

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 20, 2009
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, July 20, 2009 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, Shropshire and Elsaesser were present. Commissioner Peura was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Marshall Gingery 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 6, 2009 were approved as submitted.

Appointments

APPOINTMENTS:

- A. City-County Planning Board
- B. City-County Historic Preservation Commission
- C. Helena Housing Authority
- D. Helena Open Land Management Advisory Committee
- E. Helena Regional Airport Authority
- F. Public Art Committee

Mayor Smith asked for Commission concurrence on the following appointments:

City-County Planning Board- Reappointment of Kelly Cassillas to a first full term on the Planning Board as the joint appointment. Term will begin upon appointment and expire September 1, 2012. Appointment of Alicia Pichette to a first term on the Planning Board. Term will September 2, 2009 and expire September 1, 2012.

City-County Historic Preservation Commission- Reappointment of Pamela Attardo to a second term on the HPC as a joint appointment. Term will begin upon appointment and expire June 30, 2012.

Helena Housing Authority- Appointment of Judy Nielsen to a first term on the HHA. Term will begin upon appointment and expire August 1, 2014. Appointment of Betty Morrison to a first term as a resident representative on the HHA. Term will begin upon appointment and expire August 1, 2011.

Helena Open Lands Management Committee- Reappointment of Melissa Broch to a second term on HOLMAC. Term will begin upon appointment and expire June 30, 2012. Appointment of Corey Baker to a first term on HOLMAC. Term will begin upon appointment and expire June 30, 2012.

Helena Regional Airport Authority- Reappointment of Mark Eichler to a second term on the Airport Authority as the joint appointment. Term will begin upon appointment and expire September 1, 2012.

Public Art Committee- Appointment of JeCe Schuller to an unexpired term on the Public Art Committee. Term will begin upon appointment and expire December 31, 2009.

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

Motion **Commissioner Cartwright moved approval of the appointments to the Planning Board, Historic Preservation Commission, Helena Housing Authority, Helena Open Lands Management Advisory Committee, Helena Regional Airport Authority and Public Art Committee as outlined above.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Utility bill insert - Angel Fund, Helena School District
C. Rocky Mountain Development Council Neighborhood Center Lease Agreement
D. Rocky Mountain Development Council Head Start Bus Service Transportation Agreement and Lease Agreement
E. Buy/Sell Agreement for 8.1 acres surrounding the Winne water tanks

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

Bid Award BID AWARD
A. Neighborhood Parks

Staff Report Parks & Recreation Director Amy Teegarden reported a bid opening was held of the Neighborhood Parks Construction Project on July 2, 2009. A total of four bids were submitted for the development of the six parks; the low bid was submitted by Tri-County Mechanical & Electrical, Inc. in the amount of \$264,417.

In 2008, the City Commission designated that \$350,000 of the general fund be available for the development of core amenities in the six parks. Of that amount, \$25,000 was designated for planning and contingency, leaving \$325,000 available for construction costs. Over the past 12 months, community input was incorporated into planning and design efforts. Three of the parks require construction of sidewalks with a total estimated cost of \$46,200.

The bid is actually under budget and as a result, city staff recommends that the costs associated with sidewalk construction be absorbed into the total project budget and construction schedule rather

than using stimulus funds and delaying the construction of the sidewalks. With the estimated savings in budget, city staff recommends expanding landscaping using parks labor crews next spring.

Director Teegarden recommended approval of the bid award as it would allow the expansion of developed parkland and recreation experiences in the city of Helena.

Commission comment Commissioner Cartwright asked if staff comfortable with the qualifications of the low bidder? Director Teegarden confirmed staff is comfortable with the bid award and noted the contractor would be sub-contracting landscaping and irrigation work.

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

Motion **Commissioner Elsaesser moved to award the bid to Tri-County Mechanical & Electrical, Inc. for the bid price of \$264,417.** Commissioner Shropshire seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Mayor Smith thanked City Manager Burton for his service to the City of Helena.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
A. Primary Election

City Attorney Nielsen reported seven candidates filed for the two vacant Commission seats; state law does not require a Primary Election to be held. In addition, the Elections Administrator has declared that a primary is not necessary. However, the City Commission has the option to override that decision. He reported, following a straw poll of the Commission members, three members recommended not holding a primary election.

B. Mail ballots – November election

City Attorney Nielsen reported the Elections Administrator has the ability to use a mail ballot for the General Election and noted this system was used in the 2007 Election. The Administrator has determined it is economically feasible to use a mail ballot again. The City Commission has the authority to make the final decision on whether or not to use the mail ballot; the issue will be placed on an upcoming Administrative Meeting agenda for discussion. A decision would need to be made by mid-August.

Report of the City Manager REPORT OF THE CITY MANAGER
A. Montana Middle School Resource Officer of the Year Award

Police Chief Troy McGee reported Sergeant Tory Keltner was awarded the Montana Middle School Resource Officer of the Year Award. Chief McGee gave Sgt. Keltner's work history and congratulated him on the award. The Commission commended Sgt. Keltner for his work.

B. FY10 Administrative Meeting Workplan

Manager Burton announced he had put together an outline of the Commission workload and recommended the Commission work with the Acting City Manager to fine tune the timeframes and priorities.

Manager Burton gave the history of the funding of Bill Roberts Golf Course. The city loaned the golf course about \$250,000 and the course has paid back approximately \$14,000. Discussion was held on forgiving the debt; it was noted when the SID bonds retire in 2013 the golf course will be fully funded with a fully funded CCIP. Manager Burton requested the Commission make a decision on the debt by the end of the summer. Commissioner Cartwright requested discussion of trails and landscaping be brought forward with the proposal.

Manager Burton invited City Controller Glenn Jorgenson to accept the city's 21st award for Excellence in Financial Reporting. Mr. Jorgenson thanked accounting staff for their work on the annual audit. The Commission commended the Administrative and Financial Services Department for their excellent work.

Manager Burton reported the Transportation Coordinating Committee (TCC) met last week; one of the primary functions in the Memorandum of Understanding (MOU) that created the TCC is to allocate urban funds for projects. The Montana Department of Transportation (MDT) has allocated funding for the reconstruction of Cedar Street from Montana Avenue to the Cedar Street Interchange and gave a description of the project.

Manager Burton spoke of Mr. George Hoff, who passed away on July 10, 2009. Mr. Hoff served the City of Helena faithfully through the HCC and other projects; he was a great American and will be missed.

Manager Burton commented it has been an honor and a pleasure working with the Mayor and Commission for the past 9 years.

***Report from the
Helena Citizens
Council***

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Marshall Gingery spoke of HCC Member George Hoff who passed away on July 10, 2009. He introduced Bonnie O'Neill, the new VISTA/HCC Coordinator for 2009/2010. Ms. O'Neill expressed her excitement to work with the HCC and City of Helena.

Open Lands Strategy

CONSIDER ACCEPTANCE OF THE OPEN LANDS FUELS
REDUCTION & RESTORATION STRATEGY.

Staff Report

Director Amy Teegarden noted Natural Resources Coordinator Brad Langsather would be providing a portion of the staff report.

While the City of Helena has successfully completed fuel treatment projects in the past, the on-going mountain pine beetle epidemic has resulted in the occurrence of sudden and significant ponderosa pine tree mortality over extensive portions of Helena's open lands system. The combination of dead trees and high fuel loads presents increasingly complex management challenges of increased risk to public health and safety from wildfire and hazardous trees as well as solid-waste management of woody debris.

Following a thorough examination of the forested portions of these lands, city staff determined that approximately 500 acres of severely infested ponderosa pine stocked timber stands were in immediate need of treatment in an effort to avoid the possible occurrence of crown fires (fire that moves from tree crown to tree crown) in the event of a wildfire ignition. An additional 610 acres of forested lands are susceptible of becoming infested prior to the end of the infestation. In total, nearly 80% of the forest area (ponderosa pine acreage) of Helena Open Lands could experience heavy mortality.

City staff recommends Commission support of the "Open Lands Fuel Reduction and Restoration Strategy" as follows:

Proposed Treatment: The proposed treatment of these lands would involve the harvest (removal) of all mountain pine beetle infested trees with the exception of those beetle-killed trees retained for wildlife habitat (snag trees); combined with the thinning of live, un-infested trees on an approximated 15-20 foot tree crown to tree crown spacing. Addition forest fuels modification work would involve the pruning of lower limbs to a height of 6 feet on those trees 20 feet tall and greater and a pruning to a height equal to 1/3 of the total tree height on those trees less than 20 feet in total height.

Cut waste material generated during thinning and harvesting would either be chipped and spread on the forest floor or hand piled for burn disposal depending upon the topography and accessibility of the given treatment site. Material too large to be chipped or burned will be taken off-site for disposal, fuel wood donation or marketing. Bid proposals for tree removal and thinning work would be awarded to qualified contractors using a bid process.

Unit Costs: The unit costs for forest fuel treatment are projected to average approximately \$1,650.00/acre for the 500 acres deemed in immediate need, therefore resulting in a total estimated forest fuel treatment cost of approximately \$825,000. The city has several pending grant awards and applications for funding.

Given the current aggression levels of the mountain pine beetle within the Helena area, and the resulting potential need for the city to eventually sanitize all of the ponderosa pine stocked acreage occurring within the open lands system, the total cost could increase to \$1,750,000.00 for the forest fuel treatment phase alone. Mountain pine beetle infested areas that have realized high mortality, and consequentially lack a suitable seed source, may require regeneration assistance with associated tree planting costs projected to average \$600.00/acre over a currently undeterminable number of acres.

While the immediate management focus is on reducing risks to public health and safety and infrastructure, the proposed strategy also includes a focus shift to forest restoration. There is a need to restore the forest to include a mosaic of tree species, age classes and stocking levels that are more resilient to the stresses of climate change into the future. Restoration activities will include tree planting; grass seeding, weed control, on-going maintenance efforts and fire rehabilitation efforts in the case of a wildland fire.

While the main focus of this strategy is on restoring open lands, attention should also be placed on addressing the solid-waste issues that will result from tree removal from both city-owned open lands as well as

forested private lands within the city limits. In addition to exploring biomass technology development, city staff recommends the purchase of 1-2 air curtain burners and a tractor/woodchipper that could be utilized to reduce the amount of material being taken to the landfill. The capital investment for two air curtain burners and a woodchipper is approximately \$200,000.

Timeframe & Schedule of Costs: The following timeframe includes estimated time for pending grants to be realized, and forest fuel projects to be completed, regeneration inventories and further field analysis to ensure adequate restoration.

Capital Investment (equipment)	2009-2010	\$ 250,000
Dead tree removal & thinning projects	2009-2014	\$1,750,000
Restoration activities	2011	\$1,050,000
TOTAL		\$3,050,000

Overview of ordinances and resolutions that govern open lands:

There appears nothing in the existing ordinances or resolutions that prevent the city from conducting these activities on designated open lands and natural parks. The proposed management activities are also supported under the guidance of the Helena Open Lands Management Plan. Two activities of potential concern include the use of motor vehicles and clear-cutting. The use of motor vehicles can be authorized by the city manager or designated representative. Patch cutting of dead trees in 100% mortality areas has been interpreted by city staff and HOLMAC to not qualify as "clear cutting of timber" as prohibited by ordinances.

Funding Options: City staff will continue to use a variety of funding mechanisms for implementing these activities. There will be an on-going commitment to leverage city funds with state and federal grants. Recognizing there is limited capacity within the general fund for funding these activities; city staff will evaluate assessment/fee options for future commission consideration.

Director Teegarden noted the proposed strategy addresses the immediate risk of public health and safety and adjust the direction of Helena's open lands fuel activities to restoration activities of the forest.

Manager Burton noted this strategy came from a request by the Commission for a comprehensive plan and the resulting assessment and analysis are excellent products. If the strategy is approved, each major step will come before the Commission for approval.

Commission comment

Commissioner Cartwright expressed interest for the proposed future tree planting. He referred to slash burning and suggested looking into alternatives because there may be interest in biomass combustors. He commented the strategy addresses fire prevention first and foremost.

Commissioner Shropshire referred to a fire near Anaconda and asked if the trees that have been burned were beetle infested. Mr. Langsather confirmed they were, and the area has been infested two years longer than Helena. She referred to the budget of the proposed strategy and asked why costs were included if there is no budget for the projects. Director Teegarden explained staff wanted to present the

Commission with cost estimates. Commissioner Shropshire expressed concern that the strategy isn't clear enough to accept and move forward.

Commissioner Elsaesser expressed concern that the city isn't going to follow Best Management Practices for an area in a viewshed. Mr. Langsather stated the proposed prescription is almost identical to already used prescriptions; the only difference is there is a much larger amount of mortality. Each project site will be analyzed and inventoried and have specific prescription written for each area. Discussion was held on the costs of capital investments needed for the project.

Mayor Smith indicated he is ready to move forward with the strategy and asked if the Acting City Manager would be implementing the strategy? Manager Burton stated yes, this would be a carryover project for the new City Manager and the city's management team. He noted acceptance of the strategy tonight would mean concurrence with the strategy and interpretation of the ordinance.

Public comment

Mayor Smith called for public comment, Dan Smith, Helena; stated the city has too much open space to be a good steward of.

Mary Arnold, HOLMAC; spoke in support of the strategy.

Scott Johnson, Helena; spoke in support of the strategy.

M.C. Beeby, Parks Board member; urged the Commission to approve the strategy.

Motion

Commissioner Cartwright moved to accept the Open Lands Fuels Reduction & Restoration Strategy. Motion died for lack of a second.

Discussion

Commissioner Shropshire indicated she would not support the strategy as she doesn't have enough information to make a decision; she recommended tabling the proposal. Commissioner Elsaesser concurred with Commissioner Shropshire. Commissioner Cartwright indicated he would not support a motion to table the strategy, as a previous work session on the subject provided detailed information and he feels comfortable voting to approve the strategy.

Motion

Commissioner Shropshire moved to table the Open Lands Fuels Reduction & Restoration Strategy. Commissioner Elsaesser seconded the motion. Motion failed 2-2 with Mayor Smith and Commissioner Cartwright voting no.

Motion

Commissioner Cartwright moved to accept the Open Lands Fuels Reduction & Restoration Strategy. Motion died for lack of a second.

Acting City Manager

CONSIDER APPOINTMENT OF CITY ATTORNEY DAVID NIELSEN AS ACTING CITY MANAGER.

Staff Report

Mayor Smith stated City Manager Tim Burton's last day of employment is July 24, 2009. The recruitment for this vacancy was opened at the beginning of July and closes July 23, 2009. The goal is to have a new City Manager in place by the end of October.

City Attorney Nielsen has been involved in most, if not all, of the on-going issues the City Manager's office is involved in and would be able to step in with very little learning curve. It should be a seamless

transition and cause little disruption to city employees and Helena citizens. Mayor Smith recommended approval of the appointment of City Attorney Nielsen as Acting City Manager.

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

Motion **Commissioner Cartwright moved approval of the approval of City Attorney David Nielsen to acting City Manager effective July 22, 2009 until such time as the City Manager vacancy is filled.**
Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Property Dedication CONSIDER THE DEDICATION OF PROPERTY TO THE CITY OF HELENA FOR ALICE STREET RIGHT-OF-WAY BETWEEN CROSSROADS PARKWAY AND RUNKLE PARKWAY AND CASCADE STREET RIGHT-OF-WAY SOUTH OF ALICE STREET.

Res. of Annexation CONSIDER A RESOLUTION TO ANNEX THE ANTELOPE TRACE PHASE OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION, AND THE FULL WIDTH OF THE CASCADE STREET AND ADJACENT ALICE STREET RIGHTS-OF-WAY INTO THE CITY OF HELENA; PROPERTY IS GENERALLY LOCATED SOUTH AND WEST OF ALICE STREET AND EAST OF CROSSROADS PARKWAY.

Final Plat CONSIDER THE FINAL PLAT FOR THE ANTELOPE TRACE PHASE OF CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION CREATING 50 LOTS AND TWO TRACTS GENERALLY LOCATED EAST OF CROSSROADS PARKWAY, SOUTH AND WEST OF ALICE STREET.

Public Hearings PUBLIC HEARINGS:
A. CONSIDER A RESOLUTION TO CHANGE THE NAME OF ALPINE VIEW DRIVE IN THE CITY OF HELENA TO ALPINE VIEW LOOP SOUTH OF RUNKLE PARKWAY, AS SHOWN ON THE PLAT OF PHASE A OF ASPEN PARK AT MOUNTAIN VIEW MEADOWS SUBDIVISION.
B. CONSIDER A RESOLUTION TO VACATE ALICE STREET RIGHT-OF-WAY (ROW) FROM CROSSROADS PARKWAY TO RUNKLE PARKWAY.

Staff Report City Planner Lucy Morell-Gengler reported the owner of these properties, Greg Dahl representing R&D Partners, has requested annexation for approximately 131.174 acres described as Tract 1; Tract 2; Block 25; Block 23, Lots 12-15; Block 24, Lots 5, 7, 9, 11, 13, and 15; Block 26, Lots 7-17; and Block 40, Lot 1 of the Antelope Trace Phase of Crossroads at Mountain View Meadows Subdivision into the City of Helena. The property is located adjacent to existing city limits.

This property includes:

Block 25; Block 23, Lots 12-15; Block 24, Lots 5, 7, 9, 11, 13, and 15; Block 26, Lots 7-17; and Block 40, Lot 1 (parkland) which are rezoned R-4/R-O (Residential/Office) District and will be reviewed for final plat

simultaneously with the annexation;

Tract 1 containing 88.753 acres rezoned B-2; Tract 2 containing 28.98 acres rezoned R-4/R-O; Tracts 1 and 2 are being annexed at this time to facilitate infrastructure planning and future final platting;

A 64-foot wide right-of-way (ROW) for Alice Street has been annexed into the City. The applicant has increased the width of a portion of that ROW to 90 feet and relocated other sections of the right-of-way. State law requires the full width of adjacent ROW be annexed simultaneously with property annexed into the City. Therefore, the additional ROW width and relocated sections of Alice Street will be automatically annexed with the adjacent tracts; and

Cascade Street, which has been created to provide right-of-way for a future city street to access Tract B-2 of COS # 3140554 in anticipation of annexation of that property at a later date.

On February 9, 2009, the Helena City Commission approved the Resolution of Intention to Annex (Resolution # 19627) the subject property and established conditions for annexation as an intermediate step toward the finalization of annexation. These conditions have been met for this phase of the development.

The City Commission also pre-zoned (Ordinance # 3109) the preliminary plat of the subdivision so that 50 of the lots and Tract 2 to be annexed will be zoned R-4/R-O (Residential Office) District; and Tract 1 of the Antelope Trace phase of the subdivision will be annexed with B-2 (General Commercial) District zoning.

The proposed annexation and subdivision would develop an area that is adjacent to the City with urban density residential uses. This annexation and subdivision would reduce sprawl and ease some of the pressure to develop lots in the County with septic systems, thereby reducing the potential negative impact on ground water. Annexation allows City standards to be applied to development of this property.

In addition, the developers wish to move Alice Street two to four feet to the east and widen Alice Street from Crossroads Parkway to where Alice Street turns south by 26 feet. The current design of Alice Street has a bike path on the south side of the street and only four-feet of right-of-way (ROW) on the south side of the street, which is not enough ROW to install a sidewalk in the future. In order to facilitate the installation of a future sidewalk and not change the established centerline of the road the ROW needs to be relocated. The relocation of the ROW will allow the installation of a future sidewalk without changing the established centerline of Alice Street.

R & D Partners has submitted a request to dedicate property that will become rights-of-way for Alice Street and Cascade Street. The requested property is as follows:

Alice Street – a 90-foot wide right-of-way proceeding approximately 2,500 feet east of the intersection with Crossroads Parkway, tapering down to 64-foot wide right-of-way and proceeding southward for approximately 3,700 feet to the intersection with Runkle Parkway.

Cascade Street - a 60-foot wide right-of-way proceeding approximately 1,200 feet south of the intersection with Alice Street.

The process to enlarge and relocate the Alice Street right-of-way includes vacating the existing right-of-way and then dedicating the appropriate right-of-way. This change in the Alice Street right-of-way is necessary for the inclusion of pedestrian access on both sides of Alice Street, a condition of final plat approval for the Antelope Trace Phase of Crossroads at Mountain View Meadows Subdivision, and to provide for access to Tract B-2 of COS # 3140554 which will facilitate future annexation of that property.

The dedication will give the city the necessary right-of-way for vehicular and pedestrian access within the Alice Street right-of-way and will provide right-of-way for Cascade Street a future city street to access Tract B-2 of COS # 3140554 in anticipation of annexation of that property at a later date.

On February 9, 2009, the Helena City Commission gave conditional preliminary plat approval for the Crossroads at Mountain View Meadows Subdivision creating 892 lots from approximately 381 acres (229 acres planned for commercial development and 152 acres for residential development). The property was simultaneously pre-zoned as R-4/R-O (Residential), and B-2 (General Commercial) Districts. The applicant is requesting approval of the final plat for the first phase of the development creating Tract 1 zoned B-2, and Tract 2, 49 residential lots and one park lot zoned R-4/R-O.

The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact which have been completed for this phase. For reference, a list of the original subdivision conditions and their status was included in the Commission packet.

The final plat shows the elimination of the proposed alleys in three of the blocks. Staff has reviewed the request and has determined the elimination of the alleys was not a material change. The Public Works Department also reviewed the request and has indicated the removal of the alleys should not impair the provision of infrastructure and services to the lots. The preliminary plat shows the alleys intersecting which creates a problem with the turning radius required for the garbage trucks due to the narrow width of the alleys (20 feet wide). Therefore, the elimination of the alleys in Blocks 24, 25 and 26 will eliminate this hazard and is not a material change to the final plat.

A lighting district will be established after the final plat is filed to accommodate street lights for the subdivision. The parameters of that lighting district will be established at that time.

Ms. Morell-Gengler recommended approval of the final plat as it would allow the sale of the lots, and would encourage the development of property in this area with city services including municipal water and wastewater.

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 a resolution changing the name of Alpine View Drive to Alpine View Loop south of Runkle Parkway as described in the resolution. Commissioner

Elsaesser seconded the motion. All voted yes, motion carried.

Res #19657

Motion Commissioner Cartwright moved approval for a resolution vacating Alice Street ROW as shown on the Aspen Park at Mountain View Meadows Final Plat from Crossroads Parkway to Runkle Parkway. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19658**

Motion Commissioner Cartwright moved to accept the dedication to the city of property for Alice and Cascade Street ROW as shown on the Amended Plat of Phase A of Aspen Park at Mountain View Meadows Subdivision. Commissioner Shropshire seconded the motion. All voted aye, motion carried.

Motion Commissioner Cartwright moved approval of a resolution annexing Antelope Trace Phase of Crossroads at Mountain View Meadows Subdivision, Lewis & Clark County, Montana, and the full width of Cascade Street the adjacent Alice Street ROW into the City of Helena, as legally described in the resolution of annexation, into the City of Helena. Commissioner Shropshire seconded the motion. All voted aye, motion carried. **Res #19656**

Motion Commissioner Cartwright moved approval of the final plat for the Antelope Trace Phase of Crossroads at Mountain View Meadows Subdivision creating 50 lots and two tracts and to accept the dedication to the city of property for public improvements thereon. Commissioner Shropshire seconded the motion. All voted aye, motion carried.

C. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A PRE-ZONING DESIGNATION ON PROPERTY LOCATED NORTH OF COUNTRY CLUB AVENUE AND WEST OF LEA STREET WITH A PROPERTY ADDRESS OF 2510 COUNTRY CLUB AVENUE.

Staff Report City Planner Dustin Ramoie reported on June 9, 2009 the Helena Zoning Commission recommended approval (4:0 vote) for the adoption of an ordinance for a pre-zoning designation of R-2 (Residential) District in reference to the property legally described Lots 7 and 8 of the West Helena Townsite to the City of Helena, Montana. The property is generally located North of Country Club Ave and West of Lea Street with a property address of 2510 Country Club Ave. The purpose of the application is to fully utilize existing city sewer that is available to the property.

Mr. Ramoie recommended approval of the pre-zoning as it represents infill development and the efficient use of energy, infrastructure and resources. The proposal is consistent with the 2001 Helena Growth Policy and Zoning Ordinance and is compatible with the surrounding land uses.

Commission comment Mayor Smith asked how the property will obtain water once built. Mr. Ramoie explained it is currently utilizing a well and the applicant wishes to hook into the city sewer system. The use of the well will be grandfathered in.

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

Ken Swain, applicant; urged the Commission to support the pre-zoning.

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

Motion

Commissioner Shropshire moved approval of an ordinance pre-zoning lots 7 and 8 of Block 10, West Helena Townsite, Helena Montanan, to R-2 (Single Family Residential) District prior to annexation into the City of Helena. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Ord #3113**

D. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AS DESCRIBED IN SECTION 11-1-3 OF THE HELENA CITY CODE AND ADOPTED BY REFERENCE FOR A ZONE CHANGE FROM R-2 (RESIDENTIAL) DISTRICT TO B-2 (GENERAL COMMERCIAL) DISTRICT FOR FIVE DEVELOPED PARCELS; GENERALLY LOCATED SOUTH OF WILDER AVENUE, EAST OF HENDERSON STREET AND WEST OF ALLISON STREET.

Staff Report

Planner Dustin Ramoie reported on June 9, 2009 the Helena Zoning Commission recommended approval (3:0 vote, with one Commissioner abstaining) for the adoption an ordinance amending the Official Zoning Map, described in Section 11-1-3 of the Helena City Code and adopted by reference, for a zone change from R-2 (Residential) District to B-2 (General Commercial) District for six developed parcels containing 16 platted lots as legally described in the staff report. The subject property is generally located south of Wilder Avenue, east of Henderson Street and west Allison Street.

Mr. Ramoie recommended approval of the zone change as it is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses.

Commission comment

Discussion was held on the formulation of the traffic counts for the proposal. Trip generation figures were included in the staff report as part of the official record.

Public Testimony

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

Bob Lee, Morrison-Maierle Engineering, representing the applicant; gave a detailed overview of the proposal, including the traffic count analysis.

Cathy Burwell, President/CEO of Helena Chamber of Commerce; urged the Commission to support the zone change.

Mary Keefe, 1315 Leslie; spoke against the zone change.

Mark Reese, 1209 Wilder; spoke against the zone change.

Dan Smith, 1325 Wilder; spoke in support of the zone change.

Lorell Mallard, 1329 Wilder; spoke in support of the zone change.

Connie House, 1217 Wilder; expressed concern for increased traffic in the area due to the proposed zone change.

Mark Smith, 1325 Wilder; spoke in support of the zone change.

Susan Gardipee, 1406 Allison Street; urged the Commission to deny the proposal.

Christin Wike, 1224 Wilder Avenue; spoke against the proposed zone change.

Lori Koutnik, realtor related to the project; urged the Commission to approve the zone change.

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

Discussion

Commissioner Cartwright asked Mr. Lee if the Montana Department of Transportation (MDT) has concerns with the Level of Service the additional turning movements would create. Jack Schunke, Morrison Mairele; gave a detailed explanation of how the traffic impacts were analyzed and stated MDT indicated the impacts were somewhat insignificant but did suggest some improvements. Commissioner Cartwright expressed concern that you cannot determine what the use would be with a zone change application, it makes it difficult to get an accurate traffic count and impact on the neighborhood.

Commissioner Elsaesser indicated he would not support the zone change because he is concerned about increased traffic in the neighborhood.

Commissioner Cartwright noted he would not support the zone change because of the lack of detail and surety in the traffic counts.

Commissioner Shropshire expressed concern because the traffic study doesn't include impacts if there were to be access to Wilder.

Mayor Smith indicated he would not support the zone change because of the encroachment of commercial development on the residential neighborhood.

Motion

Commissioner Elsaesser moved to deny adoption of an ordinance amending the Official Zoning Map, described in Section 11-1-3 of the Helena City Code and adopted by reference for a zone change from R-2 District to B-2 District in reference to the properties described in the staff report. Commissioner Shropshire seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS
No communications were given.

Meetings of Interest

MEETINGS OF INTEREST
The next Administrative Meeting is July 29, 2009 and the next Commission Meeting is August 3, 2009. The City/County Joint Work Session is scheduled for August 6, 2009.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 10:09p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission

