

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
January 12, 2015
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, January 12, 2015 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 and Haladay were present. Commissioner Haque-Hausrath was excused. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Dick Sloane 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 December 22, 2014 were approved as submitted.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Acceptance of the City of Helena and Lewis & Clark County Solid Waste Efficiency Study.
- C. Release of existing 20' City utility easement at the Skyway Regional Shopping Center; the easement is located on the western portion of Lot 1-B-1.
- D. Request to alter the facade of the New York Block building, located at 46 N. Last Chance Gulch.
- E. Acceptance of a property donation from Prickly Pear Land Trust (PPLT) acting in partnership with the Wetland Conservation Committee (WCC) to expand the Charles van Hook Wetlands.

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

Commissioner Ellison requested Item B be removed for further discussion.

Motion

Commissioner Ellison moved approval of items A, C, D and E on the consent agenda. Commissioner Elsaesser seconded the motion.

Comment

Commissioner Ellison commended item E and recognized the Montana Fish, Wildlife & Parks Foundation, Last Chance Audubon, the Foundation for Animals and an anonymous donor for their partnership to facilitate the purchase of 1.49 acres of open lands, valued at approximately \$40,000, for addition to the existing Charles van Hook Wetlands. He commented he is delighted with the proposal and strongly supports the donation and expansion of the wetlands.

Public comment

Mayor Smith asked for public comment.

Ruth Swenson, 11 Willow; thanked the numerous people and organizations that made this donation possible. She noted 111 species of birds have been identified in the Fairgrounds Wetlands and Charles

van Hook Wetlands and explained this donation is of great importance as it will tie the two areas together.

Ms. Swenson also thanked Parks Department staff members Brad Langsather and Greta Dige, and City Attorney Jodoin for their assistance with the project.

Vote All voted aye, motion carried.

Item B B. ACCEPTANCE OF THE CITY OF HELENA & LEWIS & CLARK COUNTY SOLID WASTE EFFICIENCY STUDY.

Discussion Commissioner Ellison commented there are many good recommendations contained in the Solid Waste Efficiency Study. However, there are some areas and suggestions that are troubling. He referred to page 6 of the study and read the following comment: "Using available airspace to its maximum potential, we recommend that the landfill continue to actively seek out-of-county waste". He commented he is unsure of exactly what that means but it sounds like the authors of the study are recommending the landfill be turned into some sort of a profit center. During his time on the Commission, he has understood that the goal was to limit what was being put in the landfill, as opposed to reaching out and bringing more from outside of the Lewis & Clark County area.

Another area that is bothersome is located on page 16 and relates to commercial waste hauling accounts. The statement reads as follows: "We recommend the commercial collections manager be allowed more flexibility in terms of bidding for new accounts, including not having to stay within a published range of service rates". He stated the City Commission annually sets rates for city services and this report basically says the Commission agrees that staff can disregard that annual process, which includes public hearings to set the various rates. He stated he is not okay with that recommendation. He suggested the Commission could hold off on acceptance of the report for a period of time; accept it with the provision that the two sections he identified be struck from the report; or accept it and provide staff with guidance on how the Commission would like them to proceed with the identified sections.

He noted he did find quite a bit in the study that he does like and hopes the City Manager and County Administrator are working together on some of the operational efficiencies recommended in the report.

Commissioner Haladay asked if acceptance of the study is akin to accepting all of the recommendations or ideas contained therein. Manager Alles stated no, acceptance of the report does not necessarily mean the City staff proceeds with implementation of the recommendations. He noted many of the components of the study, if not all of them, will need approval by the City and/or County Commissions to implement. Commissioner Haladay asked if this proposed action is similar to the Commission's acceptance of the draft Transportation Plan, which contained recommendations that haven't necessarily occurred or been brought forward for Commission consideration. Manager Alles stated yes.

Commissioner Haladay referred to Commissioner Ellison's concern with the recommendation contained on page 6 of the report and asked if implementation of such would require Commission approval. He commented the Public Service Commission may also need to be

involved. Manager Alles stated it would be a policy decision and would need to be approved by the City Commission or possibly the County Commission since it is a County landfill. In terms of the PSC, he stated he is unsure of whether the County has had outside waste in the landfill before so he does not know if it would need PSC approval.

Commissioner Haladay asked if the Commission sets commercial rates when it approves the annual assessment resolutions. Manager Alles stated yes and explained the resolution setting that rate does allow for some flexibility in relation to volume, number of pick-ups and efficiency in order to establish a rate. Commissioner Haladay stated it is concerning the City may underbid in order to compete with other private commercial haulers in Helena. Manager Alles explained since the City's rates were always published, when staff would bid for commercial contracts their rates would always be undercut by 10% since the rates are always published. Because of this there is a bit of flexibility to adjust rates based on volume and efficiencies.

Commissioner Haladay stated the concerns contained in the study need to be discussed and addressed, regardless of it being accepted tonight. Manager Alles confirmed that the recommendations contained in the study and related concerns can and will be addressed at a later date if the study is accepted tonight.

Mayor Smith asked what would happen if the report were not accepted tonight. Manager Alles stated some of the efficiencies in the study are already being implemented and would be anyway. In his opinion, acceptance of the study does not mean endorsement of it and does not mean all of the recommendations will be followed or implemented. Mayor Smith commented this kind of study seems to be a part of City business.

Commissioner Elsaesser stated he is proud to bring some knowledge of recycling to discussions on the study. He indicated he would prefer to table its acceptance, as there are still discussions to be held on what is policy and what is operations. He commented there are many good recommendations contained in the report.

Commissioner Ellison thanked Commissioner Haladay for his insightful comments and stated he is encouraged and comforted by the statements and guarantee of future discussion on the study made by Manager Alles. He indicated he would be comfortable with acceptance of the study, along with additional in-depth discussions between the City Commission and City staff, and also with the County, on the study's recommendations, policy decisions and any related concerns.

Motion **Commissioner Ellison moved approval of item B on the consent agenda.** Commissioner Haladay seconded the motion.

Public comment Mayor Smith asked for public comment.
HCC Representative Dick Sloan commented the HCC would like to be involved in discussions on the study.

Discussion Mayor Smith stated for the record that acceptance of the report does not imply acceptance of any single recommendation within the report. Because of this he indicated he would be comfortable voting in support of its acceptance.

Commissioner Elsaesser concurred with Mayor Smith and stated he would vote to accept the report.

Commissioner Haladay spoke in support of implementing smart

solutions and noted acceptance is more of a formality and does not mean every recommendation will be implemented or that discussions can no longer be held.

Vote

All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser commended Consent Agenda Item E. He announced that right-of-way critical to connecting Centennial Trail-West to Spring Meadow State Park has been acquired and thanked all of the parties that worked together to make it happen.

He distributed a proposal for tracking large, multi-year, public works projects using a template that would be made available to the public, and gave an overview of its purpose and the information it would contain. He noted nothing in his proposal is directed at specific staff or City departments. A copy of the proposal written by Commissioner Elsaesser is included in the Commission packet as part of the official record.

Mayor Smith welcomed the members of the 64th Legislature to the City of Helena.

Commissioner Haladay spoke of the Quiet Zone Study that was discussed last week at the Administrative Meeting. He stated the next time it is discussed he would like to see the bare minimum costs broke out from the optional features. He noted Montana Rail Link may take quite awhile to respond to the City's request for funding for a quiet zone, so the City may need to go ahead with the proposal at a lower cost. Mayor Smith concurred with Commissioner Haladay's comments.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Thomas Jodoin noted newly hired Deputy City Attorney Iryna O'Connor was in attendance. He reported the vacant position for their Administrative Assistant will be filled very soon.

Mayor Smith welcomed Ms. O'Connor to employment with the City of Helena.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles gave an overview of the Street Department's process of removing snow from various areas of the City.

He referred to the recent replacement of the clearwell cover at the Tenmile Treatment Plant and explained in addition to that replacement the tank was also lined. Estimates show that approximately 300,000 gallons/day are no longer leaking from the tank by investing in lining it. This results in approximately 100 million gallons of water that are being left in Tenmile and not being treated.

Commissioner Elsaesser commended the savings being achieved at the Tenmile Plant. He then asked Manager Alles to explain the City's annual program for collecting Christmas trees to serve as perch habitat in Canyon Ferry Lake. Manager Alles relayed the process for participating in the program.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Dick Sloane reported the HCC is getting ready to put out a survey to the citizens and gave an overview of the questions contained in the survey. Following collection of the results, the Council

would like to meet with City staff to discuss the information they have collected.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A REQUEST FOR A STOP SIGN AT THE INTERSECTION OF CLOVERVIEW DRIVE AND MCHUGH LANE.

Staff Report

City Engineer Ryan Leland reported currently the intersection of Cloverview Drive and McHugh Lane is an uncontrolled t-intersection. The width of Cloverview Drive is wider than typical and has a median with a width of 20 feet. The shrubs in the median all have a height exceeding 2 ½ feet and the trees' limbs are within the 2 ½ feet to 8 feet height described in City Code 7-3-7. Along with the pedestrian crossing at the intersection there is also a crossing used by golfers to navigate Cloverview Drive to continue golfing. The intersection does not currently meet the warrants for having a stop sign installed although there have been 2 crashes at the intersection since 2002 and neither involved a pedestrian.

The Cloverview Homeowners Association (HOA) has requested a stop sign at the intersection of Cloverview Drive and McHugh Lane. They are concerned with several instances of close calls between pedestrians and vehicles and vehicles and vehicles. Steps that will have to be taken with or without the installation of a stop sign are:

1. All trees within the indicated area shall have the limbs trimmed to a height at least eight (8) feet from the ground surface and be continuously maintained to that height per City Code 7-3-7.
2. All shrubs within the indicated area shall be trimmed to a height no greater than 30 inches above the ground and be continuously maintained to that height per City Code 7-3-7.

Engineer Leland stated the stop sign could bring better awareness to the drivers of the T-intersection and crossing. However, since the intersection does not meet warrants for stop sign installation, studies have shown that some users would tend to disregard it. He noted staff had no recommendation for the proposal.

Discussion

Commissioner Elsaesser asked if there is any danger associated with installation of a stop sign. Engineer Leland stated no, other than when there are too many signs installed, people start ignoring them.

Commissioner Haladay asked for the amount of accidents that have occurred that involved vehicle versus pedestrian or golf cart. Engineer Leland indicated staff found no record of any accidents involving golfers.

Manager Alles noted as part of policy the City Commission is the body that orders in stop signs.

Public comment

Mayor Smith called for public comment.

Glenn Phillips, Cloverview Homeowners Association; commented while the conditions at the intersection may not warrant the

requirements for a stop sign, it is a unique area and intersection and the HOA feels it is warranted.

Scott Brown, Cloverview resident; discussed two near-misses he has been involved in at the intersection. He indicated the association is not aware of any Cloverview resident that opposes the request. He added he has discussed the issue with the principal at Four Georgians School, who is also supportive of the proposal.

Pat McCutcheon, 7 Cloverview; spoke in support of the stop sign installation.

Motion

Commissioner Ellison moved approval of the installation of a stop sign at the intersection of Cloverview Drive and McHugh Lane. Commissioner Haladay seconded the motion.

Commissioner Elsaesser stated he would vote in support of the stop sign and requested staff provide the Commission with any additional information related to things that can be done to protect pedestrians in the area.

Commissioner Ellison indicated he would support the motion, noting that although it does not appear warranted by standard, if a stop sign will save one child from being hit by a car it is worth it.

Mayor Smith stated he too would support the proposal. He does not believe the city will become overrun by stop signs with approval of this request and it's worth it if it keeps pedestrians and children safe.

Vote

All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A ZONE CHANGE FROM AN R-O (RESIDENTIAL OFFICE) DISTRICT TO A B-2 (GENERAL COMMERCIAL) DISTRICT; FOR PROPERTY LEGALLY DESCRIBED PER COS #3261382; LOTS 20 THROUGH 36 IN THE SOUTH HALF OF BLOCK 20, LOCKEY ADDITION, HELENA; LEWIS AND CLARK COUNTY, MONTANA.

Staff Report

Zoning Officer Elroy Golemon reported the property owner is requesting the zone change to provide consistent zoning of their property with the B-2 District located to the north of the subject property.

On Wednesday, November 12, 2014, the Helena Zoning Commission tabled the public hearing on the proposed zone change to a date certain being Tuesday, December 9, 2014 because a quorum was not present.

On Tuesday, December 09, 2014 the Helena Zoning Commission held a public on the proposed zone change and recommended unanimous approval (3:0 vote) for the adoption of an Ordinance amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map, for a Zone Change from an R-O (Residential Office) District to a B-2 (General Commercial) District.; for property legally described per COS #3261382; Lots 20 through 36 in the south half of Block 20, Lockey Addition, Helena; Lewis and Clark County, Montana and generally located north of Livingston Avenue and west of North Montana Avenue.

Mr. Golemon recommended approval of the proposal and noted

according to the 2011 Growth Policy Future Land Use Map, the subject property located in a commercial area Commercial areas support higher density development, a mix of commercial, residential activities and services; and a variety of motorized and non motorized transportation options.

The proposed B-2 District would allow a greater variety of compatible mixed uses than currently permitted with the existing R-O district designation. In addition, the proposed B-2 District zoning would be more consistent with the commercial land use designation of the area and mixed use concept of the Growth Policy. The proposed B-2 District could help create a coordinated development pattern that is unified, functional and efficient.

The proposed zone change helps support the infill and redevelopment concept of the 2011 Growth Policy of properties by allowing for the development of a compatible mix of land uses and structure types and encouraging the use of existing infrastructure.

Discussion

Commissioner Elsaesser asked if there would be setback or hedging restrictions on the property. Mr. Golemon reported setbacks have already been provided in the standard required in an R-O District and landscaping will be required according to City Code. Any new construction will be required to be constructed with the zoning designation in effect at that time.

Public Testimony

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

Susan Bjerke, 545 South Harris, Architect for the project; gave a brief description of the project and discussed the existing zoning standards. She spoke in support of the zone change in order to consolidate a B-2 core for the area.

Pat McCutcheon, applicant; explained the reason for their request is to allow for consistent zoning in the area.

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

Motion

Commissioner Elsaesser moved approval of an ordinance amending the City of Helena Ordinance No. 2359 and amending the Official Zoning Map, for a zone change from R-O (Residential Office) District to B-2 (General Commercial) District for property legally described in the ordinance. Commissioner Haladay seconded the motion.

Comment

Commissioner Elsaesser stated he is pleased the setback and hedging requirements of the R-O zoning designation have already been met.

Vote

All voted aye, motion carried. **Ord #3199**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is January 21, 2015 and the next Commission Meeting is January 26, 2015.

Commissioner Elsaesser reported a meeting on the long-range transportation plan would be held on January 13th at 6:00pm.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:09 p.m.

/S/ James E. Smith
Mayor James E. Smith

ATTEST:

/S/ Debbie Havens
Clerk of the Commission