

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**November 19, 2018 - 6:00 P.M.**  
**City Commission Chambers, Room 330**

- Time & Place** A regular City Commission meeting was held on Monday, November 19, 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, Noonan and O'Loughlin were present. Commissioner Farris-Olsen was 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 November 5, 2018 were not available for approval.
- Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the sale or disposal of that property. **Resolution 20497**
- City Manager Taylor recommended approval of the claims.
- Public Comment** Mayor Collins asked for public comment, none was received.
- Motion** **Commissioner O'Loughlin moved approval of the consent agenda, Items A-B.** Commissioner Haladay seconded the motion. All voted aye, motion carried.
- Bid Award** BID AWARD  
A. Purchase of Two (2) New 2019 Open Top Solid Waste Transfer Trailers for the City of Helena Solid Waste Division.
- Staff Report** Assistant Public Works Director Lovshin reported two bids were received and opened for two (2) New 2019 Open Top Solid Waste Transfer Trailers for the City of Helena Solid Waste Division. This new equipment will allow the Solid Waste Division to continue to improve productivity and maintain consistent service. The low bidder was Spec Tech with a bid of \$193,686.00 for two 2019 Open Container Trailers, Model #SWO4804102. These units do not meet bid specs. The second bidder was Wilkens Industries, with a bid of \$201,306.00, for two 2019 Open Container Trailers, Model #48126. These two units meet bid specs and this bid is considered the low and responsible bid
- Staff recommends the purchase of the new units at the bid price of \$201,306.00. This purchase will allow the Solid Waste Division to continue to operate with reliable equipment and reduced maintenance costs with emphasis on safety for employees, continued service and reduced pressure associated with maintenance & repair.
- The purchase of these units will allow the City to continue to upgrade its Solid Waste Division fleet equipment providing reliable & efficient equipment and reducing maintenance costs.
- Assistant Public Works Director Lovshin recommended awarding the bid to Wilkins Industries as the lowest responsible bidder for the purchase of Two (2) New 2019 Model 48126, Open Top Solid Waste Transfer Trailers for the bid amount of \$201,306.00.

- Public Comment Mayor Collins asked for public comment, none was received.
- Motion** **Commissioner Noonan moved to award the bid to Wilkins Industries as the lowest responsible bidder for the purchase of two (2) New 2019 Model 48126, Open Top Solid Waste Transfer Trailers for the bid amount of \$201,306.00.** Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.
- B. City-County Building Cooling Project Bid Award
- Staff Report Community Facilities Superintendent Sampson reported on October 17, 2018 one (1) bid was received from Tri-County Mechanical & Electrical of Helena Montana.
- The bid total for the project came in at \$740,900. We have secured an InterCap Loan through Lewis & Clark County Finance for \$750,000. The project is budgeted in the FY19 Capital Outlay budget at \$750,000.
- On October 19, 2018, staff recommended to the Building Board that we accept this bid for a total cost of \$740,900. The Building Board approved accepting the bid.
- Superintendent Sampson commented City Attorney Thomas Jodoin reminded staff that on projects over \$500,000, 10% of the labor hours within each trade must be performed by apprentices of that trade. –Resolution No. 20469
- Staff spoke with Tri-County Mechanical & Electrical and they stated the following:  
RE: Helena City County Building CAAB Cooling Phase V  
Troy,  
Per your request please use this letter as notice that Tri-County Mechanical & Electrical Inc. has agreements in place with three Montana JATC (Joint Apprenticeship Training Programs) and plans to use apprentices on the project listed above. We anticipate 2-3 Apprentices on the project working with the Plumbing and Sheet metal trades. We will also stress the use of apprentices with our sub-contractors as well. We understand the City of Helena has made a priority in the use of apprentices on their capital projects and we will meet your standards for this project. The City Resolution states that “for all contracts for services estimated to cost \$500,000 or more, ten percent (10%) of the labor hours within each trade must be performed by apprentices of that trade.” We have allowed for this in our Proposal.
- Sincerely,  
Matt Lane, Owner Tri-County Mechanical and Electrical
- Superintendent Sampson recommended awarding the bid to Tri-County Mechanical & Electrical for \$740,900.
- Discussion Commissioner O'Loughlin asked how does staff track the energy savings and is there an estimate. Superintendent Sampson noted the new device is a 70 ton cooler and currently there are 110 one-ton window coolers; there will be decrease of 40 tons of coolers.
- Public Comment Mayor Collins asked for public comment, no one was received.
- Motion** **Commissioner Haladay moved to award the bid to for the City-County Building cooling project to Tri-County Mechanical & Electrical in the amount of \$740,900.** Commissioner O'Loughlin seconded the motion.

Commissioner Haladay stated this is the first project we have used the apprenticeship programs and he is glad we are assisting and promoting the program.

**Vote**

**All voted aye, motion carried.**

**Communications**

**From City Commissioners**

**COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS**

Commissioner Haladay reported the Montana Board of Housing awarded tax credits to the Red Alder project and asked that RMDC representative be invited to an upcoming meeting to give an update. The commission needs to support this project and any financial assistance if possible. He hopes to continue to look at creative ways to offer economic support.

**Report of the City Attorney**

**REPORT OF THE CITY ATTORNEY**

City Attorney Jodoin reported District Judge Menahan found the city of Helena was not "vicariously liable" for the actions of a former police officer. He stated he would not be surprised if the judgement is appealed to the Montana Supreme Court.

**Report of the City Manager**

**REPORT OF THE CITY MANAGER**

Manager Taylor reported a contract between Ana Cortez and the city of Helena has been agreed upon between both parties. The contract will be on the December 3, 2018 city commission meeting agenda for approval. Ms. Cortez will begin her employment as City Manager on January 23, 2019.

Manager Taylor reported a working group to address the proposed ordinance to implement a 30' distance from a public entrance has met and the consensus of the group was the ordinance as drafted is not workable. The working group has agreed to meet again and discuss other solutions to address public health concerns. He asked the commission to support the working group to continue to work toward a recommendation for the next couple of months.

**Report from the Helena Citizens**

**REPORT FROM THE HELENA CITIZENS COUNCIL**

HCC Chair Sumner Sharp addressed the commission and presented HCC member Paul Pacini's proposal "A Helena Job". He noted Mr. Pacini gave a presentation at the October HCC meeting.

Mr. Sharp gave an overview of the proposal and noted the HCC unanimously recommends the commission consider this type of program.

Commissioner Noonan asked how this program funded. Mr. Sharp stated other cities fund similar programs. He stated Mr. Pacini is interested in giving this presentation to other organizations working with homelessness.

Commissioner Haladay asked who spearheaded the program within Albuquerque. Mr. Sharpe stated the Mayor of Albuquerque was the head spokesperson and the program was administered through the city administration.

**Regular Items**

- A. **CONSIDER A RESOLUTION SUPPORTING AND CALLING FOR A UNITED STATES CONSTITUTIONAL AMENDMENT TO EXPLICITLY STATE THAT CONSTITUTIONAL RIGHTS ARE RIGHTS OF NATURAL PERSONS ONLY AND MONEY IS NOT SPEECH.**

**Staff Report**

Attorney Jodoin reported, Move to Amend, a political organization that seeks to amend the United States Constitution to end

the legal theory of “corporate personhood” and First Amendment free speech rights attendant to such status, has proposed that the city commission adopt a resolution supporting and calling for a United States Constitutional Amendment to explicitly state that constitutional rights are rights of natural personas only and money is not speech.

Attorney Jodoin recommended the commission move to approve, table, or deny a resolution supporting and calling for a United States Constitutional Amendment to explicitly state that constitutional rights are rights of natural personas only and money is not speech.

Public Comment

Mayor Collins called for public comment. The following persons spoke in support of the resolution: Kathryn Qanna Yahu, Lee Bartlett, Mary Ann Dunwell, and Angela Danzie.

Motion

**Commissioner Noonan moved to approve resolution supporting and calling for a United States Constitutional Amendment to explicitly state that constitutional rights are rights of natural personas only and money is not speech.** Commissioner Haladay seconded the motion.

Discussion

Commissioner Noonan commented the commission would be ignoring our own history if we choose not to take action. This directly affects the citizens, specifically the amount of money that was recently spent on the Senate race.

Vote

**All voted aye, motion carried. Resolution 20498**

**B. CONSIDER A SIDEWALK VARIANCE FOR THE PROPERTY LOCATED AT 752 ELAINE STREET.**

Staff Report

Engineer Leland reported, the applicant, Tom VanHoos, Highwood Creek Outfitters, is seeking a sidewalk variance for the property located at 752 Elaine Street. There is an approved building permit to construct a new Helena Shooting Range Building at this location. Sidewalks are a requirement triggered with the building permit for all new primary buildings. The applicant is seeking a variance from the requirement to install sidewalk across the property adjacent to the Frontage Road.

Engineer Leland recommended the commission approve, table or deny a sidewalk variance for the property located at 752 Elaine Street.

Discussion

Commissioner Noonan stated the commission approved a variance for the same area for the reason there were no adjacent sidewalks and the property owners signed a waiver of protest. However, if this variance is approved, it may be time to order the sidewalk in for the area including past variances.

Commissioner O’Loughlin asked if this is a similar situation with MDT and asked what piece that is. Engineer Leland stated the Frontage Road is controlled by MDT and the city would have to sign their contract. The applicant has spoken with MDT and was informed that sidewalks can be constructed, however, MDT did not think this was a pedestrian corridor and when they do a plan, they may not include sidewalks.

Commissioner Haladay asked what is located on the lots to the south. Engineer Leland noted there are apartment buildings to the south and then the property further to the south is in the county. Commissioner Haladay noted when the variance was approved for McDantim, there was a significant drop-off; what is the concern with this applicant, is it

drainage. Engineer Leland stated the property owner has indicated stormwater can be controlled without the sidewalk; if a sidewalk is installed, stormwater would have to be looked at. Commissioner Haladay asked what is located on the adjacent properties to the east and west. Engineer Leland stated the lot to the west is McDantim and to the east there is a single family resident, two businesses and the bowling alley.

Public Comment

Mayor Collins called for public comment. Scott Cromwell, 1470 N. Roberts, addressed the commission and stated MDT does have a project that involves this corridor that is projected to be brought forward in 2021. Mr. Cromwell stated the applicant is requesting to hold off on the sidewalks until the MDT project is complete.

Discussion

Commissioner O'Loughlin asked if MDT has been in communication regarding their project scheduled for 2021. Engineer Leland noted he has not had communication with MDT, he does not have any information.

Commissioner Haladay asked with MDT projects like this do they bear the costs or does the landowners for the installation of sidewalks. Engineer Leland stated he would push for sidewalks to be part of the project and have MDT pay for it. There are on-going negotiations on MDT projects; sometimes the city has contributed toward sidewalks being installed.

Motion

**Commissioner Noonan moved to table, to the call of the City Manager, a variance to waive the requirement to install sidewalk adjacent to the Frontage Road along the north side of the property located at 752 Elaine Street with the condition that the applicant signs a waiver of right to protest a SID for the construction of the adjacent streets.** Commissioner O'Loughlin seconded the motion.

Discussion

Commissioner Noonan stated he would like additional information on the proposed MDT project; however, it seems to be vague at this time.

Commissioner O'Loughlin stated she too would like additional information; she would lean toward denying the variance.

Commissioner Haladay asked that the applicant provide the additional information to the commission and not city staff. It is up to the applicant to provide justification.

Vote

**All voted aye, motion carried.**

C. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3247 PROHIBITING SELF-SERVICE DISPLAYS OF TOBACCO PRODUCTS.

Staff Report

Attorney Jodoin reported the proposed ordinance would preclude the distribution of tobacco products by means of "self-service" and require payment prior to possession by a purchaser. The commission previously conducted a public hearing on the proposed ordinance on October 29, 2018. The ordinance was tabled with consensus instruction to staff to draft language for the commission to consider that would potentially exempt age restricted stores from the ordinance's regulation.

The requested amendment to section 4-14-3 is shown on the attached draft ordinance document entitled "AMENDMENT #2."

This ordinance will provide an additional, local regulation of self-service displays of tobacco products which should not present substantively additional requirements of tobacco retailers than what is already required under federal and state law.

Attorney Jodoin recommended approval for final passage of Ordinance 3247 prohibiting self-service displays of tobacco projects.

Public Comment

Mayor Collins called for public comment. The following persons appeared before the commission in support of Ordinance 3247: Jodie Medley, Reg Hageman, Oliver Grodsky, Lois Fitzpatrick, and Mary Ann Dunwell,

Motion

**Commissioner Haladay moved to approve final passage of Ordinance No. 3247 prohibiting self-service displays of tobacco products as amended in the underlined language in the ordinance.**  
Commissioner O'Loughlin seconded the motion.

Commissioner Noonan noted a convenience store owner had made the comment that a ban on flavored tobacco will happen and he believes that is fast approaching. Commissioner Noonan stated he believes a larger entity than the city will provide the ban or the commission should revisit this issue.

Commissioner Haladay echoed Commissioner Noonan's comments. If the FDA regulations are implemented, the effects will be on the business owners.

Vote

**All voted aye, motion carried. Ordinance 3247**

D. CONSIDER A RESOLUTION OF INTENTION TO DECLARE THE BILL ROBERTS MUNICIPAL GOLF COURSE CLUBHOUSE OWNED BY THE CITY OF HELENA AS SURPLUS REAL PROPERTY AND AUTHORIZE SALE TO THE HIGHEST BIDDER, OR, IF NO BIDS ARE RECEIVED, TO DEMOLISH THE STRUCTURE.

Staff Report

Attorney Jodoin reported the city owns a structure known as the Bill Roberts Municipal Golf Course Clubhouse. The structure used to belong to the school district but was moved to the City's golf course in 1984 for use as a clubhouse. The structure is of masonry/wood construction, two stories high, and has an area of approximately 4,310 square feet. The roof of the structure is of wood construction with asphalt shingles. There is minimal insulation in the walls and the attic, resulting in low R-values. Currently the building sits on a masonry foundation crawl space. The City's building department indicated that the structure is solid and would sustain another move to a new location.

With the completion of construction on and opening of the new combined clubhouse, pro shop, and bar and grill, the former clubhouse structure is no longer needed for use by the golf course. A memo was circulated to all city departments asking if any of the departments have use for the structure. Responses indicated that no other city department or board have a need for the structure.

The city's building division estimates that it would cost between \$25,000 and \$40,000 to demolish the structure.

Section 1-4-17 of the Helena City Code sets forth the process for sale, disposal, or lease of real property owned by the City. Even though the structure does not have a parcel of land associated with it, it is nevertheless considered real property. See Mont. Code Ann. §70-1-106.

It is the opinion of city staff that the structure would not sell for more than \$500,000. As such the provisions of §1-4-17(A)(3) of the Helena City Code requiring two appraisals of the property prior to providing the required public notice are not applicable.

The GIS office has confirmed that the City is the only property owner located within three hundred feet of the structure for purposes of mail notice required by §1-4-17(A)(2).

Given the estimated cost to demolish the structure, staff recommends that the structure be declared surplus real property and be advertised for sale to the highest bidder. In the event no bids are received, staff recommends that the structure be demolished. If the City can find a buyer for the structure, the City would not incur the demolition costs, and may additionally attain some income.

Interim Parks & Recreation Director Marr gave the background on the use of the old clubhouse. The structure would need substantial improvements, including ADA requirements.

Attorney Jodoin recommended approval of the resolution of intention to declare the Bill Roberts Municipal Golf Course Clubhouse owned by the city of Helena surplus real property and authorize sale to the highest bidder, of, if no bids are received, to demolish the structure, and to set a public hearing date of December 3, 2018.

Public Comment

Mayor Collins called for public comment, none was received.

Discussion

Commissioner Noonan commented the new clubhouse is a true asset to Helena.

Mayor Collins asked if there is an estimated costs to move the clubhouse. Attorney Jodoin stated he does not have an estimate to move the clubhouse.

Motion

**Commissioner O’Loughlin moved to approve the resolution of intention to declare the Bill Roberts Municipal Golf Course Clubhouse owned by the City of Helena surplus real property and authorize sale to the highest bidder, or, if no bids are received, to demolish the structure, and to set a public hearing date of December 3, 2018.** Commissioner Noonan seconded the motion. All voted aye, motion carried. **Resolution 20499**

E. CONSIDER A RESOLUTION ESTABLISHING A POLICY REQUIRING ALL DEPARTMENT DIRECTOR-LEVEL EMPLOYEES TO BE RESIDENTS OF THE CITY OF HELENA WHILE EMPLOYED BY THE CITY OF HELENA.

Staff Report

Deputy City Attorney O’Connor reported as a local government operating under a self-government charter, the City of Helena may exercise any power not prohibited by the Montana Constitution, state law, or the charter itself. As such, there is no legal prohibition on the city’s enactment of a resolution setting out residency requirements for its employees. Courts around the country have generally upheld such requirements.

At present, police officers are required to “reside continuously . . . in the county where the appointment is made for a period of at least 6 months prior to the date of appointment,” but there is no requirement that they live within the city limits of the city in which they serve. See Mont. Code Ann. § 7-32-301. Members of the City Commission and the Mayor are required to live within the city limits to be eligible to serve on the City Commission and must resign their position if they ever stop being city

residents. The members of the city's various advisory boards, commissions, and special committees are likewise required to be "adult citizens of the city" unless the City Commission provides otherwise in the establishing resolution of the relevant board, commission, or special committee. See HCC § 2-6-1. However, no such requirements exist for any other city employees. Traditionally, the City Manager has been required to live within the city limits, but that requirement has been contractual.

Of the other major cities in Montana, only Missoula currently requires its "department heads and supervisory managers" to reside within its city limits. Butte- Silver Bow and Kalispell both require employees to reside within their respective counties. Kalispell also has a preference for applicants who reside within the city limits. Billings and Great Falls do not have residency requirements for their employees. Bozeman does not have a residency requirement, but does provide a housing stipend as an incentive for its director-level employees to live within city limits.

The City Commission would like to establish a requirement that director-level employees be required to maintain continuous residence within the city limits while employed in a director-level position. The proposed resolution includes a one (1) year grace period in which a successful applicant must move into the city limits. The resolution also provides a waiver for highly qualified applicants who reside within the Lewis and Clark County at the time of their application and for city employees who are being considered for promotion to a director-level position. All current employees employed in director-level positions will be exempt from the requirements of this resolution.

The argument for making residency a requirement of director-level positions is that it makes directors more in tune with the community they serve. It also assists with the perception of fairness, since the directors would then be subject to all the same regulations, charges, and fees as the people whom they serve. Finally, it assures that the highest paid city employees contribute to the economic development of the city by spending their wages primarily within the city limits.

Requiring that director-level employees be residents of the city of Helena may limit the applicant pool for these positions and potentially screen out highly-qualified candidates. The City Commission may have to consider increasing pay or providing some sort of incentive to encourage desirable candidates to change their domicile and relocate into the city.

Deputy City Attorney O'Connor recommended approval of the resolution establishing a policy requiring all department director-level employees to be residents of the City of Helena while employed by the City of Helena.

Public Comment

Mayor Collins called for public comment, none was received.

Discussion

Commissioner Haladay noted the commission has had an extensive discussion regarding this resolution at an administrative meeting and he believes this is a good policy for the city.

Commissioner O'Loughlin thanked staff for preparing the resolution and recommendation. There are good solid policy decisions on why this resolution should be in place.

Motion

**Commissioner Haladay moved to approve a resolution establishing a policy requiring all department director-level employees to be residents of the City of Helena while employed by**

**the City of Helena.** Commissioner Noonan seconded the motion. All voted aye, motion carried. **Resolution 20500**

- F. CONSIDER ACCEPTING A LAND DONATION TO THE CITY OF HELENA OF APPROXIMATELY 6.1 ACRES DESCRIBED AS THE EAST PORTION OF LOT 3 OF THE GREEN MEADOW SUBDIVISION GENERALLY LOCATED EAST OF BENTON AVENUE AND NORTHEAST OF ANDESITE AVENUE.

Staff Report

Planner Morell-Gengler reported in 2015, the Green Meadow Subdivision developer submitted applications to the City of Helena for annexation, R-3 (Residential) District rezoning, and a 3-lot minor subdivision. The Helena City Commission approved the R-3 zoning on October 5, 2015, and on October 19, 2015, reviewed and conditionally approved the preliminary plat of the Green Meadow Minor Subdivision creating three lots and street right-of-way (ROW) from approximately 20 acres. The City Commission annexed the subject property into the city on October 17, 2016.

The original preliminary plat included approximately 6.1 acres of open space that would be donated to the City which significantly exceeded the .0977 acres parkland requirement for the minor subdivision. The subdivider revised the preliminary plat in 2017 eliminating the transfer of parkland to the City and instead met the parkland requirement by providing in perpetuity a 200-foot wide stream setback, including a 75-foot vegetative buffer, provided on both sides of Crystal Springs Creek and associated wetlands. This setback area is over 1.7 acres which exceeded the required .0977 acres parkland requirement. This stream setback met the requirements of §76-3-621(6)(b) MCA which states the local governing body shall waive the park dedication requirement if the preliminary plat provides long-term protection of critical wildlife habitat or natural resources. The Green Meadow final plat was approved July 10, 2017.

The property owner is now proposing to donate to the City of Helena the original 6.1 acre area which includes the 400-foot wide stream setback (which contains a non-motorized trail, 150-foot wide vegetative buffer, and a storm water pond) and undeveloped land. The property owner has submitted an amended plat/boundary line relocation that would facilitate transferring the property to the City by aggregating the 6.1 acres with the adjacent city 1.9 acre open space lot, Stone Meadows Lot 70, to the south creating an 8-acre city lot. This lot would have access via adjacent Andesite Avenue and Chert Place and an internal non-motorized path; water and wastewater mains are also located in adjacent streets. The plat will combine parkland from the Stone Meadows Subdivision, zoned PLI, with property from the Green Meadow subdivision zoned R-3. If the donation is accepted, it is anticipated the property would be rezoned to one consistent zoning district.

Other than the 400-foot wide stream setback and access easements, the subject property proposed to be donated to the city is unencumbered by subdivision requirements. If, in the future, the property donated to the City were to be surplus, it would have to go through subdivision review to separate it from the encumbered Stone Meadows Subdivision parkland property. It is expected any future subdivision of the subject property would separate existing infrastructure from the area and would require installation of additional water and wastewater mains and street access.

Currently, vehicular access from Cat and Grizz Avenues is restricted onto the property proposed to be donated to the City by a chain which, upon numerous staff visits, was not extended and did not provide adequate vehicular constraints. Change of ownership warrants better delineation in this area. Staff recommends the Green Meadow property owner install barriers at the end of Grizz and Cat Avenues, similar to the barriers existing on Andesite Avenue, to restrict vehicular access onto what is proposed to be city property.

Planner Morell-Gengler recommended the city accept/deny a land donation to the City of Helena of approximately 6.1 acres described as the east portion of Lot 3 of the Green Meadow Subdivision generally located east of Benton Avenue and northeast of Andesite Transferring the property to the City provides an opportunity for future recreational opportunities and facilities on relatively flat land.

If the subject donation is accepted, staff recommends the following condition: The property owner, Green Meadow Helena LLC., must install or financially guarantee the installation of more effective vehicular barriers compliant with city standards adjacent to the city property at the end of Grizz and Cat Avenues prior to filing the amended plat and deed for the property transfer.

#### Public Comment

Mayor Collins called for public comment. Greg Wirth, Stahly Engineering, spoke in support of the proposal. He gave the history of the original subdivision review and the parkland donation. At one time there were negotiations between the developer and adjacent property owner to develop the property. However, that did not occur and the owner has decided to fulfill the original land donation. There is a covenant on the property regarding the 200' buffer zone.

Mr. Wirth noted the applicant concurs the recommended condition.

Commissioner O'Loughlin asked if we know the value of the land that is being donated. Mr. Wirth did not know the value. Commissioner O'Loughlin asked if there is other parkland within the subdivision. Mr. Wirth noted there are no other parks within the subdivision; there is a non-motorized path that connects throughout the subdivision.

Mayor Collins asked for clarification on the recommendation to install the barriers. Planner Morell-Gengler explained there is a drop-off to the stormwater detention pond and staff is recommending a more secure barrier than what is currently there.

Commissioner O'Loughlin asked what happens if the city denies the donation. Planner Morell-Gengler stated the property will remain with the property owner and the 200' buffer zone goes with the property. Commissioner O'Loughlin asked if there are maintenance costs associated if the city accepts the donation. Planner Morell-Gengler stated yes and referred the question to Interim Parks & Recreation Director Craig Marr; who concurred there would be maintenance costs, mostly weed control.

Commissioner O'Loughlin asked if the 6.1 acre is unencumbered. Planner Morell-Gengler concurred. Commissioner Haladay asked if the stormwater detention pond is owned by the city or the property owner. Planner Morell-Gengler stated the city has an easement on the property.

**Motion**

**Commissioner Noonan moved to accept a land donation to the City of Helena of approximately 6.1 acres described as the east portion of Lot 3 of the Green Meadow Subdivision generally located east of Benton Avenue and northeast of Andesite Avenue. Subject to the following condition:**

**The property owner, Green Meadow Helena LLC., must install or financially guarantee the installation of more effective vehicular barriers compliant with city standards adjacent to the city property at the end of Grizz and Cat Avenues prior to filing the amended plat and deed for the property transfer.** Commissioner O'Loughlin seconded the motion.

Manager Taylor noted if the city accepts the property, it is no longer the taxed.

**Vote**

**All voted aye, motion carried.**

G. CONSIDER THE RESOLUTION OF INTENTION TO SET FEES CHARGED FOR DISPOSAL OF GARBAGE AND REFUSE AT THE CITY OF HELENA TRANSFER STATION, REPEAL RESOLUTION NO. 20450.

**Staff Report**

Assistant Public Works Director Lovshin reported the City and Lewis & Clark County jointly analyze and agree each year on a recommended tipping fee for the operation of the City Transfer Station and the Lewis & Clark County landfill. The City is proposing to leave the Transfer Station tipping fee at \$30.75. The County Landfill is proposing to reduce their tipping fee by \$2.00 to \$26.00. The Public Works Department therefore recommends setting the total tipping fee at \$56.75 to account for the County Landfill reduction.

Passage of this resolution of intention will allow the commission to hold a public hearing on proposed rates to be used by the Transfer Station enterprise.

Assistant Director Lovshin recommended approval of a resolution of intention to set fees charged for disposal of garbage and refuse at the city of Helena Transfer Station, repeal Resolution 20450 and set a public hearing date of December 17, 2018.

**Public Comment**

Mayor Collins called for public comment, none was received.

**Discussion**

Commissioner O'Loughlin asked why the county is considering a reduction in their fee. Assistant Director Lovshin explained the county signed an inter-local agreement with Broadwater County, which will result in the reduction if fees due to volume.

**Motion**

**Commissioner Haladay moved approval of a resolution of intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station, repeal Resolution No. 20450, and set a public hearing date of December 17, 2018.** Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.  
**Resolution 20501**

**Public Hearings**

- A. CONSIDER THE GRANTING OF A DEMOLITION PERMIT FOR A GARAGE AT 1003 9<sup>TH</sup> AVENUE.

Staff Report

Community Development Director Haugen reported the owners of the property located at 1003 9<sup>th</sup> Avenue, Kenneth Phillips and Roxann Lincoln, have applied for a building permit to demolish an existing 500 sf garage structure, install a new foundation, and rebuild the structure using salvageable materials as well as meeting current codes with regards to materials and systems. Because the property has been determined to be a contributing property in a historic district, the owners must comply with the requirements of Title 3, Chapter 15 of Helena City Code.

On October 17, 2018, the Helena/Lewis & Clark County Heritage Preservation Tourism Council (HTC) held a public hearing and recommended approval of the demolition of the building.

The advantage of the demolition is that a structure that is substandard and beyond repair will be replaced by a structure meeting current building codes and standards.

Director Haugen recommended approval of the demolition permit for the structure at 1003 9<sup>th</sup> Avenue, Helena, Montana.

Public Testimony

Mayor Collins declared the public portion of the hearing opened and called for anyone wanting to address the commission.

Kenneth Phillips, applicant, spoke in support of the demolition permit.

There being no persons wanting to address the commission, Mayor Collins closed the public portion of the hearing.

**Motion**

**Commissioner Noonan moved approval of the demolition permit for the structure at 1003 9<sup>th</sup> Avenue, Helena, Montana.**

Commissioner Haladay seconded the motion. All voted aye, motion carried.

- B. CONSIDER A RESOLUTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS GOLF COURSE (BRCG), 2019 SEASON.

Staff Report

Interim Parks & Recreation Director Marr reported based on a review of the 2018 revenue reports, golf round data, and the recommendations from the National Golf Foundation feasibility study, city staff and the Golf Advisory Board are recommending limited changes to the fee structure for the 2019 golf season. The city commission approved a resolution of intention on November 5, 2018.

Staff recommended increasing the hourly rate for simulator rental from \$30 to \$32 per hour. And, recommended limiting the restricted season passes to Monday-Thursday, adding Friday as a restricted day as with Saturdays and Sundays. At the October Golf Advisory Board meeting, the board recommended eliminating all restricted passes.

Interim Director Marr recommended approval of the resolution to establish fees to be charged for the Bill Roberts Golf Course for the 2019 season.

Public Testimony

Mayor Collins declared the public portion of the hearing opened and called for anyone wanting to address the commission.

There being no persons wanting to address the commission, Mayor Collins closed the public portion of the hearing.

**Motion** Commissioner Haladay moved approval of a resolution to establish fees to be charged for the Bill Roberts Golf Course for the 2019 season. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried. Resolution 20502

**Public Communications** PUBLIC COMMUNICATIONS  
There were no public communications.

**Meetings of Interest** MEETINGS OF INTEREST  
Administrative Meeting is scheduled for November 28, 2018, and the next City Commission Meeting is December 3, 2018.

**Adjournment** There being no further business to come before the City Commission, the meeting was adjourned at 7:40 p.m.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DEBBIE HAVENS  
CLERK OF THE CITY COMMISSION