

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**July 11, 2005**  
**6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, July 11, 2005 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 Cartwright, Parriman, and Pouliot were present. Commissioner Oitzinger was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Wayne Lewis representing the Helena Citizens Council.
- Pledge of Allegiance*** Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes*** The minutes of the regular City Commission meeting of, June 27, 2005 were approved as submitted.
- Appointments*** APPOINTMENTS:  
A. Civic Center Board  
  
Mayor Smith asked for Commission concurrence on the following appointment:  
  
**Civic Center Board-** Appointment of Peggy Stebbins to the Civic Center Board.
- Motion*** **Commissioner Pouliot moved approval of the appointment of Peggy Stebbins to the Civic Center Board.** Commissioner Cartwright seconded the motion. All vote aye, motion carried.
- Consent Agenda*** CONSENT AGENDA:  
A. Claims  
  
City Manager Tim Burton recommended approval of the claims.
- Public Comment*** Mayor Smith asked for public comment, none was received.
- Motion*** **Commissioner Pouliot moved approval of item A on the consent agenda.** Commissioner Parriman seconded the motion. All voted aye, motion carried.
- Bid Award*** BID AWARD  
A. 2005 Chip and Seal Contract Bid Award
- Staff Report*** City Engineer Ryan Leland reported this project will add a new wear surface pavement sealer by applying a single application of asphalt material on a prepared asphalt surface, followed by spreading a 3/8 inch gravel chip. Two bids were received and opened on June 21, 2005. Big Sky Asphalt of Bozeman submitted the lowest bid in the amount of \$188,043.45 for all awarded schedules and alternates.  
The city's portion of this project includes base bid, additive

alternates one, and two. Additive alternate three provides chip and seal for private streets located within the trailer park owned by Andy Skinner. This additive alternate will be paid directly by Mr. Skinner.

Mr. Leland recommended awarding the work to Big Sky Asphalt for base bid, additive alternates one, two and three. The city's budget for this project is \$180,000.00, however the contract price for the city's portion is \$183,597.75. Savings from this years completed projects will be used to make up the difference through an administrative budget amendment. The city typically bid additive alternates to insure that the maximum amount of work can be accomplished within budget constraints.

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

**Motion** Commissioner Parriman moved to award the base bid and additive alternates one, two and three to the lowest responsible bidder, Big Sky Asphalt Inc., in an amount not to exceed \$188,043.45. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Pouliot spoke of the poor condition of some trees on the westside. Residents indicated they have been watering their trees and the cause of the condition is unknown. Commissioner Pouliot asked Parks Director Randy Lilje to investigate the problem.

City Manager Burton explained the condition might have been due to a light frost.

Mayor Smith spoke of the Lewis & Clark Corps II Traveling Display currently being held at the fairgrounds. He stated it is an impressive display and invited the public to attend.

He also commended the Business Improvement District on the hanging potted flowers located throughout downtown.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
No report was given.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
A. City Primary Election

City Manager Burton reported there are two candidates running for Mayor and three running for Commissioner. The number of candidates does not require a primary election, but, the Commission can require one be held. City Manager Burton asked for direction from the Commission on whether or not to hold a primary election.

**Motion** Commissioner Parriman moved to forgo a primary election. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

**Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL  
No report was given.

**Civic Center Fees**

CONSIDER A RESOLUTION OF INTENTION TO INCREASE THE FEES CHARGED BY THE HELENA CIVIC CENTER.

## Staff Report

Civic Center Manager Diane Stavnes reported the current fee schedule was adopted prior to the 2004-2005 season. This spring a survey of other state facilities was conducted showing some rental rates below other facilities in the surrounding area. The Civic Center Board's Fee Committee in conjunction with the Civic Center staff reviewed the policy and recommended changes. The Civic Center Board approved the proposed schedule at their May 4, 2005 meeting. The proposed rates are at or below the rates charged by similar facilities in the state.

An increase of \$50.00/day/room is proposed for set-up/load-out rates charged for weekdays (Monday-Thursday) from the current rate of \$200.00 to \$250.00 and weekend set-up rates (Friday-Sunday) from the current rate of \$250.00 to \$300.00. Rates for police services will increase as their charges for services have increased. Rental of the Yamaha grand piano owned by Live! At the Civic Center will increase, due to an increase in their rental fees for use of the piano. In addition, a new front projection screen has been purchased and is available for rental.

Ms. Stavnes recommended the fee increase and noted a yearly review of the schedule allows smaller, more regular changes to the fee schedule, while allowing us to keep at market value with other area facilities. Clients have indicated they prefer this to larger, less frequent changes.

## Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Pouliot moved approval for a resolution of intention to increase the fees charged by the Helena Civic Center and set a public hearing date of July 25, 2005.** Commissioner Parriman seconded the motion. All voted aye, motion carried.  
**Resolution #19254**

**Building Division Fees**

CONSIDER A RESOLUTION OF INTENTION TO INCREASE THE FEES CHARGED BY THE BUILDING AND SAFETY DIVISION FOR RESIDENTIAL AND COMMERCIAL BUILDING PERMITS, MECHANICAL AND PLUMBING PERMITS, AND ELECTRICAL PERMITS.

## Staff Report

Chief Building Official Brandt Salo reported the existing fee schedules were adopted in 1996 and reflects those that were published in the 1994 Uniform Building Code and companion codes. They were adjusted downward under a City Commission directive that the fees calculated from the new schedule were to remain revenue neutral with the prior fees in use by the division at that time. The net effect was and is that while the valuation of construction projects are determined on a 'per square foot' basis according to the most current Building Valuation Data Table as prescribed in city code, the fees being charged by the Building Division on those valuations are charged out at the same rate as under the 1985 code(s).

The adoption of the proposed fee schedules for the Building Division are intended to generally raise permit generated revenues across the board by 34% to more accurately reflect the division's cost of doing business. The increase recognizes the need for the Building

Division, as a public safety entity, to maintain its self-sufficiency and independence from the general fund; assuring that those parties making use of the various services the division offers are also paying for them and not placing an undo burden upon the general taxpayer, while continuing to provide quality services to clientele. Mr. Salo recommended approval of a resolution of intention to increase the fee schedules for Building Division permits.

Commission comment Mayor Smith asked what feedback has been received from the building community regarding the proposed fee increases? Mr. Salo replied they understand the reasons why, and that it has been ten years since the last increase and are prepared to pay the larger fees.

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

**Motion** **Commissioner Cartwright moved approval for a resolution of intention to increase the fees charged by the building division for residential and commercial building permits, mechanical and plumbing permits, and electrical permits, and set a public hearing date for July 25, 2005.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution #19255**

**General Fund Bonds** CONSIDER A RESOLUTION RELATING TO GENERAL FUND BONDS, SERIES 2005; AUTHORIZING THE ISSUANCE OF AND PROVIDING FOR THE PRIVATE NEGOTIATED SALE THEREOF.

Staff Report Administrative Services Director Tim Magee reported the City Commission authorized specific projects related to the downtown area that are to be funded by a combination of Tax Increment Financing and General Fund bonds. The amount of TIF funding can now be estimated closely and bonds need to be sold to pay for the remaining expenditures. The city can incur a maximum of \$76,766 of additional principal and interest in the current or any future fiscal year. The city needs to borrow the maximum amount possible to fund all the projects. Staff is requesting to borrow a maximum amount of \$1,140,000 depending on the interest rates in effect at the date of the bond sale.

Staff is requesting to enter into a negotiated sale with Piper Jaffray, Inc. to sell the bonds. A negotiated sale is the best method of structuring the issue since the amount we can borrow will vary depending on the interest rates at the time of the sale. This resolution authorizes the City Manager to conduct the negotiations. The Commission will approve the sale at the July 25, 2005 Commission meeting.

Mr. Magee recommended approval for a resolution relating to General Fund Bonds, Series 2005; authorizing the issuance of and providing for the private negotiated sale thereof.

Commission comment Commissioner Cartwright stated the bonds are packaged to include all of the TIF projects but asked if the \$1,100,000 is essentially the amount needed to cover the agreement with the Parking Commission for completion of the parking garage? Mr. Magee concurred. Commissioner Cartwright commented though the bond sale is structured to make the most financial sense, the ultimate cause of taking this money is to complete the garage.

- Public comment Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Pouliot moved approval for a resolution relating to General Fund Bonds, Series 2005; authorizing the issuance of and providing for the private negotiated sale thereof.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution #19256**
- Stop Sign Installations** CONSIDER AUTHORIZATION FOR THE INSTALLATION OF STOP SIGNS ON GEM STREET AND K STREET AS THEY INTERSECT WITH 5TH AVENUE BETWEEN RODNEY STREET AND MONTANA AVENUE.
- Staff Report Streets, Traffic and Solid Waste Superintendent Bill Michalson reported K Street and Gem Street are the only uncontrolled intersections on 5<sup>th</sup> Avenue between Rodney Street and Montana Avenue, over the course of seven city blocks.  
Staff is proposing to eliminate two, three-way intersections in this area that are currently uncontrolled by installing stop signs. This would provide mitigation of accidents at these intersections as a result of traffic not yielding to vehicles approaching to the right.
- Commission comment Commissioner Cartwright asked for information on what warranted the installation of the stop sign. Public Works Director John Rundquist stated per the Uniform Traffic and Safety manual, the intersection met criteria to install a sign. Commissioner Cartwright stated he's not comfortable installing the stop signs without seeing more information on the area such as the warrants and the amount of accidents at the intersection. He believes by installing stop signs it will increase speed on 5<sup>th</sup> Avenue.
- Public comment Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Pouliot moved to table the installation of stop signs on Gem Street and K Street as they intersect with 5<sup>th</sup> Avenue to the call of the City Manager.** Commissioner Cartwright seconded the motion.
- Discussion Commissioner Parriman stated he would not support the tabling motion; he trusts staff's recommendation.  
City Manager Burton stated the requested data would not be much more informative than what was included in the Commission packet.
- Vote** Motion failed 2-2 with Mayor Smith and Commissioner Parriman voting no.
- Motion** **Commissioner Parriman moved to approve the installation of stop signs on Gem Street and K Street as they intersect with 5<sup>th</sup> Avenue.** Commissioner Pouliot seconded the motion. Motion carried 3-1 with Commissioner Cartwright voting no.

CONSIDER AUTHORIZATION FOR THE INSTALLATION OF STOP SIGNS AT THE INTERSECTION OF IDLEWILDE COURT, CAMELOT COURT AND HIALEAH COURT AND NATIONAL AVENUE.

Staff Report

Streets, Traffic and Solid Waste Superintendent Bill Michalson reported the subject three streets, Idlewilde, Camelot and Hialeah, are located between Villard Avenue and National Avenue south of Custer Avenue. These streets are two blocks long and serve single and multi-family development and some commercial along Custer Avenue. The streets are controlled by stop signs on the Villard Avenue intersections to the west. On National Avenue these three streets are uncontrolled intersections, which means traffic must yield to the right.

Staff is proposing to install stop signs on Idlewilde Court, Camelot Court and Hialeah Court. This would be consistent with intersections at Tara Court and Enterprise Drive located in the same area. The installation of stop signs at these intersections would eliminate the confusion of yielding o the right, reduce accidents, and be consistent with two controlled intersections already in existence in the same area.

Commission comment

Commissioner Cartwright noted the City of Missoula has traffic circles to calm speeding in residential areas. Mr. Michalson explained those traffic circles are requested and paid for by the residents.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

**Commissioner Parriman moved to approve the installation of stop signs at the intersections of Idlewilde Court, Camelot Court and Hialeah Court and National Avenue.** Commissioner Pouliot seconded the motion.

Commission comment

City Manager Burton noted the transportation plan would include discussion of how to alleviate increased traffic in residential areas.

Mayor Smith and Commissioners Cartwright and Pouliot requested discussion of traffic calming circles in the future.

Vote

Motion carried 3-1 with Commissioner Cartwright voting no.

**Public Hearings**

PUBLIC HEARINGS:

A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP THEREOF FOR LOT 27 AND LOTS 16-20 OF BLOCK 541, HELENA TOWNSITE, LOCATED NORTH OF BROADWAY BETWEEN GEM AND DAVIS STREETS, FROM R-2 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

Staff Report

City Planner Kathy Macefield reported on June 14, 2005 the Helena Zoning Commission recommended denial (4:0 vote plus one abstention) for the adoption of an ordinance amending City of Helena Ordinance No. 2359, and amending the Official Zoning Map thereof in reference to those multiple properties, for a zone change form R-2 (Single Family Residential) to R-3 (Medium Density Residential) District. Legally described as lots 27, 16, 17, 18, 19, 20 of Block 541, Helena Townsite, Helena Montana; generally located north of Broadway between Gem and Davis Streets.

The applicant has requested adoption of an ordinance for a zone change from R-2 to R-3 District to allow multi-family residential development of vacant property.

Staff identified this proposal promoted infill development; efficient use of energy, infrastructure and resources; was consistent with the 2001 Helena Growth Policy and Zoning Ordinance; and was compatible with the surrounding land uses. The Zoning Commission identified concerns related to safety, stormwater drainage, traffic, vehicular access to the property and believed that the current R-2 zoning encouraged the appropriate use of the land.

Public Testimony

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

Chris Herford, Backwood Development, spoke in support of the ordinance and stated he believes stormwater can be diverted from the area by utilizing the storm drain located on Davis Street.

Wayne Lewis, 100 S. Warren, spoke in support of the ordinance.

Rita Roberts, Broadway, stated she supports development of the area but does not support the building of a condominium.

Sharon Hubbell, stated she supports development of the lots but would like to see it done responsibly in order to not affect any of the adjacent property owners.

Tom Woodgerd, spoke of concern with stormwater drainage in the area.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Commission comment

Commissioner Parriman referred to off-street parking requirements and asked if this development would be required to comply? Ms. Macefield agreed.

Commissioner Parriman asked what mechanism could be used to ensure the stormwater drainage problem is solved? Ms. Macefield stated per city code, Public Works Director Rundquist would require a stormwater drainage plan be submitted.

Commissioner Cartwright asked what the difference in cost would be between paving the alley or installing a trap? Mr. Leland explained those options would be weighed by the applicant's engineer and brought forward to Public Works for approval.

Commissioner Cartwright asked Ms. Hubble how the condition of the alley is in the winter? Ms. Hubble stated she does not see it as much of a problem.

Mayor Smith asked Mr. Leland if a stormwater plan has been requested? Mr. Leland replied the developer is waiting to submit the plan contingent on the Commission's decision. Mayor Smith asked if the plan is submitted and not acceptable, then what leverage would the city have to require acceptable plan? Mr. Leland replied the applicant would not be able to obtain a building permit until the plan is submitted and approved.

Commissioner Cartwright stated he favors infill development and doesn't believe the density will be larger than other lots in the area. However, he is concerned with access to the alley.

Commissioner Parriman stated he is generally in favor of the development but does not like the hodgepodge of zoning around Helena, he would prefer more uniform zoning. He also stated he does not like to

go against the Zoning Commissions' recommendation, but believes the pros of the development outweigh the cons.

**Motion**

**Commissioner Parriman moved approval for first passage of an ordinance amending City of Helena Ordinance No. 2359, and amending the Official Zoning Map thereof in reference to those multiple properties, for a zone change from R-2 (Single Family Residential) to R-3 (Medium Density Residential) District. Legally described as lots 27, 16, 17, 18, 19, 20 of Block 541, Helena Townsite, Helena Montana; generally located north of Broadway between Gem and Davis Streets.** Commissioner Cartwright seconded the motion. **Ordinance #3034**

**Commission comment**

Commissioner Cartwright encouraged the developer to look at paving the alley to provide more accessible parking.

Commissioner Pouliot stated he believes parking would become a problem for the neighborhood and would not support the motion.

Mayor Smith noted he believes the concerns of the neighborhood can be alleviated and he would support the zone change.

**Vote**

Motion carried 3-1 with Commissioner Pouliot voting no.

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTIONS 11-20-4 AND 11-20-10 OF THE HELENA ZONING ORDINANCE THAT REGULATES STANDARDS FOR TOWNHOUSE DEVELOPMENT.

**Staff Report**

City Planner Belinda Waters reported the current provision of Section 11-20-4 of the Helena Zoning Ordinance requires all amendments of plats for creation of townhouse lots to first go before the Planning Board. This requirement applies even when five or fewer lots are created and must be reviewed within 35 days of application. According to the city's subdivision regulations, Title 12, when five or fewer lots are created, the amended plat is reviewed as a minor subdivision and is not required to go before the Planning Board.

Section 11-20-4 also includes a subdivision standard that was adopted in the 1985 revision of the Helena Zoning Ordinance. This section is misplaced, as it requires Planning Board review in all amended plats. The requirement for the Planning Board to review all plat amendments, in addition to plats for townhouse lots, is inconsistent with Title 12's subdivision requirements for minor subdivisions.

The current provisions of Section 11-20-10, Roadway Design, refers to design criteria contained in the subdivision regulations and includes specific wording on substandard sections of roadways not exceeding 150 feet. This section states the Planning Board and City Commission need to approve the site plan. Once again, Title 11 of the Zoning Ordinance is not consistent with the subdivision regulations in Title 12.

Ms. Waters stated on Tuesday, June 14, 2005, the Helena Zoning Commission unanimously recommended approval for adoption of an ordinance amending Sections 11-20-4 and 11-20-10 of the Helena Zoning Ordinance that regulate standards for townhouse development. The proposed amendment removes subdivision regulations located in the City of Helena Zoning Ordinance.

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, Mayor Smith closed the public hearing.

Motion

**Commissioner Pouliot moved approval for first passage of an ordinance amending Sections 11-20-4 and 11-20-10 in Title 11 of the Helena Zoning Ordinance that regulate standards for townhouse development as stated in the attached ordinance.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3035**

C. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A DUPLEX-STYLE TOWNHOUSE IN A R-2 (SINGLE-FAMILY RESIDENTIAL) DISTRICT WITH A PROPERTY ADDRESS OF 1717 LESLIE AVENUE.

Staff Report

City Planner Belinda Waters reported the subject property currently houses an existing residential structure. The total property area is 12,500 square feet and the existing home is 800 square feet in size.

On Tuesday, June 14, 2005, the Helena Zoning Commission unanimously recommended approval (5:0) for the adoption of a resolution granting a Conditional Use Permit (CUP) to allow duplex-style townhouses in an R-2 District for property legally described as Lots 3 and 4, Block 6, Broadwater Second Addition, Helena, Montana, with a property address of 1717 Leslie Avenue. Said approval is subject to the following conditions:

1. A curb cut permit must be obtained before removing or altering the existing curb cut or installing the new one.
2. Separate water and sanitary sewer services must be installed for the proposed townhouse to be located on Lot 4.
3. A building permit must be obtained within one year of approval of the conditional use permit.

The proposal is to allow a duplex-style townhouse on two lots with a zero lot line in a R-2 District. A portion of the existing 800-square foot house will be utilized for the two parking garages. The total property area is 12,500 square feet in size; each townhouse will consist of 1,459 square feet of living area with a 288-square foot garage.

Ms. Waters stated the proposed residential use would be located in an existing residential neighborhood. Infrastructure to serve the proposed use is already in place, which represents an efficient use of land, infrastructure, energy and other resources; therefore, this project is consistent with the various goals, objectives and policies of the 2001 Growth Policy. Ms. Waters recommended approval of the CUP.

Commission comment

Commissioner Parriman asked if new development is required to install sidewalks, even if there are not currently sidewalks at all of the houses in the neighborhood? Mr. Leland explained per the sidewalk ordinance, the developers are required to install sidewalks.

**Public Testimony**

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

Jeff Diehl, applicant, spoke in support of the CUP.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

**Motion**

**Commissioner Pouliot moved approval for a resolution granting a CUP to allow a duplex-style townhouse in a R-2 (Single Family Residential) District for property legally described in the staff report and subject to the conditions listed in the staff report.**

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

**Resolution #19257**

***Public Communications***

PUBLIC COMMUNICATIONS

***Meetings of Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, July 20, 2005 and the next Commission Meeting is July 25, 2005.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 7:53p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission