

SUMMARY OF ADMINISTRATIVE MEETING
May 2, 2012 - 4:00 p.m.
Room 326, City County Building – 316 N. Park Avenue, Helena

1. Call to order, introductions, opening comments – Mayor Pro Tem Elsaesser called the meeting to order. Commissioners Ellison, Haque-Hausrath and Thweatt were present. Mayor Smith was excused. Staff present was: City Manager Ron Alles; City Attorney Thomas Jodoin; Community Development Director Sharon Haugen; Planner Lucy Morell-Gengler; Public Works Director John Rundquist; City Engineer Ryan Leland; Police Chief Troy McGee; Human Resources Director Rae Lynn Nielsen; Parks and Recreation Director Amy Teegarden; City Controller Glenn Jorgenson and City Clerk Debbie Havens.

Others attending all or a portion of the meeting included HCC Representative Cindy Forbes.

2. **April 18, 2012 Administrative Meeting Summary** – The April 18, 2012 administrative summary was approved as submitted.

3. **Commission comments, questions** – Commissioner Ellison reported on the bike/walk challenge for the month of May being sponsored by the NMTAC. He thanked those who have joined the Helena City Commission team.

Commissioner Haque-Hausrath handed out a draft letter to the U.S. Army Corps of Engineers regarding the request for a Comprehensive Programmatic Environmental Impact Statement for the proposed coal ports on the Northwest Coast.

The first comment period closes in the next few days and she urged the commission to concur and send the letter. Mayor Pro Tem Elsaesser asked how many trains currently go through Helena. It was estimated at approximately 15 trains.

Mayor Pro Tem Elsaesser stated he has concerns with taking action on an item that is not on an agenda and may have some inaccuracies. Commissioner Ellison concurred with Mayor Pro Tem Elsaesser's comments and suggested all commission members should be present prior to a final decision.

Commissioner Haque-Hausrath noted the commission regularly sends letters that are not always on an agenda. She stated she would clear up the statement on the water supplies and agreed to take the sentence out regarding the coal dust. Commissioners Haque-Hausrath and Thweatt again both spoke in support of the draft letter.

Commissioner Ellison and Mayor Pro Tem Elsaesser suggested a more general letter be drafted and have all the information within being accurate. Commissioner Thweatt asked what the affect of a huge fire would be on the water supply of the Tenmile water supply. Public Works Director John Rundquist stated it would take it out of commission for years.

Mayor Pro Tem Elsaesser asked for commission concurrence to have a final draft of the letter on the May 16th administrative meeting. Commissioner Thweatt asked what the procedure is for letters being on the agenda. City Manager Alles gave an overview on how correspondence is prepared and suggested with this type of correspondence there should be commission concurrence to prepare and send.

There was concurrence to have a final draft prepared and put on the May 16th administrative meeting. City Manager Alles and commission members will contact interested parties to inform them of the discussion.

City Manager Alles asked if a new draft will be prepared prior to the next meeting. Commissioner Haque-Hausrath stated yes and asked that a hard copy be given to the commission prior to the meeting.

Upcoming Appointments – Mayor Smith will be recommending the following appointments:

Heritage Preservation and Tourism Council

Appointment of Gretchen Olheiser as a city representative on the Heritage Preservation and Tourism Council. Term will begin upon appointment and expire June 30, 2014.

Non-Motorized Travel Advisory Council (NMTAC)

Appointment of Chris Hunter and Ryan Kettel to the Non-Motorized Travel Advisory Council. Terms will begin upon appointment and expire March 31, 2015.

Commissioner Ellison stated he will support the appointments as recommended by Mayor Smith.

4. **City Manager's Report** – City Manager Alles noted there are two items on the Joint Work Session agenda; one is the Park Maintenance District and the other is City-County building security. There was

commission concurrence to cancel the May 4th joint work session. Commissioner Thweatt noted the decision to explore the park maintenance district came from a recommendation from the Parks Board.

Mayor Pro Tem Elsaesser asked if state buildings pay city assessments. City Manager Alles stated yes.

Manager Alles reported he has extended an offer and has been accepted by Mr. Jeff Hindoien for the position of city attorney. He thanked Thomas Jodoin for applying for the position and performing the duties during the interim.

5. **Committee discussions**

- a) ADA Compliance Committee, Audit Committee, Board of Health, Civic Center Board, Montana League of Cities and Towns – No report given
- b) IT&S, Non-Motorized Travel Advisory Committee, Board of Adjustment, Pre-Release Screening Committee – No report given.
- c) Audit Committee, City-County Weed Board, Montana Business Assistance Connection (MBAC), TCC – No report given
- d) BID/HPC, City-County Parks Board, TCC, L&C County Mental Health Advisory Committee – No report given.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee, Intergovernmental Transit Committee – No report given.
- f) Helena Citizens Council – HCC Representative Cindi Forbes reported the Marketing Commission is in the final stages of developing a brochure and magnet. There are plans to have a booth at Farmers Markets and Alive at Five. There are also ongoing discussions to have a water bill insert to inform the residents of what the HCC does.

6. **Department Discussions** **Community Development**

Mountain View Meadows Subdivision Update –

City Attorney Thomas Jodoin reviewed the subdivision and annexation processes for the commission including the following items:

Quasi Judicial Decision – decisions are based on the record that is before the commission

The commission cannot unreasonably restrict land-owners ability to develop the land; that does not mean the commission cannot deny the subdivision

All conditions must have a findings and the decision has to be in writing

Ex Parte Communications – avoid any discussion outside the public hearing, if it does occur it needs to be disclosed during the public hearing

Annexation – completely at the discretion of the commission – must be based on whether the city can provide the services. If the applicant meets the conditions of annexation, the annexation needs to be approved.

Commissioner Thweatt asked about the zoning – City Attorney Jodoin explained before the property is annexed it needs to be pre-zoned. If the commission wants different zoning, they would need to reject annexation and pre-zone the property.

Commissioner Ellison reported when he was a member of the Airport Authority Board, he was involved with the issue of running the sewer line under the airport property. Commissioner Ellison noted he has been contacted by Airport Manager Mercer regarding this proposal.

City Manager Alles noted he has asked staff to give the history of the proposal. Planner Lucy Morell-Gengler gave an overview of the Mountain View Meadows Subdivision and the seven separate actions that will be required at the City Commission meeting on Monday, May 7th. Staff began working with this developer since 2004. The items on the agenda include:

- Resolution of intention to annex
- Major Subdivision Preliminary Plat
- Amending the Official Zoning Map

Prezoning of properties

Discussion was held on the access points to the subdivision. Commissioner Haque-Hausrath asked if the maps being shown today are included in the packet. Staff stated yes.

Commissioner Ellison referred to the PLI lot shown in blue and asked if the developers are willing to donate this property for a future fire station. Staff stated yes and gave some background history and location of the proposed property. Should the city decide a 3rd fire station is warranted, this property would be an option. Manager Alles noted the donation of this property does not commit the city to build a fire station at this location.

Commissioner Haque-Hausrath asked what the benefits of annexing the property are. Staff responded the property would be receiving all city services. The developers first approached the city of East Helena; however, their infrastructure could not handle the size of the subdivision. Commissioner Haque-Hausrath asked if fire protection can be provided to the subdivision. Fire Chief Feucht stated the city is currently providing fire protection to the area. Once the subdivision is built and a 3rd station is not built and staffed, it would be a challenge. Police Chief McGee stated they too are providing services and concurred that once the area is built out, additional officers would be needed.

Commissioner Haque-Hausrath asked what the impact fees would be on a development such as this. City Manager Alles stated at this time, staff could not provide that information. However, if the commission were to adopt impact fees, it would be applied to any new development.

Commissioner Ellison asked to see the map showing the water and wastewater service lines. He asked where the water is going to come from. Public Works Director Rundquist noted the developers constructed a 16" water main that connects to the Nob Hill Reservoir. He then showed the location of the proposed drainage basin and the lift station at the airport for the wastewater discharge. Staff does not anticipate the capacity of the lift station being met for many years. There are options that will be looked at and constructed prior to capacity being reached. Staff has worked with the airport to look at the ultimate wastewater system.

Commissioner Ellison thanked staff for the information and asked if the primary water supply is from the Tenmile water plant. Public Works Director Rundquist explained the main source for water in the winter is Tenmile and during the summer both Tenmile and the Missouri water plants provide water.

Commissioner Ellison commented he has visited the site and saw the state flower and bird; he then asked how the wildlife would be protected. Planner Morell-Gengler Lucy noted staff has contacted Fish, Wildlife and Parks and looked at some of their wildlife management maps and the only large wildlife on their map was antelope. This area is not a corridor for wildlife; however, the owners have addressed this issue by maintaining open channels to maintain the wildlife. Ultimately some wildlife will be displaced.

Mayor Pro Tem Elsaesser asked where the stormwater detention ponds are located. Planner Morell-Gengler showed the location of the ponds and the location for potential offsite detention ponds. Mayor Pro Tem Elsaesser spoke of accommodating smaller animals and asked if the developers can be asked to design the detention ponds to protect the wetlands. Planner Morell-Gengler stated the developers are looking at maintaining as much vegetation as our climate allows. With the R-2 zoning, there will be much more green area around each lot. A lot of the changes in design and zoning are to accommodate the wildlife.

Planner Morell-Gengler reviewed the conditions the developers are asking the commission to consider changing from the original approval.

Commissioner Haque-Hausrath asked is it possible to develop single family homes as it is currently pre-zoned. Planner Morell-Gengler stated not in the B-2; with the changes in zoning their infrastructure design will be in-line with full build out.

City Attorney Thomas Jodoin explained with the R-4 zoning, the developers want to increase lot coverage for single dwelling units; lots are bigger to fit the lot coverage requirements.

Further discussion was held on the pre-zone and density of the specific zoning districts. Commissioner Haque-Hausrath asked what the primary benefit to the city would be if this property is developed and annexed into the city. Staff commented the property would not be developed with septic systems and is consistent with 2011 Growth Policy and planning documents. Community Development Director Sharon Haugen also spoke on the urban standard boundaries, which this development is within.

Commissioner Haque-Hausrath stated there are significant downfalls to this proposal and asked what the benefits to the city are. Planner Morell-Gengler again referenced the 2011 Growth Policy is to develop in this area. She also reviewed the advantages of developing under city regulations versus the county.

City Attorney Jodoin stated a large portion being considered has already been approved for annexation; if the original conditions are met. However, additional property is being added and with the major change, the applicant had to go through the entire process. Community Development Director Haugen explained staff always looks at the population in county and the proposed growth; the benefit is to have this subdivision hooked into city services.

Commissioner Thweatt asked how much of the existing annexed area is built out. Planner Morell-Gengler showed the areas that have received final plat approval and the areas that are either built out or in the process of being built out. Commissioner Thweatt asked how many acres have been annexed. Staff stated 160-acres have been annexed out of 472.

Commissioner Ellison clarified the commission will take action on the resolution of intention to annex; the major subdivision and a variety of zone changes and pre-zone designations. He then asked if the commission at a later date consider final plat for each of the phases. Planner Morell-Gengler explained the final plat approval for each phase would come back before the commission; however, the conditions are set with the preliminary plat and if the conditions are met then there is the expectation the property would be annexed. Commissioner Ellison clarified city staff would be responsible to insure all conditions are met prior to final plat approval. Staff concurred.

Commissioner Haque-Hausrath asked if this property could be developed in the county. Staff stated no due to the density requirements.

Commissioner Thweatt asked for an overview of the zoning for the property. Planner Morell-Gengler showed the various zoning districts and recommendations that the commission will consider on May 7th. Staff also reviewed the allowed uses in the proposed zoning districts. Commissioner Thweatt referenced Jumping Crane Park and noted the proposal is to keep the native grass. He then asked if the commission could make it a condition that this park be fenced to keep vehicular traffic off. Planner Morell-Gengler explained the commission can require parkland, but cannot require improvements to the parkland. The commission can accept the dedication or cash in lieu of.

Commissioner Ellison noted the parkland requirement is 22.2-acres; however, the applicant is proposing 51.5-acres and the Parks Board is recommending accepting a little more than 43-acres. He asked what the additional park maintenance costs would be for the additional parkland, including staffing. Parks & Recreation Director Amy Teegarden noted staff asks these same questions and the answers are factored into the recommendation from the Parks Board. The excess acres above what is required is approximately 21-acres and will be used for the proposed trail system. The property is located under the power line and will not be developed and would have very low maintenance requirements. The only maintenance would be weed control and mowing a couple times per year.

The developers have a philosophy to have a park within 750' of all residents; staff is concerned with the proposal, not only for the on-going maintenance costs; but the initial development of the parks. There is discussion to have the Homeowners Association responsible for the development and maintenance of smaller parks. The developers were approached on the idea of creating a park district; however, they were not interested at that time. Mayor Pro Tem Elsaesser asked if the open land property qualifies to be maintained by the open space assessment. Staff will be prepared to answer that question at the May 7th commission meeting.

Planner Morell-Gengler reported the Planning, Zoning and Park Board members visited the site and will be disclosed at the May 7th city commission meeting.

Commissioner Thweatt asked Fire Chief Feucht if fire protection for this development would be more costly than property adjacent to the city. Chief Feucht stated the response time would be longer; however, the proposed road system would be more than adequate and easier to access than some existing neighborhoods. If anything, there may be an increase in medical calls once it is built out.

Commissioner Thweatt referred to the staff report where it anticipates fewer miles traveled and asked how staff determined this. This development will not be serviced by school buses; therefore,

requiring parents to take their children to school. Planner Morell-Gengler explained the proposal is a mix use development that includes employment, shopping and dining opportunities; which would create less miles traveled by the residents. She also noted there are not a lot of lots available in the city to develop and this property is closer than many other options further out in the valley.

Commissioner Haque-Hausrath asked if the proposed zoning changes would make the subdivision less mixed use. Planner Morell-Gengler reviewed and explained the changes in the zoning requests. Commissioner Haque-Hausrath asked if the development promotes walkable neighborhoods. Staff noted sidewalks and bike/ped paths will be installed along all streets and shorter blocks are being proposed. The developers are also looking at a non-motorized network.

Mayor Pro Tem Elsaesser asked when there is a pump station, would the residents in this subdivision have to pay a higher water rate due to the energy use of the pump station. Public Works Director Rundquist stated no.

Mayor Pro Tem Elsaesser spoke on the density concerns expressed by Commissioners Haque-Hausrath and Thweatt and noted this development will be a financial growth to the city's tax base.

Manager Alles stated there is anticipated growth for the city of Helena and Lewis & Clark County and the difference between city densities versus county density is substantial.

Commissioner Haque-Hausrath recognized everything that has been said; however, she would be much more comfortable approving the subdivision if impact fees were in place. She continues to be concerned with the impact it will have on fire and police services.

Commissioner Thweatt stated he is not sure if the additional property needs to be annexed at this time; it definitely will have an impact on city services.

Commissioner Ellison thanked staff for the presentation and for the work they have done to get his questions answered. All commission members expressed their appreciation.

7. Review of agenda for May 7, 2012 City Commission meeting – Mayor Pro Tem Elsaesser asked for clarification on the resolution to enter into a MOU for the Fort Harrison Joint Lands Use Study. City Manager Alles explained this is a joint venture that the county will take the lead on; however, city staff needs to be at the table.

7. Public Comment – No discussion held.

8. Commission discussion and direction to City Manager – No discussion held.

9. Adjourn – Meeting adjourned at 6:00 p.m.