

SUMMARY OF ADMINISTRATIVE MEETING
August 3, 2016 – 4:00 p.m.
Room 326, City-County Building
316 N. Park Avenue, Helena

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Ellison, Farris-Olsen, Haladay and Noonan were present. Staff present was: City Manager Alles; City Attorney Thomas Jodoin; Community Development Director Sharon Haugen; Zoning Officer Elroy Golemon; Planner Ellie Ray; Police Chief Troy McGee; Public Works Director Randall Camp; City Engineer Ryan Leland; Engineer David Knoepke; Fire Chief Emert and City Clerk Debbie Havens.

2. July 20, 2016 Meeting Summary – The July 20, 2016 administrative meeting summary was approved as submitted.

3. Commission comments, questions – Board Appointments – Mayor Smith is recommending the following board appointments:

Mayor Smith stated at this time, he will not be making a recommendation for the appointment on the Helena Housing Authority.

ADA Compliance Committee	Appointment of George McCauley, citizen-at-large representative, on the ADA Compliance Committee. First term will begin upon appointment and expire September 1, 2019.
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Lewis & Clark County Heritage Preservation and Tourism Council	Appointment of Patrick Riley to the Heritage Preservation Council. First term will begin upon appointment and expire June 30, 2019.
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Commission Comments – Commissioner Ellison congratulated City Attorney Jodoin for making the 20 Under 40 list in the Independent Record.

Commissioner Farris-Olsen reported the Central School Task Force has concentrated their efforts on making improvements to Central-Lincoln School. The biggest issue at Central-Lincoln is safety; which the school district has been pro-active to make improvements. He acknowledged the work city staff has done to accommodate the needs of the school district.

4. City Manager's Report – Manager Alles reported the ladder truck is in need of repair; however, due to further investigation by the Fire Department, the cost will not be as costly as anticipated. There are mutual aid use agreements with West Valley and Jefferson County if the city needs a ladder truck.

Fire Chief Emert reported there have been two inspections on the ladder truck; the first inspection failed; however, the 2nd inspection passed and staff is waiting certification to bring the truck back into service.

Commissioner Noonan thanked Chief Emert for the recent promotional ceremony at the Fire Department.

Manager Alles noted the city received one bid for the quiet zone from Helena Sand and Gravel. The bid was very high compared to the engineer's estimate. He asked the commission if they want to proceed with the project or reject the bid. The engineer's estimate was \$543,000 for the base bid and alternates; Helena Sand and Gravel's bid was \$944,000 for the base bid and alternates. Staff adjusted the estimate; however, it is now close to \$600,000. Staff is recommending not awarding the bid and waiting until later this fall/winter to rebid the project.

The total project cost would be \$1,000,085. If there is consensus, no action needs to be taken and the bid will expire.

Commissioner Haladay commented the original estimate for the base bid was \$223,000; the current estimate has changed to \$276,000 and the bid was \$520,000. He noted the alternate bids would have prevented the annual review.

Engineer Leland stated he does not see this as a responsible bid; there is almost \$200,000 in traffic control. This is a very high bid and that is why staff is recommending letting the bid expire and trying again this fall/winter. Engineer Leland gave several examples on how the bid is not responsive.

Commissioner Ellison questioned why in the middle of the construction season only one bid was received. He stated he would support letting the bid expire and try again in the fall/winter.

There was commission concurrence to let the bid expire. Mayor Smith stated at this time, the commission should look at if the quiet zone is still something the commission wants to proceed with.

Manager Alles updated the commission on the fire at the Fire Tower.

5. Department Discussions:

City Attorney

Short Term Lease (<10 years) Ordinance – City Attorney Jodoin reported he is recommending amending Helena City Code §1-4-17; Sale, Disposal, or Lease of Real Property, al allow City Commission approval of a short term lease of real property without public hearing.

Pursuant to Helena City Code §1-4-17(A) the city is required to publish legal notice, notify property owners by mail, and hold a public hearing prior to being able to lease any real property in which the city has a legal or equitable interest. These public notice and hearing requirements must be met regardless of the value of the property, lease price, or duration of a particular lease term. The Helena City Code does not allow for any deviation from these requirements.

As a result, routine leases of city property take a substantial amount of city commission's and staffs time and resources. In addition, these extensive public hearing and notice requirements significantly extend the time it takes to approve a new lease or to renew an existing one.

Staff recommends that the language of §1-4-17 be amended to only require the full public notice and hearing process on leases from a term of over 10 years ("long term leases"). Leases of city property for a term of less than 10 years ("short term leases") will be approved by the city Commission by consent agenda items.

This change will allow for routine leases of city property to be approved on a quicker time line and with less expense to the city while still allowing for the City Commission's input. The proposed amendment will not foreclose the possibility of a full public notice and hearing process for a particular lease if the Commission deems it necessary, since the Commission can always request that an item be removed from the consent agenda to allow for a more in-depth discussion.

The reasons for requiring the full public notice and hearing for leases exceeding a 10 year term is because such long term leases are more like to generate public attention from the adjacent property owners. In addition, a long term lease constitutes a bigger commitment of city resources which should be considered with more caution to assure that this type of use is in the best interests of the city.

For the purposes of §1-4-17, a six year lease with an option to renew for an additional term will still be considered a "short term lease" since the term of the lease is for 6 years. The renewal of such a lease will still be subject to approval by the City Commission by consent agenda. The proposed amendment will not change public notice and hearing requirements for sale or disposal of public property.

Discussion was held on sub-leases also having the same requirements of a lease.

Consensus Direction to Manager – Staff will place the ordinance on an upcoming city commission meeting agenda.

Public Works

Transportation Coordinating Committee (TCC) Urban Route Recommendations – Manager Alles introduced the agenda item and gave an overview of how these recommendations were compiled through the TCC.

Commissioner Haladay stated he wanted this back in front of the commission as he believes the city commission gave direction not to include Custer Avenue. He also believes the funds will go to the Custer Avenue project due to the makeup of the TCC. He appreciates the comments of Mayor Smith and Commissioner Noonan regarding the matrix.

Commissioner Haladay stated he will vote his conscience at the TCC meeting. Commissioner Ellison stated he too wanted this to come back for discussion. He referred to the many needs in the city; however, he wants to pick a project and move forward. The Custer Avenue corridor needs improvements. He too will vote his conscience.

Commissioner Noonan stated he believes when the two representatives go back, they should express the matrix should not have absolute control over the decision. He does support moving forward with the list as submitted.

Commissioner Farris-Olsen referred to the discussion on how valuable the property is downtown; however, there is no recommendation to spend any urban funds in the area.

Mayor Smith stated the city is being presented with a decision and the city's two representatives on the TCC need to vote their conscience. Using a matrix is a good tool on some projects.

Consensus Direction to Manager – No direction to the Manager.

Community Development

Proposed R/U (Residential/Urban) Zoning District – Planner Rae and Zoning Officer Golemon reported the process to amend the City of Helena Zoning Ordinance can be found in Section 11-1-10 of City Code. A public hearing before the Zoning Commission must be conducted to obtain facts and information from interested parties. The public hearing must be legally advertised at least fifteen (15) days prior to the public hearing. The Zoning Commission recommendation must be based on information presented at the hearing. The recommendation and pertinent information are forwarded on to the City Commission for consideration and receive public testimony. The City Commission may by ordinance approve, deny or change the Zoning Commission recommendation.

On Tuesday, June 14, 2016, the Helena Zoning Commission held a public hearing and unanimously recommended approval for the adoption of an ordinance to establish an RU (Residential-Urban) Zoning District by amending the following Sections of City Code:

- o Section 11-2-2, Intent of Zoning Districts
- o Section 11-2-3, Land Use Table for Zoning Districts
- o Section 11-4-2 (E), Lot Requirements by Zoning District
- o Section 11-23-10, Sign Uses for Specified Districts.

Since February 2015, the Helena Zoning Commission has conducted several work sessions to develop design guidelines for future development and redevelopment in the City of Helena. Due to recent discussions related to multi-dwelling unit development in the current R-2 (Residential) District, the Zoning Commission has worked to create a new mixed-use zoning district.

In addition, the Zoning Commission met with members of the Planning Board in the spring of 2016 to discuss the Planning Board's vision of the Growth Policy and development of a new zoning district. This new district incorporates requests from the community to establish a zoning district that permits dimensional standards similar to the existing R-4 District (greater building height and lot coverage) but restricts residential development to those similar to an existing R-2 District (residential uses limited to single and two units). This new zoning district would accommodate compact residential development and provide the ability to more accurately evaluate the impacts to traffic and infrastructure.

The 2011 Helena Growth Policy adopted on May 9, 2011, identified the concept of mixed-use development as an important growth management policy for the City of Helena. Currently the City of Helena characterized mixed-use development as places where people can work, live, and play and contain a variety of complementary and integrated uses.

In addition, mixed-use areas, when properly planned and developed, will mature into quality neighborhoods that enjoy higher densities, a mix of activities, more transportation options, and convenient shopping and services.

The proposed R-U District zoning would be consistent with the mixed use concept of the Growth Policy. Based on the mixed use concept of the Growth Policy, the R-U Zoning Ordinance amendment, as recommended by the Zoning Commission, is intended to provide for the following elements at a higher density associated with urban type development:

- o Single and two dwelling unit development similar to the current R-1 and R-2 (Residential) Districts
- o A compatible mix of professional and business offices and associated service uses and signage allowances similar to the uses of the current R1/R2 and R-4/R-O Districts.
- o Establish setbacks, lot coverage and building heights designed to encourage higher densities and mixed uses.

Planner Ray referenced the Montana Zoning Criteria, the City's Growth Policy and public participation,

Commissioner Ellison referenced the setbacks and asked when there are 0' setback requirements, how do you handle snow removal and other entities. Zoning Officer Golemon noted staff looks at all of criteria, one of the restrictions is the 60% maximum lot coverage. It will depend on where the building is located on the lot. There is some open space in the proposal for properties.

Commissioner Ellison stated he is sensing a crisis of consensus to remove impediments and encourage development in the downtown area. He asked why the city would limit the height to 42' versus higher. Mayor Smith asked if the 42' is a change from current practice.

Zoning Officer Golemon stated the current maximum height for residential is 24'; neighborhood business is 36'; commercial is 42' and PLI is 60'. The RU District is leaning toward the residential, the recommendation is between the 24' and 60'. Commissioner Ellison stated he would like to move forward and have further discussions. He would support holding a work session to discuss specific recommendations.

Mayor Smith asked for an example of the current practice. Zoning Officer Golemon noted in the R-O District there is 60% maximum lot size. There is not much of a deviation from the current except the 0' setback recommendation. The B-2 district has rear and sideyard setback requirements if you are adjacent to residential. He gave several examples of the setback requirements in the CLM District.

Director Haugen noted when the Zoning Commission looked at this RU District for new development; it is not intended just for downtown. Staff will continue to work through the Downtown Master Plan for zoning in the downtown area.

Attorney Jodoin stated setbacks are prevalent and people come before the Board of Adjustment for variances. This proposal is not just for the downtown area; however, they have also discussed the importance of infill for downtown.

Commissioner Haladay stated it is his understanding this proposal is to create a more flexible district for new development. This district will be driven by a developer.

Consensus Direction to Manager – Staff will bring the ordinance forward to a city commission meeting.

6. Committee discussions

- a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns – No report given.
- b) Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – Commissioner Ellison stated he had no updates on his committees.
- c) ADA Compliance Committee, Audit Committee, City-County Parks Board, Civic Center Board – Commissioner Farris-Olsen reported at the Parks Board meeting the county confirmed they withdrew the \$5,000 for the recreation center study. The Parks Board also discussed the purchase of the Armory.
- d) Board of Adjustment, City-County Administration Building (CCAB), Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – Commissioner Haladay reported NMTAC has not met during the summer.
- e) Business Improvement District/Helena Parking Commission, Montana Business Assistance Connection, Public Art Committee – Commissioner Noonan reported the BID/HPC is looking at breaking up the board into two separate boards; MBAC is working with Carroll to purchase the Armory from the state of Montana. Manager Alles stated he will attend the next State Lands Board to support the proposal.

Commissioner Noonan reported the Public Art Committee is working hard on getting the mural painted on the Jackson Street parking garage.

- f) Helena Citizens Council – No report given.

7. Review of agenda for August 8, 2016 – No discussion on the agenda.

Attorney Jodoin reviewed how the city plans to enforce political signs; this issue has already come up with a house on Benton Avenue. Staff will revert back to what is allowed in specific zoning

districts. This creates practical enforcement issues. If it is a normal political sign, city staff will not be enforcing the sign ordinance.

Manager Alles noted the HCC's recommendation is the only item on the August 4th joint work session agenda. Commissioner Haladay spoke in support of the proposed gas tax and how it can be allocated.

Mayor Smith noted he has read through the responses from Val Wilson. Attorney Jodoin stated his office will respond to the recent responses. He continues to believe the complaint is deficient. Commissioner Ellison noted Ms. Wilson references impact fees. Attorney Jodoin stated he does not believe there are impact fees.

8. **Public Comment** – No public comment received.
9. **Commission discussion and direction to the City Manager** – No discussion held.
10. **Adjourn** – Meeting adjourned at 5:20 p.m.