

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 11, 2016
6:00 P.M.

- Time & Place*** A regular City Commission meeting was held on Monday, July 11, 2016 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present*** Mayor Smith indicated for the record that Commissioners Ellison, Haladay, Noonan and Farris-Olsen were present. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. No one was present to represent 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 June 20, 2016 were approved as submitted.
- Board Appointments*** BOARD APPOINTMENT:
A. Public Art Committee
- Mayor Smith recommended the following board appointment.
- Public Art Committee – Appointment of Mitch Carroll to an unexpired term on the Public Art Committee; term begins upon appointment and expires December 31, 2017.
- Public comment Mayor Smith asked for public comment, none was received.
- Motion*** **Commissioner Noonan moved approval of the appointment to the Public Art Committee as indicated above.** Commissioner Ellison seconded the motion. All voted aye, motion carried.
- Consent Agenda*** CONSENT AGENDA:
A. Claims
B. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Business Improvement District (BID) for fiscal year 2017 and set a public hearing date of August 22, 2016.
C. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Tourism Business Improvement District (TBID) for fiscal year 2017 and set a public hearing date of August 22, 2016.
D. Resolution of intention to increase water rates for all customers and set a public hearing date of August 22, 2016.
E. Resolution of intention to increase water charges for all customers and set a public hearing date of August 22, 2016.
F. Resolution of intention to increase wastewater rates for all customers and set a public hearing date of August 22, 2016.
G. Resolution of intention to increase wastewater charges for all customers and set a public hearing date of August 22, 2016.
H. Resolution of intention to specify the assessment option and levy

an assessment upon all property in the Landfill Monitoring and Maintenance District for fiscal year 2017 and set a public hearing date of August 22, 2016.

- I. Resolution of intention to levy an assessment upon all property in the Urban Forest Management District for fiscal year 2017 and set a public hearing date of August 22, 2016.
- J. Resolution of intention to amend the boundaries and levy an assessment upon all property in the Open Space Maintenance District No. 1 for fiscal year 2017 and set a public hearing date of August 22, 2016.
- K. Resolution of intention to specify the assessment option, amend the boundaries and levy and assess the annual charge for Street Maintenance District #1 for fiscal year 2017 and set a public hearing date of August 22, 2016.
- L. Resolution of intention to amend the boundaries and levy an assessment upon all property in the Storm Water Utility District for fiscal year 2017 and set a public hearing date of August 22, 2016.
- M. Resolution of intention to establish charges for collection and disposal of residential garbage and refuse in the City of Helena, Montana, for fiscal year 2017 and set a public hearing date of August 22, 2016 .
- N. Resolution of intention to levy an assessment upon all property in the Special Street Lighting Districts to defray the costs of installing and maintaining improvements for fiscal year 2017 and set a public hearing date of August 22, 2016.
- O. Resolution of intention to levy and assess a tax on all properties in the Special Improvement Districts to defray the cost of maintaining improvements for fiscal year 2017 and set a public hearing date of August 22, 2016.
- P. Resolution of intention to levy assessments for fiscal year 2017 for improvements made to properties in the Sidewalk Improvement Districts and set a public hearing date of August 22, 2016.

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

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved approval of item A through P on the consent agenda. Commissioner Farris-Olsen seconded the motion.

Comment

Commissioner Haladay thanked City staff and his fellow Commissioners for a thorough and thoughtful discussion on the FY17 rates; it was the best review process he's experienced so far while on the Commission. He discussed the challenges of increasing costs for City services in tandem with ensuring each division and/or special district is provided enough funding to carry out their charge, while also remaining mindful that capital improvement projects be funded and performed when scheduled instead of waiting for the improvements to occur due to emergency infrastructure failure. Commissioner Farris-Olsen agreed with Commissioner Haladay's sentiments.

Commissioner Ellison also commended the budget review

process for the new fiscal year. He concurred with Commissioner Haladay's comments and encouraged all interested citizens to attend the August 22nd Commission Meeting to provide testimony for or against the proposed rate increases.

Vote All voted aye, motion carried.

Bid Award

BID AWARD

A. 2016 Bus Stop ADA Improvements, City Project #16-22

Staff Report

City Engineer Ryan Leland reported In order to establish a two-fixed route bus system, the Engineering Division put out a design/build bus stop project to comply with the current ADA standards and Montana Code Annotated requirements. This project will update a total of 16 bus stop locations. The improvements include an ADA compliant bus stop pad and in some locations sidewalks and ADA ramps will be installed.

The City received 2 bids for the 2016 Bus Stop ADA Improvements. One bid was rejected since that bidder did not attend the mandatory pre-bid meeting. The remaining and apparent low bidder for the project was Helena Sand & Gravel, Inc. of Helena, MT with a bid of \$121,775.00. Engineer Leland indicated the bid exceeded the engineer's estimate, \$79,623.50, by \$42,151.50. Having received only one bid, which exceeded the proposed estimate by approximately 35%, staff does not support award of the bid for the 2016 Bus Stop ADA Improvements, City Project #16-22 at this time; and requested the Commission formally reject Helena Sand's submission. He noted staff is confident the project can be completed for less.

Engineer Leland stated a formal rejection will allow for the City to reevaluate how to move forward with the project, without spending funds unnecessarily.

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

Motion

Commissioner Farris-Olsen moved to reject the bid from Helena Sand and Gravel for the 2016 Bus Stop ADA Improvements, City Project #16-22, submitted by Helena Sand & Gravel, Inc.
Commissioner Haladay seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Ellison congratulated Administrative Services Director Glenn Jorgenson for his work in refinancing the City's Jackson Street Parking Garage- Series 2009 Bonds. He noted while Director Jorgenson maintains his low-key style, the annual savings of approximately \$100,000 will save the City a significant amount of money over the life of the bonds. He commended Director Jorgenson and City Manager Alles for their continued efforts to save the City money.

Commissioner Noonan announced Chalk up Helena! Would be held Saturday, July 16th and encouraged interested citizens to participate in the annual event.

Mayor Smith commented on a murder that occurred in Helena on July 7th and expressed concern and appreciation for the officers of the Helena Police Department (HPD), as a horrible crime such as that induces a great deal of stress on the entire department. He requested

Chief McGee assure his officers that they have the support and confidence of the Commission.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

Attorney Jodoin reported the City's response to the "Westside Annexation lawsuit" is due Wednesday, July 13, 2016. He indicated he would provide the Commission with copies of the response prior to its submission for any comments and feedback the Commission members may have.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Alles concurred with Mayor Smith's comments in support of the HPD. He referred to a large fire that recently occurred at a storage unit site in Helena and relayed Fire Chief Emmert's comments that the inter-agency cooperation was outstanding and commented on the excellent protection Helenans receive from both emergency responders.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was given.

Regular Items

REGULAR ITEMS:

A. CONSIDER A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA PROPERTY LEGALLY DESCRIBED AS LOTS 31-32 IN BLOCK 182 LOCATED PARTIALLY IN THE SYNDICATE ADDITION AND PARTIALLY IN THE BROOKE ADDITION, LEWIS AND CLARK COUNTY, MONTANA; INCLUDING THE ADJACENT RIGHTS-OF-WAY, AND ESTABLISH CONDITIONS OF ANNEXATION FOR SAID PROPERTY.

Staff Report

Senior City Planner Dustin Ramoie reported The applicant has requested the annexation of Lots 31-32 in Block 182 located partially in the Syndicate Addition and partially in the Brooke Addition, and adjacent Choteau 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 vacant and the applicant wishes to develop the lots with a single residential dwelling and as a result 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 was pre-zoned to the R-2 (Residential) District by adoption of Ordinance #3206 on April 6, 2015. Resolution of Intention to Annex #20152 was passed on March 23, 2015, which included the subject property for this proposal. However, that resolution is outdated and the applicant has re-applied with a new development proposal for just the two lots instead of the original six lots as was previously requested. Therefore, a new Resolution of Intention to Annex would be better suited to address the needs of this specific annexation proposal.

Senior Planner Ramoie recommended approval of the resolution of intention as annexation of the subject property will allow for the vacant

lots to be developed with a residential dwelling on city water and wastewater services to full city standards; which is more efficient than development on individual well and onsite septic systems.

Public comment

Mayor Smith called for public comment.
Marjorie Wilmer, applicant; urged the Commission to support her request for annexation.

Motion

Commissioner Ellison moved approval for a resolution of intention to annex the subject property and the full width of the adjacent Choteau Street and alley rights-of-way, as legally described in the attached Resolution of Intention to Annex, and establish conditions for annexation as stated in the resolution.

Commissioner Haladay seconded the motion. All voted aye, motion carried. **Res #20272**

B. CONSIDER A RESOLUTION OF INTENTION TO VACATE A PORTION OF THE PLATTED ALLEY LOCATED BETWEEN LOTS 1-5 AND LOT 6 IN BLOCK 1 OF THE GRAND AVENUE ADDITION.

Engineer Leland reported the Mergenthaler Family LLC, Applicant, is requesting to vacate the alleys located in Grand Avenue Addition within Block 1 and adjacent to Lots 1-5, and Lot 6. The City has been working with the applicant, and several adjacent property owners to clean up property boundaries in the area.

The applicant wishes to vacate the existing alley in the Grand Avenue Addition since a structure was constructed over the alleys years ago. The square footage of the alley to be vacated is approximately 2142. The square foot value for the alley is \$6.97 per square foot. The approximate total cost for the applicant is \$14,929.74. The final survey will determine the total square footage and final cost of the vacation.

Engineer Leland recommended approval of the resolution of intention as vacation of the subject property will allow the applicant to clean up and amend the plat so the alley under the existing structure will become deeded property.

Discussion

Commissioner Haladay read from City Code Section 7-1-7, which reflects the process to be utilized by the City to formulate the costs for closures and vacations. He expressed concern that several property vacations have not been done in accordance with the ordinance and asked Attorney Jodoin for the reason behind deviation from the ordinance.

Attorney Jodoin explained he had researched the issue and could not find an explanation or gain an understanding as to why the City does not include improvements to the property when calculating the fee.

Commissioner Haladay noted while he understands the reason for the sometimes exclusion of improvements from the valuation of land requested for vacation by the City; other times the structures should be included when identifying the value and associated fee for such properties.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Noonan moved approval for a resolution of intention to vacate a the subject alley adjacent to Lots 1- 5 and Lot 6

in Block 1 of the Grand Avenue Addition and set a public hearing for July 25, 2016. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Res #20273**

C. CONSIDER ENLARGEMENT OF THE CITY OF HELENA'S WATER AND WASTEWATER SERVICE AREA BOUNDARIES FOR PROPERTY LEGALLY DESCRIBED AS THE NORTH OF "M&B" (BOOK 266 PAGE 805), THE SOUTH 1/2 OF THE "M&B" PROPERTY (BOOK 256 PAGE 69), AND LOTS R1 AND R2 AS SHOWN ON CERTIFICATE OF SURVEY #3104218; GENERALLY LOCATED WEST OF GOLD AVENUE.

Staff Report

Engineer Leland reported the owners of the property adjacent to the 2000 and 2100 blocks of Gold Avenue, are requesting the expansion of the City of Helena's water and wastewater boundaries. The property is legally described as the north of "M&B" (Book 266 page 805), the south 1/2 of the "M&B" property (Book 256 page 69), and Lots R1 and R2 as shown on certificate of survey #3104218; generally located west of Gold Avenue.

The owners of the property, Daisy Gruber along with the applicant Gabe Nistler, are requesting an enlargement of the water and wastewater service areas. This will allow the applicant to develop the property. City water and sewer mains are located adjacent to the subject property in Gold Avenue. The conditions applied to this boundary extension are for the developer to extend water and sewer mains and provide easements to provide access to the utilities for Lots R1 and R2. This allows all three parcels to have access to the utilities.

He recommended approval of the extensions as the proposal would allow the utilization of city service for in-fill development within the city limits.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Ellison moved approval for enlargement of the City of Helena's Water and Wastewater Service Area boundaries for property legally described as the north of "M&B" (Book 266 page 805), the south 1/2 of the "M&B" property (Book 256 page 69), and Lots R1 and R2 as shown on certificate of survey #3104218; generally located west of Gold Avenue, subject to the conditions outlined above. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A MINI-STORAGE FACILITY FOR A STORAGE PARKING AREA AND FUTURE MINI-STORAGE BUILDINGS TO BE LOCATED IN THE B-2 (GENERAL COMMERCIAL DISTRICT) DISTRICT, WITH A PROPERTY ADDRESS OF 3108 MCHUGH LANE.

Staff Report

City Planner Ellie Ray reported the applicant and property owner are looking to obtain a Conditional Use Permit (CUP) to allow a Mini-storage Facility Use to be located at 3108 McHugh Lane. The property is 52,795 square feet (1.212 acres) and is located in the B-2 zoning district. Helena City Code requires a Conditional Use Permit (CUP) be obtained

to establish a Mini-storage Facility in the B-2 District. On June 14, 2016, the Helena Zoning Commission voted 3-0 to recommend approval of the CUP with recommended conditions in the staff report

The proposed use will provide storage opportunities to surrounding residents and businesses, notably to those living in the newly built Remington Apartments complex to the north and west of the property. The lot is currently underutilized commercial space, with connections to city services.

Planner Ray noted expressed support for the proposal noting its approval will promote reuse of an underutilized site with existing connections to city services and infrastructure. It may also reduce vehicular emissions because customers who would otherwise patronize storage services in the county will now have an opportunity to utilize the same business within city limits.

Public Testimony

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

Jeff Larson, representing the applicant; urged the Commission to approve the CUP.

Ben Wasoski; Superintendent for the school on the property; spoke in support of the proposal.

Alan Bock, Helena; requested the Commission approve the permit application and discussed the reasons the property is a great location for the proposed use.

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

Motion

Commissioner Haladay moved approval for a resolution granting a Conditional Use Permit (CUP) to allow a Mini-storage Facility for a storage parking area and future mini-storage buildings to be located in the B-2 (General Commercial District) District.

Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20274**

B. CONSIDER A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR DISPOSAL OF GARBAGE AND REFUSE AT THE CITY OF HELENA TRANSFER STATION FOR FISCAL YEAR 2017.

Staff Report

Administrative Services Director Glenn Jorgenson reported the City and Lewis & Clark County jointly analyze and agree each year on a recommended tipping fee for the operation of the City Transfer Station and the Lewis & Clark County Landfill.

The City is proposing to leave the Transfer Station tipping fee at \$30.75; the County Landfill is proposing to lower their tipping fee to \$30.00 (a decrease of \$1.25). The Public Works Department is recommending a total tipping fee of \$60.75 (a decrease of \$1.25 per ton) for fiscal year 2017.

Director Jorgenson recommended approval of the resolution in order for the Department to set rates to be used by the Transfer Station for fiscal year 2017.

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 Farris-Olsen moved approval for a resolution setting fees charged for disposal of garbage and refuse at the City of Helena Transfer Station for fiscal year 2017. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20275**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is July 20, 2016 and the next regular City Commission Meeting is July 25, 2016.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:03 p.m.

/S/ JAMES E. SMITH

Mayor

ATTEST:

/S/ DEBBIE HAVENS

Clerk of the Commission