

CITY OF HELENA
City Commission Meeting
May 9, 2022 - 6:00 PM
Zoom Online Meeting; <https://zoom.us/j/96585682272>
& Commission Chambers, City-County Building, Room 330

Time & Place

A regular City Commission meeting was held on Monday, May 9, 2022 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/96585682272> the City Commission Chambers, Room 330.

Call to Order and Roll Call

(00:00:47) Mayor Collins requested City Clerk Clayborn call roll call: City Attorney Dockter, Interim City Manager Burton, Commissioner Dean, Commissioner Feaver, Commissioner Reed, Commissioner Logan and Mayor Collins all responded present and participated in person, with exception of Commissioner Reed who participated virtually.

Pledge of Allegiance

(00:01:14) Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

Board Appointments

(00:01:45)

A. Board Application Review: Business Improvement District (BID); City-County Consolidated Parks Board, Lewis & Clark Library Board; and Zoning Commission.

Business Improvement District (BID)

Interim Appointment of Alicia Pichette to the Business Improvement District. Interim term will begin upon appointment and expire on October 31, 2023.

City-County Consolidated Parks Board

Appointment of Benjamin Kuiper to the City-County Consolidated Parks Board as a city representative. Term will begin upon appointment and expire on September 30, 2024.

Lewis & Clark County Library Board

Appointment of Marci Lewandowski to the Lewis & Clark County Library Board as a city representative. Term will begin upon appointment and expire on December 31, 2026.

Zoning Commission

Appointment of Elizabeth "Betsy" Story to the Zoning Commission as a full member. Term will begin upon appointment and expire on September 30, 2025.

(00:03:15) Commissioner Logan moved to approve the board appointments for the following boards: Business Improvement District (BID); City-County Consolidated Parks Board, Lewis & Clark Library Board; and Zoning Commission. Commissioner Dean seconded the motion. The motion carried 5:0.

Consent Agenda

- A. A Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds to be Used for Rodney Street Reconstruction Project.

(00:05:19) Commissioner Dean made a motion to accept Consent Agenda Item A. Commissioner Feaver seconded the motion. The motion carried 5:0.

Bid Award

- A. Rodney Street Reconstruction Phase II Bid Award.

(00:05:56) Transportation Systems Director, David Knoepke presented the Bid Award to the Commission.

(00:06:34) Discussion was had between the Commission and Director Knoepke regarding the lack of bids that came in for this project, potential reasons why the single bid received was higher than the initial estimate, and whether that contractor was overseeing other projects in the city.

(00:11:35) There were no public comments.

(00:11:47) Commissioner Dean made a motion to award the Rodney Street Phase II Reconstruction Project, City Project #20-26, to Helena Sand & Gravel in the amount of Four million three hundred forty-five thousand six-hundred ninety-three dollars and fifty cents (\$4,345,693.50). Commissioner Feaver seconded the motion. The motion carried 5:0.

Communications/Proposals from the Commissioners

(00:12:45) Commissioner Logan acknowledged and thanked the public that were in attendance at the meeting.

(00:13:12) Commissioner Dean thanked the Helena Police Department for their work directing traffic during the vigilante parade.

(00:13:39) Mayor Collins welcomed the new City Attorney, Rebecca Dockter.

(00:14:02) There were no further comments or proposals from the Commissioners.

Report of the City Attorney

(00:14:05) City Attorney Dockter had nothing to report.

Report of the City Manager

(00:14:12) Interim City Manager Burton had nothing to report but took the opportunity to welcome City Attorney Dockter to the City.

Communications from the Helena Citizens Council

(00:14:34) An HCC representative was not present to give a report to the Commission.

Regular Items

A. Consider a Sidewalk Variance Request at 109 Willow Avenue.

(00:15:26) Transportation Systems Director, David Knoepke addressed the Commission and gave a report on Regular Item A.

(00:16:30) Discussion was had between Commissioner Reed and Director Knoepke regarding what the process would be should a sidewalk be installed prior to the street being paved.

(00:17:35) Commissioner Feaver spoke in support of Director Knoepke's recommendation stating a singular sidewalk in this location wouldn't make sense at this time.

(00:18:04) There were no public comments.

(00:18:15) Commissioner Dean asked Director Knoepke for further clarification regarding the variance process.

(00:20:30) Commissioner Feaver made a motion to approve the deferment of sidewalk installation at 109 Willow Avenue with the condition that the property owner wave the right to protest any Special Improvement Districts (SIDs). Commissioner Logan seconded the motion.

(00:20:41) Commissioner Dean spoke in opposition to the variance and explained the Commission needed to be careful of when they do grant variances such as in unique cases where there is unusual hardship to the property owner. The Commissioner stated she did not think the reasoning provided in the application shows that there is a hardship and sidewalk connectivity was a priority.

(00:22:22) The motion carried 3:2 with Commissioners Dean and Reed opposed.

B. Consider a Sidewalk Variance Request at 1903 Knight Street.

(00:24:00) Transportation Systems Director, David Knoepke addressed the Commission and gave a report on Regular Item B.

(00:27:25) The property owner, Doug Magee addressed the Commission and spoke in favor of the proposed variance.

(00:29:19) On behalf of the property owner, the contractor Rob Martin addressed the Commission and explained with a printed hand out why the variance was necessary.

(00:32:20) Discussion was had between Director Knoepke, the property owner, his contractor, and the Commission regarding potential issues should the variance not be approved.

(00:41:55) Mayor Collins asked staff if the variance could be brought back before the Commission after Public Works could be consulted on the issues. Staff confirmed the earliest the variance could be brought back was the next regular City Commission Meeting on Monday, May 23, 2022. Mayor Collins spoke in favor of tabling the item for a later meeting to allow for further review by city staff.

(00:42:25) Commissioner Feaver spoke in opposition to the current process of piecemealing sidewalks in undeveloped neighborhoods. In conclusion, the Commissioner stated that unless some significant information was provided at the next meeting, he would be in support of approving the proposed variance.

(00:44:39) Commissioner Dean made a motion to table the deferment of sidewalks at 1903 Knight Street along Knight Street and Linden Street until the next regular City Commission meeting on Monday, May 23, 2022. Commissioner Reed seconded the motion.

(00:45:00) Clerk of the Commission, Dannai Clayborn read public comment into the record from Mark Runkle who made his comment online. Mr. Runkle wrote, "I thought the Commission could require sidewalks at any time per City Code. Am I wrong?"

(00:45:26) The motion carried 5:0.

(00:45:42) Commissioner Feaver proposed the governing body consider a more productive approach to bringing streets and sidewalks to underdeveloped neighborhoods in the city.

- C. Consider a Resolution Amending Resolution No. 19818 by Altering the Boundaries of Special Improvement Lighting District No. 222 and Adding Twenty-two Streetlights to Special Improvement Lighting District No. 222.

(00:46:46) Finance Director, Sheila Danielson addressed the Commission and gave a report on Regular Item C.

(00:47:57) There were no comments or questions by the Commission.

(00:48:04) There were no public comments.

(00:48:20) Commissioner Logan made a motion to approve a Resolution Amending Resolution No. 19818 by altering the Boundaries of Special Improvement Lighting District No. 222 and adding twenty-two streetlights to Special Improvement Lighting District No. 222. Commissioner Dean seconded the motion. The motion carried 5:0.

- D. Consider a Resolution of Intention to Approve the Work Plan and Budget for the Business Improvement District and to Levy an Assessment on all Property within the District for Fiscal Year 2023.

(00:49:21) Finance Director, Sheila Danielson addressed the Commission and gave a report on Regular Item D.

(00:55:03) Executive Director of the BID, Micky Zurcher addressed the Commission and spoke in support of the resolution.

(00:56:03) Discussion was had between Commissioner Dean and Executive Director Zurcher regarding whether there was a recycling option that could be incorporated into the current streetscape program within the BID.

(00:58:03) There were no public comments.

(00:58:28) Commissioner Dean made a motion to approve a Resolution of Intention to approve the workplan and budget for the Business Improvement District, and to levy an assessment upon all property within the district for the Fiscal Year 2023 as that resolution appears in our agenda with the following changes:

1. **Section 1-A-1 be changed to read \$425.00;**
2. **Section 1-A-2 be changed to read \$0.03 per square foot of land of assessed property;**
3. **Section 1-A-3 be changed to read 3% of the taxable value of assessed property; and**
4. **Section 1-B-1 be changed to read \$425.00 per public property consistent with the resolution read by Attorney Coate.**

(00:59:28) Logan seconded the motion. The motion carried 5:0.

- E. Consider a Resolution Amending resolution No. 20726, by modifying the conditions of annexation placed on a 36.55-acre parcel described as Tract B1 on the certificate of survey filed under document No 3203658, Lewis and Clark County, Montana.

(01:02:00) Planner II, Michael McConnell addressed the Commission and gave a report on Regular Item E.

(01:08:06) There were no comments or questions from the Commission.

(01:08:24) The project engineer, Jeff Larson addressed the Commission and spoke in favor of the proposed resolution.

(01:17:25) Discussion was had between Commissioner Feaver and Mr. Larson regarding the sidewalks and frontage of the proposed project.

(01:19:47) Discussion was had between Commissioner Dean and Mr. Larson regarding the financial hardship described by the applicant should the resolution be denied.

(01:21:19) The project manager, Mark Parriman addressed the Commission and spoke in favor of the proposed resolution.

(01:24:45) Commissioner Logan stated he was concerned about the lack of pedestrian connectivity between the north collector road and the extension of Queen Anns Street.

(01:26:14) There were no further public comments.

(01:26:45) Commissioner Dean made a motion to deny a resolution amending resolution No. 20726, by modifying the conditions of annexation placed on a 36.55-acre parcel described as "Tract B1" on the certificate of survey filed under document No 3203658, Lewis and Clark County, Montana. Commissioner Reed seconded the motion.

(01:27:26) Commissioner Dean stated she sympathized with the financial hardship from the cost of the sidewalk, however the cost is standard for a development of this size. The Commissioner agreed that the city needed housing, but that housing should include sidewalk connectivity for the public.

(01:28:47) Commissioner Logan spoke in opposition to the motion and stated he believed there was an opportunity for a compromise with the proposed sidewalk along the frontage road in the northwest end of the development.

(01:30:03) Commissioner Reed spoke in favor of the motion but concurred with Commissioner Logan's point that there could be a different proposal that could accommodate the need for pedestrian connectivity. However, the Commissioner did not believe the current proposal sufficiently addresses the need for pedestrian access.

(01:30:36) The motion carried 3:2 with Commissioner Logan and Mayor Collins opposed.

- F. Consider the Proposed Medical Insurance Policy and Premiums Structure effective July 1, 2022.

(01:31:23) Human Resources Director, Renee McMahon addressed the Commission and gave a report on Regular Item F.

(01:33:09) Commissioner Feaver spoke in support of the proposal.

(01:33:50) Commissioner Logan thanked Director McMahon and her staff for their work on the proposal and spoke in support of it.

(01:34:30) There were no more public comments.

(01:34:39) Commissioner Feaver made a motion to approve Section 2-1: Medical Insurance Coverage, of the City of Helena's Personnel Policies Handbook to reflect the aforementioned provisions of the medical insurance and premium structure as outlined. Commissioner Dean seconded the motion.

(01:34:57) Commissioner Dean thanked Director McMahon for her work.

(01:35:16) The motion carried 5:0.

Public Hearings

- A.** Consider a resolution granting a Conditional Use Permit to allow a casino use in the DT (Downtown) Zoning District for property legally described as Parcel 22 of the First Subdivision of the Last Chance Revision of a portion of the Original Townsite of Helena Montana, Lewis and Clark County, Montana and Lot 23A as shown on Amended Plat of Lot 23 of the First Subdivision of the Last Chance Revision of a portion of the Original Townsite of Helena Montana, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana. The property is located at 19 S Last Chance Gulch and more generally on the east side of S Last Chance Gulch, south of W Broadway St., in between the Montana State office building and Lasso the Moon Toy Store.

(01:37:33) Planner II, Michael Alvarez addressed the Commission and gave a report on Public Hearings Item A.

(01:46:21) Commissioner Logan asked Planner Alvarez if the applicant planned to have gambling types beyond video gaming machines and staff confirmed the applicant did not.

(01:48:32) Discussion was had between Commissioner Feaver and Planner Alvarez regarding the number of machines being proposed and whether the Commission should impose a condition that would prevent other forms of gambling beyond video gaming machines.

(01:50:10) Commissioner Dean questioned whether the Brewhouse had a CUP for their gaming machines. Staff stated they could not find one when they searched for one. Commissioner Dean clarified that a business owner would not be required to have Commission approval if they only intended to have five (5) or fewer machines.

(01:51:24) The project architect, Ben Tintinger of Mosaic Architecture presented to the Commission and spoke in support of the CUP.

(02:00:37) The property owner, Matt Schmechel addressed the Commission and spoke in support of the CUP.

(02:02:00) Discussion was had between Mayor Collins and Mr. Schmechel regarding the potential hours of operation should the CUP be approved.

(02:03:12) John Andrew, representing District 1 of the Helena Citizens Council (HCC) addressed the Commission and spoke in opposition to the proposed CUP.

(02:06:59) Rebecca Harbage, Chair of the Helena Zoning Commission addressed the Commission and offered to be available should the Commission have any questions.

(02:07:37) Sara Hamblock, owner of the Western Bar and the Gold Bar located on Last Chance Gulch addressed the Commission and spoke in support of the proposed CUP.

(02:10:27) John Andrew, representing District 1 of the Helena Citizens Council (HCC) addressed the Commission and spoke in opposition to the proposed CUP.

(02:10:30) City resident, Savannah Barrett addressed the Commission and spoke in opposition to the proposed CUP.

(02:13:30) City resident, Paul Puccini Savannah Barrett addressed the Commission and spoke in opposition to the proposed CUP.

(02:19:45) Amy Barrett, owner of Lasso the Moon Toys addressed the Commission and spoke in opposition to the proposed CUP.

(02:22:45) City resident, Kevin Ward addressed the Commission and spoke in support of the proposed CUP.

(02:25:16) Clerk of the Commission, Dannai Clayborn read a comment into the record on behalf of the Executive Director of the Helena Business Improvement District (BID), Micky Zurcher who spoke in support of new development in the downtown and the BID's goal is to fill all vacant lots. However, the BID does not support or deny business operations.

(02:26:00) There were no further public comments.

(02:26:20) Discussion was had between Commissioner Dean and the applicant regarding whether he also owned the Meagher Bar in Missoula, Montana. The applicant explained his parents and other unrelated partners owned the Meagher Bar where they do not have a gaming license nor gaming machines. Commissioner Dean asked the applicant if they considered limiting their plans to just five (5) gaming machines which would not require a CUP. The applicant explained their decision to have more than five (5) gaming machines was in response to the cost of the special liquor and gaming license.

(02:30:35) Commissioner Feaver made a motion to deny a resolution granting a Conditional Use Permit to allow a casino use in the Downtown (DT) Zoning District for property legally described as Parcel 22 of the First Subdivision of the Last Chance Revision of a portion of the Original Townsite of Helena Montana, Lewis and Clark County, Montana and Lot 23A as shown on Amended Plat of Lot 23 of the First Subdivision of the Last Chance Revision of a portion of the Original Townsite of Helena Montana, as shown on the amended plat filed under Document Number 443830-B, records of Lewis and Clark County, Montana. The property is located at 19 S Last Chance Gulch and more generally on the east side of S Last Chance Gulch, south of W Broadway St., in between the Montana State office building and Lasso the Moon Toy Store.

(02:31:43) Commissioner Feaver explained his opposition to the CUP was in response to the public's opposition and to preserve the character of the walking mall.

(02:32:21) Commissioner Logan seconded the motion.

(02:32:35) Commissioner Logan stated he appreciated the applicant's effort to mitigate the casino, however the level of feedback from the public was significant and the Commissioners were ultimately representatives of the citizens of Helena. Therefore, the Commissioner would vote in opposition to the CUP.

(02:34:27) The motion carried 4:1 with Mayor Collins opposed.

- B.** Consider a Resolution granting a Conditional Use Permit to allow a worship facility use in the R-3 (Residential) Zoning District for a property with a legal description of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana. The property is located at 2210 Dodge Ave and generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side.

(02:36:00) Planner II, Michael Alvarez addressed the Commission and gave a report on Public Hearings Item B.

(02:44:04) Discussion was had between Mayor Collins, Commissioner Dean and Planner Alvarez regarding the public outreach conducted by staff and potential concerns such as parking.

(02:47:54) The project architect, Ben Tintinger of Mosaic Architecture presented to the Commission and spoke in support of the CUP.

(02:54:40) Discussion was had between Commissioner Feaver and Mr. Tintinger regarding the result should the CUP not be approved and what alternative plans were considered by the property owners and architects.

(02:58:17) City resident, Brian Coplin addressed the Commission and spoke in favor of the Church participating in the Family Promise Program as part of their expansion process to address homelessness in the city.

(03:00:30) Doug Greenman, Executive Pastor for Helena First Assembly Church addressed the Commission and spoke in support of the proposed CUP.

(03:05:22) There were no further public comments.

(03:06:42) Commissioner Feaver spoke favorably of the project.

(03:08:50) Commissioner Feaver made a motion to approve a resolution granting a Conditional Use Permit to allow a worship facility use in the R-3 (Residential) Zoning District for property legally described as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, together with the alley vacated per ordinance no. 2080 adjacent to those lots, all in Block 33 of the Grand Avenue Addition to the City of Helena, Lewis and Clark County, Montana. The property is located at 2210 Dodge Ave and generally occupies the entirety of the block bordered by Elm St on the north side, Dodge Ave on the east side, Cedar St on the south side, and National Ave on the west side. Commissioner Dean seconded the motion. The motion carried 5:0.

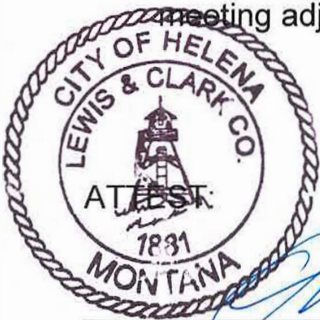
Public Communications

(03:09:59) Mayor Collins invited members of the HCC to take the opportunity to give the Commission a report, however there were no members present.

(03:10:17) There were no further public comments.

Adjournment

(03:10:36) There being no further business to come before the City Commission, the meeting adjourned at 9:11 p.m.



CLERK OF THE CITY COMMISSION

MAYOR