

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 22, 2017 - 6:00 P.M.
City Commission Chambers, Room 330**

- Time & Place** A regular City Commission meeting was held on Monday, May 22, 2017 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 and Noonan were present. Commissioner Farris-Olsen was excused. City Manager Ron Alles, City Attorney Thomas Jodoin and City Clerk Debbie Havens were present.
HCC Representative Gary Spaeth was also present.
- Pledge of Allegiance** Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.
- Moment of Silence** Mayor Smith asked for a moment of silence in honor of Broadwater County Deputy Mason Moore.
- Minutes** The minutes of the regular City Commission meeting of May 8, 2017 and were approved as submitted.
- Presentation** PRESENTATION:
A. Confirmation of Probationary Firefighters Dillon DeLaHunt and Brent Wunderlich.

Fire Chief Emert reported Firefighters Dillon DeLaHunt and Brent Wunderlich have successfully completed their one-year probation and recommended they be confirmed. He then spoke on each of their backgrounds and being Helena natives.

Mayor Smith gave the Oath of Office to Firefighters Dillon DeLaHunt and Brent Wunderlich.
- Public Comment Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Ellison moved the confirmation of Firefighters Dillon DeLaHunt and Brent Wunderlich.** Commissioner Haladay seconded the motion. All voted aye, motion carried.

Firefighters DeLaHunt and Wunderlich addressed the commission and thanked their families, Fire Chief Emert and the fire department for the opportunity to work at the city of Helena.
Commissioner Ellison congratulated Firefighters DeLaHunt and Wunderlich. He also recognized and thanked the Helena Fire Department for their services to the city of Helena.
Commissioner Noonan commented that he is very proud of the work the Helena Fire Department does for the citizens of Helena.
Mayor Smith welcomed Firefighters DeLaHunt and Wunderlich and assured them the commission will do their part in assuring they are well trained and equipped to do their job.
- Proclamation** PROCLAMATION:
A. City of Helena Don't Fry Day
Mayor Smith read the City of Helena Don't Fry Day Proclamation and presented it to Karrie Fairbrother.
Ms. Fairbrother thanked Mayor Smith for the proclamation and spoke on the importance of protecting your skin when out in the sun.

- Board Appointments** BOARD APPOINTMENTS:
A. Helena Zoning Commission and Tourism Business Improvement District (TBID)

Mayor Smith recommended the following appointments:
Appointment of Ada Montague to an unexpired term on the Helena Zoning Commission. Term will begin upon appointment and expire September 30, 2017.

Appointment of Karena Bemis to a first term on the TBID. Term will begin upon appointment and expire April 20, 2021.

Public Comment Mayor Smith asked for public comment. Larry Lambert, owner of Baymont Suites, stated this is the second time he has applied for the position and has been an hotelier for many years.

Becky Henney, general manager of Baymont Suites, spoke in support of Mr. Lambert and read a letter of support from Cathy Burwell, President of the Helena Chamber of Commerce.

Mayor Smith noted he had forgotten the previous discussion with Mr. Lambert and assured him that he will be the next appointment to the TBID.

Motion Commissioner Haladay moved approval of the board appointments to the Helena Zoning Commission and the TBID as outlined above. Commissioner Noonan 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. Resolution 20338
C. Resolution of Intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station, repeal Resolution 20275. Resolution 20339

City Manager Alles recommended approval of the claims.

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

Motion Commissioner Haladay moved approval of Items A-C on the consent agenda. Commissioner Ellison seconded the motion. All voted aye, motion carried.

- Bid Award** BID AWARD:
A. Prospect Avenue Water Main Replacement, Project No. 16-8

Staff Report City Engineer Leland reported presently there is a 6 inch water main in Prospect Avenue, west of Montana Avenue to North Hoback Street. This project is replacing an old cast iron main that is subject to leaks and low flows due to the age and size of the main. The project is replacing the 6 inch water main with an 8 inch ductile iron. The project is also replacing one hydrant and 5 gate valves as well as 26 services from the new main to the existing curb box. This project will increase reliability of the system as well as fire flows.

The City received 8 bids for this project on April 25, 2017. The lowest responsible bidder for the project was Hard Rock Road Building & Utilities Inc., of Helena with a bid price of \$237,572.50.

The cost for this project is planned to be paid for out of the Water Utility fund.

Replacing the water main will increase capacity and fire flows for the 26 residents and one commercial business.

Engineer Leland recommended awarding the Prospect Avenue Water Main Replacement Project, Project No. 16-8 to the lowest responsible bidder, Hard Rock Road Building & Utilities, Inc. in the amount of \$237,572.50.

Discussion Commissioner Ellison referred to the work sheet and asked if the engineer's estimate was \$384,096.50. Engineer Leland concurred.

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

Motion **Commissioner Noonan moved to award the Prospect Avenue Water Main Replacement Project, Project No. 16-8 to the lowest responsible bidder, Hard Rock Road Building & Utilities, Inc. in the amount of \$237,572.50.** Commissioner Haladay seconded the motion. All voted aye, motion carried.

B. 2017 Chip & Seal Project, City Project 17-13

Staff Report City Engineer Leland reported the 2017 Chip & Seal project will add a new wear surface and pavement sealer by applying a single application of asphalt material, followed by spreading a 3/8-inch gravel chip. The City opened three bids for this project on April 25, 2017. Helena Sand & Gravel Inc. was the lowest responsible bidder for Schedules; A, South East City Streets (East/West); B, South Central City Streets (North/South/East/West); C, South Central City Streets (North/South/East/West); D, South Central City Streets (North/South/East/West); E, North Central City Streets (North/South/East/West); and F, (North/South) for a total of \$327,044.99 with a unit price \$1.26 of per square yard. Last year's unit price was \$1.28 per square yard.

The new wear surface will extend the life of 13.2 miles of city streets.

Engineer Leland recommended awarding Schedules A, B, C, D, E, and F of the 2017 Chip & Seal project to the lowest, responsible bidder, Helena Sand & Gravel in the amount of \$327,044.99.

Discussion Commissioner Ellison asked if the contractor's know what the engineer's bid is prior to bidding the project. Engineer Leland stated it is public information; staff doesn't advertise the amount; however, the contractors do ask.

Commissioner Haladay asked why the schedules are broken out into sections and not blocks. Engineer Leland noted the Street Department prepares the schedules and/or the streets are different widths.

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

Motion **Commissioner Ellison moved to award Schedules A, B, C, D, E, and F of the 2017 Chip & Seal project to the lowest, responsible bidder, Helena Sand & Gravel in the amount of \$327,044.99** Commissioner Noonan seconded the motion. All voted aye, motion carried.

Communications From Commissioners COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
 Commissioner Haladay referred to a letter from the Friendship to purchase a brick and asked that this be discussed at the budget work session on May 23, 2017.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
 No items to report on.

Report of the City Manager REPORT OF THE CITY MANAGER
 City Manager spoke of a tragic death due to carbon monoxide; on May 30th there will be carbon monoxide training in Room 326. The commission and public are invited to attend.

Report from the Helena Citizens REPORT FROM THE HELENA CITIZENS COUNCIL
 HCC Chair Spaeth reported the HCC's meeting is scheduled for Wednesday, May 24th at 7:00 p.m. Chair Spaeth spoke of the importance of the "Don't Fry Day" proclamation. He also thanked Sharon Haugen for attending the April HCC meeting. Mr. Spaeth stated he was at the Sixth Ward community garden event on Saturday, May 20th.

- Regular Items** REGULAR ITEMS:
- A. CONSIDER A RESOLUTION AMENDING RESOLUTION OF INTENTION NO. 19911 TO DEFER THE DEDICATION AND TRANSFER OF THE FIRE STATION LOT TO A LATER PHASE OF THE UPLANDS OF CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION IN LEWIS AND CLARK COUNTY INTO THE CITY OF HELENA, MONTANA.
 - B. CONSIDER A RESOLUTION ANNEXING A PORTION OF THE UPLANDS PHASE 1 OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION, GENERALLY LOCATED SOUTH OF ALICE STREET AND JEANETTE RANKIN DRIVE, IN LEWIS AND CLARK COUNTY, MONTANA INTO THE CITY OF HELENA, MONTANA.
 - C. CONSIDER THE FINAL PLAT FOR UPLANDS PHASE 1 OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION CREATING 24 LOTS, 2 TRACTS, AND STREET RIGHT-OF-WAY (ROW); GENERALLY LOCATED SOUTH OF ALICE STREET AND JEANETTE RANKIN DRIVE, IN THE CITY OF HELENA, MONTANA.

Amending Resolution 19911 Planner Morell-Gengler reported the developer stated in the application *the proposed fire station lot has not been platted and is not included as part of Uplands Phase 1. The proposed lot does not currently have water or sewer service. The applicant requests that this annexation condition be amended to say, "This property must be dedicated to the City of Helena with the annexation and plating of a phase of the Crossroads Amendment at Mountain View Meadows that includes the proposed fire station lot."*

Reviewing the background for the establishment of this annexation condition may help in evaluating the applicant's request. In 2005, the resolution of intention to annex Aspen Park, the first component of the Mountain View Meadows development, was passed. A fire station lot had been proposed by the developer but the location was not in a centralized area. The City asked that the fire station lot be located in a region that could better serve future development in the area. A lot for a possible fire station was required by the conditions of annexation in Resolution 19191 due to the anticipated size of the entire Mountain View Meadows development, the

distance to the nearest fire station, and the future need to have a fire station east of Interstate 15. This resolution required the developer to either provide a fire station lot or enter into an agreement with the City of Helena to provide a fire station lot with the location and size subject to approval by the City Fire Department.

As the area of the Mountain View Meadows development preliminary plat expanded, this requirement was continued in subsequent annexation conditions. On May 7, 2012, the Helena City Commission approved the Resolution of Intention to Annex (Resolution No. 19911) for the amended Crossroads at Mountain View Meadows Subdivision. At that time, the applicant proposed dedicating Lot 1, Block 7 on the corner of Crossroads Parkway and Jeanette Rankin Way to the City for a possible fire station. A fire station at this location would not only serve the Mountain View Meadows development but other properties in the area. Although this lot has been proposed, future study and evaluation is still necessary to verify the need and available funding for a fire station prior to construction at this location.

Although, the current annexation condition requires dedication of the property to the city with the first phase, delaying this transfer until more of the area has been built out and infrastructure installed would be consistent with the intent of the condition. The area identified for the possible fire station has been rezoned PLI (Public Lands and Institutions) District. This zoning would limit the type of development on that property even though the property has not been transferred to the city.

The development of a fire station in the area by the City is not anticipated in the near future, thus the proposed change to the language of the annexation condition delaying transfer of the "fire station lot" to the city is not anticipated to have a significant negative impact.

The property owner is requesting to amend annexation condition number three to require dedication of a lot to the City for a possible fire station when the phase containing the lot has been final platted. The amendment to the Resolution of Intention 19911, specifically condition 3, as follows:

The proposed fire station lot must include all of the property located west of the drainage and south of the Crossroads Parkway and Jeanette Rankin Way intersection, as shown on the Crossroads Amendment at Mountain View Meadows preliminary plat, to provide a lot more suitable for operation of a Helena Fire Department fire station. This property must be dedicated to the City of Helena with the annexation of the Uplands phase of the Crossroads Amendment at Mountain View Meadows preliminary plat that includes the property described above.

Delaying transfer of the proposed lot to the City until infrastructure has been provided is consistent with the intent of the annexation condition and will better accommodate future development of the property for the provision of city services.

Planner Morell-Gengler recommended approval of a resolution amending Resolution of Intention 19911 to defer the dedication and transfer of the "fire station lot" to a later phase of the Uplands of Crossroads at Mountain View Meadows Subdivision in Lewis and Clark County into the City of Helena, Montana.

Planner Morell-Gengler reported the owner of this property, Mark Runkle representing R and D Partners LLC, (now known as Mountain View Meadows, LLC) has requested annexation for approximately 4.2 acres described as Lots 1-3 in Block 9, Lots 4-8 in Block 12, and Lots 4-9 in Block 22 including portions of Elouise Cobell Street and Uplands Avenue rights-of-way (ROW) as shown on the final plat of Uplands Phase 1. On May 7, 2012, the Helena City Commission approved the Resolution of Intention to Annex (Resolution No. 19911), R-2 (Residential) District rezoning (Ordinance No. 3157) and approved the revised preliminary plat for the Crossroads at Mountain View Meadows Subdivision which includes the subject property. Conditions for annexation and final plat were established at that time. A

Resolution of Annexation

request for final plat approval has been submitted and the conditions for subdivision and annexation of this phase have been met.

Annexation of this property is subject to the conditions stated in the ROI Resolution No. 19911; the applicant is requesting to clarify one of the conditions of annexation prior to this annexation. If the requested change is approved then the applicant will have completed the annexation conditions associated with this phase of the development. For reference, a list of the annexation conditions and their status is attached to this memo.

The proposed annexation is adjacent to the city; water and sewer mains, stormwater, and streets will be installed to city standards. Therefore, annexing this property is a logical expansion of the city, an opportunity to promote compatible urban growth, and would be consistent with the efficient use of land, infrastructure, energy and resources and the 2011 Helena Growth Policy.

Annexation into the city and development to city densities has the potential to reduce vehicle miles traveled in the Helena area.

Planner Morell Gengler recommend approval of a resolution annexing a portion of Uplands Phase 1 of the Crossroads at Mountain View Meadows Subdivision, as legally described in the attached resolution of annexation, into the City of Helena, Montana.

Final Plat

Planner 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 and an extension to that preliminary plat approval was granted in 2015. The applicant is now requesting approval of the final plat for Uplands Phase 1 of Crossroads at Mountain View Meadows. This subdivision final plat creates 4 residential lots zoned R-4 (Residential) District and 20 lots, including 2 open-space lots zoned R-2 (Residential) District. The plat also bisects Tract 1-A on COS# 3226447 creating Tracts 1-A-1 and 1-A-2 which are intended for future phases. The proposal includes simultaneous annexation of approximately 4.2 acres. Platting these 24 lots and 2 tracts will result in a 263.98 acre remainder tract (tracts over 160 acres are exempt from subdivision review) that will continue to be located in the county.

The applicant is proposing to deduct the amount of parkland required with this final plat from the excess parkland that has been dedicated to the city with previous phases of the Mountain View Meadows Development. Approximately 5 acres of parkland has been dedicated to the city with previous final plats of the Crossroads at Mountain View Meadows development which is in excess of what is required by state law. The excess has been "banked" to be utilized with subsequent final plats from the Crossroads at Mountain View Meadows development (attached). The 2 open-space lots are intended for private ownership such as the Home Owners Association. This plat includes the dedication of ROW for the extension of Ellouise Cobell Street, portions of Summer Crossing Avenue and Upland Avenue. An emergency access is proposed which will be replaced when the adjacent street is installed with the next phase.

Water and wastewater mains have been installed in adjacent streets or in easements to the city; the applicant is proposing a financial guarantee for the outstanding improvements. A stormwater easement is proposed for the conveyance of stormwater to a regional pond. That easement will be removed when adjacent streets are installed that will then convey the stormwater. A lighting district will be established after the final plat is filed to accommodate street lights for the subdivision. The parameters of that lighting district will be established at that time.

The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact which have been completed for this phase. For reference, a list of the original subdivision conditions and their status is attached. The proposed final plat includes the following changes from the approved preliminary plat. These changes were evaluated based on section

12-2-14, Material Changes, of the city subdivision regulations in effect when the preliminary plat was approved per section 76-3-603(9)(a) MCA.

Block 14 – The approved preliminary plat shows lots with a north/south alignment bisected by a 22' wide alley; the final plat shows lots with an east/west alignment and no alley. The change does not increase the density and the utilities are located in adjacent street ROW. Therefore, this change is not a material change.

Block 12 and 22 – The approved preliminary plat includes a notation that Lot 1 in Block 12 and Lot 19 in Block 22 were to be "Public" lots to be "Maintained by Public Works" and were proposed to be part of the storm water system. The approved Findings of Facts for the Crossroads at Mountain View Meadows states *"Although the initial stormwater plan submitted with the Crossroads Amendment application is sufficient for preliminary plat review, the plan provides insufficient information to finalize detention basins sizes, locations, and design, including provisions for filtering pollutants. Thus, final calculations by an engineer and designs must be reviewed and approved by the City prior to construction and final plat approval."* The multiple small drainage basins that were proposed can increase city maintenance of the stormwater network thus the stormwater is now being directed to a regional pond. The final plat has eliminated the designation on these lots and has incorporated that area into the residential lots. This change did not result in an increase in the number of residential lots and the existing R-2 zoning limits the number of residential units per lot. Thus, this change is consistent with the preliminary nature of a preliminary plat and is not a material change.

Blocks 12, 22 and 9 - The preliminary plat shows 8 residential lots in this portion of Block 12 and the final plat shows 7 residential lots; the preliminary plat shows 15 residential lots in these portions of Blocks 22 and 9; the final plat shows 11. Thus, the total number of residential lots between Summer Crossing Avenue and Upland Avenue has been reduced by five. A reduction in density is not a material change.

Approving the final plat would allow the sale of the lots, and would encourage the development of property in this area with city services including municipal water and wastewater. Approving the final plat allows development to city densities in accordance with the City Growth Policy which has the potential to reduce vehicle miles traveled in the Helena area.

Planner Morell-Gengler recommended approval of the final plat for the Uplands Phase 1 of the Crossroads at Mountain View Meadows Subdivision creating 24 lots and 2 tracts, and to accept the dedication to the city of the property for public improvements designated thereon.

Discussion

Mayor Smith asked if the fire station lot was required by the subdivision laws. Planner Morell-Gengler noted the fire station lot was a condition of annexation that was originally proposed by the developer.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval of a resolution amending Resolution of Intention 19911 to defer the dedication and transfer of the "fire station lot" to a later phase of the Uplands of Crossroads at Mountain View Meadows Subdivision in Lewis and Clark County into the City of Helena, Montana. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20340**

Motion

Commissioner Ellison moved approval of a resolution annexing a portion of Uplands Phase 1 of the Crossroads at Mountain View Meadows Subdivision, as legally described in the resolution of annexation, into the City of Helena, Montana. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20341**

Motion Commissioner Ellison moved approval of the final plat for the Uplands Phase 1 of the Crossroads at Mountain View Meadows Subdivision creating 24 lots and 2 tracts, and to accept the dedication to the city of the property for public improvements designated thereon.
Commissioner Haladay seconded the motion.

Discussion Commissioner Noonan spoke of the successful development and what an asset it is to the city of Helena. Commissioner Ellison recognized the applicants and spoke of what a great development this is. One day there may be a fire station in the area. He congratulated the applicants for a great job. Mayor Smith concurred with Commissioners Noonan and Ellison's comments.

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

Public Communications PUBLIC COMMUNICATIONS
No comments received.

Meetings of Interest MEETINGS OF INTEREST
The budget work session is May 23, 2017 at 8:30 a.m. at the Civic Center; the Joint City-County Work Session is June 1, 2017; the next Administrative Meeting is June 7, 2017; and the next Commission Meeting is June 12, 2017.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Mayor

ATTEST:

Clerk of the Commission