

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**January 27, 2020 - 6:00 P.M.**  
**City Commission Chambers, Room 330**

**Time & Place** A regular City Commission meeting was held on Monday, January 27, 2020 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

**Members Present** Mayor Wilmot Collins requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, Acting City Manager David Knoepke, Commissioner Haladay, Commissioner Dean, Commissioner Logan, all responded present. Commissioner O'Loughlin was excused.

**Pledge of Allegiance** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

**Minutes** The Administrative Summary of January 8, 2020 and the minutes of the January 13, 2020 Regular City Commission meeting were approved as submitted.

**Presentations** PRESENTATIONS  
**State of City Address**  
Mayor Collins gave the State of the City Address 2020.

**Board Appointments** BOARD APPOINTMENTS

<b>Helena Public Art Committee</b>	Reappointment of Nick Ladas to a three-year term on the HPAC, Term will begin upon appointment and expire on 12/31/22
<b>City Commission Committee</b>	<b>Board and Committee assignments for the Mayor and Commissioners:</b>
<b>Helena Public Art Committee</b>	Reappointment of Nick Ladas to a three-year term on the HPAC, Term will begin upon appointment and expire on 12/31/22
<b>City Commission Committee</b>	<b>Board and Committee assignments for the Mayor and Commissioners:</b>  <u>Mayor Wilmot Collins</u> Helena Public Art Committee City-County Board of Health Civic Center Steering Committee  <u>Commissioner Andres Haladay</u> Mayor Pro Tem Board of Adjustment Montana Business Assistance Connection Non-Motorized Travel Advisory Committee  <u>Commissioner Heather O'Loughlin</u> Audit Committee Business Improvement District Transportation Coordinating Committee  <u>Commissioner Emily Dean</u> ADA Compliance Committee

Audit Committee  
Transportation Compliance Committee  
IT&S Board

Commissioner Sean Logan  
Audit Committee  
Chamber of Commerce  
Mental Health Local Advisory Committee  
City-County Parks Board

**Motion**

**Commissioner Haladay moved to approve the Board Appointments as listed.** Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

**Consent Agenda**

CONSENT AGENDA:

A. Claims

Acting City Manager Hagen recommended approval of the Consent agenda, Claims.

Public Comment

Mayor Collins asked for public comment on the Consent Agenda, items A. None was received.

**Motion**

**Commissioner Haladay moved to approve the consent agenda item, claims.** Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, and Mayor Collins voted aye. **The motion carried, 4-0.**

**Communications from City Commissioners**

COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

Commissioner Haladay asked Community Development to Director Sharon Haugen to respond to a recent email from WGM Consultants regarding their decision to withdraw from all contracts with the City of Helena. Commissioner Haladay asked for an update as to why WGM withdrew, what the City staff plan was to address those projects, and what the new timeline would look like for the upcoming projects. Director Haugen stated the reason given was the "turbulence" in the Administration of the City. City Staff was already in touch with the second choice in the RFP process, a company named Better City from Ogden, UT. The new company would need to possibly subcontract in order to address the Statement of Blight. Better City stated they were able to do the Statement of Blight but were unsure if it was required by law in which a local entity draft the statement or if a consultant such as themselves were able to. Ms. Haugen stated the timeline should not have to move much, if at all. Better City would be able to be able to complete the URD within the average 5-6 month timeframe for such matters, and should be able to complete the URD before the end of the year. Commissioner Haladay asked Director Haugen to please update the Commission at the next Commission Meeting, as to certain discussions which were being had between WGM, Manager Cortez, and the Developer of the Mall URD. Director Haugen stated there was a meeting just today with an applicant for a parcel within the URD, as well

as, Dick Anderson and other entities involved in this project. Commissioner Haladay asked Director Haugen to update the Commission on the Cruse Ave project. Director Haugen stated City staff was also in discussions with Next City for a visioning plan for Cruse Ave. Director Haugen stated Manager Cortez was working with City Staff on the preliminary stages of a RFP, and if the Commission wanted Cruse Avenue to be set as a top priority for City Staff, she would make it so. Commissioner Haladay expressed concern over the extensive time the Cruse Avenue project had been idle, without progress over several years.

Director Haugen stated City Staff will begin more aggressive interdepartmental efforts in order to prioritize the Cruse Avenue RFP. Director Haugen stated she would reach out to the relevant departments, and provide an update to the Commission in February to the Commission. Commissioner Haladay asked Director Haugen to update the Commission on the possibility of land parcels which could be part of the land trust development. Director Haugen stated the department would be open to bringing a workplan forward to the Commission for any City land parcels for the Commission to identify opportunities for surplus property.

Commissioner Dean asked Commissioner Haladay what parcel list which Commissioner Haladay was referencing. Commissioner Haladay stated this was simply a baseline from which he hoped the Commission and City Staff could operate from in the development of surplus City property for viable usage.

***Report of the City Attorney***

**REPORT OF THE CITY ATTORNEY**

City Attorney Jodoin stated there was an update from District Court on the Helena Hunters and Anglers; Montana Wildlife Federation; Alliance for the Wild Rockies and Native EcoSystems V. US Forest Service, regarding the TenMile South Helena Project. A summary judgement would be held on Wednesday March 18<sup>th</sup> in Missoula, if this judgement goes for the plaintiff, it will most likely go to trial.

***Litigation Strategy***

**LITIGATION STRATEGY**

City Attorney Jodoin stated there was nothing to report.

***Report of the City Manager***

**REPORT OF THE CITY MANAGER**

Acting City Manager stated Wayne Oberg has accepted the Chief Financial Officer for the City of Helena and his tenure will begin on February 18<sup>th</sup>

***Report from the HCC***

**REPORT FROM THE HELENA CITIZENS COUNCIL**

Dylan Klapmeier, recently elected as Chair of the HCC, stated the HCC was sworn in on January 22<sup>nd</sup>, and has a full roster of 28 elected representatives. Mr. Klapmeier stated the HCC was excited to work with the City Commission on the items outlined in the Mayor's State of the City Address.

***Regular Items***

**REGULAR ITEMS**

- A      CONSIDER ACCEPTANCE OF THE 2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

**Staff Report**

Interim Finance Director Liz Hirst city staff has completed the CAFR for fiscal year 2019. The Exit Conference was held with staff and

the audit committee on January 6. The auditors had no findings and the City received an unmodified audit opinion which is the best type possible. Draft copies of the CAFR were given to commission member at the January 8 Administrative meeting to review. Our deadline to publish the CAFR is January 31. Staff will print the report and distribute if the Commission moves to accept the CAFR.

Staff requests the City Commission formally accept the finished document. The CAFR can be published and submitted to the proper authorities.

Interim Finance Director Hirst recommended accepting the 2019 Comprehensive Annual Financial Report.

#### Discussion

Commissioner Dean asked Interim Finance Director to explain the increase of approximately 200% increase in the future Capital Projects referenced on A10 of the document (pg. 33) within the CAFR. Hirst stated she would need to look into the matter and would get back to the Commissioner.

Commissioner Dean asked Ms. Hirst to offer further details on A12 (pg. 35) the Water and Wastewater Easements referenced and would these possibly be related to Accessory Dwelling Units. Ms. Hirst stated the items referenced were typically used for new developments, and these were items which were donated by the Developer, as part of the costs the Developer must absorb, and these must be accounted as part of the City's fixed assets.

Commissioner Dean B22 (pg. 63) asked Ms. Hirst to clarify how the Recycling program was reported within the document. Ms. Hirst this is how the numbers were historically combined and reported. Ms. Hirst stated she would check and report to the Commission the answers. Commissioner Dean thanked Ms. Hirst and stated she would fine with a follow up by staff.

#### Public Comment

Mayor Collins asked for public comment. None was received

#### Motion

**Commissioner Dean moved to accept the 2019 Comprehensive Annual Financial Report.** Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, and Mayor Collins voted aye. **The motion carried, 4-0**

**B. CONSIDER THE DEED AND THE DEVELOPMENT AGREEMENT ATTENDENT TO THE SALE OF THE OLD BUS DEPOT AT 630 N LAST CHANCE GULCH**

#### Staff Report

Community Development Director Haugen reported on June 15, 2019, the City issued a Request for Proposals (RFP) soliciting concepts to lease and/or sale of the property located at 630 Last Chance Gulch (Bus Depot). Seeley Building, LLC submitted their proposal on November 8, 2019.

On November 18, the City Commission authorized the City Manager to enter into an Agreement to Sell and Purchase with Seeley Building, LLC for the sale of the property. Section 12 (c) of the Buy Sell agreement requires that the City Commission give final approval of the deed restriction language.

Staff has also drafted a Development Agreement to ensure that the Property is developed, after closing, in accordance with the Seeley Building, LLC's proposal including the construction of at least two (2) "workforce housing" units.

The language in the deed ensures that the project will be constructed in the manner as presented in the final RFP response and protects the City's interest. It also ensures that the affordable housing units will be built and will remain affordable for the period of ten years.

The sale of the property will result in infill development for both this parcel and for other underutilized properties in the Downtown.

Director Haugen recommended approval of the deed and development agreement attendant to the sale of the property located at 630 Last Chance Gulch, formerly known as the old Bus Depot.

Discussion

Commissioner Dean asked for clarification on the "base price" listed in the deed agreement. Director Haugen stated the "base price" was the initial sale price of the unit. City Attorney Jodoin agreed. Commissioner Dean asked how the City would know the amount of the sale at the point. City Attorney Jodoin stated this was a "cap" on what the unit could be sold for and would prevent the seller to sell the unit beyond a small increment.

Public Comment

Mayor Collins asked for public comment. None was received.

Discussion

Commissioner Haladay stated this was the end of a very long but informative process and the City could be a productive partner in this type of development, and he looked forward to finding other opportunities like this one, which would be the kind of economic development opportunities for Downtown the City should be pursuing.

Motion

**Commissioner Logan moved to approve the deed and development agreement attendant to the sale of the property located at 630 Last Chance Gulch, formerly known as the old Bus Depot.** Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay abstained, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 4-0**

**Public Communications**

PUBLIC COMMUNICATIONS  
None received.

**Adjournment**

There being no further business to come before the City Commission, the meeting adjourned at 7:17 p.m.

**Meetings of Interest** MEETINGS OF INTEREST

Administrative Meeting – February 5, 2020 – 4:00 p.m. – Room 326, City-County Building

Regular City Commission Meeting – February 10, 2020 - 5:00 p.m. - Commission Chambers, City-County Building

ATTEST:

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MAYOR

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CLERK OF THE CITY COMMISSION