

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
January 29, 2007
6:00 P.M.**

Time & Place

A regular City Commission meeting was held on Monday, January 29, 2007 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Smith indicated for the record that Commissioners Oitzinger, Peura, and Throssell were present. Commissioner Cartwright was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Ken Saunders 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 January 8, 2007 were approved as submitted.

State of the City Address

STATE OF THE CITY ADDRESS
Mayor Smith presented the 2007 State of the City Address. A copy is attached to these minutes as part of the official record.

Appointments

APPOINTMENTS:
A. Commission Appointments
B. Helena Housing Authority

Mayor Smith asked for Commission concurrence on the following appointments:

2007 Commission Appointments to Boards

MAYOR PRO TEM
Sandy Oitzinger

BOARD OF ADJUSTMENT
Three year term - expires December 31, 2009
Robert Throssell

AMERICANS WITH DISABILITIES COMMISSION
Will appoint a commission member when necessary

AUDIT COMMITTEE
One-year term - expires December 31, 2007
Sandy Oitzinger
James E. Smith
Alan Peura

BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS/HELENA PARKING COMMISSION
No specific term
Alan Peura

CITY COUNTY ADMINISTRATION BUILDING BOARD OF DIRECTORS

One-year term - expires December 31, 2007

Robert Throssell

CITY-COUNTY BOARD OF HEALTH

No specific term

Alan Peura

CITY-COUNTY PARKS BOARD

No specific term

James E. Smith

CITY-COUNTY WEED BOARD

No specific term

Paul Cartwright

CIVIC CENTER BOARD

No specific term

Robert Throssell

HELENA CHAMBER OF COMMERCE LIAISON

no specific term

Local Government Committee

James E. Smith

INFORMATION TECHNOLOGY COMMITTEE

No specific term

Paul Cartwright

INFRASTRUCTURE COMMITTEE

No specific term

Paul Cartwright

MONTANA BUSINESS ASSISTANCE CONNECTION

No specific term

Alan Peura

MONTANA LEAGUE OF CITIES AND TOWNS

No specific term

James E. Smith

PRE-RELEASE SCREENING COMMITTEE

No specific term

Robert Throssell

PUBLIC ART COMMITTEE

No specific term

Sandy Oitzinger

ROCKY MOUNTAIN DEVELOPMENT COUNCIL

No specific term

James E. Smith

TRANSPORTATION COORDINATING COMMISSION

One year term - expires December 31, 2007

Robert Throssell

Paul Cartwright

TRANSPORTATION DEMAND MANAGEMENT

No specific term

Will appoint a staff member to be the commission liaison

URBAN WILDLIFE COMMITTEE

No specific term

Sandy Oitzinger

Helena Housing Authority – Appointment of Linda L. Vaughey to an unexpired term with appointment expiration on August 1, 2007 and Judy Erickson to an unexpired term with appointment expiration on August 1, 2008.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Peura moved approval of the above listed appointments. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Final passage of Ordinance No. 3076 amending the City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof from R-O (Residential Office) District to R-4 (High Density Residential) District for property generally located north of Dayspring Loop and east of Saddle Drive **Ordinance #3076**
- C. Contract Amendment No. 1 for the Wastewater Master Plan Study
- D. Buy Sell Agreement and Easement options for Northwestern Energy associated with gas transmission line relocations
- E. Memorandum of Understanding for glass recycling with Lewis & Clark County
- F. State Contract/bid for two new 21 passenger buses
- G. Resolution of intention to increase police services (extra work) fee

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 Throssell moved approval of items A through G on the consent agenda. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Bid Award

Bid Award:

A. Missouri River Treatment Plant Pumping Station

Staff Report

Public Works Director John Rundquist reported on November 16, 2006, bids were opened for the new High Service Pumpstation at the Missouri River Water Treatment Plant (MRTP). This project, along with a new Finish Water Clearwell, was identified as priority projects in the 2005 Water Facilities Plan approved by the City Commission. These projects will provide improved capacity, reliability and disinfection at the facility and will accommodate anticipated growth in demand for at least 20 years.

Two bids were received for the project. Williams Brothers Construction of Great Falls was the low bid at \$4,803,756, which includes add alternates for a new sodium hypochlorite disinfection system and an emergency generator. This contractor has successfully completed other projects for the City including the recent filter replacement project at the MRTP.

Due to rapid economic growth in the region and high prices on metals, inflationary pressures on contractor prices for this type of work have been considerable. The low bid for this project is approximately 35% higher than the engineers estimate. Staff will submit a single budget amendment to allow for completion of the projects. 55% of the project costs will be paid through STAG grants obtained with assistance from our Congressional delegation. Approximately \$2.5 million will be financed through the State Revolving Fund and the remainder will be funded through utility reserves. A grant amendment will be submitted to increase the federal grant funds to about \$3.7 million out of a total of \$4.3 million available.

Director Rundquist recommended approval of the proposed bid award as this project will complete an important master planned water project that will assure reliability, capacity and regulatory compliance at the MRTP.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved to award construction of the High Service Pumpstation at the Missouri River Water Treatment Plant to the lowest responsible bidder, Williams Construction of Great Falls at the bid price of \$4,803,756. Commissioner seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Oitzinger encouraged citizens to attend a benefit for the American Cancer Society's sister organization to promote advocacy for preventing cancer, being held at St. Peters Hospital in meeting rooms 1 through 3, from 6:00p.m. – 9:00p.m. tonight.

Commissioners Peura thanked Mayor Smith for his comments made during the State of the City Address and stated he looks forward to serving on the boards he was appointed to.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

No report was given.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Ken Saunders reported the HCC Executive Officers for 2007 were elected on January 24, 2007. The officers are as follows: Chair – Justin Trafton, Vice-Chair – Lynne Boone, Treasurer – Bill Roberts, and Secretary – Rebecca Ridenour. Mr. Saunders also discussed the upcoming district meetings.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION CREATING OPEN SPACE MAINTENANCE DISTRICT NO. 1.

At this point Commissioner Cartwright joined the meeting via telephone.

Staff Report

Parks & Recreation Director Randy Lilje reported Parks & Recreation Director Randy Lilje reported the proposed Helena Open Space Maintenance District No. 1 is the long term funding mechanism as recommended by HOLMAC and the Helena Open Lands Management Plan adopted by the City Commission in February 2004 and again in the 2006 Open Lands Work Plan.

As required by statute, the notice to create the Helena Open Space Maintenance District No. 1 has been advertised and every property owner within the city limits has been notified by card of the City Commission's intent to hold the public hearing January 29, 2007. The card also has given an opportunity to each property owner to express opposition to its formation. This card was to be returned to the City Clerk's office by January 26, 2007 at 5:00p.m. If the protests represented a total in excess of 50% of the total assessment for the district of \$78,000.01, then the district could not go forward. The protests were compiled and represented 22.72% of the property owners.

Up to now the maintenance and management of Helena's Open Lands system has been funded primarily by means of one-time funds set aside for maintenance out of the Open Space Bond passed by city voters in 1996. Those funds will most likely be entirely expended by the end of fiscal year 2007.

The citizens have for a long time valued the natural open space of Mount Helena Park and in 1996 voted to expand the open space throughout the south hills of Helena from Mount Helena to Mount Ascension to I-15. With the desire to secure this open space for the public good comes the responsibility to manage and maintain it.

This maintenance district is a city-wide assessment allowed by Montana state statute, like a park maintenance district, that would provide long term funding for the maintenance of the City's open lands system. The annual cost will be assessed to each lot or parcel in the city with a base amount of \$7.00 per lot, plus \$0.00215 per square foot of impervious area in excess of 2,222 square feet for each lot. "Impervious area" is the developed part of a lot or parcel impermeable to storm water infiltration, excluding rights-of-way and publicly owned streets, runways, and taxiways. The estimated annual budget to maintain and manage the open space system initially is \$156,000.

The district will provide funding for labor, materials, supplies, and other expenses to maintain and manage the system. This will include management of the forest, forest fuel reduction to mitigate potential fires, noxious weed control, native plant and range management, maintenance and development of trails and trailheads, wildlife protection, boundary

identification and protection, wetlands preservation and other related issues to maintain and care for Helena's Open Space system.

Mr. Lilje recommended approval of the resolution and noted if approved, the assessment will be on the November 2007 tax bill.

Commission comment

Commissioner Throssell asked if the current or future Commissions have the option to adjust the assessment rate? Director Lilje stated as with other maintenance districts, the Commission will review the rates annually and determine whether changes are needed on the assessment. He noted staff feels the district should be able to operate at the proposed level for many years to come. Commissioner Throssell asked specifically if the creation of this district is approved tonight, what latitude does the Commission have to change the formula in the future? City Attorney Nielsen explained in his opinion the way the assessment is structured, if approved, would set a cap of \$7.00 per lot, plus \$0.00215 per square foot of impervious area in excess of 2,222 square feet for each lot. Commissioner Throssell asked for the definition of parcel in the proposed resolution. Director Lilje stated at this point in time, a parcel is anything with a geo-code number. Attorney Nielsen stated in his opinion, the Commission would not have the flexibility to change the definition beyond what is identified by a geo-code, or property identification number. Commissioner Throssell asked if the Department of Revenue were to change its definition of parcel, does the Commission have any leeway to change the definition under the proposed resolution? City Attorney Nielsen stated the Department of Revenue assigns property identification number for purposes of sending out property tax bills. In his experience, the only time a number has changed is when individual property owners consolidate or separate out their properties for tax bill purposes. Attorney Nielsen noted a change from the Department of Revenue would have to occur for him to decide whether it would still fulfill the purpose of the resolution.

Public Testimony

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

Alice Stanley, 1217 University; urged the Commission to support the district.

Ken Knudson, HOLMAC Chair; spoke in support of the district.

P.J. McHugh, representing the residents of McHugh Trailer Park; spoke in opposition to the fee.

Kirsten Thorson and Kaitlyn Grimm, Helena High School students representing the EXCEL program; urged the Commission to approve the district.

Caroline Linden; asked if all property owners within the city received the notice, and if the funds would go to maintenance in all city parks or just open space? She also referred to a park in her neighborhood that needs improvement and stated she was told by city staff that a homeowners association would need to be formed to fund the work.

Jerry Hutch, 1111 East State Street; spoke in opposition to the maintenance district and urged the Commission to charge a user fee to provide funding.

Dawn North, 707 2nd Street; spoke in support of the district.

Mary Johnson, 418 Holter Street; urged the Commission to approve the district.

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

Discussion

Director Lilje answered Ms. Linden's questions regarding which property owners received protest cards and identified which open space lands would benefit. The city may obtain additional open space in the future, which could include riparian areas. He spoke about newly acquired parkland due to new subdivisions and noted staff is working on designs and cost estimates for those areas. There is money available in the park improvement fund to at least start improvements, but not enough to finish. In those areas, a park district could be set up with the neighborhood. Commissioner Peura asked when new parkland is dedicated in a new subdivision, is there funding required from the developer to improve the park? Director Lilje stated no, state statute only allows for the city to require parkland dedication or cash in lieu of parkland.

Mayor Smith clarified that the proposed maintenance district funds will be used for open space only, not maintenance to existing city parks. Director Lilje concurred. Mayor Smith stated the proposed funding formula would result in less of a burden for McHugh Trailer Park residents. Administrative Services Director Tim Magee concurred and explained the proposed fee is less than what was originally proposed, each unit would pay \$7.00, like an individual house would pay.

Motion

Commissioner Throssell moved approval for a resolution creating the Helena Open Space Maintenance District No. 1 in the City of Helena. Commissioner Peura seconded the motion.

Discussion

Commissioner Throssell thanked the citizens of Helena for their comments and suggestions regarding the district. Regarding the method of the district, the city is bound by state statute. He believes the McHugh Trailer Park resident's concerns have been met; as they are being assessed the same rate as any other homeowner would. Commissioner Throssell commented open space does not have to be used to be enjoyed; just its presence is valuable. He noted he believes the Helena Regional Airport assessment may be higher than is fair and suggested putting a limit on their charges.

Commissioner Oitzinger stated the resolution defines impervious area and asked if in the future the definition could be changed to exclude certain things, such as developed trails. City Attorney Nielsen stated yes.

Mayor Smith indicated he would vote in support of the district, as he was encouraged by the low number of protest cards returned. He noted he is interested in continuing to explore how large parcels are charged and a user fee component.

Mayor Smith acknowledged Commissioner Cartwright, via telephone, had listened to the public hearing and would vote.

Vote

All voted aye, motion carried. **Resolution #19439**

At this point, Commissioner Cartwright was excused from the meeting.

Methane Co-generation Project CONSIDER A PROJECT INCENTIVE AGREEMENT WITH NORTHWESTERN ENERGY FOR THE METHANE CO-GENERATION PROJECT - WASTEWATER TREATMENT FACILITY.

Staff Report

Water/Wastewater Superintendent Don Clark reported the city is currently in the design phase of the Methane Co-generation Project. The engineering for this project was budgeted in the FY2007 budget at \$50,000. The construction phase of this project was included at \$300,000 as a priority project in the CCIP for FY2008. The project incentive agreement requires approval by January 31, 2007 and construction completion by December 1, 2007. There are two ways to approach this opportunity:

1. Activate capital reserves in the amount of \$300,000 and begin the construction without delay in order to insure completion by December 1, 2007. The \$100,000 is paid on a reimbursement basis after the completion of the project.
2. Accept the project incentive agreement and wait for funding approval during the normal budget process. This would shorten the construction period to five months and could put the grant in jeopardy.

Staff has reviewed the agreement with Northwestern Energy and recommends the Commission approve the agreement for \$100,000 and activate capital reserves in the amount of \$300,000. This will make the project more affordable and shorten the payback period of the project.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved to accept the project incentive agreement with Northwestern Energy for \$100,000 and authorized the City Manager to sign the agreement. Commissioner Throssell seconded the motion.

Commission comment

Commissioner Peura asked if the change of the fiscal year for the project would create any delays in other projects planned for FY2007? Mr. Clark stated the use of reserve funds would prevent delays to other projects. Commissioners Throssell and Peura commended staff for their work on the project.

Friendly Amendment

Commissioner Oitzinger offered a friendly amendment to the motion to include authorization to activate reserves in the amount of \$300,000.

Substitute Motion

Commissioner Peura moved to accept the project incentive agreement with Northwestern Energy for \$100,000 and authorized the City Manager to sign the agreement and activate reserves in the amount of \$300,000. Commissioner Throssell seconded the motion.

Vote

All voted aye, motion carried.

Fire Service Planning Committee

CONSIDER A RESOLUTION ESTABLISHING A FIRE SERVICES PLANNING COMMITTEE FOR THE CITY OF HELENA.

Staff Report

Fire Chief Steve Larson reported currently there is not a Fire Services Planning Committee; the initial committee was in charge of working with the consultant through the completion of the Fire Protection Service Review Report.

Chief Larson recommended approval of the resolution as it would allow for the committee to be formed and bring forward a recommendation to the City Commission, for a range of service level options and sustainable funding sources.

Public comment

Mayor Smith called for public comment.

Justin Trafton, 1505 E Lyndale; spoke in support of the fire service review committee.

Motion

Commissioner Oitzinger moved approval for a resolution establishing a Fire Service Planning Committee for the City of Helena. Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19440**

Annexation & Final Plat – Emineth Subd.

CONSIDER TWO ACTIONS FOR THE SAME PROPERTY, GENERALLY LOCATED SOUTH OF CABERNET DRIVE AND WEST OF DEERFIELD LANE WITH A PROPERTY ADDRESS OF 2212 DEERFIELD LANE:

A. CONSIDER A RESOLUTION ANNEXING TRACT 4B1B, COS #3021254, LEWIS AND CLARK COUNTY, MONTANA; AND KNOWN AS THE EMINETH SUBDIVISION.

B. CONSIDER THE FINAL PLAT FOR THE EMINETH MINOR SUBDIVISION CREATING FOUR RESIDENTIAL LOTS FROM ONE LOT.

Staff Report

City Planner Lucy Morell-Gengler reported Jason and Nicole Emineth are proposing to complete the annexation for the Emineth Minor Subdivision. Completing this annexation is a prerequisite to enabling the city to approve the Emineth Subdivision final plat.

On August 16, 2004, the City Commission established conditions to annexation of the Emineth Minor Subdivision (Res. #19154), and established R-2 (Single-Family Residential) District pre-zoning designations for the properties (Ord. #2999). On September 25, 2006, the Commission conditionally approved the Emineth Minor Subdivision preliminary plat. Conditions for annexation included the following:

1. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
2. Review of new construction: The property owners 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 Codes 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. Final Plat: Applicants must submit the final plat of the subdivision to the City Commission for approval prior to filing the Resolution of Annexation.
4. Completion of Conditions: The applicant 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 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 to the property.

The conditions of annexation 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, as the proposed annexation of this private property is consistent with city policy, and consistent with the policy of annexing properties served by city infrastructure.

Regarding the final plat, On September 25, 2006, the City Commission gave conditional preliminary plat approval for the Emineth Minor Subdivision. The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact; these conditions have been completed. For reference, a list of the original subdivision conditions and their status were included in the Commission packet. The applicant is requesting approval of the final plat for a minor subdivision creating four lots that will be zoned R-2 (Single-Family Residential) District.

Ms. Morell-Gengler recommended approval of the final plat as it would allow the sale of the lots; would encourage the development of property in this area, and would facilitate in-fill development and compliance with city regulations.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Throssell moved approval for a resolution annexing into the City of Helena, the Emineth Minor Subdivision, for property legally described in the resolution of annexation.

Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19441**

Motion

Commissioner Throssell moved approval for the final plat of the Emineth Minor Subdivision, creating four lots. Commissioner Peura seconded the motion. All voted aye, motion carried.

Annexation & Final Plat – Ishak Subd.

CONSIDER TWO ACTIONS FOR THE SAME PROPERTY, GENERALLY LOCATED SOUTH OF CABERNET DRIVE AND WEST OF DEERFIELD LANE WITH A PROPERTY ADDRESS OF 2220 DEERFIELD LANE:

A. CONSIDER A RESOLUTION ANNEXING TRACT 4B1A, COS #3021254, LEWIS AND CLARK COUNTY, MONTANA; AND KNOWN AS THE ISHAK SUBDIVISION.

B. CONSIDER THE FINAL PLAT FOR THE ISHAK MINOR SUBDIVISION CREATING TWO RESIDENTIAL LOTS FROM ONE LOT.

Staff Report

Ms. Morell-Gengler reported Michael and Angela Ishak are proposing to complete the annexation for the Ishak Minor Subdivision. Completing this annexation is a prerequisite to enabling the City to approve the Ishak Subdivision final plat.

On August 16, 2004, the City Commission established conditions to annexation of the Ishak Minor Subdivision (Res. #19154), and established R-2 (Single-Family Residential) District pre-zoning designations for the properties (Ord. #2999). On September 25, 2006, the Commission conditionally approved the Ishak Minor Subdivision preliminary plat. Conditions for annexation included the following:

1. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
2. Review of new construction: The property owners 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 Codes 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. Final Plat: Applicants must submit the final plat of the subdivision to the City Commission for approval prior to filing the Resolution of Annexation.
4. Completion of Conditions: The applicant 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 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 to the property.

The conditions of annexation 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.

Regarding the final plat, On September 25, 2006, the City Commission gave conditional preliminary plat approval for the Ishak Minor Subdivision. The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact; these conditions have been completed. For reference, a list of the original subdivision conditions and their status was included in the Commission packet. The applicant is requesting approval of the final plat for a minor subdivision creating two lots that will be zoned R-2 (Single-Family Residential) District.

Ms. Morell-Gengler recommended approval of the final plat as it would allow the sale of the lots; would encourage the development of property in this area; and would facilitate in-fill development and compliance with city regulations.

Commission comment Commissioner Throssell asked if access to both lots complies with the subdivision regulations for dead end streets? Ms. Morell-Gengler explained access is provided by an access easement on the adjacent property and the applicant is in compliance with the referenced regulations.

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

Motion **Commissioner Peura moved approval for a resolution annexing into the City of Helena the Ishak Minor Subdivision, for property legally described in the attached resolution of annexation.** Commissioner Throssell seconded the motion. All voted aye, motion carried. **Resolution #19442**

Motion **Commissioner Peura moved approval for the final plat of the Ishak Minor Subdivision, creating two lots.** Commissioner Throssell seconded the motion. All voted aye, motion carried.

Annexation & Final Plat – HAHN CONSIDER TWO ACTIONS FOR THE SAME PROPERTY, GENERALLY LOCATED ON THE WEST SIDE OF MCHUGH LANE BETWEEN BENCHMARK DRIVE AND ROADRUNNER STREET:

A. CONSIDER A RESOLUTION ANNEXING HAHN, A 3.862 ACRE TRACT SHOWN ON COS #486624/T, LEWIS AND CLARK COUNTY, MONTANA; AND KNOWN AS THE COTTONWOOD BUSINESS PARK SUBDIVISION.

B. CONSIDER THE FINAL PLAT FOR THE COTTONWOOD BUSINESS PARK MINOR SUBDIVISION CREATING 5 LOTS FROM ONE LOT.

Annexation & Final Plat – Cottonwood West Major Subd. CONSIDER TWO ACTIONS FOR THE SAME PROPERTY, GENERALLY LOCATED SOUTHWEST OF THE MCHUGH LANE AND BENCHMARK DRIVE INTERSECTION:

A. CONSIDER A RESOLUTION ANNEXING TRACT F MCHUGH MINOR SUBDIVISION #2 COS# 555818-E, LEWIS AND CLARK COUNTY, AND KNOWN AS THE COTTONWOOD WEST SUBDIVISION.

B. CONSIDER THE FINAL PLAT FOR THE COTTONWOOD WEST MAJOR SUBDIVISION CREATING 11 LOTS FROM ONE PARCEL.

Staff Report Ms. Morell-Gengler stated Headmaster, LLP is proposing to complete the annexation for the Cottonwood Business Park Subdivision. Completing this annexation is a prerequisite to enabling the City to approve the Cottonwood Business Park Subdivision final plat.

On June 13, 2005, the City Commission established conditions to annexation of the Cottonwood Business Park Subdivision (Res. #19220), and established B-1 (Neighborhood Commercial) District pre-zoning designations for the properties (Ord. #3032). On that same date, the Commission conditionally approved the Cottonwood Business Park Subdivision preliminary plat. Conditions for annexation included the following:

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, and codes in effect for building 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 property owner must meet the conditions of the preliminary plat approval prior to annexation. Annexation of the property is not effective until the final plat of the proposed subdivision has been filed with the Clerk and Recorder of Lewis and Clark County, Montana.
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.

The conditions of annexation 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.

Regarding the final plat, On June 13, 2005, the City Commission gave conditional preliminary plat approval for the Cottonwood Business Park Minor Subdivision. The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact; these conditions have been completed. For reference, a list of the original subdivision conditions and their status was included in the Commission packet. The applicant is requesting approval of the final plat for a minor subdivision creating five lots zoned B-1 (Neighborhood Commercial) District. The plat also dedicates all the public improvements, such as the streets, to the City.

Ms. Morell-Gengler recommended approval of the Cottonwood Business Park Minor Subdivision final plat as it would allow the sale of the lots; would encourage the development of property in this area; and would facilitate in-fill development and compliance with city regulations.

Cottonwood West, LLC is proposing to complete the annexation for the Cottonwood West Major Subdivision. Completing this annexation is a prerequisite to enabling the city to approve the Cottonwood West Subdivision final plat.

On June 13, 2005, the City Commission established conditions to annexation of the Cottonwood West Major Subdivision (Res. #19219), and established B-2 (General Commercial) and CLM (Commercial Light Manufacturing) Districts pre-zoning designations for the properties (Ord. #3033). On that same date, the Commission conditionally approved the Cottonwood West Subdivision preliminary plat. Conditions for annexation included the following:

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, and codes in effect for building 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 property owner must meet the conditions of the preliminary plat approval prior to annexation. Annexation of the property is not effective until the final plat of the proposed subdivision has been filed with the Clerk and Recorder of Lewis and Clark County, Montana.
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.

The conditions of annexation 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.

On June 13, 2005, the City Commission gave conditional preliminary plat approval for the Cottonwood West Major Subdivision. The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact; these conditions have been completed. For reference, a list of the original subdivision conditions and their status was included in the Commission packet. The applicant is requesting approval of the final plat for a major subdivision creating 11 lots and stormwater facilities; two lots and the stormwater detention area will be zoned B-2 (General Commercial) District and nine lots will be zoned CLM (Commercial Light Manufacturing) District. The plat also dedicates all the public improvements, such as the streets, to the city.

Ms. Morell-Gengler recommended approval of the final plat for the Cottonwood West Major Subdivision as it would allow the sale of the lots; would encourage the development of property in this area; and would facilitate in-fill development and compliance with city regulations.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval for a resolution annexing into the City of Helena the Cottonwood Business Park Subdivision, for property legally described in the resolution of intention. Commissioner Throssell seconded the motion. All voted aye, motion carried. **Resolution #19443**

Motion Commissioner Peura moved approval of the final plat of the Cottonwood Business Park Subdivision Minor Subdivision creating five lots and to accept the dedication to the city of property for public improvement designated thereon. Commissioner Throssell seconded the motion. All voted aye, motion carried.

Motion Commissioner Peura moved approval for a resolution annexing into the City of Helena, the Cottonwood West Major Subdivision, for property legally described in the resolution. Commissioner Throssell seconded the motion. All voted aye, motion carried. **Resolution #19444**

Motion Commissioner Peura moved approval for the final plat of the Cottonwood West Major Subdivision creating 11 lots and stormwater detention area and to accept the dedication to the City of property for public improvement designated thereon. Commissioner Throssell seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

Ken Saunders, 7 Limestone Court; thanked the Mayor and Commission for supporting the Open Space Maintenance District.

Jerry Hutch, President of Capital City Chapter, MT Association of the Blind; announced the annual summer orientation program for the blind would be held in Helena at Carroll College Trinity Hall, June 17 through July 13, 2007. He spoke of an incident where he was almost hit by a car on Benton Avenue and urged the city to strictly enforce the White Cane Law and Yield to Pedestrian Law. Commissioner Throssell reminded everyone it is the law to stop for any pedestrian at a corner, not just at crosswalks. Mayor Smith asked that discussion about the summer orientation program be held at an Administrative Meeting.

Marshall Gingery, 2522 Primrose Lane; thanked the Commission for providing administrative support to the HCC. He also commended the Commission for their work toward preserving open space in the Helena area.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, February 7, 2007 and the next Commission Meeting is Monday, February 12, 2007. The City/County Joint Work Session will be held, Thursday, February 1, 2007.

The Urban Wildlife Task Force will hold another town hall meeting on February 14, 2007 at 7:00p.m. at the Civic Center. The Downtown Visioning Partnership will hold a meeting on February 22, 2007 at 6:00p.m. at the Chamber Building to discuss the findings by consultant Roger Brooks.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:15p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission