

**CITY OF HELENA**  
**City Commission Meeting**  
**March 14, 2022 - 6:00 PM**  
**Zoom Online Meeting; <https://zoom.us/j/98957119178>**  
**& Commission Chambers, City-County Building, Room 330**

**Time & Place**

A regular City Commission meeting was held on Monday, March 14, 2022 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/98957119178> and in the City Commission Chambers, Room 330.

**Call to Order and Roll Call**

**(00:00:41)** Mayor Collins requested City Clerk Clayborn call roll call: Interim City Attorney Coate, Interim City Manager Jodoin, Commissioner Dean, Commissioner Feaver, Commissioner Reed, Commissioner Logan, and Mayor Collins all responded present and participated in person with exception of Commissioner Reed who participated virtually via Zoom.

**Pledge of Allegiance**

**(00:01:07)** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

**Consent Agenda**

**A.** Move to approve a Resolution designating the Environmental Certifying Official for the purposes of the City's YWCA Helena CDBG Grant No. MT-CDBG-CV-22-06.

**(00:02:04)** Interim City Manager Jodoin recommended approval of Consent Agenda A to appoint Planner II, Ellie Ray as the Environmental Certifying Official now that Sharon Haugen has retired.

**(00:02:38) Commissioner Dean made a motion to accept Consent Agenda Items A. Commissioner Feaver seconded the motion. The motion carried 5:0.**

**Bid Award**

**A.** Move to award the 2022 Sidewalk Improvement Program contract to the contractor, All Around Construction, LLC for the not-to-exceed amount of \$150,000.

**(00:03:22)** Director Knoepke addressed the Commission and gave a presentation on Bid Award Item A.

**(00:04:12)** Discussion was had between Commissioner Dean and Director Knoepke regarding the current waiting list of residents who wish to participate in the Sidewalk Improvement Program and how the application process will proceed moving forward.

**(00:06:57)** Commissioner Feaver asked staff if the contractor had an office in town and Director Knoepke confirmed they did and that the City has contracted out with All Around Construction for several projects over the years.

(00:07:49) There were no public comments.

**(00:07:57) Commissioner Feaver moved to award the 2022 Sidewalk Improvement Program contract to the contractor, All Around Construction, LLC for the not-to-exceed amount of \$150,000. Commissioner Dean seconded the motion. The motion carried 5:0.**

### **Communications/Proposals from the Commissioners**

(00:08:35) Commissioner Reed thanked first responders and law enforcement for their work during a recent event that involved a number of overdoses in the Helena community.

(00:09:00) There were no further comments or proposals from the Commission.

### **Report of the City Attorney**

(00:09:09) Interim City Attorney Coate had nothing to report.

### **Report of the City Manager**

(00:09:16) Interim City Manager Jodoin had nothing to report.

### **Communications from the Helena Citizens Council**

(00:09:31) HCC representative, Joe Lehman gave a report.

(00:09:55) There were no questions from the City Commission.

### **Regular Items**

**A.** Consider amending the current Development Agreement to add a connection to the existing sewer line at 2245 Head Lane allowing for the discharge of industrial wastewater from a poultry processing facility into Helena's Wastewater System with conditions.

(00:10:26) Public Works Director, Ryan Leland addressed the Commission and gave a report on Regular Item A.

(00:13:30) Discussion was had between Commissioner Feaver and the property representative, Jared Engels about the size of the proposed operation.

(00:15:28) Commissioner Dean asked Director Leland if the applicant had an existing line connection to city services and Director Leland confirmed that was correct.

(00:16:39) Property representative, Paul Mabie addressed the Commission and spoke in support of Regular Item A.

(00:17:12) There were no further public comments.

(00:17:24) Commissioner Dean spoke in support of Regular Item A and stated that she thought it was a really neat project that could improve the sustainability of our food sources in the Helena area.

**(00:17:58) Commissioner Reed made a motion to Approve amending the current Development Agreement for 2245 Head Lane, formerly Red Meadow Inn now Oddfellow Inn and Farms, to add a connection to the existing sewer line allowing the discharge of industrial wastewater from a poultry processing facility to process up to 20,000 poultry units a year with the following conditions:**

1. **Waiver of the right to protest annexation into the City of Helena;**
2. **Waiver of the right to protest future special improvement districts (SIDs) for water, streets and sidewalk;**
3. **Obtain all applicable City permits and pay all applicable fees;**
4. **Accept city metering on the sanitary sewer service for billing and the associated costs;**
5. **Purchase sewer capacity for the proposed residence in the Stone Meadows pump station at \$0.42 per GPD for 721 GPD at a cost of \$303;**
6. **Restrict the use of the existing sewer service line to the existing sewer connection for the lodge facility, one single family residence, and the poultry processing facility; and**
7. **Must comply with Helena City Code Title 6, Chapter 4 and must obtain an Industrial User Permit from the City prior to connecting the poultry processing facility to the wastewater system.**

**(00:18:13) Commissioner Feaver seconded the motion. The motion carried 5:0.**

B. Consider a resolution conditionally permitting angle parking along Vandelay Avenue between Sanders Street and Oakes Street.

**(00:18:53)** Transportation Systems Director, David Knoepke addressed the Commission and gave a report on Regular Item B.

**(00:20:47)** Project engineer, Greg Wirth with Stahly Engineering addressed the Commission and spoke in support of Regular Item B.

**(00:22:07)** Commissioner Dean asked Mr. Wirth discussed the timeline should the resolution be approved.

**(00:23:40)** There were no public comments.

**(00:23:49) Commissioner Feaver made a motion to Approve a Resolution conditionally permitting angle parking along Vandelay Avenue between Sanders Street and Oakes Street. Commissioner Logan seconded the motion.**

**(00:24:03)** Commissioner Dean thanked the developer for working with city staff and the commission.

**(00:24:28) The motion carried 5:0.**

C. Move to approve a Resolution distributing Railroad Urban Renewal District Tax Increment Financing funds to the Bell Hotel, LLC, for a demolition project at 40 East Lyndale Avenue.

(00:25:11) Interim City Manager, Thomas Jodoin introduced Regular Item C to the Commission.

(00:25:30) Planner II & Grants Coordinator, Ellie Ray addressed the Commission and gave a report on Regular Item C.

(00:27:10) Commissioner Dean questioned if there were checks and balances in place to ensure projects funded with TIF dollars were being completed as promised. Further discussion was had between the Commissioner and city staff regarding the systems in place to ensure demolition and the proposed development of the area.

(00:29:57) Commissioner Feaver spoke in favor of the proposal and expressed the need for the building's demolition

(00:30:09) There were no public comments.

**(00:30:19) Commissioner Dean made a motion to Approve a Resolution distributing Railroad Urban Renewal District Tax Increment Financing funds to the Bell Hotel, LLC, for a demolition project at 40 East Lyndale Avenue. Commissioner Logan seconded the motion.**

(00:30:40) Commissioner Dean spoke in favor of the project.

**(00:31:13) The motion carried 5:0.**

D. Move to Approve a Resolution of Intention to Annex an 9.123-acre portion of Tract A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391 as shown on the preliminary plat for Aspen Park #2 minor subdivision into the City of Helena, Montana and establish conditions for annexation.

(00:32:09) Planner II, Michael McConnell addressed the Commission and gave a report on Regular Item D, Regular Item E, and Public Hearing Item A.

(00:47:58) Discussion was had between the Commission and city staff regarding procedure.

(00:51:32) Commissioner Dean asked staff to confirm for the public, that these particular items did not represent the commercial development written about in the Independent Record. Planner McConnell and the project developer, Mark Runkle confirmed that was correct.

(00:57:00) There were no further public comments.

**(00:57:15) Commissioner Logan made a motion to Approve a Resolution of Intention to Annex an 9.123-acre portion of Tract A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391 as shown on the preliminary plat for Aspen Park #2 minor subdivision into the City of Helena, Montana and establish conditions for annexation.**

1. Infrastructure: The property owner must install all infrastructure improvements required by the City of Helena, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements including, but not limited to;
2. Alpine View must be dedicated as public right-of-way and built to City Engineering Standards for a Local Road.
3. Twilight Avenue must be built to City Engineering Standards for a Local Road.
4. Review of New Construction: The property owner must submit plans for review by the City of Helena for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.
5. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.
6. Notice of Special Districts: The property owner must waive the right to notification and protest and consent to the alteration of boundaries of Urban Forest Maintenance District and Landfill Monitoring District in order to include the Property prior to annexation pursuant to 7- 11-1023, MCA.
7. Final Plat: The final plat of Aspen Park 2 Minor Subdivision must be submitted to the City Commission for approval prior annexation.
8. Completion of Conditions: These annexation conditions must be completed prior to the end of the period during which the preliminary plat approval is in force including any agreement extending the preliminary plat approval period. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

**Commissioner Reed seconded the motion. The motion carried 5:0.**

- E. Move to conditionally approve the preliminary plat for the Aspen Park 2 Minor Subdivision creating 2 lots and street right-of-way containing 9.123-acres and 1 future phase lot containing 139.91-acres and to adopt the findings of fact and the conditions contained therein for the property legally described as an Tract A-1-A-1-A-1-A-1-A-1-A-1 as shown on Certificate of Survey No. 3386391 in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located .16 miles west of the State Highway 282 and Runkle Parkway intersection.

**(00:58:18)** There were no further public comments.

**(00:58:30)** Commissioner Dean asked staff if this item would come back to the Commission for final plat approval, and Planner McConnell confirmed that was correct.

(00:58:49) Commissioner Feaver questioned what it meant to have a “futures phased lot of 139+ acres?” Planner McConnell and Interim City Attorney Coate explained that portion was not presently being annexed but is intended to be annexed in the future.

(01:00:47) Commissioner Dean thanked the developer for his thoughtfulness and staffs work to bring proposals of this development before the Commission in the way it has been. Mayor Collins concurred with Commissioner Dean’s statements.

**(01:01:42) Commissioner Logan moved to conditionally approve the preliminary plat for the Aspen Park 2 Minor Subdivision creating 2 lots and street right-of-way containing 9.123-acres and 1 future phase lot containing 139.91-acres and to adopt the findings of fact and the conditions contained therein for the property legally described as a Tract A-1-A-1-A-1-A-1-A-1 as shown on Certificate of Survey No. 3386391 in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located .16 miles west of the State Highway 282 and Runkle Parkway intersection. Commissioner Dean seconded the motion. The motion carried 5:0.**

## Public Hearings

- A. Move to approve an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as 9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391.

(00:53:05) The project developer, Mark Runkle addressed the Commission and spoke in support of Public Hearings Item A.

(00:55:20) There were no further public comments.

**(00:55:28) Commissioner Logan made a motion to Approve an ordinance pre-zoning prior to annexation to R-4 (Residential) for property legally described as “9.123-acre Portion of Tract A-1-A-1-A-1-A-1-A-1 of the Amended Plat of the Crossroads at Mountain View Meadows Subdivision Document No. 3386391”. Commissioner Feaver seconded the motion. The motion carried 5:0.**

- B. Move to approve an ordinance pre-zoning prior to annexation to B-2 (General Commercial) for property legally described as Tract B1 as shown on Certificate of Survey filed under document No. 3203658.

(01:03:20) Planner II, Michael McConnell addressed the Commission and gave a report on Public Hearings Item B and C.

(01:12:45) There were no public comments.

(01:13:06) Commissioner Feaver asked the applicant, Marc Parriman discussed a comment posed during the Zoning Commission hearing on whether the architecture was unique to the property.

(01:18:40) Discussion was had between Commissioner Dean and Mr. Parriman regarding why the request was for a B-2 (General Commercial District) and not R-4 (Residential Office District).

**(01:22:00) Commissioner Logan made a motion to Approve an ordinance pre-zoning prior to annexation to B-2 (General Commercial) for property legally described as "Tract B1 as shown on Certificate of Survey filed under document No. 3203658". Commissioner Feaver seconded the motion.**

**(01:22:36) The motion carried 5:0.**

C. Consider a Resolution of Intention to Annex a 36.55-acre parcel described as Tract B1 as shown on Document No. 3203658 and adjacent rights of way into the City of Helena, Montana and establish conditions for annexation.

**(01:23:20) There were no public comments.**

**(01:23:31) Commissioner Dean and Public Works Director, Ryan Leland discussed the process, specifically the funding for when water and sewer upgrades are necessary for a multi-family dwelling such as an apartment complex.**

**(01:26:40) Commissioner Logan made a motion to Approve a Resolution of Intention to Annex a 36.55-acre parcel described as Tract B1 as shown on Document No. 3203658 and adjacent rights of way into the City of Helena, Montana and establish conditions for annexation.**

1. **Infrastructure: The property owner must install all infrastructure improvements required by the City of Helena, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements including, but not limited to,**
  - A. **Frontage Drive must be built to City Engineering Standards with curb, gutter and boulevard sidewalks required adjacent to the subject property only.**
  - B. **North Washington Street must be dedicated as public right of way and built to City Engineering Standards for a Minor Collector. Boulevard sidewalks are required adjacent to the subject property only.**
  - C. **Future Collector Road must be dedicated as public right of way and built to City Engineering Standards for a Minor Collector. Boulevard sidewalks are required adjacent to the subject property only.**
  - D. **A fence must be installed around the Helena Valley Irrigation District Canal.**
2. **Review of New Construction: The property owner must submit plans for review by the City of Helena for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.**
3. **Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.**

4. **Notice of Special Districts: The property owner must waive the right to notification and protest and consent to the alteration of boundaries of Urban Forest Maintenance District and Landfill Monitoring District in order to include the Property prior to annexation pursuant to 7- 11-1023, MCA.**
5. **Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the properties and may discontinue any City services to the properties, including water and sewer service.**

**Commissioner Feaver seconded the motion. The motion carried 5:0.**

- D. Move to approve Second Passage of an Ordinance Amending City of Helena Ordinance No. 3097 and Amending the Official Zoning Map for the City of Helena for a Zone Change from CLM (Commercial Light Manufacturing) District to R-O (Residential Office) District for Lots 33 through 40 of Block 5, Lots 6 through 12A of Block 4, Lots 13A through 15 of Block 4, and Lots 33 through 40 of Block 4; and from B-2 (General Commercial) District to R-O (Residential Office) District for Lots 29 through 32 of Block 4, all of which properties are in the Woodlawn Park Addition to the City of Helena, Montana.

**(01:29:19)** Planner II, Michael Alvarez addressed the Commission and gave a report on Public Hearings Item D.

**(01:31:28)** Michael Root residing at 3209 Mitchell Avenue addressed the Commission and gave public comment in opposition of Public Hearings Item D. Mr. Root expressed frustration with the process of public notification for the proposed zoning change.

**(01:35:29)** There were no further public comments.

**(01:35:50)** Discussion was had between Commissioner Dean and Planner Alvarez regarding the general public notification process. In conclusion, Planner Alvarez confirmed that none of the businesses in the vicinity were going to have their property zone changed. Rather, the zone change would only affect single-dwelling units, and none of which have been opposed to the zoning change.

**(01:41:55)** Commissioner Logan acknowledged the concerns brought forth by the adjacent property owners.

**(01:42:55)** Commissioner Feaver questioned if the item could be tabled for a later meeting to allow staff more time to notify adjacent property owners. Interim City Manager Jodoin responded that it would be acceptable to table, however requested the Commission be specific in their motion to include direction for staff on how to proceed with further public notification.

**(01:45:16) Commissioner Feaver made a motion to Table Final Passage of an Ordinance Amending City of Helena Ordinance No. 3097 and Amending the Official Zoning Map for the City of Helena for a Zone Change from CLM (Commercial Light Manufacturing) District to R-O (Residential Office) District for Lots 33 through 40 of Block 5, Lots 6 through 12A of Block 4, Lots 13A through 15 of Block 4, and Lots 33**



**through 40 of Block 4; and from B-2 (General Commercial) District to R-O (Residential Office) District for Lots 29 through 32 of Block 4, all of which properties are in the Woodlawn Park Addition to the City of Helena, Montana until a subsequent City Commission meeting one (1) month from now.**

(01:45:20) Commissioner Feaver explained why he made a motion to table stating that he did not feel staff did anything wrong and that sufficient notice was given, and the public comment was received late. Regardless, the Commissioner stated, "I don't want folks to say the Commission didn't hear a complaint and rejected it out of hand. Even though that complaint is late, and I suppose complaints come in late frequently. But, it's the first time on my watch that a complaint has come in, and I am reluctant to act on this at this point in time. Although, I do favor the zoning change." In conclusion, the Commissioner suggested staff reach out to the individuals who expressed a lack of public notice.

**(01:48:14) Commissioner Logan seconded the motion** and echoed Commissioner Feaver's statements.

(01:48:45) Mayor Collins expressed that he did not understand why Commissioners were tabling an item on the grounds of improper public notification when the Interim City Manager confirmed that staff went "above and beyond" state law requirements to publicly notify adjacent property owners of the proposed zone change. In conclusion, Mayor Collins asked, "Why are we repeating the process?"

(01:50:02) Interim City Manager Jodoin proposed an amendment to the motion to include the following: **Table to the call of the City Manager with the goal that we bring it back in about one (1) month, wherever those meetings lay.** Commissioner Feaver agreed.

**(01:50:21) The motion carried 4:1 with Mayor Collins opposed.**

## Public Communications

(01:50:51) Marc Parriman, residing at 1978 Reber Road addressed the Commission regarding Public Hearings Item C, motion condition 1.A stating: *Frontage Drive must be built to City Engineering Standards with curb, gutter and boulevard sidewalks required adjacent to the subject property only.* Mr. Parriman on behalf of the property owner requests this condition be removed from the motion and explained they did not think it was appropriate to have a sidewalk along the frontage road, specifically due to public safety and cost.

(01:53:43) Interim City Manager Jodoin explained the conditions generally meet engineering standards which, along with City Code, require the installation of city sidewalks with a building permit. Manager Jodoin suggested two (2) procedures that would be appropriate for this instance: 1) the applicant can request a variance from the installation of sidewalks; or 2) when the applicant returns for annexation, the Commission can amend the condition in the final resolution of annexation. In conclusion, Manager Jodoin explained it was unusual to ask the Commission to grant a variation or deviation from engineering standards given those are administratively performed by city staff. In either case, a variance for the sidewalks will be required to come before the Commission before a building permit can be issued. Mr. Parriman thanked the Commission and staff for explaining the procedure moving forward.

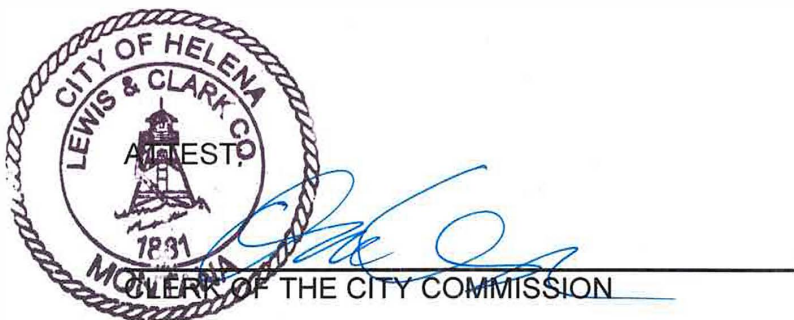
(01:56:22) There were no further public comments.

(01:56:34) Commissioner Feaver thanked staff and the rest of the Commission for their patience as he works his way through the protocols and processes. The Commissioner expressed the need to better organize the agenda's going forward, specifically for items that fall under both the Regular Items and Public Hearing Items.

(01:57:14) In closing, Commissioner Dean wished everyone a Happy St. Patrick's Day in the coming week.

### Adjournment

(01:57:28) There being no further business to come before the City Commission, the meeting adjourned at 7:58 p.m.



MAYOR