

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 7, 2018 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, May 7, 2018 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Collins indicated for the record that Commissioners Farris-Olsen, Noonan, and O'Loughlin were present. Commissioner Haladay was excused. City Manager Ron Alles, City Attorney Thomas Jodoin, Executive Assistant Sarah Elkins and City Clerk Debbie Havens were present.
- Pledge of Allegiance** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** The minutes of the regular City Commission meetings of April 23, 2018, were approved as submitted.
- Proclamation** PROCLAMATION:
A. City of Helena Don't Fry Day

Mayor Collins read the City of Helena Don't Fry Day Proclamation and presented it to Karrie Fairbrother.
Ms. Fairbrother thanked Mayor Collins for the proclamation and spoke on the importance of using sun screen when outdoors.
- B. Kids to Parks Day

Mayor Collins read the Kids to Parks Day Proclamation and presented it to VISTA volunteer David Tortora.
Mr. Tortora thanked Mayor Collins for the proclamation and gave an overview of activities Parks and Recreation Department has planned for the upcoming summer.
- Consent Agenda** CONSENT AGENDA:
A. Claims

City Manager Alles recommended approval of the claims.
- Public Comment** Mayor Collins asked for public comment, none was received.
- Motion** Commissioner Haladay moved approval of Item A on the consent agenda. Commissioner Noonan seconded the motion. All voted aye, motion carried.
- Bid Award** BID AWARD:
A. Design and Project Management Contract for Westside Phase 1 & 2 Water and Sewer Main Extensions, Project #18-15.
- Staff Report** City Engineer Ryan Leland reported the City of Helena recently completed the annexation of Phase 1 of the Westside of the Helena area. As part of the annexation, the City of Helena offered to install the water and sewer mains to serve Phase 1 and set up a reimbursement resolution to re-coup the cost of the project. In the process of the annexation and discussion about the reimbursement, Lewis & Clark County paid for a TSEP grant application, in the City's name, for \$750,000 for the sewer portion of the project. The application included

Phase 2 of the project, so Phase 2 must be added to the project. The \$750,000 grant was awarded by the State of Montana during the 2016 legislative session and it is for the sewer portion of the project for both Phase 1 & 2 of the project.

The city advertised a request for proposals from interested firms to design the water and sewer project. The city received 9 proposals on January 18, 2018 and selected WWC Engineering Inc. of Helena. After the selection staff negotiated a scope and fee with WWC Engineering Inc. for an amount not to exceed \$795,173 for the design and project management.

The City of Helena will be able to install water and sewer mains to serve a large area on the Westside of the Helena area that is currently served by wells and septic. Several of the drainfields are either failing or are close to failing with the majority of the properties not having ample area for a replacement drainfield. In addition, the Lewis & Clark County Health Department has recorded elevation levels of nitrogen in the private wells serving the area.

City Engineer Leland recommended approving a design and project management contract for providing water and sewer to the Phase 1 & 2 of the Westside, Project # 18-15, to WWC Engineering Inc. in the amount not to exceed \$795,173.

The first public meeting is scheduled for May 15, 2018.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner O'Loughlin moved approval of a design and project management contract for providing water and sewer to the Phase 1 & 2 of the Westside, Project # 18-15, to WWC Engineering Inc. in the amount not to exceed \$795,173. Commissioner Haladay seconded the motion. All voted aye, motion carried.

***Communications
From Commissioners***

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Farris-Olsen stated he was out at the Fairgrounds today volunteering to fill sand bags to help with the flooding in the valley and encouraged everyone to volunteer if they have time.

***Report of the City
Attorney***

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin had no items to report on.

***Report of the City
Manager***

REPORT OF THE CITY MANAGER

A. Presentation of FY 2019 Preliminary Budget
Manager Alles presented the FY2019 Preliminary Budget.

Discussion

Commissioner Haladay stated last year the commission discussed separating the proposed COLA, market based and step increases and the insurance increase and asked that those be provided to the commission. Manager Alles stated those numbers are not broke out in the preliminary budget; however, he will get the break-out to the commission.

Commissioner Noonan noted the first glance of the budget book looks great and he appreciates it.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Haladay moved to accept the FY2019 Preliminary Budget. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

**Report from the
Helena Citizens**

REPORT FROM THE HELENA CITIZENS COUNCIL

A. Helena Citizens' Council Budget Recommendations

Dick Sloan presented HCC budget recommendations for FY2019.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION DECLARING A 2013 FORD POLICE INTERCEPTOR TO BE SURPLUS PROPERTY AND DONATED TO THE STATE OF MONTANA.

Staff Report

Police Captain Curt Stinson reported Helena Police Department currently owns Unit #51, a 2013 Ford Police Interceptor. The vehicle was previously declared surplus property on March 26, 2018, and the City Manager was authorized to dispose of the vehicle through consignment to a surplus property public auction. The vehicle has not yet been consigned and is in the process of being "stripped" down and reassembled for auction. It is estimated that the vehicle would auction for \$5,000-\$7,000.

Lewis and Clark Juvenile Probation and Parole has a need for an all-wheel drive vehicle for their officers to use in the course and scope of their duties.

Donation of the vehicle would foster intergovernmental cooperation by providing juvenile probation and parole with a serviceable all-wheel drive vehicle. However, City would not recover the auction value of the vehicle.

Captain Stinson recommended approval of a resolution declaring Unit #51, a 2013 Ford Police Interceptor, surplus property and authorizing the City Manager to dispose of it by transfer to the State of Montana, Office of Court Administrator, First Judicial District Youth Court Services.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion

Commissioner Farris-Olsen moved approval of a resolution declaring Unit #51, a 2013 Ford Police Interceptor, surplus property and authorizing the City Manager to dispose of it by transfer to the State of Montana, Office of Court Administrator, First Judicial District Youth Court Services. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried. **Resolution 20438**

- B. CONSIDER A SIDEWALK VARIANCE FOR THE PROPERTY LOCATED AT 1705-1709 EUCLID AVENUE.

Staff Report

City Engineer Ryan Leland reported building plans have been approved for 1705 – 1709 Euclid Avenue. The approved plans reflect curbside sidewalks and a corner ADA compliant ramp adjacent to Euclid Avenue, within MDT right of way. City standard boulevard sidewalks are to be installed along Glendale. The installation of sidewalks is required as per City Code 7-4-2. As typical practice the City of Helena requires any applicant to provide a MDT approval letter for all work within and adjacent to MDT right of way. The comments and correspondence from MDT were based on recently enforced policies dated 11/30/2016. MDT will not allow the installation of sidewalks, ADA ramps, and/or any other features that require maintenance to be installed within MDT right of way without individual maintenance agreements with local government being in place. Individual agreements are problematic and time consuming.

The City along with other municipalities that have had the same situation arise proposed a single agreement to cover all properties along MDT ROW. This would allow property owners to reference a single agreement instead of submitting the request to MDT, creating the agreement in which the City agrees to the maintenance in the future if the property owner defaults on their responsibility. MDT requires that any construction in their ROW meets or exceeds MDT standards. The City approached MDT to create one city-wide agreement. The League of Cities and Towns is currently working with communities and MDT to come to a solution to this issue. To our knowledge there has been no resolution of this issue to date.

Granting a variance would allow for no sidewalk and ADA ramps to be constructed along Euclid Avenue as required by City Code 7-4-2.

Granting a variance would not add to the City's maintenance responsibilities, but it would lead to inconsistent use of City Code, less connectivity, less accessibility and does not meet ADA compliance

Engineer Leland recommended to approve, table, or deny a sidewalk variance for the property located 1705 – 1709 Euclid Avenue. This variance would waive the required installation of sidewalk and ADA ramps along Euclid Avenue as per in City Code 7-4-2.

C. CONSIDER A SIDEWALK VARIANCE FOR THE PROPERTY LOCATED AT 750 W CUSTER AVENUE.

Staff Report

City Engineer Ryan Leland reported building plans have been approved for 750 W. Custer. The approved plans reflect boulevard sidewalks adjacent to Custer Avenue, within MDT right-of-way. The installation of sidewalks is required as per City Code 7-4-2. As typical practice, the City of Helena requires any applicant to provide a MDT approval letter for all work within and adjacent to MDT rights-of-way. The comments and correspondence from MDT were based on recently enforced policies dated 11/30/2016 (attached). MDT will not allow the installation of sidewalks, ADA ramps and/or any other features that require maintenance to be installed within MDT rights-of-way without individual maintenance agreements with local government being in place. Individual agreements are problematic and time consuming. The City, along with other municipalities that have had the same situation arise, proposed a single agreement to cover all properties along MDT ROW. This would allow property owners to reference a single agreement instead of submitting the request to MDT, creating the agreement in which the City agrees to the maintenance in the future if the property owner defaults on their responsibility. MDT requires that any construction in their ROW meets or exceeds MDT standards. The City approached MDT to create one city-wide agreement. The League of Cities and Towns is currently working with communities and MDT to come up with a solution to this issue. To our knowledge there has been no resolution of this issue to date.

Granting a variance would allow for no sidewalk and ADA ramps to be constructed along Custer Avenue as required by City Code 7-4-2.

Granting a variance would not add to the City's maintenance responsibilities, but it would lead to inconsistent use of City Code, less connectivity, less accessibility and does not meet ADA compliance.

Engineer Leland recommended to approve, table, or deny a sidewalk variance for the property located at 750 West Custer Avenue. This variance would waive the required installation of sidewalk and ADA ramps along Custer Avenue as per City Code 7-4-2.

Discussion

Commissioner Noonan asked if the commission could approve a variance while staff works with MDT on a master agreement, and once an agreement is signed, the commission could come back and require sidewalks. Engineer Leland concurred. Commissioner Noonan stated the variance request is not to stall the completion of the projects, but gives staff time to figure out a master agreement.

Commissioner O'Loughlin asked if the city can require the developer to install sidewalks later even if the variance is approved. Engineer Leland stated the commission has the right to order sidewalks in. Commissioner O'Loughlin asked how often has the commission approved a variance and later required sidewalks. Engineer Leland stated he cannot recall a time when a sidewalk was ordered in after a variance was granted.

Manager Alles noted the city has only ordered sidewalks in on one occasion. Usually the criteria for a variance is when there are not adjacent sidewalks. However these two requests are due to the city and MDT working on one master agreement. These two developers do not oppose the installation of sidewalks; however, they need approval from the city and MDT.

Commissioner O'Loughlin asked if it was a MDT policy or statute change. Attorney Jodoin stated MDT will say it was a policy change intended to guide MDT staff in their review of proposed sidewalks and shared use paths within MDT rights of way. MDT is under a requirement to assure for budgeting purposes that they do not take on maintenance of these sidewalks and non-motorized paths. Attorney Jodoin stated the goal is to have a template that will be used by all cities when entering into an agreement with MDT.

Commissioner Haladay asked if the city has seen an agreement for one of these MDT projects. Per the email from MDT, it is the city that refuses to enter into an agreement. Engineer Leland stated he has not seen an agreement; city staff wants one master agreement and not individual agreements for each MDT property.

Mayor Collins asked why MDT will not sign a master agreement. Attorney Jodoin noted he has seen agreements with other cities and there is language included that have provisions that concern cities. Helena has not had a specific project come forward; however, if it includes language that other cities have received, he would probably recommend not approving the agreement.

Commissioner Haladay asked doesn't the city assign obligation of maintenance to the adjacent property owners. Attorney Jodoin stated that is correct; the question is not only for maintenance, but who will bear the responsibility for designing and installing the sidewalk. The city's concern is not who will maintain the sidewalk. Commissioner Haladay asked if it is not possible to assign the design and installation of the sidewalks to the individual property owners. Attorney Jodoin stated it would go back to staff's original concerns regarding responsibility for design.

Commissioner O'Loughlin asked if these two properties is the first time this has come up since the policy change in 2016. Attorney Jodoin concurred; however, it is an ongoing discussion and how do we get a master agreement with MDT.

Commissioner Haladay stated each of these variance requests are different; the Euclid Avenue property is not having an agreement with MDT to install sidewalks in their right of way and the Custer Avenue property is the rebuild of Custer Avenue. Again, the Euclid Avenue variance could be addressed with an individual agreement; unless there

is something in the MDT requirement that cannot be assigned to the adjacent property owner. Engineer Leland stated there is a possibility of another five or six individual agreements and that is what city staff is trying to avoid. MDT has not provided an agreement for either one of these properties.

Commissioner Haladay asked if we have an expected timeframe on a master agreement. Attorney Jodoin stated not at this time.

Commissioner Haladay asked what needs to happen for the city to assign the design, installation and maintenance of the sidewalks to the adjacent property owners. Attorney Jodoin noted there are bigger issues regarding MDT right of ways to include landscaping and lighting. MDT wants to be indemnified from the design on any of these amenities.

Commissioner Haladay asked if the city anticipates passing along the obligations once a master agreement is reached. Attorney Jodoin stated he hadn't considered the implications of passing along obligations of the city under a blanket MDT agreement since they were still trying to work out such an agreement.

Commissioner Noonan asked if the city enters into an individual agreement with MDT to benefit these two property owners, can MDT come back and require the sidewalk to be reinstalled. Attorney Jodoin stated he does not know answer to that question.

Commissioner O'Loughlin asked what the time sensitivity is on the commission taking action on these two variance requests. Engineer Leland stated the Custer Avenue project is 3-4 weeks before occupancy and the Euclid Avenue project is looking for occupancy in the next week or so.

Public Comment

John McLaughlin, property owner of 1705-1709 Euclid Avenue, stated he has no problem with installing the sidewalks; however, has a problem with indemnifying the city or MDT. If he were to install the sidewalks on Euclid Avenue, they would not be on his property.

Soren Koford with Sussex Construction, stated he has been involved in the Custer Avenue project, and noted there are not adjacent sidewalks to the property and there is a pedestrian walkway on the southern side of Custer Avenue. He would like to see the commission approve these two variance requests while the city and MDT works on a master agreement.

Karrie Fairbrother spoke in support of sidewalk installation; the city should be accessible to everyone. At this time, that is not the case.

Motion

Commissioner Noonan moved to approve a sidewalk variance for the property located 1705 – 1709 Euclid Avenue. This variance would waive the required installation of sidewalk and ADA ramps along Euclid Avenue as per in City Code 7-4-2. Commissioner Farris-Olsen seconded the motion.

Commissioner Noonan stated this is problematic and pedestrian traffic along Euclid Avenue is an issue. At this point, we have a number of unresolved issues between the city and MDT. Once a master agreement is reached, those sidewalks can be ordered in.

Commissioner Haladay commented when his neighbor installed new sidewalks, city staff told him how to design and install a sidewalk on city right of way. What is the difference between what MDT is requiring and the city's policy. Attorney Jodoin stated the city hasn't seen an agreement from MDT; he would caution taking over the design when we have no authority.

Commissioner Haladay asked if approval of the variances could include a condition that sidewalks will be installed when others are installed. If the commission chooses to amend this what would trigger installation of sidewalks once an agreement is reached with MDT. How do we propose it to an adjacent property owner if the variance is approved tonight, sidewalks will be required once an agreement between the city and MDT is reached. Attorney Jodoin stated sidewalks are required per city code; it is a legal obligation and if there is a condition attached to the approval of the variance, the city would avoid going through the due process steps attendant to requiring a property owner to install sidewalks.

Attorney Jodoin noted the city has no agreements with MDT for existing sidewalks except for those adjacent to the Custer Avenue Interchange. MDT was responsible for the design and installation and the city is responsible for the maintenance.

Commissioner Haladay commented if the owner of the Euclid Avenue property is willing to install sidewalks; however, there is an issue with MDT, what condition could be added that would trigger the installation of sidewalks, once an agreement is reached.

Attorney Jodoin suggested a condition would include language where the property owner consents to the installation of sidewalks once an agreement is signed between the City of Helena and Montana Department of Transportation and waives any due process for ordering in sidewalks.

Amendment

Commissioner Haladay moved to add a condition to the sidewalk variance approval that the property owner of 1705-1709 Euclid Avenue consents to the installation of sidewalks once an agreement is signed between the City of Helena and the Montana Department of Transportation and waives any due process for ordering in sidewalks. Commissioner Farris-Olsen seconded the motion.

Commissioner O'Loughlin asked when MDT denied the request for the sidewalks. Attorney Jodoin stated MDT denied the Custer Avenue property in September 2017 and the property owners applied for the variance in December 2017. In reference to the Euclid Avenue property, he does not know the specific dates. Commissioner Haladay stated it was last sometime last year.

Commissioner O'Loughlin stated it seems to be reasonable for city staff to work on an agreement with MDT. Other communities have moved forward with individual properties. She would want us to work on individual agreements to fix this.

Vote

All voted aye on the amendment. Motion carried.

Commissioner Haladay stated he does not believe this is a very good policy; the commission will probably have to keep considering these variances. This has been an ongoing issue and individual agreements need to be worked on until a master agreement is development and entered into. Commissioner Haladay stated he will not vote for the sidewalk variance for the 1705-1709 Euclid Avenue property.

Commissioner Farris-Olsen stated he too will not vote for the variance; this area of town needs connectivity for pedestrians.

Vote as amended

Motion carried 3-2 with Commissioners Haladay and Farris-Olsen voting no.

Motion

Commissioner Farris-Olsen moved to approve, table, or deny a sidewalk variance for the property located at 750 West Custer Avenue. This variance would waive the required installation of sidewalk and ADA ramps along Custer Avenue as per City Code 7-4-2. Commissioner Haladay seconded the motion.

Commissioner Farris-Olsen stated he believes this is different than the Euclid Avenue request and there is a pedestrian path on the south side of Custer Avenue.

Vote

All voted aye, motion carried.

- D. CONSIDER A RESOLUTION TO ANNEX A PORTION OF TRACT A-1-A-1-A-1-A-1 OF COS #3312862 TO BE KNOWN AS CRAFTSMAN VILLAGE PHASE 4 OF CROSSROADS AT MOUNTAIN VIEW MEADOWS, GENERALLY LOCATED EAST OF S. ALICE STREET AND BELLA VIEW STREET AND NORTH OF ALEXIS AVENUE, IN LEWIS AND CLARK COUNTY INTO THE CITY OF HELENA, MONTANA.

Staff Report

City Planner Lucy Morell-Gengler reported the owner of this property, R and D Partners LLC (now known as Mountain View Meadows, LLC) represented by Mark Runkle, has requested annexation for approximately 3.439 acres described as Lots 10-18, Block 39; Lot 23, Block 46; and portions of adjacent Jeanette Rankin Drive, Swift Current Street, Bella View Street as shown on the final plat of Craftsman Village Phase 4. The R-4 (Residential- Office) District rezoning for this property was approved by the City Commission on February 23, 2009, Ordinance 3109. On May 7, 2012, the Helena City Commission approved the Resolution of Intention to Annex (Resolution 19911) and approved the revised preliminary plat for Crossroads Amendment at Mountain View Meadows Subdivision which includes the subject property. Conditions for annexation and final plat were established at this time. The annexation condition related to the fire station lot was amended by Resolution 20341.

Submittals for City Commission action on annexation and subdivisions must be uploaded 11 days prior to the actual City Commission meeting. City policy is to have all related materials for a City Commission action uploaded at that time. The financial guarantee for the remaining improvements associated with the Craftsman Village Phase 4 subdivision final plat was late due to weather related delays in installation of the gravel all-weather base for the streets. The property owner has requested (see attached) special consideration in relation to the Craftsman Village Phase 4 and 5 review since a lot in Craftsman Village Phase 5 is scheduled for a Habitat for Humanity Builder's Blitz. Craftsman Village Phase 5 is dependent on Craftsman Village Phase 4 for information on the final plat. The installation of required access is anticipated to be completed and associated financial guarantee for remaining infrastructure submitted to the City prior to the May 7, 2018, City Commission meeting. If that is not provided to the City prior to the May 7, 2018, City Commission meeting, staff will request tabling both Craftsman Village Phases 4 and 5 annexation and subdivision final plat.

Annexation of this property is subject to the conditions stated in the above noted resolutions; it is anticipated the applicant will complete the annexation conditions associated with this phase of the development and a request for final plat approval has been submitted. For reference, a list of the annexation conditions and their status is attached to this memo based on anticipated submittals.

The applicant is requesting annexation of approximately 3.439 acres to the City of Helena. This proposal is accompanied by a request for final plat approval for proposed Craftsman Village Phase 4 of Crossroads at Mountain View Meadows Subdivision creating 21 lots and internal rights-of-way. No public hearing is required for these actions.

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.

City Planner Morell-Gengler recommended approval of a resolution annexing Craftsman Village Phase 4 of Crossroads at Mountain View Meadows Subdivision, as legally described in the attached resolution of annexation, into the city of Helena, Montana.

E. CONSIDER THE FINAL PLAT FOR CRAFTSMAN VILLAGE PHASE 4 OF CROSSROADS AT MOUNTAIN VIEW MEADOWS CREATING 21 LOTS AND RIGHT-OF-WAY (ROW), GENERALLY LOCATED EAST OF S. ALICE STREET AND BELLA VIEW STREET AND NORTH OF ALEXIS AVENUE, IN THE CITY OF HELENA, MONTANA.

Staff Report

City 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 extensions to that preliminary plat approval were granted in 2015 and 2018. The applicant is now requesting approval of the final plat for Craftsman Village Phase 4 of Crossroads at Mountain View Meadows creating 21 lots and street ROW. The proposal includes simultaneous annexation of approximately 3.44 acres. Platting and annexing this property will result in an approximate 150 acre tract that will continue to be located in the county.

The proposed final plat includes the following change from the approved preliminary plat. This change was evaluated based on Section 12-2-14, Material Changes, of the city subdivision regulations in effect when the preliminary plat was approved per 76-3-603(9)(a) MCA.

The number of lots in Block 39 has been reduced from 26 lots shown on the preliminary plat to 18 lots. This reduction in the number of lots will be a minimal impact to the area and does not meet the criteria for a material change. Thus, this change can be approved with the final plat.

The applicant is proposing to deduct the amount of parkland required with this final plat, .322 acres, from the excess parkland that has been dedicated to the City with previous phases of the Mountain View Meadows Development. If this final plat is approved, an excess of 1.34 acres of parkland will remain banked for future final plats.

The installation of adjacent streets includes minor adjustments in the ROW resulting in a boundary line relocation. This change in the

property boundary resulted in a small dedication of .022 acres to the existing Lot 1-A parkland. This plat also includes the dedication of the 64-foot wide Jeanette Rankin Drive ROW, the 60-foot wide Alexis Avenue, Bella View, and Swift Current Streets ROW, and the 20-foot wide alley ROW. Water and wastewater mains have been installed in street ROW. The applicant is proposing a financial guarantee for the outstanding improvements. The parameters of the lighting district can be established after the final plat is filed to accommodate street lights for the subdivision.

The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact which have been completed for this phase. A list of the original subdivision conditions and their status can be found in the Conditions of Approval sheet.

The applicant is requesting approval of a major subdivision final plat creating 21 lots known as Lots 1-18 in Block 39, Lots 22 and 23 in Block 46, and Lot 23 in Block 45 all zoned R-4 (Residential - Office) District. The plat includes the dedication of .022 acres of parkland and ROW for the extension of Jeanette Rankin Drive, Swift Current Street, Alexis Avenue, Bella View Street and alleys to the city. The proposal includes simultaneous annexation of approximately 3.44 acres.

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.

City Planner Morell-Gengler recommended approval of the final plat for the Craftsman Village Phase 4 of Crossroads at Mountain View Meadows Subdivision creating 21 lots and to accept the dedication to the City of the property for public improvements designated thereon.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Farris-Olsen moved approval of a resolution annexing Craftsman Village Phase 4 of Crossroads at Mountain View Meadows Subdivision, as legally described in the attached resolution of annexation, into the city of Helena, Montana.

Commissioner O'Loughlin seconded the motion. All voted aye, motion carried. **Resolution 20439**

Motion

Commissioner Farris-Olsen moved approval of the final plat for the Craftsman Village Phase 4 of Crossroads at Mountain View Meadows Subdivision creating 21 lots and to accept the dedication to the City of the property for public improvements designated thereon. Commissioner Haladay seconded the motion. All voted aye, motion carried.

F. CONSIDER A RESOLUTION TO ANNEX A PORTION OF TRACT A-1-A-1-A-1-A-1 OF COS #3312862 TO BE KNOWN AS CRAFTSMAN VILLAGE PHASE 5 OF CROSSROADS AT MOUNTAIN VIEW MEADOWS, GENERALLY LOCATED EAST OF S. ALICE STREET AND SWIFT CURRENT STREET AND NORTH OF TWILIGHT AVENUE, IN LEWIS AND CLARK COUNTY INTO THE CITY OF HELENA, MONTANA.

Staff Report

City Planner Morell-Gengler reported the owner of this property, R and D Partners LLC (now known as Mountain View Meadows, LLC) represented by Mark Runkle, has requested annexation for approximately .736 acres described as Lots 22-26, Block 44 and portions of adjacent Twilight Avenue as shown on the final plat of Craftsman Village Phase 5. The R-4 (Residential-Office) District rezoning for this property was approved by the City Commission on February 23, 2009, Ordinance 3109. On May 7, 2012, the Helena City Commission approved the Resolution of Intention to Annex (Resolution 19911) and approved the revised preliminary plat for Crossroads Amendment at Mountain View Meadows Subdivision which includes the subject property. Conditions for annexation and final plat were established at this time. The annexation condition related to the fire station lot was amended by Resolution 20341.

Submittals for City Commission action on annexation and subdivisions must be uploaded 11 days prior to the actual City Commission meeting. City policy is to have all related materials for a City Commission action uploaded at that time. The financial guarantee for the remaining improvements associated with the Craftsman Village Phase 4 subdivision final plat was late due to weather related delays in installation of the gravel all-weather surface and base for the streets. The property owner has requested (see attached) special consideration in relation to the Craftsman Village Phase 4 and 5 review since a lot in Craftsman Village Phase 5 is scheduled for a Habitat for Humanity Builder's Blitz. Craftsman Village Phase 5 is dependent on Craftsman Village Phase 4 for information on the final plat. The installation of required access is anticipated to be completed and associated financial guarantee for remaining infrastructure submitted to the City prior to the May 7, 2018, City Commission meeting. If that is not provided to the City prior to the May 7, 2018 City Commission meeting, staff will request tabling both Craftsman Village Phases 4 and 5 annexation and subdivision final plat.

Annexation of this property is subject to the conditions stated in the above noted resolutions; it is anticipated the applicant will complete the annexation conditions associated with this phase of the development and a request for final plat approval has been submitted. For reference, a list of the annexation conditions and their status is attached to this memo based on anticipated submittals.

The applicant is requesting annexation of approximately .736 acres to the City of Helena. This proposal is accompanied by a request for final plat approval for proposed Craftsman Village Phase 5 of Crossroads at Mountain View Meadows Subdivision creating 5 lots and internal rights-of-way. No public hearing is required for these actions.

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.

City Planner Morell-Gengler recommended approval of a resolution annexing Craftsman Village Phase 5 of Crossroads at Mountain View Meadows Subdivision, as legally described in the attached resolution of annexation, into the city of Helena, Montana.

- G. CONSIDER THE FINAL PLAT FOR CRAFTSMAN VILLAGE PHASE 5 OF CROSSROADS AT MOUNTAIN VIEW MEADOWS CREATING 5 LOTS AND RIGHT-OF-WAY (ROW), GENERALLY LOCATED EAST OF SWIFT CURRENT STREET AND NORTH OF TWILIGHT AVENUE, IN THE CITY OF HELENA, MONTANA.

Staff Report

City 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 extensions to that preliminary plat approval were granted in 2015 and 2018. The applicant is now requesting approval of the final plat for Craftsman Village Phase 5 of Crossroads at Mountain View Meadows. This subdivision final plat creates 5 lots zoned R-4 (Residential - Office) District and dedicates ROW for the extension of Twilight Avenue to the city. The proposal includes simultaneous annexation of approximately .736 acres. Platting and annexing these 5 lots will result in an approximate 150 acre tract that will continue to be located in the county.

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 76-3-603(9)(a) MCA.

Block 44 - The lots' widths on the final plat in Blocks 44 are 40-foot wide instead of 38 feet as shown on the preliminary plat. The adjacent lot to the east on the preliminary plat is a future large condominium lot which can accommodate this realignment of lot width. Thus, there will be minimal impacts to the area and this change does not meet the criteria for a material change and the revised lot width can be approved with this final plat.

The applicant is proposing to deduct the amount of parkland required with this final plat, .048 acres, from the excess parkland, currently 1.91 acres, that has been dedicated to the city with previous phases of the Mountain View Meadows development. If this final plat is approved, an excess of 1.29 acres will remain banked for future final plats. This plat includes the dedication of the Twilight Avenue extension. A temporary all-weather emergency access is proposed at the east end of Twilight Avenue which will be improved to street standards when the street network is installed with the adjacent phases.

Water and wastewater mains have been installed in street ROW. The applicant is proposing a financial guarantee for the outstanding improvements. The parameters of the lighting district can be established after the final plat is filed to accommodate street lights for the subdivision.

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, Conditions of Approval of Craftsman Village Phase 5 of the Crossroads at Mountain View Meadows, is attached to this memo.

The applicant is requesting approval of a major subdivision final plat creating 5 lots zoned R-4 District. This plat includes the dedication of right-of-way for the extension of Twilight Avenue. The proposal includes simultaneous annexation of approximately .736 acres.

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.

City Planner Morell-Gengler recommended approval of the final plat for the Craftsman Village Phase 5 of Crossroads at Mountain View Meadows Subdivision creating 5 lots and to accept the dedication to the City of the property for public improvements designated thereon.

Discussion

Commissioner O'Loughlin asked how far away the developed park is from Phase Five and what the requirements are for parkland in proximity to the property. Planner Morell-Gengler spoke on the parkland donation requirements. There is a developed park, undeveloped parkland and trails throughout the subdivision. Commissioner O'Loughlin asked what the original timeframe was for approval of Phase Five. Planner Morell-Gengler explained the use of the property by Habitat for Humanity came after the preliminary plat. The timing to get approval for Phase Five is guided by Habitat Humanity's project for a blitz build; normally we do not have a timing issue. Preliminary plat has a three year time frame and can be extended.

Public Testimony

Mayor Collins called for public comments.

Greg Wirth with Stahly Engineering, spoke in support of the proposed annexation and final plat approval. Mr. Wirth noted the infrastructure has been installed or financially guaranteed and the Habitat for Humanity's plans for a blitz build can move forward. Mr. Wirth thanked city staff for working with them to bring the annexation and final plats forward.

Mr. Wirth then addressed the commission as a board member of Habitat for Humanity and invited the commission and city staff to come out the blitz build.

Mark Runkle spoke in support for approval; he also thanked city staff for making the process work; the timely reviews and visits were very helpful. Mr. Runkle also thanked Habitat for Humanity for their work and proposed development.

Motion

Commissioner Noonan moved approval of a resolution annexing Craftsman Village Phase 5 of Crossroads at Mountain View Meadows Subdivision, as legally described in the attached resolution of annexation, into the city of Helena, Montana.

Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Resolution 20440**

Motion

Commissioner Noonan moved approval of the final plat for the Craftsman Village Phase 5 of Crossroads at Mountain View Meadows Subdivision creating 5 lots and to accept the dedication to the City of the property for public improvements designated thereon. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

H. CONSIDER A TWO-YEAR EXTENSION OF THE CONDITIONAL PRELIMINARY PLAT APPROVAL FOR BLOCK 47 OF THE CROSSROADS AMENDMENT AT MOUNTAIN VIEW MEADOWS MAJOR SUBDIVISION, GENERALLY LOCATED EAST OF ELOUISE COBELL STREET AND SOUTH OF ALICE STREET, IN LEWIS AND CLARK COUNTY, MONTANA.

Staff Report

City Planner Morell-Gengler reported on February 9, 2009, the Helena City Commission gave conditional preliminary plat approval for the Crossroads at Mountain View Meadows subdivision creating 892 Lots from approximately 381 acres. A resolution of intention to annex and ordinance pre-zoning the proposed subdivision were also passed. An amendment to that major subdivision preliminary plat was submitted, which enlarged the area and increased the number of lots which required another major subdivision preliminary plat review process in 2012.

On May 7, 2012, the Helena City Commission gave conditional preliminary plat approval for the Crossroads Amendment (CA) at Mountain View Meadows (MVM) subdivision. CA at MVM included the preliminary plat for the subdivision of Tract B-2 of Certificate of Survey (COS) No. 3140554 into Block 47 containing 12 lots in a B-2 (General Commercial) District and adjacent street rights-of-way. This property is owned by the International Church of the Foursquare Gospel and is being subdivided by the Helena Valley Faith Center. This approval was for three years; an extension was granted on May 4, 2015, for additional three years which will expire on May 7, 2018. A letter requesting a two-year extension of the subdivision preliminary plat for this property has been submitted by the subdivider.

The City Commission must consider the criteria in City Code Section 12-2-11(G) when evaluating an extension request. These criteria include changes in the subdivision regulations since preliminary plat approval, the impact delaying infrastructure installation would have on the subdivision phasing and on other developments, and if the approved findings of fact and conditions remain relevant and adequate. There have been various changes to the City regulations since the CA at MVM preliminary plat approval; an evaluation of the changes that relate to this request are attached. There are no phases or other developments in the area that would be impacted by a delay of installation of the public infrastructure associated with this plat. The Findings of Fact and conditions identified during preliminary plat review remain relevant, adequate, and applicable for the proposed two-year extension of the subject subdivision preliminary plat.

Per the applicant's letter, the circumstances for the requested extension are, "While the Tract is held by Foursquare Church, the cost of developing the property is the sole responsibility of the local congregation; and it is not financially feasible for the local congregation to complete infrastructure at this time." This extension would also coincide with the two-year extension granted to R and D Partners LLC (now known as Mountain View Meadows, LLC) for the other portion of the CA at MVM Subdivision preliminary plat.

The subdivider is requesting a two-year extension of the conditional preliminary plat approval for Block 47 of the CA at MVM Subdivision, legally described as Tract B-2 of COS No. 3140554 filed in Lewis and Clark County, Montana, generally located east of Elouise Cobell Street and south of Alice Street, in Lewis and Clark County, Montana.

Approval of a two-year extension of this portion of the CA at MVM Subdivision preliminary plat would promote development of lots within the city, facilitate mixed use development consistent with the city Growth Policy in relatively close proximity to jobs, services, schools, and recreational opportunities.

Granting the extension could promote urban mixed-use development which may reduce the amount of vehicle miles traveled.

City Planner Morell-Gengler recommended to approve extending conditional preliminary plat approval until May 7, 2020, for Block 47 of

the Crossroads Amendment at Mountain View Meadows Subdivision, legally described as Tract B-2 of COS No. 3140554 filed in Lewis and Clark County, Montana.

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

Motion **Commissioner Haladay moved to approve extending conditional preliminary plat approval until May 7, 2020, for Block 47 of the Crossroads Amendment at Mountain View Meadows Subdivision, legally described as Tract B-2 of COS No. 3140554 filed in Lewis and Clark County, Montana.** Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

Public Hearings PUBLIC HEARINGS:

A. CONSIDER HELENA SCHOOL DISTRICT'S REQUEST TO HOLD A PUBLIC HEARING FOR THE OPERATION A K-12 SCHOOL IN THE R-2 ZONING DISTRICT.

Staff Report Community Development Director Sharon Haugen reported The City of Helena has received a request from the Helena School District for the City to hold a hearing in accordance to MCA 76-2-402. The School District has stated its intent to incorporate the land purchased at 1501 Boulder Avenue, 1511 Boulder Avenue, and 1517 Boulder Avenue into the campus for Bryant Elementary School for construction of the new Bryant Elementary School. The properties located on Boulder Avenue are currently zoned R-2 and the operation of a K-12 school requires a Conditional Use Permit (CUP). Per MCA 76-2-402, whenever an agency, such as a school district, proposes to use public land contrary to local zoning regulations, a public hearing shall be held. The local Board of Adjustment is to hold a hearing but has no power to deny the proposed use. The purpose of the hearing is to allow for a public forum for comment on the proposed use. Under current City Code, the City Commission reserves the authority unto itself any and all other authority not hereinabove granted to the Board of Adjustment. Conducting the hearing under the requirements of 76-2-402 was not a power granted to the Board of Adjustment under Title 11 of City Code, so the City Commission will serve as the Board of Adjustment for the purposes of this hearing. Any comments received at this hearing will be passed on to the Helena School District and its Board of Directors.

Community Development Director Haugen recommended to consider Helena School District's request to hold a public hearing for the operation a K-12 school in the R-2 zoning district.

Public Testimony Mayor Collins opened the public hearing and called for anyone wishing to address the commission.

There being no persons wishing to address the commission, Mayor Collins closed the public portion of the hearing.

No action was required for this public hearing.

Public Communications PUBLIC COMMUNICATIONS
No comments received.

***Meetings of
Interest***

MEETINGS OF INTEREST

The Budget Work Session is scheduled for May 9, the Administrative Meeting is scheduled for May 16, and the next Commission Meeting is May 21, 2018.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION