

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 4, 2008
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 4, 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 Kent Schlosser 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 July 21, 2008 were approved as submitted.

Appointments APPOINTMENTS:
A. City/County Historic Preservation Commission
B. Helena Housing Authority

Mayor Smith asked for Commission concurrence on the following appointments:

Helena Housing Authority – Reappointment of Judy Erickson as a resident member.

Historic Preservation Commission – Joint appointment of Joan Toole.

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

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

Consent Agenda CONSENT AGENDA:
A. Claims
B. Utility bill insert – City of Helena Solid Waste Division
C. Acceptance of 100% State of Montana pass-thru funding in the amount of \$44,167 and authorization of a budget amendment and expenditure of such funds
D. Consent to assignment of YMCA lease
E. Traffic Control Maintenance Agreement between the City of Helena and the Montana Department of Transportation
F. FY09 Montana Independent Living Project New Freedoms Grant
G. FY09 Rocky Mountain Development Council New Freedoms Grant
H. State Contract for purchase of new dispatching software for Helena Area Transit Service

- I. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the sale of that property (vehicles)
- J. Change Order for the Helena Middle School and Bryant School sidewalks - Project No. 08-9
- K. One-year extension of a Resolution of Intention to annex into the City of Helena 5.259 acres generally located east of Wilkerson Street and south of Tricia Street (Highway 12 East frontage road)

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

Bid Award BID AWARD:
A. 2008 Chip & Seal Project

Staff Report City Engineer Ryan Leland reported the chip and seal project will add a new wear surface and pavement sealer by applying a single application of asphalt material on a prepared asphalt surface, followed by spreading a 3/8-inch gravel chip.

Staff opened bids for the project on July 8, 2008 and three bids were received. Helena Sand & Gravel was the lowest responsible bidder with a bid for all three schedules of \$310,282.72. This is a unit price of \$1.32 a square yard, which is a three-year low. Staff completed a budget amendment to increase the budget to allow the city to award all three schedules because of the low bid price.

Engineer Leland recommended awarding schedules "a" through "c" to Helena Sand & Gravel in the amount of \$310,282.72. He noted approximately 11.5 miles of city streets would be chip sealed.

Commission comment Commissioner Peura asked how the amount of chip sealing proposed for 2008 compared with previous years. Engineer Leland explained just over six miles of road were chip/sealed in 2007; the 2008 project is most comparable with what was done in 2003.

Engineer Leland gave an update on the Benton/Custer Avenue Construction Project.

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

Motion Commissioner Peura moved to award schedules A, B and C of the 2008 Chip & Seal Project to the lowest responsible bidder, Helena Sand & Gravel Inc., in the amount of \$310,282.72. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Cartwright spoke of public opinion regarding the State of Montana employee commuter bus. He announced he would be out of town on state business for the August 18, 2008 Commission Meeting and expressed his support for the proposed rate increases for

city services on the agenda. Commissioner Elsaesser concurred with Commissioner Cartwright's comments related to the state employee bus service. Commissioner Oitzinger announced she would be absent at the August 18, 2008 Commission Meeting.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER
City Manager Burton invited Police Chief Troy McGee to introduce recently promoted Police Department Captain David Jezeritz. Chief McGee gave Captain Jezeritz's work history. The Commission congratulated Captain Jezeritz on his promotion.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL
HCC member Kent Schlosser introduced new VISTA/HCC Coordinator Julie Haehnel. Ms. Haehnel gave her education background and expressed her excitement for her new position.

Navy Artifacts

CONSIDER TRANSFER OF THE USS HELENA PROPELLER, ANCHOR AND BELL, ON LOAN TO THE CITY OF HELENA FROM THE UNITED STATES DEPARTMENT OF THE NAVY, FROM PIONEER PARK TO THE FORT HARRISON MILITARY MUSEUM.
(TABLED ON JULY 21, 2008)

Staff Report

City Attorney David Nielsen reported the city has a propeller, anchor and ship's bell from the U.S.S. Helena (CA-75) on loan from the United States Navy. This property is currently on display in Pioneer Park. The city is accountable to the Curator of the Naval Historical Center for the care and display of these artifacts. The current loan period for the artifacts is five years, which started in November 2006.
The Helena Council of the Navy League of the United States has requested that the propeller, anchor, and bell be relocated to the Montana Military Museum at Fort Harrison, Montana. The Council is a separate organization from the Montana Military Museum. In order to transfer the loan of these artifacts to the Montana Military Museum, the Museum must make a written request to the city containing all the information set forth by the City Attorney's office via a memorandum to Colonel Ray Read (retired); a copy of the memorandum was included in the Commission packet. The city will then make a written request to the Curator of the Naval Historical Center to transfer the loan of the artifacts from the city to the Museum.

Attorney Nielsen recommended approval of the transfer, as it will allow the artifacts to be located with other U.S.S. Helena artifacts currently at the Montana Military Museum.

Public comment

Mayor Smith called for public comment.
Albert Bruce Clark, 1411 Cherry Avenue; spoke in opposition to the transfer.
Gary Barker, 601 Mountain View; spoke in support of the transfer.
Peter Sullivan, President of the Helena Council of the Navy League; urged the Commission to approve the transfer.

Attorney Nielsen stated no, the liability is unchanged. Commissioner Cartwright asked if the HPC acting as an agent is contemplated in state statute or part of the general powers afforded the city? Attorney Nielsen stated parking commission statutes do contemplate that commissions can and do manage parking lots on behalf of the city as a functional equivalent and legally, in an agency relationship. Commissioner Cartwright observed that making a city commission or authority an agent would be a way to exercise Commission control over the flow of money.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of a parking management agreement between the City of Helena and the Helena Parking Commission. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

BOI Agreement

CONSIDER AN AGREEMENT BETWEEN THE CITY OF HELENA AND THE BOARD OF INVESTMENTS FOR THE PURCHASE OF A MINIMUM OF 350 PARKING PERMITS FOR THE 15TH STREET PARKING STRUCTURE.

Staff Report

Director Carpenter reported the 15th Street Parking Ramp is under design and will be constructed in the near future. A defined revenue source will be necessary to repay the certificates under Lease/Purchase obligation for that designed and construction. The Board of Investments has proposed an interest to purchase a minimum of 350 annual parking permits for the 15th Street Parking Ramp for a long term.

Director Carpenter noted the agreement would establish a known source of revenue to cover the financial obligation and recommended its approval.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of a parking agreement between the City of Helena and the Board of Investments to obligate the Board of Investments to purchase a guaranteed minimum of 350 parking permits for the parking ramp to be constructed by the city on Parking Lot #15 for at least thirty years. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Mosaic Architecture Contract

CONSIDER AN ARCHITECTURAL CONTRACT FOR THE DESIGN AND CONSTRUCTION OF THE 15TH STREET PARKING STRUCTURE.

Staff Report

Director Carpenter reported Mosaic Architecture has completed the schematic design of the 15th Street Parking Structure. The next phase will be design documents, bidding and construction administration.

A fixed cost for design documents, bidding and construction administration has been negotiated for \$347,568. This represents approximately a six percent consultant cost including the schematic design cost already incurred and is well within current market costs.

Director Carpenter recommended approval of the contract, as it will keep the project moving forward to a completion date that will match the completion date for the State Fund Office Building.

Commission comment Commissioner Peura asked that the schematic design of the garage be posted on the City of Helena website.

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

Motion Commissioner Oitzinger moved approval of a contract with Mosaic Architecture for \$347,568 to complete the design and construction of the 15th Street Parking Ramp and authorized the manager to sign the contract. Commissioner Peura seconded the motion. All voted aye, motion carried.

Sidewalk Variance CONSIDER A REQUEST FOR SIDEWALK VARIANCE AT 2028 NORTH MONTANA AVENUE.

Staff Report City Engineer Ryan Leland reported the owner of the property at 2028 North Montana Avenue, currently used as a sales office for Preferred Auto & RV, is proposing to tear down the existing building and add a new building to the property. As part of the site plan the developer is requesting three sidewalk variances. The first request is for a sidewalk variance for curbside type sidewalk along the south side of Aspen Street along the east half of Block 22. The second request is for a variance from the requirement to develop sidewalks on Poplar Avenue on the east half of Block 22. The third request is a variance from the requirement to develop sidewalks on the west half of Block 22 along Poplar, Dodge, and Aspen Streets.

Mr. Leland noted he had no recommendation on the proposal.

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

Commission comment Discussion was held on the Montana Avenue portion of the property, surrounding sidewalks and the applicants reason for applying for the variances.

Commissioner Peura commented there is no physical or financial justification to not install sidewalks anywhere but along North Montana. Curbside sidewalks are customary in the area and he would support their installation for the entire length of the applicant's portion of Aspen Street. Commissioner Elsaesser concurred with Commissioner Peura.

Motion Commissioner Cartwright moved approval of a variance for curbside sidewalk along Poplar Street for the property at 2028 North Montana. Commissioner Peura seconded the motion. All voted aye, motion carried.

Motion Commissioner Cartwright moved approval for no sidewalk along the closed portion of Dodge Avenue for the property at 2028 North Montana. Commissioner Peura seconded the motion. Motion carried 3-2 with Mayor Smith and Commissioner Oitzinger voting no.

Motion Commissioner Cartwright moved approval of a variance to allow curbside sidewalk along the length of Aspen Street for the

property at 2028 North Montana. Commissioner Peura seconded the motion. All voted aye, motion carried.

Preliminary Plat

CONSIDER A MINOR SUBDIVISION/PRELIMINARY PLAT CREATING 2 LOTS FROM A SINGLE LOT LOCATED AT 703 8TH AVENUE (LOT 8-A) AND 329 BEATTIE STREET (LOT 8-B).

Staff Report

City Planner Lucy Morell-Gengler reported each proposed lot currently contains a single-family residence. Lot 8-A currently has a nonconforming side yard that would continue this status with the existing structure that was built in 1885. The nonconforming rear yard for Lot 8-B would continue for the existing structure that was built in 1978.

No parkland is required for a subdivision that only creates one additional lot (76-3-621 (3)(d) MCA). No public hearing is required for the first minor subdivision of a tract of record (76-3-609 (2)(d)(ii) MCA).

The applicant desires to create 2 lots from a single lot located in the R-3 Residential District. According to the proposal, Lot 8-A would contain 4,493 square feet; this lot would measure 50 feet wide along Eighth Avenue and 89.22 feet wide along Beattie Street. Proposed Lot 8-B would contain 2,537 square feet and would measure 51.20 feet wide along Beattie Street. Both proposed lots comply with the zoning requirements of the R-3 District.

Planner Morell-Gengler recommended approval of the minor subdivision/preliminary plat as it would allow two existing single dwelling units to be located on separate lots which would allow them to be individually sold, thereby potentially meeting a need for affordable housing.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved conditional approval of the preliminary plat for the minor subdivision creating two lots (Lots 8-A and 8-B) in the R-3 (Residential) District as legally described in the staff report and to adopt the Findings of Fact and conditions contained therein. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Final Plat extension

CONSIDER A ONE-YEAR TIME EXTENSION FOR FINAL PLAT APPROVAL FOR THE BIG SKY ESTATES MAJOR SUBDIVISION; GENERALLY LOCATED ON THE WEST SIDE OF ELAINE STREET AND SOUTH OF TRICIA STREET.

Staff Report

City Planner Lucy Morell-Gengler reported On August 8, 2005, the Helena City Commission gave conditional preliminary plat approval for the Big Sky Estates Major Subdivision creating 9 residential lots from 2.23 acres. The property has been pre-zoned R-4 (High Density Residential) District. Montana Codes Annotated Section 76-3-610 states: "This [preliminary plat] approval shall be in force for not more than 3 calendar years or less than 1 calendar year. At the end of this period the governing body may, at the request of the subdivider, extend its approval for no more than 1 calendar year, except that the governing body may extend its approval for a period of more than 1 year if that approval period is included as a specific condition of a written agreement between the governing body and the subdivider."

The preliminary plat approval was contingent on the completion of 8 conditions. Within the 3 years since preliminary plat approval the applicant has demonstrated a commitment to completing the subdivision by completing many of the conditions and installing water and sewer mains and storm water facilities. The improvements to Elaine Street and the internal street have not been completed.

The applicant's representative has indicated one of the reasons for the extensions includes financial constraints. In addition, some of the issues associated with the subdivision have taken longer to resolve than anticipated, such as developing an agreement with the adjacent landowners for the construction of Elaine Street. If the conditions of preliminary plat approval are not met within this one-year extension, an additional time extension and a written agreement between the city and the subdivider for filing the final plat for the Big Sky Estates Major Subdivision must be approved prior to the expiration of the one-year extension.

Ms. Morell-Gengler recommended approval of the extension as it would allow time to complete the conditions established with the preliminary plat would allow the applicant an opportunity to complete the Big Sky Estates Major Subdivision.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval of a one-year extension for meeting the conditions of preliminary plat approval for the Big Sky Estates Major Subdivision. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Resolution to Annex

CONSIDER A RESOLUTION ANNEXING TRACT I SHOWN ON COS#589909/B IN LEWIS AND CLARK COUNTY, AND THAT PORTION OF UN-PLATTED LE GRANDE CANNON BOULEVARD ADJACENT THERETO, ALL IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA.

Staff Report

City Planner Elroy Golemon reported Gary L. Ingman and Denise D. Ingman are proposing to complete the annexation of Tract 1 shown on Certificate of Survey Number 589909/B in Lewis & Clark County, and that portion of unplatted Le Grande Cannon Boulevard adjacent to said property. On April 07, 2008, the Helena City Commission adopted a Resolution of Intention (#19555) to the subject property.

The applicants notified City Planning on July 22, 2008 that the conditions for approval of annexation have been completed. The conditions included the following:

1. Infrastructure: The property owner shall install all infrastructure improvements required by the City, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements. Mr. And Mrs. Ingman signed a Development Agreement on July 22, 2008 that defines the responsibility for installation or deferment of the improvements.

2. Review of New Construction: The property owner shall submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to

annexation of the property to ensure compliance with infrastructure, zoning, and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City. The subject property is vacant and undeveloped at this time.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation. The taxes and assessments are current as of July 25, 2008.

4. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of the Resolution of Intent to Annex. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. 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 to the property, including water and sewer service.

Planner Golemon recommended approval of the resolution, as annexation of the private property is consistent with city policy and consistent with the policy of annexing properties served by city infrastructure.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of a resolution annexing property legally described in the resolution and that portion of unplatted Le Grande Cannon Boulevard adjacent thereto, all in Lewis & Clark County, into the City of Helena, Montana, and extend services to the property as shown on Exhibit "A".
Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19584**

Resolution to Annex

CONSIDER A RESOLUTION ANNEXING THE NORTH 12 FEET OF LOT 8 AND ALL OF LOT 9, BLOCK 189 OF THE BRADFORD ADDITION AND THE ALLEY RIGHT OF WAY BETWEEN LOTS 8 AND 9 INTO THE CITY OF HELENA, MONTANA.

Staff Report

Planner Goleman reported Josef J. Warhank and Mary L. Warhank are proposing to complete the annexation of the north 12 feet of Lot 8 and all of Lot 9 in Block 189 of the Bradford Addition and that portion of the east/west alley between Lots 8 and 9, all in Lewis & Clark County, Montana. On March 10, 2008, the Helena City Commission adopted a Resolution of Intention (#19553) to Annex the subject property.

The applicants have completed the conditions for annexation that included the following:

1. Infrastructure: The property owner shall install all infrastructure improvements required by the City, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferral of the improvements. Mr. and Mrs. Warhank signed a Development Agreement on June 03, 2008 that defines the responsibility for installation or deferral of the improvements.

2. Review of New Construction: The property owner shall submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning, and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City. No new construction has been proposed at this time.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation. The taxes and assessments are current as of July 25, 2008.

4. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. 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 to the property, including water and sewer service. Mr. And Mrs. Warhank notified City Planning on June 03, 2008 that the conditions for approval of annexation have completed.

Planner Golemon recommended approval of the resolution, as annexation of the private property is consistent with city policy and consistent with the policy of annexing properties served by city infrastructure.

Commission comment Mayor Smith asked if the alley is closed? Planner Golemon explained it is a platted alley and the property owners intend to keep it as an alley with access for use by other residents.

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

Motion Commissioner Peura moved approval of a resolution annexing property legally described in the resolution, and the alley right-of-way between Lots 8 and 9, all in Lewis & Clark County, into the City of Helena, Montana, and extend services to the property as shown on Exhibit "A". Commissioner Cartwright seconded the motion. All voted aye, motion carried. Resolution #19585

INTERCAP Loan CONSIDER SUBMITTAL OF AN APPLICATION TO THE MONTANA BOARD OF INVESTMENTS, INTERCAP LOAN PROGRAM, TO FUND THE 2007 AND 2008 SIDEWALK PROGRAMS.

CONSIDER USE OF SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND RESERVES TO PAY THE INTEREST PORTION OF LOAN PAYMENTS FOR THE 2007 AND 2008 SIDEWALK PROGRAMS.

Staff Report City Controller Glenn Jorgenson reported the city has a sidewalk replacement program for city residents. The city pays for the work and then assesses the landowners over 10 years. Prior to fiscal year 2007, the annual program costs were between \$575 and \$30,000. The city

issued a warrant to pay for the repairs that the Special Improvement District Revolving Fund (SID fund) purchased as an investment.

The city changed the program to a zero interest loan for the 2007 replacement program. The SID fund "lost" the interest income possible by loaning the funds at zero percent interest. The 2007 replacement program cost \$103,055.20. The 2008 program currently has up to \$235,000 of work possible. The full amount will not be known until the homeowners agree to the loan based on the bids received. The 2007 and 2008 programs are anticipated to be approximately \$350,000 in total.

Due to the size of the replacement programs the SID Fund will not be able to continue to fund them as the reserves are anticipated to be exhausted within five years. Staff is recommending borrowing from the State of Montana, Board of Investments INTERCAP Loan Program to fund the 2007, 2008 and future sidewalk programs. The city will have to fund the interest payments to the INTERCAP program if the city is to maintain a zero percent interest based replacement program. These are variable rate loans and the February 15 and August 15, 2009 interest payments are anticipated to be between \$15,500 and \$17,500.

Furthermore, the first assessments for this program will not be collected until November 2009. The city will need to make the first two principal payments prior to receiving the first assessments. This would be a loan to the program that can be recouped in 10 years when the city receives the last assessments. The principal payments are estimated to be \$15,000 to \$16,000. Staff is reviewing changes to the program to be able to tie the first year's assessments to the loan payments.

Commission comment

Commissioner Cartwright asked if the current repayments go back to the SID Revolving Fund or to the General Fund? Mr. Jorgenson confirmed the SID Revolving Fund. Commissioner Cartwright asked for more information on the variable rate of the INTERCAP Loans. Mr. Jorgenson explained rates over the last ten. Commissioner Cartwright asked what rate the SID Revolving Fund may be invested at? Mr. Jorgenson stated it varies on what the Short-Term Investment Portfolio from the State of Montana is paying.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved approval to submit an application to the Montana Board of Investments, INTERCAP Loan Program, to fund the 2007 and 2008 Sidewalk Programs.

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

Motion

Commissioner Oitzinger moved approval to use Special Improvement District Revolving Fund reserves to pay the INTERCAP principal and interest loan payments for the 2007 and 2008 Sidewalk Programs until alternate financing is approved by the City Commission. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER AN EXTENSION OF THE CITY OF HELENA WATER SERVICE AREA TO INCLUDE LOTS 6, 7 AND 8, BLOCK 50 OF THE BROADWATER 2ND ADDITION AND ADJACENT ALLEY

RIGHT OF WAY; GENERALLY LOCATED EAST OF HENDERSON STREET.

Staff Report

Community Development Director Sharon Haugen reported the City of Helena donated land to the Montana Youth Home (MYH) on December 15, 2006. The site is adjacent to the current Salvation Army facilities. The site will be the home of a single story youth residential group home. The group home will be approximately 2700 square feet. The home will be operated and owned by MYH, Inc. and Rocky Mountain Development Council (RMDC). The city has received a Montana Department of Commerce CDBG grant to help pay for the construction. In addition, the Helena School District, through its High School House program, will be partnering with the city, MYH and RMDC to construct the facility.

This tract of land was not included when the original water service was created. The land was originally set aside for the extension of Henderson Avenue and park purposes. The water service area boundary ends at the current Salvation Army facility.

Director Haugen recommended approval of the extension as it will allow the construction of the Montana Youth Home facility and will ensure the infrastructure needed for such a facility is adequate.

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 approval for the extension of the Helena Water Service Area to include a tract of land on Lots 6, 7, and 8 of Block 50 of the Broadwater Second Addition and adjacent vacated right-of-way. Commissioner Peura seconded the motion. All voted aye, motion carried.

B. CONSIDER AN EXTENSION OF THE CITY OF HELENA WATER SERVICE AREA TO INCLUDE BLOCK 1 THROUGH 8 OF THE WOODLAWN PARK ADDITION AND PARCEL D AS SHOWN ON COS #447163/0 AND LOTS 47 AND 48 OF THE RACE TRACK MEADOWS SUBDIVISION AS SHOWN ON COS #262334 ALL IN LEWIS AND CLARK COUNTY, MONTANA.

Staff Report

Director Haugen reported the Woodlawn Park Addition is 40 acres in size and was created in 1890. There are 12 commercial establishments and 40 residences. The land uses include mainly commercial activities along Custer Avenue and for the first block north of Custer Avenue along Green Meadow Drive, with most of the interior area residential. The City of Helena owns a 2.53-acre area in the northwestern portion that will remain open space. There are a total of 350 lots within this subdivision. The residences and businesses are on individual wells and septic tanks

The AGC Facility property is comprised of two lots (lots 47 and 48) in the Racetrack Meadows Subdivision west and north of the Fairgrounds. Beginning in 1971, the Facility has provided construction training for members of the Laborers International Union of North America. Currently, the facility has a caretaker's residence, an office building and men and women's dormitories. The training facility would

like to expand but has constraints due to inability to expand the septic system.

The County has been working with city staff to facilitate the process of extending city services to the Woodlawn Dunbar/Fairgrounds/AGC facility. City staff developed a petition for the Enlargement of the Water and Wastewater Service area and County staff provided the petition to all of the landowners in the affected area. Sixty percent of the landowners signed the petition. The city extended the Wastewater Service Area in October 2007. The water service area was not expanded at that time because construction had not started on the water system and all funding had not been secured.

Director Haugen recommended approval of the extension as it would ensure the availability of safe drinking water in the area and sufficient fire flows. The conditions outlined in the original agreement would prevent any further subdivision of the property without review and approval from the City Commission and will promote the orderly development of the area of the city. The expansion of the water area will also facilitate the expansion of the Laborer's Training Facility.

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 Peura moved approval for the extension of the City of Helena Water Service Area to include Blocks 1 through 8 of the Woodlawn Park Addition and Parcel D as shown on Certificate of Survey No. 447163/0 Lewis and Clark County, Montana; and Lots 47 and 48 of the Race Tract Meadows Subdivision as shown on Certificate of Survey No 262334 in accordance with city ordinance. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

C. CONSIDER FIRST PASSAGE OF AN ORDINANCE PRE-ZONING TEN (10) PARCELS ON CUSTER AVENUE AND COONEY DRIVE TO R-3 (MEDIUM DENSITY RESIDENTIAL) DISTRICT FOR EIGHT (8) PARCELS OF LAND, (PUBLIC LANDS AND INSTITUTIONS) DISTRICT FOR A TRACT OF LAND, AND R-O (RESIDENTIAL-OFFICE) DISTRICT FOR A TRACT OF LAND PRIOR TO ANNEXATION INTO THE CITY OF HELENA MONTANA.

Staff Report

Planner Golemon reported the City of Helena is requesting pre-zoning for ten (10) parcels on Custer Avenue and Cooney Drive prior to annexation into the City of Helena Montana.

On March 20, 2008 the Community Development Department conducted an informational meeting with the property owners of eight (8) wholly surrounded parcels along Custer Avenue, the owner of the old Cooney Home property, Lewis and Clark County Shop, and owners of property affected by a possible zone change. Staff explained the zone change, pre-zoning, and annexation processes to the property owners. Staff also discussed with the property owners the restrictions and types of uses for each of the pre-zone proposals and the zone change. The property owners present supported the pre-zone and zone change proposals.

On May 13, 2008 the Helena Zoning Commission made three (3) unanimous recommendations for approval (4:0 votes). The recommendations are as follows:

- The adoption of an ordinance pre-zoning to a R-3 (Medium Density Residential) District prior to annexation for eight (8) developed lots legally described in the staff report.
- The adoption of an ordinance pre-zoning to a PLI (Public Lands and Institutions) District, prior to annexation for a developed lot as legally described in the attached staff report. This property currently contains the County Shops and County Fire Department.
- The adoption of an ordinance pre-zoning to a R-O (Residential-Office) District prior to annexation for a developed lot as legally described in the staff report. This property is the former Cooney Home site.

Planner Golemon recommended approval of the zone change as the proposed pre-zoning district recommendations of R-3 (Medium Density Residential) District, PLI (Public Lands and Institutions) District and R-O (Residential-Office) District is consistent with the 2001 Helena Growth Policy, the Work Plan for Annexation adopted by the Helena City Commission on July 23, 2001 and the City of Helena Zoning Ordinance, and the proposed zoning districts are compatible with the surrounding land uses.

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 Peura moved approval of first passage of an ordinance pre-zoning ten parcels on Custer Avenue and Cooney Drive, to R-3 (Medium Density Residential) District for eight parcels of land, PLI (Public Lands and Institutions) District for a tract of land and R-O (Residential-Office) District for a tract of land; all as legally described in the ordinance, prior to annexation into the City of Helena. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3100**

D. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A ZONE CHANGE FROM R-2 TO R-3 DISTRICT FOR THREE LOTS LOCATED IN THE CITY OF HELENA AND AMENDING THE OFFICIAL ZONING MAP THEREOF; GENERALLY LOCATED NORTH OF CUSTER AVENUE AND SOUTH OF RUSSELL LANE.

Staff Report

Planner Golemon reported the City of Helena is requesting a zone change from R-2 (Residential) District to an R-3 (Medium Density Residential) District for three (3) developed lots containing residential dwellings.

On March 20, 2008 the Community Development Department conducted an informational meeting with the property owners of wholly

surrounded parcels along Custer Avenue, the owner of the old Cooney Home property, Lewis and Clark County Shop, and owners of property affected by a possible zone change. Staff explained the zone change, pre-zoning, and annexation processes to the property owners. Staff also discussed with the property owners the restrictions and types of uses for each of the pre-zone proposals and the zone change. The property owners present supported the pre-zone and zone change proposals.

On May 13, 2008 the Helena Zoning Commission unanimously recommended approval (4:0 vote) for the adoption of an ordinance amending the Official Zoning Map, described in Section 11-2-1 of the Helena City Code and adopted by reference, for a Zone Change from R-2 to R-3 District for three (3) developed lots located in the City of Helena; as legally described in the staff report.

Planner Golemon recommended approval of the ordinance as the proposed zone change from R-2 to R-3 District for three developed lots is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses.

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 approval of first passage of an ordinance for a zone change from R-2 to R-3 District for three lots located in the City of Helena and amending the Official Zoning Map thereof; generally located north of Custer Avenue and south of Russell Lane, for property legally described in the ordinance.

Commissioner Peura seconded the motion. All voted aye, motion carried. **Ordinance #3101**

Public Communications

PUBLIC COMMUNICATIONS

Albert Bruce Clarke, 1411 Cherry Avenue; spoke of knapweed problems in the city.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is Wednesday, August 13, 2008 and the next Commission Meeting is Monday, August 18, 2008. The City/County Joint Work Session will be held Thursday, August 7, 2008.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:43p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission