

**CITY OF HELENA**  
**CITY COMMISSION MEETING**  
**May 18, 2020 - 6:00 P.M.**  
**Zoom Online Meeting <https://zoom.us/j/4129664351>**

**Time & Place** A regular City Commission meeting was held on Monday, May 18, 2020 at 6:00 p.m., conducted as an online meeting via Zoom utilizing the following link: <https://zoom.us/j/4129664351>

**Members Present** Mayor Wilmot Collins requested Interim City Clerk Clayborn call roll call: City Attorney Thomas Jodoin, Interim City Manager Reed, Commissioner Haladay, Commissioner Dean, Commissioner Logan, and Commissioner O'Loughlin all responded present.

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

**Minutes** MINUTES

- A. Regular City Commission Meeting - April 6, 2020  
Minutes were approved as submitted.

**Proclamations** PROCLAMATIONS

- A. Don't Fry Day  
Mayor Collins read aloud a proclamation honoring May 22<sup>nd</sup>, 2020 as Don't Fry Day.  
Karrie Fairbrother accepted the proclamation and made brief remarks.

**Consent Agenda** CONSENT AGENDA  
A. Claims

**Public Comment** Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

**Motion** **Commissioner Dean moved to approve the Consent Agenda, item A. Claims.** Commissioner O'Loughlin 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 nay, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

**Bid Award** BID AWARD  
A. 15<sup>TH</sup> STREET PARKING GARAGE STAIRWELL ENCLOSURE

**Staff Report** Transportation Systems Director David Knoepke reported the North stairwell at the 15th Street Parking Garage is currently an open stairwell that provides access to all levels of the garage. Since its construction in 2010, it has sustained a good amount of rusting of its steel. Helena Parking has spent to date approximately \$25,000 in repairs and preventive maintenance. In an effort to prevent continuous cost in repairs and maintenance Helena Parking has determined that its best avenue at this time would be to install a permanent enclosure. This will also ensure that the steps are safe for public use as over the years it has been quite a challenge for staff to maintain these stairs clear of snow and ice. The upper level of these stairwell is exposed, and it creates a

funnel effect for snow and rain. Staff recommends accepting the Diamond Construction bid of \$88,100.00 for the installation of the stairwell enclosure. This was the only bid received for this project.

Installation of the stairwell enclosure will ensure that the stairwell is protected from the weather and prevent continuous repairs and maintenance. This provides a safe set of stairs for our customers to use.

Director Knoepke recommended to award the bid of \$88,100.00 to Diamond Construction Inc. for the installation of a stairwell enclosure at the 15<sup>th</sup> Street Parking Garage.

Discussion

Commissioner O'Loughlin asked for a brief update on the parking revenue and asking Director Knoepke if given current revenue a project such as this would allay costs over the long term. Director Knoepke stated he did feel this project was a necessity to prevent larger costs in the long term for the stairwell.

Public Comment

Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

Motion

**Commissioner Logan moved to award the bid \$88,100.00 to Diamond Construction Inc. for the installation of a stairwell enclosure at the 15th Street Parking Garage.** 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, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0

**Communications from City Commissioners** COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS  
No communications.

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

**Litigation Strategy** LITIGATION STRATEGY  
City Attorney Jodoin stated there was nothing to report.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
Interim City Manager Reed gave a brief update on the operation of the City while mitigating exposure to and from the public to Covid-19. The update also included the reports on the Wastewater sampling for Covid-19 from Biobot Analytics. Interim Manager Reed further updated on the abandoned vehicle program and the municipal court operations.  
Interim Manager Reed asked Director Knoepke to continue an update on the parking revenue fund. Director Knoepke provided several documents explaining the current numbers within the Parking fund, and other municipalities current parking plans for comparison. Discussion was had regarding the various options for parking revenue, a consensus was reached to begin enforcement of parking fees within the downtown area beginning in June.

**Communications from the Helena Citizens** COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL

**Regular Items**

REGULAR ITEMS

- A. CONSIDER A RESOLUTION OF INTENTION TO VACATE 6TH AVENUE R/W BETWEEN N. ROBERTS STREET AND SANDERS STREET.

Staff Report

City Engineer Ryan Leland reported Russ Katherman, the Applicant, representing the State of Montana Department of Administration, is requesting the City of Helena to vacate 6th Avenue between Roberts Street and Sanders Street. The legal description for the subject area falls between Blocks 4 and 9 of the Corbin Subdivision located in the NW ¼ of Section 32 T10N3W.

The applicant is requesting to vacate 6th Avenue for the construction of the new Montana Heritage Center which is an addition to the Montana State Museum located on the Montana State Capital Campus.

The calculated square foot transfer price is \$5.90. The total area to be transferred is approximately 28,063 square feet. The total transfer fee is \$165,571.70.

The following conditions to complete the property vacate are as follows:

- Existing sanitary sewer main to be abandoned and relocated to serve existing conditions.
- Existing water main to be abandoned and relocated to 8th Avenue to serve existing conditions.
- Existing storm main to be abandoned and relocated to serve existing conditions. The State of Montana will be responsible during the course of this project to ensure the storm water service connections connected to the 48" main are disconnected including the area inlet south of the building.

A physical connection between the new building and the existing building is critical for museum functions and visitor experience. A new building that is not connected requires increased staffing, security, and negatively impacts the mission of the Historical Society as a whole.

Staff recommended to approve, table or deny a Resolution of Intention to vacate 6th Avenue R/W between N. Roberts Street and Sanders Street and set a public hearing for June 8th, 2020.

Discussion

Commissioner Dean asked if there had been any other communications with MDT regarding the traffic light at 11<sup>th</sup> and Sanders. The design team stated they had not received any returned phone calls from the numerous calls regarding this matter. A general discussion regarding the traffic flow around the proposed complex occurred and what steps were being taken to mitigate the traffic flows during and after construction.

Public Comment

Mr. Slim Miller, 1213 9<sup>th</sup> Avenue, gave public comment urging careful consideration of moving forward with the current plans and it's impact on the traffic in the surrounding neighborhood.

Evan Hammer, 1203 9<sup>th</sup> Avenue, gave public comment expressing his support for the Historical Society and the existing plan for the Heritage Center but expressed concerns over the impact of the closing of 6<sup>th</sup> Avenue on overall traffic flows in the area.

Discussion

Mayor Collins expressed interest in blocking 6<sup>th</sup> Avenue for one week, to study the impact on the traffic. Zach Graham, representing the applicant, stated the closure for one week had been done and studied. Mr. Graham stated it might have been useful to close the street for longer to receive further data on traffic.

Commissioner O'Loughlin asked if a survey had been conducted with state employees and residents in order to supplement the data provided by the traffic study. Jennifer James, representing the applicant confirmed a survey was conducted, but additional outreach could be done with State employees in order to gather further data. Commissioner O'Loughlin urged the State to continue with traffic studies throughout the process in the coming months and take this data into consideration with any revisions to the Capitol Complex master plan.

Commissioner Dean stated she supports the resolution of intention but agreed with Commissioner O'Loughlin further data needed to be gathered and applied to the master plan, especially when the legislature is in session.

Motion

**Commissioner Dean moved to approve resolution of intention to vacate 6th Avenue R/W between N. Roberts Street and Sanders Street and set a public hearing for June 8th, 2020.**

Commissioner Haladay 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, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

**Public Hearings**

PUBLIC HEARINGS

- A. CONSIDER AN ORDINANCE CLARIFYING DISCONTINUATION OF CONDITIONAL USE PERMITS BY AMENDING CHAPTER 3 OF TITLE 11 OF THE HELENA CITY CODE.

Staff Report

City Planner Hillary Taylor reported on January 13, 2020 the City Commission approved final passage of the amendments to the Conditional Use Permit Process by amending Chapter 3 of Title 11 of the Helena City Code in Ordinance Number 3279. The Zoning Commission had recommended that there be a clarification of when the discontinuation of use is appropriate to the current time. This discussion and amendment to the Ordinance was not included as part of the January 13, 2020 Ordinance. Staff is bringing it forward now based on the recommendation of the Zoning Commission. The ordinance will clarify language about how a discontinued Conditional Use Permit may be declared void. The proposed ordinance is in keeping with the recommendation of the Zoning Commission and will make the process clear by which a discontinued Conditional Use Permit may be declared void.

Staff recommended approval of an ordinance clarifying discontinuation of Conditional Use Permits by amending Chapter 3 of Title 11 of the Helena City Code.

Public Comment

Interim Clerk of the Commission Clayborn noted for the record a letter was received from Kyle Perkins on this matter and this letter had

been forwarded on to the Commission for review and added to the permanent record.

**Motion**

**Commissioner Haladay moved to approve an ordinance clarifying discontinuation of conditional use permits by amending chapter 3 of title 11 of the helena city code.** 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, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

***Public Communications***

PUBLIC COMMUNICATIONS  
None received.

***Adjournment***

There being no further business to come before the City Commission, the meeting adjourned at 7:28 p.m.

**/S/ WILMOT COLLINS**

MAYOR

ATTEST:

**/S/ DANNAI CLAYBORN**

CLERK OF THE CITY COMMISSION