

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 22, 2013
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, July 22, 2013 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Pro Tem Elsaesser indicated for the record that Commissioners Ellison, Thweatt and Haque-Hausrath were present. Mayor Smith was excused. City Manager Ron Alles, City Attorney Jeff Hindoien and Deputy City Clerk Robyn Brown were present.

Pledge of Allegiance

Mayor Pro Tem Elsaesser 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 8, 2013 were approved as submitted.

Board Appointments

BOARD APPOINTMENTS:

A. Helena Housing Authority

Mayor Pro Tem Elsaesser asked for Commission concurrence on the following board appointment:

Helena Housing Authority - Reappointment of Dan Sullivan to the Helena Housing Authority. Term will begin upon appointment and expire August 1, 2018.

Public comment

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

Motion

Commissioner Ellison moved approval of the appointment to the Helena Housing Authority as listed above. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Acceptance of pledged collateral for City deposits at financial institutions
- C. Resolution of intention to levy assessments for fiscal year 2014 for improvements made to properties in the 2013 Sidewalk Improvement District and set a public hearing date **Res #20028**
- D. Consider final passage of Ordinance No. 3182 pre-zoning to B-2 (General Commercial) District prior to annexation into the City of Helena for property generally located west of McHugh Lane and north of Custer Avenue **Ord #3182**
- E. Mountain View Park Public Utility Easement
- F. Consider acceptance of the 100% State of Montana funded pass through Grant for the Hazmat Team in the amount of \$44,167

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

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

Motion Commissioner Thweatt moved approval of items A through F on the consent agenda. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Haque-Hausrath stated the Chalk Up Helena! event held on Saturday, July 20th was very successful with great participation by the community. She also commended the Helena Police Department's (HPD) bike patrol program.

Mayor Pro Tem Elsaesser reminded citizens of the "Running for Helena's Water" 5K being held on Saturday, July 27, 2013.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager REPORT OF THE CITY MANAGER
City Manager Alles announced Fire Chief Sean Logan, who has been serving in an Acting capacity since January, was recently promoted to the post permanently.

A. FEMA Grant Presentation

Disaster and Emergency Services (DES) Division Administrator and former Lewis & Clark County Commissioner Ed Tinsley presented the Commission with a grant for \$334,000 to be used to retrofit earthquake valves for the city's water system.

B. Recognition of Helena Fire Department (HFD) Lieutenant Ken Wood and Firefighter Mike McDaniel

Manager Alles asked HFD Chief Sean Logan to report on a recent incident involving Lieutenant Ken Wood, Firefighter Mike McDaniel and Police Officer Buck Herron.

Fire Chief Logan stated Battalion Chief Bob Harvey recently sent him a letter expressing his gratitude for Lieutenant Ken Wood and Firefighter Mike McDaniel for saving the life of a 28 year old Helena man on April 24, 2013. He also lauded their skilled professionalism in the life-saving efforts delivered to the man who had suffered cardiac arrest.

His letter speaks of "their quick action, superior skills and dedication to our community. There were several factors that lead to this success story, including early CPR from the bystander, a response of only 64 seconds from the time of being dispatched to reaching the scene by HFD and the care of hospital EMS and ER staff. However, the most important factor is the initial care this young patient received by the very capable crew of Firefighters Wood and McDaniel. These two men most defiantly, through their actions, kept this local family from arranging a funeral."

Chief Logan expressed appreciation their efforts and commented they are both highly dedicated and skilled firefighters and emergency medical technicians. Their efforts saved the young man's life and he and his family will forever be grateful for their highly skilled intervention and

for the fact that such life-saving delivery systems are an integral part of our community.

Police Chief Troy McGee added Helena Police Department (HPD) Officer Buck Herron was also one of the first responders on the scene and commended him for his work toward saving the young man's life.

Former City Commissioner Marc Parriman stated his son was the young man whose life was saved and thanked Firefighters McDaniel and Wood and HPD Officer Herron.

The Commission recognized and commended Firefighters McDaniel and Wood and HPD Officer Herron for their life-saving efforts on that day.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was given.

Regular Items

REGULAR ITEMS:

- A. CONSIDER ENLARGEMENT OF WATER SERVICE AREA FOR LOT 16 IN BLOCK 30 OF THE EASTERLY ADDITION.

Staff Report

City Engineer Ryan Leland reported the above referenced lot is within the City limits and is in the sewer service area boundary but not in the water service area boundary. Access to the lot is from Highland Street, which is a platted street that is paved for the first two lots past the intersection with Beattie Street and then is a gravel street to the west edge of Lot 16. Water and sewer mains located in Highland Street are connected to water and sewer mains in Beattie Street and extend east to the west edge of Lot 16 where both mains dead end.

The property owner, Mike Kadas, is requesting enlargement of the water service area to allow for the construction of a single-family home. Mr. Leland noted extension of the water service area would assist with residential infill within the existing city limits. However, the proposal would not bring all the services to city standards; fire flows will remain below current standards.

Engineer Leland noted Mr. Kadas had submitted a written request that the requirement to extend the mains be waived. This correspondence is included in the Commission packet as part of the official record.

Discussion

Discussion was held on the lot to the east of the subject property, fire flows, the ordinance requiring extension of the mains, and looping the mains in the future.

Public comment

Mayor Pro Tem Elsaesser called for public comment.
Mike Kadas, 719 N. Rodney, applicant; urged the Commission to approve the variance he requested.

Motion

Commissioner Ellison moved approval of the application to enlarge the water service area to Lot 16 in Block 30 of the Easterly Addition with the following conditions:

- 1. Extend City standard water and sewer mains through the frontage of the property.**
- 2. Install 20' width all-weather surface with acceptable fire truck turnaround.**

Commissioner Thweatt seconded the motion.

Comment

Commissioner Haque-Hausrath noted although the applicant made good points regarding his request for a variance it is important to extend the mains in order to not get behind in the installation of city infrastructure. She stated she would vote in support of the motion as written in the staff report.

Commissioner Thweatt spoke of a similar situation on south Davis Street and stated it is important that the city sticks to its ordinance. He noted he would vote in support the motion.

Commissioner Ellison stated if the lot further to the east could be developed in the future, it is a necessary step to require both the water and sewer mains be extended. He added he would support the motion.

Commissioner Elsaesser noted he too would support the motion.

Vote

All voted aye, motion carried.

- B. CONSIDER A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA PROPERTY AT 1919 KNIGHT STREET, LEGALLY DESCRIBED AS LOTS 1 & 2 BLOCK 178 OF THE SYNDICATE ADDITION, LEWIS AND CLARK COUNTY, MONTANA; GENERALLY LOCATED SOUTH OF KNIGHT STREET AND EAST OF JOSLYN STREET.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A PRE-ZONING DESIGNATION TO R-2 (RESIDENTIAL) DISTRICT, AMENDING THE CITY OF HELENA ORDINANCE NO. 2359 AND THE OFFICIAL ZONING MAP AFTER THE PROPERTY IS ANNEXED; FOR PROPERTY LEGALLY DESCRIBED AS LOTS 1 AND 2, BLOCK 178 OF THE SYNDICATE ADDITION, LEWIS AND CLARK COUNTY, MONTANA.

Staff Report

City Planner Dustin Ramoie reported the applicant has applied for pre-zoning (R-2) and annexation into the City of Helena for the subject property located at 1919 Knight Street. The subject property had a failed septic system and was allowed under emergency provisions to hook up to the city's wastewater main located in the adjacent Joslyn Street. The property is adjacent to the city limits and is located within the "Urban Standards Boundary Area". The property is proposed to be pre-zoned to R-2 (Residential).

Mr. Ramoie recommended approval of the resolution of intention to annex as it would allow for continued use of the residential property and eliminate a failed septic system in Lewis & Clark County and would add a residential dwelling to the city's infrastructure.

In addition to annexation of the property, the applicant has applied for pre-zoning to R-2 (Residential) district and annexation into

the City of Helena for the property located at 1919 Knight Street. Before final annexation of the property can occur it must first be pre-zoned according to state law.

Mr. Ramoie recommended approval of the proposed pre-zoning and noted on Tuesday, June 11, 2013, the Helena Zoning Commission unanimously recommended approval (4:0 vote) of this pre-zoning proposal.

Discussion

Commissioner Ellison asked what would happen to the failed septic system if this proposal were approved. City Engineer Leland stated the tank would either be removed or filled with slurry or earthen material and left in place.

Public Testimony

Mayor Pro Tem Elsaesser 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 Elsaesser closed the public hearing.

Motion

Commissioner Haque-Hausrath moved approval of a resolution of intention to annex property legally described as Lots 1 and 2 Block 178 of the Syndicate Addition, Lewis & Clark County, Montana; the adjacent alley between Hauser Boulevard and Knight Street rights-of-way, and establish the conditions of annexation.

Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Res #20029**

Motion

Commissioner Ellison moved approval of first passage of an ordinance for a pre-zoning designation to R-2 (Residential) District, amending City of Helena Ordinance No. 2359 and the official zoning map after the property is annexed; for property legally described as Lots 1 and 2, Block 178 of the Syndicate Addition, Lewis & Clark County, Montana. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Ord #3183**

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE PRE-ZONING TO B-2 (GENERAL COMMERCIAL) PRIOR TO ANNEXATION INTO THE CITY OF HELENA: FOR PROPERTY LEGALLY DESCRIBED AS TRACT G1-A OF COS # 3182656, LEWIS & CLARK COUNTY, MONTANA.

Staff Report

Planner Ramoie reported the applicant has applied for pre-zoning and annexation into the City of Helena. Before final annexation can occur the property must be pre-zoned. The applicant has applied for a B-2 (General Commercial) zoning district to accommodate future development.

On Tuesday, May 14, 2013, the Helena Zoning Commission unanimously recommended approval (4:0 vote) of this pre-zoning proposal. The proposed designation of B-2 (General Commercial) will allow for higher density development using city infrastructure once the property is annexed. Mr. Ramoie recommended approval of the ordinance pre-zoning the subject property.

Public Testimony

Mayor Pro Tem Elsaesser 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 Elsaesser closed the public hearing.

Motion

Commissioner Haque-Hausrath moved approval of first passage of an ordinance for a pre-zoning designation to B-2 (General Commercial) District, amending City of Helena Ordinance No. 2359 and the official zoning map after the property is annexed; for property legally described as Tract G1-A of COS #3182656, Lewis & Clark County, Montana. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Ord #3184**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is July 31, 2013 and the next Commission Meeting is August 5, 2013. The next City/County Joint Work Session will be held August 1, 2013.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:05 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission