

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
January 11, 2016
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, January 11, 2016 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 Ellison, Noonan and Farris-Olsen were present. Commissioner Haladay was excused. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present.

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 December 14, 2015 were approved as submitted.

Presentations

PRESENTATIONS:

A. Oath of Office – Helena Citizens Council (HCC)

Mayor Smith administered the Oath of Office to the following newly elected HCC members: John Forbes, Sarah Sadowski, Eric Kiltz, Bob Habeck, Sumner Sharpe, Tom Filler, Terry Frisch, Carol Frisch, Denise Barber, Paul Pacini, Dave Maslowski, Sharon Hubble, Tom Woodgerd, Shawn White-Wolf, Doug Hunsaker, Mary Anne George, Dan DeWolf, Bob Funk, Terry Ray, Ginger Aldrich, Gary Spaeth, and Jeanette Blize.

Mayor Smith asked each member to introduce themselves and state the district they represent. He thanked them for their desire to serve the City and commented on the importance of their tasks and responsibilities as members of the HCC.

B. Confirmation of Officer Randy Robinson

Police Chief Troy McGee reported probationary officer Randy Robinson had successfully completed his one-year probationary period with the Helena Police Department (HPD) and provided his education, training and prior employment history.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Noonan moved approval of the confirmation of Randy Robinson as an Officer with the Helena Police Department. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

Following the affirmative vote for confirmation, Police Chief McGee presented Officer Robinson with the HPD's Challenge Coin, which symbolizes the honor, innovation, devotion and professionalism that represent the mission of the Department.

Officer Robinson introduced his family in attendance and expressed gratitude for the opportunity to be a part of the community and to work for the Helena Police Department.

Assistant Chief Steve Hagen and his wife, Barb Hagen, presented Officer Robinson and his wife, Anne Marie, with the book “*I Love a Cop*” which provides insight and support into the challenges the loved ones of those in law enforcement professions face.

Mayor Smith and Commissioners Ellison, Noonan and Farris-Olsen congratulated Officer Robinson and welcomed him to his career with the HPD.

Board Appointments

BOARD APPOINTMENTS:

- A. Commission Board Appointments 2016-2017

Mayor Smith recommended individual City Commissioners be appointed to City boards and committees for 2016 - 2017 as listed below:

MAYOR PRO TEM

Dan Ellison

ADA COMPLIANCE COMMITTEE

Rob Farris-Olsen

BOARD OF ADJUSTMENT

Andres Haladay

AUDIT COMMITTEE

James E. Smith

Dan Ellison

Rob Farris-Olsen

BUSINESS IMPROVEMENT DISTRICT/HELENA PARKING COMMISSION

Ed Noonan

CITY-COUNTY ADMINISTRATION BUILDING

Andres Haladay

CITY-COUNTY BOARD OF HEALTH

James E. Smith

CITY-COUNTY PARKS BOARD

Rob Farris-Olsen

CITY-COUNTY WEED BOARD

No appointment at this time

CIVIC CENTER BOARD

Robert Farris-Olsen

HELENA CHAMBER OF COMMERCE LIAISON

Dan Ellison

INFORMATION TECHNOLOGY COMMITTEE

Dan Ellison

INFRASTRUCTURE COMMITTEE

No appointment at this time

LEWIS & CLARK COUNTY MENTAL HEALTH ADVISORY
COMMITTEE

James E. Smith

MONTANA BUSINESS ASSISTANCE CONNECTION

Ed Noonan

MONTANA LEAGUE OF CITIES AND TOWNS

James E. Smith

NON-MOTORIZED TRAVEL ADVISORY BOARD

Andres Haladay

PRE-RELEASE COMMITTEE

No appointment at this time

PUBLIC ART COMMITTEE

Ed Noonan

TRANSPORTATION COORDINATING COMMITTEE

Dan Ellison

Andres Haladay

Public comment

Mayor Smith asked for public comment, none was received.

Motion

**Commissioner Ellison moved approval of Commission
member board appointments for 2016-2017 as outlined above.**

Commissioner Noonan seconded the motion. All voted aye, motion carried.

B. CITY-COUNTY PLANNING BOARD, LEWIS & CLARK CITY-COUNTY LIBRARY BOARD, PUBLIC ART COMMITTEE

Mayor Smith recommended the following appointments to the City/County Planning Board, City/County Library Board and Public Art Committee:

City/County Planning Board – Appointment of Terry Ray to an unexpired term on the Planning Board; term will begin upon appointment and expire September 1, 2018.

City/County Library Board – Appointment of Niki Whearty to a first term on the Library Board; term will begin upon appointment and expire January 2, 2021.

Public Art Committee – Appointment of Abigail St. Lawrence to a first term on the Public Art Committee; term will begin upon appointment and expire December 31, 2018.

Public comment

Mayor Smith asked for public comment, none was received.

Motion **Commissioner Ellison moved approval of appointments to the City/County Planning Board, City/County Library Board and Public Art Committee as outlined above.** Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Release of existing City of Helena Utility Easements located within the old Caird Engineering Works property.

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 Noonan moved approval of items A and B on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Mayor Smith welcomed Commissioners Noonan and Farris-Olsen to their seats on the City Commission and thanked them for their desire to serve the citizens of Helena.
Commissioner Noonan expressed delight in being elected to the Commission and spoke to the strength, diversity and character of Helena's neighborhoods and the pride of the residents.
Commissioner Farris-Olsen thanked City staff for their willingness to meet with and educate him on the functions and responsibilities of the numerous City departments, noting he is looking forward to learning even more and working together with the rest of the Commission members.
Commissioner Ellison spoke to the experience, knowledge and strengths Commissioners Noonan and Farris-Olsen bring to the Commission, noting they are both long-time residents of Helena.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
City Attorney Jodoin welcomed Commissioners Noonan and Farris-Olsen to their seats on the Commission and invited them to contact his office with any questions they may have regarding the City's existing and ongoing non-criminal civil litigation cases.

Report of the City Manager REPORT OF THE CITY MANAGER
City Manager Alles welcomed Commissioners Noonan and Farris-Olsen and urged them to contact him with any questions or requests for information.
He announced the annual "Pines for Perch" Program is currently taking place and encouraged citizens to participate by leaving their Christmas trees, free of lights and ornaments, out with their garbage containers for pick-up.
Manager Alles reported this is the first month of the new City-sponsored Recycling Program; those who signed up will see the charge on their January water bill.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Mary Anne George referred to the recommendations of the HCC's relevance committee and noted those findings will be the focus of the Council as 2016 begins.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A CASINO WITH UP TO 20 GAMING MACHINES TO BE LOCATED IN THE B-3 (CENTRAL BUSINESS) DISTRICT; FOR PROPERTY LEGALLY DESCRIBED AS PARCEL 39, LOTS 93 AND 94 OF THE THIRD SUBDIVISION OF THE LAST CHANCE REVISION, BEING A PORTION OF THE ORIGINAL HELENA TOWNSITE TO THE CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA AS SHOWN ON PLATS FILED UNDER DOCUMENT NO. 263165 AND DOCUMENT NO. 249871; WITH A PROPERTY ADDRESS OF 101 NORTH LAST CHANCE GULCH SUITES A & B.

Staff Report

Zoning Officer Elroy Golemon reported the applicant has submitted an application to establish a casino use for the Sapphire Lodge, a tavern, located in a B-3 (Central Business) District. The current tavern use of the property is a permitted use in the B-3 District and can be established without a CUP in the B-3 District. However, a CUP must be obtained prior to establishing the proposed casino use in this location.

The adjacent uses in the area include retail sales, restaurants and licensed premises, medical and general professional offices, parking lots and structures, residential uses, and a private Montessori School located in Suites A & B and daycare center located in Suite D of the Medical Arts Building.

On Tuesday, December 08, 2015, the Helena Zoning Commission held a public hearing on the proposed CUP and recommended unanimous approval (3:0 vote) for the adoption of a resolution granting a CUP to allow a casino with up to 20 gaming machines to be located in the B-3 (Central Business) District; for property legally described as Parcel 39, Lots 93 and 94 of the Third Subdivision of the Last Chance Revision, being a portion of the Original Helena Townsite to the City of Helena, Lewis and Clark county, Montana as shown on plats filed under Document Nos. 263165 and 249871; with a property address of 101 North Last Chance Gulch, Suites A & B.

Approval would be subject to the following condition: The operational hours of the casino are to coincide with the legal hours established for the sale of alcoholic beverages (8 a.m. to 2 a.m.) seven days a week.

Zoning Officer Golemon recommended approval of the proposed CUP as it would allow for the utilization of a commercial space and existing City infrastructure. In addition, the desired casino use is consistent with CUP criteria.

Discussion

Commissioner Farris-Olsen asked how this CUP would affect the Montessori School in the vicinity. Zoning Officer Golemon explained the regulations for alcoholic beverage establishments and public school properties; such establishments are not allowed within 600 feet of a school without obtaining a CUP. He added this property is located outside of the 600 foot buffer area.

Mr. Golemon clarified these restrictions apply to public schools/property; there are no restrictions associated with private schools and the Montessori School in question is a private school.

Mayor Smith asked if the CUP would remain in effect if the business changed ownership. Zoning Officer Golemon stated yes, the new owners would "inherit" the CUP as it exists at the time of sale and purchase.

Public Testimony

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

Patricia Coughlin, Placer Building resident and Condominium Association president; reported several residents are concerned this CUP may lead to increased noise in the area. She asked if noise were to increase and become a problem, would the opportunity exist to revoke the CUP.

Bill Cassia, Placer Building resident; stated three new bars have recently opened in this both residential and commercial neighborhood. He noted the Sapphire Bar itself is not a noise issue; however, the customers exiting and smoking outside of the bar reduce the peaceful use of existing property by being loud and using vulgar language.

Mary Joe Pierson, Placer Building resident; concurred with Mr. Cassia's comments and disagreed with the finding that this CUP will not hamper the peaceful use of the surrounding properties. She commented the volume and tone of the patrons makes her feel unsafe.

Susan Matsen, Placer Building resident; spoke in general opposition to the existing location of the Sapphire Bar and discussed how it negatively affects her quality of life.

Heath Mason, representing the Sapphire Bar; stated the bar was allowed in its current location by right. He indicated they would like to be a good neighbor and invited the concerned residents to contact him with any issues they are having with the bar or patrons of the bar.

He reminded the Commission the issue under consideration tonight is the CUP application for additional gambling machines.

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

Discussion

Commissioner Farris-Olsen asked Mr. Mason for the anticipated increased number of patrons if the CUP were granted. Mr. Mason stated the CUP would allow for ten more gambling machines/ten seats they foresee an additional ten customers.

Commissioner Ellison asked how many complaints the City has received related to noise or violent acts related to the establishment. City Attorney Jodoin stated his office has not received any complaints directly related to this bar, but had received a complaint related to construction noise at the hotel directly across the street. The complaint was resolved through enforcement of the City's noise ordinance and the cooperation of the contractor.

Commissioner Noonan asked for more information regarding allowable decibel level in the area and the option of revoking this CUP if noise becomes a problem. Police Chief McGee explained the decibel level restrictions contained in the noise ordinance are different according to the various uses allowed in the City's zoning districts and the time of day; however, he pointed out it is very hard to measure and/or apply the decibel level regulations to voice volume.

Commissioner Ellison indicated he would vote in favor of the CUP as he does not feel it will cause adverse effects in the neighborhood and noted tonight's hearing is to consider an increase in the allowed number of gambling machines only; the existing issues discussed in testimony by Placer Building residents are separate and aside from the CUP request. He encouraged area residents to contact the Sapphire Bar owner and Police Department, as applicable, to discuss the problems reported during tonight's hearing.

Commissioner Farris-Olsen stated while he may not be the hugest fan of casinos, he has seen the subject property sit vacant on and off over the past 30 years and believes it should be utilized, as it adds to the vibrancy of the entire downtown area. He noted he would support the CUP request, and encouraged area residents to call the Police Department with noise complaints.

Commissioner Noonan stated would also vote in support of the CUP, but sympathizes with the issues the Placer Building residents are currently incurring. He too recommended they contact the Sapphire Bar owners or Police Department for help with the problems they are having.

Mayor Smith indicated he would support the proposed CUP and encouraged the Sapphire Bar's owners to try and mitigate the concerns of the neighboring residents, such as smoke and noise.

Motion

Commissioner Ellison moved approval for a resolution granting a Conditional Use Permit (CUP) to allow a casino with up to 20 gaming machines to be located in the B-3 (Central Business) District; for property legally described in the resolution subject to the following condition: The operational hours of the casino are to coincide with the legal hours established for the sale of alcoholic beverages (8 a.m. to 2 a.m.) seven days a week. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.
Res #20229

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE PRE-ZONING TO R-2 (RESIDENTIAL) DISTRICT AND UPON ANNEXATION AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA FOR PROPERTY LEGALLY DESCRIBED AS LOTS 1 AND 2 IN BLOCK 2 OF THE HIGHLAND PARK SUBDIVISION, IN LEWIS AND CLARK COUNTY, MONTANA.

Staff Report

Senior Planner Dustin Ramoie reported the applicants are proposing this pre-zoning and annexation to provide all city services for the single dwelling units on the properties. City Ordinance requires property to be pre-zoned prior to annexation. Current land uses in the area include but are not limited to single-dwelling residential and a worship facility. This pre-zoning would become effective upon annexation.

On December 8, 2015 the Helena Zoning Commission unanimously (3-0) recommended approval of this proposed pre-zoning. Also Resolution of Intent to Annex # 20213 for the subject properties was passed by the Helena City Commission on September 14, 2015.

Planner Ramoie recommended approval of the proposed ordinance as pre-zoning and the future annexation of the subject properties will provide the applicants the opportunity to abandon their existing water and individual septic tanks to be connected to City water

and wastewater mains, and associated and notably more efficient City water and wastewater systems.

Public Testimony

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

Dan Anderson, applicant; urged the Commission to approve the proposed zoning designation.

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

Motion

Commissioner Noonan moved approval for first passage of an ordinance pre-zoning to R-2 (Residential) District and upon annexation amending the Official Zoning Map for the City of Helena for property legally described in the ordinance. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.
Ord #3215

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is January 20, 2016 and the next Commission Meeting is January 25, 2016.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:32 p.m.

/S/ JAMES E. SMITH
Mayor

ATTEST:

/S/ DEBBIE HAVENS
Clerk of the Commission