

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 16, 2018 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, July 16, 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, Haladay, Noonan, and O'Loughlin were present. Interim City Manager Dennis Taylor, City Attorney Thomas Jodoin 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 meeting of June 18, 2018 and June 25, 2018 were approved as submitted.
- Presentations** PRESENTATION:
A. Confirmation of Officer Kyle Walter
- Staff Report** Police Chief McGee introduced Officer Walter and spoke of his background and recommended Officer Walter be confirmed.
- Public Comment** Mayor Collins called for public comment; none were received.
- Motion** Commissioner Farris-Olsen moved the confirmation of Officer Kyle Walter. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.
- Chief McGee presented Officer Walter and City Police Department coin. Assistant Chief Hagen and Barb Hagen presented Torriallynn Walter the book "I Love a Cop".
Officer Walter addressed the commission and thanked the City Commission and Chief McGee for giving him the opportunity to join the Helena Police Department.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. Resolution of intention to approve the work plan and budget for the Business Improvement District (BID), levy an assessment on all property within the district for fiscal year 2019. **Resolution 20451**
C. Resolution of intention to approve the work plan and budget for the Tourism Business Improvement District (TBID), levy an assessment on all property within the district for fiscal year 2019. **Resolution 20452**
D. Resolution of intention to adjust rates for all customers of the City of Helena water system. **Resolution 20453**
E. Resolution of intention to increase all rates for all customers of the City of Helena Wastewater System. **Resolution 20454**
F. Resolution of intention to specify the assessment option for the Storm Water Utility Service Area for fiscal year 2019, levy and assess all property in the service area. **Resolution 20455**
G. Resolution of intention to specify the assessment option for the Street Maintenance and Improvements District No. 1 for fiscal year 2019, levy and assess all property within the district, amend the boundaries of the district. **Resolution 20456**

- H. Resolution of intention to establish rates for collection and disposal of residential garbage and refuse for fiscal year 2019, levying and assessing all parcels of land receiving residential solid waste collection. **Resolution 20457**
- I. Resolution of intention to specify the assessment method option for the special Urban Forest Management District for fiscal year 2019, levying and assessing all property within the district. **Resolution 20458**
- J. Resolution of intention to specify the assessment option for the Open Space Maintenance District No. 1 for fiscal year 2019, levy and assess all property within the district, amend the boundaries of the district. **Resolution 20459**
- K. Resolution of intention to specify the assessment option for the special Landfill Monitoring and Maintenance District for fiscal year 2019, levying and assessing all property within the district. **Resolution 20460**
- L. Resolution of intention to levy an assessment upon properties to recover the amortized loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program. **Resolution 20461**
- M. Resolution of intention to levy assessments for fiscal year 2019 for improvements made to properties in the Sidewalk Improvement Districts. **Resolution 20462**
- N. Resolution of intention to levy and assess property to recover the cost of removal of snow and ice from sidewalks on the adjacent public right-of-way for fiscal year 2019. **Resolution 20463**
- O. Resolution of intention to levy an assessment upon all property in the Special Street Lighting Districts to defray the costs of installing and maintaining improvements for fiscal year 2019. **Resolution 20464**
- P. Resolution of intention to establish fees for equipment purchases from and services performed by the utility maintenance division, a monthly curbside recycling charge, damage deposits for permits to consume alcohol on public places, and encroachment permit agreements and repeal resolution Nos. 20359, 20360, and 20397. **Resolution 20465**
- Q. Consider final passage of Ordinance No. 3240 pre-zoning to R-2 (Residential), R-O (Residential Office), and B-2(Commercial) Districts prior to annexation into the city of Helena: for property generally described as phases two and three of the Westside Infrastructure Extension Project. **Ordinance 3240**

Interim City Manager Taylor recommended approval of the claims and the consent agenda.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion

Commissioner Haladay moved approval of Items A and Q on the consent agenda and set public hearings for August 27, 2018 for items B-P. Commissioner Noonan seconded the motion. All voted aye, motion carried.

**Communications
From Commissioners**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Noonan thanked everyone who arranged the July 4th celebration at Centennial Park.

Mayor Collins thanked the city employees for the work that is being accomplished, specifically the Attorney and Human Resources Departments.

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

Interim City Manager Dennis Taylor reminded the commission they have been invited to attend the Fire Department Promotions on Tuesday, July 17th at 6:00 p.m. at the Civic Center.

Manager Taylor reported the Symphony Under the Stars is scheduled for Saturday, July 21st.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was provided.

Regular Items

REGULAR ITEMS

- A. CONSIDER A RESOLUTOIN OF INTENTON TO CREATE A TOURISM IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROMOTING TOURISM WITHIN THE CITY OF HELENA, MONTANA.

Staff Report

Administrative Services Director Jorgenson reported the City created the Tourism Business Improvement District (TBID) in April 2009. TBID's have a life of 10 years according to State law. There is not a specific renewal option in State law, but the TBID may be recreated for another 10 years at the will of the City Commission.

State law requires we receive petitions from owners of at least 50% of the total square foot of the district. The TBID staff collected petitions equal to 90.2% of the total square foot of the district as shown in Exhibit A.

The current TBID expires April 20, 2019. Staff wanted to recreate the TBID prior to assessments being put on the tax rolls this tax year to ensure the May 2019 payments could be collected and remitted to a legal entity. For instance, if the hotels protested out the recreation of the district we feel we would have to collect the funds assessed and due May 30th and return them as the current TBID would end in April.

If the Commission approves the resolution of intention staff will advertise twice and mail notice to all hotels within the City limits that are not in an area zoned primarily residential. The hotels may submit protests if they do not want it created. There are three protest categories that can allow for the district to fail for at least one year. We cannot not receive protests from more than 50% of the owners, owners of more than 50% of the taxable value, or owners that pay more than 50% of the estimated assessments.

Director Jorgenson recommended approval of the resolution of intention to create a Tourism Business Improvement District for the purpose of promoting tourism within the City of Helena, Montana and hold a public hearing on August 27, 2018. Director Jorgenson recognized and thanked Andrea Opitz with the TBID for assisting with the process.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Farris-Olsen moved approval of a resolution of intention to create a Tourism Business Improvement District for the purpose of promoting tourism within the City of Helena, Montana and set a public hearing date for August 27, 2018.

Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20466**

B. CONSIDER A CURB CUT VARIANCE FOR 1011 BUTTE AVENUE, HELENA MONTANA.

Staff Report

City Engineer Leland reported the owner of parcel/property at 1011 Butte Avenue has an existing curb cut on Butte Avenue. This curb cut serves as access to a large garage/workshop and a separate rental home. This parcel/property currently has a rental home that includes a small garage in alley and a non-rented owner occupied large garage/workshop with the existing curb cut in front of it. The owner would like to improve the access and parking for the rental home. The owner is proposing to provide a separate curb cut and approach for access to the rental home driveway. Per City Code in order to install a second curb cut on a single lot a minimum of 25-feet of the full height curb and gutter separation between multiple curb cuts. The owner is proposing only 10' of full height curb and gutter separation between curb cuts.

The owner of parcel/property at 1011 Butte Avenue is requesting a variance to allow for the minimum length of the full height curb and gutter separation between multiple curb cuts on a single parcel be reduced from the current minimum of 25' to 10' of full height curb and gutter separation.

If approved, this could provide a large area of concrete and confusion to the traveling public on where a vehicle could leave the drive way.

City staff has no recommendation; the commission can approve, table, or deny the variance to allow for the minimum length of the full height curb and gutter separation between multiple curb cuts on single parcel be reduced from the current minimum of 25' and allow instead 10' of full height curb and gutter separation for the property at 1011 Butte Avenue.

Discussion

Commissioner O'Loughlin asked if there will be a separation of 10' between the garage and house. Engineer Leland noted the property owner is requesting 10' distance from the concrete to the house.

Commissioner Haladay asked what the maximum slope of a driveway ramp versus a sidewalk is. Engineer Leland stated a driveway ramp slope is the same as a sidewalk, which is 2% at the cross slope. Commissioner Haladay stated if the variance is approved, there still would be a non-conforming sidewalk and curb cut.

Commissioner O'Loughlin asked if currently there is space to access the garage. Engineer Leland stated there is room and the owner has been using it.

Commissioner Haladay commented if approved the curb cut would be conforming; however, the other portion of the driveway would continue to be non-conforming.

Commissioner Noonan asked if the owner would consider redoing the non-conforming portion of the driveway. Engineer Leland stated the owner did not offer to bring the driveway into conformance.

Discussion

Commissioner Haladay stated he does not see an advantage to approving this request and will not support it.

Commissioners Farris-Olsen, O'Loughlin and Noonan concurred with Commissioner Haladay's comments. Mayor

Collins stated he supports the request due to the size of the project.

Public Comment

Mayor Collins called for public comments, none was received.

Motion

Commissioner O’Loughlin moved to deny the variance to allow for the minimum length of the full height curb and gutter separation between multiple curb cuts on single parcel be reduced from the current minimum of 25’ and allow instead 10’ of full height curb and gutter separation for the property at 1011 Butte Avenue. Commissioner Haladay seconded the motion. Motion carried 4-1 with Mayor Collins voting no.

Public Communications

PUBLIC COMMUNICATIONS

Alyson Munson and Trina Filan with United Way thanked the city commission for the financial support for the Housing First Efforts. Ms. Filan gave an update on the work of the Housing First Efforts.

Ms. Munson spoke of the squatting that is occurring at the Memorial Park Apartments, which is across the street from the United Way offices. Ms. Filan then spoke of the code violations that are occurring, specifically the community decay ordinance and occupancy ordinance.

Meetings of Interest

MEETINGS OF INTEREST

The Administrative Meeting is scheduled for July 25, 2018 and the next Commission Meeting is July 30, 2018.

There is the Community Conversation on Monday, July 23, 2018 at 5:30 p.m. at the Helena Civic Center.

There is a public meeting on the Beattie Street Trailhead on Tuesday, July 31, 2018 at 5:00 p.m., Lewis & Clark Library Conference Room.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:35 p.m.

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DEBBIE HAVENS

CLERK OF THE COMMISSION