

SUMMARY OF ADMINISTRATIVE MEETING
September 30, 2015 – 4:00 p.m.
Room 326, City-County Building

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Elsaesser, Haque-Hausrath and Haladay were present. Commissioner Ellison was excused. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Police Chief Troy McGee; Public Works Director Randall Camp; City Engineer Ryan Leland; Community Development Director Sharon Haugen; Planner Lucy Morell-Gengler; Community Facilities Director Gery Carpenter; Fire Chief Sean Logan; Human Resources Director James Fehr; HCC Coordinator Judy Garrity and Deputy City Clerk Robyn Brown.

Others in attendance included: HCC Representative Dick Sloan; Mark Brooke- Morrison-Maierle Engineering; Randall Green- Green & Green Realty; Jack Walsh- Helena Building Industry Association; Pete & Jaime Donovan; Marc Parriman; and IR Reporter Al Knauber.

2. September 23rd Meeting summary- It was noted the written summary of the September 23, 2015 Administrative Meeting had yet to be completed and would therefore be moved to the October 14th agenda.

3. Commission comments, questions – no comments were given.

Upcoming appointments – no report given.

4. City Manager's Report

Manager Alles gave a brief overview of the Solid Waste Efficiency Study Task Force meeting held just prior to the Administrative Meeting. A subcommittee was formed to research a pay-as-you-throw system; another was formed to investigate the possibilities for revising hours of operations at the landfill. He also reported Pacific Steel & Recycling has announced they will no longer accept plastic types 1 & 2 separately, they must be mixed together. This eliminates the need for staff to sort what is dropped off at the Transfer Station and should make the program more efficient.

5. Department discussions:

Community Development – Green Meadow Minor Subdivision discussion

City Manager Alles introduced the item by giving the history of the Commission's prior action of denial of the land use proposal at its August 24th Commission Meeting. He explained typically the reconsideration of an item previously denied by the Commission would require proposal by and majority vote of the Commission. However, given that the City Manager is charged with setting Commission Meeting agendas there are instances where he has the authority to bring proposals back for reconsideration, such as new information or substantive changes to the proposal. Following a request for reconsideration by the applicants, he met with staff and felt there was enough existing information, misunderstandings and new information for the Commission to hear the item again. Discussion with staff also entailed what portions of the development proposal did not meet the City's standards, requirements, and/or ordinances for development within the City and such information could not be identified. Staff provided a recommendation for approval of the proposal as they felt all of the requirements of subdivision, annexation, zoning and building codes could be, and would be, met. With that being said, it seemed to boil down to private property, inner-subdivision, with the SLR; what standards could be required on private property, not within public right-of-way (ROW).

Community Development Director Sharon Haugen stated one of the things that governs the City's annexation policy is Title 6, Chapter 5: Water and Wastewater Service Extension Area, which contains specific requirements as to consent to annexation, and whether the Commission can apply any restrictions or conditions on further subdivision. Director Haugen explained in detail the numerous codes, standards and requirements that can be used when considering

annexation. There is nothing in the City's Engineering Standards or City Code that speaks to private drives or private sidewalks. The only reference close to it is in the parking chapter of the zoning code which speaks to pedestrian accessibility between lots. Under the subdivision process, pedestrian accessibility can be reviewed, but under the annexation process it is not. The City's Growth Policy also defines areas for future annexation via the Urban Standards Boundary. She summarized staff reports use this criteria for annexation proposals.

Director Haugen explained what is known as "608 criteria", which is the state's very specific criteria for annexation and outlines what must be provided by the applicant to mitigate any impacts identified through review of the 608 criteria. This is similar to the plat approval process which contains conditions that must be met before the final plat is approved. She summarized the appropriate area to discuss pedestrian and vehicular connectivity is during subdivision review; annexation is related to the ability to provide extension of city services. Director Haugen also discussed the review and designation of R-3 zoning for the property and how the City's multi-family use differs from the County's designation of "Buildings for Lease and Rent".

Commissioner Haque-Hausrath spoke to City Code 6-5-4 C.5, specifically "financial responsibility for the construction, installation and reconstruction of infrastructure to City standards, including, but not limited to: water mains and hydrants, sewer mains and lift stations, storm water facilities, streets, curbs and gutters and sidewalks." She commented it seems pretty clear the use of the word infrastructure is intended to imply all infrastructures, not just public infrastructure. Commissioner Haladay referred to Section 5 of the City Engineering Standards, which states "the purpose of this section is to establish minimum standards for public and private transportation facilities, for vehicles, public transportation, public transit, pedestrians, and bicycles; hereafter constructed or improved as a condition of City approval of development. Commissioners Haladay and Haque-Hausrath asked for an explanation of why these standards should not apply to private property. Commissioner Haladay indicated he is only interested in discussing current developments and what can be expected for future proposals using the standards presently in place.

Commissioner Elsaesser noted he would like to know if this kind of development would be exempt from the solid waste assessment and be allowed to contract for private commercial service. It was noted the type of solid waste service will be classified by what is constructed on the lots and any lights installed would need to have a horizontal cut-off.

City Engineer Ryan Leland explained staff reviews proposals for annexation in relation to the City's Engineering Standards, based on what will be needed to bring the property into the City; in this case Green Meadow Drive and the extension of Benton Avenue will provide for physical access and the extension of water and sewer mains. Internal connectivity is evaluated and decided upon once a building permit is applied for.

Attorney Jodoin stated the City does not have standards for private streets. While the Engineering Standards talk about regulating private properties, it is not specific to streets. He referred to City Code 6-5-4 C.5 and explained it applies to a developer that would like to defer installation of infrastructure using a financial guarantee. He indicated the City's requirements pertain to how to get to and from the development, not in and about the development. Director Haugen noted since there are no standards for sidewalks built on private streets there is no way to attach a financial guarantee to their construction.

Commissioner Haque-Hausrath commented she feels C.5 is pretty clear in stating the City's desire for infrastructure to be built in accordance with City standards and would also argue the idea the Helena Fire Department would solely use Benton Avenue, Green Meadow Drive or Sandstone Loop to fight a fire at this location; they will need to utilize the private street network within the subdivision which is yet another reason they need to be built to City standards and cannot be sub-par.

Engineer Leland explained Fire Department access will be addressed with the building permit and according to Fire Code, such as width of the road and the ability for a fire truck to maneuver within the development.

Commissioner Haladay commented he feels the Commission has been very clear on how, and to what standard, it wants City developments to be built to, regardless of whether there is an exact definition attached to the term "private". To say otherwise tortures logic.

Attorney Jodoin explained he believes it is totally within the Commission's prerogative to potentially require a public ROW if there is some need to mitigate an impact, such as connectivity or transportation needs. The issue of designing and figuring out the standards for private streets is somewhat irrelevant and maybe too specific.

Commissioner Haladay referred to requiring an east/west ROW due to an otherwise extremely long block length; a length the Commission has made clear is too long. He spoke in strong support of multi-family development and commented he wants the citizens living in multi-family housing to experience the same health and safety standards as those in single family residences.

Mr. Brook, Morrison-Maierle Engineering, representing the applicant; provided detailed information on the developer's intent for development of the property, including examples of analogs of the type of development that could occur on this property.

Marc Parriman, representing the applicant as project manager; spoke in support of the development. He assured the Commission the project includes paved streets that are actually private drives, curb and gutters and sidewalks. He stressed that the applicant, Mr. Kunkel, has absolutely no intention of sidestepping the installation of sidewalks or sidewalk requirements. The streets will look like city streets; they will just not be as wide. Although, he pointed out, they will be wider than some existing dedicated city streets.

Mr. Parriman referred to his tenure on the City Commission and stated he was not aware of any occurrence where the City Commission denied a land use proposal that had been recommended for approval by City staff.

Randall Green, Green & Green Realty, representing the applicant; submitted written testimony for the record and discussed the reasoning behind several aspects of the proposal.

Mayor Smith disclosed he had discussed the development with Mr. Brook; following their discussion, he personally visited the property.

Very detailed and thorough discussion was held on various design options for the development and the constraints brought by the size and shape of the parcel.

Manager Alles announced staff would be requesting the preliminary plat consideration be tabled to October 19, 2015 in order to comply with notification requirements of the City's subdivision regulations.

Mr. Green requested direction from the Commission on how to proceed with the project in a manner that would receive favorable consideration. Commissioner Haque-Hausrath commented based on the Commission's discussion, it is likely the proposal would be supported if Sandstone Way were dedicated as public ROW northward through the property, a private drive was included in the design to bisect the property east-west and sidewalks/non-motorized connectivity be provided throughout the development.

Attorney Jodoin strongly recommended the Commission come up with a comprehensive policy to deal with future proposals involving private drive design and connectivity.

6. Committee discussions

- a) Audit Committee, City-County Board of Health, Civic Center Board, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns – No report given.
- b) Audit Committee, Board of Adjustment, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee — No report given.
- c) Intergovernmental Transit Committee, Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – No report given.
- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Parks Board, Montana Business Assistance Connection – No report given.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – No report given.

- f) Helena Citizens Council – HCC representative Dick Sloan reported Kelly Lynch has been appointed as the new Chair of the HCC. The Council continues its interest in recycling and is ready to participate in discussions on the issue.

- 7. **Review of agenda for October 5, 2015 City Commission meeting** – No discussion held.

- 8. **Public Comment** – No public comment received.

- 9. **Commission discussion and direction to the City Manager** – No discussion held.

- 10. **Adjourn** – Meeting adjourned at 5:53 p.m.