

ADMINISTRATIVE MEETING

August 3, 2016

4:00 p.m. to 6:00 p.m.

Room 326

AGENDA

1. **Call to order, introductions, opening comments**
2. **July 20, 2016 Administrative Meeting summary**
3. **Commission comments, questions**
 - Upcoming appointments
4. **City Manager's Report**
5. **Department discussions**
 - City Attorney**
 - Short Term Lease (<10 years) Ordinance
 - **Consensus Direction to Manager:**
 - Public Works**
 - Transportation Coordinating Committee (TCC) Urban Route Recommendations (for materials see July 20, 2016 administrative meeting packet)
 - **Consensus Direction to Manager:**
 - Community Development**
 - Proposed R/U (Residential/Urban) Zoning District (for materials see July 20, 2016 administrative meeting packet)
 - **Consensus Direction to Manager:**
6. **Committee discussions**
 - a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns
– Mayor Jim Smith
 - b) Mayor Pro-Tem, Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee
– Commissioner Dan Ellison
 - c) ADA Compliance Committee, Audit Committee, City-County Parks Board , Civic Center Board
– Commissioner Rob Farris-Olsen
 - d) Board of Adjustment, City-County Administration Building (CCAB), Non-Motorized Travel Advisory Board, Transportation Coordinating Committee
– Commissioner Andres Haladay
 - e) Business Improvement District/Helena Parking Commission ,Montana Business Assistance Connection, Public Art Committee
– Commissioner Ed Noonan
 - f) Helena Citizens Council
7. **Review of agenda for August 8, 2016 Commission meeting**
8. **Public comment**
9. **Commission discussion and direction to City Manager**
10. **Adjourn**

City of Helena, Montana

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citycommunitydevelopment@helenamt.gov

316 North Park, Avenue, Room 440, Helena, MT 59623

City of Helena, Montana

MEMORANDUM

July 28, 2016

TO: Ronald J. Alles, City Manager

FROM: Thomas J. Jodoin, City Attorney 
Iryna O'Connor, Deputy City Attorney 

SUBJECT: Amending Helena City Code § 1-4-17: Sale, Disposal, or Lease of Real Property, to allow City Commission approval of a short term lease of real property without public hearing

The City Attorney's office recommends that the proposed changes be made to §1-4-17 to allow the City to more efficiently and expediently lease city space for use by third parties.

Current Requirements: Pursuant to the 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.

Proposed Change: The City Attorney's office recommends that the language of §1-4-17 be amended to only require the full public notice and hearing process on leases for a term of over 10 year ("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. The proposed language changes are attached.

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 Commissions' input. The proposed amendment will not foreclose the possibility of the 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 reason for requiring the full public notice and hearing for leases exceeding a 10 year term is because such long term leases are more likely 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 6 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 which are also covered by §1-4-17.

Attachments: Proposed §1-4-17 language change

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1-4-17 OF THE HELENA CITY CODE TO ALLOW CITY COMMISSION APPROVAL OF A LEASE OF REAL PROPERTY WITHOUT PUBLIC HEARING

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Section 1-4-17 of the Helena City Code is hereby amended as follows:

1-4-17: **SALE, DISPOSAL OR LEASE OF REAL PROPERTY:**

A. Real property in which the city has a legal or equitable interest may not be sold, leased for a period of longer than ten (10) years, or disposed of, nor any option or contract for the sale, lease, or disposition of the same may be entered into, except as provided herein. Subject to the provisions of this subsection, the city commission may sell, lease, or dispose of any real property belonging to the city, including property held in trust for a specific purpose, by a resolution passed by three (3) of the city commission members present. Prior to selling, leasing for a period of longer than ten(10) years, or disposing of said real property, except for real property the city has acquired by tax deed from the county after a tax sale, the city manager or the manager's designee shall:

1. Publish notice twice, in the legal newspaper, of the city's intention to sell, lease for a period of longer than ten (10) years, or dispose of real property, giving the public the opportunity to be heard regarding such action. Said notice shall be published in accordance with state law.

2. Notify by mail all property owners within three hundred feet (300') of the exterior boundaries of the real property subject to sale, lease for a period of longer than ten (10) years, or disposal at same time as first publication, of the time, date, and place of the public hearing and the existing and proposed use of the property.

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3. For property with an expected sale price of more than five hundred thousand dollars (\$500,000.00), have the property appraised by two (2) qualified, licensed appraisers who shall each independently appraise the property without consultation or corroboration with the other as to the finding of an appraised value. These appraisals shall be obtained prior to providing the public notices required in subsections A1 and A2 of this section and the results of the appraisals shall be included in the public notices.

B. Real property acquired by the city by tax deed from the county may be sold, leased or disposed of according to law without regard to this section.

C. Leases of real property in which the city has a legal or equitable interest for a term of less than ten (10) years are not subject to the public notice or notification of property owners requirements of subsections 1(A) and 1(B). Leases of real property for a term less than ten (10) years must be approved by the commission by consent agenda.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,

THIS _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS _____ DAY OF _____, 2016.

MAYOR

ATTEST:

CLERK OF THE COMMISSION