

**CITY OF EAST HELENA
PUBLIC HEARING & SPECIAL COUNCIL MEETING
CITY HALL
October 25, 2016 7PM**

COUNCIL MEMBERS PRESENT: Kit Johnson, Don Dahl, and Mike Misowic

EXCUSED/ABSENT: Councilmember Leland

PRESENT FROM CITY: Mayor James Schell, City Attorney Pete Elverum, Clerk Treasurer Gena Berry, Public Works Director St. Clair

OTHERS PRESENT: Jeremy Fadness, Teri Valvoda, Paul Ott, Laurie Koutnik, Lee Flasnick. Joe Valvoda entered at 5:25pm.

MEETING CALLED TO ORDER / PLEDGE OF ALLEGIANCE: Mayor Schell called the meeting to order at 5:11 pm. The Pledge of Allegiance was led by Councilmember Misowic.

PUBLIC COMMENT: none

PUBLIC HEARING #1: Variance Request by Teri and Joe Valvoda to allow a daycare at 204 East Clark Street. Several variances are needed for this. Allowance for only 2 off street parking spaces instead of the required 4 spaces. The lot is nonconforming in width and length. Finally a change of use. Jeremy Fadness gave the staff report regarding these variance requests.

PUBLIC HEARING #2: Conditional Use Permit Application to change the use of an existing single family dwelling to a daycare center. Mr. Fadness gave the staff report regarding the Conditional Use Permit Application.

Mr. Fadness recommended granting the variances and conditional use. No written public comments were received by Mr. Fadness or Clerk Treasurer Berry.

Mayor Schell called for any public comments in support. Teri Valvoda spoke in favor. Joe Valvoda also spoke in favor. Realtor for the Valvoda's, Laurie Koutnik, spoke in favor.

Mayor Schell called for any public comments opposed. None were made. Mayor Schell called for any public comments of neutral status. None were given.

Public Hearing closed at 5:35pm.

NEW BUSINESS:

Council Discussion on both items.

Councilmember Johnson stated that he would like to see all of the neighbors being informed about the request prior to the public hearing so they may have a chance to comment. Neighbor, Paul Ott, replied stating that he saw the public notice on the City's website and is here to hear what this is about. He also said that he is okay with the daycare plans as he's heard them so far. Mr. Ott said that he would be the neighbor most present in the neighborhood at this time.

Councilmember Johnson asked Teri about any thoughts of expansion. Teri said that she didn't really have any but a small overlap allowance would be good. Mr. Fadness explained that this change of use and variance would follow the property if it were to be sold in the future. On this knowledge the council

discussed possible ways to amend the permit to make sure that a future owner could not expand the limit of children allowed at this daycare beyond what they deemed appropriate for this house and lot size. Mr. Fadness proposed imposing a nine child limit in the permit. Councilmember Johnson spoke of safety considerations that the Fire Chief may address in terms of granting the business license application.

ACTION: There being no further public comments, Councilmember Dahl made a motion to allow requested variances. Councilmember Johnson seconded. Motion passed unanimously. Councilmember Johnson made a motion to accept the change of use request with the nine child limit proposed by Mr. Fadness. Councilmember Misowic seconded. All members voting aye, motion passed unanimously.

Meeting adjourned: 5:55pm

ATTEST:

Clerk

Mayor