

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
October 17, 2016
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, October 17, 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, Haladay, Noonan and Farris-Olsen were present. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Gary Spaeth 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 September 26, 2016 were approved as submitted.

Board Appointments BOARD APPOINTMENT:

- A. Bill Roberts Golf Advisory Board, City-County Parks Board, Helena Housing Authority

Mayor Smith asked for Commission concurrence on the following board appointments:

- | | |
|----------------------------------|---|
| Bill Roberts Golf Advisory Board | Appointment of Tyson Lesmeister to the Golf Advisory Board. First term will begin November 1, 2016 and expire October 31, 2019. |
| City-County Parks Board | Appointment of Steve Baiamonte to the Parks Board as a city representative. First term will begin upon appointment and expire September 30, 2019. |
| Helena Housing Authority | Appointment of Stacey Anderson to the Helena Housing Authority. The unexpired term will begin upon appointment and expire August 1, 2020. |

Public Comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Haladay moved approval of the board appointments as outlined above. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Resolution declaring certain personal property to be abandoned and unclaimed (20 bicycles). **Resolution 20309**

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 Ellison moved approval of items A and B on the consent agenda.** Commissioner Noonan seconded the motion. All voted aye, motion carried.
- Bid Award BID AWARD:
A. 2017 Open Top Solid Waste Transfer Trailer
- Staff Report Solid Waste Superintendent Anderson reported one bid was received for one new 2017 open top solid waste transfer trailer from Wilkens Industries, Inc. in the amount of \$87,164.00. This trailer is an addition to the expanding operations of the solid waste landfill. The analysis of the bid indicates the submitted item meets specification and is a reasonable bid. The bid does not exceed the appropriated FY17 budget amount of \$95,000.00.
Superintending Anderson recommended the purchase of the new unit at the bid price of \$87,164.00. This purchase will allow the Solid Waste Division to continue regular maintenance operations with reliable equipment and reducing maintenance costs.
- Discussion Mayor Smith asked if this trailer is one that holds the solid waste until it is taken to the landfill. Superintendent Anderson concurred and noted this trailer will add one more to the fleet which will allow more solid waste to be stored when needed due to the landfill being closed, a holiday, increment weather or other circumstances.
Commissioner Haladay asked if this purchase is necessitated due to the city taking over operations at the landfill. Superintendent Anderson indicated it is not; this purchase is necessary due up until 2008, these trailers were replaced every five year. However, they are now on a 10-year replacement schedule.
- Public comment Mayor Smith asked for public comment, none was received.
- Discussion Commissioner Ellison commended staff for getting this bid in and noted the budget amount is \$95,000 with the bid being \$87,164; resulting in an \$8,000 savings.
- Motion** **Commissioner Ellison moved approval to award the bid to Wilkens Industries, Inc. for one (1) new 2017 Open Top Solid Waste Transfer trailer in the amount of \$87,164.00.** Commissioner Haladay seconded the motion. All voted aye, motion carried.
- B. 2017 Single Axle Automated Rear-Loading Refuse Truck With 16-Yard Body
- Staff Report Superintendent Anderson reported twenty-one (21) bids were received and opened for one (1) new 2017 single axle, automated rear loading refuse truck with 16 yard body for the Solid Waste Division. This piece of equipment will replace unit #207, a 2005 Sterling/Leach rear loading refuse truck, and is a scheduled replacement. The low bidder was Rocky Mountain Truck Center with a bid of \$127,731.00 for a 2017 Freightliner with a Cobra body rear loader. The unit meets bid specs and is considered a reasonable bid. Staff did not offer a trade in value for unit #207, as the City can receive a better price by selling the vehicle through

a surplus sale process. The FY17 budget appropriation for this unit is \$192,710.00

Superintendent Anderson recommended the purchase of the new unit at the bid price of \$127,731.00. This purchase will allow the Solid Waste Division to continue to provide refuse collection operations with reliable equipment and reduced maintenance costs with emphasis on safety for employees.

Discussion

Commissioner Haladay stated in the CCIP, this unit originally was potentially noted as a hybrid and the budgeted amount was somewhere around \$230,000. He then asked what staff did to look for a hybrid model of this truck when going out to bid. Superintendent Anderson explained staff looked at the alternative fuels this truck would use; this truck will burn a bio diesel fuel but is not CNG compatible. He noted the side-load fleet that will be bid in 2021 will include a hybrid specification.

Commissioner Haladay recommended if we are not going to bid hybrid models, the additional funding allocated specifically for a hybrid truck should be removed from the budget as it creates the appearance the budget is over-inflated if that type will not be purchased.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval to award the bid to Rocky Mountain Truck Center for one (1) new 2017 Freightliner with Cobra body rear loader for the City Solid Waste Division in the amount of \$127,731.00. Commissioner Haladay seconded the motion. All voted aye, motion carried.

**Communications
From Commissioners**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

- A. CONSIDER A RESOLUTION SUPPORTING SMITH RIVER STATE PARK AND EXPRESSING CONCERNS OVER PROPOSED MINING ACTIVITIES THAT MAY ADVERSELY IMPACT THE HEALTH OF THE RIVER, THE QUALITY OF LIFE OF HELENA'S RESIDENTS, AND HELENA'S ECONOMY.

Commissioner Farris-Olsen introduced the resolution and gave a summary of his reasons for proposing the adoption of the resolution. Ultimately it is because of the possibility for contamination and the river is such a treasure it's not worth the risk. He gave the history of contamination of nearby creeks and summarizing that proves it can happen to larger waterbodies too.

Commissioner Farris-Olsen thanked Tintina Resources for giving him the tour of the proposed mine site; however, the information he received and what he saw did not deter his intent to bring forward the resolution. Commissioner Farris-Olsen then spoke of how appreciative those who've been lucky enough to draw a permit to float the river feel about a once in a lifetime opportunity. He also addressed the economic impact businesses in Helena receive from those floating the Smith River.

The majority of the public comment the commission has received is in support of the resolution.

Public Comment

Mayor Smith called for public comment. The following persons addressed the commission:

George Kirkwood, White Sulphur Springs City Council Member; stated while the proposed resolution is derived from good intentions, it shows a direct disregard for the positive economic impact the Tintina Mine would have to the City of White Sulphur Springs. He noted the mine has a positive reputation as a reputable company. Commissioner Kirkwood stated many of the citizens of White Sulphur shop in Helena. He asked the commission to vote against the resolution.

Warren Hopper, P.E., Helena; discussed his experience with the natural resource industry. Mr. Hooper indicated while he is not of a negative opinion toward mining, he is in opposition for the location of mine and its possible impact on Sheep Creek and ultimately the Smith River due to location. While he understands the attractiveness of the economic impact; the duration of mine operation would not last more than 15 years and for that timeframe it is not as important as the long-term damage that could occur to the Smith River. He pointed out the Tintina's parent company is from Australia and the profits will go out of this country. Mr. Hopper asked the commission to adopt the resolution.

Matt Ciprian, political scientist specializing in national security, provided comments related to the dangers posed by the mine, not only to White Sulphur Springs, the Smith River, but to Helena due to the river being upstream of us.

Steve Gilbert spoke in support of the resolution; he gave his employment history dealing with the mining industry and DEQ. Mr. Gilbert also spoke of his experience as a guide on the Smith River.

Liz Campbell, representing the Helena's Chapter of Trout Unlimited, spoke in support of the resolution.

Liz Hopper, Secretary of the Smith River Castle Bar Association, spoke in support of the resolution and gave the history of her family using the Smith River and having a cabin on the river. Ms. Hopper also referenced her family's history with the mining industry.

Tom Kerr expressed concern for the process in the drafting of the resolution prior to touring the mine's desired location and operations. He discussed the importance of keeping the Smith River safe from any possible contamination; but feels the economic impact and short life span of the mine will provide a wonderful opportunity for Meagher County and the State of Montana. Mr. Kerr noted it will be up to the Department of Environmental Quality who will ultimately issue the permit. The proposed mine will not be operational for long enough to ruin the Smith River.

Eloise Kendy, Hydrogeologist, discussed her professional history working with numerous mines that were approved and had guaranteed safe operations; however, the mines ultimately failed and destroyed areas of the state even though she herself supported their location. Ms. Kendy also noted she has been an expert witness in a Supreme Court Case that established that groundwater and surface water are connected.

Will Garvin spoke in support of the resolution.

Pat Christian spoke of her experience working with failed mines in Appalachia and asked the commission to approve the resolution.

Peggy Trenk, Executive Director of the Treasure State Resources Association, stated for the record Tintina Resources is a member of the Association. Ms. Trenk pointed out this kind of resolution should not be brought forward until an EIS has been issued for the proposal. It is not appropriate to challenge it prior to reporting be done. She noted she is a Big Timber native where many residents were

apprehensive of a mine there; however, there were no problems and it greatly benefited the community. Ms. Trank asked the commission to deny the adoption of the resolution.

Dick Sloan noted he has spent over 50 years in the natural resources industry and environmental business; he then stated the proposed resolution is inaccurate, is biased and unscientific and does not represent the best interest of Helena and Montana. While he sees the reasoning behind concern for installation of the mine, he does not agree with the public outcry over the potential pollution concerns and then discussed the positive economic impact the mine would have. Mr. Sloan believes both the recreational opportunities and the proposed mine could co-exist. It is the responsibility of the Montana Department of Environmental Quality to review the permit application.

John Wilson, retired from the Montana Land Reliance and Trout Unlimited, noted 80 to 90 percent of the private land on the Smith River is preserved through land conservation easements. Mr. Wilson also addressed the issue of reduced water flow the mine will have on the Smith River.

John Shanahan, President and Chief Executive Officer of Tintina Resources, stated they understand the great concern over potential environmental impacts to the Smith River and they care a great deal related to keeping it clean and untouched. Mr. Shanahan stated he previously worked for a mine in Troy, Montana. There was public concern with the possible negative impact it would have on Troy, Montana and surrounding areas. The mine was active for 10 years and no problems were had; none of the projected catastrophes occurred. He commented on the detailed research Tintina Resources does prior to beginning the permitting process because they too are concerned over what could happen and is in great support of the environment. However, natural resource development is an important industry and is done safely. He noted Tintina Resources has not even initiated the permitting process which includes the requirement of an EIS. He discussed how positive the mine would be for the area economically and urged the commission to deny the resolution.

Johnathan Matthews spoke in support of the resolution. He noted there is a need for copper; however, the Smith River is not the appropriate place for a mine.

M.J. DeRosier, Lead Intern for the Montana Public Research Institute; expressed concern that Tintina is owned by an Australian company, who will possibly be located in our state making money off Montana's resources. He spoke to the danger the type of mine being proposed requested the commission support the resolution. Mr. DeRoiser addressed his cultural and historic nature being a registered member of the Blackfoot Tribe.

Mary Anne Dunwell; Montana State House Representative, urged the commission to vote in support of the resolution under consideration.

Nancy Schlenk, Tintina Resources Public Relations representative and former Meagher County Commissioner, discussed how important it is to Tintina Resources to keep any harm from occurring to the waterways, pointing out the many safety precautions that would be put in place to ensure nothing happens to ruin the area. Ms. Schlenk spoke of being a member of MBAC, which represents Meagher, Broadway and Lewis and Clark Counties. Ms. Schlenk asked the commission to deny the resolution.

Brian Obert, MBAC Executive Director, discussed the benefits and negatives that could result from the mine. MBAC has not taken a position on the mine. He noted Meagher County, White Sulphur Springs, and Townsend all support the location of the mine. There are significant economic benefits from recreationalists on the Smith River; however, there will also be a huge economic impact with location of the Tintina mine.

Jim Jensen, Helena; MEIC, spoke in opposition to the location of the mine and pointed out DEQ has permitted every mine that has failed in Montana.

William Grant addressed the commission and felt some of the comments offered tonight regarding the economic impacts were reprehensible.

Motion

Commissioner Farris-Olsen moved approval of the resolution supporting Smith River State Park and expressing concerns over proposed mining activities that may adversely impact the health of the river, the quality of life of Helena's residents, and Helena's economy. Commissioner Noonan seconded the motion.

Discussion

Commissioner Noonan referred to the comments that have been made indicating Helena is not an interested party in this proposal; he disagreed and commended citizens for participating in the public process and sharing their opinion. Such actions make for a stronger community when issues like this are discussed .

Commissioner Ellison stated he also appreciates everyone who addressed the commission. Commissioner Ellison stated he has read through the City Charter and it is pretty silent on issues on the Smith River and events in Meagher County. The commission's roles and responsibilities are laid out in the charter and does not include getting involved with environmental decision making by state agencies. By taking this step of adopting this resolution; it may put the City of Helena at odds with White Sulphur Springs and Meagher County officials.

Commissioner Ellison referenced the eight or nine business owners who signed a letter in support of the resolution; however, the Helena Chamber of Commerce submitted a letter in opposition, which represents over 800 businesses. He then stated there is a demand for copper which includes copper pipes, wiring in vehicles and in cell phones. What we are saying with the adoption of this resolution is that the Smith River is too precious of a treasure to us to put it to any risk by mining copper in that area. Commissioner Ellison referenced a quote of President Kennedy that stated in part "what is ours is ours and what is yours is negotiable". He has not heard any testimony that anyone is willing to give up copper; what he has heard is that it is okay to mine copper elsewhere but not on the Smith River. Commissioner Ellison also addressed Section 2 of the resolution that requires "absolute certainty" and noted nothing in life can guarantee absolute certainty. He then stated these are not his personal views, these are his views as a Helena City Commissioner and he does not believe the city commission should approve the resolution.

Mayor Smith stated he has read the revised mine application for an operating permit that Tintina Resources submitted to the Montana Department of Environmental Quality; he paid particular attention to the areas that dealt with water, specifically ground and surface water. He

also read DEQ's deficiency review and that was based on the initial application of December 2015. Mayor Smith concluded that DEQ is providing a very complete review of the application and if they are going to issue a permit, so be it. He is happy to leave it in the hands of DEQ. Mayor Smith also stated the resolution established a standard that is impossible to meet and guarantee. The city is also regulated by DEQ for water, wastewater and stormwater.

Commissioner Haladay stated just by listening to the comments, what struck him, he is not sure that he heard a single person actually take away the same interpretation of this resolution. He has heard everything from it says there should be no mining ever to this resolution will destroy the mine's process. This resolution establishes nothing, it doesn't establish an absolute certainty standard or tell DEQ to do anything. The resolution is a statement from a people's body that represents a certain jurisdiction in the state, and based on the communications the commission has received, it has jurisdiction to comment on the proposed mine. Commissioner Haladay referenced the billboards that are in Helena, that tell people they should support the proposal of Tintina. Commissioner Haladay stated he supports relaying our community's opinion and concerns over the proposed location. He too appreciates all the comments received.

Commissioner Farris-Olsen thanked everyone who addressed the commission. He stated he believes from the comments received tonight there is overwhelming support of the resolution. The commission has the duty to weigh in on this issue when Tintina advertises in Helena.

Vote

Motion carried 3-2 with Commissioner Ellison and Mayor Smith voting no. **Res #20310**

Commissioner Noonan announced the sudden passing of Don McLaughlin, a longtime supporter of the arts in Helena and the first Director of Grandstreet Theater. Mayor Smith called for a moment of silence.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin reported the recent suit brought against the City and a HPD Officer by an inmate of the Lewis & Clark County Detention Center was voluntarily dismissed by the inmate earlier today.

Attorney Jodoin reported Valerie Wilson, on behalf of the Westside residents, has filed a petition for preliminary injunction. It is the city's intent to respond and hopefully guide the court to hold off on this injunction request until the court decides the city's motions to dismiss.

Report of the City Manager

REPORT OF THE CITY MANAGER

No report was given.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Chair Gary Spaeth gave no report.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION ANNEXING LOT 4A OF COS# 3035465 AND ADJACENT GREEN MEADOW DRIVE RIGHT-OF-WAY (ROW), GENERALLY LOCATED EAST OF GREEN MEADOW DRIVE, NORTH OF THE CURRENT NORTH END OF BENTON

AVENUE, AND NORTH OF ANDESITE AVENUE IN LEWIS AND CLARK COUNTY, MONTANA, INTO THE CITY OF HELENA, MONTANA.

Staff Report

City Planner Lucy Morell-Gengler reported the owner of this property, Green Meadow Helena LLC, is requesting annexation for approximately 20 acres described as Lot 4A of COS# 3035465. The property has been pre-zoned to R-3 (Residential) District (Ordinance #3212) and the preliminary plat for Green Meadow Subdivision, a 3-lot minor subdivision, was conditionally approved on October 19, 2016. The applicant has not completed the conditions required for annexation in the Resolution of Intention to Annex No. 20217. Therefore, the applicant is requesting the City enter into an Agreement for Satisfaction of Annexation Conditions for deferment of these required infrastructure improvements.

Planner Morell-Gengler reviewed the status of conditions for annexation and the conditions being considered for deferral.

Annexation of this property would promote the orderly extension of city services and infrastructure and encourage higher density development near an urban area and may reduce vehicle miles traveled.

Planner Gengler recommended approval of the resolution of annexation of Lot 4A of COS #3035465 and adjacent Green Meadow right-of-way located in Lewis and Clark County, Montana into the City of Helena, Montana and authorize the City Manager to enter into an Agreement for Satisfaction of Annexation Conditions and defining the responsibility for installation of the deferred improvements.

Discussion

Commissioner Haladay asked Planner Morell-Gengler in her opinion, other than bifurcating the annexation piece on when the infrastructure has to be installed and the final plat filed, on the day these units open for occupancy will all infrastructure required by the city commission be in place. Planner Morell-Gengler noted it is divided into two phases; she then expressed strong confidence the proposed agreement will ensure all of the conditions required by the commission will be installed and inspected. The language included in the document is enforceable. The second phase will not require the infrastructure be installed and inspected until the second phase is annexed.

Commissioner Haladay again asked Planner Morell-Gengler, in her opinion, if all conditions for both Phase 1 and Phase 2 could be met prior to occupancy. Planner Morell-Gengler stated she is confident in the agreement's requirement for the installation of the non-motorized path prior to occupancy of any building.

Mayor Smith discussed how approval of the final plat will relate to ensuring the infrastructure is installed in compliance with the conditions for annexation. Planner Morell-Gengler explained occupancy cannot be allowed until final plat approval, even if the entire development is built out. She again affirmatively supported the enforceability of the Agreement for Satisfaction of Annexation Conditions.

Public comment

Mayor Smith called for public comment.

Greg Wirth with Stahly Engineering discussed the applicant's intentions and legal requirements per the proposed agreements to develop the property as required per previous commission action.

Mr. Wirth noted the infrastructure is currently being installed in Phase One. He also noted all conditions will be satisfied.

Motion

Commissioner Ellison moved approval of a resolution annexing Lot 4A of COS #3035465 and adjacent Green Meadow right-of-way located in Lewis and Clark County, Montana into the City of Helena, Montana and authorize the City Manager to enter into an Agreement for Satisfaction of Annexation Conditions defining the responsibility for installation of the deferred improvements. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20311**

- B. CONSIDER A RESOLUTION OF INTENTION RENAMING LEARNING STREET TO HUNTHAUSEN WAY AND HENRY STREET TO BISHOP CARROLL DRIVE.

Staff Report

City Attorney Jodoin reported Carroll College is requesting the city commission rename Learning Street to Hunthausen Way and Henry Street to Bishop Carroll Drive. In order to rename these streets, §7-14-4112, MCA, requires the city commission to pass a resolution effecting the name changes. Portions of Learning Street and Henry Street (east of Learning Street) are dedicated public rights-of-way. Hunthausen Avenue, which originates off of N Benton Avenue, travels east approximately 1050 ft. to the intersection of Learning Street. Learning Street travels south through the Carroll College campus and eventually connects to W Lyndale Ave (US Highway 12). Hunthausen Avenue and the portion of Learning Street located at the intersection of Hunthausen Avenue south to the intersection of Henry Street are both private roads. Learning Street is dedicated public right-of-way from the intersection of Henry Street to the intersection of W Lyndale Avenue. Henry Street, which originates at the intersection of N Park Avenue, travels east approximately 830 ft. The Henry Street segment between N Park Avenue and Learning Street is not dedicated public right-of-way and is a private road. The Henry Street segment between Learning Street and approximately 275 ft. to the east is public right-of-way. An unnamed segment extends east from this location, loops to the north along the east side of the campus, and intersects the Transfer Station driveway. This unnamed segment is not dedicated public right-of-way and is a private road. For information purposes only, Carroll College will also be renaming the "Henry Street" that loops around the east side of the campus and provides access to the new dorms as Bishop Carroll Drive. Since that is a private drive, commission action is not required to effect that change.

Attorney Jodoin noted changing the name of Learning Street to Hunthausen Way and Henry Street to Bishop Carroll Drive would provide for consistent internal naming. This would ease emergency services response and eliminate confusion for visitors to the campus.

Attorney Jodoin recommended approval of the resolution of intention for the proposed name changes and set a public hearing date for November 28, 2016.

Discussion

Commissioner Haladay referred to a denial several years ago to a proposal to name streets in Mountain View Meadows after four famous women in Montana history. He asked for an explanation of the difference between this proposal and the one in Mountain View Meadows. Attorney Jodoin noted Carroll College plans to vacate the rights-of-way for these streets and ultimately they will become private streets. Therefore, Carroll

College will be responsible for the purchase, maintenance and replacement of the street signs. Carroll is working on a certificate of survey to aggregate some lots and ultimately will vacate the public streets.

Commissioner Haladay stated is he is supportive of this proposal; he only raised the question to ensure both applications were considered and reviewed fairly.

Public comment

Mayor Smith called for public comment. Carroll College representative Patty White spoke in support of the proposal. She noted Carroll has been working closely with the Fire Department to ensure all their buildings are properly addressed. She noted with the street name changes, there will be consistency throughout the campus.

Ms. White stated it is important for the main administrative building address for Carroll College to remain 1601 N. Benton Avenue. She asked if this issue can be addressed tonight or should they work with the GIS office.

Motion

Commissioner Noonan moved approval of a resolution of intention changing the name of Learning Street to Hunthausen Way and Henry Street to Bishop Carroll Drive and setting a public hearing date of November 28, 2016. Commissioner Haladay seconded the motion.

Discussion

Commissioner Noonan commented is an honor to be able to name these streets Hunthausen Way and Bishop Carroll Drive.

Mayor Smith stated the issue of retaining the address of 1601 N. Benton for the administrative building should not be addressed tonight. Staff will continue to work with Carroll to address their concern.

Vote

All voted aye, motion carried. **Res #20312**

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION TO AMEND THE 2011 CITY OF HELENA GROWTH POLICY TO INCLUDE THE DOWNTOWN MASTER PLAN AS A NEIGHBORHOOD PLAN FOR THE DOWNTOWN AREA.

Staff Report

City Planner Ellie Ray reported in April 2016, the City of Helena, Montana Business Assistance Connection (MBAC), and the Helena Business Improvement District (HBID) completed a final draft of the Downtown Helena Master Plan (DMP). The DMP conveys an overarching vision for future development of the historic Downtown, and the intent is to adopt it so that it may serve as the Downtown Helena Neighborhood Plan. The DMP drafting process included robust public input, with three charrettes, multiple public meetings, and acceptance of public comments throughout the process. In order to be adopted, a neighborhood plan must define a jurisdictional area and be deemed consistent with a municipal growth policy, as per MCA §76-1-601(4). On June 21, 2016, the City of Helena-Lewis and Clark County Consolidated Planning Board, following consultation from city staff and stakeholders, adopted a resolution recommending the adoption of the DMP as an amendment to the City's Growth Policy (see attached minutes). Montana Code Annotated §76-1-604(3) states that the city commission may revise a neighborhood plan, and shall reject or adopt the plan, with or without

revisions, after receiving the Planning Board's recommendation. On September 12, 2016, the city commission moved to approve a resolution of intention to adopt the Downtown Master Plan as the neighborhood plan for the Downtown Area. Meetings have been held since completion of the final draft of the DMP to address the consistency between the DMP, capital plan and budgeting priorities, and other guiding policy documents.

Ms. Ray noted WGM Group and city staff, both have a list of recommended amendments for consideration and were provided in the meeting packet. The amendments are intended to better align the DMP with existing municipal policies and adopted plans.

If adopted, the DMP will serve as a guiding policy document for the City's roughly 200-acre downtown core, in conjunction with the 2011 City of Helena Growth Policy and other adopted municipal plans and policies. It will provide a basis for future planning efforts in the designated downtown area, and further promote social and economic vibrancy in the community.

In addition, the DMP actively promotes innovative design of the built environment that is less energy/resource intensive and that improves the environmental health of the local resources through low-impact infrastructural design. Public comments have been received on the DMP, all of which have been positive.

Planner Ray recommended approval of the resolution amending the 2011 City of Helena Growth Policy to include the Downtown Master Plan as the Downtown Neighborhood Plan and to adopt the staff proposed amendments to the 2016 Downtown Master Plan.

Discussion

Commissioner Haladay asked if the amendments outlined in the letter from WGM Group as shown on page 62-65 of the packet are already incorporated into the document. Planner Ray stated they are not; the logic was to wait until the commission adopted the DMP, before the text was altered. Commissioner Haladay stated procedurally, we would move to adopt the DMP and then move to approve the amendments from WGM Group and then move to approve the amended document. Planner Ray concurred.

Commissioner Haladay referred to staff's amendment #1 regarding Benton Avenue Bike Lanes and asked if the amendment is a matter of semantics; as if Benton Avenue is reconstructed to include bike lanes, there has to be consideration given to removing trees and shrinking lanes; which would essentially re-shape the city's roadway. He asked if the DMP could do so. Ms. Ray stated the amendment would assure that staff would have to pursue the installation of bike lanes on Benton Avenue.

Mayor Smith stated he thought it was the city's existing policy to require underground utilities. Ms. Ray noted that is the case and city staff does work with private utility companies to do so.

Public Testimony

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

The following persons urged the commission to support the plan and proposed amendments: BID Executive Director Traci Reich; BID Board members Randy Riley; Bill Crane, Rex Seeley, Mark Royslance and Kathleen Harrington; and Rick Ahman.

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

- Motion** **Commissioner Noonan moved approval of a resolution amending the 2011 City of Helena Growth Policy to include the Downtown Master Plan as the Downtown Neighborhood Plan.**
Commissioner Haladay seconded the motion.
- Discussion** Commissioner Haladay stated the recommendation is to adopt the plan as submitted on September 17th; he asked if that would include the amendments recommended by WGM Group. He asked if the BID is recommending no amendments, the WGM Group amendments, or staff's amendments. Director Reich stated the recommendation is to support what was read into the resolution on September 17th, which included the WGM Group amendments; it does not include any other amendments made after that.
Commissioner Haladay asked if the WGM Group amendments are contained in the DMP. Manager Alles stated they are not and the commission would need to adopt them. Commissioner Haladay again clarified the BID is not recommending staff's amendments. Director Reich concurred.
- Friendly Amendment** **Commissioner Haladay moved to amend the motion to include the amendments provided by WGM group and contained on pages 62-65 of the commission meeting packet.** Commissioner Noonan accepted the amendment.
Commissioner Ellison stated he will support the amendments; however, there are several spelling errors in the document that need to be corrected.
Mayor Smith stated he has concerns with staff's proposed amendment #1; this is a discussion the commission and the BID have had. If the commission approves the WGM amendments, we do not know if that is possible. He is happy to support the proposed amendments and will work out the bike lane issue at a later date.
Commissioner Ellison asked City Manager Alles to comment on staff's amendments. Manager Alles stated he concurs with staff's amendments and recommends they be adopted.
- Amendment** **Commissioner Ellison moved to include the amendments 1-4, proposed for inclusion by City staff on page 66 of the commission Meeting packet.**
- Discussion** Commissioner Haladay asked if the commission would vote on the WGM amendments and then vote on staff's amendments. He stated he will oppose a motion to add staff's amendments to the WGM amendments. Mayor Smith noted the commission will vote on the amendments separately.
- Withdrawn Motion** **Commissioner Ellison withdrew his motion.**
- Vote on Friendly Amendment** **Commissioner Haladay moved to amend the motion to include the amendments provided by WGM group and contained on pages 62-65 of the Commission Meeting packet.** Commissioner Noonan accepted the amendment. All voted aye, motion carried.

Amendment **Commissioner Ellison moved to include the amendments 1-4, proposed for inclusion by City staff on page 66 of the Commission Meeting packet.** Commissioner Haladay seconded the motion.

Discussion Mayor Smith noted if both sets of amendments are adopted, there is going to be an inconsistency. Commissioner Ellison noted his purpose in moving approval of the amendments is it seems staff had good rationale to bring them forward for discussion.

Manager Alles stated if the commission adopts staff's amendments, they would replace WGM's amendments.

Commissioner Haladay addressed the content of staff's amendments and ultimately noted he will not support them.

Withdrawn Motion **Commissioner Ellison withdrew his motion.**

Attorney Jodoin reminded the commission the Downtown Master Plan is now adopted as part of the Growth Policy. The Supreme Court has said everything has to be in substantial compliance with the Growth Policy. The Plan now says add bike lanes to Benton Avenue; he stated he has concerns that sometime in the future if we do not add bike lanes to Benton Avenue, we would not be in substantial compliance with the Growth Policy.

Commissioner Noonan spoke on the intent of the Downtown Master Plan being a guiding document and not include a force of law. He suggested tabling the staff amendments to a later date.

Commissioner Farris-Olsen noted the commission will be reviewing the Growth Policy next year and if there are concerns, they can be addressed at that time. He would not support staff's amendments.

Amendment **Commissioner Ellison moved approval to replace the existing text "Convert (Benton Avenue) to 3 Lanes with Bike Lanes" to "Consider Bike Lane Installation Feasibility".**

Withdrawn Motion **Commissioner Ellison withdrew his motion.**

Motion **Commissioner Noonan moved approval of a resolution amending the 2011 City of Helena Growth Policy to include the Downtown Master Plan as the Downtown Neighborhood Plan, as amended.** Commissioner Haladay seconded the motion. Motion carried 4-1 with Commissioner Ellison voting no. **Res. #20313**

Public Communications PUBLIC COMMUNICATIONS

Brian Coplin appeared before the commission to discuss his efforts with HELP, an organization that assists citizens needing help and organizations who offer assistance. He noted he will present his HELP effort at the October HCC meeting.

Meetings of Interest MEETINGS OF INTEREST

The next Administrative Meeting is October 26, 2016 and the next Commission Meeting is October 31, 2016.

Adjournment

There being no further business to come before the Commission,
the meeting was adjourned at 9:00 p.m.

/S/ JAMES E. SMITH

Mayor

ATTEST:

/S/ DEBBIE HAVENS

Clerk of the Commission