

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**April 20, 2015**  
**6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, April 20, 2015 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present*** Mayor Smith indicated for the record that Commissioners Elsaesser, Haque-Hausrath and Haladay were present. Commissioner Ellison was excused. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Dick Sloan representing the Helena Citizens Council.
- Pledge of Allegiance*** Mayor Smith 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 April 6, 2015 were approved as submitted.
- Presentation*** PRESENTATION:  
A. Congressional Gold Medal- First Special Service Force  
  
Mayor Smith asked First Special Service Force (FSSF) Association President Bill Woon to speak on the recent award of the Congressional Gold Medal to the members of the FSSF.  
Mr. Woon announced the FSSF was awarded the Congressional Gold Medal on February 7, 2015 in Washington, D.C., and provided a detailed history of the FSSF. He noted their annual reunion will be held August 19-22, 2015 and headquartered at the Red Lion Hotel.  
Mayor Smith thanked Mr. Woon for his diligence in preserving the memory of the FSSF.
- Proclamation*** PROCLAMATION:  
A. Arbor Day  
  
Mayor Smith read the proclamation designating April 25, 2015 as Arbor Day in the City of Helena. Parks & Recreation Director Amy Teegarden accepted the proclamation and spoke of the benefits trees bring to communities. She encouraged citizens to recognize Arbor Day and announced events being held in Helena.
- Consent Agenda*** CONSENT AGENDA:  
A. Claims  
B. Resolution declaring certain personal property to be abandoned and unclaimed (twenty bicycles) **Res #20156**  
  
City Manager Ron Alles recommended approval of the claims and the consent agenda.
- Public comment** Mayor Smith asked for public comment, none was received.

**Motion** **Commissioner Haladay moved approval of items A and B on the consent agenda.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Elsaesser reported he had distributed a proposed urban route for the HATS program and indicated he would support it being funded in this budget cycle.  
He listed events being held in Helena throughout the week to recognize Earth Day.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
No report was given.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
Manager Alles announced this week is the final week of operation for the Capitol Shuttle and noted it was a very successful program. Mayor Smith thanked Manager Alles for his work in creating the program.

**Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL  
No report was given.

**Public Hearings** PUBLIC HEARINGS:  
A. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A LIGHT INDUSTRIAL USE IN A B-2 (GENERAL COMMERCIAL) DISTRICT; FOR PROPERTY LEGALLY DESCRIBED AS LOT 1 OF THE RAVEN ROCK SUBDIVISION PER COS #3081948, HELENA, MONTANA, WITH A PROPERTY ADDRESS OF 750 SHEPHARD WAY.

**Staff Report** Zoning Officer Elroy Golemon reported the applicant/property owner is seeking to obtain a Conditional Use Permit (CUP) to allow for a light industrial use to be housed in a new building to be located at 750 Shephard Way, a B-2 (General Commercial District) zoned property. City Code requires a CUP be obtained to establish light industrial uses that are proposed to be located in a B-2 District.

According to the applicant, the proposed CUP is "for new construction related to business expansion." McDantim Inc. is a small, light manufacturing company with 21 employees. McDantim makes gas blending equipment for beverage dispensing, food packaging, welding, and other industrial mixed gas and flow control applications. The applicant further states "the primary use of the new structure is for the assembly, calibration, packaging, and business functions related to the sale and technical support of McDantim's Products." The applicant states the proposed business will operate from 7:00 a.m. to 5:00 p.m. Monday through Friday.

On Tuesday, March 10, 2015 the Helena Zoning Commission recommended unanimous approval (3:0 vote) for a CUP to allow a light industrial use in a B-2 (General Commercial) District; for property legally described as Lot 1 of the Raven Rock Subdivision, per COS #3081948, Helena, Montana; with a property address of 750 Shephard Way.

Mr. Golemon recommended approval of the proposal and noted granting the CUP would allow for infill development on vacant land and

would utilize existing city infrastructure and the proposed light industrial use is consistent with the CUP criteria.

Discussion

Commissioner Haque-Hausrath asked if the operation of the business will entail the use of heavy equipment. Mr. Golemon referred her question to the applicant.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Dan Fallon, applicant; stated McDantim has been in business in Helena since 1995 at their current location on Montana Avenue, outside of the City limits. He stated they average 5 truck visits per day and 2 semi truck visits per day. He explained the heaviest equipment they use is a small forklift.

Commissioner Haque-Hausrath asked what sort of noise will be created by the business. Mr. Fallon indicated the most noise their business creates is due to vehicle trips; they do not have the typical noise level created by an industrial use. They also do not use any dangerous chemicals, only what you would find in a typical household.

Susan Bjerke, 545 South Harris, architect for the applicant; urged the Commission to approve the CUP.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

**Commissioner Elsaesser moved approval for a resolution granting a CUP to allow a Light Industrial Use in a B-2 (General Commercial) District; for property legally described in the resolution.** Commissioner Haque-Hausrath seconded the motion.

Comment

Mayor Smith and Commissioner Elsaesser congratulated Mr. Fallon on McDantim's success and growth.

Vote

All voted aye, motion carried. **Res #20157**

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP, FOR A ZONE CHANGE FOR 2 LOTS LOCATED IN A CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT AND FOR 31 LOTS LOCATED IN A B-1 (NEIGHBORHOOD BUSINESS) DISTRICT TO A B-2 (GENERAL COMMERCIAL) DISTRICT; FOR PROPERTY LEGALLY DESCRIBED AS LOTS 1-33, THE VACATED ALLEY, AND THE ADJACENT VACATED COOKE STREET, ALL IN BLOCK 5 OF THE NORTHERN PACIFIC ADDITION, AS SHOWN ON CERTIFICATE OF SURVEY NO. 502954/T, IN THE CITY OF HELENA, MONTANA; WITH PROPERTY ADDRESSES OF 1311 NORTH MONTANA AVENUE, 1200 BOULDER AVENUE, AND 1229 EAST LYNDAL AVENUE.

Staff Report

Zoning Officer Golemon reported the property owner is requesting the zone change to provide consistent zoning of their property with the B-2 District located to the north and west of the subject property and to better utilize the properties, which are known as the Caird property and the Pattern House.

On Tuesday, March 10, 2015 the Helena Zoning Commission held a public hearing on the proposed zone change and recommended

unanimous approval (3:0 vote) for the adoption of an ordinance amending City of Helena Ordinance No. 2359 and amending the official zoning map, for the proposed zone change.

The proposed B-2 District would allow a greater mix and higher concentration of compatible mixed uses than currently permitted or conditionally permitted in the current B-1 or CLM Districts. In addition, the proposed B-2 District zoning would be more consistent with the "Mixed Use H" land use designation and mixed use concept of the Growth Policy.

In addition, the proposed B-2 District could help create a coordinated development pattern that is unified, functional, and efficient by conserving land, energy, and infrastructure, and minimize the potential for sprawl. The proposed zone change is compatible with the identified goals, objectives, and policies of the Growth Policy. Mr. Golemon recommended approval of the proposal.

#### Discussion

Commissioner Elsaesser referred to pedestrian accessibility and asked if all of Cooke Street is vacated or just a portion. Mr. Golemon pointed out on a map the portion of Cooke Street that is vacated and stated he does not know of any intent to vacate the remainder.

Commissioner Elsaesser acknowledged one comment in opposition of the proposal was given at the Zoning Commission hearing by an adjacent property owner, Mr. Andy Skinner.

#### Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

Alan Nicholson, 1 Quarry Lane, representing the Montana Business Assistance Connection (MBAC); urged the Commission to approve the zone change.

Randall, Helena; asked Mayor Smith if he planned to recuse himself from voting on this proposal since he had been a beer lobbyist in the past. Mayor Smith indicated he is a registered lobbyist for the Montana Brewer's Association but did not feel that warranted his recusal from voting.

There being no further persons wishing to address the Commission, Mayor Smith closed the public hearing.

#### Motion

**Commissioner Hague-Hausrath moved approval of first passage of an ordinance amending City of Helena Ordinance No. 2359 and amending the official zoning map, for a zone change for 2 lots located in a CLM (Commercial Light Manufacturing) District and for 31 lots located in a B-1 (Neighborhood Business) District to a B-2 (General Commercial) District; for property legally described in the attached ordinance.** Commissioner Haladay seconded the motion.

#### Comment

Commissioner Elsaesser commented on the large size of the lots being re-zoned and stated he will be interested in seeing how bike and pedestrian connectivity is addressed for the area. He indicated he would support the proposal as it consistent with the City's Growth Policy and it good path toward changes for the neighborhood by allowing new uses.

Commissioner Haladay stated for the record the MBAC Board is the applicant for this proposal. He referred to the additional vehicle trips anticipated to be created by the zone change and development and commented many of those will be due to a vehicle already on the road

that decides to stop in at the new development; not due to the origination of the new business.

He spoke in support of the proposal and commented on how its purchase and sale was a good use of the City's Revolving Loan Funds (RLF).

Mayor Smith commended Mr. Nicholson for his desire to purchase and develop the property and complemented his history of successful developments throughout the City.

Commissioner Elsaesser expressed concern that some restrictions were lifted for MBAC due to the uniqueness of the Caird property purchase and commented he would recommend those restrictions be reviewed now that the buy/sell agreement with Mr. Nicholson will move forward.

**Vote**

All voted aye, motion carried. **Ord #3207**

C. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CITY OF HELENA ORDINANCE NO. 2359 AND AMENDING THE OFFICIAL ZONING MAP, FOR A ZONE CHANGE FROM A B-1 (NEIGHBORHOOD BUSINESS) DISTRICT TO A B-2 (GENERAL COMMERCIAL) DISTRICT; FOR PROPERTY LEGALLY DESCRIBED AS LOTS 1-5 IN BLOCK 1 OF THE COTTONWOOD BUSINESS PARK, HELENA, MONTANA; WITH PROPERTY ADDRESSES OF 625,645,665, AND 685 BARNEY STREET AND 3310 MCHUGH LANE.

**Staff Report**

Zoning Officer Golemon reported the property owner is requesting the zone change to provide consistent zoning of their property with the B-2 District located to the north, south, and east of the subject property.

On Tuesday, March 10, 2015 the Helena Zoning Commission held a public hearing on the proposed zone change and recommended unanimous approval (3:0 vote) for the adoption of an ordinance amending city of Helena Ordinance No. 2359 and amending the official zoning map, for a zone change from a B-1 (Neighborhood Business) District to a B-2 (General Commercial) District; for property legally described as Lots 1-5 in Block 1 of the Cottonwood Business Park, in the City of Helena, Montana.

The proposed B-2 District would allow a greater mix and higher concentration of compatible mixed uses than currently permitted in the B-1 District. In addition, the proposed B-2 District zoning would be more consistent with the "Mixed Use B" land use designation and mixed use concept of the Growth Policy.

In addition, the proposed B-2 District could help create a coordinated development pattern that is unified, functional, and efficient by conserving land, energy, and infrastructure, and minimize the potential for sprawl. The proposed zone change is compatible with the identified goals, objectives, and policies of the Growth Policy. Mr. Golemon recommended approval of the proposal.

**Public Testimony**

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

**Motion**

**Commissioner Haladay moved approval of first passage of an ordinance amending City of Helena Ordinance No. 2359 and amending the official zoning map, for a zone change from B-1 (Neighborhood Business) District to B-2 (General Commercial) District for property legally described in the ordinance.**

Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Ord #3208**

***Public Communications***

PUBLIC COMMUNICATIONS

Jen, Helena; submitted written testimony titled "History of the Corporate Takeover of the United States of America". This testimony is included in the Commission Packet as part of the official record.

Randall, Helena; read a biblical verse into the record.

***Meetings of Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is April 29, 2015 and the next Commission Meeting is May 1, 2015.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 7:22 p.m.

/S/ James E. Smith

Mayor James E. Smith

ATTEST:

/S/ Debbie Havens

Clerk of the Commission