

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 5, 2013
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 5, 2013 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 Ellison, Elsaesser and Haque-Hausrath were present. Commissioner Thweatt was excused. City Manager Ron Alles, City Attorney Jeff Hindoien and Deputy City Clerk Robyn Brown were present.

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 July 22, 2013 were approved as submitted.

Presentation PRESENTATION:
A. Acknowledge Gloria Malstrom, Public Safety Communicator

Police Chief Troy McGee reported on June 13, 2013 Gloria Malstrom received the APCO Communications Trainer of the Year at the APCO annual convention banquet held in Butte. The award was presented to Gloria for a call she took in the dispatch center on March 10, 1999 where she helped a young man guide his girlfriend in giving birth to their child. Fourteen years later Gloria received an email from him thanking her.

Chief McGee introduced Ms. Malstrom and thanked her for her dedication to the citizens of Helena. Ms. Malstrom introduced her guests in attendance and thanked the Commission for their recognition.

The Commission commended Ms. Malstrom for her work and faithfulness.

Proclamation PROCLAMATION
A. Tennis Week

Mayor Smith read the Helena Tennis Week proclamation and presented it to Ms. M.C. Beeby.

Board Appointments BOARD APPOINTMENTS:
A. ADA Compliance Committee
B. City-County Parks Board
C. City-County Planning Board
D. Helena Airport Authority
E. Zoning Commission

Mayor Smith asked for commission concurrence on the following board appointments:

ADA Compliance Committee: Reappointment of Rachel Peura and Allen Tompkins to a second term and reappointment of J. Bailey Molineux to a

first full term on the ADA Compliance Committee. Terms will begin upon appointment and expire September 1, 2016.

City-County Parks Board: Appointment of Pat Doyle to the City-County Parks Board. The unexpired term will begin upon appointment and expire September 30, 2015.

City-County Planning Board: Reappointment of Craig Charlton to the City-County Planning Board. The first full term will begin upon appointment and expire September 1, 2016.

Helena Airport Authority Commission: Reappointment of Janice Schenk to the Helena Airport Authority Commission. Second term will begin upon appointment and expire September 1, 2016.

Zoning Commission: Appointment of Michael "Mike" McCabe as the alternate member on the Zoning Commission. The unexpired term will begin upon appointment and expire September 30, 2015.

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

Motion Commissioner Ellison moved approval of the appointments as listed above. Commissioner Haque- Hausrath seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Final passage of Ordinance No. 3184 pre-zoning to B-2 (General Commercial) prior to annexation into the City of Helena; for property legally described as Tract G1A of COS#3182656, Lewis and Clark County, Montana. **Ord #3184**
- C. Final passage of Ordinance 3183 for a pre-zoning designation to R-2 (Residential) District, amending the City of Helena Ordinance 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. **Ord #3183**

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 Elsaesser acknowledged the passing of Mrs. Betty Babbcock.

Commissioner Ellison spoke of the recent "Running for Helena's Water" event, held at the Tenmile Water Plant and commended Don Clark for his work on organizing the event. He and introduced the runners that finished between first and third in the race which were in attendance.

Mr. Stacey Smiedala, Helena; thanked the Commission for recognizing the runners.

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
No report was given.

Regular Items

REGULAR ITEMS:
A. CONSIDER EXTENSION OF THE 2010 SHOPKO SUBDIVISION PRELIMINARY PLAT APPROVAL.

Staff Report

City Planner Kathy Macefield reported On August 9, 2010 the City Commission approved the preliminary plat for the Shopko Subdivision creating 3 lots from 6.8 acres located in a B-2 (General Commercial) District. The property is legally described as Lot 1A-1E, Shopko Subdivision, Helena, Montana, as shown on the plat filed under Document Number 318--38; generally located north of Custer and west of Sanders Street. This conditional approval was for 3 years.

The applicant, PEG Development, has requested a 90-day extension of the Shopko Subdivision preliminary plat approval. The 2010 conditions for approval reference the 2009 Shopko plat and its related conditions for preliminary plat approval. A copy of the approved preliminary plat and the 2010 conditions for preliminary plat approval, the 2009 and related filed plat, and the applicant's response to each of the 2010 conditions were included in the Commission packet.

Montana law (76-3-610 MCA) allows the City Commission, at the request of the subdivider, to issue multiple extensions for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing and dated and signed by the members of the City Commission and the subdivider. The developer is requesting a 90-day extension of the preliminary plat approval beyond the current August 9, 2013 expiration.

The preliminary plat approval was contingent on the completion of 4 conditions. Within the 3 years since preliminary plat approval, sidewalks have been installed along the public easements as required; Market Avenue has been "rough cut"; infrastructure plans for water and wastewater have been submitted to the City and are pending DEQ approval prior to City approval.

City water, sewer and paved streets with curb and gutter already serve some of the property, and water and sewer have been installed to serve the new lots. The proposed subdivision could facilitate the development of the northern portion of the Shopko Subdivision property that is located between commercial uses, which could encourage infill development for the beneficial concentration of commercial uses as a "node" in the vicinity. Ms. Macefield recommended approval of the proposal and noted extension of preliminary plat approval would allow the final plat to be filed and would be consistent with efficient use of land, infrastructure, energy and resources.

Discussion Commissioner Ellison asked if these kinds of extensions by commercial entities are common. Ms. Macefield stated it is common and therefore provided for in state law.

Public comment Mayor Smith called for public comment.
Tim Bury, Morrison Maeirele, urged the Commission to support the extension.

Motion Commissioner Ellison moved approval of the request to extend preliminary plat approval for the Shopko Subdivision, creating 3 lots from Lot 1A-1E1 for 90 days from August 9, 2013. Commissioner Elsaesser seconded the motion. All voted aye.

B. CONSIDER A RESOLUTION OF INTENTION TO CLOSE THE FULL WIDTH OF A PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY BETWEEN OLIVE STREET AND HAMILTON STREET IN THE WASHINGTON PLACE SUBDIVISION IN THE CITY OF HELENA.

Staff Report City Engineer Ryan Leland reported Mike Menahan and Stacy Tureck, the applicants, are requesting a closure of a portion of this alley because the weight and vibration of vehicle traffic in the alley is contributing to problems with the foundation of their home. The closure will eliminate vehicle traffic but will allow adjacent residents limited access and parking. The alley is located between Lots 8-11 and 13-16 in Block 1 of the Washington Place Subdivision.

The City has received a building permit from the adjacent land owner at 1 Olive Street to relocate an existing garage that is proposing to use the alley as access. The garage currently is accessed off of Olive Street and not the alley.

Notifications were sent out and City staff has received objections from Northwestern Energy, Optimum, and Century Link. All three companies have utilities in the alley and have concerns about the alley to make sure access to their facilities is maintained. Staff also received objections for emergency services and an adjacent land owner. The City Street Department will not maintain the closed alley for vehicle traffic and could become a weed problem that would have to be addressed by the City. Mr. Leland noted staff had no recommendation on the proposal.

Public comment Mayor Smith called for public comment.
Matthew Culpo, 34 Benton Avenue; spoke in opposition to the closure.

Motion Commissioner Hague-Hausrath moved denial of a resolution of intention to close the full width of a portion of the east-west alley ROW between Olive Street and Hamilton Street in the Washington Place Subdivision. Commissioner Ellison seconded the motion.

Staff Report

City Planner Lucy Morell-Gengler reported on Tuesday, July 16, 2013 the Zoning Commission unanimously (3:0 vote) recommended approval for the adoption of an Ordinance pre-zoning to B-2 (General Commercial) District Tract 1 of COS # 302232.

An Annexation District Agreement, document #3047413, was entered into on July 29, 2003 between the City of Helena and Glenn and Beverly Clevenger. This agreement states the City will annex Tract 1, COS # 302232, 10 years from the date of that agreement. Therefore, Tract 1 will be automatically annexed into the City on July 29, 2013.

The Helena Growth Policy Future Land Use Map identifies this property as part of Mixed Use area B. The proposed B-2 zoning is consistent with that designation.

Ms. Morell-Gengler recommended approval of first passage of the ordinance as B-2 zoning of this property would promote higher density development near a collector street and non-motorized transportation system and would encourage mixed use development.

Public Testimony

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

Alan Bock, representing the applicant; urged the Commission to support the proposal.

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

Motion

Commissioner Elsaesser moved approval for first passage of an ordinance zoning to B-2 (General Commercial) District Tract 1 as legally described in the ordinance. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Ord #3185**

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A ZONE CHANGE FROM R-3-T-#25 (RESIDENTIAL) TO PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT FOR 1302 CHESTNUT STREET.

Staff Report

Planner Kathy Macefield reported On Tuesday, July 16, 2013 the Helena Zoning Commission unanimously recommended approval (3:0 vote) for passage of an Ordinance for amending the Official Zoning Map for a zone change from R-3-T#25 (Residential) to a PLI (Public Lands and Institutions) District. Legally described as Lots 13 and 14, Block 12, Flower Garden Addition, Helena, Montana; with a property address of 1302 Chestnut Street.

With a zone change, any use permitted by the zoning district can occur on the property in conformance with the Zoning Ordinance. Therefore, a proposal for a zone change is not reviewed for a specific use but for all the uses permitted in the zoning district.

The subject property is surrounded on 3 sides by the PLI District and would bring all of the applicant's property into the same zoning designation at this location. The 14,000 square foot property is expected to generate minimal traffic. The 70-foot wide right of way for Cooke Street would provide additional separation from property located to the west.

Public Testimony

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

John Carter, Helena School District; thanked city staff for their work on the proposal and also thanked the Commission for considering the proposal.

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

Motion

Commissioner Elsaesser 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 Haque-Hausrath seconded the motion. All voted aye, motion carried. **Ord #3186**

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