.

Public Testimony

Mayor Smith 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, the public

portion of the hearing was closed

Motion

Commissioner Oitzinger moved approval of a resolution to create residential Type B parking on the 100 Block of Stuart Street. Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution 11736**

Public Communications

PUBLIC COMMUNICATIONS

There was no public communication.

Meetings of Interest

There is a meeting February 26, 2002 from 7:00 - 9:00 at Kessler School regarding the Westside Study area and the report of consultants, Anderson and Montgomery Engineering.

The commission is scheduled to meet with the Helena Citizens Council on February 27, 2002 at 7:00 in room 326.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:05 p.m. this 25th day of February, 2002.

MAYOR

ATTEST:

CLERK OF THE COMMISSION