

Resources and Conservation (DNRC) to complete 220 acres of forest health restoration work slated to occur within City of Helena ownership in the Upper Tenmile Creek Watershed.

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

Commissioner Haque-Hausrath requested Item F 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-E and G on the consent agenda. Commissioner Ellison seconded the motion. All voted aye, motion carried.

F. Acceptance of a Noxious Weed Trust Fund Grant # 2015-057 from the Montana Department of Agriculture to be used to treat noxious weeds on City and private property, and trail corridors of the South Hills trail system.

Discussion

Commissioner Haque-Hausrath referred to the map included in the packet and asked what the city's policy is on applying of herbicides in the south hills. Code Enforcement Officer Dige explained the policies on applying of herbicides. Commissioner Haque-Hausrath asked if notice of the spraying will be posted in the areas. Code Enforcement Office Dige stated yes and noted there will be orange cones placed around the area and signs will be posted. Prickly Pear Land Trust is partnering with the grant and will assist with public notice.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haque-Hausrath moved approval of Item F on the consent agenda. Commissioner Haladay seconded the motion. All voted aye, motion carried

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Haladay noted May is the month of pedestrians and non-motorized transportation. He noted how important it is for drivers to focus on the safety of pedestrians and bicyclists. Pedestrians do have the right-of-way, even at unmarked but secured intersections. Commissioner Haladay also reminded everyone it is still against the law to talk or text on your cell phone while driving in the city limits of Helena.

Commissioner Elsaesser noted there is a substantial section of Centennial Trail East completed and a lot of people are using it. There are a lot of opportunities for the west end of the trail that people are working diligently to complete.

Commissioner Elsaesser noted he will bring forward the following items during the upcoming budget work sessions:

1. Work with county and state to dedicate the urban funds; which may include safety crossings on Benton Avenue; install sidewalks from the Capitol to the bike-ped underpass on Colonial Drive; features on Cruse Avenue that have been discussed and look at traffic features on Montana Avenue, both inside and outside the city limits.

Commissioner Elsaesser stated he is looking forward to the discussion on the reimbursement resolution at the next commission meeting. He also recognized and thanked the fire departments who responded to the fire on north/west side of Helena, outside the city limits.

Mayor Smith reported he attended a ceremony at Fort Harrison last Friday in honor of veterans. He noted he missed the Vigilante Parade and thanked all city staff for the work they did to make it another success.

***Report of the City
Attorney***

REPORT OF THE CITY ATTORNEY

No report was given.

***Report of the City
Manager***

REPORT OF THE CITY MANAGER

A. Presentation of Fiscal Year 2016 (FY16) Preliminary Budget and CCIP Report.

Manager Alles presented the FY16 Preliminary Budget and the CCIP Report to include the following:

- Constraint Budgeting
- Resource Challenges
- Within Constraints
- FY 2016 Personnel
- Notable in Preliminary Budget – listed notable projects
- Strategic Planning Needed
- Scheduled Budget Meetings
- Budget Hearing on Monday, June 29th

Commissioner Haladay stated in the past he has seen an excel worksheet of the respective department positions and a breakdown on the salaries over a course of a three or four year period. He asked if this could be generated for the commission to review during the upcoming budget work sessions. There has been a discussion on the market study using the seven large cities in Montana. Manager Alles stated staff would prepare this information for the commission.

Commissioner Elsaesser referenced the substantial savings of \$130,000 in street maintenance and asked Manager Alles if it is his opinion those funds cannot be spent on ADA projects or are the funds locked into street maintenance. Manager Alles stated those funds are not locked there; his proposal is to add an additional \$130,000 for non-motorized transportation funding. Any savings from FY2015 can be re-budgeted for FY2016. There are funds to match non-motorized projects.

Commissioner Elsaesser commented he is very interested in the reserves and believes those funds should be used for ADA projects downtown. Commissioner Elsaesser stated the city should look at pre-bidding the sidewalk program. This is a great program and people shouldn't have to wait a year to get sidewalks installed. Overall, he will support the preliminary budget; however, he will look forward to the budget work sessions.

Commissioner Haladay also referenced the \$130,000 for non-motorized, including ADA and stated it has been determined these funds cannot be used for new projects; it has to be used for maintenance. Manager Alles concurred. The process is if there are funds that are not spent, it is re-budgeted for the next fiscal year.

Motion

Commissioner Ellison moved acceptance of the FY 2016 Preliminary Budget and the CCIP Report. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Dick Sloan reported the HCC is focusing on the FY 2016 budget and developing comments for the Transportation Plan. The committee has not finished the comments; however, they will be submitted by the deadline of May 12th. Some issues include slowing down traffic, promoting pedestrian safety, truck routes, clearly marked pedestrian crossings, implementation strategies, urban boundary projects and how it relates to the transportation plan.

Commissioner Elsaesser thanked the HCC for the work they are doing to submit comments on the transportation plan. The prioritization of projects will be critical in the plan. He also thanked the HCC for their recommendation on recycling.

Regular Items

REGULAR ITEMS:

- A. **CONSIDER A RESOLUTION OF INTENTION TO INCREASE POLICE SERVICES (EXTRA WORK) RATE.**

Staff Report

Assistant Police Chief Steve Hagen reported The Helena Police Department requires that all organizations/sponsors of events that request extra duty services sign a contract. The majority of our extra work requests are from the Helena School District Athletic Office, the State of Montana, Civic Center, Carroll College, Alive @ Five and the high schools. Our current rate of \$45/hour with a 3-hour minimum has been in place since 2009.

The extra work is separated in the budget in Police Fund 215. In FY10 many of the other items that were in Fund 215 were placed in the general police budget so we could track the extra work revenue and expenditures better. The \$45/hour has proven to be an adequate amount. Some years we accumulate a small cash carry over and other years a small negative balance. This varies on the officers' salaries who work different events.

Due to the circumstances such as officer pay raises and higher paid supervisors working more of the events over the last few years, a large shortfall is anticipated if we don't increase the fee. Chief McGee proposed a \$10/hour increase (from \$45/hour to \$55/hour) be instituted effective July 1, 2015. This should be sufficient for FY16 and will be reviewed yearly. If the commission supports the resolution of intention to raise the rate we will mail letters to the main event sponsors that this impacts letting them know of the proposal and the public hearing date.

It was the department's intent to have this proposal to the commission early in 2015 but due to bill proposals at the Legislative session, that would have affected overtime costs for police officers, we have been waiting. Recently it became clear that these proposals were dead.

Assistant Chief Hagen recommended approval of the proposal as it will allow the HPD Police Services Fund to be able to maintain a proper balance.

Discussion

Commissioner Elsaesser asked if the bike officers are still an option. Assistant Chief Hagen stated yes; hopefully there will be some downtown this summer.

Public comment Mayor Smith called for public comment; none was received.

Motion Commissioner Ellison moved approval of a resolution of intention to increase Police Services (extra work) fee from \$45/hour to \$55/hour and set a public hearing date for May 18, 2015.
Commissioner Haladay seconded the motion.

Comment Commissioner Ellison noted this service is an asset to the citizens of Helena and this recommendation is a modest increase.

Vote All voted aye, motion carried. **Resolution 20158**

B. CONSIDER A RESOLUTION OF INTENTION TO VACATE A THREE FOOT STRIP OF THE PLATTED, ALLEY RIGHT-OF-WAY (ROW) BETWEEN LOT 69A IN BLOCK 9 OF THE BEATTIE ADDITION AND LOTS 5-7 IN BLOCK 3 OF THE BASSETT ADDITION; GENERALLY DESCRIBED AS THE ALLEY ROW ADJACENT TO MONTANA EYE CARE.

Staff Report City Engineer Ryan Leland reported the existing alley has a power pole located 3 ½ ft. inside the alley ROW. The alley's affective width is reduced at the power pole location, potentially causing conflicts with vehicles in the area.

The applicant is proposing to shift the alley 3 ft. to the south. This relocation would located the power pole closer to the edge of the boundary instead of being offset by 3 ½ ft. All access for the public and utility companies will be maintained.

Engineer Leland noted staff does not have a recommendation to approve, table or deny the proposal; however, the proposed vacation would allow for better access in the area of the power pole and would reduce conflicts with vehicles and the power pole. The requesting property owner will be dedicating ROW that would be exchanged to allow for the boundary shift.

Discussion Commissioner Elsaesser asked if the city utilities division is comfortable they can continue to maintain the existing services. Engineer Leland stated all utilities will be accessible and emergency services did not object to the proposal.

Public comment Mayor Smith called for public comment; none was received.

Motion Commissioner Elsaesser moved approval of a resolution of intention to vacate a three foot strip of the platted, alley right-of-way between Lot 69A in Block 9 of the Beattie Addition and Lots 5-7 in Block 3 of the Bassett Addition and set a public hearing date of May 18, 2015. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Resolution 20159**

C. CONSIDER AN EXTENSION OF THE CONDITIONAL PRELIMINARY PLAT APPROVAL FOR THE CROSSROADS AMENDMENT AT MOUNTAIN VIEW MEADOWS SUBDIVISION INCLUDING COMMERCIAL PHASE II; GENERALLY LOCATED

SOUTH OF HIGHWAY 12, IN HELENA AND LEWIS AND
CLARK COUNTY.

Staff Report

City Planner Lucy Morell-Gengler reported On May 7, 2012, the Helena City Commission gave conditional preliminary plat approval for the Crossroads Amendment at Mountain View Meadows Subdivision creating 956 lots from 442 acres. This approval was for three years and will expire May 7, 2015 unless extended by the city in accordance with City Code Section 12-2-11G.

An amended preliminary plat for Commercial Phase II of the Crossroads Amendment at Mountain View Meadows Subdivision was conditionally approved by the City Commission June 24, 2013. This approval expires in 2016. The applicant has requested that, if the Commission grants an extension, this preliminary plat should be included and extended to the same date to provide consistency and ease of tracking.

There are two property owners for the area proposed for development under the Crossroads at Mountain View Meadows subdivision preliminary plat. A letter dated January 14, 2015 has been submitted on behalf of the Mountain View Meadows developer requesting a three-year extension beyond the current May 7, 2015 expiration (attached). Tract B-2, shown as Block 47 on the preliminary plat, is owned by the International Church of Foursquare Gospel (Foursquare Church). Their representative has also submitted a letter received, January 21, 2015, requesting an extension of the preliminary plat approval.

The City Commission must consider the criteria in City Code Section 12-2-11 (G) when evaluating an extension request. These criteria include changes in the subdivision regulations since preliminary plat approval, the impact delaying infrastructure installation would have on the subdivision phasing and on other developments, and if the approved Findings of Fact and conditions remain relevant and adequate.

Changes to the city subdivision regulations since preliminary plat approval that relate to this request were included in the Commission packet.

Each phase already finalized has adequate infrastructure and is not dependent on future development of this subdivision. As new phases are final platted, they are currently required to provide adequate infrastructure that is not dependent on future phases. There are no other developments in the area that are dependent on infrastructure installation associated with this preliminary plat or that would be impacted by a delay of the public infrastructure to be installed with this development. The Findings of Fact and conditions identified during preliminary plat review remain relevant, adequate, and applicable to the present circumstances of the subdivision and community.

Per the applicant's letter, the circumstance for the requested extension is "Due to the sheer size of the project and number of lots in the Preliminary Plat Approval, it is not feasible to complete this entire project within the original three calendar year approval." When the Crossroads preliminary plat was reviewed in 2012, it was expected final platting the proposed 956 lots would take longer than the three-year time frame and the Findings of Fact noted "The Crossroads subdivision is proposed to be developed in multiple commercial and residential phases."

The applicant has submitted information describing the progress made to meet the conditions. Within the three years since preliminary plat approval, the developer has demonstrated a commitment to completing the subdivision and has shown progress towards that end through extensive infrastructure installation, large annexations, and filing several final plats creating 45 lots and two tracts. The developer has also developed and dedicated to the city a five-acre neighborhood park.

Approval of this large preliminary plat allowed the city to review area-wide infrastructure for the transportation network, water and wastewater, storm water, and recreational needs. This facilitated a better evaluation of main size requirements, system capacities, upgrades, and provided a holistic plan for the mitigation of impacts. Extending the preliminary plat approval would facilitate infrastructure connectivity since infrastructure improvements have been designed and installed based on the overall Mountain View Meadows Subdivision preliminary plat. The original preliminary plat approval established a level of commitment for both the developer and the city; extending the time frame would continue that commitment. Approval would also provide predictability and some sense of security when investing in city development.

The conditions in the Resolution of Intention to Annex (ROI) for this property are tied to the completion of the subdivision conditions; extending the preliminary plat also retains the ROI. The ROI and its timelines are tied to the approval of the preliminary plan and any extensions. This preliminary plat extension would promote development of lots within the city and facilitate mixed-use development consistent with the City Growth Policy in relatively close proximity to jobs, services, schools, and recreational opportunities. Planner Morell-Gengler recommended approval of the extension.

Public comment

Mayor Smith called for public comment.

Valerie Wilson, representing the Helena Valley Faith Center, spoke in support of the extension of the preliminary plat approval.

Motion

Commissioner Ellison moved approval to extend conditional preliminary plat approval until May 7, 2018 for the Crossroads Amendment at Mountain View Meadows Subdivision including the Commercial Phase II Amendment as stated in the Extension Agreement. Commissioner Elsaesser seconded the motion.

Discussion

Commissioner Haque-Hausrath stated she pushed for many of changes to the subdivision regulations that are now in place; however, she believes it is important the city is forward thinking for developments inside the city limits. She will support the motion.

Commissioner Ellison echoed Commissioner Haque-Hausrath's comments. He then spoke of this great subdivision that is located in the city limits and stated he strongly supports the motion.

Commissioner Elsaesser echoed the previous comments. The proposal meets the spirit of the subdivision regulations. The addition of the non-motorized components does mitigate the longer block lengths.

Vote

All voted aye, motion carried.

- D. CONSIDER A RESOLUTION OF INTENTION TO ANNEX PROPERTY LEGALLY DESCRIBED AS LOTS 3-6; BLOCK 305 OF THE BELLEVUE ADDITION, IN LEWIS AND CLARK

COUNTY, MONTANA, WITH A PROPERTY ADDRESS OF 2418 STUART STREET, AND THE ADJACENT SILVERETTE STREET AND ALLEY RIGHTS-OF-WAY.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE PRE-ZONING TO R-2 (RESIDENTIAL) DISTRICT PRIOR TO ANNEXATION INTO THE CITY OF HELENA FOR PROPERTY LEGALLY DESCRIBED AS LOTS 3-6, BLOCK 305 OF THE BELLEVUE ADDITION AND ADJACENT SILVERETTE STREET AND ALLEY RIGHTS-OF-WAY.

Staff Report

City Planner Dustin Ramoie reported the applicant has requested the annexation of Lots 3-6, Block 305 of the Bellevue Addition, adjacent Silverette Street, and alley rights-of-way. The property 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 is developed with a single dwelling and the applicant has petitioned the city for annexation to attain all 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 is proposed to be pre-zoned to the R-2 (Residential) District.

Planner Ramoie recommended approval of the resolution of intention as annexation of the property into the city of Helena will allow utilization all city services for existing structures and any new development, and allow for abandonment of the existing individual well and septic on the property, connection to the City's water and wastewater system, and it will also provide full city services for any new development.

Regarding zoning for the property, the applicant is proposing this pre-zoning and annexation to provide all City services for the single dwelling on the property as well as any future residential development of the property which is limited to the R-2 (Residential) District. City ordinance requires property to be pre-zoned prior to annexation. Current land uses in the area include but are not limited to single-dwelling residential and a worship facility. This pre-zoning would become effective upon annexation.

On April 14, 2015 the Helena Zoning Commission recommended approval for the pre-zoning to the R-2 (Residential) District for the subject property by a 4-0 vote. Planner Ramoie recommended approval of the zoning as proposed.

City Engineer Ryan Leland showed the map of the property, which is in Phase 3 of the proposed Westside annexation project. He noted there is water and sewer across the frontage of the property on Stuart Street; however, in order to get to the sewer, you would have to put a pumping system into the house to pump up to Stuart Street. The water is not looped in the area and one of the requirements in order to get the necessary fire flows, the water system needs to be looped. If the pumping system is not approved, the sewer would need to be extended all the way down Silverette. He gave an overview of what infrastructure would be required.

Engineer Leland stated the applicant has sent an email requesting a variance so they could connect to the sewer in Stuart Street. However, according to the plan, it would require the extension all the way to Silverette. This will be a policy decision of the commission to allow pumping systems. There are ramifications on the overall system, if pumping systems are allowed.

Discussion

Commissioner Haque-Hausrath stated when the commission held the discussion on the Westside annexation, the commission gave the direction that they wanted to avoid to every extent possible not to create the scenario of "winners and losers" when annexing prior to the entire project moving forward. It sounds like from the description given by Engineer Leland, it is intended this property owner would be responsible to pay their portion of upfront costs rather than do something that would be detrimental to the system. She asked if this would be a fair statement. Engineer Leland concurred; however, since this would not be a city project, the property owner would have to pay the upfront costs and then be rebated once other properties are connected.

Commissioner Haque-Hausrath asked how is the rebate calculated on the infrastructure. Engineer Leland stated it is currently calculated on lineal feet on all the properties that it would cross. There has been discussion on the assessment methodology.

Commissioner Elsaesser noted the applicant may ask for a variance, will this be a separate application or could the commission grant the request tonight. Engineer Leland explained it is a request to remove the requirement to install the sewer all the way to Silverette. The commission could act on the variance request tonight or staff could bring it back for consideration. The applicant has submitted the request.

Public Testimony

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

Mary Lucan, applicant, stated she has requested a variance on the sewer, it is cost prohibitive to install the sewer to build one house. Ms. Lucan stated her request includes the installation of a pumping system.

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

Motion

Commissioner Haque-Hausrath moved approval of resolution of intention to annex property legally described as Lots 3-6; Block 305 of the Bellevue Addition, in Lewis and Clark County, Montana, with a property address of 2418 Stuart Street, the adjacent Silverette Street and alley rights-of-way, and establish the conditions of annexation. Commissioner Haladay seconded the motion.

Discussion

City Attorney Jodoin recommended the commission address the variance request, as Condition 1b in the resolution, requires the installation of a wastewater main and appurtenant facilities in Silverette Street and Knight Street across the frontage of the property; and 1c to install a water main and appurtenant facilities in Silverette Street across the frontage of the property.

This is a critical decision whether to approve the conditions as recommended or approve the variance request.

Commissioner Elsaesser stated he is willing to support the motion as is. However, if the motion is amended to allow the variance, could the commission require the applicant to waive the right to protest a future district for the infrastructure. Attorney Jodoin stated once the property owner installs a grinder pump for the two houses, it will be difficult to force them to connect to the sewer. A decision needs to be made now on whether the infrastructure needs to be installed or not.

Commissioner Elsaesser stated this is the resolution of intention; the commission could consider the variance request and amend the resolution prior to annexation.

Attorney Jodoin stated the conditions have to be set with the resolution of intention in order for the property owner to know what the conditions are. Once the conditions are completed, the commission makes the decision on whether to annex or not. Commissioner Elsaesser stated it is not a legal matter on what he described as a right to protest, but a practical matter. It would be difficult to track these systems, once the property owner installs them. Attorney Jodoin concurred; the city has not seen SID's created for infrastructure, the practice has been for the property owner to install it when they annex.

The commission will consider a cost reimbursement resolution on May 18th and there will be conflicting messages on who is supposed to be paying and when the infrastructure has to be installed. It would be clearer if there was a policy on when the infrastructure is required to be installed. This property is not the only one staff is dealing with.

Commissioner Elsaesser asked if there are other houses on the Westside that currently have the individual lift stations. Engineer Leland stated there a number of properties that do have the individual lift stations. Commissioner Elsaesser asked besides the system infrastructure costs, are these systems safe and practical. Engineer Leland stated these systems are allowed by the building industry and it is a common practice to use them.

Mayor Smith asked if these properties are outside the city limits and outside our jurisdiction. Engineer Leland stated there are several properties that use individual lift stations within the city limits.

Commissioner Elsaesser stated this is an application that came through based on the planning of other future commission action. He would be open to allowing the variance with the condition the applicant would pay into the sewer service. Another option would be to table the motion.

Motion

Commissioner Elsaesser moved to allow for the variance described by the applicant but conditional on waiving the right to protest any future SID's related the infrastructure for water and sewer. Commissioner Ellison seconded the motion.

Discussion

Commissioner Elsaesser stated this seems like the applicant is in limbo; the city has allowed this in the past and he would support the variance if is going to shift the property towards community infrastructure in the area.

Commissioner Haladay asked if the commission were to allow this language waiving the right to protest, would that mitigate the problem; this really isn't an SID under the current structure of the reimbursement program. Manager Alles recommended the motion be more specific on how it relates to the project, since it may not be an SID that is created. In addition, an SID cannot be created until the property is

annexed into the city. The commission could also make the decision to install the infrastructure and apply the reimbursement resolution at a later date and not tie this property into a lift station.

Commissioner Haladay commented a project like this is exactly what the reimbursement resolution is proposed for. Manager Alles concurred. Commissioner Haque-Hausrath stated if the commission was to go that route and have some flexibility on how residents would pay at a later date; that is exactly what the reimbursement resolution would do. Manager Alles stated yes.

Commissioner Elsaesser asked if his motion were to say an SID or pay the proportionate of the lineal square feet of this project, would the language be specific enough and specific to the wastewater requirement. He wants to essentially say they could install the lift station; however, would have to pay their share of the future infrastructure improvements. He then asked if Attorney Jodoin could develop language where the property would have to pay their share of future infrastructure improvements.

Attorney Jodoin recommended the assessment methodology be left open for further discussion. The reimbursement resolution recommends the methodology to determine the costs each property owner is responsible for and the proposed repayment mechanism will be determined by the City Commission on a project by project basis. He strongly recommended a deadline on when the property owner has to connect be established. Once the property installs a lift station, there would be no need for them to connect. Therefore, there needs to be language requiring property owners to connect to city infrastructure.

Commissioner Elsaesser asked if language requiring the property owner to connect to city services, once they are installed, within five years be sufficient. Attorney Jodoin stated a certain timeline is appropriate. However, it isn't necessarily the certain time, it is the requirement that people need to connect in order for the city to get their money back. It is fairly complex and it is unclear what the project is going to be. Eventually, every property becomes the end of the line and potentially could ask for a grinder pump. Attorney Jodoin stated he could use the existing condition language in 1b and add the following language "or agree to pay a reimbursement into a program and collect according to a project the city designs". Attorney Jodoin recommended he develop language for commission consideration.

Amended Motion

Commissioner Elsaesser amended his motion to the scenario Attorney Jodoin just described and require the property owner to connect to city service within five years once the project is completed.

Commissioner Ellison stated he is not comfortable waiting five years and the commission has not heard from applicant if they would be willing to discontinue using the grinder pump and hook into city services when the project is completed. Therefore, he will withdraw his second from motion.

Commissioner Haque-Hausrath stated she is interested in the alternative for the city to install the main and then apply the reimbursement resolution. Is this something the city has done in the past. Manager Alles stated the city has installed infrastructure; however, a reimbursement program has not been in place.

Commissioner Haque-Hausrath asked if the commission were to approve the resolution of intention to annex, could the applicant work

with staff to develop a proposal for commission consideration, following the adoption of the reimbursement resolution. Attorney Jodoin stated staff could do that, it would be in the form of bringing the applicant's proposal forward and ultimately the city commission would have to determine if the condition has been met. It would be good to have time to work on language and allow the installation of a grinder pump with the understanding they would have to connect to city services in the future.

Commissioner Haladay commented if the resolution is adopted and the applicant works with city staff on language, the city doesn't have any mechanism to force anybody to connect to city services at this time. Manager Alles concurred.

Commissioner Haladay stated even if the language is crafted, the city may get reimbursed for 1/11th of the project and nothing else.

Commissioner Elsaesser stated he looks forward to hearing from staff addressing this scenario. There may be an option for reconsideration.

Vote

All voted aye, motion carried. **Resolution 20160**

Commissioner Haque-Hausrath moved approval of first passage of an ordinance for a pre-zoning designation to R-2 (Residential) District, amending City of Helena Ordinance No. 2359 and the official zoning map after the property is annexed; for property legally described as Lots 3-6, Block 305 of the Bellevue Addition, Helena, Montana. Commissioner Ellison seconded the motion. All voted aye, motion carried.
Ordinance 3209

B. CONSIDER A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF ALL REMAINING PORTIONS OF LOTS 3 AND 4 AND THE PREVIOUSLY VACATED ALLEY ADJACENT TO LOT 4, ALL IN BLOCK 103 OF THE NORTHERN PACIFIC SECOND ADDITION, TO THE STATE OF MONTANA.

Staff Report

City Controller Glenn Jorgenson reported the State of Montana-Department of Transportation is requesting the City sell two pieces of property to facilitate the reconstruction of the I-15 overpass. The property is legally described as all remaining portions of Lots 3 and 4 and the previously vacated alley adjacent to Lot 4, all in Block 103 of the Northern Pacific Second Addition, tax Ids 5258 and 21783. The State hired an independent appraiser who valued the two properties at \$28,450. The value appears reasonable when compared to the surrounding properties market value as determined by the Department of Revenue. The widening of the I-15 overpass will benefit the City's traffic needs in the future. Also, the ability to build on the property is questionable as the only approach is an alley.

Staff requested input from other City departments and no one expressed a need for either property. Legal notice was published twice and notice was sent to all properties within 300 feet of the subject property; no response was received from any of the property owners.

Controller Jorgenson recommended approval of the sale as the identified highway improvements will benefit all City residents and the

City will no longer have to pay assessments for property that provides no use to any City department.

Discussion Commissioner Elsaesser asked if the city will sell the property to MDT. Controller Jorgenson stated yes for the value of \$28,450.

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

Pat Nugent, 2110 Livingston Avenue, stated he is not opposed to sale of property. He wants to make sure the alley access remains open for solid waste services and access to his garage.

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

Discussion Commissioner Ellison referenced the lower rectangle on the map and asked if it has been vacated. Controller Jorgenson stated the alley will remain an alley up to the property lines. He also showed an existing encroachment upon city property. Commissioner Ellison asked if it would be fair to say the alley shown on the map, running east/west will remain an alley and remain useable. Controller Jorgenson stated yes, up to the edge of the property.

Commissioner Haque-Hausrath asked if the dumpsters would need to be re-located. Engineer Leland stated staff will have to see where the dumpsters are located; if they are on city property there will be no changes.

Commissioner Elsaesser asked would the resolution give authority to take the cash or do a land swap. Manager Alles stated the resolution is written where MDT will pay the city.

Motion **Commissioner Ellison moved approval of a resolution authorizing the conveyance of surplus real property owned by the City of Helena.** Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20161**

Public Communications PUBLIC COMMUNICATIONS
No public communications were given.

Meetings of Interest MEETINGS OF INTEREST
Budget Work Session, May 6th at 3:00 p.m., Room 326; Joint Work Session on May 7th at 4:00 p.m., Room 326.
The next Administrative Meeting is May 13, 2015 and the next Commission Meeting is May 18, 2015.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 7:55 p.m.

/S/ JAMES E. SMITH
Mayor James E. Smith

ATTEST:

/S/ DEBBIE HAVENS
Clerk of the Commission