

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
October 16, 2017 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, October 16, 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 Haladay and Noonan were present. Commissioners Ellison and Farris-Olsen were excused. City Manager Ron Alles, City Attorney Thomas Jodoin and City Clerk Debbie Havens 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 regular City Commission meeting of September 25, 2017, were approved as submitted.
- Presentation** PRESENTATION:
A. Confirmation of Probationary Police Officers Sean Schoenfelder and Brandon Wootan.
- Staff Report** Police Chief Troy McGee reported Officers Schoenfelder and Wootan have successfully completed their one-year probationary period and recommended they be confirmed.
Chief McGee then spoke on Officers Schoenfelder and Wootan's background.
- Motion** **Commissioner Haladay moved the confirmation of Officers Schoenfelder and Wootan.** Commissioner Noonan seconded the motion. All voted aye, motion carried.

Officers Schoenfelder and Wootan addressed the commission and introduced their families.
Chief McGee presented Officers Schoenfelder and Wootan a Helena Police Department's coin and Assistant Chief Hagen and his wife Barbara presented the officers wives with "I Love A Cop" book.
- Commission Comments** Commissioner Haladay congratulated the officers on completing their probation and being confirmed as Helena Police Officers.
Commissioner Noonan also recognized the officers and spoke of the important role the police department plays in our community.
Mayor Smith congratulated Officers Schoenfelder and Wootan and welcomed them to the city of Helena.
- Board Appointments** BOARD APPOINTMENTS:
A. Board of Adjustment, Business Improvement District/Helena Parking Commission, Golf Advisory Board, Helena Housing Authority, Heritage Preservation and Tourism Council, Non-Motorized Transportation Advisory Council.
Mayor Smith recommended the following appointments:
Board of Adjustment - Appointment of Byron Stahly to the Board of Adjustment. Term will begin upon appointment and expire October 1, 2020.

BID/HPC - Appointment of Scott Deitle to the BID/HPC. The unexpired term will begin upon appointment and expire October 31, 2018.

Appointment of Christopher Taleff to the BID/HPC. The unexpired term will begin upon appointment and expire October 31, 2019.

Golf Advisory Board - Reappointment of Kelly Casey to the Golf Advisory Board. Term will begin upon appointment and expire on October 30, 2020.

Helena Housing Authority - Appointment of Liese Zebrun-Gero to the Helena Housing Authority. The unexpired term will begin upon appointment and expire August 1, 2021.

Heritage Preservation and Tourism Council - Appointment of Mike Shields to the Heritage Preservation and Tourism Council. The unexpired term will begin upon appointment and expire June 30, 2020.

NMTAC - Appointment of Claudia Downing to the NMTAC. The unexpired term will begin upon appointment and expire March 31, 2019.

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

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

Consent Agenda CONSENT AGENDA:
A. Claims
B. Authorization for staff to void stale dated checks
C. Resolution supporting the Lewis and Clark Commission's call for an election on the question of establishing an annual levy for maintenance and operation of the proposed remodeled Detention Center. **Resolution 20410**

City Manager Alles recommended approval of the claims.

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

Motion **Commissioner Noonan 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
No communications from the commission.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
Attorney Jodoin updated the commission on the Westside Annexation lawsuit; the City is trying to enter into mediation with the plaintiffs.

Report of the City Manager REPORT OF THE CITY MANAGER
Manager Alles stated in regards to the Westside Annexation project, the city applied for and received a \$750,000 TSEP grant to help defray the costs. However, the city cannot move forward until the lawsuit is settled and the funding has to be committed by May 2018; or those funds will be lost.

Commissioner Haladay asked in reference to the TSEP funds, is there any way to go through an amendment process or are the funds pretty much dedicated based on the legislature decision. Manager Alles stated they are dedicated through a process and are approved for a specific project.

**Report from the
Helena Citizens
Report**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Chair Spaeth reported the next HCC meeting is October 25th at 7:00 p.m. He had no further items to report on.

Regular Items

REGULAR ITEMS:

- A. CONSIDER AN ENLARGEMENT OF WATER SERVICE AREA KNOWN AS LOTS 5, 6, 7 WITHIN BLOCK P OF THE TOUCHSTONE PUD #9, COS#315510

Staff Report

Manager Alles reported the owner of the subject property has requested this item be table to the call of the City Manager.

Staff has been working with the applicant to work out the details; however, new information has been submitted by the applicant and need the additional time to do so.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved to table to the call of the City Manager the enlargement of water service area known as a Lots 5,6,7 within Block P of the Touchstone PUD #9, COS #315510, subject to the conditions listed above. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION TO VACATE PORTIONS OF TOWNSEND AVENUE, LIVINGSTON AVENUE AND TWO (2) ALLEYS LOCATED ADJACENT TO R&K LAND, LLC, PROPERTY.
- B. CONSIDER A RESOLUTION TO VACATE THREE (3) ALLEYS AND PORTIONS OF TOWNSEND AVENUE LOCATED ADJACENT TO D&D RV PROPERTY.

Manager Alles noted the resolutions of intention for the vacation of property for both public hearings were approved; however, one of the applicants has hired an attorney and he would like the opportunity to review the information and has requested tabling the resolutions to vacate the property. The attorney has also asked if the city was willing to change the price on the evaluation of the property. City ordinance outlines the process for the vacation of property. The city in the past has waived the fee; however, it has been in exchange for additional property or for a non-profit.

Commissioner Noonan asked if the applicant is considering different property in exchange for a lower price. Manager Alles noted there is no adjacent property to exchange; the applicant would like to negotiate the costs down. Commissioner Noonan asked if there is property that would support the water run-off. Manager Alles noted with the property recently purchased, staff believes the water run-off issue has been resolved.

Commissioner Noonan stated without additional information, it is hard for the commission to consider the request to negotiate a different valuation of the property. Manager Alles stated by state law, the adjacent property owner has to be offered the vacated property. The applicants have not submitted an offer on the valuation of the property; city staff has used the Department of Revenue for the taxable valuation.

Commissioner Haladay stated he wouldn't discourage the applicant from bringing an alternative offer and articulate a reason why a land swap would be valuable; he believes the commission would entertain a discussion. At this time, there is no need to change how we determine the valuation of property.

Mayor Smith concurred with Commissioner Haladay's comments and added he doesn't want to ignore the ordinance, but would be open to a discussion.

Commissioner Haladay suggested this discussion occur at an administrative meeting prior to being on a city commission meeting agenda.

Public Testimony

Mayor Smith opened the public hearing and called for anyone wishing to address the commission on Public Hearing A.

Sean Slanger, Attorney for R&K Land, LLC, concurred with Attorney Jodoin and Manager Alles' comments and supported tabling the items.

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

Motion

Commissioner Noonan moved to table to the call of the City Manager a resolution to vacate portions of Townsend Avenue, Livingston Avenue, and two (2) alleys located in the Northern Pacific Second Addition adjacent to R&K Land, LLC property. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Public Testimony

Mayor Smith opened the public hearing and called for anyone wishing to address the commission on Public Hearing B.

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

Motion

Commissioner Haladay moved to table to the call of the City Manager a resolution to vacate three (e) alleys and portions of Townsend Avenue, located in the Northern Pacific Second Addition adjacent to D&D RV. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

No comments received. Mayor Smith recognized the members of the Montana Conservation Corp for attending the meeting and the work they have done in the city.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is October 25, 2017; and the next Commission Meeting is October 30, 2017.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:36 p.m.

/S/ JAMES E. SMITH
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION