

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
March 27, 2017 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, March 27, 2017 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 City Clerk Debbie Havens 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 March 13, 2017 and were approved as submitted.

Proclamation PROCLAMATION:
A. National Service Recognition Day

Mayor Smith read the proclamation into the record and presented it to Anna Yeagle, Program Officer, Montana State Office, Corporation for the National and Community Service.

Ms. Yeagle thanked Mayor Smith for the proclamation and recognized the volunteers and staff from Rocky Mountain Development Council and AmeriCorps Vistas.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Resolution requesting a mail ballot election for the City's 2017 Primary and General Elections. **Resolution 20333**
C. Release of the City's Interest in property being the north 20 feet of the Beech Street ROW, located between Harris and Sanders Streets and adjacent to Lots 23-24, Block 2 of the Flower Garden Addition.

City Manager Alles recommended approval of the claims and that Item C is removed for further discussion.

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 Farris-Olsen seconded the motion. All voted aye, motion carried. **Resolution 20333**

C. Release of the City's Interest in property being the north 20 feet of the Beech Street ROW, located between Harris and Sanders Streets and adjacent to Lots 23-24, Block 2 of the Flower Garden Addition.

Staff Report Attorney Jodoin gave background and clarification on Item 4C; the agenda item is entitled "Consider a release of the City's interest in property being the north 20 feet of the Beech Street ROW ... adjacent to Lots 23-24, Block 2 of the Flower Garden Addition."

By way of background, Beech "Street" in Block 2 of the Flower Garden Addition is depicted as a 16' platted alley right-of-way. Needless to say the history of Beech "Street" is anything but clear. Research by

staff indicates that subsequent to the filing of the plat, some of the lots on the north side of the alley were transferred by the developer with a reservation of the south 20' of those lots for "street purposes."

Specifically:

- Deeds from 1890 to 1909 show Lots 17-20 in Block 2 were transferred with a deed specifically excepting the south 20' of the lots as "reserved for street purposes."
- Could not find anything reserving the south 20' of Lot 21 in Block 2; however, not all deeds were located. Maps show the street, inclusive of the 20' addition to the 16' platted alley right-of-way across this property.
- Early deeds for Lots 22 through 24 in Block 2 only transferred the north 100' of the lots - not the whole 120' of the lots. Deeds do not specifically transfer or reserve the remaining 20'.

Multiple maps in the intervening years show the alley as "Beech Street," but the right of way has never been improved and still functions to this day as an alley, though there are some properties addressed off of Beech "Street."

There isn't any documentation to show that the "reserved" 20' from Lots 17-20 were ever dedicated or otherwise conveyed to the City for street purposes in addition to the 16' dedicated alley right-of-way. Similarly, it is unclear who owns the south 20' of the instant property (Lots 23 and 24). Thus, it is my opinion that the south 20' of Lots 23 and 24 in Block 2 of the Flower Garden Addition is not dedicated as right-of-way. The City may or may not have an interest in that "lost" 20'. As a result, any reference to such property as "ROW" is inaccurate. My concern is that the present wording of the motion and memo could lead to the interpretation that the City is releasing its interest in the actual platted and dedicated alley right-of-way which would further add to the confusion.

The action to be considered by the Commission is merely one to release any potential interest the City may have had in the south 20' of Lots 23 and 24. It would be up to the property owner to track the chain of title for the south 20' of his property. The Commission is not considering, nor am I offering an opinion on, the naming of the alley as a "street" at this time.

Attorney Jodoin recommended the motion be: Move to approve release of the City's interest in the south 20' of Lots 23-24 in Block 2 of the Flower Garden Addition in the City of Helena.

Public Comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Noonan moved to approve release of the City's interest in the south 20' of Lots 23-24 in Block 2 of the Flower Garden Addition in the City of Helena. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD:

- A. Audit Services for Fiscal Years 2017-2019

Staff Report

Administrative Services Director Glenn Jorgenson reported staff issued a request for proposals (RFP) for audit services for fiscal years 2017, 2018, and 2019, with the option to renew for an additional two years based upon successful negotiations. The RFP also included audit work for the Downtown Business Improvement District (BID) and Tourism Business Improvement District (TBID) which are component units of the City adequate to render opinions as they appear in the City's Comprehensive Annual Financial Report (CAFR).

The City received three responses. All three firms met the minimum qualifications based on requirements issued by the State of Montana, Local Government Services Bureau. Furthermore, staff believes all three audit firms have the ability to perform the work and agreed to all requirements within the RFP.

Therefore, staff's recommendation is based on the amount of the bid. The firm Wipfli LLP provided the overall lowest bid of \$37,000 each year for the City, BID and TBID. A bid tabulation sheet is attached.

Director Jorgenson recommended approval to award the audit services contract for fiscal years 2017, 2018, and 2019 to Wipfli LLP for \$37,000 each year, with the option to renew at the City Manager's discretion for an additional two years dependent on successful negotiations.

Public Comment Mayor Smith asked for public comment, none was received.

Motion Commissioner Ellison moved to award the audit services contract for fiscal years 2017, 2018, and 2019 to Wipfli LLP for \$37,000 each year, with the option to renew at the City Manager's discretion for an additional two years dependent on successful negotiations.
Commissioner Noonan seconded the motion. All voted aye, motion carried.

Communications From Commission COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Noonan recognized the Carroll Men's basketball team for their success at the NAA tournament. Commissioner Noonan specifically recognized Senior Captain Zach Taylor as a great athlete but also as a leader and a mentor to others at Carroll.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No items to report on.

Report of the City Manager REPORT OF THE CITY MANAGER
Mnager Alles reported the street department is busy cleaning the streets and fixing the potholes. There are a lot of seasonal employees being hired.

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

Public Hearings PUBLIC HEARINGS:
A. CONSIDER A RESOLUTION AUTHORIZING THE SALE OF LOTS 25-28 IN BLOCK 1 OF THE ORIGINAL TOWNSITE TO HRELLA BROWN RENTALS, LLC.

Staff Report Attorney Jodoin reported the City of Helena owns Lots 25-28 in Block 1 of the Original Helena Townsite. These lots are located north of the Hair Hair Salon and Spa and west of Park Avenue, are zoned "PLI" (Public Lands and Institutions) and are currently undeveloped. The total square footage of all 4 lots is 5,546 square feet. On February 13, 2017 the commission approved a resolution authorizing the City Manager to enter into a Buy/Sell Agreement to sell the City's property for \$34,163.36 to Hrella Brown Rentals, LLC. That agreement has been signed by both parties. The sale price was determined by looking at the Montana Department of Revenue appraised value of neighboring commercial properties. The average value of those surrounding properties is \$6.16 per square foot. Staff recommended and the commission approved using the commercial property

metric rather than inclusion of residential values since the property is zoned PLI and generally cannot be used for residential purposes.

By selling these undeveloped and surplus lots, the City will no longer be responsible for paying assessments and for maintaining the property and adjacent sidewalks. Sale to a private owner for potential development is compliant with the Downtown Helena Master Plan.

Attorney Jodoin recommended approval of a resolution authorizing the sale of Lots 25-28 in Block 1 of the Original Helena Townsite to Hrella Brown Rentals, LLC, pursuant to the terms of the Buy/Sell Agreement between the parties.

Public Testimony

Mayor Smith declared the public portion of the hearing opened and called anyone wishing to address the commission.

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

Motion

Commissioner Farris-Olsen moved approval of a resolution authorizing the sale of Lots 25-28 in Block 1 of the Original Helena Townsite to Hrella Brown Rentals, LLC, pursuant to the terms of the Buy/Sell Agreement between the parties. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution 20334**

Public Communications

PUBLIC COMMUNICATIONS

There were no public comments received.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is April 5, 2017; the next Joint City-County Work Session is April 6 at 3:00 p.m. and the next Commission Meeting is April 10, 2017.

Commissioner Noonan recognized and introduced Renee Bauer, BID Executive Director.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:25 p.m.

Mayor

ATTEST:

Clerk of the Commission