

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 10, 2018 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, September 10, 2018 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Collins indicated for the record that City Commissioners Haladay and Noonan were present. Commissioners Farris-Olsen and O'Loughlin were excused. City Attorney Thomas Jodoin, City Manager Dennis Taylor 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 August 27, 2018 were approved as submitted.

Proclamations

PROCLAMATIONS:

A. United Way Week

Mayor Collins read the United Way Week Proclamation and presented it to Executive Director Alyson Munson. Director Munson spoke of the important role the United Way has in the community; she noted the goal this year is not a dollar amount; the goal is changing lives of 3,000 people.

B. Suicide Prevention Week

Mayor Collins read the Suicide Prevention Week Proclamation and presented it to Jess Hegstrom with the Suicide Prevention Coalition. Ms. Hegstrom addressed the commission and thanked Mayor Collins for the proclamation and noted there are a lot of efforts being done to prevent suicide.

Board Appointments

BOARD APPOINTMENTS:

A. Board of Adjustment, Business Improvement District/Helena Parking Commission, Bill Roberts Golf Course Advisory Board, City-County Parks Board.

Mayor Collins recommended the following appointments:

Board of Adjustment - Reappointment of George McCauley, as the alternate member, to a second term on the Board of Adjustment. Term will begin upon appointment and expire October 31, 2021.

Business Improvement District/Helena Parking Commission - Reappointment of Mark Roynance to a second term on the BID/HPC. Term will begin upon appointment and expire October 31, 2022.

Bill Roberts Golf Course Advisory Board - Reappointment of Pete Aspinwall to a second term on the Golf Advisory Board. Term will begin upon appointment and expire October 30, 2021.

City-County Parks Board - Reappointment of Pat Doyle to a second term on the Parks Board. Term will begin upon appointment and expire September 30, 2021.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion Commissioner Noonan moved approval of the board appointments as outlined above. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Acceptance of pledged collateral for City deposits at financial institutions.

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 B on the consent agenda. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Communications From City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS
Mayor Collins recognized the importance of the Directors who work for the city of Helena live in the city limits and asked that this item be put on an upcoming administrative meeting agenda in September or October.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
City Attorney Jodoin reported the city received confirmation I183 Initiative did not gather enough signatures and will not be on the ballot. The city filed a petition to dismiss and it was granted today.

Report of the City Manager REPORT OF THE CITY MANAGER
City Manager reminded the commission of the 911 Ceremony at 1:30 p.m. at the Capitol Rotunda on Tuesday, September 11th

Report from the Helena Citizens REPORT FROM THE HELENA CITIZENS COUNCIL
HCC Chair Sumner Sharpe thanked Manager Taylor for attending the August HCC meeting. He also thanked HR Director Fehr for working with the HCC to be inclusive in the recruitment of the city manager.
The HCC will also be reviewing how the citizen notification is currently done and what may be able to be improved.

Regular Items A. CONSIDER A RESOLUTION ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR WATER AND WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY OF H ELENA PURSUANT TO CITY PROJECT 14-11

Staff Report Attorney Jodoin reported the City has installed the sewer main and sewer stubs to 21 residents and 3 vacant developable lots along Granite Avenue. The City has also installed water main and curb boxes to 18 residents and 3 vacant developable lots along Granite Avenue. The project is complete and final payout has been processed.
The cost reimbursement resolution to recoup the cost of the installation of the sewer main and water main to the residents along Granite Avenue. City staff proposes to break down the reimbursement costs for the sewer main and the water main on a square foot basis of each lot. The project is complete and all the costs have been determined

and the total cost of the project is \$567,380.25. The reimbursements cost range between just over \$4,000 to approximately \$44,000. The reimbursement would have to be paid for in full or financed through the property taxes associated with that lot at the time of connection.

Attorney Jodoïn referred to the attached spreadsheet with the breakdown of each property served.

Attorney Jodoïn recommended approved the resolution establishing a Cost Reimbursement Program for water and wastewater infrastructure installed by the City of Helena pursuant to City Project 14-11.

Commissioner Haladay asked if the reimbursement is for when the property owner taps into the city's water and sewer systems. Attorney Jodoïn stated yes; however, the property owner will have additional costs for installing the infrastructure from the curb box to the house.

Commissioner Haladay asked if staff did a cost comparison between a lineal square footage compared to a square footage. Engineer Leland stated staff did run the comparison and there were very few discrepancies and staff kept the recommendation as in Phase I.

Commissioner Haladay noted with Phase I there were residents who stated they could hire a private contractor to install their portion of the project at a cheaper cost; he asked with this resolution, the costs are set and if adopted the property owners could not do the work themselves. Engineer Leland concurred.

Commissioner Haladay stated this is a good idea and provides the residents an option for funding through a loan program. Commissioner Noonan and Mayor Collins concurred with Commissioner Haladay's comments.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Noonan moved approval of a resolution establishing a Cost Reimbursement Program for water and wastewater infrastructure installed by the City of Helena pursuant to City Project 14-11. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20489**

- B. CONSIDER FIRST PASSAGE OF AN ORDINANCE CREATING THE DOWNTOWN URBAN RENEWAL DISTRICT AND ESTABLISHING THE BOUNDARIES THEREOF AND ADOPTING THE DOWNTOWN URBAN RENEWAL DISTRICT PLAN, INCLUDING TAX INCREMENT PROVISION PURSUANT TO TITLE 7, CHAPTER 15, PARTS 42 AND 43, MCA.

Staff Report

Director Haugen reported On May 21, 2018, the Helena City Commission adopted a Resolution of Necessity that included a Statement of Blight for the proposed Downtown Urban Renewal District. The resolution, in part, declared the area a blighted area and directed that its rehabilitation and/or redevelopment was necessary in the interest of the residents of the City of Helena. The Commission further directed that an Urban Renewal Plan be created for the area. The city hired WGM, Inc. to assist in the development of the Plan. The Plan that is under consideration is the result of several stakeholder interviews, public meetings, and review of the Downtown Neighborhood Plan and other related documents relating to the downtown area. The goals stated in the

Plan are the result of these meetings and a review of the 2011 Helena Growth Policy.

MCA Section 7-15-4213 requires that the Consolidated Planning Board review the Urban Renewal Plan and provide a written recommendation to the City Commission as to whether the Urban Renewal Plan conforms to the 2011 Growth Policy. On August 21, 2018 the Planning Board heard a presentation regarding the Urban Renewal Plan and the goals identified in the Plan. The presentation also evaluated how these goals were in conformance with the city's current Growth Policy as amended by the Downtown Neighborhood Plan. At that meeting, the Planning Board made a final determination and formal recommendation for the City Commission's consideration that the Downtown Urban Renewal Plan and its goals were in conformance with the 2011 Growth Policy as amended by the Downtown Neighborhood Plan.

Prior to the adoption of this ordinance, a public hearing must be held. That hearing is proposed for September 24, 2018. As part of the public hearing process, there will be notice of the hearing sent to all property owners' whose names appear on the county treasurer's tax rolls as the owners or purchasers under contracts within the district pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA. As part of the public process, City staff and consultants accepted written comments regarding the Plan until August 17th. A copy of those comments is attached. At the August 21 meeting, the consultant presented some draft language intended to address some of the concerns received as comments and to better clarify the intent of the Plan as they related to historic preservation, public art and non-motorized /pedestrian access. The Planning Board reviewed the proposed language and has recommended that the City Commission adopt these changes. A copy of the draft plan can be found on this link <http://www.helenamt.gov/cd/planning/currentprojects/downtownurban.html>. A hard copy of the plan can be obtained by contacting the Community Development Department located at 316 N. Park, Helena, Montana.

The purpose is to grant first passage and schedule a public hearing on the merits of creating a Downtown Urban Renewal District and to potentially use tax increment financing to make necessary improvements in the district.

The creation of the district and the resulting opportunities associated with tax increment financing and other mechanism as identified in the Plan could help fund projects that would improve the area's infrastructure, encourage the revitalization and redevelopment of the area, and help preserve the historic nature of the district. This area has been identified in the 2011 Helena Growth Policy as an area with potential for redevelopment and infill. The Downtown Neighborhood Plan set out goals on how this area of town should be further developed and intensified several actions that were needed to address this redevelopment. The creation of an Urban Renewal District was one of the action items. It is also designated as a "mixed use area" on the Future Land Use Map in the document. The creation of an Urban Renewal District and potential use of tax increment financing will provide opportunities for the city to meet those goals. The development of the Urban Renewal Plan is a combination of the results of several studies, stakeholder meetings and other public outreach, and represents the results of these efforts. The goals relating to the preserving the historic nature of the district, enhancing the motorized and non-motorized infrastructure and encouraging greater diversity in the area are goals that were identified by many of these groups' efforts. The creation of an Urban Renewal District is one of the few tools that cities have to encourage redevelopment in an area and this use of this tool is

appropriate at this time. It is also one of the tools that encourages public private partnerships. It is anticipated that the actions resulting from the Plan will increase the overall taxable value of the proposed district through strategic public and private investment. The increase in taxable value from a set baseline level will be redirected back into the district. The increment that is derived from the increase in taxable value therefore, will stay in the district and will not be available to be used elsewhere in the city.

Redevelopment of the Downtown is a more efficient use of existing infrastructure. The use of TIF funds have been used in other communities to help fund improvements necessary to bring existing building up to code. This use of funds is also contemplated in this Plan and would help extend the useful life of these buildings and help to make them more efficient.

It is anticipated that the actions resulting from the Plan will increase the overall taxable value of the proposed district through strategic public and private investment. The increase in taxable value from a set baseline level will be redirected back into the district. The increment that is derived from the increase in taxable value therefore, will stay in the district and will not be available to be used elsewhere in the city.

Listed below are the comments were received on the creation of the Downtown Urban Renewal District:

- Process
- Plan – Insufficient Detail
- Advisory Committee
- Blight not the issue
- Use of Experts
- Project Criteria
- Historic Preservation/Demolition
- Baseline info (parking, building condition, historic inventory)
- Analysis of causes of current conditions
- More detail on key historic events – Panic of 1893, etc.
- Importance of public art (and specific reference to Women’s Mural)
- Transit needs to be better addressed
- Pedestrian connections to parking and trail systems
- More housing for a range of incomes and for retirees, young professionals, etc.
- Quality affordable housing
- “Modernization” and building upgrades
- Infill, conversion of older buildings to housing
- Branding – doesn’t last and not useful

Listed below are the suggested changes:

- Focus on changes that affect:
 - Vision, goals, and objectives (Ch. 3)
 - How the plan will be implemented (Ch.4) and
- Changes must Conform to Growth Policy
- Add Initial Project Criteria
 - Achieves vision, goals, and objects of the URD Plan
 - Meets statutory criteria for use of TIF funds
 - Conforms to Downtown Master Plan
 - Incentivizes private investment
 - Provides good return on investment
- Advisory Committee, Project Review – Add the following:
 - Board Member from the Heritage Preservation and Tourism Development Council to sit on Advisory Committee

- Add another “at large member” to avoid even # on committee
- Advisory Committee may require study or analysis by experts as needed to determine compliance with project criteria
- Add discussion of process for reviewing projects
- Baseline Information and Inventories –
 - Goal #1 – Build a cohesive downtown identity
 1. Brand and market downtown to stimulate investment
 2. Assemble baseline information and update to monitor change and ~~distribute key information~~ make available to public and to prospective investor. ~~Including~~ **Information would include** commercial and residential real estate data, **occupancy rates**, broadband availability, **historic building inventory**, **building condition**, **resident population numbers**, etc.
- Housing
 - Goal #2 – Add to downtown vibrancy with a mix of uses
 1. Provide a range of housing types for a range of incomes, with an emphasis on a core of **quality** affordable housing for young professional and workers, and older generations that is currently lacking in downtown.
 2. Attract new business types to downtown, such as specialty food markets, etc., **that support residential uses.**
 3. Encourage business start-ups and incubators
 4. Complete process of rezoning Downtown area to encourage more mixed use and ground floor active use.
 5. **Encourage ground-floor use with transparency – Street level storefront windows, doors and entryways, courtyards, etc. that invite passerby to look in. (moved from Goal #6)**
 6. Provide for demolition and site preparation as needed to upgrade properties.
- Infill, Upgrades, Adaptive Re-Use
 - Goal #3 – Upgrade Underperforming Properties
 1. Develop vacant lots and **encourage upgrades to** under-performing gaps ~~in the URD.~~
 2. Encourage the update **and adaptive re-use** of buildings for 21st century needs, ~~for such as~~ open interiors, **improvements to amenities such as** broadband, and for safety and market competitiveness.
 3. Encourage redevelopment of parking facilities that create gaps in downtown **ground-floor retail by allowing non-parking uses on floor level and parking on other stories.**
 4. Facilitate façade improvements.
 5. Inventory city properties with potential for higher use and develop criteria for disposition.
 6. Provide for demolition and site preparation as needed to upgrade properties.
- Parking
 - Goal #4 – Invest in the Public Infrastructure Needed to Attract Development

5. Accommodate private underground utilities within public rights-of-way
 6. Expand fiber capability
 7. **Document existing parking capacity and use; and analyze projected demand and parking alternatives including park-and-ride, mobile applications, and other approaches to parking in similar-sized communities in the nation.**
Manage parking
- Transit Connections
 - Goal #5 – ~~Connections~~
 1. Improve bike and pedestrian connections within the District and **linkages to recreational trail systems** and ~~to existing non-motorized facilities~~ surrounding neighborhoods, including Carroll College
 5. Increase transit options **in downtown, including easily-identified bus stops with posted schedules.**
 6. **Improve pedestrian connections from parking facilities to destinations by making them more easily identified, more attractive and invited (with trees, greenspace, viewpoints, etc. so that walking to/from parking becomes a pleasurable experience in itself.**
 - Historic Resources
 - Revise Goal #6 – **Promote Historic Preservation to Create a Quality and Unique Experience**
 1. Promote historic preservation and context-sensitive design, **and avoid demolition of historic buildings where feasible.**
 2. ~~Encourage ground floor use with transparency – Street level storefront windows, doors, and entryways, courtyards, etc. That invite passerby to look in.~~ (move to Goal #2 “Downtown Vibrancy”)
 3. Capitalize on downtown’s historic assets and unique history (Distinguish Helena downtown from other places in Helena and rom other cities.

Director Haugen reported the Planning Board found the URD Plan, with changes identified in a motion made at the August 21, 2018 Planning Board meeting, meets requirements of conformance with the Helena Growth Policy as amended by the Downtown Master Plan. They recommend this finding of conformance to the Helena City Commission DRAFT. The Planning Board supports the changes to the URD Plan as presented at the August 21st meeting.

Director Haugen recommended approval for first passage of an ordinance creating the Downtown Urban Renewal District and establishing the boundaries thereof; adopting the Downtown Urban Renewal District Plan, including a tax increment provision pursuant to Title, Chapter 15, parts 42 and 43, Montana Code Annotated and set a public hearing date for September 24, 2018.

Discussion

Commissioner Haladay asked if first passage of the ordinance is approved tonight, staff will bring forward the recommended changes and amendments recommended by the Planning Board, to the public hearing. Director Haugen stated yes and noted the Planning Board

submitted a memo with their recommendation, which will be included in the recommendation.

Commissioner Noonan recognized the creation of the Downtown Urban Renewal District has been a coordination of many people over the last few years and recognized the previous history the Urban Renewal still haunts many people. He then acknowledged the TIF District that was established in the 90's paid for a lot of renovations and infrastructure within the district. He appreciates city staff's efforts to bring this forward.

Commissioner Haladay concurred and noted the downtown property is the most valuable property; this district will help with funding of future projects and infrastructure. Long term framework will guide the process.

Public Comment Mayor Collins called for public comment. None was received.

Motion **Commissioner Haladay moved approval for first passage of an ordinance creating the Downtown Urban Renewal District and establishing the boundaries thereof; adopting the Downtown Urban Renewal District Plan, including a tax increment provision pursuant to Title 7, Chapter 15, parts 42 and 43, Montana Code Annotated and set a public hearing date for September 24, 2018.** City Commissioner Noonan seconded the motion. All voted aye, motion carried. **Ordinance 3242**

Public Hearings PUBLIC HEARINGS:
A. CONSIDER FINAL PASSAGE OF ORDINANCE 3241 AMENDING SECITNS 7-9-2 AND 7-9-5 OF THE HELENA CITY CODE TO CLARIFY PERMIT REQUIREMENTS FOR PARADES, SPECIAL EVENTS, VENDORS, AND VEHICLES ON THE PEDESTRIAN MALL.

Staff Report City Attorney Jodoin reported a permit is presently required to conduct a parade, public assembly, trade show or display merchandise for sale. Being adopted in 1983, the current language is out of date and not reflective of current practices and needs for permitting parades, special events, vendors, and vehicles on the pedestrian mall.

Liability insurance has not been required for parades and special events in which vehicles are not driven on the pedestrian mall. In situations where vehicles will be driven on the pedestrian mall in conjunction with parades and special events, liability insurance has been required due to concerns with underground vaults.

The commission approved first passage of this ordinance at its August 13, 2018 regular meeting.

The amendment clarifies the various permit requirements for parades, special events, vendors, and vehicles on the pedestrian mall. Liability insurance for parades and special events on the pedestrian mall would only be required for parades or special events where vehicles will be driven on the pedestrian mall. Vendors selling merchandise or food or beverages on the pedestrian mall will also be required to provide liability insurance.

Attorney Jodoin recommended approval for final passage of Ordinance 3241 amending Sections 7-9-2 and 7-9-5 of the Helena City Code to clarify permit requirements for parades, special events, vendors, and vehicles on the pedestrian mall.

Public Testimony

Mayor Collins declared the public portion of the hearing open and called for any public testimony.

Kevin Hamm asked if there is a way to permit open containers on the pedestrian mall.

There being no public testimony, Mayor Collins closed the public portion of the hearing.

Motion

Commissioner Noonan moved approval for final passage of Ordinance 3241 amending Sections 7-9-2 and 7-9-5 of the Helena City Code to clarify permit requirements for parades, special events, vendors, and vehicles on the pedestrian mall. Commissioner Haladay seconded the motion.

Discussion

Manager Taylor noted this ordinance does not address open containers on the pedestrian mall.

Attorney Jodoin noted the rules under the Department of Revenue, it is problematic to allow open containers on the pedestrian mall. The state wants to see a specific area blocked for each establishment

The commission previously considered allowing open containers on the pedestrian mall; if the commission were to create an exception to the rule, the individual with the alcohol would not be in violation.

Mr. Hamm asked Attorney Jodoin if he has contacted Butte/Silver Bow to see how they address their open container ordinance. Attorney Jodoin noted the city commission has not given direction to pursue open containers on the pedestrian mall.

Commissioner Noonan stated this summer there have been events occurring in front of the establishments on the pedestrian mall and there is potential that adjacent establishments are part of the event. Attorney Jodoin stated he cannot not speak on behalf of the Department of Revenue; which requires the space to be cornered off in respect to their licenses. The city of Helena has requested individual permits and liability insurance. Commissioner Noonan stated the changes that simplified and clarified the different permits for the pedestrian mall seems to be paying off. We are headed in the right direction and open to other considerations.

Commissioner Haladay commented when an event is being sponsored by one of the businesses on the pedestrian mall and not selling outside their properties; are they applying for a permit on what the commission is passing tonight. Attorney Jodoin stated the businesses have been applying and receiving permits to allow persons to have open container within the cornered off areas. Commissioner Haladay asked if a single permit is for an individual business or dual businesses. Attorney Jodoin noted he believes the permit is being given to two businesses; however, all entities have to provide insurance. Chief McGee concurred one permit is being issued for dual businesses.

Manager Taylor stated this ordinance moves the process to a better place; multiple establishments have one area cornered off and it seems to be working.

Vote

All voted aye, motion carried. **Ordinance 3241**

**Public
Communications**

PUBLIC COMMUNICATIONS

Brian Copeland, 1805 Joslyn, #129; appeared before the commission to discuss the potential crisis of homelessness. Mr. Copeland stated he is trying to work within the community to get help with replacing his roof.

Commissioner Noonan addressed Mr. Copeland and thanked him for the work he does in the community. Mayor Collins noted Habitat for Humanity is ready to provide the material for a new roof; however, unable to provide the man power.

Kevin Hamm thanked city staff for assisting with the PRIDE Event; it was a great week-end.

Meetings of Interest MEETINGS OF INTEREST

The Administrative Meeting is scheduled for September 19, 2018 and the next City Commission Meeting is September 24, 2018.

Commissioner Noonan announced the Walk a Mile - Ride a Mile event will kick-off on Monday, September 24th.

Adjournment

There being no further business to come before the City Commission, the meeting was adjourned at 7:10 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE CITY COMMISSION