

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
June 13, 2011
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, June 13, 2011 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Pro Tem Cartwright indicated for the record that Commissioners Ellison, Thweatt and Elsaesser were present. Mayor Smith was excused. 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 Pro Tem Cartwright 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 May 23, 2011 were approved as submitted.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Release of City of Helena's interest in the utility easements located 10 feet on both sides of the north south lot line between Lots 1 and 2, the east west lot line between Lot 3A and Lots 1 & 2 in Block 4 of the Sleeping Giant Addition to the City of Helena (Helena Motors buildings and display lot)
- C. An application to borrow \$1.1 million from the State of Montana, Department of Natural Resources (DNRC), Drinking Water Revolving Loan Program to fund improvements at the Missouri River Treatment Plant
- D. Acceptance of the May pledged collateral report
- E. Adoption of the revised 2011 Emergency Operations Plan
- F. Resolution of intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station for fiscal year 2012 and set a public hearing date **Res #19831**
- G. Resolution of intention to budget additional property tax revenue for FY2012 **Res #19832**
- H. A Memorandum of Understanding between the City of Helena and Helena Citizens Council for integration of the Public Art Committee, Helena International Affairs Council and Urban Wildlife Advisory Committee

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

Public Comment

Mayor Pro Tem Cartwright asked for public comment, none was received.

Motion

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

Communications	COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS Commissioner Ellison noted the Montana Newspaper Association recently announced its annual awards and the Helena Independent Record (IR) took home close to a dozen. He congratulated city/county reporter Allison Maier and photographer Eliza Wiley for being recognized for their work and commended Publisher Randy Rickman, Editor John Doran and IR staff for their work.
Report of the City Attorney	REPORT OF THE CITY ATTORNEY No report was given.
Report of the City Manager	REPORT OF THE CITY MANAGER No report was given.
Report from the Helena Citizens Council	REPORT FROM THE HELENA CITIZENS COUNCIL HCC Chair Jim McCormick reported the HCC is working on the integration of the Council with UWAC, HIAC and the PAC. The next HCC meeting will be held Wednesday, June 23, 2011 at 7:00p.m.
Regular Items	REGULAR ITEMS: A. CONSIDER A MINOR SUBDIVISION/PRELIMINARY PLAT TO CREATE 5 LOTS FROM 1.7 ACRES IN OVERLOOK ESTATES LOCATED IN THE R-3 (RESIDENTIAL) DISTRICT
Staff Report	City Planner Kathy Macefield reported the applicant wishes to obtain approval for a minor subdivision/preliminary plat creating 5 lots from 1.7 acres, and amend the recorded plat for Overlook Estates. The new lots would range in size from 9,255 square feet (Lot 1E) to 27,127 square feet (Lot 1A). Existing 8-inch water and wastewater mains are located in an existing 30-foot wide utility easement. A proposed 40-foot wide public access would be located west of Overlook Boulevard and above the existing utility easement. A stormwater detention basin is located on the northern portion of Lot 1A. Portions of the applicant's written summary of responses to the subdivision review criteria of 76-3-608 MCA and preliminary engineering report have been reviewed as part of the subdivision proposal. The proposed subdivision is located in Overlook Estates Subdivision that was approved in 2006. As a result, this proposal could be considered infill development and is consistent with the R-3 zoning requirements and the current Growth Policy. Water, wastewater and paved streets are already in place to serve the area. The development is located in a walkable area and would be an efficient use of land, energy, infrastructure and other resources. Ms. Macefield recommended approval of the subdivision/preliminary plat.
Discussion	Commissioner Cartwright asked if the cost of extending the water and wastewater mains would be borne by the city. Ms. Macefield stated no, the city would not be responsible. Commissioner Thweatt asked for more information on how access would be provided to the various lots. Ms. Macefield explained how each lot would be accessed by showing a slide of the amended plat included in her power point presentation.

Public Comment

Mayor Pro Tem Cartwright asked for public comment.

Robert Kolar, applicant, 825 Great Northern Boulevard; gave the history of the development of the property and urged the Commission to approve the minor subdivision.

Mark Brooke, Morrison-Maierle Engineering; thanked city staff for their work on the proposal. Mr. Brooke gave detailed testimony related to the development of the subdivision.

Motion

Commissioner Ellison moved approval of a minor subdivision/preliminary plat to create 5 lots from Lot 1, Block 1, Overlook Estates and to adopt the Findings of Fact and the conditions contained therein. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

B. CONSIDER FINAL PLAT FOR THE ANTELOPE TRACE PHASE 2 OF CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION CREATING 14 RESIDENTIAL LOTS AND TWO TRACTS, GENERALLY LOCATED NORTH OF RUNKLE PARKWAY AND WEST OF ALICE STREET

Staff Report

City Planner Lucy Morell-Gengler reported 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. On July 12, 2010 the City Commission approved an amendment to the preliminary plat affecting this section of the subdivision.

The applicant is requesting approval of the final plat for Antelope Trace Phase 2 of Crossroads at Mountain View Meadows creating 14 residential lots zoned R-4(Residential) District; platting these 14 lots results in splitting the existing Tract 2 into two parcels identified as Tract 2-A containing 14.769 acres and Tract 2-B containing 11.012 acres.

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 is attached to this transmittal memo. Water and wastewater mains, stormwater facilities and emergency access has been installed and accepted by the city. The remainder of the improvements have been financially guaranteed. A lighting district will be established after the final plat is filed to accommodate street lights for the subdivision and 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. This infill development to city densities has the potential to reduce vehicle miles traveled in the Helena area.

Public Comment

Mayor Pro Tem Cartwright asked for public comment, none was received.

Motion

Commissioner Thweatt moved approval of the final plat for Antelope Trace Phase 2 of Crossroads at Mountain View Meadows Subdivision creating 14 residential lots and two tracts, and to accept the dedication to the City of the property for public improvements designated thereon. Commissioner Ellison seconded the motion. All voted aye, motion carried.

C. CONSIDER AN ENLARGEMENT OF WATER SERVICE AREA FOR LOTS 1-4 IN BLOCK 4 OF THE ORIGINAL HELENA TOWNSITE (129 SOUTH HOWIE STREET)

Staff Report

City Engineer Ryan Leland reported the property at 129 South Howie Street is currently undeveloped and the owners would like to build a home in the future. The property is in the wastewater service area but not in the water service area. The sewer main is approximately 10-feet from the edge of the property and the water main extends across approximately 60' of frontage. This section of South Howie Street is undeveloped.

The owner of the property, Pat Therriault, is requesting an enlargement of the water service area and also a variance from the city's standard requirement of extending approximately 175' of sewer and approximately 110' of water main across the entire frontage of the subject property.

Although the proposal would allow for city in-fill development, without main extensions the services will be very long and would not meet City Code or City Engineering Standards. Mr. Leland noted staff had no recommendation on the proposal.

Discussion

Mayor Pro Tem Cartwright asked why the main would need to be extended if two houses were put on the lot. Mr. Leland explained there cannot be joint sewer service and homeowners must connect perpendicular to the lot according to City Code.

Commissioner Cartwright asked if the lines need to be looped for any reason. Mr. Leland stated the sewer line does not need to be looped. Staff usually prefers the water line be looped but it would be very expensive in this case.

Public Comment

Mayor Pro Tem Cartwright asked for public comment.

Pat Therriault, applicant; urged the Commission to approve the enlargement and variance.

Discussion

Commissioner Elsaesser asked if the lot north of the subject property would be developed. Mr. Leland stated the lot is in government ownership and the road is currently located on it. Although you never know what could happen in the future, he does not foresee it being developed.

Motion

Commissioner Thweatt moved approval for an enlargement of the water service area for Lots 1-4 in Block 4 of the Original Helena Townsite and extension of the water and sewer mains across the frontage of the property. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Motion

Commissioner Elsaesser moved to approve a variance for up to one dwelling unit related to extension of the water and sewer mains as proposed. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION ANNEXING CONTIGUOUS GOVERNMENT PROPERTY BEING THE FULL WIDTH OF

PORTIONS OF GREEN MEADOW DRIVE, COLONIAL DRIVE
AND INTERSTATE 15 RIGHTS-OF-WAY (ROW) INTO THE
CITY OF HELENA

Staff Report

City Planner Dustin Ramoie reported the City of Helena wishes to annex these ROW 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 to consider annexation of contiguous government property, the owner of the property to be annexed must request annexation. The State of Montana is requesting the annexation of portions of Green Meadow Drive, Colonial Drive, and Interstate 15. The Helena City Commission passed Resolution #19827 on May 9, 2011, which was a resolution of intent to annex the described ROW.

Mr. Ramoie recommended approval of the annexation. He noted the City of Helena's Public Works Department would take responsibility for maintenance as needed, or as negotiated with the Montana Department of Transportation.

Public Testimony

Mayor Pro Tem Cartwright 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 Pro Tem Cartwright closed the public hearing.

Motion

Commissioner Ellison moved approval of a resolution annexing the full width of portions of Green Meadow Drive, Colonial Drive, and Interstate 15 into the City of Helena, as shown on Exhibit A. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19833**

**Public
Communications**

PUBLIC COMMUNICATIONS

Tim Ravndal, Lewis & Clark Conservatives Executive Director, 9 Last Chance Gulch; referred to City Ordinance 5-1-32 (City Code Section 5-1-32) and requested the City Commission hold a public hearing to discuss amending the ordinance to allow citizens to possess loaded weapons. He noted he would submit a petition of support for the hearing containing 55 signatures to the Commission office in the near future.

Tom Barrett, Tea Party Chairman, 3063 Howard Road; requested the City Commission hold a public hearing to consider amending City Ordinance 5-1-32 (City Code Section 5-1-32).

Alan Wright, Townsend; urged the Commission to hold a public discussion on the city's ban on possession of loaded weapons.

Patrick McCain, 725 E. 3rd Street; spoke in support of the proposed hearing and thanked Mr. Ravndal for his testimony.

Kathy Edwards, 5760 Sunset Road; expressed concern for City Code prohibiting possession of loaded weapons.

Michael J. Gillis, Basin; urged the Commission to hold a hearing on the ordinance.

Mayor Pro Tem thanked everyone for their testimony and noted the Commission would be discussing their request in the future. He recommended they consider a ballot initiative to allow the citizens of Helena to vote on the issue.

Commissioner Thweatt explained he is an attorney and has reviewed the ordinance and statute involved; the group is not being ignored.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is June 22, 2011 and the next Commission Meeting is June 27, 2011.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:07 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission