

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
April 23, 2012
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, April 23, 2012 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 Elsaesser, Thweatt and Haque-Hausrath were present. Commissioner Ellison was excused. City Manager Ron Alles, Acting City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Matt Oppedahl 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 April 9, 2012 were approved as submitted.

Proclamation

PROCLAMATION:

A. Arbor Day Proclamation

Mayor Smith read the proclamation designating April 27, 2012 as Arbor Day in the City of Helena. Parks & Recreation Director Amy Teegarden accepted the proclamation and gave an overview of Arbor Day events occurring around the city.

Commissioner Thweatt asked if citizens need permission from the city to plant a tree in their boulevard. Director Teegarden stated the Parks Department would like to be notified of plantings in the boulevard and explained the process for replacing or planting a tree. She noted all of the information needed is on the Parks Department website.

Board Appointments

BOARD APPOINTMENTS:

A. Helena Open Lands Management Advisory Committee (HOLMAC), Civil Service Board and Lewis & Clark County Heritage Preservation and Tourism Council (HPTC)

Mayor Smith asked for Commission concurrence on the following appointments:

HOLMAC – Appointment of Clint Morrison to an unexpired term on HOLMAC; term will begin upon appointment and expire June 30, 2013.

Civil Service Board – Reappointment of Richard (Dick) Meeker to a first full term on the Civil Service Board; term will begin upon appointment and expire May 1, 2015.

HPTC – Appointment of Roger Pederson as a city representative to a first term to the Heritage Preservation and Tourism Council; term will begin upon appointment and expire June 30, 2015. Appointment of Peter Rudd as the joint representative to a first term to the Heritage

Preservation Council; term will begin upon appointment and expire June 30, 2015.

Motion **Commissioner Haque-Hausrath moved approval of the board appointments to HOLMAC, HPTC and the Civil Service Board as listed above.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Contract for audit services for fiscal years 2012, 2013 and 2014
C. Curb cut variance for 3161 North Sanders Street

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

Commissioner Haque-Hausrath asked item C be removed for discussion.

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

Motion **Commissioner Haque-Hausrath moved approval of items A and B on the consent agenda.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Item C C. CURB CUT VARIANCE FOR 3161 NORTH SANDERS STREET

Commissioner Haque-Hausrath noted the Commission previously voted to deny the proposed variance on April 9, 2012. She expressed concern for the impact the wider curb cut would have on pedestrian safety. She noted City Manager Alles had stated the curb cut could be painted to make the traffic lanes clearer for pedestrians.

City Manager Alles stated the Montana Department of Transportation (MDT) negotiated and granted the variance as part of the Custer Interchange Project, although they did not have authority to do so. He noted MDT has apologized and indicated they could install striping in the curb cut. Manager Alles assured the Commission the city would work with MDT and the applicant to make the curb cut safer for pedestrians.

Motion **Commissioner Thweatt moved approval of a curb cut variance to install a 50' curb cut for 3161 North Sanders Street.** Commissioner Elsaesser seconded the motion.

Friendly amendment Commissioner Elsaesser offered a friendly amendment to add the following language after "Street": with additional consultation of city staff and MDT. Commissioner Thweatt accepted the amendment.

Vote Motion carried 3-1, with Commission Haque-Hausrath voting no.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
No communications were given.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Thomas Jodoin introduced newly hired City Prosecutor Todd Baker, and gave his education and work history. Mayor Smith, on behalf of the Commission, welcomed Mr. Baker to employment with the City of Helena.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. FY2013 Preliminary Budget Presentation

City Manger Alles gave an overview of the Fiscal Year 2013 (FY2013) Preliminary Budget. He reported the public hearing and final adoption of the budget will be held June 18, 2012. The preliminary budget PowerPoint presentation is included in the Commission packet as part of the official record.

Commissioner Haque-Hausrath asked that the agenda for the budget work sessions be posted on the city's website. Manager Alles concurred. Discussion was held on retirement plan funding. Manager Alles indicated he would continue to work with the League of Cities and Towns on the issue.

Commissioner Elsaesser thanked Manager Alles for his presentation and commented on the rising cost of health insurance for city employees.

Mayor Smith thanked Administrative Services Director Tim Magee and staff for their work on the budget.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Matt Oppedahl reported the next HCC meeting would be held Wednesday, April 25, 2012. He stated he would provide the council members with the budget work session schedule.

Mayor Smith encouraged the HCC to participate in this year's budget review.

Regular Items

REGULAR ITEMS:

- A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3152 AMENDING TITLE 11 OF THE HELENA CITY CODE, REPEALING CHAPTER 22, OFFSTREET LOADING AND PARKING AND ESTABLISHING A NEW OFF-STREET PARKING CHAPTER

Staff Report

Community Development Director Sharon Haugen reported on March 26, 2012 the City Commission held a public hearing to consider first passage of an Ordinance amending Helena City Code by repealing Chapter 22 and establishing a new Parking chapter. A public hearing is not required for final passage of the Ordinance.

The City Commission also held public hearings on February 13, 2012 and December 19, 2011 to consider first passage of this Ordinance. The Ordinance contains a table that is based upon the Land Use table and definitions section of Chapter 2 of the Zoning Ordinance.

Several changes were made in the final passage of the Parking Ordinance compared to the first passage: the intent of the parking chapter was revised; non-conforming parking for an existing building does not need to be brought up to current standards unless the gross floor area is increased by more than 25% or the parking area is reconstructed; single dwelling unit residences with nonconforming parking are exempt from bringing the parking up to code; and the section

addressing parking deficiencies within the Parking Commission district was deleted.

The required off-street parking requirements would be reduced for 3 or more multiple dwelling units; community center; prerelease center; elementary/middle school; casino; restaurants; specialized food production; tavern; health care facility; general/specialty sales; all daycare uses; financial services; veterinary clinic; airport; vehicles sales and rental; and vehicle services.

Parking space reductions would be permitted for all uses; the reductions for providing a transit stop and additional bicycle spaces are clarified; a reduction for an electric vehicle charging station is added; and the "public space" reduction would be retained from the existing code and require a public art feature.

The existing requirements for bicycle parking would continue with the current proposal. ADA accessible parking requirements would be clarified. As proposed, off-street loading requirements (which no longer appear to be pertinent) have been deleted as was the limit on maximum parking spaces. The landscaping and screening requirements are deleted from the parking chapter and incorporated into the recently adopted landscaping chapter.

Director Haugen recommended approval of final passage of the ordinance as the proposed off-street parking requirements correspond better to the land use table of Chapter 2 of the Zoning Ordinance. It also puts those requirements into an easier-to-read table format.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Thweatt moved approval for final passage of Ordinance No. 3152 amending Title 11 of the Helena City Code, repealing Chapter 22, Off-street Loading and Parking and establishing a new Off-street Parking Chapter. Commissioner Elsaesser seconded the motion.

Commissioner Haque-Hausrath gave an overview of her amendments and explained the rationale behind them.

Amendments

Commissioner Haque-Hausrath moved to amend Ordinance No. 3152 per the Haque-Hausrath amendments document. Commissioner Thweatt seconded the motion.

Commissioner Elsaesser recommended striking everything after "...climate change", as the electric vehicle charging stations aren't related to the minimum offset and it would make the language more general.

Commissioner Haque-Hausrath moved to amend Ordinance No. 3152 per the Haque-Hausrath amendments document, and to amend those amendments by striking "by reducing the minimum off-street parking requirements" under 11-22-1 C. Commissioner Thweatt seconded the motion. All voted aye, motion carried.

Commissioner Elsaesser explained his amendments and gave the rationale behind them.

Commissioner Elsaesser moved to amend Ordinance No. 3152 per the Elsaesser amendments document. Commissioner Thweatt seconded the motion.

Commissioner Haque-Hausrath stated she would not support the Elsaesser amendments as the city's CUP process would provide the Commission authority to require increased parking if necessary. Commissioner Thweatt noted he would support the amendment.

Vote Motion carried 3-1 with Commissioner Haque-Hausrath voting no.

Motion **Commissioner Elsaesser moved approval for final passage of Ordinance No. 3152 amending Title 11 of the Helena City Code, repealing Chapter 22, Off-street Loading and Parking and establishing a new Off-street Parking Chapter, as amended.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

B. CONSIDER A RESOLUTION OF INTENTION TO VACATE THE FULL WIDTH OF AN ALLEY BETWEEN LOTS 1-36 IN BLOCK 1 OF THE COURT HOUSE ADDITION TO THE CITY OF HELENA

Staff Report

City Engineer Ryan Leland reported David Jackson, owner of the property adjacent to an unimproved alley right-of-way (ROW), submitted an application to vacate the full width of the alley between Lots 1-36 in Block 1 of the Court House Addition. The alley and adjacent lots are currently undeveloped. The property is served by Rhode Island Street which was constructed to City Standards with the Crestview Subdivision to the south. The property immediately to the north, east and west of the site are city properties and unimproved public rights-of-way managed as open space.

The site is part of the original plat for the Helena townsite. The original plat did not consider topographic constraints in the layout of street and alleyway ROW which sometimes creates difficulties for both the new development and access to adjacent properties. Staff and the developers generally work together to assure that public rights-of-way make sense relative to access and topographic constraints. This can include lot line relocations, trading, and vacations.

The applicant is requesting vacation of the full width of the alley to develop the lots with at ultimately five single family residences. All utility service providers have been contacted and there were no objections. However, city staff suggested trading the square footage of the alley for an additional 30-feet of Hoback right-of-way (ROW) on the east side of the property. This might be appropriate if a street were ever to be constructed to access city properties to the north. The applicant prefers to engage in a simple vacation rather than a trade. The square footage of the alley to be vacated is 7288 with the square foot value averaging \$1.42 from the State of Montana Department of Revenue. Therefore, the total fee for vacation would be \$10,348.96.

Mr. Leland noted the vacation will facilitate residential in-fill development which will add to the taxable value of existing annexed lots. The new development will include connection to city water and wastewater systems for appropriate and sustainable health and environmental safeguards. The ROW vacation in lieu of a trade for

future street ROW will preclude street access to city properties to the north from Rhode Island Street. However, it is not clear whether this ROW would or would not ever be needed and there is no present planning to suggest an extension of Hoback Street.

Discussion

Commissioner Haque-Hausrath asked if there is any particular reason that any city department may need this ROW in the future. Mr. Leland stated all departments were asked for comment on the vacation and there were no objections. The Street Department did suggest the city may want to continue the width of Hoback. Mr. Leland noted the city does own several parcels around the proposed vacation.

Commissioner Elsaesser asked if there would be further public process if the resolution of intention is approved. Mr. Leland stated yes; if tonight's resolution of intention is approved the resolution and public hearing will be held on May 21st. Commissioner Elsaesser asked if the vacation would prevent the city from locating trails on city owned property in the future. Mr. Leland stated no. Commissioner Thweatt asked if public access to city-owned trails will be maintained. Mr. Leland stated the vacation will not cut-off any of the public trails.

Commissioner Elsaesser noted he would support the vacation. He reported he visited the site and is encouraged by the future public process/notice and opportunity for participation.

Commissioner Haque-Hausrath recommended the funds from the vacation be used for public lands or improving trail access to city property. She noted she would support the resolution of intention as the city is not using the ROW and has no interest in it, and there has not been any public comment opposing it.

Commissioner Thweatt concurred with Commissioner Haque-Hausrath's comments and noted the city has no foreseeable value in the ROW.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Elsaesser moved approval of a resolution of intention to vacate the full width of the alley between Lots 1-36 in Block 1 of the Court House Addition in the City of Helena and set a public hearing date of May 21, 2012. Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Res #19907**

C. CONSIDER A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA LOTS 7 & 8 IN BLOCK 189 OF THE BRADFORD ADDITION, LEWIS & CLARK COUNTY, MONTANA; AND THE ADJACENT ALLEY RIGHT-OF-WAY

Staff Report

City Planner Dustin Ramoie reported the applicant has requested annexation of Lots 7 & 8 in Block 189 of the Bradford Addition, Helena, Montana. The property is adjacent to the City of Helena and is located within the "Urban Standards Boundary Area". It is in accordance with the 2011 Growth Policy to annex property that is adjacent to the city and within the defined "Urban Standards Boundary Area". The property is currently developed with a single family residential dwelling and was served by individual well and septic previously. The applicant wishes to annex this property immediately to attain water, wastewater, and other city services and to utilize the property with an R-2 (Residential) zoning designation for the existing dwelling on the property. With annexation,

extension of the water and wastewater service boundary will occur. The subject property was pre-zoned to the R-2 (Residential) District by the Helena City Commission on August 18, 2003.

Mr. Ramoie recommended approval of the resolution of intent to annex as the subject property is immediately adjacent to the City of Helena as well as wholly surrounded. The property is in the Urban Services Boundary and in an area that has been identified for annexation in the City's Growth Policy.

Discussion

Commissioner Haque-Hausrath asked if there is any cost to the city if the property is annexed. Mr. Ramoie answered no; the city does not incur any costs. It does bring another home onto city services but the applicant pays for water and wastewater services.

Mayor Smith asked if the applicant's taxes are current. Mr. Ramoie noted at the time a resolution of annexation is considered, staff reviews the taxes to ensure they are current before bringing the proposal to the Commission.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Thweatt moved approval of a resolution of intention to annex property legally described as Lots 7 and 8 in Block 189 of the Bradford Addition, Lewis & Clark County, Montana; and the adjacent alley between Le Grande Cannon Boulevard and University Street rights-of-way, and to establish conditions for annexation. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19908**

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3151 AMENDING TITLE 3, BUILDING REGULATIONS, TO ADD LANGUAGE CLARIFYING THE BUILDING DIVISION, THE POSITION OF THE BUILDING OFFICIAL AND THE APPLICATION OF THE BUILDING CODE.

Staff Report

Chief Building Official Brandt Salo reported the proposed changes to the ordinance provide needed clarification and updates to Title 3, Building Codes. The change in the title of Chapter 1 will now reflect the Building Division as part of the Community Development Department and that the head of the division is now referred to as the "building official," a term more commonly used in the currently adopted codes. The title of chapter 2 refers to housing regulations indicating reference to the repealed uniform housing code and not the current International Residential Code. The Board of Appeals process has minor administrative and procedural issues and contains outdated references to the uniform codes. The proposed language changes in the building and residential codes clarify and reaffirm the City's authority to enforce the building codes for all types of structures, including all categories of residential structures.

Mr. Salo recommended approval of final passage of the ordinance as it will provide for consistency between city code and functioning of the Building Division and its enforcement of the currently adopted codes.

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 Haque-Hausrath moved approval of final passage of Ordinance No. 3151 clarifying the building division, the position of the building official, and the application of building codes by amending Title 3 of the Helena City Code. Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Ord #3151**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is May 2, 2012, 2012 and the next Commission Meeting is, May 7, 2012. A Budget Work Session will be held on May 7, 2012 and the monthly Joint Work Session will be held May 3, 2012.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:28 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission