



City of Helena
City Commission Meeting
November 22, 2021 – 6:00 PM
Zoom Online Meeting; <https://zoom.us/j/97521629139>
City County Building Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, November 22, 2021 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/97521629139> and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:13:50) The following responded present, either via zoom or in person:

City Attorney Coate
City Manager Harlow-Schalk
Commissioner Dean
Commissioner O'Loughlin
Commissioner Logan
Commissioner Haladay
Mayor Collins

Presentations

A. Move for the Helena Public Art Committee to fund the printing of artwork installations for the west-facing windows of the JE Allen Livery building, in collaboration with the Rodney Street is project.

(00:18:54) HPAC Representatives Jennie Stapp and Amanda Reese presented Item A.

(00:23:32) Commissioner Dean asked Amanda Reese about the timeline.

(00:24:12) There were no further comments by the Commission and/or public.

(00:24:40) **Commissioner Dean made a motion to approve the Helena Public Art Committee to fund the printing of artwork installations for the west-facing windows of the JE Allen Livery building, in collaboration with the Rodney Street is project. Commissioner seconded the motion.**

(00:28:16) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**



Commissioner Haladay voted: **Aye**

Commissioner O'Loughlin voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Proclamations

A. Small Business Saturday

(00:25:36) Mayor Collins presented Proclamation A.

B. Support Non-Profit Month

(00:28:45) Mayor Collins presented Proclamation B.

Consent Agenda

A. Claims

(00:30:53) Manager Harlow-Schalk recommended approval of Item A.

(00:31:38) **Commissioner Haladay made a motion to approve Consent Agenda Item A. Commissioner Dean seconded the motion.**

(00:31:50) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Haladay voted: **Aye**

Commissioner O'Loughlin voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Communications/Proposals from Commissioners

(00:32:15) Commissioner Logan requested reconsideration of a previous meeting's motion relating to water line variance on Alfalfa Road.

(00:33:13) Mayor Collins, Commissioner Logan, Commissioner O'Loughlin, and Attorney Coate about next steps and the previous decision.

(00:34:48) Motion fails due to lack of second.

(00:35:03) Commissioner Logan requested to remove the Confederate Fountain in Women's Park via public member correspondence.



- (00:36:02) Commissioner Dean recommended not discussing the Fountain due to the time commitment and that the member of the public is not from the State of Montana.
- (00:36:47) Commissioner O'Loughlin and Commissioner Haladay agreed.

Report of the City Attorney

- (00:37:25) City Attorney Coate had nothing to report.

Report of the City Manager

- (00:37:33) City Manager Harlow-Schalk reminded the public of Parade of Lights events and parking revisions, and City Holiday closures.

Communications from the Helena Citizens Council

- (00:38:55) HCC Representative Karen Wilson discussed recent and upcoming meeting agenda items.

Regular Items

- A. To approve, Conditionally Approve, or deny the Resolution of Intention to Annex into the City of Helena property described as Tract A on the Certificate of Survey filed as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, and the rights-of-way adjacent to the property and establish conditions for annexation.
- (00:41:11) Manager Harlow-Schalk introduced Planner McConnell and Community Development Director Haugen.
- (00:41:46) Planner McConnell presented Item A.
- (00:53:01) Commissioner O'Loughlin asked Planner McConnell about the applicant's annexation schedule and how the conditions compare to previous annexations.
- (00:55:30) Commissioner Haladay asked Planner McConnell and Director Haugen about the methodology behind the annexation analysis and if it is tied to a law or statute.
- (01:00:08) Commissioner Dean asked Planner McConnell and Public Works Director Leland for clarification on Item A and the impacts to the water and wastewater systems upon approval. She also asked about the cost and responsibility of upsizing the infrastructure.
- (01:03:49) Commissioner Logan asked Planner McConnell about the financial responsibility for street improvements.



- (01:04:29)** Commissioner Haladay asked Attorney Coate about logistics and the process of accepting annexation; which pieces are discretionary, and which are statutory?
- (01:09:56)** Ron Bartsch of Sussex Development provided public comment, offering context and explained specifics, recommending approval.
- (01:16:59)** Sarah Perry of Save Helena Westside introduced Attorney David Wilson, both providing public comment, recommending denial.
- (01:28:00)** Joey Staszczuk of Save Helena Westside provided public comment, recommended denial.
- (01:33:41)** Forrest Zimmerman provided public comment, recommending denial.
- (01:34:49)** Jessie Herbert-Meny provided public comment, recommending denial.
- (01:37:22)** Cathy Burwell provided public comment, recommending approval.
- (01:39:13)** Stacy Collette of Helena Public Schools provided public comment, recommending approval.
- (01:42:33)** Dennis Parman provided public comment, recommending that traffic mitigation proposals be made in advance of annexation.
- (01:44:52)** Edward Santos provided public comment, recommending additional considerations before approval.
- (01:47:39)** Andrea Allen provided public comment, recommending denial.
- (01:50:51)** Cory Chenowith provided public comment, recommending denial.
- (01:53:15)** Eve Byron provided public comment, recommending additional considerations before approval.
- (01:56:33)** Clerk Clayborn read written public comment aloud from Shannon Eckart, recommending denial.
- (01:56:53)** Clerk Clayborn read written public comment aloud from “James” recommending denial.
- (01:57:05)** Clerk Clayborn read written public comment aloud from Jen Baker, asking for clarification of requirements discussed in a previous meeting.
- (01:57:16)** Clerk Clayborn read written public comment aloud from Shannon Eckart, expressing concern about safety.
- (01:57:29)** Clerk Clayborn read written public comment aloud from Gaylyn Mech, recommending denial.
- (01:58:22)** Clerk Clayborn read written public comment aloud from Mr. McAlister, recommending denial.
- (01:58:41)** Clerk Clayborn read written public comment aloud from Paul Lund, recommending denial.
- (01:59:12)** Clerk Clayborn read written public comment aloud from Mandy Meadham, asking about affordable housing definitions.
- (01:59:26)** Clerk Clayborn read written public comment aloud from MaryAnn Hibbard, recommending approval.



- (02:00:20)** Representative of Sussex Construction asked the public to hear the rest of the presentation and addressed some of the questions about transportation and safety plans.
- (02:07:59)** Jeremy Fadness addressed some of the public questions with specifics.
- (02:16:07)** Commissioner Dean asked Police Chief Petty about emergency service response considerations.
- (02:19:02)** Commissioner Dean asked Director Knoepke about the viability of the applicant's traffic study.
- (02:22:22)** Commissioner Dean asked Sussex Development and Jeremy Fadness about ingress and egress considerations in the event of a wildfire.
- (02:31:00)** Commissioner Dean asked Director Haugen about working with MDT to apply conditions regarding Euclid Ave.
- (02:33:39)** Commissioner O'Loughlin, Planner McConnell, and Sussex Development discussed the 2019 growth plan in relation to traffic and annexation.
- (02:42:39)** Commissioner Logan asked Planner McConnell and Director Knoepke about conditioned outlined in the proposal.
- (02:46:30)** Mayor Collins called for a 12 minute recess.
- (02:59:50)** Mayor Collins reconvened the meeting.
- (03:00:51)** Commissioner O'Loughlin asked Planner McConnell about a previous condition consideration related to Floweree Street.
- (03:02:17)** Commissioner O'Loughlin asked Director Knoepke about the grade of Reeder's Village compared to this development.
- (03:04:20)** Commissioner Dean expressed support for development and support for more conditions addressing public safety issues.
- (03:06:09)** Commissioner Logan expressed support of development and support for more conditions addressing infrastructure concerns.
- (03:07:34)** Commissioner O'Loughlin expressed support for development and support for more conditions addressing transportation safety and need for more conversations with MDT in relation to infrastructure.
- (03:10:27)** Commissioner Haladay expressed intent to vote against approval.
- (03:11:49)** Mayor Collins asked Director Haugen about the County process upon the City Commission's denial and/or tabling of this Item and expressed need for further considerations.
- (03:14:13)** Ron Bartsch of Sussex Construction explained inability to create another access point.
- (03:17:42)** Commissioner Dean asked Planner McConnell and Director Haugen about the consequences of the applicant not meeting additional conditions.
- (03:19:54)** Commissioner Dean expressed obligation to hear and address public comment.

- (03:20:30) **Commissioner Dean made a motion to conditionally approve the Resolution of Intention to Annex into the City of Helena property described as Tract A on the Certificate of Survey filed as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, and the rights-of-way adjacent to the property and establish conditions for annexation that include all staff annexation conditions 1-8 and an additional condition that the applicant must improve transportation safety, including incorporation of the community traffic study offered by the community neighborhood group, and the addition of negotiations with Montana Department of Transportation for an entrance onto Euclid.**
- (03:21:34) Commissioner O'Loughlin, Commissioner Haladay and Mayor Collins asked Commissioner Dean for clarification about conditions.
- (03:25:00) Manager Harlow-Schalk and Attorney Coate addressed questions from the Commissioners and discussed next steps.
- (03:28:13) Commissioner Haladay, Mayor Collins, Attorney Coate and Director Haugen about the timeline and options for a decision from the Commission.
- (03:32:12) Sussex Construction recommended tabling this and all further Agenda Items for another meeting to allow for more negotiation.
- (03:32:50) Commissioner Dean agreed to table.
- (03:32:55) Commissioner O'Loughlin thanked the applicants and agreed to table.
- (03:34:21) Attorney Coate, Mayor Collins, Director Haugen, Commissioner Haladay and Sussex Construction discussed the new timeline with an extension and new conditions.
- (03:45:24) Mayor Collins asked Attorney Coate and Director Haugen about next steps.
- (03:46:37) Commissioner O'Loughlin and Commissioner Haladay expressed support for tabling and extending.
- (03:48:22) Commissioner Logan asked for clarification about the motion.
- (03:48:48) **Commissioner Logan made a motion to table a Resolution of Intention to Annex into the City of Helena property described as Tract A on the Certificate of Survey filed as Document No. 3360858, and all of Blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, and the rights-of-way adjacent to the property and establish conditions for annexation; and to accept the applicant's offer of an extension for 60 days to consider this. Commissioner O'Loughlin seconded the motion.**



- (03:49:41) Mayor Collins called for a vote.
- Commissioner Dean voted: **Aye**
- Commissioner Logan voted: **Aye**
- Commissioner Haladay voted: **Aye**
- Commissioner O'Loughlin voted: **Aye**
- Mayor Collins voted: **Aye**
- The motion carried 5:0.**

Public Hearings

- A. Consider final passage of an Ordinance Granting a Franchise to TDS Metrocom, LLC, and Allowing the Construction, Operation, Regulation, and Control of a Cable Communication System within the City of Helena, Montana.
- (03:50:10) Mayor Collins moved to Public Hearings Item B because Items A and B are the same.
- B. Approve final passage of an Ordinance that grants TDS Metrocom, LLC a cable franchise and allows the company to construct, operate, regulate, and control a cable communication system in the Helena city limits.
- (03:50:35) Manager Harlow-Schalk presented Item B.
- (03:51:14) Attorney Coate recommended changing the expiration to December 2031.
- (03:52:46) TDS Representative Bob Duchen supported the expiration change.
- (03:54:00) **Commissioner O'Loughlin made a motion to approve final passage of an Ordinance that grants TDS Metrocom, LLC a cable franchise and allows the company to construct, operate, regulate, and control a cable communication system in the Helena city limits with the recommended expiration date change. Commissioner Haladay seconded the motion.**
- (03:54:40) Commissioner Dean asked for clarification of the date.
- (03:55:00) Mayor Collins called for a vote.
- Commissioner Dean voted: **Aye**
- Commissioner Logan voted: **Aye**
- Commissioner Haladay voted: **Aye**
- Commissioner O'Loughlin voted: **Aye**
- Mayor Collins voted: **Aye**
- The motion carried 5:0.**



- C. Consider approval or denial of an ordinance pre-zoning property described as tract a on the certificate of survey identified as document no. 3360858, and all of blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, as R--2 (Residential)and Rr-3 (Residential).

(03:56:34) Commissioner Logan made a motion to table an ordinance pre-zoning property described as tract a on the certificate of survey identified as document no. 3360858, and all of blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana, as R--2 (Residential)and Rr-3 (Residential). Commissioner Dean seconded the motion.

(03:57:26) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Haladay voted: **Aye**

Commissioner O'Loughlin voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

- D. Consider the approval or denial of variances from 12-4-2.C of the Helena City Code by allowing the following blocks in the Westside Major Phased Subdivision to exceed 600 feet in length: Phase 1: Livezey Avenue from Hauser Boulevard to Lee Drive; Phase 3: Lee Drive from Brakeman Avenue to Livezey Avenue; and Phase 3: Brakeman Avenue from Park Drive to Brakeman Court.

(03:58:10) Commissioner O'Loughlin made a motion to table variances from 12-4-2.C of the Helena City Code by allowing the following blocks in the Westside Major Phased Subdivision to exceed 600 feet in length: Phase 1: Livezey Avenue from Hauser Boulevard to Lee Drive; Phase 3: Lee Drive from Brakeman Avenue to Livezey Avenue; and Phase 3: Brakeman Avenue from Park Drive to Brakeman Court. Commissioner Dean seconded the motion.

(03:59:41) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Haladay voted: **Aye**

Commissioner O'Loughlin voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.



- E. Move to Conditionally Approve the preliminary plat for the Westside Major Phased Subdivision creating 103 lots and street right-of-way from approximately 58.85 acres and to adopt the Findings of Fact and the conditions contained therein for the property legally described as tract a on the certificate of survey identified as document no. 3360858, and all of blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana.

(04:00:27) Commissioner O’Loughlin made a motion to table the preliminary plat for the Westside Major Phased Subdivision creating 103 lots and street right-of-way from approximately 58.85 acres and to adopt the Findings of Fact and the conditions contained therein for the property legally described as tract a on the certificate of survey identified as document no. 3360858, and all of blocks 4, 5, 6, and 9 of the Highland Park Subdivision, Lewis and Clark County, Montana. Commissioner Dean seconded the motion.

(04:00:43) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Haladay voted: **Aye**

Commissioner O’Loughlin voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Public Communications

- A. Public Comment Packet – Westside 11/17/21 (AM)

(04:01:45) Clerk Clayborn read written public comment aloud from Greg Olson, recommending denial.

(04:02:49) Clerk Clayborn read written public comment aloud from Caroline Truscott, recommending denial.

(04:03:16) Clerk Clayborn read written public comment aloud from Hannah Marin, recommending denial.

(04:03:25) Clerk Clayborn read written public comment aloud from Patrick Marin, recommending denial.

Adjournment

(04:04:20) There being no further business before the Commission, the meeting adjourned at 10:05pm.



City of
Helena

MAYOR

CLERK OF THE CITY COMMISSION