

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 9, 2011
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, May 9, 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. Acting City Manager/City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. City Manager Ron Alles joined the meeting at 7:15p.m. No one was present to represent 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 April 25, 2011 were approved as submitted.

Appointments APPOINTMENTS:
A. Board of Adjustment

Mayor Smith asked for Commission concurrence on the following appointments:

Board of Adjustment – Appointment of Ryan Morton to an unexpired term as the alternate member of the Board of Adjustment. Term will begin upon appointment and expire October 1, 2012.

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

Motion **Commissioner Ellison moved approval of the appointment to the Board of Adjustment as outlined above.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Construction agreement with the Montana Department of Transportation (MDT) for Montana Avenue between 11th Avenue and Broadway
C. Montana Department of Transportation (MDT) Right-of-Way Agreement for Parcel #1 (Wastewater Treatment Plant) and Parcel #4 (The Pet Cemetery on Custer Avenue) of Tract 1 of Certificate of Survey (COS) # 3137037
D. Utility bill insert - Public Works 2010 Consumer Confidence Report

Acting City Manager David Nielsen recommended approval of the claims and the consent agenda.

Commissioner Cartwright asked item B be removed for discussion.

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

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

Item B B. Construction agreement with the Montana Department of Transportation (MDT) for Montana Avenue between 11th Avenue and Broadway

Commissioner Cartwright asked if MDT would be associating the city's Complete Streets Policy with this project. City Engineer Leland explained staff has been in contact with MDT about the policy; however, this is a maintenance/milling project and the budget won't allow for upgrades to curb and gutter unless it's in need of repair. The only improvements they plan to do are upgrade any ADA ramps not in compliance, repaint crosswalks and replace any deteriorated sidewalks.

Commissioner Cartwright stated it is unfortunate MDT won't do more upgrades in accordance with the city's policy as it would be cheaper to make the improvements while the street is torn up. He gave examples of pedestrian amenities that could be added and noted he believes this is a lost opportunity.

Motion **Commissioner Cartwright moved approval of item B on the consent agenda.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Cartwright stated Rocky Mountain Development Council is again applying for a grant for senior housing on the Caird property. He asked if the grant application would preempt or undermine the upcoming walkability audit of the 6th Ward with the Environmental Protection Agency (EPA). Community Development Director Sharon Haugen explained common traffic problems in the neighborhood resulted in the request for the walkability study. The Caird property may fit into these traffic issues but will not affect the study.

Commissioner Elsaesser concurred with Commissioner Cartwright's concerns related to Consent Agenda Item B. He announced the next plastics drive is Friday, May 13 through Monday, May 16, 2011 in the YMCA parking lot.

Mayor Smith stated he received an email from USS Helena Commander Paul Dinius. The retrofit and overhaul of the submarine is almost complete and the ship will be moving to the naval yard in Norfolk, Virginia soon.

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. Presentation of the FY 2012 Preliminary Budget

Administrative Services Director Tim Magee gave a power point presentation outlining the FY2012 Preliminary Budget.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL
No report was given.

REGULAR ITEMS:

10. A. CONSIDER A RESOLUTION OF INTENTION TO ANNEX CONTIGUOUS GOVERNMENT PROPERTY BEING THE FULL WIDTH OF PORTIONS OF INTERSTATE 15, COLONIAL DRIVE, AND GREEN MEADOW DRIVE RIGHTS-OF-WAY INTO THE CITY OF HELENA; GENERAL LOCATIONS, INTERSTATE 15 AND COLONIAL DRIVE NORTHWEST OF SADDLE DRIVE AND GREEN MEADOW DRIVE NORTH OF CUSTER AVENUE, LEWIS AND CLARK COUNTY, MONTANA.

Staff Report

City Planner Dustin Ramoie reported The City of Helena wishes to annex these rights-of-way to better facilitate emergency services, provide contiguous roads and access to properties in the City of Helena, and to provide consistency in the City of Helena boundary. For the City of Helena to consider annexation of contiguous government land, the owner of the property to be annexed must request annexation. The State of Montana has requested the annexation of portions of I-15, Colonial Drive and Green Meadow Drive. The process for annexing adjacent government property is a multi phased process that first involves a request from the Government body that owns the land. Once a request is received, a Resolution of Intention to Annex is passed by the City of Helena. At that point the City will advertise on two occasions, for a twenty day comment period. Once the comment period has been fulfilled, the City Commission can make a final consideration on annexation.

Mr. Ramoie noted annexation of the rights-of-way is consistent with city policy and will better facilitate emergency services, provide contiguous roads and access to properties in the City of Helena, and provide consistency in the City of Helena boundary.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval for a resolution of intention to annex the full width of portions of Interstate 15, Colonial Drive and Green Meadow Drive in Lewis & Clark County as shown on "Exhibit A" and set a public hearing date of June 13, 2011. Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Res #19827**

10. B. CONSIDER A RESOLUTION REPEALING THE 2008 GROWTH POLICY AND ADOPTING THE 2011 GROWTH POLICY.

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 approved a resolution recommending approval for

the proposed City of Helena Growth Policy. The City Commission reviewed the Consolidated Planning Board's recommended draft document during a series of 11 work sessions and made some amendments. On March 14, 2011, the City Commission approved a Resolution of Intention No. 19817 to adopt the 2011 Growth Policy. The Commission held a public hearing on March 28, 2011 and then closed the hearing. Public comments that were received were attached to previous memos.

Staff prepared three alternative Future Land Use maps based upon the City Commission's proposal of February 1, 2011; a proposal by Commissioner Elsaesser and a proposal by Commissioners Cartwright and Thweatt were included in the Commission packet. Commissioner Ellison's proposed amendments to the document concerning Fort Harrison were also included in the packet.

Ms. Macefield recommended the Commission first make a motion to repeal the 2008 Growth Policy and adopt the 2011 Growth Policy, offer all proposed amendments, then make a motion to repeal the 2008 policy and adopt the 2011 Growth Policy, as amended.

Ms. Macefield noted the 2011 Growth Policy includes updated information related to trends and projects 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 policy complies with the requirements of Montana law.

Public Comment

The public hearing was held on March 28, 2011; therefore public comment was not taken.

Discussion

Commissioner Cartwright asked if it would be possible to include two maps in the Growth Policy; one that would take effect immediately and a second one that would take effect on contingencies? Attorney Nielsen stated yes, that would be legally permissible.

Motion

Commissioner Thweatt moved approval of a resolution repealing the 2008 Growth Policy and adopting the 2011 City of Helena Growth Policy. Commissioner Elsaesser seconded the motion.

Motion

Commissioner Ellison moved approval of the following amendments:

DE01

Fort Harrison

These amendments propose additions to the text in Chapters 3, 7, and 10, regarding the Fort Harrison installation.

Chapter 3, Economic Conditions, p. 3-3. Add after 1st paragraph under "HELENA'S ECONOMIC CONDITIONS, Employment" under the bar graph:

Fort Harrison is the primary military training site for the National Guard in Montana. Nearly 900 military and civilian employees are employed at the facility.

Chapter 7: Environment, p. 7-24. Add paragraph entitled “Noise” to the NOISE AND LIGHT section, and following the Helena Airport Noise Influence Area map:

Military operations can create noise and present safety concerns for nearby communities due to the operations of military aircraft and training exercises. Such operations can adversely affect the surrounding community when development occurs in close proximity to the military base.

Fort Harrison has completed a study that identifies some of the noise impacts associated with its military operations. Although this noise study has not been adopted by the City, it may be one of several factors to consider when development is proposed near or adjacent to the installation.

Chapter 10: Land use, p. 10-13. Add the following paragraphs under “West Side” to precede the revised last paragraph of this section:

The Fort Harrison Military Installation is located about one mile west of the city limits and contains approximately 6,700 acres. The fort is a major training center for the Army National Guard as it contains a wide variety of live fire ranges and conducts multiple types of tactical training activities. Aviation operations include air-to-ground drop zones, helicopter insertion and extraction routes, nap of the earth flying, touch and go landings, and external load operations.

Fort Harrison also contains a 220 acre campus complex for offices, classrooms, barracks, dining and maintenance facilities, storage, and fire stations. In addition to the campus complex and training facilities, Fort Harrison hosts the Veteran’s Administration hospital, cemetery, and a variety of administrative and maintenance facilities.

As urban growth and development takes place near military installations, land use conflicts may occur, and potentially compromise the utility and effectiveness of the installation and its mission. Some land use activities can be incompatible with the functions of a large military facility, and are a potential factor in curtailing operations, or can influence decisions to transfer activities to other installations. In extreme cases conflicts between urban growth and military operations can influence base closure decisions.

The Fort Harrison federal community is served by municipal water and sewer. The presence of these infrastructure facilities could influence additional development in the area. However, other natural resource values and physical conditions such as high groundwater, wetlands, floodplain, and irrigated agricultural lands, would need to be considered when developing the area. The limited street connectivity – particularly the Williams Street/Country Club intersection, along with limited pedestrian access to Spring Meadow Lake and nearby areas, and other transportation improvements identified in the Helena area Transportation Plan should be considered when reviewing development in this area.

Chapter 10: p. 10-23. At the end of the paragraph on Mixed Use Area L, insert the following text:

Conflicts related to noise and safety concerns can occur if urban development is located near the perimeter of military installations. Such

conflicts can impact operational effectiveness, training, and readiness at the military base. These impacts should be considered with other factors when properties near or adjacent to the installation are developed.

Commissioner Thweatt seconded the motion.

Discussion

Commissioner Cartwright spoke in support of the amendment and thanked Commissioner Ellison for bringing it forward.

Vote

All voted aye, motion carried.

Motion

Commissioner Ellison moved approval of the following amendments:

DE02

This amendment combines several proposed changes into a single amendment with edits to text, goals, and objectives in the Executive Summary, and Chapters 3, 4, and 5.

EXECUTIVE SUMMARY: p. 15; Objective #3.

~~3. The mixed use areas included on the Future Land Use Map are a priority when creating neighborhood plans.~~ Replace with the following text:

3. As neighborhood plans are proposed for inclusion in the Growth Policy, give priority to the mixed use areas displayed on the Future Land Use map.

CHAPTER 3: ECONOMIC CONDITIONS, p. 3-11; Objective #5.

~~5. To the greatest extent possible, work in close cooperation with abutting communities and Lewis and Clark County and other abutting communities, developing joint standards in an effort to attain a more consistent regulatory system within the city and immediate surrounding suburban area.~~ Replace with the following text:

5. To the greatest extent possible work closely with Lewis and Clark County, and abutting communities, to develop joint standards and provide a consistent regulatory system for the city of Helena and the surrounding suburban areas.

CHAPTER 4: HOUSING, Age and Condition of Housing p. 4-4, revise to read:

The ages of Helena's housing units closely correspond to changes in city limits. More than 25% of existing stock was built before 1939, while another 25% is less than 25 years old. Many older homes were built on small lots close to the downtown, while large homes tend to be located in the upper west side in the community's mansion district. From the 1940s through the 1960s, homes were built on larger urban lots. In the 1970s this trend continued, but the community also saw more multi-family and rental units. Renter-occupied units accounted for more than 50% of the housing stock created in that era. Most of the older homes are in the central parts of town as is common in most communities. The City had

building boom of sorts in the 1960's through the 1970's, with almost 30% of the housing units being built in that era.

CHAPTER 5: PUBLIC FACILITIES AND SERVICES, p. 5-32; Goal & Objectives.

Add a new Goal #1 and renumber existing goals.

1. Protect public health and ensure public safety.

CHAPTER 5: PUBLIC FACILITIES AND SERVICES, p. 5-32; Objective #1.

~~1. Address public safety issues and potential hazards for areas located adjacent to and in the City.~~ Replace with the following text:

1. Make public health and public safety high priorities, and address potential hazards for areas located adjacent to and within the City.

Commissioner Elsaesser seconded the motion.

Discussion

Ms. Macefield noted some of the amendments being proposed would require updates to the Executive Summary. There was Commission concurrence to allow staff to update the Executive Summary as needed.

Vote

All voted aye, motion carried.

Motion

Commissioner Ellison moved approval of the following amendments:

DE03

This amendment proposes edits to goals and objectives in Chapters 4, 7 and 8:

CHAPTER 4: HOUSING, p. 4-12; Objective #8.

~~8. Locate housing in proximity to physical, technological, social, and economic infrastructure.~~ Replace with the following text:

8. Encourage the development of housing located in proximity to physical, technological, social, and economic infrastructure.

CHAPTER 7: ENVIRONMENT, p. 7-34; Objective #13.

~~13. Address energy efficiency and conservation with development standards, land use regulations, public education and incentives.~~ Replace with the following text:

13. Promote energy efficiency and conservation with development standards, land use regulations, public/private partnerships and education, and consider the use of incentives where appropriate.

CHAPTER 8: WATER, p. 8-21; Goals & Objectives

Add new objective #6 and renumber remaining objectives.

6. Coordinate the development of new, or expansion of existing, water and wastewater treatment capacity with Lewis and Clark County as necessary to meet the needs of a growing population.

Commissioner Thweatt seconded the motion.

Friendly Amendment Commissioner Thweatt offered the following friendly amendment to Chapter 4, Objective #8: insert educational after the word "social". Commissioner Ellison accepted the amendment.

Discussion Mayor Smith and Commissioner Cartwright noted they would support the amendments.

Vote **All voted aye, motion carried.**

Motion **Commissioner Ellison moved approval of the following amendment:**

DE04

CHAPTER 4: HOUSING, p. 4-12; Objective #10.

~~10. Maximize constructive neighborhood involvement in housing development and design.~~ Replace with the following text:

10. Maximize constructive neighborhood involvement in the development and design of publicly funded public housing projects.

Commissioner Thweatt seconded the motion.

Discussion Discussion was held on the intent of the proposed amendment. Commissioners Elsaesser, Cartwright and Thweatt indicated they would not support the amendment.

Motion withdrawn **Commissioner Ellison withdrew the amendment.**

Motion **Commissioner Ellison moved approval of the following amendment:**

DE05

CHAPTER 10: LAND USE, p. 10-33; Objective #4.

~~4. Limit future extension of services and annexations to the Urban Standards Area.~~ Replace with the following text:

4. Give priority for future extension of services and annexations to property located within the Urban Standards Boundary area.

Commissioner Elsaesser seconded the motion.

Discussion Commissioner Cartwright commented the motion would affect amendments written by himself and Commissioner Thweatt. He asked all Commissioners to keep his amendment in mind when discussing the Urban Services Boundary.

Commissioner Elsaesser spoke in support of the amendment.

Mayor Smith commented the proposed language is written in a more positive manner.

City Attorney Nielsen explained the function and importance of the Growth Policy.

Commissioner Thweatt indicated he would not support the amendment as he prefers the original language. The Growth Policy needs to be deliberate and firm; a firm Urban Standards Boundary provides consistent guidance for city government and predictability on where the community will grow.

Commissioner Cartwright spoke in support of the original language and concurred with Commissioner Thweatt's comments. He commented this is a 20-year growth plan that envisions what will occur in Helena; the Growth Policy can be revised in the future if necessary.

Mayor Smith stated he does not see a great difference between the current language and the amendment; both are implicit the city will not give priority to properties located outside the Urban Standards Boundary. He indicated he would support the amendment.

City Attorney Nielsen explained how he interprets the existing language and amendment. The amendment would allow the Commission to be flexible on annexation in exigent circumstances. He spoke to the use of the word "limit" and stated it may reduce the amount of discretion that future Commissions may have. Discussion was also held on the term "give priority".

Commissioner Thweatt noted the Growth Policy outlines for the public what the city will and will not allow unless the policy is amended. He stressed the importance of using the policy to guide the Commission on annexations and extension of services.

Commissioner Ellison urged approval of the amendment and explained he believes it will enhance the policy as a planning tool. He expressed hesitancy to limit a future Commission's authority on and annexation or extension of services.

Vote

Motion carried 3-2, with Commissioners Thweatt and Cartwright voting no.

Discussion

Commissioner Cartwright introduced his and Commissioner Thweatt's amendments and discussed their intent.

Motion

Commissioner Cartwright moved approval of the following amendment:

PC/DT-1

Page 10-11 (proposed new language is underlined and CAPITALIZED):

~~In addition to the agreements stated in the City-County MOU,~~ the City and the County agreed to "continue to work together on the development and promulgation of the urban standards boundary and joint infrastructure standards." An an Urban Standards Area has been identified on the Future Land Use Map. The Urban Standards Area boundary ~~which~~ identifies properties that may be suitable for future connection to city ~~utility~~ systems and would be able to be annexed to the City. It recognizes that utilizing joint development standards would be beneficial to address the most efficient delivery of local services. ~~Prior to annexation, The these~~ joint standards ~~would~~ address the coordination of water, ~~sewer,~~ WASTE WATER, STORMWATER and transportation

within in the urban standards area. County that is closest to the city. ALTHOUGH THE MOU AT SOME POINTS USES THE TERM "URBAN GROWTH AREA", THE TERM IS SYNONYMOUS WITH URBAN STANDARDS AREA IN THE CITY GROWTH POLICY.

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

Motion

Commissioner Cartwright moved approval of the following amendment:

PC/DT-2

Page 10-16 (proposed new language is underlined):

The City's Future Land Use Map identifies a proposed Urban Standards Boundary that would assist with establishing joint development standards with Lewis and Clark County for infrastructure and zoning. The County intends to adopt a Growth Policy with a similar Urban Standards Boundary in conformance with the Memorandum of Understanding between the City of Helena and Lewis and Clark County, dated July 7, 2009. A major purpose of the MOU was to facilitate the development of water, wastewater, streets and stormwater facilities compatible with the City's system for areas likely to be annexed into the City.

In order to avoid over-extending its ability to provide services economically to current and future ratepayers, the City is adopting Future Land Use Map A to be effective immediately. Future Land Use Map A is superseded by Future Land Use Map B which will be in effect when the City Commission formally recognizes that these goals of the MOU have been met:

1. Implements more efficient ways to provide for sustainable development growth, including the development and promulgation of subdivision regulations and infrastructure standards that prevent or mitigate degradation of the quality of groundwater and surface water, including cumulative impacts from multiple septic tank systems and impacts from proposed land use.

2. Defines in the County Growth Policy an urban standards area that matches or exceeds the area shown on Future Land Use Map B located outside the limits of the City that establishes a basis for the adoption of zoning and joint urban development standards and encompasses:

A. Properties that may potentially be suitable for future connection to city utility systems and annexation into the City; and

B. Properties with existing or projected land-uses that may impact the environment, city utility infrastructure including water, wastewater, streets, and stormwater or other properties' land uses.

3. Adopts joint urban development standards and comprehensive zoning for property located within the Urban Standards Boundary that:

A. Identifies proposed zoning districts and regulations for those districts;

B. Achieves an efficient and smooth transition for properties being annexed into the City; and

C. Promotes environmental and land-use compatibility with the city and other properties within the urban standards boundary.

Commissioner Thweatt seconded the motion.

Discussion

Commissioner Ellison asked if anything in the PC/DT-2 amendment would nullify or conflict with amendment DE05. Commissioner Cartwright stated no.

Commissioner Elsaesser asked why the amendments were revised from the original versions written by Commissioners Cartwright and Thweatt. Attorney Nielsen explained the revisions were mostly wordsmithing/language clarification and to add specificity by emphasizing water, wastewater, streets and stormwater. Also, verbatim language from the City/County MOU was included and it requires the City Commission to formally recognize that Lewis & Clark County has met the goals of the MOU.

Commissioner Ellison expressed concern that the proposed amendments by Cartwright and Thweatt are substantive enough to require additional public testimony and input. Attorney Nielsen stated the larger topic of the maps to define the growth area have been fully discussed before the public on numerous occasions. The only portion he sees as substantive is the triggering event related to transitioning from one map to the other. He stated he sees that as more of a procedural device and is not uncomfortable at all with the adoption of the proposed amendments without holding an additional public hearing.

Commissioner Ellison asked if it would be substantive if the city were to adopt Map B first and then Map A if the county doesn't meet the listed goals. Attorney Nielsen stated no. Commissioner Ellison stated he would be more comfortable adopting Map B first as it was the map recommended by the Planning Board and was most discussed during the public meetings on the policy.

Commissioner Elsaesser stated the proposed amendment is consistent with feelings expressed during policy discussions with the county and he would support the amendment.

Commissioner Cartwright explained by adopting Map A first, the policy is asking the county to meet the goals of the MOU in a more positive way.

Mayor Smith and Commissioner Ellison indicated they would support the amendment.

Vote

All voted aye, motion carried.

Motion

Commissioner Elsaesser moved approval of staff recommendations to correlate the amendments to the Executive Summary. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Motion

Commissioner Thweatt moved approval of a resolution repealing the 2008 Growth Policy and adopt the 2011 Growth Policy, as amended. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

10. C. CONSIDER A SIDEWALK VARIANCE FOR 20, 34, 42, 56, 72 AND 80 WILLOW AVENUE.

Staff Report

City Engineer Ryan Leland reported the properties at 26, 34, 42, 56, 72 and 80 Willow Avenue are undeveloped with no building permits or development proposed at this time. These lots are part of the Woodlawn/Dunbar Subdivision, which has signed a Waiver of Protest and consent for the creation of a Special Improvement District (SID) to construct Willow Avenue to city standards. Willow Avenue is currently platted but undeveloped.

The owner of the property, Dawn Therriault, is requesting a sidewalk variance to defer the installation of sidewalk, drive approach, curb and gutter until Willow Avenue is constructed to city standards with the creation of the SID. Ms. Therriault would like a decision on the variance before submitting a building permit.

Mr. Leland stated staff had no recommendation on the proposal. It was noted deferring the sidewalk would force pedestrians to the street and delay the implementation of a Complete Streets concept.

Discussion

Commissioner Ellison asked where pedestrians are currently walking if there are no sidewalks. Mr. Leland responded the street and noted it is a dead-end street. Commissioner Ellison asked when the city contemplates requesting the formation of an SID for street improvements. Mr. Leland stated 10-15 years so the homeowners can pay down the loans they took out to retrofit the water and sewer systems.

Mayor Smith commented he thought the neighborhood would have to be brought up to city standards before anything new could be built. Mr. Leland explained these are existing, platted lots that have building rights. Mayor Smith stated it makes no sense to have sidewalks with no streets and/or houses with no streets or sidewalks.

Commissioner Cartwright asked what all-weather surface means. Mr. Leland explained it will be a gravel road that can withstand fire trucks driving on it; it will not be asphalt.

Commissioner Thweatt asked if sidewalks that would be installed now would be compatible with a future street. Mr. Leland explained they could potentially have to be torn out to match the grade of the street.

Public Comment

Mayor Smith asked for public comment, none was received.

Discussion

Commissioner Cartwright stated he would support the deferral because of statements in the 2011 Growth Policy regarding annexation of county property with existing county standards.

Mayor Smith commented this could result in six homes with no paved street or sidewalks; this is the kind of situation the city has been working with Lewis & Clark County on developing joint standards for. He noted he would support the variance only so the sidewalk wouldn't have to be torn out in the future when the road is installed.

Motion

Commissioner Ellison moved approval of deferral of the installation of sidewalks, drive approaches, curbs and gutters until

such time the streets are constructed to city standards for 26, 34, 42, 56, 72, and 80 Willow Avenue. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

10. D. CONSIDER THE ENLARGEMENT OF WATER AND WASTEWATER SERVICE AREA FOR PARCEL #1, TRACT B, BEING A PORTION OF THE HAWKEY LODGE MINING CLAIM AND PARCEL #2, GOVERNMENT LOT 4, ME NO. 4335, AND GOVERNMENT LOT 5, ME, NO. 3562 BEING PLACER MINING CLAIMS.

Staff Report

City Engineer Leland reported the above referenced parcels are within the city limits but not in the water or wastewater service area boundary. The parcels are currently undeveloped and can be accessed by Chaucer Street.

The property owner, Paula Thiede, is requesting to enlarge to the city's water and wastewater service area to include the above referenced lots. The applicant is proposing to build a single family residence on the parcel. The site plan and application were included in the Commission packet.

The applicant has agreed to extend a wastewater main from the last manhole on Iowa Street to the edge of the property and loop a water main with a fire hydrant to meet the Fire Department's requirements. To access the proposed residence the applicant is proposing to install a 20-foot wide all-weather surfaced driveway from Chaucer Street and incorporate a fire truck turn around near the house. The building site is higher in elevation than the current city pressure zone can serve so an individual booster pump will be required. Mr. Leland noted the city will not be funding any infrastructure improvements to accommodate the proposed residence.

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

Discussion

Mayor Smith asked if the proposal would conform to street grade requirements. Mr. Leland explained the applicant would be installing a driveway and turnaround in accordance with Fire Department standards. Mr. Leland added additional dwellings beyond one single-family residence would require subdivision review and Commission approval.

Commissioner Cartwright asked for more information on prior applications to expand services in this area of the city. Mr. Leland stated in looking over the few past applications he did not find any that were denied. Commissioner Cartwright asked if previously approved extensions have used booster stations. Mr. Leland explained along LeGrande Cannon there are single-family residences using booster stations. Booster stations have not been used for multi-family dwellings.

Commissioner Thweatt asked if this property is within the just adopted Urban Services Boundary. Mr. Leland stated yes.

Commissioner Cartwright asked Fire Chief Larson if he has any concerns with the proposal. Chief Larson stated the proposal is no different than other properties further to the east along the southern side of Helena. He indicated the hydrant location would be decided with approval of the building plans.

Public Comment

Mayor Smith asked for public comment.

Paula Thiede, applicant; urged the Commission to approve the enlargement; however, she announced she would be withdrawing her immediate plans to build a single family residence.

Discussion

Commissioner Cartwright asked if this enlargement is approved could any type of development occur on the property. Mr. Leland explained any development would be reviewed by staff and would have to comply with all city rules and regulations.

Motion

Commissioner Thweatt moved approval of the application to enlarge the water and wastewater service area to include Parcel #1 and Parcel #2 as described in the application for the purpose of serving one single family residence with the recommended conditions to install a looped water main and extend the wastewater main on Iowa Street to the edge of the property. Commissioner Ellison seconded the motion.

Discussion

Commissioner Cartwright asked if the motion would mandate that only one single-family residence would be allowed to be built on the property. Attorney Nielsen stated yes.

Vote

All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

11. A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP, FOR A ZONE CHANGE FROM CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT TO B-2 (GENERAL COMMERCIAL) DISTRICT.

Staff Report

City Zoning Officer Elroy Golemon reported on Tuesday, April 12, 2011, the Helena Zoning Commission held a public hearing on the proposed zone change and recommended approval (4:0) vote with one abstention for the adoption of an ordinance for a zone change from CLM District to B-2 District for the north half of Block 30 in the Flower Garden Addition, containing three (3) structures; generally located north of Cedar Street, south of Elm Street, east of North Montana Avenue and west North Cooke Street with property addresses of 2231 North Montana Avenue, 1219 Elm Street and 1229 Elm Street.

Mr. Golemon recommended approval of the zone change as it is consistent with the Montana Zone Change Criteria, Growth Policy and Zoning Ordinance. In addition, the proposed change to a B-2 District would make all of the uses and zoning consistent in the area, thus promoting a more cohesive neighborhood.

Discussion

Commissioner Ellison asked why the city has urged Mr. Tipton to change the zoning to his property. Mr. Golemon stated he was unsure; Mr. Tipton had provided that information on his application. Community Development Director Haugen explained the city encouraged Mr. Tipton to change the zoning of his property as it is an isolated island of CLM zoning surrounded by B-2.

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 Elsaesser moved approval of first passage of an ordinance amending City of Helena Ordinance No. 2359 and amending the official zoning map, for a zone change from CLM (Commercial Light Manufacturing) District to B-2 (General Commercial) District for property legally described in the ordinance. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Ord #3144**

Public Communications

PUBLIC COMMUNICATIONS

Kevin Keeler, Helena; expressed concern over coffee-kiosk permitting by the city's Building Department. He urged the Commission to place the issue on a City Commission Meeting agenda for discussion and public comment.

It was noted Mr. Keeler had contacted the city via his attorney. City Attorney Nielsen explained Director Haugen and staff has been researching the history of the issue. A letter from the city to Mr. Keeler's attorney should be forthcoming within the next two weeks.

Ron Stefanik, Helena; urged the Commission to hold discussions on coffee kiosk regulations.

Meetings of Interest

MEETINGS OF INTEREST

The next Commission Meeting is May 23, 2011. A Commission Budget Work Session will be held May 16, 2011.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:30 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission