

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 15, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, July 15, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Collins requested Deputy City Clerk Clayborn call roll call: Attorney Jodoin, City Manager Cortez, Commissioner Haladay, Commissioner Wicks, Commissioner Noonan, and Commissioner O'Loughlin all responded present.
- Pledge of Allegiance** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** The minutes of the June 24, 2019 regular City Commission meeting and the June 7, 2019 Special/Executive Session were approved as submitted.
- Board Appointments** BOARD APPOINTMENTS:
A. Police Commission
Mayor Collins recommended the following appointment:
- Police Commission** Appointment of Clair Swain to the Police Commission. First term will begin upon appointment and expire on May 2, 2022.
- Public Comment** Mayor Collins asked for public comments. None was received.
- Motion** **Commissioner O'Loughlin moved approval of the board appointment as outlined above.** Commissioner Noonan seconded the motion. Deputy City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0.**
- Consent Agenda** CONSENT AGENDA:
- A. Claims
 - B. Resolution expanding the boundaries of the Open Space Maintenance District #1 for fiscal year 2020. **Resolution 20533**
 - C. Resolution of intention to approve the work plan and budget for the Business Improvement District (BID) and to levy an assessment on all property within the district for fiscal year 2020, and set a public hearing date. **Resolution 20534**
 - D. Resolution of intention to approve the work plan and budget for the Tourism Business Improvement District (TBID) and to levy an assessment on all property within the district for fiscal year 2020, and set a public hearing date. **Resolution 20535**
 - E. Resolution of intention to specify the assessment option for the Storm Water Utility Service Area for fiscal years 2020 and 2021 and levy and assess all property within the service area and set a public hearing date. **Resolution 20536**
 - F. Resolution of intention to specify the assessment option for the Street Maintenance and Improvements District No. 1 for fiscal years 2020 and 2021 and levy and assess all property within the district and set a public hearing date. **Resolution 20537**
 - G. Resolution of intention to specify the assessment option for the collection and disposal of residential garbage and refuse for

fiscal years 2020 and 2021 and levy and assess all properties receiving residential solid waste collection, and set a public hearing date. **Resolution 20538**

- H. Resolution of intention to specify the assessment option for the landfill monitoring and maintenance district for fiscal years 2020 and 2021 and levy and assess all property within the district and set a public hearing date. **Resolution 20539**
- I. Resolution of intention to levy and assess properties to recover the amortized loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for tax years 2019 and 2020 and set a public hearing date. **Resolution 20540**
- J. Resolution of intention to levy assessments for improvement of sidewalks, curbs, gutters, and alley approaches in the City of Helena, Montana for tax years 2019 and 2020 and set a public hearing date. **Resolution 20541**
- K. Resolution of intention to specify the assessment option for the Special Street Lighting Districts for fiscal years 2020 and 2021 and levy and assess all property within the districts and set a public hearing date. **Resolution 20542**
- L. Resolution of intention to levy and assess properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way and set a public hearing date. **Resolution 20543**
- M. Resolution of intention to specify the assessment option for the Open Space Maintenance District No. 1 for fiscal years 2020 and 2021 and levy and assess all property within the district and set a public hearing date. **Resolution 20544**
- N. Resolution of intention to specify the assessment option for the special Urban Forest Management District for fiscal years 2020 and 2021 and levy and assess all property within the district and set a public hearing date. **Resolution 20545**
- O. Resolution expanding the boundaries of Street Maintenance and Improvements District No. 1 for fiscal year 2020. **Resolution 20546**

City Manager Cortez recommended approval of the consent agenda, items A-O.

The claims dated July 12, 2019, will be pulled from the consent agenda and added to the July 29th Commission Meeting consent agenda.

Public Comment

Mayor Collins asked for public comment. None was received.

Motion

Commissioner Noonan moved approval of the claims, excluding the claims memo dated July 12th which would be added to the July 29th Consent agenda, and consent agenda items B - O.
Commissioner O'Loughlin seconded the motion.

Discussion

Commissioner O'Loughlin stated the resolutions of intention being passed this evening were simply to set a public hearing date for all the rates, the public hearing date would be set for August 26, 2019, and discussion will be ongoing with the public. Manager Cortez concurred with the Commissioner, stating this was simply opening up the discussion.

Commissioner Noonan asked Manager Cortez to explain where

further information on the items could be found. Manager Cortez stated the documents were published on the website, and when the public hearing packet is posted there will be supporting information attached.

Vote

Deputy City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motions carried, 5-0.**

Communications from City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

Commissioner O'Loughlin thanked the City Staff for the barbeque that was held for the Snow removal and Streets staff recently, and it was a nice opportunity to speak directly with the staff and commend them on their work.

Commissioner Wicks thanked the City Staff for their efforts in the storm clean up that occurred in the City. Commissioner Noonan echoed Wicks's comments and stated there is still some cleanup ongoing, and the public should reach out to the City staff with any concerns.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report given.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Cortez updated the Commission on the Parking Installation and rollout of the new Parking Meters, including the app. The Manager stated there will be a staff meeting amongst the relevant staff in this matter, which would also include the IT staff to discuss the website integration of the Parking App.

Manager Cortez stated there would be further discussions on the matter of the Lighting concerns over the recent LED street light updates by Northwestern Energy. The meeting would address the public comments received by the City and address any misinformation on the matter. Additionally the issue of costs and cost sharing would be addressed, to provide further clarity on this matter.

Lastly, Microtrenching damage to streets around Hawthorne School has developed an opportunity for further public education on the process of permitting, fees, and possible fines for this type of project. The Hawthorne School project was being funded through a Helena School District project and the City was working with all entities to resolve any issues which have arisen. In the fall, fees will be discussed with the Commission, meanwhile, a new process was being developed by the City staff for addressing Microtrenching, and this process would be presented to the Commission at a later date.

Discussion

Mayor Collins asked the Manager when in the process of the Hawthorne School project, the neighborhood members would have been informed of the disruptions. Manager Cortez stated since this was not a City project, and the responsibility of informing the public of the project would have fallen on the School District and its partners, as part of the project preparations.

**Report from the
Helena Citizens**

REPORT FROM THE HELENA CITIZENS COUNCIL

Dylan Klapmeier, HCC member, reported on the discussions at the last HCC meeting pertaining to the abandoned vehicle issue. The HCC recommended the current ordinance be reviewed and possibly revised, recognizing there could be legal challenges in this matter. Additionally, the HCC is actively working to offer public information on the ten year Growth Policy updates.

Public Hearings

PUBLIC HEARINGS

- A. CONSIDER A RESOLUTION FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A K-12 EDUCATIONAL USE TO OCCUPY APPROXIMATELY 2,192 SQUARE FEET OF THE FIRST FLOOR OF THE EXISTING BUILDING LOCATED AT 600 N. PARK AVENUE, HELENA, MONTANA.

Staff Report

Community Development Director Sharon Haugen reported the applicant/property owner is seeking a Conditional Use Permit (CUP) to allow a 2,192 square foot K-12 educational use in an existing building located at 600 N. Park Avenue.

Director Haugen recommended approval of the resolution subject to the following continuing condition:

1. The current applicant is required to install a minimum of three (3) on-site bicycle parking spaces.

Director Haugen reviewed the thresholds and requirements for the CUP by the City and Zoning Commission. City staff found no cause for concern in any of the matters.

Discussion

Commissioner Wicks asked Director Haugen to confirm the number and location of the parking available for the building. Director confirmed the total number of spots available to be 15, and stated the number of spaces required is based upon the square footage of the building.

Commissioner Haladay asked Director Haugen if the building under consideration was to be included in the new Zoning for the Downtown district. Director Haugen confirmed it is in the new zoning district. Commissioner Haladay asked Director Haugen to confirm a K-12 school was allowable in this area given the new zoning, and also if the parking also fell under the new zoning requirements. Director Haugen confirmed both as being compliant.

Public Testimony

Mayor Collins declared the public portion of the hearing open and called for any public testimony.

Christopher Taleff, Director of Cottonwood School, spoke in support of the CUP. Mr. Taleff stated the CUP would be to expand the space available for the school only, this was not intended to increase the overall student enrollment. Mr. Taleff stated parking had been taken into consideration when seeking the CUP.

Ismay Taleff, student at Cottonwood School, also spoke in favor of the CUP.

There being no further public testimony, Mayor Collins closed the public hearing.

Discussion

Commissioner Noonan stated for the record, as a board member of Cottonwood LLC, he would be recusing himself in this matter.

Motion

Commissioner Haladay moved to approve a resolution granting a Conditional Use Permit to allow a 2,192 square foot K-12 educational use in an existing building; for property legally described as Lot 5 of the Henry Thompson Placer Mining Claim as more particularly described in Book M42 Page 5371, document number 3193057 on file with the Lewis and Clark Clerk and recorder, located in the R-O (Residential Office) Zoning District, generally located south of Gilbert Street and west of Park Avenue with an address of 600 N. Park Avenue in the City of Helena, Montana, subject to the following continuing condition: 1. The current applicant is required to install a minimum of three (3) on-site bicycle parking spaces. Commissioner Wicks seconded the motion.

Discussion

Commissioner O'Loughlin discussed the specific thresholds which were taken into consideration for the approval of the CUP. Commissioner O'Loughlin stated the thresholds were not seen as a matter of concern for this particular application and spoke in favor of the CUP.

Vote

Deputy City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. Commissioner Noonan was recused. **The motion carried, 4-0.**
Resolution 20547

- C. CONSIDER A RESOLUTION FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A 2,654 SQUARE FOOT GENERAL AND PROFESSIONAL SERVICES USE AT 1905 HENDERSON STREET, HELENA, MONTANA.

Staff Report

Community Development Director Haugen reported the applicant proposes to connect two existing buildings on the property with an approximately 2,654 square foot addition to provide for new office space.

The proposal will allow the Salvation Army to continue to serve the community in a more efficient way with a better space to provide customer service.

Director Haugen recommended approval of the resolution for a conditional use permit (CUP) to allow a 2,654 square foot general and professional services use at 1905 Henderson Street, subject to the following conditions:

1. Installation of three (3) on-site bicycle parking spaces on the property.
2. Install an ADA compliant sidewalk in the adjacent Warehouse Avenue right-of-way the entire length of the property boundary.

Discussion

Commissioner O'Loughlin asked Director Haugen if the applicant was required to receive a CUP for the original development. Director Haugen stated this was most likely not the case due to the facility originally used as a "worship facility."

Commissioner Haladay asked if the sidewalk along Hudson Street was a requirement of the build-out, or was this included in the plans submitted by the Salvation Army. Director Haugen stated the Salvation Army volunteered to add the sidewalk, but the Zoning Commission felt it was best to include the sidewalk as a requirement, to

ensure its completion. Clarification was given as to the breadth of the sidewalk plans by the Director.

Public Testimony

Mayor Collins declared the public portion of the hearing open and called for any public testimony.

There being no further public testimony, Mayor Collins closed the public hearing.

Motion

Commissioner Haladay Move to approve a resolution granting a Conditional Use Permit to allow a 2,654 square foot general and professional services use for a property legally described as Lots 1-8 and 11-16 in Block 43 of the Broadwater Second Addition, together with the vacated portions of the east-west alley and Henderson Street rights-of-way, located in the R-3 (Residential) Zoning District, generally located north of Hudson Street and east of Henderson Street with an address of 1905 Henderson Street in the City of Helena, Montana, subject to the following continuing condition: 1. Installation of three (3) on-site bicycle parking spaces on the property; and 2. Install an ADA compliant sidewalk in the adjacent Warehouse Avenue right-of-way the entire length of the property boundary. Commissioner Wicks seconded the motion.

Discussion

Commissioner Haladay addressed to the criteria for the CUP, stating the CUP would not violate any conditions set forth, and saw no reason for denial of the application.

Vote

Deputy City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. Resolution 20548**

Public Communications

PUBLIC COMMUNICATIONS

Brian Coplin asked the Commission for an update on concerns he had raised with the City Manager and City Staff in previous discussions. Mayor Collins requested Mr. Coplin reach out to the City Manager's office to arrange further discussions. Commissioner Haladay requested Mr. Coplin go through proper channels to have the item be added to a formal agenda for an open meeting. Mayor Collins stated the issue needed to also include the County for further discussions, and urged Mr. Coplin to continue to reach out to the County for their participation in any further deliberations.

Rebecca Connors, Public Relations Officer, was introduced by Manager Cortez to the Commission. Brief comments were made by Ms. Connors.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 6:54 p.m.

Meetings of Interest MEETINGS OF INTEREST

Administrative Meeting – July 24, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – July 29, 2019 - 6:00 p.m. - Commission Chambers, City-County Building

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE CITY COMMISSION