

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**August 24, 2020 – 6:00 P.M.**  
**Zoom Online Meeting <https://zoom.us/j/91412724965>**

- Time & Place* A regular City Commission meeting was held on Monday, August 24, 2020 at 6:00 p.m. via Zoom Online Meeting <https://zoom.us/j/91412724965>
- Members Present* Mayor Collins requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, Interim City Manager Reed, Commissioner Haladay, Commissioner Dean, Commissioner Logan, Commissioner O'Loughlin and Mayor Collins all responded present.
- Pledge of Allegiance* **(12:08)** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Consent Agenda* **(13:34)**
- A. Claims
- Interim City Manager Reed gave a report on the claims.
- Motion* **(14:07)** Commissioner Dean moved to approve Consent Agenda item A Claims. Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (15:00)**
- Bid Award* **(15:15)**
- A. BID AWARD FOR THE EAST SECONDARY DIGESTER COVER REPLACEMENT AND THE REHABILITATION OF THE DIGESTER TANK, CITY PROJECT #19-13.
- City Engineer Ryan Leland and Interim Public Works Director Phil Hauck reported the East Secondary Digester cover at the City of Helena Wastewater Treatment Plant (WWTP) collapsed. The failure is suspected to have been caused by a steel strut failure that caused the ballast blocks to fall and the cover to unbalance and fail. The cover became wedged inside the digester and the digester was removed from service. With only a single digester in service, the WWTP is operating with reduced digestion capacity and lacks unit redundancy. The West Secondary Digester continues to operate, however, repairs to the East digester are critical in order for the City to provide reliable digestion capacity.
- The City previously awarded the cover for the digester to WesTech Engineering for \$357,402 and the cover is finally constructed and ready for delivery. The cover was delayed several months because of material shortages and plant shut downs because of COVID-19.
- The current bid award is for the rehabilitation of the digester tank and the installation of previously awarded cover and gas equipment. The City of Helena received one bid for the Secondary Digester Cover Installation and Tank Rehabilitation, Project #19-13 on July 30, 2020. Dick Anderson Construction was the lowest responsible bidder with a bid in the amount

of \$576,781.41. The total estimated cost of the project is \$1.1 Million. The cost breakdown is in the attached budget sheet. The project is funded by wastewater fees and budgeted in the Wastewater Treatment Capital Budget. This project will not require any debt service to complete the project.

City staff recommended approval of the award the Secondary Digester Cover Installation and Tank Rehabilitation, Project #19-13 to Dick Anderson Construction \$576,781.41.

Discussion

**(18:22)** Commissioner Dean had follow-up questions.

Public Comment

**(19:05)** Mayor Collins opened the floor for public comments. None were made.

Motion

**(19:15) Commissioner Logan moved to award the Secondary Digester Cover Installation and Tank Rehabilitation, Project #19-13 to Dick Anderson Construction \$576,781.41.** Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (19:54)**

B. **(19:58) BID AWARD FOR THE REMODELING OF THE 1ST FLOOR OF THE PILLAR SECTION OF THE LAW & JUSTICE CENTER FOR MUNICIPAL COURT RELOCATION.**

Community Facilities Superintendent Troy Sampson reported The Municipal Court currently occupies court and office space at the Lewis & Clark County courthouse. The County is electing an additional Justice Court Judge who will be taking office in January 2021. The Municipal Court operation needs to relocate their court and offices to the 1<sup>st</sup> floor of the Law & Justice Center Pillar building prior to the January deadline. The proposed space located on the 1<sup>st</sup> floor of the Pillar building currently does not meet the code requirements for occupancy nor is it designed for the courtroom operation and requirements. The 1<sup>st</sup> floor needs to be remodeled to accommodate the Municipal Court. The City of Helena received three bids on August 13, 2020 for the remodel project. The lowest responsible bidder is Abraham Construction Services of Clancy Montana with a base bid of \$488,000.00 and alternate #4 in the amount of \$1,900.00 for a total bid of \$489,900.00

The City budgeted \$310,000 for the Municipal Court tenant improvements portion of the project. The City and County have budgeted \$650,000 through an inter-cap loan in the Law & Justice Center Capital Improvement Fund for code compliance and mechanical, electrical, and plumbing improvements. The breakdown is in the attached budget worksheet.

This project will provide a new courtroom and offices that will comply with ADA requirements and will provide for better safety and security for the court employees. Having occupancy in the pillar building is an advantage over having the building sit vacant and brings additional revenue into the Law & Justice Center fund. This project will update lighting and environmental air controls and equipment which will improve the energy efficiency and ultimately decrease the operating costs.

City staff recommended approval of awarding the Base Bid and Additive Alternate #4 for the Helena Municipal Court Remodel Project, City Project #20-13 to Abraham Construction Services in the amount of \$489,900.00.

**Discussion** (24:03) Commissioner Haladay had follow-up questions. Commissioner Dean had follow-up questions. Commissioner Logan had follow-up questions. Mayor Collins had follow-up questions.

**Public Comment** (49:40) Mayor Collins opened the floor for public comments. None were made.

**Motion** (49:52) Commissioner Dean moved to award the Base Bid and Additive Alternate #4 of the Helena Municipal Court Remodel Project, City Project #20-13 to Abraham Construction Services in the amount of \$489,900.00.

**Discussion** (51:35) Commissioner Logan, Mayor Collins and Commissioner Dean had follow-up discussion to the motion.

**Motion** (54:40) There was no second to Commissioner Dean's motion. The motion failed.

**Discussion** (54:48) Commissioner O'Loughlin asked a process question regarding the last motion and whether it needed to be tabled for future discussion.

**Motion** (56:29) Commissioner O'Loughlin moved to table the award to the Base Bid and Additive Alternate #4 of the Helena Municipal Court Remodel Project, City Project #20-13 to Abraham Construction Services in the amount of \$489,900.00. Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted nay, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted nay. **The motion carried, 3-2. (57:09)**

**Communications from (57:25) COMMUNICATIONS/PROPOSALS FROM CITY City Commissioners COMMISSIONERS**

No report given.

**Report of the City Attorney (57:30)**

City Attorney Jodoin had no report.

**Report of the City Manager (57:35)**

Interim City Manager Reed had no report.

**Report from the HCC (57:40)**

Ryan Schwochert gave a report for the Helena Citizen's Council.

**Regular Items (59:37)**

- A. CONSIDER A RESOLUTION ANNEXING A 1.05-ACRE PORTION OF TRACT A-1-A-1-A-1-A-1-A AS SHOWN ON

CERTIFICATE OF SURVEY (COS) #3321786 GENERALLY  
LOCATED EAST OF TWILIGHT AVENUE AND NORTH OF  
RUNKLE PARKWAY IN LEWIS AND CLARK COUNTY, INTO  
THE CITY OF HELENA, MONTANA.

## Staff Report

**(1:00:18)** Community Development Director Sharon Haugen and City Planner II Lucy Morell-Gengler reported the owner of this property, Mark Runkle representing Mountain View Meadows LLC, has requested annexation for approximately 1.05 acres as shown on annexation exhibit "A." The annexation area includes the area intended to be the future Twilight Avenue and a small portion to be aggregated into Lot 2, Block 43, of Craftsman Village Phase 1 of Crossroads Amendment at Mountain View Meadows. This annexation request is in conjunction with an amended plat for the dedication of right-of-way (ROW) for the Twilight Avenue extension.

On May 7, 2012, the Helena City Commission approved the Resolution of Intention to Annex No. 19911 and approved the revised preliminary plat for Crossroads Amendment at Mountain View Meadows Subdivision which includes the subject property. Several phases of the Crossroads at Mountain View Meadows subdivision have been annexed and final platted since that approval. This proposal is a continuation of that development process of the larger subdivision. Conditions for annexation established in Resolution No. 19911 and subsequent amendments have been met for this requested annexation. The property has been rezoned R-4 (Residential) District.

The applicant is requesting annexation of approximately 1.05 acres to the City of Helena. This proposal is accompanied by a request for accepting the ROW dedication for proposed Twilight Avenue extension. No public hearing is required for these actions. The proposed annexation would facilitate the dedication of ROW extending the current Twilight Avenue to Runkle Parkway connecting the existing street network. This extension of Twilight Avenue would provide city standard access for development of the adjacent property. Therefore, annexing this property is a logical expansion of the city, an opportunity to promote compatible urban growth, and would be consistent with the Helena Growth Policy. Annexation into the city and development to city densities has the potential to reduce vehicle miles traveled in the Helena area.

City staff recommended approval a resolution annexing a 1.05-acre portion of Tract A-1-A-1-A-1-A-1-A as shown on Certificate of Survey (COS) #3321786 generally located east of Twilight Avenue and north of Runkle Parkway in Lewis and Clark County, into the City of Helena, Montana

B. CONSIDER ACCEPTING THE DEDICATION OF THE SIXTY-FOOT (60) WIDE TWILIGHT AVENUE RIGHT-OF-WAY (ROW) GENERALLY LOCATED EAST OF THE CURRENT TWILIGHT AVENUE TERMINUS, SOUTH OF SWIFT CURRENT STREET, AND NORTH OF RUNKLE PARKWAY, IN THE CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA.

## Staff Report

Community Development Director Sharon Haugen and City Planner II Lucy Morell-Gengler reported The City has received a request from Mountain View Meadows, LLC to extend Twilight Avenue from its current

terminus to Runkle Parkway. This request is in conjunction with a simultaneous request for annexation of the subject property.

The location of the Twilight Avenue extension deviates slightly from the earlier preliminary plat street location. The revised street design will change future Ledgestone Street connectivity located north of the subject area. The developer has indicated the street designs in that area will be revised to provide for connectivity plus work with the natural terrain including an existing drainage. Other City design standards, including pedestrian access, will be required upon installation of the street.

The subject survey is exempt from subdivision review per Montana Code Annotated 76-3-201 (1) (h) Exemption for certain divisions of land created for rights-of-way or utility sites and 76-3-207 (1) (a) and (f) boundary line relocations and aggregations. The only component of the plat for City Commission review is the acceptance of Twilight Avenue ROW dedication.

The applicant's objective is for the City to accept the dedication of the subject sixty-foot (60') wide Twilight Avenue ROW extension. The creation of the Twilight Avenue extension will provide for better vehicular connectivity, pedestrian facilities, and access for future development in the area. Accepting the dedication of street ROW will provide better connectivity and a more walkable area which may reduce vehicle miles traveled.

City staff recommended acceptance of the dedication of the sixty-foot (60') wide Twilight Avenue right-of-way generally located east of the current Twilight Avenue terminus, south of Swift Current Street, and north of Runkle Parkway, in the City of Helena, Lewis and Clark County, Montana.

Discussion

**(1:02:57)** No comments or questions from the commission.

Public Comment

**(1:03:07)** Mayor Collins opened the floor for public comments. No public comment was made.

**Motion**

**(1:03:15) Commissioner Haladay moved to approve a resolution annexing a 1.05-acre portion of Tract A-1-A-1-A-1-A-1-A as shown on Certificate of Survey (COS) #3321786 generally located east of Twilight Avenue and north of Runkle Parkway in Lewis and Clark County, into the City of Helena, Montana.** Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (1:04:07)**

**Motion**

**(1:04:15) Commissioner O'Loughlin moved to accept the dedication of the sixty-foot (60') wide Twilight Avenue right-of-way generally located east of the current Twilight Avenue terminus, south of Swift Current Street, and north of Runkle Parkway, in the City of Helena, Lewis and Clark County, Montana.** Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (1:04:55)**

- C. **(1:04:59)** CONSIDER A RESOLUTION THAT THE CAPITAL MALL AREA WITHIN THE CITY OF HELENA IS A BLIGHTED AREA AND REHABILITATION AND REDEVELOPMENT OR A COMBINATION THEREOF, OF SUCH AREA, IS NECESSARY AND IN THE INTEREST OF PUBLIC HEALTH, SAFETY, MORALS OR WELFARE OF THE RESIDENTS OF HELENA.

#### Staff Report

Community Development Director Sharon Haugen reported the Helena City Commission has directed City staff to begin work necessary for the possible creation of an Urban Renewal District centered in the former Capital Hill Mall area. The creation of the district could result in the potential of using tax increment financing (TIF) to make any needed public improvements that might encourage redevelopment and development of the area. The City of Helena hired Better City, Inc to identify and document blight factors within the Capitol Hill District. The proposed boundary for the district is a block north of Prospect Avenue, extending one block south of 11th Street, bounded to the west by N. Dakota Street and to the east by I-15, including a number of hotel parcels around the highway interchange. It also includes the Samuel V. Stewart Homes development managed by the Helena Housing Authority, located on a block bounded by Billings Avenue, Butte Avenue, and Roberts Street, as shown on the attached map. Better City has completed a Statement of Blight to document the existence of potentially blighted conditions that would meet the definition of blight as defined in MCA 7-15-4206 (2). Based upon the findings in the Statement of Blight, the Commission may want to consider the development of an Urban Renewal Plan for the area. These are prerequisites to allowing the City of Helena to exercise its powers under Title 7, Chapter 15, Parts 42 and 43 of the Montana Code Annotated. The creation of the TIF district allows the City to use the increase in the tax base (tax increment) to help fund improvements in the area. The draft Statement of Blight was completed after interviews with various City staff, property owners in the district, and through a review of existing information available through the Department of Revenue, the Growth Policy and other documents. The School District and the County received separate notices. The draft Statement of Blight is available on the website and draft copies have been sent to each of the stakeholders.

The passage of this resolution will result in the creation of an Urban Renewal Plan and will enable the use of TIF funds for redevelopment in the area. TIF is one of the few mechanisms that local governments have to encourage investment and to diversify tax base. TIF funds can be used to make infrastructure improvements that benefit the public and allow for orderly growth. All of the uses for TIF funds will be based on the goals and the objectives developed in the Capitol Hill Urban Renewal Plan. TIF may be available for use to increase the energy efficiency of publicly owned structures and to make possible improvements recommended by the Citizens Conservation Board related to development of the area. All of the uses for TIF funds will be based on the goals and the objectives developed in the Capitol Hill Urban Renewal Plan. The creation of a TIF district freezes the

property tax revenues derived from the increased value of any property improvements for the city, county, and the school district for at least 15 years. Any increased costs in overall services will have to be paid for by the existing tax base and increases in the tax base in the other parts of the city.

City staff requested a motion to approve a resolution that the Capital Mall Area within the City of Helena is a blighted area and rehabilitation and redevelopment or a combination thereof, of such area, is necessary and in the interest of public health, safety, morals or welfare of the residents of Helena.

## Discussion

**(1:16:21)** Commissioner Dean had follow-up questions. Commissioner O'Loughlin had follow-up questions. Commissioner Logan had follow-up questions. Commissioner Haladay had follow-up questions.

## Public Comment

**(1:33:15)** Evan Hammer provided public comment.

**Motion**

**(1:35:05)** Commissioner O'Loughlin moved to approve a resolution that the Capital Mall Area within the City of Helena is a blighted area and rehabilitation and redevelopment or a combination thereof, of such area, is necessary and in the interest of public health, safety, morals or welfare of the residents of Helena. Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (1:35:45)**

D. **(1:35:50)** CONSIDER A RESOLUTION OF INTENTION TO SET FEES CHARGED FOR USE OF THE HELENA CIVIC CENTER AND REPEAL RESOLUTION NO. 20353

## Staff Report

Parks, Recreation & Open Lands Director Kristi Ponozzo reported the Helena Civic Center will not be able to host large events of more than 250 people, at least through the end of this year. This impacts almost every booking the Civic Center had, or would have had for the remainder of the year. It also impacts most clients and their ability to generate ticket revenue from in-person seating. City staff are working with clients to scale back and/or reschedule their events, but there is a need to offer some different pricing options for smaller events, and/or different events, such as events where groups want to book the venue and not do a live show, but instead stream the event. Several fee updates are also needed. Some of the new, or updated fees, that are not COVID related, represent an increase and some are just new fees that haven't been in the schedule before, such as a lounge area rental. The Parks Department would like to consider special COVID fees for the Civic Center specifically to address facilitating continued operations and community use of the facility during the pandemic, within a reasonable price structure. City staff would also like to update some existing fees and the Civic Center Fee Schedule will need to be amended, which is set in resolution by the commission. City staff proposed the following fees as laid out in the attached Exhibit A.

City staff asked for a Motion to Approve Resolution of Intention to Set Fees Charged for Use of the Helena Civic Center and Repeal Resolution No. 20353 and set a Public Hearing date of September 28, 2020

Discussion **(1:39:37)** Commissioner Dean had follow-up questions and would like the new version of the Amended Draft to be noted in the minutes. Commissioner Haladay had follow-up questions. Commissioner O’Loughlin had a follow-up questions.

Public Comment **(1:41:50)** Alan R. Scott provided public comment. Bridget Johnston had public comment.

**Motion** **(1:51:21)** **Commissioner O’Loughlin moved to approve a Resolution of Intention to Set Fees Charged For Use of the Helena Civic Center as proposed in amended “Exhibit A” and Repeal Resolution No. 20353 and set a Public Hearing date of September 28, 2020** Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O’Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0.**  
**(1:51:58)**

**Board Appointments** **(1:52:22)** Mayor Collins inadvertently missed agenda item #3, Board Appointments and has come back to this agenda item before moving on to Regular Item “E”.

Helena Citizens Conservation Board Appointment of Brian Solan to fulfill the remaining items on Helena Citizen’s Conservation Board. Term will begin upon appointment and expire on January 29, 2023.

Appointment of Shane Sader to fulfill the remaining term on the Helena Citizen’s Conservation Board. Term will begin upon appointment and expire on January 29, 2023.

**Motion** **(1:53:08)** **Commissioner Logan moved to approve the following board appointments to the Helena Citizen’s Conservation Board for the appointment of Brian Solan to fulfill the remaining term on the CCB as business or building industry representative. Term will begin upon appointment and expire on January 29, 2023. The appointment of Shane Sader to fulfill the remaining term on the CCB as a student leader representative. Term will begin upon appointment and expire on January 29, 2023.** Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O’Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (1:54:22)**

**Public Hearings** **(1:54:24)**



A. CONSIDER A FINAL RESOLUTION TO APPROVE THE WORK PLAN AND BUDGET FOR THE BUSINESS IMPROVEMENT DISTRICT AND LEVY AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT FOR FISCAL YEAR 2021.

Staff report

Budget Analyst Sara McConnell reported Move to approve a resolution of intention authorizing the city manager to enter into a buy-sell agreement to sell 2,259 square feet of unused city property in the Belt View Planned Unit Development along Comstock Road in the City of Helena, Montana, and setting a public hearing date of September 28, 2020.

The BID is requesting a change to the assessment methodology. The complete methodology is outlined in the attached resolution of intention and is in accordance with the prescribed methodologies allowed by state law (7-12-1133, MCA). The BID's proposal is that, after receiving public comment, the City Commission approve the work plan and budget, and levy an assessment to defray the cost thereof for fiscal year 2021 as submitted. The annual assessment approved by the City Commission will be placed on the calendar year 2020 tax bills of the properties within the district.

City staff requested a motion to approve a resolution approving the work plan and budget for the Business Improvement District and levying an assessment on all property with the district for fiscal year 2021.

Discussion

**(1:56:03)** No discussion from the Commission.

Public Comment

**(1:56:06)** Mayor Collins opened up the floor for public comment. No public comment was made.

Motion

**(1:56:49) Commissioner Logan to approve a resolution approving the work plan and budget for the Business Improvement District and levying an assessment on all property with the district for fiscal year 2021.** Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay abstained from voting, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0, with abstention.**

B. CONSIDER A RESOLUTION APPROVING THE WORK PLAN AND BUDGET FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVYING AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT FOR FISCAL YEAR 2021.

Staff Report

Budget Analyst Sara McConnell reported On August 22, 2018, the City Commission passed Resolution 20473, which created the TBID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132, MCA) requires the TBID to submit its annual budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget. On July 27, 2020 the FY21 budget and work plan were presented to the Commission. After discussion, a Resolution of

Intention was approved by the Commission and a public hearing set for August 24, 2020 to consider a final resolution.

The TBID is not requesting a change to the assessment methodology. The TBID's proposal is that, after receiving public comment, the City Commission approve the work plan and budget and levy an assessment to defray the costs thereof for fiscal year 2021 as submitted. The annual assessment approved by the City Commission will be placed on the calendar year 2020 tax bills of the properties within the district. Approval of the resolution allows for public input on the TBID's work plan and budget. Commission approval of the budget and work plan will meet state law requirements.

City staff requested a motion to approve the resolution approving the work plan and budget for the Tourism Business Improvement District and levying an assessment on all property within the district for fiscal year 2021.

- Discussion (1:58:48) No discussion from the Commission
- Public Comments (1:58:59) Mayor Collins opened up the floor for public comment. No public comment was made.
- Motion (1:59:17) Commissioner Dean moved to approve the resolution approving the work plan and budget for the Tourism Business Improvement District and levying an assessment on all property within the district for fiscal year 2021.** Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (2:00:01)**
- Regular Items (2:00:11)**
- E. CONSIDER A RESOLUTION OF INTENTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A BUY-SELL AGREEMENT TO SELL 2,259 SQUARE FEET OF UNUSED CITY PROPERTY IN THE BELT VIEW PLANNED UNIT DEVELOPMENT ALONG COMSTOCK ROAD IN THE CITY OF HELENA, MONTANA
- Staff Report Parks, Recreation & Open Lands Director Kristi Ponozzo reported City owns the undefined Belt View Planned Unit Development Common Area ("Property"). The property was previously owned by the homeowner's association to satisfy subdivision parkland dedication. The association failed to pay property taxes on the common area and Lewis and Clark County came to own the property via tax deed. Subsequent quit claim deeds transferred ownership to the City and removed the restriction that the Property be used "only for the purposes of parks, recreation, open space, preservation of natural drainage ways, and management of stormwater runoff." The attached memo explains the history of the Property. Property owners at 10 Comstock Road ("Jennings") would like to purchase 2,259 square feet of the Property adjacent to their property to provide for a more permanent access to their property. Jennings' currently have an

easement for access. They would like to acquire the property between their house and the street as is seen on the attached map (Exhibit A). The property the Jennings' would like to purchase is sandwiched between two private parcels.

The Parks Department proposes direct sale of the property to the landowners following HCC 1-4-17. City staff recommends a methodology used for right-of-way vacation transfer fee (average DOR Fair Market value of nearby property/square feet). That would be \$7.40 per square foot X 2,259 square feet for \$16,716.60. The advantage would be the disposal of small area of land with little public use benefit and that is already encumbered by an easement.

City staff requested a motion to approve a resolution of intention authorizing the city manager to enter into a buy-sell agreement to sell 2,259 square feet of unused city property in the Belt View Planned Unit Development along Comstock Road in the City of Helena, Montana, and setting a public hearing date of September 28, 2020.

Discussion **(2:02:29)** No discussion from the Commission

Public Comments **(2:02:35)** Mayor Collins opened up the floor for public comment. No public comment was made.

**Motion** **(2:02:53)** **Commissioner Logan moved to approve a resolution of intention authorizing the city manager to enter into a buy-sell agreement to sell 2,259 square feet of unused city property in the Belt View Planned Unit Development along Comstock Road in the City of Helena, Montana, and setting a public hearing date of September 28.** Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0.**  
**(2:03:48)**

***Public Hearings***

C. **(2:03:50)** CONSIDER ACCEPTANCE OF EDWARD BYRNES MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Staff Report Police Chief Steve Hagen reported The Helena Police Department has received funding from the Federal Bureau of Justice Assistance (BJA) for the past 19 years.

The HPD is proposing to use its award to supplement a full-time detective's position that has been located in the Lewis and Clark County Attorney's Office. The detective serves as the liaison between the police department, county attorney's office, and the city prosecutor's office. This role allows him to coordinate information and developments from both law enforcement and prosecutors on case investigations. The detective actively works with the prosecution to prepare for trials and attends trials as a law enforcement expert. This grant requires the City of Helena and Lewis and Clark County Sheriff's Office to jointly submit the application. The allocation is set by the BJA for both the City of Helena

and the Lewis and Clark County for a total of \$39,104. The city's award is \$26,658 and the county's award is \$12,446.

The advantage of this grant is to retain one detective serving in the capacity of the liaison between the Helena Police Department, Lewis and Clark County Attorney's Office, and the City of Helena Prosecution Office. This position ensures tasks are completed in major cases and information shared and presented for prosecution.

City staff requested a motion to accept the JAG funding for the Helena Police Department in the amount of \$26,658.

- Discussion **(2:05:26)** No discussion from the Commission.
- Public Comment **(2:05:34)** Mayor Collins opened up the floor for public comment. No public comment was made.
- Motion** **(2:05:42) Commissioner Haladay moved to accept the JAG funding for the Helena Police Department in the amount of \$26,658.**  
Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (2:06:17)**
- Public Communications** **(2:06:23) PUBLIC COMMUNICATIONS**
- No public comment was made.
- Adjournment** **(2:07:08)** There being no further business to come before the City Commission, the meeting adjourned at 7:56 p.m.

**/S/ WILMOT COLLINS**

MAYOR

ATTEST:

**/S/ DANNAI CLAYBORN**

CLERK OF THE CITY COMMISSION