

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 11, 2017 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, September 11, 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, Farris-Olsen, Haladay, and Noonan were present. City Manager Ron Alles, City Attorney Thomas Jodoin, and Deputy City Clerk Katya Grover were present.

HCC Representative Gary Spaeth was also 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 executive session of August 2, 2017, and of regular City Commission meeting of August 21, 2017, were approved as submitted.

Proclamation

PROCLAMATION:

A. Suicide Prevention Week

Mayor Smith acknowledged the work that East Helena Mayor Schell and the East Helena School District had done in preventing suicides.

Mayor Schell thanked Mayor Smith for the proclamation and spoke on what the East Helena Suicide Prevention Committee had done to bring awareness of suicide to the community. Mayor Schell provided a handout entitled "National Suicide Prevention Week: Learn to Save a Life".

Jess Hegstrom, AmeriCorps VISTA at East Helena Public Schools, spoke about the suicide prevention efforts done by the coalition and schools. Ms. Hegstrom also talked about seminars and training to teach people how to ask others if they are being suicidal.

Mayor Smith asked Ms. Hegstrom to elaborate on the QPR classes.

Rep. Dunwell, HD 84, thanked Ms. Hagstrom for her efforts regarding suicide awareness and prevention especially with the current budget cuts. Rep. Dunwell also thanked Mayor Smith for the proclamation.

Tova Reddick thanked Mayor Smith for recognizing this week and spoke about conversations with his daughters, who attend East Helena school, regarding suicide awareness.

Mayor Smith read the Suicide Prevention Week Proclamation and presented it to East Helena Mayor Schell and Ms. Hegstrom.

Board Appointments BOARD APPOINTMENTS:

City-County Parks Board

Reappointment of Ross Johnson to a second term on the City-County Parks Board. Term will begin upon appointment and expire September 30, 2020.

City Zoning Commission

Reappointment of Ada Montague and Jerin Borrego to first full terms on the City Zoning Commission. Terms will begin upon appointment and expire on September 30, 2020.

Business Improvement District/ Appointment of Ryan Stavnes to a first term on the Helena
BID/HPC. Parking Commission Term will begin upon appointment and
expire October 31, 2021.

Tax Increment Financing Advisory Board (Railroad District)

The Railroad Urban Renewal Area Tax Increment Financing Advisory Board is hereby established and shall be comprised of the following eight (8) individuals:

One (1) representative of a business within the Railroad Urban Renewal Area;

Max Pigman

One (1) owner of property located within the Railroad Urban Renewal Area;

Barbara Wetherall

One (1) resident who resides within the Railroad Urban Renewal Area;

Terry Hamilton – resident and business owner

One (1) representative of the Midtown 6th Ward Neighborhood;

MC Beeby

One (1) representative of the Montana Business Assistance Connection;

Eric Seidensticker

One (1) representative of a not-for-profit organization that represents low-income individuals;

Carolyn Belling – Helena Industries

One (1) representative of Helena School District No. 1 or its designee;

Janelle Mickelson – School District

One (1) representative of the Helena College, University of Montana.

Russ Fillner – Helena College

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

Motion

Commissioner Haladay moved approval of the board appointment to the City-County Parks Board, Helena Zoning Commission, Business Improvement District/Helena Parking Commission and the TIF Advisory Board as outlined above.

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

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Acceptance of pledged collateral for City deposits at financial institutions.
- C. Resolution to renew the Tenmile-South Helena Forest Collaborative. **Resolution 20398**
- D. Resolution supporting re-establishment of passenger rail service through the City of Helena. **Resolution 20399**

City Manager Alles recommended approval of the claims.

Commissioner Farris-Olsen suggested to remove Item D and discuss and act on it separately. Commissioner Ellison concurred.

Public comment on Item D Mayor Smith asked for public comment.

Mr. Spaeth spoke in favor of the resolution supporting re-establishment of passenger rail service through the City of Helena.

Paul Pacini, HCC member, encouraged to support this resolution which at this point simply shows the intention. Mr. Pacini pointed out that there is a lot of isolation in Montana and there is a small population that cannot drive. Airlines are the only mass transit service and the only dependable mode of transportation. The railroads already exist and by utilizing them more businesses could be stimulated, as well as tourism. Mr. Pacini noted that even though people may say that railroad services might have to be subsidized, but so are many modes of public

transportation. In conclusion, the railroad services would be beneficial for economic and social reasons.

Chuck McMillan, freight and passenger service and Helena resident, provided his suggestions regarding establishing the railroad service: Mr. McMillan suggested that the Commission would need to meet with the Governor and create a plan regarding how to approach some of the legislators and contact Amtrak in Washington, DC, to have an umbrella over the line.

Rep. Dunwell, HD 84, expressed her support for the passenger rail services.

Discussion

Commissioner Farris-Olsen thanked HCC for bringing up the resolution regarding reestablishing passenger rail service to Commission's attention.

Commissioner Noonan expressed his agreement with Mr. Pacini's comments and said that he would vote favorably.

Commissioner Ellison thanked those who provided the testimony but said that he was not sure whether he would be for or against this resolution. Commissioner Ellison noted that Montana virtually doesn't have any major population centers and that there used to be a railroad service in Montana but it went away because it was not economically viable. Commissioner Ellison also addressed the point about bringing Amtrak back to Montana as it never operated successfully from a financial stand point. Commissioner Ellison also referred to the resolution that the Commission passed regarding Paris Climate Agreement creating a committee advising the City Commission on climate change and noted that he would like to see what impact, or footprint in terms of carbon consumption, the current resolution would amount to, as he wouldn't want to vote favorably if it ran contrary to the resolution the Commission passed on climate change. Commissioner Ellison also noted that he would like to have some data on what the expected passenger load would be. In conclusion, Commissioner Ellison noted that this resolution probably needed more work, especially in the light of comments made by Mr. McMillan.

Commissioner Haladay said that there was no harm in passing this resolution and noted that during the last budget cycle, this Commission gave about \$10 thousand to subsidize the air service to Portland, OR, as Montana does struggle with effective transportation. Many communities would be cut off if the government withdrew the subsidies for air services. Commissioner Haladay pointed out that air transportation might be the worst kind of transportation from the point of view of environmental concerns. Commissioner Haladay said that he was glad that HCC brought this resolution forward and that he would vote favorably.

Mayor Smith noted that he didn't see any harm in passing this resolution but he didn't know if the Commission would be able to put as much effort as Mr. McMillan was proposing this Commission should put.

Motion

Commissioner Farris-Olsen moved approval of Items D on the consent agenda. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Motion

Commissioner Ellison moved approval of Items A - C on the consent agenda. Commissioner Haladay seconded the motion. All voted aye, motion carried.

**Communications
From Commissioners**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Noonan noted that Helena Sun Run would take place in the upcoming Saturday and elaborated on the fund raising activities Sun Run did. In the past it was able to contribute money towards installing solar batteries for the Lewis and Clark Library and this year the aim was to do the same for the library at Carrol College. Commissioner Noonan noted that a renewable energy fair would be taking place at the same time.

Commissioner Haladay said that Helena will be featured for the second year in the Renewable Energy Associations Fair thanks to the Sustainable Loan Fund.

Mayor Smith asked to clarify when this even was to take place. Commissioner Haladay replied that it would happen in conjunction with the Sun Run in the upcoming Saturday.

Commissioner Farris-Olsen added to Commissioner Noonan's comments and said that it was great that people were participating in the Sun Run. Commissioner Farris-Olsen also said that he was glad to hear that the Commission was committed to do more for the suicide prevention efforts. He referred to the Commission meeting in January 2017 where the Commission had a discussion about suicide levels and mental illness and, specifically, about transgender individuals in Montana being disproportionately affected by mental health issues and by suicides.

Commissioner Ellison expressed his gratitude as a Commissioner and a resident to the Fire Department in dealing with the Holmes Gulch Fire, especially to the DNRC, Forest Service, Volunteer Fire Departments, and the first responders Commanders Dave Hamilton and Zack Walters. Commissioner Ellison also talked about Helena's air assets used in the fire and the use of retardant in fire management. All of those aircrafts were supported by the Helena Regional Airport. Commissioner Ellison concluded by saying that when that region had the greatest need, Helena had its assets ready and by thanking everyone who participated in containing the Holmes Gulch Fire within 72 hours.

Mayor Smith noted that the Myrna Loy Center was going to show a movie called "The Era of Wild Fires" brought by the Tri-County FireSafe Working Group. Mayor Smith also remembered the 9.11 events from sixteen years ago and noted that Fire Chief Emert held a moving ceremony at the Capitol today. All first responders participated in that ceremony.

**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

A. Certificate of Achievement for Excellence in Financial Reporting.
Manager Alles reported that this was the 29th consecutive year the City of Helena had received this certificate. He acknowledged and thanked Administrative Service Director Glenn Jorgenson and City Controller Liz Hirst. City Controller Hirst accepted the certificate from Mayor Smith.

City Controller Hirst talked about the process of receiving the award and what it involved in order to receive it.

Commissioner Ellison thanked City Controller Hirst and noted that funds were extremely well managed.

Mayor Smith concurred with Commissioner Ellison.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Chair Spaeth reported the next HCC meeting would take place on Wednesday, September 23 at 7 p.m. in Room 326. Last week a meeting was held with mayors from the Arab cities in Israel. Mr. Spaeth also talked about a survey that HCC put together and encouraged citizens' participation in it.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION AMENDING RESOLUTION NO. 19457 THAT CREATED SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 215 (LD 215) BY REMOVING ONE LIGHT AT THE CORNER OF WOODWARD STREET AND GRANITE AVENUE.

Staff Report

Administrative Services Director Glenn Jorgenson reported the City Commission created LD 215 in April 2007. There are nine lights in the district and 21 properties. The lights are a historic type of light design and are not dark skies compliant. Northwestern Energy says shielding or replacing with similar dark skies type heads is not possible. State law requires all lights in a district be similar and there are no similar dark skies compliant replacements available.

A resident located just outside the boundaries of the lighting district has requested that one light be removed as it shines in his windows and interferes with his view at night. This property owner obtained signatures of 57% of property owners within the lighting district. The petition was prepared and reviewed by City staff.

State law allows the City Commission to make minor amendments to lighting districts such as removing unnecessary lights as long as the cost to the lighting district does not increase by more than 3%. Removing one light would decrease costs by approximately one-ninth (11%). Although not required by law, staff also sent written notice prior to this meeting to all property owners located in the district to ensure they were aware of the meeting and proposed change.

The proposal is to remove one light from LD215 at the corner of Woodward Avenue and Granite Street. It is estimated this will save approximately \$434 of electricity per year.

Director Jorgenson recommended approval of a resolution amending Resolution No. 19457 that created Special Improvement Lighting District No. 215 by removing one light at the corner of Woodward Street and Granite Avenue in the City of Helena, Montana.

Discussion

Mayor Smith said there was some ambiguity in the City's Dark Sky Ordinances between 2007 and 2009. From his discussions with Director Jorgenson, it became evident that the NorthWestern Energy did not completely understand what the City was looking for in a light: for lights to be historic, dark sky compliant, etc. And that ambiguity was not corrected until 2009. In the meantime, the lights that were not dark sky compliant were installed.

Public Comment

Mayor Smith asked for public comment.

Tony Herbert, lives in that neighborhood, said that he, his wife and ten of his neighbors could not sign the petition as they don't live in that lighting district but they were in support of removing the light. Mr. Herbert urged Commission's support.

Judy Ludwig, Kristin and Leon Sudlustki, residents of the Lighting District No. 215, thanked Director Jorgenson for his work regarding this matter and for his report. The three residents talked about the problems that the light under question causes for them and urged Commission's support.

Commissioner Ellison disclosed that he was personal friends with Mr. and Mrs. Herbert but that he would still vote on this resolution.

Mayor Smith said that he was friends with Mr. and Mrs. Herbert as well.

Commissioner Haladay asked Director Jorgenson whether there were any standards that had to be followed in installing the lighting in this district. Director Jorgenson said that there were federal regulations, which were followed. Commissioner Haladay asked whether it would be a problem with federal regulations if the light under discussion was taken out. Director Jorgenson replied that as long as the light in the middle was not taken out, there was no issue with NorthWestern Energy.

Motion

Commissioner Farris-Olsen moved approval of a resolution amending Resolution No. 19457 that created Special Improvement Lighting District No. 215 by removing one light at the corner of Woodward Street and Granite Avenue in the City of Helena, Montana.

Commissioner Haladay seconded the motion. All voted aye, motion carried.
Resolution 20400

- B. CONSIDER ACCEPTING THE DEDICATION OF STREET RIGHT-OF-WAY (ROW) AS SHOWN ON THE AMENDED PLAT OF LOT G1-A-1 OF THE MCHUGH SUBDIVISION NO.2 FOR PROPERTY LOCATED WEST OF MCHUGH LANE AND NORTH OF ROAD RUNNER STREET AND COLTON DRIVE.

Staff Report

Senior Planner Dustin Ramoie reported the amended plat of Lot G1-A-1 of the McHugh Subdivision No. 2 COS #3284465 includes the dedication of Cooney Drive and Road Runner Street ROW to the city of Helena. The amended plat would create a 50-foot wide street ROW for the future extension of Cooney Drive and a 60-foot wide ROW for the future extension of Road Runner Street. The undeveloped property is currently located outside of the city but has been rezoned B-2 (General Commercial) District and is anticipated to be annexed into the city. The dedication of this ROW is a requirement of annexation for Lot G1-A-1 of the McHugh Subdivision No.2.

The applicant is proposing the dedication of ROW for the extension of Cooney Drive and Road Runner Street. Accepting the ROW dedication would provide key components for the future extension of Cooney Drive and Road Runner Street and would facilitate meeting the conditions of annexation.

Accepting the dedication would also provide an opportunity to improve the motorized and non-motorized transportation network in the area.

Senior Planner Ramoie recommended approval to accept the dedication of street right-of-way to the City of Helena for Cooney Drive and Road Runner Street as shown on the amended plat of Lot G1-A-1 of the McHugh Subdivision No. 2.

Discussion

Commissioner Haladay noted that the applicant in the next Regular Item was asking for a deferred agreement for the installation of infrastructure and other conditions of annexation and asked, in case the Commission was favorably inclined to do that, what would happen procedurally. Planner Ramoie replied that the dedication would stand but noted that it was more of a legal question and deferred the question to City Attorney Jodoin. Planner Ramoie added that procedurally, with the annexation, it is required that these dedications occur; however, to answer the question of whether or not actions would get finalized, would depend, in his opinion, upon the future actions of annexation but, again, it was a question for an attorney.

City Attorney Jodoin noted that regarding the next agenda item, if the Commission did not agree to defer the installation of the roads, then the developer, or property, owner would be responsible for installation of that infrastructure. But if they decided that doing so would not work for them,

Attorney Jodoin noted, before filing the plat, he would want to see a dialogue between the City and the owner; Attorney Jodoin would not want the owner to dedicate the right-of-way if they were not prepared to improve it at that time. Attorney Jodoin noted that although the City still wanted the right-of-way, having a discussion with the owner before the City makes it open to the public access would be prudent first.

Commissioner Ellison asked Planner Ramoie about transportation: how the intersection between Roadrunner and Cooney was going to work. Planner Ramoie pointed to the map on the projector screen, showed where the existing 50-foot long right-of-way was located and where the new 50-foot long right-of-way would be if it were approved. Planner Ramoie noted that, essentially, it would be a 100-foot right-of-way. Regarding the installation, there would not be an adequate amount of right-of-way there to design the intersection within.

Commissioner Noonan thanked Planner Ramoie, Planner Morell-Gengler, and Director Haugen for including the place that was being discussed in the tour that they gave to the Commission and others, which gave much more real sense to what was going on.

Public Comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Ellison moved approval to accept the dedication of street right-of-way to the City of Helena for Cooney Drive and Road Runner Street as shown on the amended plat of Lot G1-A-1 of the McHugh Subdivision No. 2. Commissioner Noonan seconded the motion. All voted aye, motion carried.

C. CONSIDER A RESOLUTION ANNEXING LOT G1-A-1 OF THE AMENDED PLAT OF TRACT G1-A MCHUGH SUBDIVISION NO.2, COS#3284465, GENERALLY LOCATED NORTH OF ROADRUNNER STREET AND WEST OF MCHUGH LANE, IN LEWIS AND CLARK COUNTY, MONTANA, AND THE ADJACENT COONEY DRIVE RIGHT-OF-WAY, INTO THE CITY OF HELENA, MONTANA.

Staff Report

Senior Planner Dustin Ramoie reported the applicant is requesting the City enter into a deferral agreement for satisfaction of the annexation conditions and annexation of the subject property. The applicant would like to annex the property to attain all city services and to utilize the property with a B-2 (General Commercial) zoning designation. At the April 24th, 2017, City Commission meeting Resolution #20336 was passed (3-1). That resolution of intention to annex provided the conditions of annexation.

The subject property was pre-zoned to the B-2 (General Commercial) District by final passage of Ordinance #3184 on August 5th, 2013.

Annexation of the subject property would allow for use of City utilities and infrastructure when the property is developed.

Future development of the property utilizing City infrastructure would be more efficient than the use of an individual well and septic.

Annexation at this time would require the adoption of a development agreement which defers to a later date needed infrastructure installation in the area such as Roadrunner Street which is an east-west connector street, a water main that connects existing mains in Cooney Drive and McHugh Lane, and a wastewater main.

Senior Planner Ramoie recommended approval of a resolution annexing Lot G1-A-1 of the amended plat of Tract G1-A McHugh Subdivision No.2, COS#3284465, generally located north of Roadrunner Street and west of McHugh Lane, in Lewis and Clark County, Montana, and the adjacent Cooney Drive right-of-way, into the City of Helena, Montana and authorize

the City Manager to enter into the development agreement that defines the timing of the installation of improvements.

Discussion

Mayor Smith, Commission members and City staff discussed the request. The questions that were discussed were regarding the nature of the development in the area where the lot is located, water usage by the warship facility, the nature of a warship facility in the light of the annexation request, and compliance with Title 76, MCA.

Public Comment

Mayor Smith called for public comment, none was received. Jerry Hamlin, Hamlin Construction, said that his firm had been working on this project for 5 years, and that all they wanted to do was to build the church and nothing else. Mr. Hamlin suggested to ask Brian Schlauch, First Assembly Church, why they were doing what they were doing as a facility.

Brian Schlauch, First Assembly of God Church, provided background information about the church as a facility and why they needed to build that building and why they needed the annexing that they had requested. Mr. Schlauch also talked about what the church does for the community.

Jeremy Fadness, WWC Engineering Firm, said that he had been working on this project for 5 years. Mr. Fadness provided history of the project and why they were asking for the annexation. Thanked Manager Alles and City staff for working with them on this project. Mr. Fadness reiterated some points that Mr. Schlauch made. Mr. Ferris emphasized that this lot should not stay in the county, it should be in the city.

Motion

Commissioner Ellison moved approval of a resolution annexing Lot G1-A-1 of the amended plat of Tract G1-A McHugh Subdivision No.2, COS#3284465, generally located north of Roadrunner Street and west of McHugh Lane, in Lewis and Clark County, Montana, and the adjacent Cooney Drive right-of-way, into the City of Helena, Montana and authorize the City Manager to enter into the development agreement that defines the timing of the installation of improvements.
Commissioner Noonan seconded the motion.

Discussion

Mayor Smith and Commissioners expressed their opinions regarding the motion and whether it should be supported. Commissioner Haladay and Commissioner Farris-Olsen expressed their concerns over the proposal and noted that if the applicant would produce a more nuanced proposal, then their concerns might have been addressed. Commissioner Ellison stated that the agreement was negotiated in good faith and that he would support the motion. Commissioner Noonan concurred with Commissioner Farris-Olsen but noted that he was concerned about roads being built and thus would support the motion. Mayor Smith also noted that he would support the motion and elaborated on the reasons.

Vote

The motion passed 3-2, with Commissioner Farris-Olsen and Commissioner Haladay voting no. **Resolution 20401**

D. CONSIDER APPROVAL OF A VARIANCE FROM SECTION 12-2-18 (C) OF HELENA CITY CODE TO PERMIT A BOUNDARY LINE RELOCATION BETWEEN PROPERTIES WITH INADEQUATE ACCESS, WATER, AND WASTEWATER SERVICES; PROPERTY IS DESCRIBED IN WARRANTY DEEDS RECORDED IN BK 249, PG 344 AND BK M50, PG 2496, IN HELENA, LEWIS AND CLARK COUNTY, MT, GENERALLY LOCATED EAST OF THE INTERSTATE 15 FRONTAGE ROAD AND NORTH OF WASHINGTON STREET.

Staff Report

Planner Lucy Morell-Gengler reported the City of Helena and Lewis and Clark County are negotiating a land transfer. A Certificate of Survey (COS) showing the creation of the parcels via boundary line relocation is required in order to complete this transfer. The subject COS for this boundary line relocation between existing tracts of land created by warranty deeds filed in BK 249, PG 34 (to City of Helena) and BK M50, PG 2496 (to Lewis and Clark County) and has been submitted for review by both the City and County.

City Code Section 12-2-18 (C) states *“Plats and certificates of survey may not be certified or approved for filing unless the lots or parcels created thereby have legal and physical access to public ways, and are served by water and sewer wastewater mains located in adjacent public rights of way or city held easements, and all required stormwater facilities have been provided.”*

An access easement recorded in Book M22, page 8641 provides legal access for the proposed tracts to the Interstate 15 Frontage Road but this access has not been installed to city standards. There are no water or waste water mains serving either property. Therefore, a request for a variance from Section 12-2-18 (C) of City Code has been submitted by the City and the County. This variance is required in order to file the COS and complete the property transfer between the City and County.

The applicants are requesting a variance from Section 12-2-18 C of City Code requiring the provision of city standard water and wastewater mains and access serving the property located in the city. The variance would allow the property owners to file the COS for the boundary line relocation.

Granting the variance would allow the applicants to file the COS and transfer ownership of the tracts.

Planner Morell-Gengler stated the Commission needs to approve, conditionally approve, or deny a variance from Section 12-2-18 C of City Code to permit a boundary line relocation between properties described in warranty deeds recorded in BK 249, PG 344 and BK M50, PG 2496, in Helena, Lewis and Clark County, MT.

Discussion

Mayor Smith asked to clarify who the applicant was. Planner Morell-Gengler replied that both the County and the City were applicants. Manager Alles noted that this variance was discussed 2 or 3 years ago.

Public Comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Ellison moved approval of a variance from Section 12-2-18 C of City Code to permit a boundary line relocation between properties described in warranty deeds recorded in BK 249, PG 344 and BK M50, PG 2496, in Helena, Lewis and Clark County, MT. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS

- A. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO FINALIZE AND SIGN A LAND EXCHANGE AGREEMENT WITH LEWIS AND CLARK COUNTY AND WAIVING THE REQUIREMENT TO OBTAIN TWO (2) APPRAISALS.

Staff Report

City Attorney Jodoin reported the City of Helena owns 33.8 acres in the southeast corner of the SW1/4NE1/4 of Section 17, Township 10 North, Range 3 West, P.M.M. Adjacent to the east, Lewis and Clark County owns 40.17 acres in the SE1/4NE1/4 of Section 17, Township 10 North, Range 3 West, P.M.M. The City's property is located within the corporate boundaries of the City of Helena and is zoned as a B-2 (General Commercial) district. The County's property is not located within the city limits. Neither property is currently served by city water or wastewater as mains are not adjacent to the property. A lift station would be required to provide city wastewater service to the properties. Legal and physical access is provided by means of an access easement across the southern boundary of the City's property and the northern boundary of the adjacent property to the south. The Bureau of Reclamation owns the strip of land adjacent to Frontage Drive.

Section 1-4-15(B), Helena City Code (HCC), requires that prior to the purchase of real property the City obtain two (2) independent appraisals when the proposed purchase price is more than \$500,000. However, subsection (C) thereof provides the Commission with authority to waive that requirement upon a finding that the procedures required by Section 1-4-15, HCC, are not in the best interests of the City. Lewis and Clark County obtained an appraisal of its property in 2015. The City and County properties are substantially the same in all respects except for overall size. Two (2) additional independent appraisals would only add additional cost and delay this transaction.

The City would deed the southern 15 acres of its property to the County and reserve the remaining 18.8 acres. The County would deed its entire 40.17-acre parcel to the City. An amended plat would be prepared that would aggregate the remaining 18.8 acres of City property with the County property that is transferred to the City. As further consideration, the City would pay \$718,750.00 to the County for the difference in acreage.

By exchanging these undeveloped parcels, the City and County would obtain mutually usable properties by providing the City contiguity with property it owns to the south of the County's property for utilization for future expansion and potential alternatives for wastewater treatment facilities and the County with acreage more suitable for a public facility.

Attorney Jodoin recommended approval of a resolution authorizing the City Manager to enter into a Land Exchange Agreement with Lewis and Clark County and waiving the requirement to obtain two (2) appraisals.

Public Testimony

Mayor Smith opened the public hearing and called for anyone wishing to address the commission. There being no persons wishing to address the commission, the public hearing was closed.

Motion

Commissioner Noonan moved approval of a resolution authorizing the City Manager to enter into a Land Exchange Agreement with Lewis and Clark County and waiving the requirement to obtain two (2) appraisals. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20402**

- B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE PREZONING, PRIOR TO ANNEXATION, FROM R-2 (RESIDENTIAL) DISTRICT TO R-U (RESIDENTIAL-URBAN) DISTRICT AND UPON ANNEXATION, AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA FOR PORTIONS OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS PRELIMINARY PLAT APPROVED MAY 7, 2012, GENERALLY LOCATED SOUTH AND WEST OF ALICE STREET AND SOUTH OF JEANETTE RANKIN DRIVE.

Staff Report

Planner Lucy Morell-Gengler reported on August 8, 2017, the Helena Zoning Commission unanimously recommended approval (3:0 vote) for the adoption of an ordinance amending the prezoning, prior to annexation, from R-2 (Residential) District to R-U (Residential-Urban) District and upon annexation, amending the official zoning map for the city of Helena for approximately 14 acres described as portions of Tract C-2-A-1-A-1-A-1-A-1-A of the Uplands Phase 1 of the Crossroads at Mountain View Meadows SUB No. 3305702 in Lewis and Clark County, Montana, as provided by the metes and bounds description attached to this staff report; generally located south and west of Alice Street and south of Jeanette Rankin Drive.

On September 26, 2016, the City Commission adopted the R-U District per Ordinance No. 3222. This new zoning district provides for single or duplex residential units, a compatible mix of office and commercial uses, and more flexibility in building placement and height.

The current Crossroads at Mountain View Meadows zoning was established in 2012 by Ordinances Nos. 3153, 3154, 3155, and 3157 which was prior to the existence of R-U zoning. The Crossroads at Mountain View Meadows developer is now requesting ordinances for a change from R-4 and R-2 zoning designation to the new R-U District for property currently in the city and for a change to the prezoning for property not currently located in the city but prezoned with the Crossroads at Mountain View Meadows original application.

The applicant's request includes two actions:

- 1) amending the official zoning map for the City of Helena, for a zone change from R-4 (Residential-Office) and R-2 Districts to R-U District, and
- 2) a change in prezoning, prior to annexation from R-2 Districts to R-U District. These two zoning actions would change the current zoning for Blocks 8, 9 (except Lot 1), 10, 11, 12, 14, 21, 22, and Lots 18-22 in Block 26 of the Crossroads at Mountain View Meadows preliminary plat approved May 7, 2012.

The proposed change to the prezoning will promote annexation into the city and more efficient development. The property will be served by city water, wastewater, and other city services when annexed; the proposed prezoning will facilitate the provision of those services. This proposal is consistent with the 2011 Helena Growth Policy and will support creating an urban/mixed-use development.

The proposed zoning works in conjunction with the entire Mountain View Meadows Development and will create a mixed-use, relatively high-density community which could reduce the number of vehicle miles traveled when compared to lower-density development located outside of the city.

Planner Morell-Gengler recommended approval for first passage of an ordinance amending the prezoning, prior to annexation, from R-2 (Residential) District to R-U (Residential-Urban) District and upon

annexation, amending the official zoning map for the City of Helena for property legally described in the attached ordinance.

- C. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HELENA, FOR A ZONE CHANGE FROM R-2 (RESIDENTIAL) DISTRICT AND R-4 (RESIDENTIAL-OFFICE) DISTRICT TO R-U (RESIDENTIAL URBAN) DISTRICT FOR PORTIONS OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS PRELIMINARY PLAT APPROVED MAY 7, 2012, GENERALLY LOCATED SOUTH AND WEST OF ALICE STREET AND SOUTH OF JEANETTE RANKIN DRIVE.

Staff Report

Planner Lucy Morell-Gengler reported on August 8, 2017, the Helena Zoning Commission unanimously recommended approval (3:0 vote) for the adoption of an ordinance amending the Official Zoning Map for a zone change from R-2 (Residential) District and R-4 (Residential–Office) District to R-U (Residential Urban) District for approximately 27 acres described as a portion of Tracts 2-A-1 and 2-A-2 of Certificate of Survey (COS) No. 3206220, portions of Tracts 1-A-1 and 1-A-2, Lots 1-4 in Block 14, Lots 1-9 in Block 22, Lots 1-3 in Block 9, and Lots 1-8 in Block 12 of the Uplands Phase 1 of the Crossroads at Mountain View Meadows Subdivision (SUB) No. 3305702 in Helena, Lewis and Clark County, Montana as provided by the metes and bounds description attached to the staff report, generally located south and west of Alice Street and south of Jeanette Rankin Drive.

On September 26, 2016, the City Commission adopted the R-U District per Ordinance No. 3222. This new zoning district provides for single or duplex residential units, a compatible mix of office and commercial uses, and more flexibility in building placement and height.

The current Crossroads at Mountain View Meadows zoning was established in 2012 by Ordinances Nos. 3153, 3154, 3155, and 3157 which was prior to the existence of R-U zoning. The Crossroads at Mountain View Meadows developer is now requesting ordinances for a change from R-4 and R-2 zoning designation to the new R-U District for property currently in the city and for a change to the rezoning for property not currently located in the city but rezoned with the Crossroads at Mountain View Meadows original application.

The applicant's request includes two actions:

- 1) amending the official zoning map for the City of Helena, for a zone change from R-4 (Residential-Office) and R-2 Districts to R-U District and
- 2) a change in rezoning, prior to annexation from R-2 Districts to R-U District.

These two zoning actions would change the current zoning for Blocks 8, 9 (except Lot 1), 10, 11, 12, 14, 21, 22, and Lots 18-22 in Block 26 of the Crossroads at Mountain View Meadows preliminary plat approved May 7, 2012.

The subject property is located in the city and is served by city water, wastewater, and other city services. The proposed R-U zoning would promote development which would facilitate more efficient use of these city services. This proposal is consistent with the 2011 Helena Growth Policy and Zoning Ordinance and will support creating an urban/mixed-use development.

The proposed zoning works in conjunction with the entire Mountain View Meadows Development which will create a mixed use, relatively high-density community which could reduce the number of vehicle miles traveled when compared to lower-density development located outside of the city.

Planner Morell-Gengler recommended approval for first passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from R-2 (Residential) District and R-4 (Residential-Office) District to R-U (Residential Urban) District for property legally described in the attached ordinance.

Discussion
On Items B and C

Mayor Smith asked Planner Morell-Gengler whether she was going to talk about annexation. Planner Morell-Gengler said that the City was not doing annexation at this point and that the proposals she discussed were done in preparation for the annexation in the future.

Public Testimony
On Items B and C

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

Mark Runcle, Mountain View Meadow, noted that the street, on which the parcel is located, had everything it was supposed to have and asked for Commission's approval.

Motion on Item B

Commissioner Haladay moved approval for first passage of an ordinance amending the rezoning, prior to annexation, from R-2 (Residential) District to R-U (Residential-Urban) District and upon annexation, amending the official zoning map for the City of Helena for property legally described in the attached ordinance.

Commissioner Noonan seconded the motion. All voted aye, motion carried. **Ordinance 3232**

Motion on Item C

Commissioner Haladay moved approval for first passage of an ordinance amending the official zoning map for the City of Helena, for a zone change from R-2 (Residential) District and R-4 (Residential-Office) District to R-U (Residential Urban) District for property legally described in the attached ordinance.

Commissioner Ellison seconded the motion. All voted aye, motion carried. **Ordinance 3233**

Commissioner Haladay thanked Mr. Runcle for using this zoning. Commissioner Haladay also thanked Mr. Runcle for partnership with the Habitat for Humanity Restore.

D. CONSIDER A RESOLUTION CANCELLING THE GENERAL ELECTION FOR CITY OF HELENA NEIGHBORHOOD COUNCIL DISTRICTS 2 THROUGH 7.

Staff Report

City Attorney Jodoin reported the City of Helena will have a general election on November 7, 2017 for election of Mayor, City Commissioners, and Neighborhood Council members. The Lewis and Clark Elections Administrator has advised the Helena City Clerk that the election for Neighborhood Council Districts #2 through 7 are uncontested with less than 4 candidates filing for each district. Specifically each district has the following number of candidates:

District #2: 1 candidate
District #3: 1 candidate
District #4: 1 candidate
District #5: No candidates
District #6: 2 candidates
District #7: 3 candidates

Section 13-1-403(5)(a), MCA, provides that if the general election of a municipal officer is canceled and there are not sufficient

candidates to fulfill all open seats the City Commission shall declare the candidates elected to the position by acclamation.

The proposal is to cancel the general election for the Neighborhood Council Districts 2 through 7 due to a lack of candidates and declare the candidates elected to the Neighborhood Council Districts 2 through 7.

An unnecessary election will not be held and the Commission must declare the candidates elected to the Neighborhood Council positions by acclamation. The Commission would appoint the candidates.

Attorney Jodoin recommended approval of a resolution canceling the general election for City of Helena Neighborhood Council Districts 2 through 7 and declaring the candidates to the Neighborhood Council Districts 2 through 7 as described in the resolution.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for anyone wishing to address the commission. There being no persons wishing to address the commission, the public hearing was closed.

Motion

Commissioner Farris-Olsen moved approval of a resolution canceling the general election for City of Helena Neighborhood Council Districts 2 through 7 and declaring the candidates to the Neighborhood Council Districts 2 through 7 as described in the resolution. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution 20403**

E. CONSIDER A RESOLUTION TO VACATE A PORTION OF THE LEARNING STREET (FORMERLY GETCHELL STREET) AND HENRY STREET RIGHTS-OF-WAY BETWEEN LOTS 13A AND 24A IN BLOCK 2, LOT 1A AND 25A IN BLOCK 3, AND LOT TV-A OF THE CARROLL-KTVH MINOR SUBDIVISION.

Staff Report

City Engineer Ryan Leland reported Carroll College Administrators, the applicant, are requesting to vacate a portion of Learning Street and Henry Street. The proposed vacation includes the following:

Learning Street lying north of Lyndale Avenue to its terminus on the south right of way of Henry Street. Henry Street lying east of Lot 13A in Block 2 of the Amended Plat of Blocks 2&3, Capital Hill Addition (COS #3104519) to its terminus on the west line of CC-1 COS 619517.

The applicant wishes to vacate the subject rights-of-way as described above to rename the streets. This will allow an improved addressing system and satisfy the request from the Helena Fire Department. The total area of the request is approximately .751 acres or 32,733 square feet at \$5.68 per square foot. The total market value land cost came to \$185,884.64. The City of Helena is proposing a land exchange for Carroll College to dedicate land near the access to the City of Helena Solid Waste Transfer Station. The amount of the exchange shall be up to an equal square footage. The average value of adjacent property to the portion the City of Helena will receive is a \$2.64 per square foot for a total of \$86,415.12. The final amount will be determined with the survey to amend the plat at both locations.

The proposal will allow improved access control, pedestrian safety and campus security for Carroll College and improved access to the City of Helena's transfer station.

Engineer Leland recommended approval of the resolution to vacate a portion of the Learning Street (formerly Getchell Street) and Henry Street rights-of-way between lots 13A and 24A in Block 2, Lot 1A and 25A in Block 3, and Lot TV-A of the Carroll-KTVH Minor Subdivision in the City of Helena, and waive the transfer fee in exchange for up to an equal square footage amount of land at the transfer station entrance.

Discussion

Commissioner Haladay asked engineer Leland which part of Lyndale Ave. was being considered. Engineer Leland said that it would be the part on the north side, the part that goes around the Brewhouse, Great Northern Center, and underpass; it might be problematic with the Lot TV-A.

Public Testimony

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

Patty White, Director of Marketing and Communications, Carroll College, thanked City staff and asked for approval of this resolution.

Motion

Commissioner Farris-Olsen moved approval of the resolution to vacate a portion of the Learning Street (formerly Getchell Street) and Henry Street rights-of-way between lots 13A and 24A in Block 2, Lot 1A and 25A in Block 3, and Lot TV-A of the Carroll-KTVH Minor Subdivision in the City of Helena, and waive the transfer fee in exchange for up to an equal square footage amount of land at the transfer station entrance. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Resolution 20404**

Commissioner Noonan seconded Commissioner Haladay's thought by saying that, regarding the last discussion, he also appreciated looking at the exchange in a way that may potentially provide the access on that side down to the park.

Public Communications

PUBLIC COMMUNICATIONS
No comments received.

Meetings of Interest

MEETINGS OF INTEREST
The next Administrative Meeting is September 20, 2017; and the next Commission Meeting is September 25, 2017.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:57 p.m.

/S/ JAMES E. SMITH
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION