

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
December 2, 2002
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, December 2, 2002, 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 Oitzinger, Netschert, Pouliot, Parriman were present. City Manager Tim Burton, City Prosecutor Robert Woods and Deputy City Clerk Jacki Pierson were present. HCC members included: Jerry Hutch and Jim Christnacht.

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 November 18, 2002 were approved as submitted.

Proclamations PROCLAMATIONS
A. Capitol High Bruins Class AA State volleyball title
Mayor Smith read the Capitol High Bruins Class AA State volleyball proclamation and congratulated the team. Coach Mike Birk thanked the commission and the City of Helena and stated the City of Helena can be very proud of these girls; they have tremendous leadership skills and excellent work ethic.

Appointments APPOINTMENTS:
A. Business Improvement District/Helena Parking Commission
B. Lewis & Clark Library Board
C. Lewis & Clark Consolidated Planning Board

Business Improvement District/Helena Parking Commission
Dave Johnson
First term begins upon appointment and expires October 31,2006

Dave A. Lemm
First term begins upon appointment and expires October 31, 2006

Lewis & Clark Library Board
Mike Pichette
Unexpired term begins upon appointment and expires January 1, 2005

Lewis & Clark Consolidated Planning Board
Stephanie L. Wallace
First term beings upon appointment and expires September 30, 2005

Motion **Commissioner Netschert moved approval of Dave Johnson and Dave Lemm to the Business Improvement District/Parking Commission.**
Commissioner Parriman seconded the motion. All voted aye, motion carried.

City Manager Tim Burton recommended approval of the claims.

Discussion Commissioner Oitzinger stated she wanted item C removed to hear discussion from the city manager.

Motion **Commissioner Pouliot moved to approve items A and B on the consent agenda.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Discussion Director of Public Works John Rundquist stated the vacant property, located at the southwest corner of Montana Avenue and Lincoln Road, is currently surrounded by MDT property. Mr. Rundquist explained MDT has a 3,850 square feet parcel of property, located at the intersection of Billings and Oregon streets, and MDT has offered this up in exchange for the property out on Lincoln Road. Mr. Rundquist stated MDT has completed appraisals on both the properties; the city's property is worth \$8,500 and MDT's property is worth \$6,600. Mr. Rundquist explained MDT would pay the cash difference for the appraisal prices for the property and the city would like MDT's parcel because it does have value when combined with the right of way with Oregon Street.

Commissioner Oitzinger asked what the other buildings are surrounding the property? Mr. Rundquist stated they are multi-family dwellings. Commissioner Oitzinger stated it looks like a good trade with the potential for increased value and the property will provide consistent use for the R-3 area.

Commissioner Parriman stated the appraisal values seem fairly low and explained the property located on Montana Avenue and Lincoln Road has potential to be valuable in the future, he asked if that was taken into account during the appraised values? Mr. Rundquist stated it was appraised in its current use and condition.

City Manager Tim Burton explained that one of the reasons MDT is building their maintenance facility in this area is MDT took over all the secondaries for maintenance from Lewis and Clark County. Mr. Burton stated MDT feels this property is going to assist their long-term maintenance activities and their long-term plan.

Mayor Smith asked Mr. Rundquist if it was his understanding that an appraisal is nothing but the properties present value? Mr. Rundquist concurred.

Motion **Commissioner Pouliot moved approval of the resolution authorizing the exchange of the property as the consent agenda on item C.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Netschert stated he received a fax from Suzy Poppe from the Montana League of Cities and Towns regarding "Building Cities of Character". Commissioner Netschert stated he would like the commission to look it over and to discuss it at an upcoming administrative meeting.

Mayor Smith announced that Jerry Hutch had donated the last remaining \$800.00 from the Preserve Memorial Park Committee to City Parks and Recreation to provide ongoing maintenance to the memorials at Memorial Park.

**Report of the City
Attorney**

REPORT OF THE CITY ATTORNEY
Assistant City Attorney Robert Wood had nothing to report.

**Report of the City
Manager**

REPORT OF THE CITY MANAGER
City Manager Tim Burton had nothing to report.

Montana Shares

CONSIDER A UTILITY BILL INSERT REQUEST FROM MONTANA SHARES

Discussion

City Manager Tim Burton reported that a policy and a procedure was adopted by the commission to allow nonprofits to insert in with the water bills. Mr. Burton explained Montana Shares contacted the city to do an insert. The application was filled out and the fee of \$50.00 was paid, however the issue was tabled on November 25, 2002.

Commissioner Parriman asked if any other costs are associated with the mailing besides the \$50.00 application fee? City Manager Tim Burton stated the \$50.00 covers the city's cost for the mailing.

Commissioner Netschert stated his concern was that this request actually solicits donations. Commissioner Netschert explained it puts the city in a position where it looks like it's endorsing particular groups that are involved. Commissioner Netschert stated included with Montana Shares are a couple of advocacy groups that he has a hard time putting in the same category as the United Way. Commissioner Netschert stated he feels there needs to be line drawn and perhaps revisit the city's policies for allowing inserts.

Commissioner Oitzinger stated she reluctantly tabled this item because there had to be a unanimous vote in order to have it move forward and she didn't want to risk having it voted down. Commissioner Oitzinger stated she supports many if not all of the organizations involved with Montana Shares and the general concerns shouldn't apply because the city has already approved the United Way insert.

Commissioner Pouliot stated he is not sure what the policy is in regards to inserts and asked for clarification. City Manager Tim Burton stated it is limited to nonprofit organizations and city department inserts.

Commissioner Netschert asked at what point does the city advocate for nonprofits and then at what point does the city advocate for political advocacy groups? Commissioner Netschert explained there are certainly some overtones with the groups that are involved with Montana Shares and if the city allows them to advertise in government publication, he feels it gives a definite endorsement.

Mayor Smith stated whether or not the commission is endorsing a group is in the eye of the recipient of the mail. Mayor Smith explained that as of right now there is a decision to be made regarding Montana Shares, however if the commission wants to further define nonprofit groups within the policy it can be discussed at a later date.

Commissioner Oitzinger stated that any contributions donated to Montana Shares are tax deductible and that means the advocacy organizations involved with Montana Shares has to use the contributions for their educational arms. Commissioner Oitzinger stated the Montana Shares brochure has a disclaimer stating "Although this request has no direct connection to the City of Helena, you may return your gift, with your water bill and it will be forwarded to Montana Shares". Commissioner Oitzinger explained that these inserts are a courtesy to people in the community who are doing good work and it reflect the diversity of our community.

Commissioner Netschert asked if staff time would be used to sort the donations? City Manager Tim Burton concurred and stated there are people who also volunteer to help.

Commissioner Oitzinger stated she would be happy to deliver any responses or donations that arrive regarding this flier on a volunteer basis.

Commissioner Parriman stated he would like to have this discussion at an upcoming administrative meeting.

Motion

Commissioner Oitzinger moved approval of the water bill insert request from Montana Shares. Commissioner Parriman seconded the motion. Motion carried 4-1 with Commissioner Netschert voting no.

Utilities Building

CONSIDER A CONTRACT FOR ARCHITECTURAL SERVICES - UTILITIES BUILDING

Staff Report

Community Facilities Director Gery Carpenter reported the cost of \$55,000.00 for architectural services, structural, electrical, and mechanical engineering services is the budget amount proposed for this project. Civil engineering services will be needed for the site access road, sewer lift station, and sewer service lines for the building. The additional \$5,000.00 for civil engineering has been included in the budget through savings from architectural services in FY2002 rolled over into FY2003. The civil engineering services will be compensated on an hourly basis with a budget not to exceed \$5,000.00 for a total of \$60,000.00.

Mr. Carpenter recommended approving the contract with Schlenker & McKittrick Architects, P.C. for the structural phase of the Utilities Division new office and storage building in the amount not to exceed \$60,000.00.

Motion

Commissioner Pouliot moved approval of a contract with Schlenker & McKittrick Architects, P.C. for the construction phase of the Utilities Division new office and storage buildings in the amount not to exceed \$60,000.00. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Public Hearing

PUBLIC HEARING

CONSIDER AMENDMENTS TO THE 2001 HELENA GROWTH POLICY [TABLED NOVEMBER 18, 2002]

Staff Report

Kathy Macefield reported this proposal had been discussed back in September and in August the Planning Board had recommended approval for amendments for two land use map designations: Low Density Residential and Medium Residential. Ms. Macefield gave an overview on what some of the issues have been with the land use map designations. The Low Density Residential designation currently includes the word "occasional" and also the word "supportive of the residential neighborhood" and those two items at different times have cause consideration when land use applications have come before the commission. The reason it becomes important is that the comprehension of the Growth Policy is a consideration when the commission is looking at conditional use permits.

The Medium Density Residential designation talks about the nonresidential uses should be supportive of the residential neighborhood, however, it does not have the word "occasional". Staff has tried to give the

commission some alternative language that would still give the broad overall framework for the Growth Policy.

The staff recommended approval of three amendments.

1. Amend the Growth Policy and the Low-Density Residential map designation as follows:

"Areas which are or may be used predominantly for low-density housing (less than six dwelling units per gross acre). ~~Non-residential uses are limited to occasional uses that are interspersed within and compatible with and supportive of the residential neighborhood.~~ Additional nonresidential uses may not be allowed when the cumulative effect of the nonresidential uses is measurably detrimental to the residential neighborhood. Residential zoning districts within this classification should reflect existing neighborhood densities, topographic and access constraints and the availability of essential community services (adequate potable water, fire protection services, etc.)."

2. Amend the Growth Policy and the Medium Density Residential map designation as follows:

" Areas which are or may be used predominantly for housing of a density that may exceed six dwellings per gross acre. In the same manner as stated in the preceding paragraph, zoning district density patterns should be reflective of existing neighborhoods and developmental constraints. ~~Non-residential uses should be compatible with and supportive of the residential neighborhood.~~ Non-residential uses are limited to uses that are interspersed within and compatible with the residential neighborhood. Additional nonresidential uses may not be allowed when the cumulative effect of the nonresidential uses is measurably detrimental to the residential neighborhood."

3. Amendment to delete the following Land Use and Infrastructure objective #6 in its entirety:

"Divide the cost of providing infrastructure and protecting the environment between the public and those developing land in proportion to the benefit received."

Public Testimony

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

With no persons wishing to address the commission, Mayor Smith closed the public hearing.

Discussion

Commissioner Pouliot asked Ms. Macefield regarding infrastructure objective #6, is that the statement of dividing the cost of providing infrastructure and protecting the environment between the public and those developing the land? Ms. Macefield concurred.

Motion

Commissioner Oitzinger moved approval for an amendment to page 3-4 of the 2001 Helena Growth Policy and the Low Density Residential map designation as follows (Note: New language is underlined; language to be deleted is shown with the strike-out): "Areas which are or may be used predominantly for low-density housing (less than six dwelling units per gross acre). Non-residential uses are limited to ~~occasional uses that are interspersed within and compatible with and supportive of the residential neighborhood.~~ Additional nonresidential uses may not be allowed when

the cumulative effect of the nonresidential uses is measurably detrimental to the residential neighborhood. Residential zoning districts within this classification should reflect existing neighborhood densities, topographic and access constraints and the availability of essential community services (adequate potable water, fire protection services, etc.). Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Motion

Commissioner Oitzinger moved approval for an amendment to page 3-4 for the Medium Density Residential map designation as follows: " Areas which are or may be used predominantly for housing of a density that may exceed six dwellings per gross acre. In the same manner as stated in the preceding paragraph, zoning district density patterns should be reflective of existing neighborhoods and developmental constraints. ~~Non-residential uses should be compatible with and supportive of the residential neighborhood.~~ Non-residential uses are limited to uses that are interspersed within and compatible with the residential neighborhood. Additional nonresidential uses may not be allowed when the cumulative effect of the nonresidential uses is measurably detrimental to the residential neighborhood." Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Motion

Commissioner Oitzinger moved approval for an amendment to page 2-24, deleting the following Land Use and Infrastructure objective #6 in its entirety: "Divide the cost of providing infrastructure and protecting the environment between the public and those developing land in proportion to the benefit received." Commissioner Parriman seconded the motion. All voted aye, motion carried.

**Public
Communications**

PUBLIC COMMUNICATIONS

Jerry Hutch 1111 E. State St., stated he is affiliated with the Preserve Memorial Park Coalition. Mr. Hutch stated he wanted to clarify the donation that was made to City Parks and Recreation. Preserve Memorial Park Coalition is a group of veterans and citizens of Helena and the surrounding area who raised money to preserve Memorial Park during the recent skateboard issue. The issue has been resolved, the skateboard park was built in another location and the City Park Department has placed a buffer zone around the memorial and Memorial Park. Mr. Hutch explained the Preserve Memorial Park Coalition donated the money to the local chapter of the Order of the Purple Heart, they in turn decided to donate the money to the City Park Department for the up keep of Memorial Park.

Mayor Smith stated the donation of \$800.00 will be set aside and will be used for nothing but the maintenance for the memorial as Memorial Park.

**Meetings of
Interest**

MEETINGS OF INTEREST

Commissioner Pouliot would like to invite the city commission and all of the public to the annual Festival of Trees. It provides a wonderful opportunity to mix and mingle with friends and family. Commissioner Pouliot wanted to identify and thank for his leadership and his work over all these years, Gery Carpenter, who has worked very at the Civic Center and has made the Civic Center a real jewel in the City of Helena.

Mayor Smith stated the whole commission echoes Commissioner Pouliot sentiments regarding Mr. Carpenters work effort and his work with the Civic

Center. Mayor Smith stated he will be out of town this Thursday and Friday for meetings in Billings and his wife and daughter will be choosing the "Mayor's Choice" tree.

Commissioner Oitzinger stated she will be attending the Legion and Cities and Towns Congress of Cities meeting in the Salt Lake City, Utah at the end of this week.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:05p.m.

Mayor Smith

ATTEST:

CLERK OF THE COMMISSION

