

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
October 20, 2014
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, October 6, 2014 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, Haque-Hausrath and Haladay were present. City Manager Ron Alles, City Attorney Thomas Jodoin and City Clerk Debbie Havens 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 September 29, 2014 and October 6, 2014 were approved as submitted.

Presentation: PRESENTATION:
A. U.S. Senator John Walsh - Helena's Sesquicentennial
Senator Walsh presented Mayor Smith and the City Commissioners the Congressional Record in honor of Helena's Sesquicentennial.
Mayor Smith thanked Senator Walsh for the Congressional Record and then presented him with a "Key" to the City of Helena.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Acceptance of a 2014-2015 USDOT HMEP Training Grant in the amount of \$9,600 to fund the attendance of five (5) Helena Fire Department Firefighters at the 2015 Continuing Challenge Hazmat Conference
C. Acceptance of a 2014 Homeland Security Grant in the amount of \$98,400 for a portion of the payment for replacement of Self-Contained Breathing Apparatus (SCBA)
D. Acceptance of a 2014 Homeland Security Grant in the amount of \$31,670 to administer the Blue Card Incident Management Training Program
E. Extension of the minor subdivision Amended Plat of Lot 1A-1E1 Shopko Minor Subdivision preliminary plat approval; generally located west of Sanders Street and north of Custer Avenue
F. Acceptance of pledged collateral for City deposits at financial institutions
G. Authorization for staff to void stale dated checks

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

Commissioner Haque-Hausrath requested Item E be removed for further discussion.

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

Motion

Commissioner Haque-Hausrath moved approval of items A-D, F & G on the consent agenda. Commissioner Haladay seconded the motion. All voted aye, motion carried.

- E. Extension of the minor subdivision Amended Plat of Lot 1A-1E1 Shopko Minor Subdivision preliminary plat approval; generally located west of Sanders Street and north of Custer Avenue

Commissioner Haque-Hausrath asked in regards to the infrastructure, is the city switching from the requirement that all infrastructure be installed to where it could financially guaranteed. She asked what infrastructure remains to be installed and is being financially guaranteed with this property.

City Engineer Leland stated the items still needing to be completed are to chip seal the roads. Negotiations between the property owner and Ross Department Store are on-going to get a connection between Market Street and Ross Department Store. The north/south access has been financially guaranteed in case the connection does not happen and the replacement of some dead trees.

Commissioner Haque-Hausrath asked if sidewalks have been installed. Engineer Leland stated sidewalks are installed with the building permit; there is a small section of sidewalk adjacent to the stormwater pond that is financially guaranteed.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haque-Hausrath moved approval of the extension of the minor subdivision Amended Plat of Lot 1A-1E1 Shopko Minor Subdivision preliminary plat approval; generally located west of Sanders Street and north of Custer Avenue. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Haladay reported last Friday, District Court Judge Sherlock struck down the exempt well regulation that DNRC uses. This will reinstate the previous regulation with much stronger regulations and will assist with sprawl development. If this ruling is appealed, the commission should consider filing a friend of the court brief on why this is so important to the city of Helena.

Commissioner Haque-Hausrath stated she too is excited for the ruling. She reported that today is Commissioner Haladay's birthday.

Commissioner Haque-Hausrath stated at the October 15th administrative meeting the commission discussed a meeting between the school district and city staff and at the conclusion; she understood that staff would not be attending the meeting. However, she received an agenda for the facilities committee and item four on the agenda is city planning staff discussion. She asked for an update from City Manager Alles. Mayor Smith stated Manager Alles intended to update the commission under the manager's report; however, he is prepared to do so now.

Manager Alles reported he and Community Development Director Haugen met with Dr. Kultgen and others to discuss what the agenda would look like. Based on the discussions, the meeting would be equivalent to a pre-application meeting. Staff would give the School District the same advice as any other private developer. Manager Alles noted he would extend an invitation to Dr. Kultgen to attend a pre-application meeting if that is the commission's direction. He then asked does the commission want staff to attend the meeting

or invite the school district to a pre-application meeting or an administrative meeting.

Mayor Smith stated he and Manager Alles visited last Friday regarding the request and he would support inviting the school district to a pre-application meeting, which are always open to the public.

Commissioner Haladay commented when was the last pre-application meeting where it involved the school board discussing a bond issue and potential school closures. Manager Alles stated he is not aware of any discussion being held on the bond issue; what he is prepared to discuss is the city's current ordinances, policies and procedures. The discussion he and Dr. Kultgen had was not about a bond issue.

Commissioner Haladay stated the facility committee was established to discuss a potential bond issue and the city was specifically mentioned as being part of the discussion. If the bond issue is not going to be discussed, he would support staff meeting with the school district. However, he is very nervous that the school district will bring up the bond issue and potential school closures. If the meeting is going to happen, he would like to see an agenda prior to the meeting and does not want city staff to become involved. He does not want the city put into a position of losing public trust because of this meeting.

Manager Alles noted it is not the intent of the school district to involve the city in the bond issue or school closures. He again reiterated it is a normal pre-application meeting.

Mayor Smith stated he shares the concerns and would continue to have sideboards on any meeting and the pre-application process is the meeting that should be held. All pre-application meetings are open to the public.

Commissioner Haladay asked if there is going to be a city discussion at the meeting on October 21st. Manager Alles noted he will call Superintendent Kultgen and ask the school district to submit a request for pre-application meeting.

Commissioner Haque-Hausrath stated her preference would be the city stay totally out of the conversation or have a full conversation on policy. The pre-application process will work to answer the technical questions.

Mayor Smith reported he will be traveling to take a tour on the USS Helena the week of October 27th.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER
Manager Alles reminded the commission that the Tenmile Treatment Plant is shut down for maintenance. It will be back in operation in the next couple of weeks.
Manager Alles invited anyone with potholes to call and report them.
Manager Alles invited everyone to attend the Helena's 150th Celebration on October 30th beginning at 5:00 p.m. in the Placer Lobby and the Performance Park.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL
No report was provided.

Regular Items

REGULAR ITEMS:

- A. CONSIDER ACCEPTING A PARKLAND DEDICATION FOR THE MOUNTAIN VIEW PARK, GENERALLY LOCATED EAST OF ALICE STREET AND NORTH OF STACIA AVENUE.

- B. CONSIDER A RESOLUTION OF ANNEXATION INTO THE CITY OF HELENA A 2.2-ACRE PORTION OF REMAINDER TRACT A-1-A-1-A-1 AS SHOWN ON CERTIFICATE OF SURVEY NO. 3200059, TO BE KNOWN AS LOT 2-A, WHICH PROPERTY IS CURRENTLY LOCATED ADJACENT TO THE EXISTING CITY LIMITS AND GENERALLY LOCATED EAST OF ALICE STREET AND NORTH OF STACIA AVENUE, IN LEWIS AND CLARK COUNTY, MONTANA, AS DESCRIBED THE METES AND BOUNDS DESCRIPTION.

Staff Report

City Planner Lucy Morell-Gengler reported Mountain View Meadows is a large development which is being subdivided in phases. As each phase is final platted, the appropriate amount of parkland for that phase is transferred to the city. These portions of parkland have been combined over time to create a portion of the Mountain View Park. The numbers of final plats and associated parkland dedications have been inadequate to complete the transfer of the entire Mountain View Park to the city. The developer has installed the majority of improvements to the park and the final portion of park property is ready to be transferred to the city independent of a final plat.

The proposal is to dedicate approximately 2.2 acres to the city for parkland and combined it with the existing city park property. An amended plat has been submitted to the city for approval of a boundary line relocation aggregating a portion of Tract A-1-A-1-A-1 with city owned park Lot 2, Block 40 of Craftsman Village Phase I of Crossroads at Mountain View Meadows. A simultaneous request for annexation of the 2.2 acres has also been submitted since Tract A-1-A-1-A-1 is located in the county. The subject property is pre-zoned R-4 (Residential) District and has been developed as an active park. The amended plat will result in a 157.862 acre undeveloped tract remaining in the county.

The acceptance of this parkland from the developer will result in excess subdivision parkland dedication that can be credited to future phases of the Crossroads at Mountain View Meadows development. The excess parkland that is credited to the developer will increase to approximately 2.5278 total acres of "banked" parkland that can be utilized with future Crossroads at Mountain View Meadows final plats. The installation of all park improvements by the developer at this park, such as playground equipment, courts, shelter, landscaping, etc. were not required by the conditions of subdivision or annexation nor has the developer requested parkland cash-in-lieu credit for those costs.

Planner Morell-Gengler continued the owner of this property, Mark Runkle representing R and D Partners LLC, has requested annexation for an approximately 2.2 acres portion of Remainder Tract A-1-A-1-A-1 as shown on Certificate of Survey No. 3200059, to be known as Lot 2-A as shown on the amended plat of Block 40 of Craftsman Village Phase I of the Crossroads at Mountain View Meadows Subdivision.

On May 7, 2012, the Helena City Commission approved the Resolution of Intention to Annex (Resolution # 19911) and the preliminary plat for Crossroads at Mountain View Meadows Subdivision

which includes the subject property. Conditions for annexation were established at this time and those conditions for this property have been met. R-4 (Residential Office) District rezoning was established with Ordinance #3109.

This is the last remaining piece to be dedicated to the City for completion of this neighborhood park. The amended plat will result in a 157.862 acre tract remaining in the county. The excess parkland dedication will be credited to future phases of the Mountain View Meadows development.

The proposed annexation is adjacent to the city; water and sewer mains, stormwater, and streets have been installed to city standards. Therefore, annexing this property is a logical expansion of the city, and would be consistent with the efficient use of land, infrastructure, energy and resources and the 2011 Helena Growth Policy. Annexation into the city and developed as a City park near to high density residential development has the potential to reduce vehicle miles traveled in the Helena area.

Public comment

Mayor Smith called for public comment. The following persons addressed the commission:

Parks & Recreation Director Amy Teegarden spoke on the generosity and vision of Mark Runkel and Rebecca Ryland. Having a developed park on this side of town is a true gift to the city of Helena.

Tom Bourns, 2108 E. Broadway, spoke on how nice this park is and invited everyone to visit it.

Mark Runkel addressed the commission on behalf of himself and his wife Rebecca Ryland. He gave the background on the development of the park, from the drawings to the dedication. Mr. Runkel also spoke on the many uses the park offers and the amount of individuals and groups who use it on a regular basis.

Mr. Runkel thanked the architects, engineers, his employees and city staff. He also spoke on how well the park is being utilized. He personally thanked Director Teegarden for her leadership and working on this park. The development of Mountain View Park is a legacy for himself and Rebecca Ryland. He spoke on the importance of responsible development, both inside and outside the city limits.

Discussion

Commissioner Elsaesser recognized everything that has been said. This development is a model to keep residential development within the city limits.

Commissioner Ellison stated he attended the dedication of the park and noted it was a great turnout. This is an example of a great partnership between the city and a developer.

Motion

Commissioner Ellison moved acceptance of a parkland dedication for the Mountain View Park, generally located east of Alice Street and North of Stacia Avenue. for an extension of the conditional preliminary plat approval until December 1, 2014 for the Amended Plat of lot 1A-1E1 Shopko Minor Subdivision as stated in the extension agreement. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Motion

Commissioner Ellison moved approval for a resolution of annexation for a 2.2-acre portion of Remainder Tract A-1-A-1-A-1, as shown on Certificate of Survey No. 3200059, to be known as Lot

2-A, which is currently located adjacent to the existing city limits and generally located east of Alice Street and north of Stacia Avenue, in Lewis and Clark County, Montana, as legally described in the Resolution of Annexation and the metes and bounds description shown on Exhibits "A" and "B" into the City of Helena.

Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Resolution 20134**

C. CONSIDER A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA THE PROPERTY LOCATED AT 1641 HAUSER BOULEVARD.

Staff Report

City Planner Dustin Ramoie reported the applicant has requested the annexation of 1641 Hauser Boulevard consisting of lots 3-5 of Block 145 of the Barrett-Bradford Addition, and adjacent Hauser Boulevard, Glendale Street, and alley rights of way. The subject property is unique in that it is partially in the city and partially in the county. The county portion 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 was at one time occupied by residential dwellings and was receiving city water and wastewater services. However the services have been discontinued and the property is now vacant. The applicant wishes to redevelop these lots and as a result petitioned the city for annexation to attain all other city services and to utilize the property with an R-2 (Residential) zoning designation. 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. The property is partially in the city and partially in the county, and at one time received city water and wastewater services. Annexing the property will allow for infill development on a lot that is easily served by the city and will help alleviate the issue of the property being split between the city and county boundaries.

Discussion

Mayor Smith asked if the current well on the property could be used for irrigation purposes. Planner Ramoie concurred the well could be used for irrigation purposes.

Public comment

Sandra Whitney, property owner, spoke in support of the annexation.

Motion

Commissioner Haque-Hausrath moved approval for a resolution of intention to annex property legally described as Lots 3-5 of Block 145 of the Barrett-Bradford Addition, and adjacent Hauser Boulevard, Glendale Street, and alley rights of way and establish the following conditions of annexation:

1. **Infrastructure:** The property owners must install all infrastructure improvements required by the City to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements.

2. **Review of new construction:** The property owner must submit plans for review by the City of Helena for compliance with

City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

4. Notice of Special Districts: The property owner must waive the right to notification and protest and consent to the alteration of boundaries of Urban Forest Maintenance District and Landfill Monitoring District in order to include the Property prior to annexation pursuant to 7-11-1023, MCA.

5. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution 20135**

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER THE CREATION OF A SPECIAL DISTRICT FOR NON-MOTORIZED TRANSPORTATION IMPROVEMENTS, REPAIR AND MAINTENANCE.

Staff Report

Administrative Services Director Tim Magee reported in accordance with MCA Title 7, Chapter 11, Part 10: On July 7, 2014 the City Commission passed a resolution of intent to create the district; the public hearing was set for 6:00 P.M. on October 20, 2014 in the Commission Chambers.

Resolution of intent notices were published and mailed at a cost of \$ 6,862. The 60 day protest period officially ended September 22, 2014. Protests by owners of property in the proposed district totaled 13.92% of the costs of the proposed improvements.

According to state law the Commission has the following options:

1. May adjourn the hearing from time to time and continue the hearing itself and postpone action from time to time;
2. Take no action and not proceed;
3. Order a referendum in order to proceed with creation of the special district since protests of more than 10% but less than 50% of the costs of the improvements were received. If the City Commission chooses to proceed, a referendum may be conducted by regular, primary or mail ballot election.

The cost estimate received from the County Election office was \$71,774 for a polling place election and \$68,600 for a mail ballot election.

Discussion

Commissioner Haque-Hausrath asked if the commission were to place this on a scheduled election ballot, what would be the marginal costs to add the referendum.

City Clerk Havens stated she believes this would be the cost of an election as quoted from the Election Supervisor. However, she will clarify and report back to the commission.

Manager Alles stated the challenge with the election process is any qualified electors of Montana, who own property within the city limits, have the right to vote in the election. Manager Alles again stated staff will clarify with the election office for costs.

Commissioner Elsaesser asked if the commission chose Option 1, to continue the hearing from time to time, would the commission essentially move to keep the hearing open.

Director Magee noted the hearing would be open from meeting to meeting and extending it would allow for additional public comment. If the hearing was closed, the commission could still table action to a later date.

Commissioner Elsaesser asked if a different special district is created, would the election process and costs remain the same. Director Magee explained if the commission creates a special district, then the protest period and referendum statutes would apply. However, if the commission chooses to create an improvement district, it would not require the protest period or a referendum vote.

Commissioner Haladay asked for clarification if the costs would be approximately \$71,000 for the city general ballot and an additional \$71,000 to place this referendum on the ballot.

City Manager Alles again stated staff will clarify with the Election Supervisor. After further discussion and noting the question was not asked specifically to place the referendum on the city's general ballot; staff will get clarification from the Election Supervisor and report back to the commission.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission. The following persons appeared before the commission in support of the creation of a special district for non-motorized transportation improvements, repair and maintenance:

Mary Douglas; Tom Bourns, 2108 Broadway; Ann Wilsnack; Jim Barnes; Sarah Sadowski and Bill Wells, 423 Paxon. Susan Reiman spoke in support; however, expressed concerns with the location of bike routes and lanes.

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

Written comments were received from Rob Friestadt, Melinda Barnes, and Kathryn Gallagher in support of the creation of the district.

Motion

Commissioner Haladay moved approval of a resolution to be developed to hold a referendum on the creation of a special district for non-motorized transportation improvements, repair and maintenance to be held in conjunction with the city of Helena's primary election, conditional on the occurrence of a 2015 city primary election, failing that, the commission will hold a separate commission vote to determine the future of the non-motorized referendum. Commissioner Haque-Hausrath seconded the motion.

Commissioner Haladay stated if the motion is approved, the election costs need to be clarified; and those costs should not be an excuse to vote against moving forward. If it is marginal costs, there

seems to be no downside other than giving the citizens the opportunity to vote on it. He further explained his motion and if there isn't a 2015 city primary, the city commission would have another opportunity to determine the future of the district.

Commissioner Haladay commented the protest rate was 13.92%; he then spoke on the breakdown of the protests from residential and commercial; with approximately 1,300 of the protests coming from residents. He is unwilling to accept that 10% of the residents make the final decision. The public comment he has received has been in overwhelming support of the district.

Mayor Smith noted if there is not a primary in September 2015, the decision would come back before the commission to determine the pleasure of the commission. Commissioner Haladay concurred.

Commissioner Haque-Hausrath stated she too is comfortable with moving forward, with the condition of having the election costs clarified. The marginal costs to add this needs to be clarified. She noted she has all along supported the creation of the non-motorized district to assist non-motorized travel. This district will assist in the maintenance of bike lanes and trails. This will be a stable long-term funding source and is an important part of setting policy.

Commissioner Elsaesser stated he too supports the non-motorized district. He too addressed the costs of the election needing to be clarified. Commissioner Elsaesser stated he does not understand why the current voting requirements were established. He has heard positive feedback on the proposal and is in support of moving it forward. The creation of the district would provide sustainable funding for non-motorized travel. He would like the commission to table action tonight and bring it back when all the questions have been answered. Until all the questions can be answered, Commissioner Elsaesser stated he will oppose the motion.

Commissioner Ellison stated he will be opposing the motion. The protest rate was approximately 14% and the support rate was less than 1%. Commissioner Ellison commented a lot of citizens chose not to return their protest forms and the reasons could include they supported the district or were indifferent. However, there were some citizens who did not submit their protest form in fear of retaliation.

Commissioner Ellison stated he has heard from many residents that this is not a good idea and they do not want another taxing district. The non-motorized projects should have to compete with all other city projects and not have a separate funding source. Commissioner Ellison spoke of the non-motorized improvements that have been made in the last few years. Commissioner Ellison also referenced the city elections and noted the voter turn-out in the last two general elections have been less than 50% and those numbers need to be taken into account when you are speculating what might happen.

Commissioner Ellison stated he would like the commission to not take action to approve the proposal and consider the non-motorized projects during the next budget cycle.

Mayor Smith stated he has not been in support of the proposal from the beginning. He agrees the non-motorized projects need to compete with all other funding requests. Mayor Smith also recognized the non-motorized projects that have been completed. He then stated he will not be supporting the motion.

Commissioner Haladay stated he knew the vote prior to this meeting; due to Mayor Smith being clear in his non-support from the

beginning and his conversations with the other commissioners. Commissioner Haladay stated he continues to believe this is an important issue and would not support a tabling motion. The city of Helena funds three types of transportation; public transportation, motorized private transportation and non-motorized transportation. He spoke on the type of funding for each.

Commissioner Haladay commented on the proposal for a street maintenance district, which would not require a protest period or a vote and the citizens. Commissioner Haladay stated he could not support the creation of a maintenance district without moving forward without a vote of the citizens.

Commissioner Haque-Hausrath noted some of these projects could be put into a street maintenance district; however, the maintenance of Centennial Trail cannot be included. If there is not funding to maintain Centennial Trail, how much more funding should the commission continue to allocate toward it. She too is disappointed with the outcome of the motion and not giving the citizens an opportunity to vote on the creation of the district.

Vote Motion failed 2-3 with Commissioners Elsaesser, Ellison and Mayor Smith voting no.

Motion **Moved Elsaesser moved to table the resolution for the creation of a special district for non-motorized transportation improvements, repair and maintenance district and to be reconsidered prior to the deadline of the next city ballot.**
Commissioner Ellison seconded the motion.

Discussion Commissioner Elsaesser stated his intent is to assure the commission would consider the creation of the district prior to the next city election deadline.

City Attorney Jodoin stated a tabling motion would be the same as adjourning the hearing from time to time. Once the ballot costs are determined, another public hearing would be scheduled.

Commissioner Ellison stated his second stands; however, he will not support the motion.

Commissioner Haladay stated he will not support the motion as it does not make any functional sense to him.

Commissioner Haque-Hausrath stated she too will not support the motion. It does not make sense to continue it when all the information is available except for the election costs.

Commissioner Elsaesser stated other districts have been created for specific needs to include tree maintenance, open lands, landfill and others. Commissioner Elsaesser asked the commission to reconsider the motion and support it. He also stated he hopes the commission will continue to look for maintenance funds for Centennial Trail.

Vote Motion failed 1-4 with Commissioner Ellison, Haladay, Haque-Hausrath and Mayor Smith voting no.

Commissioner Elsaesser asked if no action is taken, does this issue remain open. Attorney Jodoin noted if no action is taken, the decision has been made not to put this to a referendum. He would want to research on how to bring this forward at a future date.

Commissioner Elsaesser spoke on the importance of non-motorized and encouraged the commission to take the time to find out the election costs and then move forward with the creation of the district.

Commissioner Haladay referenced the by-laws and asked if any commission member that votes against a motion, can ask for an item to be reconsidered. Manager Alles noted a commission member who voted against the motion, could ask for it to be reconsidered.

B. CONSIDER A RESOLUTION GRANTING AN EXCLUSIVE RIGHT-OF-WAY (ROW) USE PERMIT TO ECO DEVELOPMENT, LLC TO ALLOW AN IRRIGATION CONDUIT ACROSS COMSTOCK ROAD.

Staff Report

City Engineer Ryan Leland reported currently the property owner, Ron Bartsch with Sussex Construction, is building out the Ridge View Condo Development on Comstock Road and is proposing a single joint irrigation system for the development. The irrigation conduit would run across Comstock Road to serve the south lots. The developer would be responsible for locating the irrigation line through One Call Locate Services.

Engineer Leland noted the installation of the conduit across Comstock Road would require the street be cut open for the entire width, which will reduce the life of the street.

Discussion

Commissioner Haladay commented staff's memo notes with the installation of the conduit would reduce the life of the street and asked for an estimate on what the impact of the road being cut would be. City Engineer Leland noted any time the road is cut, it reduces the life of the road and it depends on many factors, the road itself, the patch and when it is chip sealed. The breakdown of the road is based on the amount of water that seeps in.

Commissioner Haladay stated the fee for this agreement is \$50 per year. He asked if the \$50 per year is going to ultimately pay for the reduction of the life of the road. Engineer Leland stated probably not, but there again, it would depend on a lot of factors.

Commissioner Haladay asked if there are alternatives that could be used that would not require a cut in the road. Engineer Leland stated the applicant could tap into the service line and have a separate meter.

Commissioner Haladay asked if the option would be more expensive than the request. Engineer Leland stated both options would be about the same.

Commissioner Ellison asked if this is a permanent agreement. Engineer Leland stated yes until the utility is no longer in use. However, the city could exercise its right and terminate the agreement as set forth in the document.

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 Elsaesser moved approval of a resolution granting an Exclusive ROW Use Permit for Eco Development, LLC for the installation of an irrigation conduit across City of Helena ROW in Comstock Road. Commissioner Ellison seconded the motion.

Discussion

Commissioner Haque-Hausrath stated the commission just saw a presentation on the deterioration of city roads; therefore, she will oppose the motion.

Commissioner Haladay stated he too will oppose the motion as there is an alternative that would not require the property owner cutting the road.

Mayor Smith stated he is interested in the alternative to cutting the road. If the commission were to approve this, would the city have any control on when the road would have to be re-patched to city standards.

Engineer Leland stated the applicant would have to apply for a street opening permit and staff can work with the applicant to make sure it is done correctly.

Commissioner Ellison commented he too is concerned with opening the streets if there is an alternative available. He will oppose the motion.

Elsaesser stated he will withdraw his motion, due to the comments of the commission and is open to discuss any alternatives.

Motion withdrawn

Commissioner Elsaesser withdrew his motion. Commissioner Ellison withdrew his second.

Motion

Commissioner Haque-Hausrath moved to deny a resolution granting an Exclusive ROW Use Permit for Eco Development, LLC for the installation of an irrigation conduit across City of Helena ROW in Comstock Road. Commissioner Haladay seconded the motion.

Discussion

Mayor Smith asked if the applicant could come back with an alternate proposal. Manager Alles concurred and it may not require commission action. He noted the commission has granted this type of request before.

Commissioner Haladay asked if the applicant explores all of the alternatives and comes back with prevailing information, could the commission reconsider the request. Manager Alles concurred and stated staff will visit with the applicant on what options are available.

Commissioner Elsaesser shares the concerns with the cut in the street; however, these types of requests have been considered and approved for others.

Vote

All vote aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

Sarah Sadowski commented the commission may want to consider an increase in the fee for a right-of-way use agreement. She then addressed the action on the non-motorized district and the work that has been done to move Centennial Trail forward for the last ten years. The action tonight is no reason to retract any support for Centennial Trail.

Ms. Sadowski spoke of the entire non-motorized network and funding for the implementation.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is November 5, 2014 and the next Commission Meeting is November 10 20, 2014.

Adjournment

There being no further business to come before the Commission,
the meeting was adjourned at 8:20 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission