

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
October 7, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, October 7, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Collins requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, Acting City Manager Haugen, Commissioner Haladay, Commissioner Wicks, Commissioner O'Loughlin all responded present. City Manager Cortez and Commissioner Noonan were excused.

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 September 23, 2019 Regular City Commission meeting were approved as submitted.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B-2 (General Commercial) District to the DT (Downtown) Zoning District, for properties generally located downtown south of Lyndale Avenue and Memorial Drive, and east of Getchell Street, and east of the alley between Park Avenue and Fuller Avenue, and north of Lawrence Street, and west of the alley between Last Chance Gulch and Jackson Street, and west of Cruse Avenue, and a small portion west of Jackson Street in the City of Helena, Montana
- C. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B-3 (Central Business) District to the DT (Downtown Zoning) district, generally located downtown south of Lyndale Avenue, and east of Kessler Street and east of Getchell Street, north of Neill Avenue, and west of Last Chance Gulch, and south of Lawrence Street, and east of Park Avenue, and portion that is west of Park Avenue, north of Wong Street, and west of Cruse Avenue in the City of Helena, Montana.
- D. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from PLI (Public Lands and Institutions) District to the DT (Downtown) district, for property located downtown generally bordered by the streets of Cruse Avenue to the south, Cruse Avenue to the east, West Lyndale Avenue to the north and Stuart Street to the north, and Benton and Park Avenue to the west in the City of Helena, Montana.
- E. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from R-O (Residential Office) District to the DT (Downtown Zoning) district, generally located downtown north of Lawrence Street, east of Park Avenue, west of the alley between Fuller Avenue and Park Avenue, and south of Neill Avenue, and that portion of property on the southwest corner of Lyndale Avenue and Jackson Street in the City of Helena, Montana.

- F. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B1 (Neighborhood Business) District to the TR (Transitional Residential) Zoning district, generally located downtown in Reeders Alley and adjacent properties in the City of Helena, Montana.
- G. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B-2 (General Commercial) District to the TR (Transitional Residential) Zoning district, for properties generally located downtown along Helena Avenue between Jackson Street and Fourteenth Street in the City of Helena, Montana.
- H. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from B-3 (Central Business) District to the TR (Transitional Residential) Zoning district, for properties generally located downtown south of Seventh Avenue, east of Cruse Avenue, and north of Sixth Avenue, and west of Warren Street in the City of Helena, Montana.
- I. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from PLI (Public Lands and Institutions) District to the TR (Transitional Residential), for properties located downtown generally bordered by the streets of Cruse Avenue to the south, Cruse Avenue to the east, West Lyndale Avenue to the north and Stuart Street to the north, and Benton and Park Avenue to the west in the City of Helena, Montana.
- J. Consider final passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from R-O (Residential Office) District to the TR (Transitional Residential) Zoning district, for properties generally located downtown south of Flowerree Street, east of Benton Avenue and west of Park Avenue, and north of Broadway Street, and north of Reeders Alley and south and east of Cruse Avenue, and west of South Warren Street, and south of Eleventh Avenue, north of Lawrence Street, east of Cruse Avenue, and west of Logan Street in the City of Helena, Montana.
- K. Resolution to Designate the New HB473 Gas Tax Funds for 2020 to Rodney Street Project

Discussion

Commissioner O'Loughlin asked Acting City Manager Haugen, regarding item K, if this was the full amount of gas tax funds to be expected for the FY2020. Acting City Manager Haugen referred the question to Transportation Systems Director David Knoepke. Director Knoepke, confirmed this was simply a formality in order to officially allocate the funds, and was the full tax amount expected for the FY2020.

Acting City Manager Haugen recommended approval of the consent agenda, items A – K.

Public Comment

Mayor Collins asked for public comment, on items A - K. None was received.

Motion

Commissioner Haladay moved to approve the claims and consent agenda items, A – K. Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye,

Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 4-0.**

Communications from City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS
Commissioner Wicks thanked the City Commission and community for their warm wishes, welcoming the new addition to her family.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
City Attorney Jodoin stated there was nothing to report.

Report of the City Manager REPORT OF THE CITY MANAGER
Acting City Manager Haugen stated there was nothing to report

Report from the HCC REPORT FROM THE HELENA CITIZENS COUNCIL
Nancy HCC Treasurer reported there was a Citizen proposal regarding the Beattie Street project, and an additional discussion would occur on October 23rd and the Street Lighting project, other topics will include: homelessness in Helena, CCC, and updates on several community projects.

Regular Items REGULAR ITEMS

- A. CONSIDER THE FINAL PLAT FOR THE INTERMOUNTAIN SUBDIVISION CREATING TWELVE LOTS AND STREET RIGHT-OF-WAY (ROW) FROM PROPERTY DESCRIBED AS INTERMOUNTAIN DEACONESS HOME ON CERTIFICATE OF SURVEY (COS) #3220543; GENERALLY LOCATED SOUTH OF FEE AND ALBERT STREETS, EAST OF OAKS STREET, NORTH OF BELTVIEW DRIVE AND WEST OF RAYMOND STREET IN THE CITY OF HELENA, MONTANA.

Staff Report Community Development Director Sharon Haugen reported on June 26, 2017, the City Commission conditionally approved the Intermountain Subdivision; the applicant is now requesting approval of the final plat for that subdivision. At that same June 26, 2017, meeting, the Commission also considered three variances associated with the preliminary plat. The Commission approved the first request for a variance from City Code 12-2-16(A)(5) to eliminate the installation of the sidewalk on both sides of the street and not install sidewalks across the frontage of lots 10 and 11 of the Intermountain Major Subdivision preliminary plat. The granting of this variance does not automatically grant a variance from other sections of City Code such as Section 7-4-2 (A)(5) requiring the installation of sidewalks with the construction of the principal structure. At the same June meeting, the Commission also approved a variance request to reduce the width of the Intermountain Subdivision alley from the city standard 20 feet to 12 feet as required in HCC 12-4-4(B). The variance was granted to allow the proposed alley to match the existing alley. The third variance request was denied by the Commission at the June 26th meeting. It was a request for a variance from City Code 12-4-2(B) to reduce the required right-of-way width from the City Standard 60 feet for a local street to 50 feet for the Intermountain Major Subdivision Preliminary Plat. This final subdivision plat creates 11 lots zoned R-2 (Residential) District; one lot zoned PLI (Public Lands and Institutions) District. The plat dedicates to the City

ROW for Piper Place and for the southward extensions of Albert and Fee Streets. The proposed final plat includes the following changes from the approved preliminary plat. These changes were evaluated based on Section 12-2-14, Material Changes, of the city subdivision regulations in effect when the preliminary plat was approved per 76-3-603(9)(a) MCA. The preliminary plat included proposed Lot 13 to be dedicated to the city as parkland. The City Commission required the parkland donation be in the form of cash-in-lieu per condition number four. Thus, this change does not meet the criteria for a material change and the revised number of lots created can be approved with this final plat. Water and wastewater mains and stormwater facilities have been installed in street ROW or in easements to the city. Sidewalks on one side of the new streets have been installed per the approved variance. The property owner is not requesting the establishment of a lighting district; there are currently no street lights on existing Albert or Fee Streets. The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact which have been completed for this phase. For reference, a list of the original subdivision conditions and their status is attached to this transmittal memo.

Discussion

Commissioner O'Loughlin asked how staff at the time of the original proposed plat came to the decision to deny the land use for a park for the cash in lieu. City Planner Morell-Gengler stated it was her understanding the land was determined to be not the best use of land for park services and the cash in lieu was deemed to be a more beneficial option for the City.

Public Comment

Mayor Collins asked for public comment. None was given. Greg Wirth, Stahly Engineering, on behalf of Intermountain, spoke in favor of the proposed plat. Mr. Wirth answered the question posed by Commissioner O'Loughlin regarding the park space in the plat, stating the land did not comport with modern usage of the space for modern subdivisions.

Motion

Commissioner Wicks moved to approve the final plat for the Intermountain subdivision creating twelve lots and street right-of-way (ROW) from property described as Inter-Mountain Deaconess home on certificate of survey (COS) #3220543; generally located South of fee and Albert streets, east of Oaks Street, north of Beltview drive and West of Raymond Street in the city of Helena, Montana. Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

A CONSIDER A RESOLUTION AUTHORIZING THE CITY OF HELENA TO APPLY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT SMALL-SCALE SINGLE-FAMILY HOUSING REHABILITATION GRANT ADMINISTERED BY THE MONTANA DEPARTMENT OF COMMERCE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENT NECESSARY FOR THE GRANT APPLICATION AND AWARD.

Staff Report

Transportation Systems Director David Knoepke reported the City owns Lot 4A of the Chessman and Davis Central Addition as shown on Certificate of Survey No. 3155028. The City property is developed

with the 15th Street parking structure and is subject to conditions of the bond that provided revenue that constructed the structure. The lease-purchase agreement for the property does not permit transfer of fee title to any portion of the property while the indebtedness is outstanding.

CP Investments, LLC owns the property adjacent to the City's property at the southwestern corner of Last Chance Gulch and 15th Street. They are developing their property with office space and/or residential condominiums. Their property is approximately 10,402 square feet.

CP Investments, LLC desires a long-term lease to use a 3,381 square foot portion of the northeastern corner of the City's property. This portion of the City's property is grass/dirt east of the parking structure. CP Investments, LLC would like to use the property for parking and/or open space attendant to their development of their property. City would retain access to any utilities and retain the use for snow storage from the parking structure. The City will save some funds by not maintaining or irrigating the property. Granting the lease would enhance the aesthetics and access to the proposed development. The long-term lease would allow the adjacent property owners to purchase the desired area when the indebtedness has been fulfilled.

Discussion

Commissioner O'Loughlin asked City Attorney Jodoin to clarify the reference of the lease as being "long term" and if he felt clarification was necessary to reference the 99-year timeline. Attorney Jodoin stated the 99 years was referenced in the title of the Resolution of Intention and he was comfortable with it as written.

Commissioner Wicks asked if all options were explored to make the sale of the property on a quicker timeline as opposed to the long-term lease. City Attorney Jodoin stated the cost of acquiring the advice of bond counsel on this matter would exceed the value of the property and made the long-term lease option a more financially beneficial option for all parties.

Public Comment

Mayor Collins asked for public comment.

Pat McCutcheon, CP Investments LLC, stated the CP was interested in the lease but also in access to the small property for access and parking for the business and building itself.

Motion

Commissioner Wicks moved to a resolution of intention to authorize the city manager to lease property owned by the City of Helena to CP Investments, LLC, or their successor in interest, for ninety-nine years and set a public hearing date for October 21, 2019. Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

Public Communications

PUBLIC COMMUNICATIONS

Lynn Jennings, addressed several concerns over the Downtown Zoning, Urban Renewal Planning, and other related matters. Ms. Jennings asked if the City Staff and Commission would consider limitations on height and size of any new developments in the area to avoid changing the viewpoints of existing residents of the surrounding mountains. Ms. Jennings expressed concerns regarding overdevelopment of the downtown area, asking for the future planning considerations be addressing the needs of residents, not tourism.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 6:33 p.m.

Meetings of Interest MEETINGS OF INTEREST

Administrative Meeting – October 16, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – October 21, 2019 - 6:00 p.m. - Commission Chambers,
City-County Building

MAYOR PRO TEM

ATTEST:

CLERK OF THE CITY COMMISSION