

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
March 13, 2006  
6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, March 13, 2006 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, Peura, 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 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 February 27, 2006 were approved as submitted.

***Appointments***

**APPOINTMENTS:**

- A. Urban Wildlife Task Force
- B. Veterans' Community Advisory Board
- C. Civic Center Board

Mayor Smith asked for Commission concurrence on the following appointments:

**Civic Center Board**- Appointment of Crystal Kelly and reappointment of the following Civic Center Board members: Joann Christnacht, Margaret Crennen, Mike DaSilva, William M. Hunter, Frank Montibeller and Nina Smith.

**Urban Wildlife Task Force**- Appointment of the following members: HOLMAC representative – Melissa Broch, HCC representatives – Bob Habeck and Matthew Cohn, Representatives from the community at large – Tom DeYoung, Andrew Jakes and Virginia Niccolucci, Chief of Police or designee – Mike Maynard, Animal Control Officer, City Commission representative – Commissioner Oitzinger and Fish Wildlife and Parks representative – Gayle Joslin.

**Veterans' Community Advisory Board**- No recommendation at this time.

**Public comment**

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Pouliot moved approval for the appointments to the Civic Center Board.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Motion**

**Commissioner Peura moved approval for the appointments to the Urban Wildlife Task Force.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Consent Agenda**

CONSENT AGENDA:

- A. Claims
- B. Utility bill insert – Helena Citizens Council
- C. Utility bill insert – City of Helena Boulevard Landscaping and Weed Control Requirements

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

**Bid Award**

BID AWARD:

- A. Tenmile Water Treatment Plant Filter Media Replacement - Project No. 06-1

Staff Report

City Engineer Ryan Leland reported during a regular filter evaluation at the Tenmile Treatment Plant the consultant, Cadmus Group Inc., recommended the filter media be replaced. The filter performance was not optimized based on the current media specifications. During the evaluation the media was tested and did not meet the original design specifications. This project is to replace the existing media with new filter media.

The project was advertised and bids were opened on February 21, 2006. Three contractors submitted bids with Dick Anderson Construction of Helena submitting the low bid at \$121,612. Staff is recommending awarding the base bid for the filter media replacement to the lowest responsible bidder, Dick Anderson Construction, which will allow for better treatment and optimization.

Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Pouliot moved to award the base bid for City Project No. 06-01 to the lowest responsible bidder, Dick Anderson Construction, for \$121,612.00.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright announced April 22, 2006 is National Youth Service Day and Earth Day. To celebrate there will be a 5k walk/run, youth service projects, and community celebration at Memorial Park. For more information or to sign up, interested citizens can go to [www.dailyhabits.org](http://www.dailyhabits.org) or call 444-3925.

Commissioner Peura spoke of an email from Paul Dunham regarding the litter problem in Helena. He invited citizens to do cleanup days and stated he would be willing to organize the project with the community and the HCC. He asked that anyone interested send him an email.

Mayor Smith concurred with Commissioner Peura that litter problems should be addressed and stated he would like to participate.

**Report of the City  
Attorney**

REPORT OF THE CITY ATTORNEY

City Attorney Nielsen stated several months ago a lawsuit was filed against the city in an effort to void the preliminary plat approval for Aspen Trails Subdivision. He noted the lawsuit has now been served and he will be engaging in the defense of that litigation.

Commissioner Peura asked how the Commission would be updated on the proceedings of the lawsuit. City Attorney Nielsen stated he would keep the Commission informed on major milestones throughout the litigation.

**Report of the City  
Manager**

REPORT OF THE CITY MANAGER

City Manager Burton invited Fire Chief Larson to report on the smoke detector program. Chief Larson introduced Fire Marshall Craig Trapp to update the Commission on the program. Mr. Trapp gave a power point presentation listing the areas that have been served by the program and urged citizens to contact the HFD if they are interested in the program.

Eddie Wheat, 1229 Wilder, spoke of her experience with the program and encouraged citizens to participate.

Commissioner Peura asked Mr. Trapp how many smoke alarms should be in a house and how often batteries should be changed? Mr. Trapp explained there should be one smoke alarm for every level of the home and one in each sleeping area. Batteries should be checked monthly and changed at least once a year.

A. Budget amendments for new Public Works projects

City Manager Burton asked Utility Superintendent Kevin Hart to explain proposed budget amendments for new Public Works projects. Mr. Hart gave a description of the following projects:

Yaw-Yaw Transmission Main Replacement (255,800): There are a series of pinhole leaks on a segment of the 24" transmission main coming from the Tenmile Treatment Plant in an area across from the Broadwater Health Club. During repairs this summer it was discovered that the condition of this main had significantly deteriorated along a 700-foot segment of pipeline. Visual inspection through several pits dug along the pipe's length determined that the pipe was paper thin on the bottom and showed evidence of numerous surface seeps along the pipe. This pipe is an old rolled welded steel line and is worn out. Accelerated replacement of this pipe by movement up on the capital schedule is recommended. Staff is proposing these improvements now to try to have this project completed prior to the summer demand period.

Commissioner Cartwright asked if this section of pipe was replaced when Highway 12 was rebuilt? Mr. Hart stated no. Commissioner Pouliot asked what project would be deferred in order to carry out the proposed projects? Mr. Hart explained a small main replacement project on Wedgewood Lane would be deferred for one year. Commissioner Peura asked, in terms of the capital improvements list, when was the subject main scheduled to be replaced? Mr. Hart explained the process for prioritizing capital projects and stated staff thought there would be more time before this section of pipe needed to be replaced. Commissioner Peura asked for the age of the pipe. Mr. Hart stated it was installed in 1910. Commissioner Peura asked when

the Wedgewood Lane project was scheduled for replacement. Mr. Hart stated this year, but when staff weighed the magnitude of projects and potential problems, this main replacement was identified as needing to be done. Commissioner Peura spoke of the importance of capitol funding projects and infrastructure.

Flow Monitor Equipment (\$72,900): The rate of growth within the City of Helena has pointed out an increasing need for annual flow monitoring on a much larger scale than has been done in past years. Rather than increase the contract expenditures for the wastewater study to accomplish additional monitoring, staff is proposing to begin a flow-monitoring program in-house, with the purchase of equipment and the training of existing staff to perform these duties. This would be a multi-year project, which will be designed to purchase both portable and fix location flow monitors, to assist future decision-making and guide future capital planning.

Initial purchase of flow monitors could begin in conjunction with the flow monitoring study and as development pressure suggests, such data collection is needed across the system.

Commissioner Pouliot asked if the above project would be done through savings? Mr. Hart concurred.

City Manager Burton recommended the proposed amendments. There was Commission concurrence for the Yaw Yaw Transmission Main Replacement and the purchase of Flow Monitor Equipment.

***Report from the  
Helena Citizens***

**REPORT FROM THE HELENA CITIZENS COUNCIL**

HCC member Bill Roberts gave an update on progress for the May 9, 2006 HCC-sponsored, Meth Awareness Town Hall Meeting. He stated the HCC is also working toward promoting meth treatment. HCC Chairman Justin Trafton has proposed a neighborhood meeting in District 7 regarding the proposed 350-bed special needs prison.

Commissioner Peura stated the Department of Corrections is temporarily not going to pursue the prison in Helena for budget reasons, but encouraged the HCC to hold the neighborhood meeting.

Commissioner Cartwright indicated the proposed prison is a quasi-judicial matter and the Commission members cannot discuss it with the public.

***Chapter 18, Title 8***

**CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING HELENA CITY CODE BY REPEALING CHAPTER 18 OF TITLE 8 THAT AUTHORIZED DESIGNATION OF PLAY STREETS IN THE CITY OF HELENA.**

**Staff Report**

City Attorney David Nielsen reported Chapter 18 of Title 8 of the Helena City Code authorizes the City Manager to declare any street or part of any street a play street and have it appropriately signed as such. That chapter also prohibits anyone from driving vehicles on a street designated as a play street unless the driver is a resident of the portion of the street declared a play street or has business thereon.

Under this old ordinance, the plain language of Chapter 18 allows the City Manager to restrict public use of city streets without any public process. The effect of a "play street" designation is a partial closure of a public right-of-way without providing affected property owners or the public a public hearing on the request. On its face, the "play street" provision is legally inconsistent with the legal requirements

for street closures and fails to provide adequate due process to affected property owners. Also, the Helena Area Transportation Plan does not rely upon "play street" designations as a method of traffic control. In fact, a "play street" would be antagonistic to modern transportation planning. Designating a street as a "play street" will have the effect of misleading children and their parents into believing that it provides protection, thereby creating a false feeling of security. The "play street" would be impossible to enforce since police officers have no immediate and reliable way to determine that a vehicle being driven on a play street is either driven by a resident of the area or a person with business thereon. The "play street" designation is not a needed tool under the transportation plan, is not an effective way to provide a safe area for children, cannot be reasonably enforced, and is legally incompatible with other legal requirements for closure of public rights-of-way. City Attorney Nielsen recommended the proposed amendment.

Commission comment                      Commissioner Pouliot asked if there are currently any streets designated as play streets? City Attorney Nielsen stated he is not aware of any. Commissioner Cartwright spoke of unconventional streets designed for pedestrian use and limited vehicular traffic, and stated similar modern transportation alternatives should be considered in the future.

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

**Motion**    **Commissioner Cartwright moved approval for first passage of an ordinance amending the Helena City Code by repealing Chapter 18 of Title 8 that authorizes designation of "play streets" in the City of Helena, and setting a public hearing on March 27, 2006.**  
Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Ordinance #3053**

**Title 3**    CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING TITLE 3 OF THE HELENA CITY CODE TO REMOVE VARIOUS LICENSING REQUIREMENTS.

Staff Report                                      City Attorney Nielsen reported various chapters in Title 3 of the Helena City Code impose an annual license fee on electricians, plumbers, gas fitters, sign erectors, sign electricians and sign contractors. This license fee is separate and apart from the business license fee charged to everyone who operates a business within the City of Helena, and is similar to the occupational license fee charged by the State of Montana. In essence, certain businesses are being charged two (2) occupational license fees and one (1) business license fee.

City Attorney Nielsen recommended approval of the proposed ordinance in order to correct the inequitable treatment of certain businesses or professions. Currently, under the Helena City Code, any business that carries on for purposes of economic benefit or profit or engages in for livelihood or gain within the City shall apply for and obtain a license from the City. For example, both a plumbing business (which employs plumbers) and a sign erector business (which employs sign erectors) are required to pay license fees. In short, the City of Helena collects revenue in the form of a general business license fee on an establishment in the electrician business, plumbing business, gas fitter business, sign erector business, sign electrician business, and sign

contractor business. In addition to the general business license fee, an individual plumber employed by a plumbing business is also required to pay another annual license fee for "engaging or carrying on the business of plumbing" as stated in §3-7-3 of the Helena City Code.

City Attorney Nielsen recommended approval of the proposed ordinance amending Title 3 of the Helena City Code to remove various licensing requirements.

Commission comment                      Commissioner Peura asked what city function this revenue supports. City Manager Burton explained the revenue is deposited into the general fund and the commission allocates it through the budget process.

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

**Motion**    **Commissioner Peura moved approval for first passage of an ordinance amending Title 3 of the Helena City Code to remove various licensing requirements, and set a public hearing on March 27, 2006.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Ordinance #3054**

**Public Hearings**                              PUBLIC HEARINGS:  
  
A. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN OFFICE AND STORAGE FOR A ROOFING AND CONSTRUCTION CONTRACTOR (SIC INDUSTRY NUMBERS 152 AND 154) TO BE LOCATED IN THE B-2 (GENERAL COMMERCIAL) DISTRICT; GENERALLY LOCATED BETWEEN GRANT AND CLEVELAND STREETS, SOUTH OF THE ALLEY WITH A PROPERTY ADDRESS OF 1102 EUCLID AVENUE.

Staff Report                                      City Planner Kathy Macefield reported On February 14, 2006 the Helena Zoning Commission unanimously (4:0 vote) recommended approval for a Resolution granting a Conditional Use Permit (CUP) to allow an office and storage for a roofing and construction contractor (SIC Industry Numbers 152 and 154) to be located in the B-2 (General Commercial) District. Legally described as Lots 18-19, Block 77, Cannon Addition, Helena, Montana; generally located between Grant and Cleveland Streets, south of the alley with a property address of 1102 Euclid Avenue.

This approval is subject to the following conditions, which must be completed by September 30, 2006:

1. Landscaping  
A detailed landscaping plan, in accordance with Chapter 24 of the Helena Zoning Ordinance and including provisions for maintenance, shall be submitted to the Building and Safety Division and the Parks and Recreation Director for review and approval.

2. Sidewalk  
Concrete sidewalk must be installed in accordance with Section 7-4-2 (D) of the Helena City Code when the adjacent sidewalk is installed.

3. Site Plan Revisions

The site plan must be revised as follows:

- A. Showing adequate landscaped area, conforming to Chapter 24 of the Zoning Ordinance, and its location.
- B. Sidewalk.

4. Financial Guarantee

All of the following improvements shall be installed, or the improvements shall be financially guaranteed in accordance with Section 11- 21-3-G of the Helena Zoning Ordinance:

- A. Landscaping;
- B. Sidewalk.

Ms. Macefield stated the applicant is requesting a resolution granting a Conditional Use Permit (CUP) to allow an office and storage for a roofing and construction contractor (SIC Industry Numbers 152 and 154) to be located in the B-2 (General Commercial) District. This business is already located on the property. The office would be used Monday-Saturday, 7:30 AM - 6:00 PM with 6 employees. According to the applicant, the contracted work is done at other locations in the Helena area and not on the property. Four onsite parking spaces would be provided; approximately 450 square feet of landscaping is currently onsite; a 75-square foot roof sign is proposed. The applicant has requested to continue to use the existing asphalt located adjacent to the Euclid Avenue curb as sidewalk instead of installing a concrete sidewalk. Additional information provided by the applicant was included in the staff report.

Ms. Macefield recommended approval of the resolution and stated this proposal represents infill development, and efficient use of energy, infrastructure and resources. This proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses.

Commission comment

Commissioner Cartwright asked if the asphalt in front of the building could be mistaken for a parking place? Ms. Macefield stated yes, there is no delineation. Commissioner Cartwright stated he believes the sidewalk can wait to be installed until the adjacent property is developed but requested the area be delineated as a walking area. City Attorney Nielsen recommended delineation be added as a condition of approval.

Commissioner Peura asked for the cost of installation of the sidewalk. Ms. Macefield stated the sidewalk could cost between \$1,100-\$1,200 and through the city's sidewalk program, maybe \$100-\$120 per year. Commissioner Pouliot stated he would not support a variance for the installation of sidewalks and would like the applicant to install them at this time.

Public Testimony

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

Glen Knudson, 2309 Wilder, applicant; spoke in support of the CUP and stated he is renting the property and the owner cannot afford to install sidewalks.

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

## Discussion

Commissioner Cartwright asked how staff could track the condition that sidewalks must be installed when the property is further developed. Community Development Director Haugen explained staff could require the improvements be bonded through a letter of credit or similar mechanism from the property owner or applicant. It is more difficult since there is no building permit attached to the proposal. City Manager Burton stated if the Commission approves the delaying of sidewalk installation, staff would note the property file; when the adjacent lot is developed staff could search properties in the vicinity. Institutional memory is the only other key to tracking the condition. Commissioner Cartwright spoke of the City of Missoula's variance log, which is kept as part of their GIS. Commissioner Peura stated he supports the proposal but would like the sidewalks installed now instead of in the future. He is sympathetic to the monetary issues but believes the sidewalk needs to be installed now as a condition of approval.

## Motion

**Commissioner Pouliot moved to revise condition of approval #2, relating to sidewalks around the subject property, to state that sidewalks must be installed at the time of development.** Commissioner Peura seconded the motion. Motion carried 3-1, with Commissioner Cartwright voting no.

## Motion

**Commissioner Pouliot moved approval for a resolution granting a Conditional Use Permit (CUP) to allow an office and storage for a roofing and construction contractor (SIC Industry Numbers 152 and 154) to be located in the B-2 (General Commercial) District. Legally described as Lots 18-19, Block 77, Cannon Addition, Helena, Montana; generally located between Grant and Cleveland Streets, south of the alley with a property address of 1102 Euclid Avenue. This approval is subject to the 4 conditions, as amended, recommended by the Zoning Commission.** Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19323**

B. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A RESIDENTIAL DWELLING TO BE LOCATED IN A CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT; GENERALLY LOCATED SOUTH OF RAILROAD AVENUE AND AT THE NORTHEAST CORNER OF THE INTERSECTION OF HARRIS AND LEWIS STREETS WITH A PROPERTY ADDRESS OF 1439 HARRIS STREET.

## Staff Report

City Planner Belinda Waters reported the applicant proposes to renovate the old "Kessler Brewing Building" into a mixed-use facility. The residence will be located on the second floor. This floor consists of approximately 5,000 square feet with usable living space between 3,400 and 3,500 square feet. The main floor, consisting of 9,593 square feet, will be utilized for tile manufacturing, an artist's clay/pottery studio, a dance/yoga studio, and accessory uses consisting of offices and space for retail sales produced on-site or by consignment of other artists. All these uses are allowed by right; and are therefore, not part of the CUP criteria review.

On Tuesday, February 14, 2006, the Helena Zoning Commission unanimously recommended approval (4:0) for the adoption of a resolution granting a Conditional Use Permit (CUP) to allow a residential dwelling unit in a CLM District for property legally described as Lots 1A and 2A, Block 49, Northern Pacific Addition #1, Helena, Montana; generally located south of Railroad Avenue and at the northeast corner of the intersection of Harris and Lewis Streets with a property address of 1439 Harris Street.

Said approval is subject to the following conditions:

1. Storm Water Drainage:

A storm water drainage plan, as specified in Section 6-6-9 of the Helena City Code, shall be submitted to the City Engineer for review and approval prior to issuance of a building permit.

2. Time Frame:

All conditions must be satisfied prior to issuance of a building permit and a building permit must be obtained within one year.

Ms. Waters recommended approval of the CUP and stated the proposed land use will operate in context with current land uses and development patterns. The area consists of mixed residential uses to the west and south with commercial and industrial uses to the north and east. The proposed uses will provide efficient use of the property by rehabilitating and utilizing an existing historic structure. Infrastructure (water, sewer, storm water drainage and streets) to serve the proposed use is already in place, which represents an efficient use of land, infrastructure, energy and other resources.

Commission comment                      Commissioner Pouliot asked if the building is currently vacant?  
Ms. Waters stated yes.

Public Testimony                              Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.  
Kim Loftus, Box 122, Jefferson City, MT, 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 Peura moved approval for a resolution granting a Conditional Use Permit (CUP) to allow a residential dwelling, to be used exclusively by the property owner, in a structure located in a CLM (Commercial Light Manufacturing) District for property legally described in the staff report and subject to the conditions listed on page two of the staff report.**  
Commissioner Pouliot seconded the motion.

Comment    Commissioner Peura commended the project. Mayor Smith thanked Ms. Loftus for wanting to move her business to the City of Helena.

**Vote**    All voted aye, motion carried. **Resolution #19324**

C. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) FOR TWO SIMULTANEOUS ACTIONS IN A B-2 (GENERAL COMMERCIAL) DISTRICT: TO ALLOW THE CONSTRUCTION OF 30 MULTI-FAMILY DWELLING UNITS AND TO ALLOW THE STRUCTURE TO EXCEED THE 34-FOOT MAXIMUM BUILDING HEIGHT REQUIREMENT; GENERALLY LOCATED BETWEEN FEE AND WASHINGTON STREETS AND NORTH OF PROSPECT AVENUE.

Staff Report

City Planner Belinda Waters reported the applicant proposes to construct a three-story 30-unit housing project for senior and disabled residents.

On Tuesday, February 14, 2006, the Helena Zoning Commission recommended approval (3:0 vote with one abstention) for the adoption of a resolution for a Conditional Use Permit (CUP) in a B-2 (General Commercial) District for two simultaneous actions to allow 30 multi-family residential dwelling units and to allow the structure to exceed the 34-foot maximum building height requirement. The proposal is legally described as portions of Lots 4, 5, and 6, all of Lots 7 and 8, and a portion of the vacated Butte Avenue, Block 95, Northern Pacific Addition #2, Helena, Montana; generally located between Fee and Washington Streets and north of Prospect Avenue.

Said approval is subject to the following conditions:

1. Parking:

A minimum of 60 paved off-street spaces, plus 3 accessible parking spaces for persons with disabilities, and 1 loading berth must be installed unless the City Commission grants the variance requests.

2. Storm water Drainage:

A storm water drainage plan, as specified in Section 6-6-9 of the Helena City Code, shall be submitted to the City Engineer for review and approval prior to issuance of a building permit.

3. Time Frame:

All conditions must be satisfied prior to issuance of a building permit and a building permit must be obtained within two years.

The Helena Zoning Commission also recommended approval (2:1 vote) for a variance request from Section 11-22-5 to allow the number of required onsite parking spaces to be reduced from 60 to 12 and the required number of accessible parking spaces for persons with disabilities from three to two.

The Zoning Commission also recommended approval (3:0 vote) for a variance request from Section 11-23-3 to eliminate the requirement to provide a loading berth space for multi-family dwellings with over 16 dwelling units.

After the Zoning Commission meeting, city staff determined that parking requirement for the proposed housing project could also be evaluated under Section 11-25-5 (X): Elderly Housing/Nursing Home, and Assisted Living Facilities: one space for each three dwelling units. This 30-unit facility would then require ten regular parking spaces and one ADA space; the proposed site plan indicates that twelve regular spaces and two ADA spaces will be provided. Therefore, staff proposes amending condition #1 to reflect the lesser number of required parking

spaces, and eliminating the variance request to reduce the number of required spaces.

Ms. Waters recommended approval of the proposed resolution and stated the proposed land use will operate in context with current land uses and development patterns. The area consists of mixed residential uses to the north, northwest, and northeast with commercial uses to the south, southeast and west. The proposed structure will provide efficient use of the property by utilizing a vacant lot. Infrastructure (water, sewer, storm water drainage and streets) to serve the proposed use is already in place, which represents an efficient use of land, infrastructure, energy and other resources.

Commission comment                    Commissioner Peura asked for the purpose of a loading berth? Ms. Waters stated in a large multi-family unit, a loading berth might be used to move the tenant's possessions in and out of the building. Commissioner Cartwright asked for a description of the apartments. Ms. Waters stated the apartments would be one-bedroom, with a kitchen, living room, bathroom, and dining room. Commissioner Cartwright urged the applicants to install adequate landscaping for their elderly tenants.

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

Jeff Miller, RMDC, 210 South Cooke; gave an overview of the project and spoke in support of the CUP. He noted RMDC does not believe a loading berth is necessary as there will be other access provided.

Margaret Godolphin, 19 South Davis, Bjerke Architects; gave an overview of the landscaping plan.

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

Discussion                    Commissioner Pouliot suggested providing a walking path for residents onsite.

Motion                    **Commissioner Pouliot moved approval of a resolution granting a Conditional Use Permit to allow 30 multi-family residential dwelling units located in a B-2 District and to allow the maximum building height for the structure to exceed the 34 feet allowed to approximately 43 feet:**

**Approval of this CUP shall be subject to the following conditions:**

**1. Storm water Drainage:**

**A storm water drainage plan, as specified in Section 6-6-9 of the Helena City Code, shall be submitted to the City Engineer for review and approval prior to issuance of a building permit.**

**2. Time Frame:**

**All conditions must be satisfied prior to issuance of a building permit and a building permit must be obtained within two years.**

Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19325**

**Motion**

**Commissioner Cartwright moved approval for a variance from Section 11-23-3 to eliminate the requirement to provide a loading berth space for multi-family dwellings with over 16 dwelling units.** Commissioner Peura seconded the motion. All voted aye, motion carried.

D. CONSIDER ACCEPTANCE OF JUSTICE ASSISTANCE GRANT (JAG) FUNDING IN THE AMOUNT OF \$24,486 AND AUTHORIZE THE TRANSFER OF \$12,243 TO THE LEWIS AND CLARK COUNTY SHERIFF'S OFFICE.

**Staff Report**

Police Chief Troy McGee reported the HPD has received funding from the Federal Bureau of Justice Assistance (BJA) for the past eight years that has been used to fund or partially fund one police officer position. During the last four years however, federal funding from BJA has decreased substantially, been reallocated or eliminated because of reprioritization and the war on terror. Subsequently, many federal programs have been dissolved or combined with other programs under one funding source. This is the case with the HPD's block grant that was previously funded by the BJA and the Drug Task Force that was previously funded through the Edward Byrne Memorial Fund (passed through the Montana Board of Crime Control). As a result of the federal government review of funding in 2004, these two programs have now been combined and will be funded through JAG. There will only be one grant award instead of two and the procedures and guidelines have changed somewhat on how local city and state governments can distribute and spend their award.

The HPD is proposing that our grant award be used to supplement our portion of the Drug Task Force Program that will experience a 36% funding cut for FY2007. The larger agencies will have to rely on their local government support to make up the difference in funding if the program is going to continue to operate. The MRDTF has been in existence for 7+ years and has had a positive impact on drug possession and trafficking in Montana. The program is definitely worth supporting as city officials have indicated many times.

The grant award of \$24,486 for FY2007 is 58% less than FY2006's award of \$58,591. Again, the Federal Government is reviewing and revising grant awards which accounts for the substantial decrease. The city's award will be split between the City of Helena and Lewis and Clark County as indicated in the guidelines and past practice. Block grant awards for county jurisdictions are very minimal or non-existent. However, in all fairness, most counties bear more than 50% of the responsibility of incarcerating the arrestees, which entitles them to special considerations and a portion of the city's award. Because of this, the city and county mutually agreed that block grant awards would be split 50/50 – each agency would receive the same amount of funding. This agreement has worked very well in the past and will continue with the approval of the City Commission.

As with last year, there is no cash match required, but contributions from local governments are recommended. The city has always contributed, both financially and in-kind to this program, so this guideline is not an obstacle.

Police Chief McGee recommended acceptance of the JAG funding in the amount of \$24,486 and authorization of the transfer of \$12,243 to the Lewis and Clark County Sheriff's Office.

**Commission comment** Commissioner Peura asked for confirmation that in order to provide the current level of service, general fund monies or staffing cuts would need to be used to provide funding for the amount that was cut from the grant. City Manager Burton concurred.

**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 Cartwright moved acceptance of Justice Assistance Grant (JAG) funding in the amount of \$24,486 and authorized the transfer of \$12,243 to the Lewis and Clark County Sheriff's Office.** Commissioner Peura seconded the motion. All voted aye, motion carried.

**Public Communications** PUBLIC COMMUNICATIONS

**Meetings of Interest** MEETINGS OF INTEREST  
The next Administrative Meeting is March 22, 2006 and the next Commission Meeting is March 27, 2006. City Manager Burton noted items for Commission discussion are backing up and he may ask for the Commission to attend an additional Administrative Meeting this month. Mayor Smith suggested upcoming Administrative Meetings be extended. There was Commission concurrence to extend an upcoming Administrative Meeting or schedule an additional meeting.

City Manager Burton added the Employee Awards Luncheon will be held on March 22, 2006 at the Civic Center. Commissioner Cartwright stated Hometown Helena would be held at the Helena Regional Airport, Tuesday, March 21, 2006 at 7:00am. Mayor Smith invited the HCC to attend as the meeting will be regarding the Montana Meth Project.

**Adjournment** There being no further business to come before the Commission, the meeting was adjourned at 8:08p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission