

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 25, 2016
6:00 P.M.

- Time & Place*** A regular City Commission meeting was held on Monday, July 25, 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. Others present were Eric Kiltz 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 July 11, 2016 were approved as submitted.
- Board Appointment BOARD APPOINTMENT:
A. ADA Compliance Committee and Building Board of Appeals
ADA Compliance Committee - Appointment of the following individuals:
James S. Bissett, Jr. – Disabled Community representative
Jim Whaley – Architect
Kirk Fuzesy – Medical Field representative
Robert Maffit – Disabled Community representative
All terms will begin upon appointment and expire September 1, 2019.
Building Board of Appeals - Appointment of David Nielsen, Consumer/Citizen representative on the Building Board of Appeals. Term will begin upon appointment and expire December 31, 2021.

Commissioner Ellison moved approval of the appointments to the ADA Compliance Committee and Building Board of Appeals as listed above. Commissioner Haladay seconded the motion. All voted aye, motion carried.
- Consent Agenda*** CONSENT AGENDA:
A. Claims
B. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the sale or disposal of that property (vehicles and miscellaneous equipment). **Res #20276**

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 items A and B on the consent agenda.** Commissioner Noonan seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Noonan applauded the Archie Bray Foundation on their 65th anniversary. He also congratulated the Myrna Loy Center on celebrating 40 years since opening as 2nd Story Cinema and 25 years providing art and entertainment to the community from their current location.

Mayor Smith spoke of a recent discussion with area Fire Department representatives; they relayed it is extremely dry in the forest. He requested all citizens be mindful of this as they recreate during these warm summer months.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles gave a brief update regarding the Street Department's ongoing mill/fill/overlay project on Montana Avenue, South of Winne.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Eric Kiltz provided list of issues the council has been discussed by the HCC at their monthly meetings.

He noted an item of interest at the HCC's next meeting is the use of a social media platform called "Next Door" which is marketed as a Facebook for neighborhoods.

Regular Items

REGULAR ITEMS:

- A. CONSIDER APPROVAL OF AMENDMENT NO. 2 TO THE CONTRACT WITH DOWL FOR THE JOSLYN STREET PATH, CITY PROJECT #14-23.

Staff Report

City Engineer Ryan Leland reported Amendment No. 2 being proposed for the City's Joslyn Street Path Project will allow for additional construction inspection time to ensure stricter quality control and ultimately a better end product for City/County residents. He indicated several changes have occurred to the original contract due to rearrangement of the path's course in the early stages of the project.

Public comment

Mayor Smith called for public comment.

Motion

Commissioner Haladay moved approval of Amendment No. 2 to the Joslyn Street Path-City Project #14-23, as outlined in the consultant's letter of request (included in the Commission packet) dated June 7, 2016. Commissioner Ellison seconded the motion. All voted aye, motion carried.

- B. CONSIDER A RESOLUTION ANNEXING LOTS 3-8 & 25-27 BLOCK 165, OF THE WALLACE SUBDIVISION IN THE SYNDICATE ADDITION, LOTS 1-16 IN BLOCK 164 OF THE SYNDICATE ADDITION, AND LOT 24 IN BLOCK 165 OF THE SYNDICATE ADDITION, ALL IN LEWIS AND CLARK COUNTY, MONTANA AND THOSE PORTIONS OF CHOTEAU STREET, CANNON STREET, LINDEN STREET, AND THE ALLEY

RIGHTS-OF-WAY ADJACENT THERETO, INTO THE CITY OF
HELENA, MONTANA.

Staff Report

Senior Planner Ramoie reported the applicants have completed the conditions required for annexation and are now requesting the annexation of the subject properties. The applicants would like to annex the properties to obtain wastewater and other city services and to utilize the properties with an R-2 (Residential) zoning designation. At the July 13, 2015 City Commission meeting, Resolution of Intent to Annex #20177 was passed unanimously (5-0). This resolution established the conditions to be met in order for the properties to be annexed.

The subject properties were pre-zoned by Ordinance #3205 to the R-2 (Residential) District by the Helena City Commission on March 23, 2015.

At the time of initial application for annexation, the septic systems at 1815 and 1818 Choteau Street had failed; those properties are currently connected, under emergency connection provisions, to the recently installed wastewater main adjacent to their lots. The other properties will be eligible to connect to the city-installed wastewater main once the annexations being proposed are approved. All of the subject properties are currently served by city water.

Because the City has a reimbursement resolution in place and installed the wastewater main the subject properties will be connecting to, the applicants will be required to pay their proportional share of the wastewater infrastructure costs prior to connection to the main, in addition to standard permitting and system development fees.

Planner Ramoie recommended approval of the annexation being requested by those properties identified in the proposed resolution.

Public comment

Mayor Smith called for public comment.

Brigit Holland, 1801 Choteau, applicant; discussed how the applicants/neighbors were able to resolve these serious problems by working together. Ms. Holland thanked the Commission for supporting their request for annexation and City staff for their assistance throughout the process.

Comment

Commissioner Ellison thanked the applicants for initiating and working together to obtain approval to annex into the City of Helena. Mayor Smith welcomed the subject property owners into the City limits.

Motion

Commissioner Ellison moved approval of a resolution annexing Lots 3-8 & 25-27 Block 165, of the Wallace Subdivision in the Syndicate Addition, Lots 1-16 in Block 164 of the Syndicate Addition, and Lot 24 in Block 165 of the Syndicate Addition, all in Lewis and Clark County, Montana and those portions of Choteau Street, Cannon Street, Linden Street, and the alley rights-of-way adjacent thereto, into the City of Helena, Montana, as legally described in the resolution of annexation. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Res #20277**

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION VACATING THE FULL WIDTH OF THE EAST-WEST ALLEY RIGHT-OF-WAY BETWEEN LOTS 1-5 AND LOT 6 IN BLOCK 1 OF THE GRAND AVENUE ADDITION.

Staff Report

Engineer Leland reported the applicant wishes to vacate the exiting alley in the Grand Avenue Addition, as the structure was constructed over the alleys. The square footage of the alley to be vacated is approximately 2,142. 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 proposed vacation as it would allow the applicant to clean up and amend the plat, and the alley under the existing structure will become deeded property.

Public Testimony

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

Jeff Hindoien, Jackson, Murdo & Grant Law Firm, representing the applicant; provided the history behind several recent requests for the Commission to vacate ROW for various properties in the same area and noted an amended plat containing all of those changes would be brought before the Commission for approval in the near future. He thanked everyone involved for their work to ensure the records relating to property owned by the affected parties are accurate.

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

Motion

Commissioner Noonan moved approval of a resolution vacating the full width of the east-west alley right-of-way between Lots 1-5 and Lot 6 in Block 1 of the Grand Avenue Addition.

Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20278**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is scheduled for August 3, 2016 and the next Commission Meeting will be held August 8, 2016.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:24 p.m.

/S/ JAMES E. SMITH

Mayor

ATTEST:

/S/ DEBBIE HAVENS

Clerk of the Commission