

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
April 7, 2008
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, April 7, 2008 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, Peura, and Elsaesser were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Rebecca Ridenour 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 March 24, 2008 were approved as submitted.

Appointments APPOINTMENTS:
A. Civil Service Board

Mayor Smith asked for Commission concurrence on the following appointment:

Civil Service Board – Appointment of Ken Morrison. Unexpired term will begin upon appointment and expire May 31, 2010. Reappointment of Steve Netschert. Term will begin upon appointment and expire May 31, 2011.

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

Motion **Commissioner Elsaesser moved approval of the appointments to the Civil Service Board as outlined above.** Commissioner Peura seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the sale and/or donation of that property (video camera system) **Res #19554**
C. Utility Bill Insert – Animal Control Division
D. Utility Bill Insert – St. Peter's Hospital
E. Final passage of Ordinance No. 3098, amending Chapter 3 of Title 7 of the Helena City Code to add sight distance triangle as an obstruction, and to clarify building numbering by amending Section 7-6-1 of Title 7 **Ord #3098**
F. Buy/Sell Agreement for the purchase of rights-of-way from the parcel described by Tract A-1B on the Amended Plat of Tract A-1 of the Stump Tracts for the extension of Benton Avenue

- G. Installation of "No Parking" and "Loading Zones" for Helena High School, Helena College of Technology and Bryant School

City Manager Tim Burton recommended removal of item D from the consent agenda, as St. Peter's Hospital's application is incomplete. He recommended approval of the claims and remaining consent agenda items.

Commissioner Peura asked item G be removed for discussion.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Peura moved approval of items A, B, C, E and F on the consent agenda. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Item G

Commissioner Peura asked for the goals and objectives of the installation of "No Parking" and "Loading Zones" for Helena High School (HHS), Helena College of Technology (HCT) and Bryant School.

City Engineer Ryan Leland reported the area around the schools is experiencing parking and supervision issues. The installation of the signs would force the students to use the new HCT parking lot and the HHS parking lot. Currently, there is a no parking zone and loading zone on the north side of Billings between the Helena Housing Authority's entrances. On Roberts Street there is a no parking zone on portions of the east side with a Trolley Stop and a loading zone and no parking zone on the west side. Livingston Avenue, adjacent to Helena College of Technology, has a no parking zone on the north side and angle parking on the south. Livingston Avenue adjacent to Bryant School has a loading zone on the north side for the east half of the block with an ADA parking spot. Parking is allowed on the south side of Livingston adjacent to Bryant Elementary School. Sanders Street, adjacent to HCT, has a no parking zone on the east side and allows angle parking on the west side.

HCT requested the following parking changes:

- No parking on the south side on Billings Avenue from the west Helena Housing entrance to Montana Avenue; and change part of the no parking on the north side to a loading zone
- Remove all of the parking on both sides of Roberts Street from Billings to the end of Helena High's property
- Expand the loading zone for the entire block on the north side of Livingston Avenue adjacent to Bryant School
- No parking on the north side of Townsend Avenue for the first lot on Sanders Street

Mr. Leland noted approximately 48 parking spots will be eliminated with the installation of the proposed signs.

Commission comment

Commissioner Peura asked if Mr. Leland has been in contact with the Midtown/6th Ward Neighborhood Association regarding the proposal? Mr. Leland stated staff has not held specific conversations with or attended any of the association's meetings; but the properties adjacent to the proposal have been notified. The association president did contact Mr. Leland with concerns that the proposal may increase speed on Roberts Street and force students into parking in the

neighborhood and not the parking lots. Mr. Leland noted he would be evaluating the area regarding the possibility of increased speed.

Commissioner Oitzinger stated the bicycle lane on Roberts Street is part of the transportation plan and Safe Routes to School was alluded to in the letter from the School District and HCT. She requested staff make sure the actual grant recipients from Safe Routes to School are aware of these changes. Mr. Leland noted staff would follow up on the issue and added the bike route was not included in the grant application; however, the city did receive a grant for the sidewalks and ADA projects around Bryant School, which will be moving forward after Montana Department of Transportation approval.

City Manager Burton added this request came as an outgrowth of earlier discussions relative to the site of a major building on HCT property. While city staff hasn't engaged the neighborhood, it is working through HCT and the School District, which have reached out to the neighborhood.

Commissioner Cartwright stated he hopes the Planning Department was aware of the proposal because they have been working with the neighborhood and a Midtown/6th Ward Association meeting was held last week; a review of the proposal would've been timely.

Commissioner Elsaesser asked if HCT and HHS are confident they have parking to accommodate the changes? Mr. Leland stated yes.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Peura moved approval of item G on the consent agenda. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Peura referred to the BID, Plan Helena and HCC sponsored Town Hall Meeting "Growing Up or Growing Out" held on April 3, 2008 and stated there was a good turnout and lots of good feedback and civic dialogue from the community. The second meeting of the series will be held sometime in May and the topic will be related to transportation issues.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. Confirmation of Police Officers Noal Petty and Ken Brown

City Manager Burton invited Police Chief Troy McGee to introduce Officers Noal Petty and Ken Brown. Police Chief McGee gave the education, training and work history of Officers Petty and Brown and recommended confirmation of them as police officers with the Helena Police Department (HPD). Officers Brown and Petty thanked the city for the opportunity to work for the HPD.

Motion

Commissioner Oitzinger moved approval for the confirmation of Noal Petty and Ken Brown as Police Officers with the HPD. Commissioner Peura seconded the motion. All voted aye, motion carried.

B. Consider Lake Helena Basin Memorandum of Understanding between the City of Helena, Lewis & Clark County, Montana Department of Environmental Quality and United States Environmental Protection Agency

City Manager Burton reported the City of Helena, Lewis & Clark County (LCC), Montana Department of Environmental Quality (DEQ), and the US Environmental Protection Agency (EPA), share a mutual concern over water quality in the Helena Valley and the impacts of effluent from septic tanks and wastewater treatment facilities on surface water and groundwater quality. If the total maximum daily load (TMDL) limits to be established by DEQ and EPA for surface waters in the valley are not fairly allocated between all discharge sources, point and non-point, those limits may unfairly burden a minority of discharges with the responsibility for the entire TMDL reduction requirement. DEQ, in implementing the federal Clean Water Act, has regulatory authority over point source discharges in surface waters and is working with the EPA to establish TMDL limits. The county regulates subdivisions in the Helena Valley and is committed, through its growth policy, to protect and improve water quality and quantity in that area. The city is interested in implementation of the Clean Water Act and is pursuing improvement of the water quality of Ten Mile Creek through mine waste cleanup. All parties recognize the ultimate goal is to achieve clean water, whether surface or groundwater, and regardless of whether the water quality degradation is from a point source or a non-point source. The parties further understand that each entity has legal limitations on its individual ability to totally regulate all pollution sources to water in the Helena valley.

Manager Burton recommended approval of the MOU, as it will allow all agencies involved to work together toward this common goal, which will focus individual efforts constructively rather than each entity using its resources to protect itself from the actions of the others. This unity of purpose will reap benefits when the entities as a group seek assistance and aid from other political entities.

Commission comment

Mayor Smith asked City Manager Burton to elaborate on other interested parties that will be involved in the issue sooner or later. Manager Burton explained there is a Water Quality Committee within the League of Cities and Towns; they will be meeting with DEQ Management on April 16, 2008 to deal with statewide issues regarding water quantity and quality. There is an effort underway by the Helena National Forest for a city driven initiative on the Upper Tenmile relative to any number of issues facing water quality and quantity as well as forest health issues. He added other counties that have water running into the basin could be involved, as well as other federal agencies and possibly the Helena Valley Irrigation District and agricultural community.

Motion

Commissioner Peura moved approval of an Memorandum of Understanding between the City of Helena, Lewis & Clark County, DEQ and EPA to plan, communicate, and coordinate remediation, restoration, maintenance, and preservation of water quality in the Lake Helena watershed. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Rebecca Ridenour gave the history of the HCC's Quality of Life ad hoc committee. She noted a new committee will be formed and it will be an agenda topic at the upcoming District Meetings. District Meetings will be held on May 15, 2008 and October 9, 2008; Districts 1 & 2 will meet at the Neighborhood Center, Districts 3 & 4 will meet at Staggering Ox, and Districts 5, 6 & 7 at HCT. The next regular HCC meeting is April 23, 2008.

Res of Intent to Annex CONSIDER A RESOLUTION OF INTENTION TO ANNEX PROPERTY LEGALLY DESCRIBED AS TRACT I IN E1/2SE1/4NE1/4, COS# 589909/B, SEC 26, T10N R4W; AND THE PORTION OF LEGRANDE CANNON BOULEVARD ADJACENT TO THE PROPERTY, IN LEWIS & CLARK COUNTY, MONTANA INTO THE CITY OF HELENA, MONTANA, AND TO ESTABLISH CONDITIONS OF ANNEXATION.

Staff Report

Community Development Director Sharon Haugen reported Tract 1 is currently undeveloped. The property is adjacent to LeGrande Cannon Boulevard and Charlie Russell Drive, both city rights of way. Gary and Denise Ingman are the property owners and applicants. They are seeking annexation to obtain city services. A signed petition for annexation in accordance with 7-2-4601 MCA, has been received from the applicant.

On October 21, 1996 the Helena City Commission unanimously passed an ordinance to pre-zone the subject property to R-1 (Large Lot Single-Family Residential) District.

The property currently does not receive any services from the City of Helena. A city wastewater main is located on the north side of the property in LeGrande Cannon Boulevard. City water service is available in the general vicinity, to the north and southeast, of the property. The applicant wishes to connect to city sewer and water upon annexation of the property.

The streets adjacent to the property do not meet city standards. The applicant will be required to install all necessary street improvements prior to annexation of the property. The applicant will be required to waive the right to protest the creation of a special improvements district to finance the improvement.

The full width of the adjacent rights of way of the property being annexed must also be included in the annexation. Annexation of this property will require taking in a portion of LeGrande Cannon Boulevard.

Director Haugen recommended approval of the resolution of intention to annex as the property is located adjacent to the city; infrastructure can be readily extended to serve the property, making efficient use of land, infrastructure, energy and other resources. This proposal does not create any individually wholly surrounded properties. Annexation of the private property is consistent with city policy, and consistent with the policy of annexing properties contiguous with city boundaries.

Commission comment

Commissioner Peura referred to the condition stating the applicant will be required to install the necessary street improvements and asked if they would be completed in the same standard as the rest of LeGrande Cannon? City Manager Burton stated yes, the same standard will be applied. Commissioner Peura noted this property is located where LeGrande Cannon paving ends and its improvements will

close the gap between that point and the Reber PUD. City Manager Burton concurred with Commissioner Peura's comment. Director Haugen added Charlie Russell Drive would be improved adjacent to the property.

Public comment

Mayor Smith called for public comment.

Gary Ingman, 1110 8th Avenue, applicant; urged the Commission to approve the resolution of intention to annex and gave the history of the property. His comments were also submitted in writing and are included in the Commission packet.

Motion

Commissioner Peura moved approval for a resolution of intention to annex into the City of Helena legally described as Tract 1 in E3SE4NE4, COS #589909/B, T10 N R04W SEC26; and a portion fo LeGrande Cannon Boulevard adjacent to the property, all in Lewis & Clark County, Montana into the City of Helena, Montana, and establish conditions for annexation of the property.

Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res #19555**

CDBG Grant

CONSIDER AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A MONTANA DEPARTMENT OF COMMERCE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT PLANNING GRANT TO ASSIST THE CENTER FOR MENTAL HEALTH IN PLANNING A NEW CRISIS STABILIZATION CENTER.

Staff Report

Director Haugen reported the Center for Mental Health (CMH) is a Montana nonprofit organization based out of Great Falls that serves thirteen counties, including Lewis & Clark County. The CMH serves 4500 clients and has a total annual operating budget of \$13.2 million. In Helena, it currently operates the Montana House, outpatient care and the PACT program. It also operates the Care House, the current Crisis Stabilization Center, located at 836 North Jackson. The facility is a short-term residential psychiatric facility with six beds for adults who have been experiencing psychiatric symptoms of mental illness that cannot be handled at a lesser level of care. The current facility is located in an older residential home that is not the ideal setting for a crisis stabilization facility. It is not designed to serve as such a facility, is not ADA Compliant and has limited room for only six clients.

The CMH is asking the City of Helena to sponsor a CDBG ED Planning Grant to aid in the planning and design of a new Crisis Stabilization Center in Helena. The \$15,000 Planning Grant, if approved, will be matched by \$17,000 in funds from the CMH and over \$5,000 of in-kind match. The money will be used to look at alternative sites for the facility, building design and capacity and to select a site and complete a preliminary design for the project. As proposed, there will be a series of community meetings to aid in the site selection and design, so that the best possible location for the facility will be identified.

The city is not proposing any cash match for the planning grant at this time because there are financial resources available through the CMH to provide the match. The city will be providing in-kind services for the project as part of the environmental assessment and administration activities.

Director Haugen recommended approval of the grant application as the City of Helena's Growth Policy encourages the city to promote the maintenance and expansion of existing Helena area businesses. It also encourages the development of resources and incentives to help to accomplish that goal, including CDBG funds. The Growth Policy also asks the city to help "ensure that all citizens of Helena have the opportunity to enter the social and economic mainstream, and to reach their potential as citizens and individuals." The CMH CDBG ED application would help accomplish both of these goals for the city.

Commission comment Commissioner Cartwright asked if there are any other grants competing for this pot of money? Director Haugen explained the ED Planning Grant is not a competitive grant process. It is given on a first come, first serve basis and reviewed by a loan committee; they determine if the applicant is eligible for funding. She noted a community can have only one open grant at a time. Commissioner Cartwright asked if the city has any other grants waiting to be submitted or if this grant takes the place of any other proposed grant? Director Haugen stated no, the only other grant that may be considered would be for the Good Samaritan and it would be a Community Development Planning Grant.

Public comment Mayor Smith called for public comment.
Darren Nealis, 1011 N. Warren, Program Director of CMH; spoke in support of the grant.

Comment Commissioner Peura reported he attended the January Jackson Street Neighborhood Meeting and noted there was no neighborhood opposition to the city applying for this grant. Commissioner Oitzinger noted the Montana Business Assistance Connection is in support of the grant.

Motion **Commissioner Peura moved to authorize the City of Helena to apply for a Montana Department of Commerce CDBG Economic Development Planning Grant to assist the CMH and authorize the City Manager to sign all documents related to the grant.**
Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Zoning Ordinance CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3097, REPEALING CHAPTERS 1 THROUGH 15, 17 THROUGH 21, 27 THROUGH 34, AND 42 THROUGH 50, ADOPTING NEW CHAPTERS 1 THROUGH 8, RESERVING CHAPTER DESIGNATIONS 9 THROUGH 15, 17 THROUGH 21, 27 THROUGH 34 AND AMENDING CHAPTERS 24, 25, 26 AND 40 OF TITLE 11 OF THE HELENA CITY CODE, THE ZONING ORDINANCE OF THE CITY OF HELENA.

Staff Report Director Haugen reported the Helena City Commission held a public hearing on March 24, 2008 to consider first passage of an ordinance to amend Title 11 of the Helena City Code, the Zoning Ordinance of the City of Helena. After receiving and considering both written and oral testimony, including the Zoning Commission's recommendation, the City Commission approved first passage of the revised ordinance with several amendments. These amendments included:

- Several technical amendments including; 1) amending the Land Use Table to allow outdoor entertainment” in B-3 by CUP; (Table 1, Land uses, p.14) and 2) amending the provisions of the Non Conforming Structure section to require that a nonconforming structure must be rebuilt to conform with current building and fire codes (Section 11-5-5 part E, p. 51); and amending the definition of animal shelter to make crematoriums permissive.
- An amendment redefining “two dwelling unit” as 2 dwelling units on the same lot (Section 11-2-4, p. 18);
- An amendment allowing a five foot (5’) lot line setback from an alley that is considered public right of way (Section 11-4-2, part.B.4, p. 42);
- An amendment permitting residential uses by right in the B-2, B-3 CLM, and M-I districts if they are above a retail or commercial us. Residences above industrial uses in either the CLM or M-I District require a CUP Section 11-2-5, part C, p. 32);
- An amendment reverting the building heights in the R-1, R-2 and R-3 districts to twenty-four (24) feet (Table 2 Lot Requirements, p. 44);
- An amendment allowing 5% additional coverage for a porch and defining “porch;”(Table 2 Lot Requirements, p. 44 and 41);
- An amendment changing the method of measuring building height to be measured considering a 10 feet (10’) grade difference, instead of six feet (6’) (Section 11-4-1, p. 40); and
- An amendment limiting the size of multiple buildings on a lot Section 11-4-2, part A, p. 41).

Director Haugen recommended approval for final passage of the ordinance and noted this proposal would assist with implementing goals, objectives and policies of the Helena Growth Policy. Applicable elements of the Growth Policy include affordable housing; sustainability and environmental protection; efficient use of land, energy, infrastructure and other resources; and protecting the public health and safety. The Helena Zoning Ordinance would be improved in terms of content, organization, readability, and usability.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval for final passage of Ordinance No. 3097 amending Title 11 of the Helena City Code (the Zoning Ordinance of the City of Helena (Ordinance NO. 2359)) by repealing Chapters 1 through 15, 17 through 21, 27 through 34, and 41 through 50, adopting new Chapters 1 through 8, reserving

Chapter designations 9 through 15, 17 through 21, 27 through 34, and amending Chapters 24, 25, 26 and 40, and as contained in the ordinance. Commissioner Oitzinger seconded the motion. Motion carried 4-1, with Commissioner Elsaesser voting no. **Ord #3097**

Comment

Commissioner Peura requested discussion of the possibility of an annual zoning report by the Zoning Commission could be discussed at a future Administrative Meeting. Commissioner Cartwright noted some housekeeping amendments may be necessary relatively soon; none of the housekeeping issues involve the R-1 and R-2 Districts. City Manager Burton Commission commented the Commission will be busy working on the Growth Policy, Subdivision Regulations and other aspects of zoning; staff will make sure the Commission gets an annual update or more often if needed. Commissioner Elsaesser spoke in support of including energy conservation in future updates.

Public Communications

PUBLIC COMMUNICATIONS
None given.

Meetings of Interest

MEETINGS OF INTEREST
The next Administrative Meeting is Wednesday, April 16, 2008 at the Civic Center and the next Commission Meeting is Monday, April 21, 2008.
Commissioner Peura noted there would be a meeting called "Keeping it Local" regarding the use of local foods at 5:30 p.m. on Thursday, April 10, 2008 at St. Pauls United Methodist Church. City Manager Burton spoke of an upcoming meeting regarding improvements to LeGrande Cannon Boulevard. He also spoke on the status of Urban Wildlife Management issues.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:20p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission