

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
March 14, 2011
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, March 14, 2011 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, Ellison, Thweatt and Elsaesser were present. City Manager Ron Alles, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Jim McCormick representing the Helena Citizens Council.

Pledge of Allegiance Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

Minutes The minutes of the regular City Commission meeting of February 28, 2011 were approved as submitted.

Appointments APPOINTMENTS:
A. Golf Course Advisory Board

Mayor Smith asked for Commission concurrence on the following appointments:

Golf Course Advisory Board – Appointment of Peter Aspinwall to the Golf Course Advisory Board; the unexpired term will begin upon appointment and expire October 30, 2011.

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

Motion **Commissioner Ellison moved approval of the appointment to the Golf Course Advisory Board as outlined above.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Consider a Utility Adjustment Agreement with MDT for utility work related to the Custer Avenue canal bridge
C. Utility bill insert – weed control

City Manager Ron Alles recommended approval of the claims and the consent agenda.

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

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

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright thanked city staff and MDT for Consent Agenda- Item B. He noted the new bridge will include a bike lane.

Commissioner Elsaesser spoke of bills being considered by the legislature that affect city government. He thanked the Montana League of Cities and Towns for their representation at the legislature.

Commissioner Ellison expressed sympathy for the victims of the tragic earthquake and tsunami that occurred in Japan on Friday, March 11, 2011.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles discussed the new format being used for City Commission agendas and packets. The packet will be available online via the city's website in the very near future. Commissioner Ellison commended staff for moving forward with providing the packet electronically.

City Manager Alles announced Community Development Director Sharon Haugen was awarded the YWCA's Woman of the Year award for her commitment to their mission of promoting peace, justice, freedom and dignity for all people. The Commission congratulated Director Haugen on the award.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Jim McCormick reported the HCC has a full slate of projects. The HCC's staffing subcommittee has completed an amended VISTA application for hopeful award in July. The city boards and committee integration subcommittee has met with the Helena International Affairs Council, Urban Wildlife Advisory Council, Helena Open Lands Management Advisory Council and Public Art Committee to discuss the proposed integration.

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION OF INTENTION TO REPEAL THE 2008 GROWTH POLICY, ADOPT THE 2011 CITY OF HELENA GROWTH POLICY AND SET A PUBLIC HEARING DATE.

Staff Report

City Planner Kathy Macefield reported the City of Helena has been updating the Helena Growth Policy that was adopted in 2001 and amended in 2008. At previous open houses and public meetings, the public identified a number of quality of life issues as important for the future of the City.

The Consolidated Planning Board held public hearings June 15 and July 27, 2010 and considered those issues, looking at how and where the City can grow with a population that is projected to increase and get older. The Planning Board passed a resolution recommending the draft Growth Policy to the City Commission in accordance with §76-1-603 MCA.

The City Commission reviewed the public comments and the Consolidated Planning Board's recommended draft document during a series of work sessions. The Commission refined the urban standards boundary, annexation policy, and incorporated additional language for a

new concept of a medical district and to better address the area around the airport.

To date, one letter and two emails have been received about the proposed Growth Policy. This correspondence was included in the Commission packet as part of the official record.

Ms. Macefield recommended approval of the resolution of intention and noted the proposed 2011 Growth Policy includes updated information related to trends and projections covering a wide range of issues: demographics, economic conditions, housing, public facilities and infrastructure, transportation, environment, water, culture, land use, subdivision review, coordination, and review and updates. The proposed Growth Policy complies with the requirements of Montana law.

Discussion

Commissioner Elsaesser thanked Ms. Macefield and Planning Department staff for their work on the policy. Commissioner Ellison expressed concern for the lack of public comment on the document. Ms. Macefield explained there may be a lack of comment because citizens approve of the proposed policy or may be waiting until the public hearing on March 28, 2011 to provide comment.

Commissioner Cartwright noted an Urban Services Boundary has been included in the 2011 policy.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Thweatt moved approval of a resolution of intention to repeal the 2008 Growth Policy, adopt the 2011 City of Helena Growth Policy and set a public hearing date for March 28, 2011. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #19817**

B. CONSIDER A REQUEST TO EXTEND THE 35-DAY REVIEW PERIOD FOR A MINOR SUBDIVISION/PRELIMINARY PLAT.

Staff Report

Ms. Macefield reported the applicant, Robert Kolar, has proposed a minor subdivision/preliminary plat to create 5 lots from Lot 1 (1.7 acres), Block 1, Overlook Estates located in the R-3 (Residential) District. Montana law identifies 35 working days to review a minor subdivision after the application has been determined to be sufficient for review (76-3-609 (2)(a) MCA). This application was determined to be sufficient for review on February 4, 2011 and the review period ends March 25, 2011. The property has been developed with 4 foundations to create 8 dwelling units on one unsubdivided lot that contained onsite parking to serve the buildings. During the subdivision review process, staff determined the proposed subdivision would create lots that do not conform to the city's zoning regulations and had a problematic utility design. In order to provide sufficient time for the applicant to submit a preliminary plat that complies with city requirements and enough time for staff to review any revisions, the applicant has requested to extend the subdivision review period to April 26, 2011.

Ms. Macefield recommended approval of the review period extension and noted additional time would allow the applicant to submit a preliminary plat that complies with city requirements and enough time for staff to review any revisions to the proposed subdivision.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Elsaesser moved approval to extend the subdivision review period for a minor subdivision/preliminary plat to April 26, 2011. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 222.

Staff Report

City Controller Glenn Jorgenson reported the City Commission approved a resolution of intention to create Special Improvement Lighting District 222 on February 14, 2011. A petition was received from R & D Partners, LLC requesting the district which owns more than 80% of the property. The district will be created in parts of Antelope Trace Phase and Craftsman Village Phase I at Mountain View Meadows Subdivision.

The proposed district will consist of 64 lighting units with underground wiring, fiberglass or metal poles with 16-foot mounting heights, and Lexington Colonial luminaries with 100-watt high-pressure sodium vapor lamps. Lexington Colonial luminaries are dark-skies compliant.

The estimated total cost of maintenance, electrical energy, and administration for the first year is \$48,046.08. This equates to \$.0417 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment adjusted by actual electrical costs and cash flow needs.

The city advertised a notice of the public hearing and mailed letters to each property owner. Owners had until March 7, 2011 at 5 p.m. to submit written protests to the Clerk of the Commission. No protests were received.

Mr. Jorgenson recommended creation of SLD No. 222 as the residents of the subdivision will benefit from the convenience and safety it will provide.

Public Testimony

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

Rick Sharette, resident of proposed SLD; expressed concern over the cost of the district.

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

Discussion

Mr. Jorgenson explained the cost and expenditures of the proposed SLD in detail. He indicated he would provide a cost breakdown created by Northwestern Energy to the Commission and Mr. Sharette. Commissioner Cartwright recommended the Montana League of Cities and Towns and representatives of some of Montana's larger cities attend the next Public Service Commission Allocated Cost of Service Hearings.

Motion

Commissioner Ellison moved approval of a resolution creating SLD No. 222 in the City of Helena, MT. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19818**

Public Communications

PUBLIC COMMUNICATIONS

Commissioner Cartwright reported the South Interchange has installed dark sky compliant lights at the roundabout.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is March 23, 2011 and the next Commission Meeting is March 28, 2011.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:38 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission