



**City of Helena
City Commission Meeting
May 22, 2023 – 6:00 PM
Zoom Online Meeting; <https://us06web.zoom.us/j/89195341496>
City County Building Commission Chambers, Room 330**

Time & Place

A regular City Commission meeting was held on Monday, May 22, 2023 at 6:00 p.m. via Zoom Online Meeting ID: <https://us06web.zoom.us/j/89195341496> and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:00:40) The following responded present, either via zoom or in person:

City Attorney Dockter
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

Pledge of Allegiance

(00:01:20) Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

Minutes

- A. 5-3-23 Special Commission Meeting
- B. 5-3-23 Admin Meeting
- C. 5-8-23 Commission Meeting
- D. 5-10-23 Special Budget Work Session

(00:01:48) There being no comments or questions from the Commission, Mayor Collins accepted Minutes A, B, C, and D.

Presentations

- A. **Previously Tabled Item: Approve Confirmation of Officers Liebel and Leshinski**



B. Approve Confirmation of Officers Bryce Liebel and Nick Leshinski

C. Approve Confirmation of Officer Nathan Weems

(00:02:42) Police Chief Petty asked Attorney Dockter if a Commission vote is required for this item.

(00:03:00) **Commissioner Dean made a motion to remove Item A from the table. Commissioner Logan seconded the motion.**

(00:03:15) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

(00:03:52) Chief Petty presented Items A, B, and C.

(00:07:20) Officer Liebel addressed the Commission.

(00:07:46) Officer Leshinski addressed the Commission.

(00:08:02) Officer Weems addressed the Commission.

(00:08:28) Mayor Collins asked the Officers to introduce their families.

(00:09:40) Commissioner Dean, Commissioner Logan, Commissioner Reed, and Commissioner Shirliff welcomed and thanked the Officers for their service.

(00:11:38) Mayor Collins asked Chief Petty about the level of staffing for Helena Police Department.

(00:12:30) **Commissioner Dean made a motion to approve confirmations of Officers Liebel, Leshinski, and Weems. Commissioner Logan seconded the motion.**

(00:12:45) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.



Proclamations

A. Don't Fry Day Proclamation

(00:13:26) Mayor Collins presented Item A.

(00:15:30) Leigha Shilhanek received the proclamation and discussed the importance of Don't Fry Day.

B. National Gun Violence Awareness Day Proclamation

(00:17:02) Mayor Collins presented Item B.

(00:21:18) Cara Uribe received the proclamation and discussed the importance of National Gun Violence Awareness Day.

Board Appointments

A. Board Appointments: Helena Housing Authority

(00:22:10) Mayor Collins presented Item A.

(00:22:33) **Commissioner Dean made a motion to approve Board Appointment A. Commissioner Shirliff seconded the motion.**

(00:22:55) Commissioner Dean expressed support for the Board Appointment.

(00:23:17) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Consent Agenda

A. Adoption of the Official Zoning Map for the City of Helena



B. Consider final passage of an ordinance pre-zoning to R-U (Residential-Urban), prior to annexing into the City of Helena, property legally described as a portion of Tract A-1-A-1-A-1-A-1-A-1-A-1-A of the amended Plat Number 3386391, located within the South of Section 26 and the North and Southeast of Section 35, Township 10 North, Range 3 West, P.M.M, Lewis and Clark County and being known as Craftsman Village Phases 8, 9, and 10 of the Crossroads at Mountain View Meadows Subdivision.

(00:25:10) Commissioner Logan made a motion to approve Consent Agenda Items A and B. Commissioner Dean seconded the motion.

(00:25:24) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Bid Award

A. Bid Award for Eureka Well and Pump Station Rehabilitation Project #20-10

(00:26:08) City Engineer Clark presented Item A.

(00:27:15) Commissioner Logan made a motion to approve Eureka Well and Pump Station Rehabilitation Project #20-10 to the lowest responsive bidder, MJD Contracting, LLC. In the amount of \$74,000. Commissioner Dean seconded the motion.

(00:27:40) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Absent**

Mayor Collins voted: **Aye**

The motion carried 4:0.

Report of the City Attorney – interjected by mistake



(00:28:40) City Attorney Dockter had nothing to report.

B. Bid Award for Ten Mile Water Treatment Plan Filter Rehabilitation Project #20-09

(00:29:18) City Engineer Clark presented Item B.

(00:30:13) **Commissioner Dean made a motion to award the base bid and additive alternate one of the Ten Mile Water Treatment Plan Filter Rehabilitation Project #20-09 to the lowest responsive bidder, Helena Sand and Gravel, in the amount of \$1.89 million. Commissioner Logan seconded the motion.**

(00:30:38) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Communications/Proposals from Commissioners

(00:31:03) Commissioner Logan proposed addressing citizen concerns regarding emerging technology such as drones.

Report of the City Manager

(00:33:00) City Manager Burton had nothing to report.

Communications from the Helena Citizens Council

(00:33:16) HCC Representative Ryan Schwochert discussed recent and upcoming meeting agenda items.

Regular Items

A. Consider the Removal of Residential District “B” 1100 Billings Avenue

(00:35:38) Transportation Systems Director Knoepke presented Item A.

(00:36:50) Commissioner Reed asked Director Knoepke what a residential parking district means.



- (00:37:22) Commissioner Dean asked Director Knoepke about the process to implement a residential parking district, citing written public comment.
- (00:38:09) Commissioner Reed asked Director Knoepke who pays the fees and what the fees pay for.
- (00:38:44) Dave Gallic provided public comment, opposing the removal of the residential parking district.
- (00:43:17) Jim Pardis provided public comment, opposing the removal of the residential parking district.
- (00:45:50) Matt Pettit provided public comment, advocating for the removal of the residential parking district.
- (00:47:00) Alan Archan provided public comment, advocating for the removal of the residential parking district.
- (00:48:40) Commissioner Dean asked Director Knoepke for copies of the letter of opposition.
- (00:49:15) Commissioner Dean asked Director Knoepke about the threshold for removal.
- (00:50:00) Commissioner Dean asked Director Knoepke about the possibility of creating a smaller district.
- (00:51:22) Commissioner Reed asked Director Knoepke for clarification on the number of properties in the area versus signatures.
- (00:52:50) Commissioner Reed asked Director Knoepke for clarification about the signatures removed from the letter of support.
- (00:53:52) Dave Gallic addressed Commissioner Reed's question.
- (00:54:33) Commissioner Logan asked Director Knoepke for clarification about the process following the new information.
- (00:55:00) Commissioner Dean asked Attorney Dockter for a recommendation about next steps for this item.
- (00:55:20) **Commissioner Reed made a motion to table the Removal of Residential District "B" 1100 Billings Avenue. Commissioner Dean seconded the motion.**
- (00:55:39) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**



Mayor Collins voted: **Aye**

The motion carried 5:0.

B. Consider a Sidewalk Variance Request to allow "curbside" sidewalk at 1621 University Street.

- (00:56:30) Director Knoepke presented Item B.
- (00:59:24) Commissioner Dean asked Director Knoepke if the street in question is considered a Complete Street and if it will be completed in the future.
- (01:01:30) Commissioner Dean asked Director Knoepke if the variance would affect snow storage.
- (01:02:13) Commissioner Reed asked Director Knoepke how the variance would affect future development of Complete Streets.
- (01:04:06) Commissioner Reed asked Director Knoepke for a motion recommendation.
- (01:05:13) Commissioner Logan asked Director Knoepke where the curbside sidewalk would be given the current variance language.
- (01:07:32) Eric Nyman provided public comment, advocating for approval.
- (01:10:42) Commissioner Logan and Mr. Nyman discussed characteristics of the driveway in question.
- (01:12:15) Director Knoepke discussed recommended process.
- (01:13:26) Commissioner Logan asked Mr. Nyman about the recommended process.
- (01:13:50) **Commissioner Reed made a motion to deny a Sidewalk Variance Request to allow "curbside" sidewalk at 1621 University Street with a requirement that the owner cannot refuse an SID District in the future. Commissioner Dean seconded the motion.**
- (01:14:25) Mayor Collins called for a vote.
- Commissioner Dean voted: **Aye**
- Commissioner Logan voted: **Aye**
- Commissioner Reed voted: **Aye**
- Commissioner Shirliff voted: **Aye**
- Mayor Collins voted: **Aye**
- The motion carried 5:0.**



C. Consider a Sidewalk and Curb & Gutter Variance Request for 870 Elizabeth Street

- (01:15:30) Director Knoepke presented Item C.
- (01:19:13) Matt Kuntz provided public comment, advocating for approval.
- (01:19:50) Sarah Perry provided public comment, requesting that the Commission take pedestrian safety and traffic into account.
- (01:21:13) Forrest Zimmerman provided public comment, explaining concerns.
- (01:22:04) Paul Simonich provided public comment, explaining the stormwater implications to the proposed curb and gutter.
- (01:24:00) Commissioner Reed asked Director Knoepke if the variance would prohibit the development of Complete Streets in the future.
- (01:24:36) Harnek Singh provided public comment via Zoom, advocating for pedestrian safety.
- (01:26:38) Commissioner Dean asked Director Knoepke about the steps for initiating a Special Improvement District for similar areas.
- (01:28:10) **Commissioner Dean made a motion to approve a Sidewalk and Curb & Gutter Variance Request for 870 Elizabeth Street along Hauser Boulevard installed six feet from the property line, nulling a waiver of protest for any future SID to be signed in lieu of installation of curb and gutter along Elizabeth Street. Commissioner Logan seconded the motion.**
- (01:28:36) Mayor Collins called for a vote.
- Commissioner Dean voted: **Aye**
- Commissioner Logan voted: **Aye**
- Commissioner Reed voted: **Aye**
- Commissioner Shirliff voted: **Aye**
- Mayor Collins voted: **Aye**
- The motion carried 5:0.**



D. Previously Tabled Item: Consider final passage of an ordinance pre-zoning property described as the SW of the SW of section 23, township 10 north, range 4 west, P.M.M., Lewis and Clark County, Montana. together with a tract of land being portion a, located in block 307 of the Bellview addition as shown on the amended plat filed under document # 3310725 and Blocks 4, 5, 6, and 9 of Highland Park in Section 26, Township 10 North, Range 4 West, P.M.M., in Lewis and Clark County, Montana as shown on the retracement filed under document # 3339312, as R-2 (Residential) and R-3 (Residential)

(01:30:40) Commissioner Dean made a motion to remove Item D from the table. Commissioner Logan seconded the motion.

(01:31:50) Clerk Clayborn read written public comment into the record.

(01:33:40) Clerk Clayborn read written public comment into the record.

(01:32:15) Harlan Singh provided public comment via Zoom, explaining opposition.

(01:35:37) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

(01:36:06) Community Development Director Brink presented Item D.

(01:43:55) Commissioner Dean asked Director Brink and Attorney Dockter about the protest statute requirements.

(01:46:38) Commissioner Reed asked Director Brink how many households equate to 25% and if pre-zoning has changed that number.

(01:47:57) Commissioner Reed asked Director Brink about up-zoning and zoning changes, citing citizen concerns.

(01:48:40) Commissioner Logan asked Director Brink about a past Zoning Commission recommendation for denial and if the Zoning Commission has updated their recommendation.

(01:50:47) Commissioner Dean asked Director Brink about safety concerns related to past conditions placed by the Commission.

(01:53:16) Sarah Perry provided public comment, addressing Commissioner Dean's question.



- (01:56:15)** Ed Santos provided public comment, explaining safety concerns.
- (01:57:58)** Forrest Zimmerman provided public comment, explaining opposition.
- (02:02:02)** Rob Ferris Olson provided public comment, explaining opposition.
- (02:03:38)** Jeremy Fadness provided public comment, advocating for finalization.
- (02:04:36)** Cher Perez provided public comment, discussing a letter of protest.
- (02:07:02)** Derek Davis provided public comment, advocating for finalization.
- (02:09:00)** Clerk Clayborn read written public comment by Theresa Melesky into the record.
- (02:09:30)** Chelsea Culpon provided public comment via Zoom, advocating for further review.
- (02:11:14)** Lu Driesen provided public comment via Zoom, explaining opposition.
- (02:13:14)** Ron Bartsch provided public comment, advocating for finalization.
- (02:15:16)** Clerk Clayborn read written public comment by Eve Byron into the record.
- (02:15:49)** Clerk Clayborn read written public comment by Hannah Maron into the record.
- (02:16:14)** Mayor Collins asked Attorney Dockter for recommended procedure regarding protests.
- (02:17:52)** Commissioner Logan asked Attorney Dockter and Clerk Clayborn about public notice and Zoning Commission process.
- (02:21:10)** Commissioner Dean asked applicant Ron Bartsch about the decision to zone R-2 instead of R-3 and about the number of higher density dwellings planned, citing citizen concern.
- (02:26:14)** Commissioner Dean asked Director Brink about the possibility of this Item returning to the Zoning Commission for review.
- (02:27:47)** City Attorney Dockter clarified the meeting posting date, addressing public notice concerns.
- (02:28:41)** Commissioner Shirliff asked Director Brink about accountability for conditions previously placed.



(02:30:47) Commissioner Reed made a motion to approve final passage of an ordinance pre-zoning property described as the SW of the SW of section 23, township 10 north, range 4 west, P.M.M., Lewis and Clark County, Montana. together with a tract of land being portion a, located in block 307 of the Bellview addition as shown on the amended plat filed under document # 3310725 and Blocks 4, 5, 6, and 9 of Highland Park in Section 26, Township 10 North, Range 4 West, P.M.M., in Lewis and Clark County, Montana as shown on the retracement filed under document # 3339312, as R-2 (Residential) and R-3 (Residential). Commissioner Logan seconded the motion.

(02:32:22) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

(02:32:40) Mayor Collins called for a recess.

(02:40:00) Mayor Collins resumed the meeting.

Public Hearings

A. Consider Final Passage of an ordinance amending Helena City Code Title 11, Chapter 2, Sections 11-2-3 (Table 1), 11-2-4 (Land Use Definitions for Zoning Districts), and 11-2-5 (Supplemental Requirements) of the City of Helena Zoning Regulations as they relate to marijuana sales and operations.

(02:40:40) Director Brink presented Item A.

(02:47:50) Commissioner Logan asked Director Brink about impacts to existing operations.

(02:48:42) Commissioner Dean asked Director Brink about the grandfather policy and license process.



(02:49:35) Commissioner Dean made a motion to approve Final Passage of an ordinance amending Helena City Code Title 11, Chapter 2, Sections 11-2-3 (Table 1), 11-2-4 (Land Use Definitions for Zoning Districts), and 11-2-5 (Supplemental Requirements) of the City of Helena Zoning Regulations as they relate to marijuana sales and operations. Commissioner Logan seconded the motion.

(02:50:04) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

B. Consider a preliminary plat extension until May 7, 2026 for the Crossroads Amendment at Mountain View Meadows Subdivision including the Commercial Phase II Amendment for property generally located south of Highway 12, east of Crossroads Parkway, and west of Highway 282, in Helena and Lewis and Clark County, Montana

(02:50:50) Director Brink presented Item B.

(02:55:50) Applicant Mark Runkle provided public comment, advocating for approval.

(02:58:30) Commissioner Logan made a motion to approve a preliminary plat extension until May 7, 2026 for the Crossroads Amendment at Mountain View Meadows Subdivision including the Commercial Phase II Amendment for property generally located south of Highway 12, east of Crossroads Parkway, and west of Highway 282, in Helena and Lewis and Clark County, Montana. Commissioner Dean seconded the motion.

(02:59:10) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.



C. Consider Phase 1 Commencement for the Westside Woods Major Phased Subdivision.

- (02:59:50) Director Brink presented Item C.
- (03:03:00) Commissioner Dean asked Director Brink about the review process for new information that may impact zoning considerations.
- (03:04:53) Jeremy Fadness provided public comment, recommending approval, and addressing previous public comments.
- (03:07:36) Forrest Zimmerman provided public comment, explaining opposition.
- (03:10:36) Sarah Perry provided public comment, explaining safety concerns.
- (03:14:08) Ed Santos provided public comment, explaining opposition.
- (03:15:07) Rob Ferris Olson provided public comment, requesting findings of fact documents.
- (03:17:53) Clerk Clayborn read written public comment by Anna Jane Pentecost into the record.
- (03:18:30) Cory Chenoweth provided public comment via Zoom, explaining safety concerns.
- (03:20:06) Commissioner Logan asked Attorney Dockter about concerns expressed via public comment.
- (03:25:53) Commissioner Dean asked Director Brink about the next steps of development regarding stormwater and what is allowed for preliminary work.
- (03:29:20) **Commissioner Logan made a motion determining that there are no changed primary criteria impacts and there is no new information that exists creating new potentially significant adverse impacts for Phase 1 of the Westside Woods Major Phased Subdivision. Commissioner Dean seconded the motion.**
- (03:29:47) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**



The motion carried 5:0.

Public Communications

- (03:30:27)** Sarah Perry addressed the Commission.
- (03:32:38)** Forrest Zimmerman addressed the Commission.
- (03:34:00)** Commissioner Dean thanked Clerk Clayborn and Montana Pro Audio for the audio/visual upgrades in Commission Chambers and Conference Room 326.
- (03:34:48)** Clerk Clayborn recognized the efforts of Community Facilities Superintendent Sampson and Facilities Admin Johnston.

Adjournment

- (03:35:09)** There being no further business before the Commission, the meeting adjourned at 9:36pm.



CLERK OF THE CITY COMMISSION

MAYOR