

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
December 2, 2013  
6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, December 2, 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 Elsaesser, Ellison, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, City Attorney Jeff Hindoién and Deputy City Clerk Robyn Brown were present. Others present were Janet Hess-Herbert 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 November 18, 2013 were approved as submitted.
- Consent Agenda*** CONSENT AGENDA:  
A. Claims  
  
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 Ellison moved approval of item A on the consent agenda.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.
- Communications*** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Elsaesser stated he enjoyed riding on the fire truck during the Parade of Lights. He also spoke about a recent meeting held at St. Peter's Hospital regarding public transit.
- 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 explained the general schedule for snow plowing in the city and stated Street Department staff continues to do an excellent job dealing with these storms.  
Commissioner Elsaesser asked if there have been any updates on the Henderson Bridge Project. City Engineer Leland reported there haven't been many new developments since the Commission was briefed on November 18<sup>th</sup>. The city and railroad are still in negotiations for right of way, with no set timeframe for completion of those negotiations. Since the easements have yet to be secured, staff felt it was best to remove the Henderson Bridge from the Centennial Trail Project application for CTEP funding.  
Mr. Leland stated the city hasn't been notified of what projects will be successful in receiving MAP21 allocations. Commissioner

Elsaesser commented he will continue to ask for updates since he is concerned that everything continues to move forward.

**Report from the  
Helena Citizens  
Council**

**REPORT FROM THE HELENA CITIZENS COUNCIL (HCC)**

Janet Hess-Herbert updated the Commission on the recent HCC election. The council is recommending the city fill the vacant HCC Coordinator position as soon as possible.

Commissioner Elsaesser commended the council on its successful write-in campaign.

**Regular Items**

**REGULAR ITEMS:**

- A. CONSIDER AN EXTENSION OF THE BURNHAM RANCH MARKETPLACE SUBDIVISION PRELIMINARY PLAT APPROVAL; GENERALLY LOCATED NORTHEAST OF THE CUSTER AVENUE /KELLEHER DRIVE INTERSECTION.

**Staff Report**

City Planner Lucy Morell-Gengler reported on December 3, 2007 the Helena City Commission conditionally approved the preliminary plat for the first phase of the Burnham Ranch development known as the Burnham Ranch Marketplace Subdivision creating 15 lots from approximately 16.3 acres located in a B-2 (General Commercial) District. This approval was for 3 years per Montana Code Annotated (MCA) Section 76-3-610.

Prior to the expiration of the original approval, the City Commission granted a one-year extension on November 1, 2010 and another 2-year extension November 21, 2011. The developer has submitted a request for an additional two-year extension of the preliminary plat approval beyond the current December 3, 2013 expiration. Ownership of the property has changed since the original application for preliminary plat approval; the new owner NPNK, LLC has submitted the requested extension.

Reasons for the delay include:

- Accommodating a request from the Montana Department of Transportation (MDT) to curtail major work in the area until the Custer Avenue improvements had been completed;
- Developing infrastructure agreements and coordination with MDT and the Helena Regional Airport Authority (HRAA) which resulted in revisions to the infrastructure plans;
- Expiration of the preliminary plat approval for the second phase of the Burnham Ranch development resulting in a redesign of the infrastructure for the Burnham Ranch Marketplace phase; and
- Changes to state law resulted in a requirement that certain infrastructure could not be financially guaranteed but had to be installed prior to final plat; additional changes were made to state law allowing governing bodies more flexibility in granting multiple time extensions to help accommodate the additional time sometimes needed to meet the new infrastructure installation requirements.

The applicant has submitted information describing the reasons for the delay and a summary of progress made to meet the conditions. The applicant has demonstrated a commitment to completing the conditions and has shown progress towards that end (see attached).

No other developments would be impacted by a delay of the public infrastructure to be installed with this development; no additional impacts of this proposed subdivision have been identified and the conditions established with the original approval remain relevant and adequate. The approved Burnham Ranch Marketplace preliminary plat is substantially compliant with the new subdivision regulations (see attached).

During the time since the original preliminary plat approval, the Residence Inn by Marriott was constructed on the subject property; the infrastructure for the building was installed based on the Burnham Ranch Marketplace preliminary plat design.

Ms. Morell-Gengler recommended approval of the extension as extending the time to comply with the conditions established with the Burnham Ranch Marketplace preliminary plat would allow the property owner time to complete infrastructure installation in compliance with city standards and would allow utilization of existing agreements with the HRAA and MDT.

This extension would facilitate infrastructure connectivity since portions of the street and water and wastewater mains have been installed based on the overall Burnham Ranch Marketplace preliminary plat design. Extending the approval would facilitate City infill development consistent with the City Growth Policy.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Thweatt moved approval to extend conditional preliminary plat approval until December 3, 2015 for the Burnham Ranch Market Place Subdivision as stated in the extension agreement.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

B. CONSIDER A RESOLUTION TO SURPLUS CITY PARKING METERS FOR USE AS PUBLIC ART AND TO COLLECT DONATIONS.

Parks & Recreation Director Amy Teegarden reported the Helena Public Art Committee has recommended using unused, obsolete parking meters to collect donations for city features and not for profit organizations in the city.

The city proposes the declaration of four parking meters as surplus. The meters will be delivered to the Holter Museum of Art to be decorated, modified, and stored until they can be installed to collect donations in support of public art and other quality of life services. Some meters will be installed by the city to benefit city features they may include but will not be limited to: Paws Park, the Mount Helena Trailhead, and the Civic Center. The Holter Museum of Art will identify not for profit city organizations to receive, install, maintain, and manage donations collected for the remainder of the meters.

There is potential for the meters to not only contribute to the landscape as public art, but to offer a simple way for users of city features to contribute to the maintenance of those features.

The volunteers of the Helena Police Department will collect any donations of the city's two meters and the Holter Museum of Art will be donated to non-profits who will be responsible for the collection and maintenance of the meters.

## Discussion

Commissioner Ellison referenced the agreement and asked about the termination date of one year and for the rationale of the termination date. Director Teegarden explained she was not involved in crafting that language.

Commissioner Haque-Hausrath stated she is excited to see this agenda item. She then asked if the city would be working with the Holter Museum to facilitate the installation of all of the meters. Director Teegarden stated the city would install the meters on city property. However, the other non-profits would be responsible for the installation and city staff would help facilitate any easements.

Commissioner Haque-Hausrath asked if one of the meters will be designated to the Public Art Committee (HPAC). Manager Alles stated yes.

## Public comment

Mayor Smith called for public comment; none was received.

## Motion

**Commissioner Haque-Hausrath moved approval of a resolution declaring a number of obsolete parking meters as surplus to be delivered to the Holter Museum of Art to be decorated and distributed to collect donations at locations within the City of Helena.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution #20060**

- C. CONSIDER AN EASEMENT TO NORTHWESTERN ENERGY AND PRICKLY PEAR SIMMENTAL RANCH, LLP ON CITY OF HELENA PROPERTY BEHIND THE WASTEWATER TREATMENT PLANT.

## Staff Report

City Engineer Ryan Leland reported the city owns a 39.1 acre parcel described as Tract A in Certificate of Survey #3120033. The property is north of the Wastewater Treatment Plant. The City of Helena had the existing storm water and effluent ditch from the wastewater treatment plant that went across this property and on to a portion of private property, which was outside the easement. The ditch continues along an easement to Prickly Pear Creek. During the construction of the Custer Interchange MDT constructed storm water detention ponds and had to relocate the existing ditch to a new location and across Prickly Pear Simmental property in a new easement. The owner, Gary Burnham, was willing to allow the ditch across the property in exchange for a private utility easement for an electrical service, plus the difference in land value of \$9,000.

NorthWestern Energy needs a 20' x 20' utility easement for the service drop pole next to their existing pole which is along the west boundary of Tract A. Prickly Pear Simmental Ranch, LLP is requesting a 20' wide private utility easement along the north boundary of Tract A plus \$9,000 in cash, which will fulfill the City's obligation for the exchange of the storm water and effluent ditch easement. The purpose for the utility easement is to supply power with an underground electric cable to an existing irrigation system east and north of Tract A, and allow the irrigation pump to run off electric power instead of diesel.

Engineer Leland recommended approval of an easement to NorthWestern Energy and Prickly Pear Simmental Ranch, LLP on city of Helena property behind the Wastewater Treatment Plant.

## Public comment

Mayor Smith called for public comment; none was received.

**Motion**

**Commissioner Ellison moved of the easements to Northwestern Energy and Prickly Pear Simmental Ranch, LLP on Tract A of COS #3120033.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

- D. CONSIDER A PRELIMINARY PLAT FOR THE REA MINOR SUBDIVISION CREATING FOUR LOTS, LOCATED IN A B-2 (GENERAL COMMERCIAL) DISTRICT, WITH A PROPERTY ADDRESS OF 3180 WASHINGTON STREET.

**Discussion**

Planner Dustin Ramoie reported the applicant is requesting preliminary plat review for the Rea 4 lot Minor Subdivision creating three additional commercial lots (Lot-1) that is 63,870 square feet, (Lot-2) that is 51,143 square feet, and (Lot-3) that is 52,325 square feet, all located in a B-2 (General Commercial) District. The remainder lot (Lot-4) has a pre existing hotel and gas station and will be 230,097 square feet. The preliminary infrastructure plans indicate a 8-inch water main is located in the proposed Rea Road and an 8-inch wastewater main in the proposed Queen Anns Street. Primary access to the subdivision will be provided via Queen Ann Street and Rea Road. Parkland is not required for minor subdivisions.

Approval and subsequent development of the subject property will allow for commercial development on land in the City of Helena, with full infrastructure to be provided by the property owner at time of final plat and development. It also allows for more commercial growth in the city and for more efficient use of existing infrastructure. The subject property will be developed in the B-2 (General Commercial) district in accordance to all city standards allowing for a more compact development pattern and efficient use of infrastructure and city services.

Planner Ramoie reported this subdivision falls under the previous subdivision regulations; therefore, will not require the installation of sidewalks at the time of final plat approval or parkland dedication.

Planner Ramoie recommended approval of the preliminary plat for the REA Minor Subdivision creating four lots, located in a B-2 (General Commercial) District, with a property address of 3180 Washington Street.

**Public comment**

Mayor Smith called for public comment. None was received.

**Motion**

**Commissioner Elsaesser moved approval of the preliminary plat with conditions for the Rea 4 lot Minor Subdivision creating two additional lots to be located in a B-2 (General Commercial) District, and to adopt the Findings of Fact and the conditions contained therein for property legally described in the Findings of Facts for the Rea 4 lot Minor Subdivision creating two additional lots to be located in a B-2 (General Commercial) District, and to adopt the Findings of Fact and the conditions contained therein for property legally described in the Findings of Facts.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Public Hearings**

**PUBLIC HEARINGS:**

- A. CONSIDER A RESOLUTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS GOLF COURSE, 20104 SEASON.

Staff Report

Parks & Recreation Director Teegarden reported with continued rising costs and the need for capital improvements, city staff strives to operate the course within a financial strategy that can meet operational and capital improvement goals.

City staff and the Golf Advisory Board are recommended fee increases to cover the rising costs of nondiscretionary expenses. The proposed fee increases are for specific fees, rather than an across the board percent increase to all fees.

Director Teegarden recommended approval of the resolution.

Discussion

Commissioner Thweatt asked for the costs of the irrigation system and new entrance sign. Director Teegarden reported the irrigation system cost is approximately \$500,000. The entrance sign and landscape project is still in the design phase and those estimated costs will be brought forward to the Golf Board Advisory Board. The entrance sign project will hopefully be paid for with reserves.

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 Ellison moved approval resolution to establish fees to be charged for the Bill Roberts Golf Course for the 2014 season.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20061**

B. CONSIDER A RESOLUTION TO VACATE A PORTION OF THE PLATTED, UNCONSTRUCTED ALLEY BETWEEN LOTS 12-17 AND LOTS 18-23 IN BLOCK 8 OF THE COURTHOUSE ADDITION.

Staff Report

Engineer Leland reported Rhonda Strainer, the primary applicant, is requesting to vacate a portion of the platted, unconstructed alley to allow for the construction of a new single family dwelling for the potential buyers of the subject property.

The applicant wishes to vacate a portion of the referenced platted, unconstructed alley. The total square footage to be vacated is 2400 square feet. The potential buyers have requested a land exchange that would allow the City to reconstruct and expand the Beattie Street trailhead parking lot. The square foot value for the north half of the alley is \$4.63 per square foot for a total of \$5,556.00 and the south half of the alley is \$7.85 per square foot for a total of \$9,420.00. The total calculated value to vacate without the land exchange for the alley would be \$14,976.00.

Engineer Leland recommended approval of the proposal and stated this vacation will allow enough room for the construction of a new single-family dwelling at the subject location and allow the needed extra square footage for the parking lot expansion.

Public Testimony

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

Nick and Sherry Thornton, Helena; spoke in support of the vacation and property exchange.

Rhonda Strainer, applicant, spoke in support of the proposal.  
There being no further public testimony, Mayor Smith closed the public hearing.

**Motion**

**Commissioner Haque-Hausrath moved approval of a resolution to vacate a portion of the platted, unconstructed alley between Lots 12-17 and Lots 18-23 in Block 8 of the Courthouse Addition in the City of Helena.** Commissioner Elsaesser seconded the motion.

**Comment**

Commissioner Ellison disclosed that the Attorney representing the potential buyers has also represented him.

**Vote**

All voted aye, motion carried. **Res #20062**

C. CONSIDER A RESOLUTION TO VACATE A PORTION OF THE PLATTED, UNCONSTRUCTED ALLEY BETWEEN LOTS 7-11 AND LOTS 24-28 IN BLOCK 8 OF THE COURTHOUSE ADDITION.

**Staff Report**

Engineer Leland reported Neil Templeton and Erin McMahon, applicants, are requesting to vacate a portion of the platted unconstructed alley to allow the construction of a new single family dwelling.

This vacation was previously approved with conditions by the City Commission on April 6, 2009, but the applicant did not complete the conditions within the one-year timeframe.

The applicants propose to vacate a portion of this platted, unconstructed alley. The total square footage of the alley to be vacated is 2000 square feet. The square foot value for the north half of the alley is \$5.50 per square foot for a total of \$5,500.00 and the south half of the alley is \$8.46 per square foot for a total of \$8,460.00 The total calculated value to vacate this portion of alley is \$13,960.00. The applicant and city are proposing a land exchange for the alley for the same square footage along the drainage on the west side of the lot.

**Discussion**

Commissioner Elsaesser asked if the previous motion also approved the land exchange. Attorney Hindoien explained the Commission is strictly voting on the vacation and would be authorizing city staff to work on the exchange of the property.

Commissioner Elsaesser asked City Engineer Leland if a separate action related to the proposal would be brought forward for Commission consideration. Engineer Leland concurred.

**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 Ellison moved approval of a resolution to vacate a portion of the platted unconstructed alley between Lots 7-11 and Lots 24-28 in Block 8 of the Courthouse Addition in the City of Helena.** Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Res #20063**

**Public  
Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of  
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is December 11, 2013 and the next Commission Meeting is December 16, 2013.

**Adjournment**

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

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission