

CITY OF HELENA
City Commission Meeting
January 24, 2022 - 6:00 PM
Zoom Online Meeting; <https://zoom.us/j/96399748214>

Time & Place

A regular City Commission meeting was held on Monday, January 24, 2022 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/96399748214>.

Call to Order and Roll Call

(00:01:33) Mayor Collins requested City Clerk Clayborn call roll call: City Attorney Jodoin, City Manager Harlow-Schalk, Commissioner Dean, Commissioner Feaver, Commissioner Logan, Commissioner Reed, and Mayor Collins all responded present and participated virtually via Zoom.

Pledge of Allegiance

(00:01:00) Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

Minutes

(00:02:28)

- A. Regular Commission Meeting - August 23, 2021
- B. Regular Commission Meeting - September 7, 2021
- C. Administrative City Commission Meeting - December 15, 2021
- D. Regular Commission Meeting - January 10, 2022

With no objections, the minutes were entered into the record as written.

Proclamations

- A. Director Sharon Haugen Day

(00:03:01) Clerk of the Commission Clayborn played a pre-recorded ceremony for Director Sharon Haugen Day.

(00:12:20) The Commission thanked Director Haugen for her years of service.

(00:17:28) Director Haugen addressed the Commission.

Board Appointments

(00:18:42)

- A. Board Application Review: Helena Public Arts Committee

Helena Public Arts Committee

Appointment of Jennie Stapp to a first term on the Helena Public Arts Committee as a Member at Large. Term will begin upon

appointment and expire on December 31, 2024.

(00:19:20) Commissioner Dean moved to approve the board appointment for the Helena Public Arts Committee. Commissioner Logan seconded the motion. The motion carried 5:0.

Consent Agenda

- A. Consider an Amendment of Right of Way Contract between the City of Helena and Yellowstone Pipeline Company across Bill Roberts Golf Course.

(00:20:25) Manager Harlow-Schalk introduced Consent Agenda Item A.

(00:21:22) There were no public comments.

(00:21:37) Commissioner Reed made a motion to accept Consent Agenda Item A. Commissioner Feaver seconded the motion. The motion carried 5:0.

Communication/Proposals from Commissioners

(00:22:12) There were no comments or proposals from the Commission.

Report of the City Attorney

(00:22:29) City Attorney Jodoin had nothing to report, but took a moment to thank Director Haugen for her years of service.

Report of the City Manager

(00:23:18) Manager Harlow-Schalk thanked Director Haugen for her years of service.

City Manager Harlow-Schalk updated the Commission of the following:

(00:24:30) The hours of operation at the Bill Robert's Golf Course including the onsite restaurant, Muni's.

(00:26:03) The crisis incident where several residents were administered Narcan by Helena emergency services.

(00:26:48) Driver safety tips and mobility access.

Communications from the Helena Citizens Council

(00:28:17) HCC representative, Dylan Klapmeier welcomed the new Commissioners

Regular Items

- A. Consider First Passage of an ordinance eliminating the approval of personnel policies by the City Commission by amending Section 2-1-3 of the Helena City Code, and set a public hearing for February 14, 2022.

(00:29:33) Commissioner Dean made a motion to table Regular Item A for considering First Passage of an ordinance eliminating the approval of personnel policies by the City Commission by amending Section 2-1-3 of the Helena City Code. Commissioner Logan seconded the motion. The motion carried 5:0.

Public Hearings

(00:32:03) Assistant City Attorney Coate addressed the Commission and explained why the Annexation was moved to item C for Public Hearings on the agenda, referencing MCA 76-3-6052.

(00:34:07) Commissioner Feaver questioned whether it would compel the Commission to approve annexation if they deliberated on the requested variances before considering the proposal for annexation.

(00:37:17) City Attorney Jodoin advised the Commission that he did not think the consideration of the pre-zoning of the property or the variance lock the City into approving or denying annexation or subdivision. Additionally, Attorney Jodoin reminded the Commission that city code requires subdivision variances to be considered before the subdivision.

(00:37:52) Further discussion was had between the Commission and staff regarding the potential scenarios should the Commission approve or deny some or all of Regular Items A through C.

- A.** Consider 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 R-3 (Residential).

(00:41:44) Community Development Director, Sharon Haugen introduced Planner II, Michael McConnell to present on Public Hearings Item A.

(00:42:54) Planner II, Michael McConnell addressed the Commission and gave a presentation on Public Hearings Item A.

(00:56:30) Commissioner Reed asked staff if the Zoning Commission reviewed the same zoning criteria presented to the City Commission. Staff confirmed they did. Further clarification was offered by Director Haugen regarding how the Zoning Commission discussed the criteria.

(00:59:00) Commissioner Dean asked Planner McConnell to describe the types of structures generally found in an R-3 (Residential) district.

(01:00:26) Commissioner Logan asked staff for clarification between a *minor collector* and a *major collector*. Transportation Systems Director, David Knoepke explained the differences for the Commission.

(01:03:15) Mayor Collins asked staff to explain why they recommended approval of the proposal when the city's Zoning Commission recommended denial. City Manager Harlow-Schalk explained staff is required to assure compliance with the zoning standards and found the application complied with both state and local zoning requirements.

(01:05:22) The applicant, Ron Bartsch representing Sussex Development and his associates addressed the Commission and gave a presentation in support of the proposed development.

(01:17:00) The project engineer, Jeremy Fadness representing WWC Engineering, and who assisted Abelin Traffic Services, Inc in the traffic impact study, addressed the Commission and spoke to the issue of traffic as it pertains to the proposed development.

(01:18:40) Bob Abelin, P.E. PTOE representing Abelin Traffic Services, Inc addressed the Commission and described the findings in the traffic impact study completed for the proposed Westside Subdivision.

(01:29:04) Jacob Kuntz, representing the Helena Habitat for Humanity addressed the Commission and spoke in favor of the proposed pre-zoning.

(01:31:36) David 'Kim' Wilson, representing Save Helena Westside addressed the Commission and spoke in opposition of the proposed pre-zoning.

(01:35:11) Sarah Perry, representing Save Helena Westside gave a presentation to the Commission and spoke in opposition to the proposed pre-zoning.

(01:53:19) Joey Staszczuk, a senior traffic engineer with Sanderson Stewart out of Bozeman and representing Save Helena Westside conducted an independent traffic study for the proposed Westside Subdivision and explained his findings.

(02:00:04) Derrick Hedalen, owner of Green Source Electric addressed the Commission and spoke in favor of proposed subdivision.

(02:02:39) Adam Plate, an emergency physician and local resident located at 2580 Woodward Avenue addressed the Commission and spoke in opposition to the proposed development.

(02:04:44) Mayor Collins called the meeting into recess for a ten minute break.

(02:15:20) Mayor Collins called the meeting back to order.

(02:15:59) Montana State Representative, Marta Bertoglio of House District #75 addressed the Commission and concurred with the comments made by Derrick Hedalen in favor of the proposed subdivision.

(02:18:57) Cory Chenoweth residing at 2630 Knight Street addressed the Commission and spoke in opposition to the proposed subdivision.

(02:23:3) Colleen Nichols residing at 913 Granite Avenue addressed the Commission and spoke in opposition to the proposed subdivision.

(02:26:21) Mandy Needham residing at 2587 Knight Street addressed the Commission and spoke in opposition to the proposed subdivision.

(02:27:53) Tyler Emmert representing Opportunity Bank addressed the Commission and spoke in favor of the proposed pre-zoning.

(02:29:31) Eve Byron residing at 2500 Hauser Blvd addressed the Commission and spoke in opposition to the proposed subdivision.

(02:31:25) Andrea Allen residing at 2524 Flowerree Street addressed the Commission and spoke in opposition to the proposed subdivision.

(02:33:51) Liz Ulrich residing at 2530 Knight Street addressed the Commission and spoke in opposition to the proposed subdivision.

(02:35:10) Patrick Marron representing District 1 of the Helena Citizen's Council and residing at 2590 Knight Street addressed the Commission and spoke in opposition to the proposed subdivision.

(02:36:17) Lonnie Morgan residing at 2680 Hauser Boulevard addressed the Commission and spoke in opposition to the proposed pre-zoning and subdivision.

(02:38:01) Forrest Zimmerman residing at 2615 Knight Street addressed the Commission and spoke in opposition to the proposed pre-zoning.

(02:42:48) Mary Ahmann Hibbard representing Windermere Real Estate addressed the Commission and spoke in favor of the proposed pre-zoning and echoed the comments made by Tyler Emmert.

(02:44:50) Tracy Long residing at 2525 Hauser Boulevard addressed the Commission and spoke in opposition to the proposed subdivision, specifically citing his concerns over the subject area that may be an abandoned dump site and the implications that could arise should it be developed.

Clerk of the Commission, Dannai Clayborn read the following comments from the Zoom chat feature into the record:

(02:46:15) Bridgett Waples wrote, *"Page 6 current lot size and page 7 what was platted years ago have two different lot sizes in comparison to Sussex presentation. The current sizes of the lots are not smaller. Can we clarify this please?"*

(02:46:30) Patrick Marron wrote, *"Mr. McConnell mentioned the petition that Sussex has advertised in the IR and meetings at Ten Mile Brewery to get support from contractors and realtors. No westside residents signed this petition. Why didn't Mr. McConnell mention the petition against the development from westside residents which has 592 signatures?"*

(02:46:48) Clerk of the Commission, Dannai Clayborn addressed the Commission and explained that for the sake of time, she would not read repeat comments into the record and asked the public to please limit their comments to one, succinct comment.

(02:47:09) Edward Santos wrote, *"Zoning is to ensure development is developed according to a specific city plan i.e. not to have a pig farm in residential and secondly to keep our citizens safe. The current R-3 zoning that is proposed needs to be changed to R-2 on the south side Flowerree Street due primarily because this part of the property borders wildlands and is exposed to a high risk of forest fires and is unsafe to have so many families so close on a dead-end road. The R-3 zoning on the northeast side should be R-2 because it is not fair to the long-time residents. Sussex just presented that complete streets are safe, but most of the streets in the subdivision are long, dead-end streets that make it unsafe and should have less density. It should be R-2 but no on the R-3."*

(02:47:56) Hanna Marron wrote, *"Hanna Marron, 2590 Knight Street. The city mentioned signatures in favor of this development, but do any of those people live on the westside or do they all just have financial gain in the development? We also need to mention the 592 signatures in opposition for this current development plan. Also, the land mentioned left for*

open space is unusable and the City Parks denied this land. I am not against development in this area, but I just want to make sure it is done correctly and safely.”

(02:48:26) Megan Buck wrote, *“Please be mindful of the 2-minute allowance.”*

(02:48:29) Derrick Hedalen wrote, *“What happened to limiting comments to 2 minutes?”*

(02:48:33) Heron Creek Design Team wrote, *“What happened to the 2-minute limit?”*

(02:48:37) Jim ‘Paul’ Lund wrote, *“The risk of fire is extremely concerning. On September 2, 2020, I watched from my home in shock and horror as a fire off of Birdseye Road near Fort Harrison consumed 800 acres of land in about an hour. The fire moved with alarming speed. See Birdseye Grass Fire Burns 800 Acres in Helena West Valley in the Helena IR 9/3/2020.”*

(02:49:00) Riki Emerson wrote, *“What is the average home price proposed by the developer for this development?”*

(02:49:14) Melanie Symons wrote, *“The developer was given sixty days to address many of the issues now being discussed. There was very little done by the developer during that time other than to give the Department of Transportation information created by Save Helena Westside and an outdated traffic impact study. No changes have been proposed to address safety concerns, but considerable has been given to solicit online signatures from people whose profession will benefit from the development. Why wasn’t more done by the developer to address these concerns?”*

(02:49:44) Galen McAllister wrote, *“The question at hand is zoning. I will therefore defer most of my comments for the next items to be considered. I have no issues with zoning the property R-2 and R-3, however safety is a zoning consideration. I urge the developer to completely re-draw their proposal to address safety. If they do this, I favor R-2 and R-3 zoning.”*

(02:50:07) There were no further written public comments.

(02:50:16) Commissioner Dean expressed appreciation for all the public comments received and stated she was going to be voting in favor of the proposed pre-zoning of the area. The Commissioner explained they as Commissioners were required to make their evaluation based on the zoning criteria. The Commissioner also noted the subject area was also within the Urban Standards Boundary.

(02:51:01) Commissioner Feaver acknowledged the Zoning Commission’s recommendation to deny the proposed pre-zone. The Commissioner stated that R-2 zoning and parkland classifications seemed appropriate and recognized that density was the primary issue for members of the public.

(02:52:51) Commissioner Feaver made a motion to deny 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 R-3 (Residential). Commissioner Logan seconded the motion.

(02:53:11) City Attorney, Thomas Jodoin made the recommended to the Commission to provide further clarification as to why they were voting the way that they were for a more robust record on this decision.

(02:53:48) Commissioner Logan referred to *Montana Code Annotated (MCA) Section 76-2-304 (1.b), Criteria and guidelines for zoning regulations:*

- (1) *Zoning regulations must be (b) designed to:*
 - (i) *secure safety from fire and other dangers;*
 - (ii) *promote public health, public safety, and the general welfare; and*
 - (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*

Commissioner Logan stated he had compelling concerns relative to fire safety, traffic safety, and the proposed zoning for this development. For these reasons, the Commissioner seconded Commissioner Feaver's motion to deny.

(02:55:15) Mayor Collins explained that since it was staff's findings that the proposed subdivision met the zoning requirements and due to the area falling within the Urban Standards Boundary, he would be voting in favor of the pre-zone.

(02:55:57) Commissioner Reed echoed the Mayor's comments, specifically that staff's recommendation is the proposed pre-zone does meet urban standards and that the proposed zoning is acceptable. For these reasons, Commissioner Reed would be voting in favor of the pre-zone.

(02:56:24) Commissioner Feaver stated he thought it was obvious that the proposed zoning would over-build the existing and undeveloped neighborhood. The Commissioner reiterated that the Zoning Commission voted unanimously to deny the proposed zoning. For those reasons, Commissioner Feaver stands by his motion to deny the proposed zoning.

(02:58:02) The motion failed 2:3 with Mayor Collins, Commissioner Dean and Commissioner Reed voting nay.

(02:58:44) Commissioner Dean made a motion to approve 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 R-3 (Residential). Commissioner Reed seconded the motion. The motion carried 3:2 with Commissioner Feaver and Commissioner Logan voting nay.

- B.** Consider a variance from 12-4-2(C) of the Helena City Code for each of the following blocks in the Westside Major Phased Subdivision, thus allowing each such block to exceed 600 feet in length: Phase 1: Livezey Avenue from Hauser Boulevard to Lee Drive, which block shall be 659.52 long; Phase 3: Lee Drive from Brakeman Avenue to Livezey Avenue, which block shall be 636.61 long; and Phase 3: Brakeman Avenue from Park Drive to Brakeman Court, which block shall be 922.49 long.

(03:00:33) City Manager Harlow-Schalk introduced Public Hearings Item B.

(03:01:15) Planner II, Michael McConnell addressed the Commission and gave a report on Public Hearings Item B.

(03:06:14) City Manager Harlow-Schalk asked Planner McConnell to briefly describe the reasoning for the block length and why it is limited or capped.

(03:07:02) Discussion was had between Commissioner Dean and Transportation Systems Director, David Knoepke regarding existing street grades in the city and how they compared to the street grades for the proposed development.

(03:08:20) Discussion was had between Commissioner Dean and staff regarding whether the motions for Regular Item B should be made separately and not together. City Attorney Jodoin confirmed that was correct.

(03:08:53) Mayor Collins asked Planner McConnell, excluding the proposed variances for the block lengths, would any other aspects of the development deviate from the city's standards. Planner McConnell confirmed all other standards would be met with exception of block lengths should the Commission choose to approve the proposed variances.

(03:10:20) The applicant, Ron Bartsch representing Sussex Development introduced Jeremy Fadness with WWC Engineering who addressed the Commission and gave a presentation in support of Regular Item B.

(03:16:27) Tyler Emmert representing Opportunity Bank addressed the Commission and spoke in favor of the proposed block length variances.

(03:19:19) David 'Kim' Wilson, representing Save Helena Westside addressed the Commission and spoke in opposition of the proposed block length variances.

(03:20:21) Sarah Perry, representing Save Helena Westside echoed David 'Kim' Wilson's comments and spoke in opposition to the proposed block length variances.

(03:21:57) Forrest Zimmerman residing at 2615 Knight Street addressed the Commission and spoke in opposition to the proposed block length variances.

Clerk of the Commission, Dannai Clayborn read the following comments from the Zoom chat feature into the record:

(03:24:25) Patrick Marron wrote, *"From Patrick Marron, 2590 Knight Street. Thank you, Commissioner Feaver for respecting the boards that have been established and have worked hard to recommend safety to the future of Helena residents."*

(03:24:41) Joe (Anonymous) wrote, *"Now the fire hazard and evacuation situation is even more concerning with the long block length. Thank you for considering public safety and health first."*

(03:24:50) There were no further public comments.

(03:25:15) Commissioner Dean made a motion to deny a variance to City Code Section 12-4-2.C for Block Length for proposed road, Livezey Avenue.

(03:25:30) Commissioner Dean stated that variations are a deviation from the city's requirements and due to the area being undeveloped, then the developer could reasonably develop within the area's topography and in alignment with city code.

(03:25:57) Commissioner Reed seconded the motion.

(03:26:37) The Commission as a whole expressed agreement with Commissioner Dean's comments as to why the request for block length variances should be denied.

(03:27:40) The motion carried 5:0.

(03:28:00) Commissioner Dean made a motion to deny a variance to City Code Section 12-4-2.C for Block Length for proposed road, Lee Drive. Commissioner Reed seconded the motion. The motion carried 5:0.

(03:29:10) Commissioner Dean made a motion to deny a variance to City Code Section 12-4-2.C for Block Length for proposed road, Brakeman Avenue. Commissioner Reed seconded the motion. The motion carried 5:0.

- C. Consider 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 adjacent rights-of-way.

(03:32:25) Assistant Attorney, Erik Coate addressed the Commission and explained that due to the Commission's motion to deny all three variance requests under Regular Item B, then the proposal for a Resolution of Intent to Annex into the City of Helena would also fail. The developer's proposal as it currently exists was effectively denied as a whole due to the block length deviations from city code. In conclusion, Assistant Attorney Coate recommended the consideration of annexation be deliberated in conjunction with an updated proposal that would include block lengths that meet city code.

(03:34:06) The applicant, Ron Bartsch representing Sussex Development introduced Jeremy Fadness with WWC Engineering who addressed the Commission. Mr. Fadness expressed the possibility of making adjustments to Livezey Avenue and Lee Drive to meet city code. However, he stated that adjusting the block length of Brakeman Avenue would potentially require a major reconfiguration of the development. In conclusion, Mr. Fadness stated it might be possible to move forward with a minor redesign to put in a connector somewhere that would not dramatically affect the layout of the subdivision.

(03:35:54) Derek Davis representing Sussex Development questioned whether an emergency turnaround area could be incorporated on Brakeman Avenue at the middle of the block to address some of the Commission's concerns.

(03:36:47) Assistant Attorney Coate referred to *Helena City Code, Title 12, Chapter 2, Section 14 (12-2-14) for Material Changes* states the following:

- A. *The following changes may be considered material:*
1. *An amendment that may result in a change in the conditions for approval;*
 2. *An increase in the number of lots or an increase in the square footage of the subdivision;*
 3. *Reconfiguration of a lot or lots that could result in an increase in traffic that was not evaluated in the subdivision traffic impact study;*
 4. *Street layout resulting in a change in legal and physical access;*
 5. *Relocation or an increase or decrease in proposed right-of-way dedication used for access to the subdivision;*
 6. *Change in the size or reconfiguration of park land or open space;*
 7. *A change in water, wastewater, or stormwater proposals; or*

8. *A change in zoning that results in a significant change in uses or density.*

(03:36:53) Assistant Attorney Coate specifically pointed to number 4, *a change in street layout resulting in a change in legal and physical access* is considered a material change. In conclusion, Attorney Coate recommended the Commission vote to deny the subdivision preliminary plat and the annexation to allow for the developer to reapply pursuant to *Helena City Code, Title 12, Chapter 2, Section 14 (12-2-14)*.

(03:38:39) The applicant, Ron Bartsch asked the Commission and Attorney Coate for further clarification citing they would be changing legal or physical access to these lots and insisted those would stay the same. The only difference is there would be another access point that would break up the midblock length.

(03:39:16) Assistant Attorney Coate reiterated his recommendation that it still classified as a material change and the Commission could not approve the subdivision preliminary plat as it currently exists, and subsequently could not pass the annexation.

(03:39:49) Commissioner Dean asked Attorney Coate if it was appropriate for the Commission to deliberate any further on Public Hearing Items C and D. Assistant Attorney Coate stated no, it would not be appropriate at this time.

(03:40:50) Commissioner Logan made a motion to deny 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 adjacent rights-of-way. Commissioner Feaver seconded the motion.

(03:42:01) Tyler Emmert addressed the Commission and expressed concern over Helena's lack of housing stock and spoke in support of implementing fire mitigation strategies on the south end of Helena.

(03:43:46) The applicant, Ron Bartsch thanked the Commission for their consideration and expressed disappointment in their decision. Mr. Bartsch confirmed they would continue to work on this project but explained that topography is a real issue for this area.

(03:44:20) Derek Davis representing Sussex Development echoed Mr. Bartsch's comments. Mr. Davis also addressed the number of public comments, specifically the comments in opposition to the development. Mr. Davis stated that he and Mr. Bartsch met with the Save Helena Westside group numerous times as well as other stakeholders and took all reasonable feedback into consideration for this project.

(03:45:31) David 'Kim' Wilson, representing Save Helena Westside addressed the Commission and expressed his agreement with Assistant Attorney Coate's judgement that this is a material change, specifically pursuant to *Helena City Code, Title 12, Chapter 2, Section 14 (12-2-14), Section A.1 and A.4*. For these reasons, Mr. Wilson spoke in favor of the Commission denying the subdivision and annexation.

(03:46:38) Jacob Kuntz addressed the Commission and echoed the comments made by Tyler Emmert. Mr. Kuntz expressed his concerns over the lack of housing stock in the City of Helena.

(03:47:28) Sarah Perry representing Save Helena Westside addressed the Commission and echoed the comments made by David 'Kim' Wilson. Ms. Perry thanked the Commission for putting safety first when considering block length. Ms. Perry also stated that the developer visited with the Save Helena Westside group twice within the 60-day extension, however he

was unwilling to consider changes to the proposal itself and only offered offsite improvements.

(03:48:37) Patrick Marron representing District 1 of the Helena Citizen's Council addressed the Commission. Mr. Marron stated he did not hear one person speak up in favor of this development who also physically lived in the vicinity of the proposed development, and he encouraged the Commission to take that into consideration moving forward.

(03:49:33) Commissioner Feaver questioned whether the approved pre-zoning outlined under Public Hearing Item A would be affected in anyway now that the block length variances, preliminary plat, and annexation are being denied. City Attorney Jodoin explained that Item A was only the first passage of the Ordinance pre-zoning the property for R-2 and R-3. However, the zoning will not go into effect until it's second passage and until the property is annexed into the City of Helena.

(03:51:31) The motion carried 5:0.

- D. Consider 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 in the Findings of Fact.

(03:52:49) Community Development Director, Sharon Haugen addressed the Commission and suggested they follow the recommendation from Assistant Attorney Coate and allow Planner McConnell to add anything he felt pertinent at this time.

(03:53:20) Planner McConnell stated he had nothing else to add.

(03:54:03) David 'Kim' Wilson, representing Save Helena Westside addressed the Commission and reiterated his earlier position of support to deny the subdivision.

Clerk of the Commission, Dannai Clayborn read the following comments from the Zoom chat feature into the record:

(03:54:42) Ann Williams Morgan wrote, *"Thank you, Commissioner's Feaver and Logan for seeing that the real issue leading to all the concerns of those that live here is density which is directly related to zoning. It is disappointing to note that our concerns are so easily dismissed. Residents such as myself on Hauser Boulevard will not only have seven thirty (30') foot structures to deal with across the street from our large lots single-family homes, but we will end up absorbing the real loss of property value."*

(03:55:11) Galen McAllister wrote, *"I reiterate that I favor Sussex Development developing this property, but I am deeply concerned about obvious safety problems in the current plan. Helena desperately needs this housing, but let's do it right to mitigate the safety issues first and foremost. Sussex must convince the DOT of the urgency of direct access to and from US Highway 12 to the proposed subdivision. I concur that the development should not be accepted as is. I hope that Sussex will redesign their proposal and resubmit."*

(03:55:46) Liz Ulrich wrote, *"As a parent of a student at Kessler, the school is at capacity and is concerned with too many students."*

(03:56:00) Andrea Allen wrote, *"Please continue to keep our community's safety issues at the forefront. Please make certain that the development has solid plans before approving anything at this time. Save Helena Westside group's comments and opinions are not personal yet made in the interest of our public safety."*

(03:56:16) Jessie Herbert wrote, “I urge you to vote to deny this subdivision as planned. Please keep our community safety in mind. I am extremely concerned about the traffic at Kessler School and about the safety in the need of evacuation.”

(03:56:52) Commissioner Feaver made a motion to deny 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 in the Findings of Fact. Commissioner Logan seconded the motion. The motion carried 5:0.

Public Communications

A. Citizens Conservation Board – Letter

(03:58:47) Clerk of the Commission, Dannai Clayborn addressed the Commission and presented on Public Communications Item A.

(04:00:15) Mayor Collins and Commissioner Dean thanked the Citizen Conservation Board for their letter and stated they would take it into consideration. Commissioner Dean recommended this letter be incorporated into the upcoming discussion regarding revisions to the city board’s by-laws.

B. Westside Public Comment Packet

(03:59:28) Clerk of the Commission, Dannai Clayborn addressed the Commission and presented on Public Communications Item B.

(04:01:18) There were no further public comments.

(04:01:28) Commissioner Dean thanked Community Development Director Sharon Haugen for her service one last time.

(04:01:48) Mayor Collins thanked city staff and the Commissioners for their work.

Adjournment

(04:02:06) There being no further business to come before the City Commission, the meeting adjourned at 10:02 p.m.



A handwritten signature in blue ink, appearing to read "Dannai Clayborn", is written over a horizontal line.

CLERK OF THE CITY COMMISSION

A handwritten signature in blue ink, appearing to read "Daniel", is written over a horizontal line.

MAYOR