

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
December 19, 2005
6:00 P.M.**

Time & Place

A regular City Commission meeting was held on Monday, December 19, 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, Oitzinger, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Bill Roberts 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 December 5, 2005 were approved as submitted.

Appointments

APPOINTMENTS:

A. Library Board

Mayor Smith asked for Commission concurrence for the following appointment:

Lewis & Clark Library Board- Reappointment of Michael Pichette.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Pouliot moved approval of the appointment to the Lewis & Clark Library Board. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

A. Claims

B. Contract award for the Wastewater Collection System Master Plan

C. Acceptance of the 2005 Comprehensive Annual Financial Report

City Manager Tim Burton recommended approval of the claims and the consent agenda.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Parriman moved approval of item A through C on the consent agenda. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Oitzinger noted it was Commissioner Parriman's last meeting and thanked him for his service.

Commissioner Pouliot stated it has been a pleasure to serve with Commissioner Parriman and expressed his appreciation for his service to the community.

Mayor Smith expressed his gratitude to Commissioner Parriman for his work on the Commission and stated he will be missed.

Commissioner Cartwright thanked Commissioner Parriman and stated it has been a pleasure working together.

Commissioner Parriman thanked the Commission and city staff. He stated he has learned a lot and enjoyed his time on the Commission. He referred to the Jackson Street Parking Garage and stated at the last BID Meeting it was noted that all of the spots available to lease are taken. He spoke of criticism of the project and stated he is glad the project has been so successful.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Nielsen introduced Mr. Eric Woodahl, who was recently hired as Deputy City Attorney. Mr. Woodahl stated he is excited to start working for the City of Helena and the community.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Burton thanked Commissioner Parriman for his service and wished him well.

He also announced Helena Fire Department Battalion Chief Josh Skinner is retiring and invited Fire Chief Larson to speak about Battalion Chief Skinner. Chief Larson expressed the Fire Department's gratitude to Chief Skinner. Fire Department Lieutenant Shawn Logan gave the history of Battalion Chief Skinner's employment and spoke of his public service to the community. Chief Skinner thanked his fellow firefighters and expressed his love of working for the Helena Fire Department.

Mayor Smith thanked Chief Skinner and presented him with gold plated, commemorative axe celebrating his service.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Bill Roberts gave an overview of the recent HCC meeting held on December 14, 2005 and introduced newly elected HCC member Jim Tucker in attendance. He stated the HCC is recommending the Commission approve the proposed communications tower on Nob Hill.

Budget Request-Gateway Economic

CONSIDER APPROVAL OF CALENDAR YEAR 2006 BUDGET REQUEST FROM GATEWAY ECONOMIC DEVELOPMENT CORPORATION.

Staff Report

City Planner Belinda Waters reported in September 1999, the City of Helena entered into a Sub-Recipient Agreement with Gateway Economic Development Corporation for administering the city's revolving loan fund and conducting economic development activities. Gateway is requesting approval of \$52,012 for their 2006 budget, for costs associated with administrative/management fees to manage the fund. These funds come from the city's revolving loan fund interest income from loans.

Ms. Waters recommended approval of the budget request and stated Gateway not only manages the city's revolving loan fund, it also works on business retention and expansion, job creation, and public-

private partnering in economic development; support of Gateway benefits the entire community.

Sheldon Bartel, Executive Director of Gateway Economic Development Corporation, gave an update of Gateway's proceedings over 2005 and goals for 2006.

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

Motion Commissioner Parriman moved approval of Gateway's budget request in the amount of \$52,012 for administrative/management expenses to manage the City of Helena's revolving loan fund for calendar year 2006. Commissioner Pouliot seconded the motion.

Comment Commissioner Parriman commended Gateway staff on their efficiency and thanked Mr. Bartel for his work.
Commissioner Pouliot asked what fund the budget request would come from? Mr. Bartel explained the funding is from the interest income generated on the loan portfolio, it does not contain any general fund money.
Mayor Smith thanked Mr. Bartel for his work and congratulated him on the birth of his two sons.

Vote All voted aye, motion carried.

Tax Abatement CONSIDER A RESOLUTION FOR A TAX ABATEMENT REQUEST FOR PROPERTY LEGALLY DESCRIBED AS HELENA TOWN SITE BLOCK 30, PARCEL 90, POWER BLOCK CONDOS, UNIT A WITH A PROPERTY ADDRESS OF 15 W. 6TH AVENUE.

Staff Report Community Development Project Manager Debra LaFontaine reported Eric Dittenbrenner, owner of Riley's Pub and Jim Wolf of Doral Management, owners of the building housing Riley's Pub, submitted an application for tax abatement this summer when the establishment was under construction. The pub has since been completed and is currently open for business.

Mr. Wolf is applying for tax abatement under provisions of state law for remodeling, reconstruction, or expansion of existing buildings or structures (MCA 15-24-1501 et seq.). The site is the former location of Jenny's; legally described as Helena Town Site Block 30, Parcel 90, Power Block Condos, Unit A (COS #514180/E).

Under the provisions of state law, the applicants must add to an existing building or structure so as to increase its taxable value by at least 2.5% to qualify for the abatement. If approved, the property taxes abated are phased in over five years at 20% each year. Upon local approval of tax abatements, the Department of Revenue determines eligible improvements and applies the abatement to the property. The total of the tax abatement for five years equals \$1854. 00.

This property existed as a retail store and has been vacant for the last two years. The interior of the space was demolished and the interior remodel was completed in August of 2005.

A public hearing was held on December 1, 2005, before the City and County Commissions; no persons came forward to comment on the abatement. On December 7, 2005, the Lewis and Clark County Board of Commissioners voted unanimously to grant abatement of the county

taxes. Ms. LaFontaine stated staff has determined criteria for the abatement has been met and recommended approval of the tax abatement.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Pouliot moved approval for a resolution granting the tax benefits application of Doral Management, Ltd for property located at 15 West 6th Avenue in Helena, MT, for the increase in taxable value to be assessed for tax years 2005-2010 pursuant to the taxable value schedule outlined in §15-24-1501 (1), MCA. Commissioner Cartwright seconded the motion.

Comment

Commissioner Cartwright stated he supports the abatement but feels there should be an official city tax abatement policy and asked that the subject be discussed at a future Administrative Meeting.

Vote

All voted aye, motion carried. **Resolution #19307**

Annexation

CONSIDER A RESOLUTION ANNEXING A 19.84-ACRE PARCEL OF LAND, BEING A PORTION OF TRACT B-1 AS SHOWN ON COS #535417/B; GENERALLY LOCATED NORTH OF SADDLE DRIVE.

Staff Report

City Planner Belinda Waters reported Touchmark Living Centers, Inc. is proposing to complete the annexation for a portion of Tract B-1 of COS #535417/B. On September 12, 2005, the City Commission established conditions for annexation of the property and established a pre-zoning designation for the property. The conditions were as follows:

1. **Review of new construction:** For all construction commenced prior to annexation, the property owners shall submit plans for review by the City of Helena to ensure compliance with infrastructure, zoning, currently adopted edition of the building code and fire code requirements of the City, and shall agree to pay all fees for such reviews in the same manner and basis as do owners of properties already in the City.
2. **Taxes and Assessments:** Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
3. **Final Plat:** The conditions of the preliminary plat approval must be met prior to annexation. Annexation of the subject property is not effective until the filing the final plat for the proposed subdivision with the Clerk and Recorder.
4. **Completion of Conditions:** The applicant must notify City Planning in writing upon completion of the conditions for approval of annexation, which must be on or before the date of completion of conditions for subdivision of this property and is subject to the same time limitations. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services, including water and sewer.

Ms. Waters stated the conditions have been fulfilled and all procedural and due process requirements have been completed.

Annexation has been requested by the applicant and is recommended by staff.

Parks and Recreation Director Randy Lilje gave an overview of the proposed trail network for the Waterford Cottages. He referred the Commission to a letter from Stahly Engineering, listing conditions for the trail system.

Commission comment

Commissioner Parriman asked if the easement for the property would be permanent, or if the Waterford could close the trail if their conditions were not followed. Mr. Lilje stated the Parks and Recreation Department would post signs on the property listing the conditions for use, but noted citations for citizens who break park rules are complaint driven. He indicated there would be language in the easement agreement that would address violations to the conditions. City Attorney Nielsen concurred with Director Lilje.

Commissioner Cartwright thanked staff for their work on the connectivity of the trail system.

Public comment

Mayor Smith called for public comment.

Jeff Larson, Stahly Engineering, representing The Waterford; spoke in support of the annexation and trail system agreement. He also noted that the previously discussed CUP for the property is no longer necessary and will not be coming before the Commission for consideration.

Motion

Commissioner Pouliot moved approval for a resolution annexing 19.84 acres of land into the City of Helena for property legally described in the resolution of annexation. Commissioner Parriman seconded the motion. All voted aye, motion carried.
Resolution #19308

Intention to Annex-City Park Addition

CONSIDER A RESOLUTION OF INTENTION TO ANNEX LOTS 1-8 IN BLOCK 38 OF THE CITY PARK ADDITION AND ½ OF VACATED ALLEY ADJOINING SAID LOTS, AND THE SOUTH ½ OF VACATED CANNON STREET ADJACENT TO LOTS 1-8 AND TO ESTABLISH CONDITIONS FOR ANNEXATION; GENERALLY LOCATED EAST OF DOUGLAS STREET AND NORTH OF 10TH STREET.

Staff Report

Community Development Project Manager Debra LaFountiane reported this property is currently undeveloped and is contiguous to the City limits. The applicant, Gerald Gilbert, seeks annexation with the intention of developing the property.

Annexation by petition is proposed (§ 7-2-4601 MCA). Whenever more than 50 percent of property owners petition for annexation, the City Commission may approve or disapprove the petition upon its merits.

§ 7-2-4610 MCA specifies that City Services must be provided either: (a) according to a plan for extension of services, or (b) when otherwise mutually agreed upon by the municipality and the real property owners of the area to be annexed. Any plan for extension of services must also comply with § 7-2-4736 MCA, which concerns the extension of City garbage services to newly annexed areas.

Water service is available in adjacent Douglas Street. Sanitary sewer does not exist to serve this property. The applicant would be required to extend the sewer main across the frontage of the property.

The streets adjacent to the property do not meet city standards. The applicant will be required to install paving, curb and gutter on Douglas Street (both sides of street) across the full frontage of his property. The Wilkinson Street improvements would be deferred until such time as a project is commenced for the design, installation and construction of paved streets up to the Owner's property. The applicant would be required to waive the right to protest the creation of a special improvements district.

In compliance with § 7-2-11 MCA, the full width of the adjacent rights of way of the property being annexed shall also be included in the annexation. Annexation of this property will require taking in a portion of Wilkinson Street on the east side of the property. Douglas Street on the West property boundary is already inside the city limits.

On Tuesday November 22, 2005, the Helena Zoning Commission unanimously recommended approval of the adoption of an Ordinance for a pre-zoning designation prior to annexation to CLM (Commercial Light Manufacturing) District for this property.

Ms. LaFontaine noted the following conditions for annexation are proposed:

Infrastructure: The applicant must install infrastructure improvements as required by the City and to City standards, including paved streets, curb, gutter, and sidewalks, or enter into a development agreement acceptable to the City of Helena that defines responsibility for installation or deferment of the improvements.

Review of New Construction: The property owner must submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

Taxes and Assessments: Taxes and assessments shall be paid and current at the time of filing the Resolution of Annexation.

Completion of Conditions: The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation, which must occur on or before the date of completion of conditions for subdivision of the property and subject to the same time limitations. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services, including water and sewer service to the property.

Ms. LaFontaine recommended approval of the resolution of intention to annex and stated annexation of this private property is consistent with the policy of annexing properties contiguous with city boundaries.

Commission comment

Commissioner Cartwright stated there has been discussion of providing improvements to the intersection of 18th and the Frontage Road and asked if this annexation would preclude any of those plans? City Engineer Leland stated no.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Pouliot moved approval for a resolution of intention to annex Lots 1- 8 in Block 38 of the City Park Addition and ½ of vacated alley adjoining said lots, as shown on Resolution 1983-35 recorded July 15, 1983, records of Lewis & Clark County, Montana and the South ½ of vacated Cannon Street adjacent to Lots 1 through 8. Ref: Commissioners Journal No.30; and establish conditions for annexation including annexing a portion of the adjacent Douglas and Wilkinson Streets, as per the resolution.
Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution #19309**

Final Plat- Helena Mall Subdivision

CONSIDER FINAL PLAT APPROVAL FOR THE AMENDED PLAT OF LOT 3D OF THE HELENA MALL SUBDIVISION, CREATING TWO COMMERCIAL LOTS FROM ONE LOT; GENERALLY LOCATED ON THE EAST SIDE OF WINNE AVENUE BETWEEN COLONIAL DRIVE AND SADDLE DRIVE.

Staff Report

City Planner Lucy Morell-Gengler reported on November 21, 2005 the City Commission gave conditional approval for the amendment of Lot 3D of the Helena Mall Subdivision, a subsequent minor subdivision creating two lots, Lot 3D-2 containing 1.01 acres and Lot 3D-1 containing 27.01 acres, from one 28-acre (approximate size) lot in the B-2 (General Commercial) District.

The preliminary plat approval was subject to one condition: "The final plat for this subdivision must be ties to the city coordinate system and provided to the city on acceptable digital formats for archival and mapping purposes." This condition will be met when the Commission approves the plat and an official plat is available for archiving.

The applicant has requested approval of the subsequent minor subdivision final plat. Approval of the final plat would allow the sale of the lot; would encourage development of property in the area; and would facilitate in-fill development and compliance with city regulations. Ms. Morell-Gengler recommended approval of the final plat.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval of the final plat for the Amended Plat of Lot 3D of the Helena Mall Subdivision, creating two lots from one lot. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Right-of-Way Use Agreement

CONSIDER A RIGHT-OF-WAY USE AGREEMENT FOR A PORTION OF 13TH STREET AT 701 NORTH LAST CHANCE GULCH.

Staff Report

City Engineer Ryan Leland reported the subject property is located at the corner of 13th Street and Last Chance Gulch. There is an existing building on the site and existing curbside sidewalks along Last Chance Gulch and 13th Street. The Right-of-Way (ROW) Use Agreement would be for 9 feet, 6 inches of 13th Street ROW. The applicants, Mr. and Mrs. Walstad, are proposing to remodel the existing building. With the remodel the applicant is planning to install an ADA ramp to the building and a cover entry that would be located on the City of Helena's ROW.

Mr. Leland recommended approval of the agreement and noted it would not impact the existing sidewalk and would also allow ADA access to the building.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Parriman moved approval of a Right-of-Way Use Agreement with Mr. and Mrs. Walstad for a portion of 13th Street. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

***Annexation-
Bradford Addition***

CONSIDER A RESOLUTION ANNEXING LOTS 1, 2, AND 3 IN BLOCK 186 OF THE BRADFORD ADDITION, AND A PORTION OF LAUREL STREET AND THE ALLEY, ADJACENT THERETO; GENERALLY LOCATED NORTH OF UNIVERSITY STREET AND EAST OF LAUREL STREET.

Staff Report

Community Development Project Manager Debra LaFontaine reported Ms. Sue Hanson is proposing to complete the annexation of Lots 1, 2 and 3, in Block 186 of the Bradford Addition in Lewis and Clark County. On September 12, 2005, the City Commission adopted a Resolution of Intention to Annex Lots 1, 2 and 3, in Block 186 of the Bradford Addition, and a portion of Laurel Street and the adjacent alley.

Conditions for Annexation included the following:

1. Infrastructure: The property owner must install necessary infrastructure improvements to City Standards, as required by the City, including paved street, curb, gutter and sidewalks, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements.
2. Review of New Construction: The property owner must submit plans for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning, and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.
3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
4. Completion of Conditions: The Property Owner must notify City Planning in writing upon completion of the conditions for approval of annexation, which must be on or before the date of completion of conditions for subdivision of this property and is subject to the same time limitations. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services, including water and sewer.

The conditions of annexation have been met and all procedural and due process requirements have been completed. Annexation has been requested by the applicant and is recommended by staff.

For annexation, 7-2-4211, MCA, requires that the municipality must include the full width of any public streets or roads, including the rights-of-way that are adjacent to the property being annexed. Therefore, this annexation includes a portion of Laurel Street and the adjacent alley as shown on Exhibit "A".

Ms. LaFontaine noted annexation of the property is consistent with city policy, and consistent with the policy of annexing properties served by city infrastructure.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval for a resolution annexing Lots 1, 2, and 3 in Block 186 of the Bradford Addition and portions of Laurel Street and the alley adjacent thereto as shown on Exhibit "A" attached to the resolution. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution #19310**

***Zone Change-
Lampighter Motel***

CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359, AND AMENDING THE OFFICIAL ZONING MAP THEREOF, FOR A ZONE CHANGE FROM R-2 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO B-2 (GENERAL COMMERCIAL) DISTRICT FOR APPROXIMATELY 23,796 SQUARE FEET FOR PROPERTY GENERALLY LOCATED WEST OF MADISON AVENUE BETWEEN KNIGHT STREET AND CANNON STREET. (TABLED FROM NOVEMBER 7 TO DECEMBER 19).

City Planner Belinda Waters stated the applicant has requested this item be tabled to January 30, 2006.

Motion

Commissioner Parriman moved to table the proposed ordinance amending City of Helena Ordinance No. 2359, and amending the official zoning map thereof, from the City Commission meeting of December 19, 2005 to the City Commission meeting of January 30, 2006 for a zone change from R-2 (Single Family Residential) District to B-2 (General Commercial) District for approximately 23,796 square feet for property generally located west of Madison Avenue between Knight Street and Cannon Street. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

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 A ZONE CHANGE FROM AIRPORT DISTRICT TO B-2 (GENERAL COMMERCIAL) DISTRICT FOR 43.57-ACRES; GENERALLY LOCATED SOUTH OF CANYON FERRY ROAD AND EAST OF KELLEHER DRIVE.

Staff Report

City Planner Belinda Waters reported on November 22, 2005, the Helena Zoning Commission unanimously recommended approval (4:0 vote) for the adoption of an ordinance for a zone change, from Airport to B-2 (General Commercial) District, for approximately 43.57 acres for property legally described as Tract A, HRA Minor Subdivision.

The site is currently vacant and undeveloped. In November of 2002, the City Commission approved the HRA Minor Subdivision on behalf of the Helena Regional Airport. The applicants are now owners of the property and Airport zoning is not appropriate for land in private ownership. At this time, the applicants have no plan to develop the property.

Ms. Waters recommended approval of the ordinance and stated the proposal represents infill development and efficient use of energy, infrastructure and resources.

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 Parriman moved approval for first passage of an ordinance amending City of Helena Ordinance No. 2359, and amending the official zoning map thereof, for a zone change from Airport District to B-2 (General Commercial) District for 43.57-acres; generally located south of Canyon Ferry Road and east of Kelleher Drive; and as legally described in the ordinance. Commissioner Cartwright seconded the motion. All voted aye, motion carried.
Ordinance #3049

B. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE EXPANSION OF SHODAIR CHILDREN'S HOSPITAL WITH A 20-ACUTE BED ADDITION AND RELATED SERVICES FOR PROPERTY GENERALLY LOCATED SOUTH OF COLONIAL DRIVE AND EAST OF WINNE AVENUE WITH A PROPERTY ADDRESS OF 2755 COLONIAL DRIVE; AND TO CONSIDER A REQUEST FOR A PARKING VARIANCE.

Staff Report

City Planner Kathy Macefield reported On November 22, 2005 the Helena Zoning Commission unanimously (4:0 vote) recommended approval for granting a Resolution for a Conditional Use Permit (CUP) to allow the expansion of Shodair Childrens Hospital with a 20-acute bed addition, and related services (including a possible future expansion with a "family teaching center" or therapeutic homes). Said property is legally described as Lot 3D, Helena Mall Subdivision, Helena, Montana; generally located south of Colonial Drive and east of Winne Avenue with a property address of 2755 Colonial Drive. Approval is subject to the following conditions:

1. Site Plan Revisions

The site plan shall be revised to show an adequate number of parking spaces as required by the Zoning Ordinance if a variance is not granted from Section 11-22-11 (A).

2. Building Permit

A building permit must be obtained within one year.

The Zoning Commission also unanimously recommended approval for a variance from Section 11-22-11 (A) of the Zoning Ordinance to allow 20 of the required onsite parking spaces to be located on the east side of Shodair Drive.

Ms. Macefield recommended approval of the CUP and stated the proposed hospital expansion conforms generally to the objectives of the 2001 Helena Growth Policy. The proposal represents infill development with existing water, sewer and paved access and is an efficient use of land, infrastructure, energy and other resources. The proposed use will not adversely affect nearby properties or their occupants. The proposed use meets the overall density, coverage, yard, and/or other applicable Zoning Regulations for the B2 District and is compatible with the surrounding land uses.

- Commission comment Commissioner Cartwright noted he believes some parking requirements are excessive.
- 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 Parriman moved approval for a resolution granting a Conditional Use Permit (CUP) to allow the expansion of Shodair Childrens Hospital with a 20-acute bed addition, and related services (including a possible future expansion with a “family teaching center” or therapeutic homes). Said property is legally described as Lot 3D, Helena Mall Subdivision, Helena, Montana; generally located south of Colonial Drive and east of Winne Avenue with a property address of 2755 Colonial Drive. This approval is subject to the following conditions:**

1. Building Permit
A building permit must be obtained within one year.

Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19311**

C. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP THEREOF, AND PRE-ZONING TO CLM (COMMERCIAL-LIGHT MANUFACTURING) DISTRICT FOR PROPERTY GENERALLY LOCATED EAST OF DOUGLAS STREET, WEST OF WILKINSON STREET AND NORTH OF CENTER AVENUE.

- Staff Report Community Development Project Manager Debra LaFountaine reported the applicant is requesting pre-zoning prior to annexation. The property is currently undeveloped and is generally located north of 10th Street and east of Douglas Street. The property has access from Wilkinson Street on the east and Douglas Street on the west. On Tuesday, November 22, 2005, the Helena Zoning Commission unanimously recommended approval (4:0 vote) for adoption of an Ordinance for pre-zoning the subject property to CLM (Commercial Light Manufacturing).

Ms. LaFountaine recommended approval of the ordinance and stated the proposed pre-zoning is consistent with the adjacent uses and zoning in the area.

Public Testimony

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

Ed Casne, 733 3rd Street, representing the applicant, spoke in support of the pre-zoning and stated the applicant would need to defer some of the infrastructure improvements.

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

Discussion

Ms. LaFontaine stated the applicant is aware that he will have to install infrastructure to city standards on Douglas Street and discussion has also been held regarding deferment of improvements to Wilkinson Street. Mayor Smith asked when the developer would need to install the improvements to Wilkinson Street? City Manager Burton stated normally the development agreement coincides with the building permit. He explained that at an applicant's request, city staff will discuss different arrangements, but recommended the Commission stick with city standards. If there is flexibility between the ordinance and the applicant's plan, it will come back before the Commission for consideration.

Commissioner Parriman referred to annexation of property near Washington Street and asked if this is a similar situation? Ms. LaFontaine explained the applicant must sign a waiver of right to protest; once the surrounding property is developed, the property owner will participate in installing curb, gutters and sidewalks.

City Manager Burton clarified there are never any exceptions made for annexation unless the initial, primary access is developed to city standards.

Motion

Commissioner Parriman moved approval for first passage of an ordinance pre-zoning to CLM (Commercial Light Manufacturing) District Lots 1 through 8, in Block 38 of the City Park Addition and 1/2 of vacated alley adjoining said lots and the south 1/2 of vacated Cannon Street adjacent to Lots 1-8. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3050**

Public Communications

PUBLIC COMMUNICATIONS

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, January 4, 2006, next Joint Work Session is Thursday, January 5, 2006 and the next Commission Meeting is Monday, January 9, 2006. Also, the Swearing In Ceremony will be held on Tuesday, January 3, 2006 at 11:00am in the Commission Chambers.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:00p.m.

ATTEST:

Mayor James E. Smith

Clerk of the Commission