

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**February 8, 2016**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, February 8, 2016 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

***Members Present***

Mayor Smith indicated for the record that Commissioners Ellison, Haladay, Noonan and Farris-Olsen were present. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Dick Sloan representing the Helena Citizens Council.

***Pledge of Allegiance***

Mayor Smith 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 January 25, 2016 were approved as submitted.

***Proclamation***

PROCLAMATION:

A. Family Promise Week

Mayor Smith read the proclamation designating the week of February 21, 2016 as Family Promise Week in the City of Helena.

Nick Zullo, Executive Director of Family Promise of Greater Helena, accepted the proclamation and discussed the organization's mission to eradicate generational homelessness in the community.

He announced a fundraiser benefiting Family Promise would be held on Sunday, February 21, 2016 at the Lewis & Clark County Fairgrounds and encouraged the community to attend.

***Board Appointments***

BOARD APPOINTMENT:

A. Public Art Committee

Mayor Smith recommended the following board appointment:

Public Art Committee – Appointment of Chip Clawson to an unexpired term on the Public Art Committee; term will begin upon appointment and expire December 31, 2017.

***Public comment***

Mayor Smith asked for public comment, none was received.

***Motion***

**Commissioner Haladay moved approval of the appointment to the Public Art Committee as listed above.** Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

***Consent Agenda***

CONSENT AGENDA:

A. Claims

City Manager Ron Alles recommended approval of the claims.

***Public comment***

Mayor Smith asked for public comment, none was received.

**Motion** **Commissioner Haladay moved approval of item A on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Noonan stated five capital high school students were recognized as Best in State for their accomplishment in the 2016 Verizon Wireless Innovative App Challenge for their Mobile electronic Student Help (MeSH) App concept and read their names into the record: Chris Brand, Braden Dorrington, Connor Morrison, Matthias Sletten, Lindsay VanDale and Zac Wunderwald.

He noted he wanted to bring attention to this award, as the Helena School District Board has announced they will first address the academic needs of Helena's students before addressing local school facilities. He commended the Board and wished them the best.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
No report was given.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
City Manager Alles reported the first application has been processed for the City's Residential Energy Efficiency and Renewable Energy Loan Program.

**Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL  
HCC Chairman Gary Spaeth introduced the Council's Executive Officers for 2016: Vice-Chair Sumner Sharpe, Secretary Mary Anne George, and Treasurer Dick Sloan. He reported the HCC has implemented three ongoing subcommittees in order to better serve the Commission and citizens.

Chair Spaeth urged one member of the Commission to attend each monthly HCC meeting, adding the Council meets the fourth Wednesday of every month at 7:00 pm in Room 326 of the City/County Building.

Mayor Smith requested the City Clerk's office work with the individual Commissioners to schedule a member of the Commission to attend the monthly HCC meetings.

**Regular Items** REGULAR ITEMS:  
A. CONSIDER A RESOLUTION OF INTENTION TO VACATE THE FULL WIDTH OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY (ROW) BETWEEN LOTS 1 AND 7 IN BLOCK 4 AND THE EAST-WEST ALLEY BETWEEN LOTS 1 AND 7 IN BLOCK 4 AND LOTS 12 AND 13 IN BLOCK 3, ALL IN THE GRAND AVENUE ADDITION.

**Staff Report** City Engineer Ryan Leland reported Wylie A. Rucker and U Haul Real Estate Co., the owners of the property adjacent to the described property, have petitioned for the vacation of a portion of the platted alley as described above.

The square footage of the alley to be vacated totals 1,942 square feet. Of this Mr. Rucker is requesting 1,370 square feet and U-Haul Moving & Storage of Helena is requesting 572 square feet. The square foot value for the portion requested by Mr. Rucker is \$5.25 and for U-Haul Real Estate Co. is \$5.29. The approximate total calculated value to vacate the portion of alley requested by Mr. Rucker is

\$7,193.00. The approximate total calculated value to vacate the portion of alley requested by U-Haul Real Estate Co. is \$3,026.00. The surveys being required of the applicant and the City of Helena will determine the total square footage and final cost of the vacation.

Engineer Leland recommended approval of the proposal as the vacation will allow the construction and expansion of a new loading dock and warehouse expansion for Mr. Rucker and added storage area for U-Haul Real Estate Co.

Discussion

Commissioner Farris-Olsen asked for clarification of the location of the alley proposed for vacation; Engineer Leland identified the subject property on a map.

Mayor Smith asked for confirmation that Centennial Trail will not be adversely affected. Engineer Leland confirmed it would not and explained this property was taken into account during design of the trail.

Commissioner Haladay asked if the expansion of Rucker's Warehouse will be allowed by right. Engineer Leland stated yes, according to the property's zoning designation.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Ellison moved approval for a resolution of intention to vacate the full width of the north-south alley right-of-way (ROW) between Lots 1 and 7 in Block 4 and the east-west alley between Lots 1 and 7 in Block 4 and Lots 12 and 13 in Block 3, all in the Grand Avenue Addition and set a public hearing date for February 22, 2016.** Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Res #20230**

B. CONSIDER A RESOLUTION OF INTENTION TO VACATE THE FULL WIDTH OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY (ROW) BETWEEN LOT 5 AND LOTS 21 - 23, AND THE SOUTHERN TRIANGULAR PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY ADJACENT TO LOT 1, ALL IN BLOCK 1 OF THE GRAND AVENUE ADDITION.

Staff Report

Engineer Leland reported 80 Proof, LLC, the adjacent property owner to the above described property, has petitioned for the proposed vacation. Currently, the subject alley cannot be utilized due to existing buildings and infrastructure adjacent to the alley to be vacated.

The proposal is to vacate of the remaining portions of the platted alley as described above. The square footage of the alley to be vacated totals approximately 1,093 square feet. The applicant is proposing to trade the approximate square footage of property adjacent to City of Helena right-of-way in lieu of cash payment. The required survey by the applicant and the City of Helena will determine the total square footage and final cost of the vacation.

Engineer Leland recommended approval of the proposed vacation as it will allow clean up of the plats in the area and provide additional right-of-way for the City.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Ellison moved approval for a resolution of intention to vacate the full width of the north-south alley right-of-**

**way (ROW) between Lot 5 and Lots 21 - 23, and the southern triangular portion of the east-west alley right-of-way adjacent to Lot 1, all in Block 1 of the Grand Avenue Addition, and set a public hearing date for February 22, 2016.** Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20231**

**Public Hearings**

PUBLIC HEARINGS:

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE PRE-ZONING TO R-O (RESIDENTIAL-OFFICE) DISTRICT, AND UPON ANNEXATION AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR PROPERTY LEGALLY DESCRIBED AS TRACT B-1A-1 OF COS #3104106 IN LEWIS AND CLARK COUNTY.

Staff Report

Senior City Planner Dustin Ramoie reported on Tuesday, January 12, 2016 the Helena Zoning Commission unanimously (3:0 vote) recommended approval for the adoption of an ordinance pre-zoning to R-O (Residential-Office) District Tract B-1A-1 of COS # 3104106.

The subject property is undeveloped and wholly surrounded by the city of Helena, is adjacent to R-O zoning, and is located within the "Urban Standards Boundary Area"; the 2011 Growth Policy promotes pre-zoning and annexation of such properties. Water and sewer mains are located in adjacent Colonial Drive and boulevard sidewalks have been installed next to the property. When annexed, extension of the water and wastewater service boundary will occur automatically.

The applicant desires to obtain approval for R-O pre-zoning prior to annexation for Tract B-1A-1 of COS #3104106.

Planner Ramoie recommended approval of the proposal as pre-zoning this property will promote the orderly extension of city services and infrastructure; promote development near employment, residential uses, and shopping; and encourage higher density development near a motorized and non-motorized transportation system.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Greg Wirth, Stahly Engineering, representing the applicant; urged the Commission to approve the proposed zoning and offered to answer any questions the Commission may have.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Discussion

Commissioner Ellison commented he lives in the area and feels the proposed R-O zoning designation is very appropriate. He stated he would vote in favor of the proposal.

Commissioner Haladay stated Touchmark owns quite a bit of property within the City; an amount high enough to hit the cap for the Street Maintenance District, which is one million square feet. He asked City Manager Alles to confirm whether this parcel, once annexed, would pay into the Street Maintenance District; and whether the cap applies to contiguous or aggregated square feet.

Manger Alles stated he would research the question and report back to the Commission to be certain, but he believes the cap would apply to the aggregated portion of the property since they are all connected. Commissioner Haladay asked if that would mean no

additional Street Maintenance District charges. Manager Alles concurred.

**Motion**

**Commissioner Noonan moved approval of first passage of an ordinance pre-zoning to R-O (Residential-Office) District and upon annexation amending the official zoning map for the city of Helena for property legally described in the attached ordinance.**  
Commissioner Haladay seconded the motion. All voted aye, motion carried. **Ord #3216**

***Public Communications***

PUBLIC COMMUNICATIONS  
No public communications were given.

***Meetings of Interest***

MEETINGS OF INTEREST  
The next Administrative Meeting is February 17, 2016 and the next Commission Meeting is February 22, 2016.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 6:49 p.m.

/S/ JAMES E. SMITH  
\_\_\_\_\_  
Mayor

ATTEST:

/S/ DEBBIE HAVENS  
\_\_\_\_\_  
Clerk of the Commission