

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 10, 2014
6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, November 10, 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 Elsaesser, Ellison, Haque-Hausrath and Haladay were present. City Manager Ron Alles, City Attorney Thomas Jodoin 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 October 20, 2014 were approved as submitted.
- Proclamation*** PROCLAMATION:
A. #Giving Tuesday
- Mayor Smith read the proclamation designating December 2, 2014 as #Giving Tuesday. Heather Greene of Prickly Pear Land Trust accepted the proclamation and asked non-profit organization representatives from Rocky Mountain Development Council, Montana Wildlife Center, Helena Food Share, Big Sky Institute for the Advancement of Non Profits and the Friendship Center in attendance to introduce themselves.
- Ms. Greene spoke of the importance of #Giving Tuesday to local non-profits in the community and thanked Mayor Smith for recognizing the national day of charitable giving.
- Board Appointments*** BOARD APPOINTMENTS:
A. Tenmile/South Helena Forest Restoration Collaborative Committee and City of Helena Zoning Commission
- Tenmile/South Helena Forest Restoration Collaborative Committee – Appointment of Gary Marks as a Commercial Use Organization Representative and Doug Powell as a Citizen at Large.
- Zoning Commission - Allison Mouch to a first term on the Helena Zoning Commission; term will begin upon appointment and expire September 30, 2017.
- Motion*** **Commissioner Ellison moved approval of the appointments to the Tenmile/South Helena Forest Restoration Collaborative Committee and Helena Zoning Commission as outlined above.** Commissioner Haladay seconded the motion. All voted aye, motion carried.
- Consent Agenda*** CONSENT AGENDA:
A. Claims
B. Professional Services Agreement Amendment No. 2 for

- Centennial Trail- Phase I
- C. Utility Bill Inserts for 2015
- D. Transportation Alternatives Project Agreement PUN 8696-
Downtown ADA Ramps
- E. Transportation Coordinating Committee (TCC) Memorandum of
Agreement (Addition of East Helena as a member of the TCC)

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

Commissioner Elsaesser stated he would like to discuss items B, D and E.

Discussion

- B. Professional Services Agreement Amendment No. 2 for
Centennial Trail- Phase I

Commissioner Elsaesser asked for a detailed explanation of the additional costs that resulted in the proposed amendment to the existing agreement with Anderson Montgomery Engineering for their services on Phase I of the Centennial Trail Project.

City Engineer Leland explained access for Northwestern Energy had to be redesigned due to miscommunications about the status of the access from Ewing Street. Also, following negotiations and agreement for the spur line, some right-of-way (ROW) issues were brought forward by adjacent property owners requesting their property be removed from the design, forcing revisions to the proposed drainage.

Engineer Leland noted this is a very complicated project and sometimes surprises will arise along the way.

- D. Transportation Alternatives Project Agreement PUN 8696-
Downtown ADA Ramps

Commissioner Elsaesser asked for more information on the funding required for Item D. Engineer Leland explained because of the funding mechanism, MDT is taking control of this project and will perform the work. The city's funds that were budgeted for ADA improvements will serve as the required match. Commissioner Elsaesser asked if that amount will be adequate. Engineer Leland stated yes and explained if MDT goes over the budget, they will cut the scope of the program back; the city won't be committed to match a larger amount.

Commissioner Haque-Hausrath asked how much input the city will have on the projects and mentioned some members of the disabled community are requesting two ramps be located on each corner to guide visually impaired citizens in the correct direction, rather than the kitty-corner layout. Engineer Leland noted the city will have the ability to provide comments on the designs; however, MDT is not required to incorporate those comments into the projects. They will adhere to Federal ADA standards when designing and constructing the ramps, and will also be provided information on the Greening America's Capitals Program by city staff.

Commissioner Ellison stated he is glad to see this very worthwhile project going forward and it will be a great asset to pedestrians and people with limited mobility.

Motion

Commissioner Elsaesser moved approval of items A

through E on the consent agenda. Commissioner Ellison seconded the motion.

Public comment

Mayor Smith asked for public comment.

Katie Gallagher, representing the United Way and Free Tax Coalition; commented on the Free Tax Coalition's desire for the Commission to revise the proposed schedule of utility bill inserts for 2015 to include an insert advertising the services provided by Coalition. She requested an insert offering their services be approved next year and allowed this year if there is a cancellation.

Manager Alles, Mayor Smith and Commissioners Elsaesser and Ellison acknowledged the Free Tax Coalition would be allowed to send out an insert if there is a cancellation before April 2015.

Comment

Commissioner Elsaesser requested in the future that details of negotiations for large, multi-jurisdictional, long-term projects like Centennial Trail be made more public to hopefully bring issues forward earlier and reduce the amount of last minute changes.

Commissioner Elsaesser referred to item D and commented he is hopeful there would be interest and support to provide extra funding to various projects if it would allow MDT's design to incorporate the suggestions of the Greening America's Capitals Program and/or other city-requested design changes.

Vote

All voted aye, motion carried.

Bid Awards

BID AWARDS:

- A. One (1) new 2015 Solid Waste Knuckleboom Crane- Solid Waste Division

Solid Waste Superintendent Pete Anderson reported one bid was received for a new 2015 Grizzly solid waste knuckleboom crane. The bid was received from Crane Equipment MFG Corporation of Eugene, Oregon for \$160,250.00, with a trade in of \$8000.00 for the current solid waste knuckleboom crane, making the final cost \$152,250.00. This new purchase will replace a 1992 Grizzly knuckleboom crane/compactor (Unit #216). The FY15 budget appropriation for this unit is \$180,000.00.

Staff is recommending the purchase of the new unit at the bid price of \$152,250.00 which includes the trade in of \$8000.00 for the current piece of equipment from Crane Equipment MFG Corporation. This acquisition will allow the Solid Waste Division to continue regular operations and reduce maintenance costs. The proposed purchase will allow the City to continue to provide refuse collection operations with reliable equipment and reduced maintenance costs over the projected 20-year replacement cycle for the equipment.

Discussion

Commissioner Haque-Hausrath asked if the crane was discussed in the efficiency study. Superintendent Anderson stated yes, the study reviewed the life expectancy and maintenance log of the crane and identified it as in need of replacement.

Commissioner Elsaesser commented during budget work sessions the Commission had discussed holding off on major capital purchases until the study was completed and could be thoroughly reviewed. Because of this, he recommended tabling the bid award.

Commissioner Haque-Hausrath asked how the crane is used. Superintendent Anderson explained the crane pushes waste down into the trailers to allow for more efficient loads to be hauled to landfill. He commented the city has done as much as it can to extend the life span of the current machine; they usually last 10-15 years and this one has been used for 22. In its current conditions repairs are very costly and extensive.

Commissioner Haque-Hausrath asked if this crane would still be necessary if additional direct hauls to the landfill were implemented. Superintendent Anderson confirmed this type of equipment will always be needed at the transfer station in order to load the trailers to an efficient capacity.

Commissioner Ellison asked if funding to replace this equipment was allocated during the FY15 budget process. Superintendent Anderson stated yes. Commissioner Ellison referred to the efficiency study prepared by Blue Ridge Services and asked Superintendent Anderson if he felt any of the recommendations identified the equipment as unnecessary to continue effective operations at the Transfer Station. Superintendent Anderson confirmed the crane will always be a necessary piece of equipment at the Transfer Station.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Elsaesser moved to table a bid award for one (1) new 2015 Grizzly Solid Waste Knuckleboom Crane for the City Solid Waste Division to Crane Equipment MFG Corporation in the amount of \$152,250.00. Commissioner Haque-Hausrath seconded the motion. Motion failed 1-4, with Mayor Smith and Commissioners Haque-Hausrath, Ellison and Haladay voting no.

Motion

Commissioner Ellison moved approval of a bid award for one (1) new 2015 Grizzly Solid Waste Knuckleboom Crane for the City Solid Waste Division to Crane Equipment MFG Corporation in the amount of \$152,250.00. Commissioner Haladay seconded the motion.

Comment

Commissioner Elsaesser reiterated his concern for large purchases and projects at the Transfer Station due to the efficiency study performed by Blue Ridge Services. He commented he was under the impression no large purchases or projects would be funded until the Commission could review and consider recommendations contained in the report.

Mayor Smith commended the quality of the report. He stated when the Commission discussed holding off on large purchases because of the study; he did not envision this type of equipment as something that would not need to be replaced. Based on the information provided by Superintendent Anderson he noted he would vote in support of the purchase.

Commissioner Ellison thanked Commissioner Elsaesser for his comments and stated although he will support the motion he made, he does find the timing of these purchases odd. He asked that as staff and the Commission move forward with these kinds of major purchases the efficiency report is reviewed carefully and its many very good recommendations are working toward being implemented.

Vote Motion carried 4-1, with Commissioner Elsaesser voting no.

- B. ONE (1) NEW 2015 TANDEM AXLE, TILT CAB, 66,000 G.V.W. CHASSIS AND ONE (1) NEW 2015 40 CUBIC YARD FRONT LOADING REFUSE COMPACTOR BODY- SOLID WASTE DIVISION

Staff Report

Superintendent Anderson reported eight bids were received and opened for one (1) new 2015 tandem axle, tilt cab, 66,000 G.V.W. chassis and one (1) new 2015 40 cubic yard front loading refuse compactor body. This piece of equipment will replace Unit #208, a 2003 Sterling Condor front loading refuse truck, and is a scheduled replacement. After reviewing the bids (summary attached) it was determined that the 2015 AutoCar ACX64 with the Wittke Starlight body from Jack's Truck & Equipment would be the preferred piece of equipment. The lower bids including the same body type with exceptions did not meet specifications. The bid from Jack's Truck & Equipment meets specification and is considered a reasonable bid. This unit would cost less in maintenance and provide long term durability with better safety, service and reliability. The bid price of \$224,906.71 is \$15,093.00 under the budgeted amount of \$240,000.00.

Staff is recommending the purchase of the new unit at the bid price of \$224,906.71. This amount includes a trade-in credit of \$18,124 for Unit #208. This purchase will allow the Solid Waste Division to continue to provide refuse collection operations with reliable equipment and reduced maintenance costs with emphasis on safety for employees.

He added the unit being replaced was part of a pilot program that looked at extending the life of the fleet. In the past these trucks were replaced every 5-6 years. In 2009, 3 trucks were replaced and unit #208 was kept. It is now 12 years old and was studied to learn the amount of hours and miles that could be achieved without major maintenance.

Discussion

Commissioner Haque-Hausrath asked if the efficiency study referenced this piece of equipment. Superintendent Anderson answered he believes the study referenced extending the life of the fleet. She asked if the study recommended keeping the current unit #208 in service. Superintendent Anderson stated as far as the specific piece of equipment, no, it did not. Commissioner Haque-Hausrath asked if there is a hybrid model of this particular vehicle. Superintendent Anderson commented he believes Billings is going to begin using a compressed natural gas truck as a test. Other than that, he was not aware of any others hybrids being used.

Commissioner Elsaesser asked how the study's recommendation for elimination of potentially a full commercial route would affect this vehicle purchase. Superintendent Anderson noted this truck is used specifically for corrugated cardboard recycling; the other front load trucks are used for waste. He reiterated it has outlived its useful life without incurring high maintenance costs. Commissioner Elsaesser asked how this truck is funded. Superintendent Anderson reported it is funded specifically from commercial solid waste and the service is offered to all commercial customers. The revenue from the recycling goes to the recycling fund at the time of sale.

Commissioner Haladay asked for a comparison of buying a new truck in 2009 versus the maintenance costs over the past 5 years.

Superintendent Anderson stated he does not have exact figures; however, the lifespan of this truck should have been 5 years and staff's target lifespan was 10, it is now 12 years old. He added, two years ago major maintenance had to be done involving an M-frame rebuild costing approximately \$25,000.

Mayor Smith asked Superintendent Anderson if he was pleased with the results of this vehicle as stated in the efficiency study. Superintendent Anderson stated yes and commented staff was pleased to see the lifespan of the front loading fleet can be extended from 5 to 10 years.

Commissioner Elsaesser asked if this truck could conceivably supplement the compaction of plastics at the transfer station. Superintendent Anderson stated it could be utilized for plastic depending on how it was accepted. Right now it is being accepted in roll-off form. If a new model for accepting plastic was developed, this truck could definitely be used to compact plastics.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Elsaesser moved to table a bid award for one (1) new 2015 tandem axle, tilt cab, 66,000 G.V.W. chassis and one (1) new 2015 40 cubic yard front loading refuse compactor body for the City Solid Waste Division to the call of the City Manager.

Commissioner Haladay seconded the motion.

Comment

Commissioner Elsaesser spoke in support of tabling the bid award to allow for more discussion to be held on the purchase. He recommended the implementation of a green procurement program for the city of Helena and suggested utilizing trucks being retired in the recycling program.

Commissioner Haque-Hausrath stated she is also interested in implementing some sort of green procurement policy/program; such a program would be a good way to implement the recommendations contained in the Global Climate Change Action Plan. She indicated she would support the motion as the high cost of the vehicle is worth more discussion, including any hybrid options for type of truck. She added she would like to require hybrid options be investigated across the board as a Commission policy.

Commissioner Ellison indicated he too would support the tabling motion. He noted in the past the city had received one bid for this type of vehicle. This year eight were received so there seems to be little risk in holding off on awarding the purchase for one or two months so it can be discussed further.

Mayor Smith stated he feels the vehicle being replaced has outlived its lifespan and would not support tabling the bid award.

Vote

Motion carried 4-1, with Mayor Smith voting no.

Manager Alles asked for clarification if the Commission wants to research creating a green procurement program for the City, or for all bid specs to include green vehicles. There was Commission support for both; the creation of a program and a form of assurance that staff would research hybrid options for all vehicle purchases. These requests will be discussed at a future Administrative Meeting.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Haladay stated the Commission had received a petition from the 6th Ward and surrounding areas regarding truck traffic on Boulder Avenue. He has heard of these issues for quite some time with the understanding the problem would disappear once the work on overpass on I-15 was completed. He stated he does not see an impediment to alleviating the problem via traffic calming or alternate routes. Fiscally, heavy load trucks should use MDT routes instead of city streets but that is not realistic. He commented quality of life changes are requested from the Commission from time to time and this situation seems like one that should be addressed. Commissioner Haladay requested either the issue be discussed at an Administrative Meeting or quick and easy fixes be provided from Public Works Department staff.

Mayor Smith stated he was assured the petition is being reviewed by staff and the Commission will receive an update. Manager Alles stated staff has recommended this route be addressed specifically in the update of the Transportation Plan; it is his understanding the consultant will be looking at this route per a request from the City of Helena. It is anticipated a draft of the Transportation Plan will be available in January or February, with a target timeframe for final approval in early spring 2015.

Commissioner Haque-Hausrath asked Manager Alles if there is a process by where a neighborhood can apply for traffic calming on their streets. Manager Alles stated yes, and noted typically a portion of those projects are funded by the neighborhood with the city funding the remainder. He commented these issues need to be looked at globally and the consultant will take all of the related information into account when working to alleviate such an issue.

Commissioner Elsaesser congratulated Mayor Smith on his successful visit to the USS Helena. He expressed pleasure in serving as Mayor Pro Tem during the mural dedication celebrating Helena's 150th birthday.

Mayor Smith presented a brief slideshow from his visit to the USS Helena.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin announced Marlene Wiegand, the Administrative Assistant for the City Attorney's office, will be leaving her position after 13 years. He updated the Commission on the status of hiring a Deputy City Attorney to fill his vacated position.

He noted tomorrow is Armistice/Veterans Day and thanked all veterans for their service to our country.

Commissioner Elsaesser discussed rearranging the order of the residential parking resolutions being considered under Public Hearings on tonight's agenda. Attorney Jodoin explained item C needs to be considered first, so that if any changes are proposed, item A, which includes the index, will be accurate. He recommended the hearings be held in the following order: Item C- first, Item B- second and Item A- third. There was Commission concurrence to hold the hearings on residential parking as recommended by Attorney Jodoin.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles gave an overview of Street Department operations in responding to the storm that began Sunday and has been

intermittent throughout today. He announced members of the public can go online to view the city's snow removal operation plan.

A. Presentation of the Bob Worthington Risk Management Achievement Award

Manager Alles invited MMIA Risk Management Program Manager John Cummings to present the Bob Worthington Risk Management Achievement Award to the Administrative Services Department Administrative Assistant Carrie Hahn. Mr. Cummings gave an overview of the services MMIA provides to Montana's cities and towns and explained a huge project of inventorying all of the city's property assets was began last year and is still being conducted. He commended Ms. Hahn's work on the project and presented her with the award.

Ms. Hahn thanked MMIA for being a great partner to the city and spoke of the assistance she has received from current and former city employees in order to complete the project. Mayor Smith and the entire Commission congratulated Ms. Hahn on her achievement in addition to her professionalism and diligent work on the city's annual budget.

***Report from the
Helena Citizens
Council***

REPORT FROM THE HELENA CITIZENS COUNCIL

No member of the HCC was present to provide a report.

Public Hearings

PUBLIC HEARINGS:

C. CONSIDER A RESOLUTION TO TERMINATE CERTAIN RESIDENTIAL PARKING DISTRICTS.

Staff Report

Parking Director Hewitt stated various residential parking districts have been created by the City Commission pursuant to the authority granted by 8-14-17, Helena City Code. In February 2014, the City Commission passed Resolution No. 20071 which established a consolidated listing of all previously created and designated Residential Parking Districts. That action also established an annual review of existing residential parking.

Any residential parking district that had less than fifty percent (50%) of the affected properties' involvement in the district through the purchase of at least one permit should be considered by the commission for termination. City staff has identified numerous residential parking districts where permit purchases by the affected property owners is less than 50%.

Beginning in February 2013, staff sent multiple letters to property owners and placed fliers on doors and windshields in these districts, advising them that if they wished to retain the residential parking district for their property, they needed to purchase permits by July 1, 2014. As a result of that process, the residential parking districts listed in the attached resolution of intention have been identified as having less than 50% of permits purchased by the affected property owners.

Discussion

Commissioner Haque-Hausrath referred to comment received from a Sunhaven resident stating Elmwood is too narrow to allow for non-resident parking. Manager Alles stated per the City Engineer, Elmwood Lane is wide enough to have parking.

Commissioner Haque-Hausrath referred to Terry Court being 30-feet wide and asked if the Commission can decide to remove the residential parking or would it have to be requested by the neighborhood. Manager Alles stated the Commission can initiate the removal.

She asked that the Transportation Plan incorporate a review of parking for the Capital High School area. Manager Alles stated he would review the possibility of her request; typically the Transportation Plan contains major routes and not local neighborhoods. Commissioner Haque-Hausrath indicated she would be agreeable to the City Engineer researching the issue. She also requested the safety and "no parking" painting issues on Broadway be corrected. Manager Alles explained staff will need to work with MDT on the safety issues identified on Broadway.

Commissioner Haque-Hausrath asked for more information on the City's discontinuance of painting to designate "no parking" in front of mailboxes. Manager Alles stated he does not believe the city has the authority to do such painting and residents have been asked to move their mailboxes closer to their driveways to alleviate the problems instead. He confirmed he would look into the issue.

Commissioner Haladay asked for the cost to purchase a residential parking permit. Director Hewitt stated \$20 per year. Commissioner Haladay asked when the affected neighborhoods were notified their districts are being proposed for dissolution. Director Hewitt stated the residents were first notified in March 2014. Ultimately three mailings were sent prior to tonight's hearings. He noted residents were allowed to purchase permits throughout the course of the Commission's considerations on this issue.

Commissioner Haladay asked if the Commission did not terminate any of the districts tonight, could they set a specific conditional termination date and notify all affected properties they have until such date to renew their district or it will sunset without any further action by the Commission. Attorney Jodoin stated the Commission can set such a process and future date, but cautioned that staff needs very clear guidance in order to properly notify the public.

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 terminate the Residential Parking Districts listed in the resolution, and repeal the referenced resolutions by which those districts were initially established and designated. Commissioner Haladay seconded the motion.

Amendment

Commissioner Elsaesser moved to strike Districts #11468 and #11440 from the list to be terminated. Motion died for lack of a second.

Amendment

Commissioner Elsaesser moved to strike District #12015 and #19303 from the list to be terminated. Commissioner Ellison seconded the motion. Motion failed 1-4, with Mayor Smith and Commissioners Haque-Hausrath, Ellison and Haladay voting no.

Amendment

Commissioner Elsaesser moved to strike Districts #9927, #10612 and #10812 from the list to be terminated. Commissioner Haladay seconded the motion.

Commissioner Haladay asked for clarification of the areas contained in Residential District #9927. Director Hewitt stated South Cooke Street between Broadway and Highland is referenced in Resolution No. 9927. He explained in 1992 districts were created on Placer between Benton and Park, and Logan between 11th and Lawrence; however, staff could not locate an official resolution authorizing their establishment.

Commissioner Haladay stated he would support Commissioner Elsaesser's amendment to allow the districts to remain. They were created at a different time and under different criteria, he is not inclined to terminate their designation because they don't comply with the city's current ordinance. He noted he would also support the two districts on Placer and Logan that were created in 1992.

Vote

Motion carried 3-2 with Mayor Smith and Commissioner Ellison voting no.

Amendment

Commissioner Elsaesser moved to remove the unnumbered districts created in 1992 containing the areas of: Placer between Benton & Park, and Logan between 11th and Lawrence, from the list to be terminated. Commissioner Haque-Hausrath seconded the motion.

Attorney Jodoin spoke to a number of districts that were created yet the resolutions authorizing their creation could not be located.

Vote

Motion carried 4-1, with Commissioner Ellison voting no.

Motion as amended

Commissioner Ellison moved approval of a resolution to terminate the Residential Parking Districts listed in the resolution, and repeal the referenced resolutions by which those districts were initially established and designated, as amended. Commissioner Haladay seconded the motion. Motion carried 4-1, with Commissioner Elsaesser voting no. **Res #20136**

B. CONSIDER A RESOLUTION AMENDING RESOLUTION NO. 9646 BY REMOVING VARIOUS RIGHTS-OF-WAY FROM THE TYPE B RESIDENTIAL PARKING ZONE ESTABLISHED BY RESOLUTION NO. 9646.

Staff Report

Attorney Jodoin explained on August 6, 1984, the City Commission adopted Resolution No. 9646 which established a Type B residential parking zone for certain streets bordered by Olive Street on the west, Ming Place on the south, Benton Avenue on the east (including the eastern side of Benton abutted by residences from Clarke Street to Edwards Street), and Clarke Street on the north.

On July 22, 2002, the City Commission adopted Resolution No. 11785 which amended Resolution No. 9646. Specifically, portions of Benton Avenue and Clarke Street adjacent to 303 Clarke Street were removed from the residential parking zone at the request of that property owner.

In February 2014, the City Commission passed Resolution No. 20071 which established an annual review of existing residential parking. Any residential parking district that had less than fifty percent (50%) of the affected properties' involvement in the district through the purchase of at least one permit should be considered by the Commission for termination.

City staff has identified certain portions of the residential parking district created by Resolution No. 9646 as meeting this criterion. Staff sent letters to property owners in these districts advising them that if they wished to retain residential parking districts for their properties, they needed to purchase permits by July 1, 2014. As a result of that process, portions of Clarke Street, Olive Street, and Edwards Street have been identified as having less than 50% of permits purchased by the affected property owners.

This proposed resolution will amend Resolution No. 9646 and remove portions of Clarke Street, Olive Street, and Edwards Street from the residential parking district created thereby.

By removing Clarke Street, Olive Street, and Edwards Street from this residential parking district, there will be a reduction in the City's obligation to enforce parking restrictions in these areas. In the areas that are being removed, more on-street parking will be available to the general public, increasing awareness that roads are public rights-of-way.

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 a resolution amending Resolution No. 9646 by removing the Clarke Street, Olive Street, and Edwards Street rights-of-way from the Type B residential parking zone established by Resolution No. 9646.

Commissioner Haladay seconded the motion.

Comment

Commissioner Elsaesser indicated he would not vote in support of the resolution as there are no problems to be solved by its dissolution; instead it will create issues for the Commission to deal with in the future.

Vote

Motion carried 4-1 with Commissioner Elsaesser voting no.
Res #20137

A. CONSIDER A RESOLUTION AMENDING RESOLUTION NO. 20071 TO CREATE AN UPDATED LIST OF EXISTING RESIDENTIAL PARKING DISTRICTS.

Staff Report

Attorney Jodoin reported in February 2014, the City Commission passed Resolution No. 20071 which established a consolidated listing of all previously created and designated Residential Parking Districts. That resolution also established an annual review of existing residential parking. Any residential parking district that had less than fifty percent (50%) of the affected properties' involvement in the district through the purchase of at least one permit should be considered by the Commission for termination.

The Commission is concurrently considering termination of various residential parking districts pursuant to that review. Further, the

Commission is considering amending one of the residential parking districts.

Finally, certain residential parking districts exist where establishing resolutions could not be located. Legal authority for those districts does not currently exist and should not be included within the list of valid residential parking districts.

This proposed resolution will amend Resolution No. 20071 and create a new updated consolidated and accurate list of the remaining residential parking districts. Amend the residential parking district list created by Resolution No. 20071 and remove residential parking districts that are potentially going to be terminated or amended by the City Commission.

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 a resolution amending Resolution No. 20071 by updating the consolidated listed of valid Residential Parking Districts as shown in the resolution and to include the following five districts: #9927, #10612, # 10812 and two unnumbered districts referred to as the "1992 Districts" containing areas of Placer and Logan. Commissioner Haladay seconded the motion. Motion carried 4-1, with Commissioner Elsaesser voting no. **Res #20138**

Comment

Commissioner Haque-Hausrath requested staff look into parking issues in Terry Court; a majority of the Commission concurred. Commissioner Elsaesser opposed the request as it was not listed on tonight's meeting agenda.

Commissioner Haladay requested staff look into parking issues on Broadway and in Sunhaven. Commissioners Haque-Hausrath and Ellison commented in support of the request; Commissioner Elsaesser opposed.

Commissioner Haque-Hausrath summarized her information/investigation requests are regarding: removal of parking on Terry Court; traffic issues in Sunhaven; policy on "no parking" paint adjacent to mailboxes; and safety issues on Broadway.

A majority of the Commission supported the requests for information.

D. CONSIDER GRANTING PERMISSION FOR THE DEMOLITION OF THREE GARAGE STRUCTURES LOCATED AT 1524-1528 GALLATIN AVENUE.

Staff Report

Community Development Director Sharon Haugen reported Sky Orndoff and Kyle Perkins, dba Catan Enterprises, has requested permission to demolish three garage structures located at 1524 -1528 Gallatin Avenue. Catan Enterprises proposes to demolish the three structures and replace it with a new triplex. Another structure on the lots is currently a triplex and is being repaired to address any current life safety concerns. On June 9, 2014 the Helena City Commission approved a Conditional Use Permit to allow a second triplex on the property. The demolition of the garages would help accommodate that purpose.

The garages at 1524, 1526, and 1528 Gallatin Avenue are located in the Railroad Historic District and the demolition of any building that is contributing to that district is subject to the demolition review process as outlined in Title 3 Chapter 15 of the Helena City Code. This is a two-step process that requires a review from the Lewis and Clark County Heritage Preservation and Tourism Development Council to determine if the property is considered a contributing property and if the proposed demolition would have a negative impact on the historic nature of the district. The HTC and/or the Historic Preservation Officer are required to conduct a pre application for the applicant prior to submission of the demolition permit application. Also as part of that review they are required to hold a public hearing. The Council then makes a recommendation to the Helena City Commission on whether to recommend approval or denial of the demolition permit. The City Commission is also required to hold a public hearing to review the Heritage Council's recommendation and any other public comment. On October 14, 2014 the Heritage Council held their public hearing to consider their recommendation on granting the demolition of the building permit; they voted unanimously to approve recommending the demolition of the three garages.

The advantage of the proposal is that it would allow the demolition of buildings that are in total disrepair and to allow the construction of a new tri-plex. The construction of the new triplexes could be completed in such a manner that it would be in character of the neighborhood and would also provide for an opportunity for infill development. The proposed development may have a notable energy impact as the new units will be energy efficient and built to the current building and energy code standard. Director Haugen recommended approval of the garage demolitions.

Comment

Commissioner Elsaesser disclosed he is personally acquainted with the applicants for this proposal and he would prefer to recuse himself from the vote since he has heard about the project from them. He clarified for the record that he has no financial gain related to the proposal.

Public Testimony

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

Kyle Perkins, Catan Enterprises, applicant; urged the Commission to vote in support of the demolitions.

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

Motion

Commissioner Haladay moved approval of the demolition permits for structures located at 1524, 1526 and 1528 Railroad Avenue. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is November 19, 2014 and the next Commission Meeting is November 24, 2014.

Adjournment

There being no further business to come before the Commission,
the meeting was adjourned at 8:26 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission