

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**October 21, 2019 - 6:00 P.M.**  
**City Commission Chambers, Room 330**

- Time & Place** A regular City Commission meeting was held on Monday, October 21, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Pro Tem Haladay requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, Acting City Manager Knoepke, Commissioner Noonan, and Commissioner Wicks, all responded present. Mayor Collins, Commissioner O’Loughlin and City Manager Cortez were excused.
- Pledge of Allegiance** Mayor Pro Tem Haladay asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** The minutes of the October 7, 2019 Regular City Commission meeting were approved as submitted.
- Presentations** PRESENTATIONS  
A. Confirmation of Officer Russ Broadhurst  
  
Interim Police Chief Hagen introduced Officer Russ Broadhurst and gave brief remarks about his history on the Helena Police Department.
- Discussion Commissioner Noonan thanked Officer Broadhurst for his service to the community. Commissioner Wicks also thanked Officer Broadhurst for his service.  
Officer Broadhurst thanked the Commission and gave brief remarks.  
Chief Hagen presented Officer Broadhurst with the Challenge Coin and two books as gifts for his service.
- Motion** **Commissioner Noonan moved to approve the Confirmation of Officer Broadhurst.** Commissioner Wicks seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 3-0.**
- Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Approval of Hazmat team sustainment grant award  
C. Resolution granting Railroad Urban Renewal District Tax Increment Financing funds for a sidewalk and stormwater infrastructure improvement project as 1322 Helena Avenue.
- Discussion Acting City Manager stated he had recommended Tabling Item C. due to the possibility for alternative funding.  
  
Acting City Manager Knoepke recommended tabling item C and approval of the consent agenda, items A – B.
- Public Comment Mayor Pro Tem Haladay asked for public comment, on items A - C. None was received.
- Motion** **Commissioner Wicks moved to table item C. of the Consent**

**Agenda.** Commissioner Noonan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye and Mayor Pro Tem Haladay voted aye. **The motion carried, 3-0.**

**Commissioner Noonan moved to approve the claims and consent agenda items, B – C.** Commissioner Wicks seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye and Mayor Pro Tem Haladay voted aye. **The motion carried, 3-0.**

**Communications from City Commissioners** COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS  
Commissioner Wicks wished Mayor Pro Tem Haladay a belated Happy Birthday. Commissioner Noonan seconded that.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
City Attorney Jodoin stated there was nothing to report.

**Litigation Strategy** LITIGATION STRATEGY  
City Attorney Jodoin stated there was nothing to report.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
Acting City Manager Knoepke stated there was nothing to report

**Report from the HCC** REPORT FROM THE HELENA CITIZENS COUNCIL  
No report given.

**Regular Items** REGULAR ITEMS  
A. RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO.

**Staff Report** Interim Finance Director Liz Hirst reported the City Commission approved the bid award for the parking smart meter and kiosk program in January 2019. Due to a lack of cash reserves in the Parking fund, the former Finance Director applied for an INTERCAP loan to fund this project in June 2019. This loan is backed by the revenues of the general fund but are not secured by the taxing powers of the City. Even though State law requires this loan be backed by the general fund's revenues, the City's Parking fund is expected to repay the full amount of the loan over its 10-year life. Final costs incurred for the project and the loan amount are \$560,242.65. Interest rate for the loan is currently 3.37%.

Interim Finance Director Hirst recommended approval of a resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto.

**Discussion** Commissioner Noonan asked what the monthly payment was on the loan. Interim Director Hirst stated the payment is a semi-annual payment, the first payment is due in February 2020 and is an interest

only payment of \$5500.00. The principal payments will run from \$23,000 to \$32,000, due to the principal payments appreciating as the interest payments increase.

## Public Comment

Mayor Pro Tem Haladay asked for public comment. None was received.

## Motion

**Commissioner Wicks moved to approve a resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto.** Commissioner Noonan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye and Mayor Pro Tem Haladay voted aye. **The motion carried, 3-0.**  
**Resolution 20577**

## Public Hearings

## PUBLIC HEARINGS

- A. RESOLUTION TO VACATE 1ST STREET R/W BETWEEN RALEIGH AND HOBACK STREET ALONG WITH A SMALL SECTION IN THE SOUTHERN PORTION OF HOBACK STREET, SPECIFICALLY WHERE HOBACK STREET R/W IN THE EASTERLY ADDITION TERMINATES INTO THE COURTHOUSE ADDITION.

## Staff Report

City Engineer Ryan Leland reported Bonnie Adee, applicant/owner of residence at 807 2nd Street, is requesting the City of Helena to vacate a section of 1st Street between Raleigh and Hoback. The legal description for the subject area is part of two additions and is described as follows:

North half of 1st Street: Adjacent to Lots 11-20 in Block 567 of the Easterly Addition. COS# 1000733

South Half of 1st Street: Adjacent to Lot 1A and Lot 2A in Block 1A of the Amended Plat of the Courthouse Addition. COS#3255657

Vacate small section in the southern portion of Hoback Street where Hoback Street R/W in the Easterly Addition terminates into the Courthouse Addition.

The applicant and additional adjacent owners listed on the application wish to vacate the subject right of way. The proposed closed and vacated portion of 1<sup>st</sup> Street and portion of Hoback Street are split amongst adjacent owners as follows:

The calculated square foot price is \$4.53.

- Crowley/Adee- Lots 11-14 Block 567 Easterly Addition **5877sf** total transfer fee **\$26,626.89**
- Lamb- Lot 2A Block 1A Court House Addition- Hoback portion **1443.94 SF** total transfer fee **\$6006.79**
- Lamb- Lot 1A-1 Block 1A Court House Addition- 1st Street frontage total transfer fee **8432.6 sf** total transfer fee **\$38,199.45**
- Nimick - Lot 2A Block 1A Court House Addition- 1st Street frontage total transfer fee **7492.45 sf** total transfer fee **\$33,940.79**

City of Helena also owns open space lands adjacent to this and will receive an additional **8432.6 SF** of additional open space due to this vacation. Final amount and square footage will be determined when the

amended plat is to be filed and recorded. Cleanup of additional unused R/W, additional open lands for public use.

City Engineer Leland recommended approval of a Resolution to vacate 1st Street R/W between Raleigh and Hoback Street along with a small section in the southern portion of Hoback Street, specifically where Hoback Street R/W in the Easterly Addition terminates into the Courthouse Addition.

Public Testimony

Mayor Pro Tem Haladay declared the public portion of the hearing opened and called for anyone wanting to address the commission.

Frank Crowley, 807 2<sup>nd</sup> Street, spoke in favor of the vacation of the platted space.

Mike Menahan, 810 Rhode Island Street, spoke in favor of the vacation of the platted space.

There being no other persons wishing to offer public testimony. Mayor Pro Tem Haladay closed the public portion of the hearing.

Discussion

Commissioner Noonan stated this was a testament to the uniqueness of each Helena neighborhood.

Motion

**Commissioner Noonan moved to a Resolution to vacate 1st Street R/W between Raleigh and Hoback Street along with a small section in the southern portion of Hoback Street, specifically where Hoback Street R/W in the Easterly Addition terminates into the Courthouse Addition.** Commissioner Wicks seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye and Mayor Pro Tem Haladay voted aye. **The motion carried, 3-0.**  
**Resolution 20578**

- B. PUBLIC HEARING - CONSIDER A RESOLUTION OF INTENTION TO AUTHORIZE THE CITY MANAGER TO LEASE PROPERTY OWNED BY THE CITY OF HELENA TO CP INVESTMENTS, LLC, OR THEIR SUCCESSOR IN INTEREST, FOR NINETY-NINE YEARS.

Parking Manager Dave Hewitt reported the City owns Lot 4A of the Chessman and Davis Central Addition as shown on Certificate of Survey No. 3155028. The City property is developed with the 15<sup>th</sup> Street parking structure and is subject to conditions of the bond that provided revenue that constructed the structure. The lease-purchase agreement for the property does not permit transfer of fee title to any portion of the property while the indebtedness is outstanding.

CP Investments, LLC owns the property adjacent to the City's property at the southwestern corner of Last Chance Gulch and 15<sup>th</sup> Street. They are developing their property with office space and/or residential condominiums. Their property is approximately 10,402 square feet.

CP Investments, LLC desires a long-term lease to use a 3,381 square foot portion of the northeastern corner of the City's property. This portion of the City's property is grass/dirt east of the parking structure. CP Investments, LLC would like to use the property for parking and/or open space attendant to their development of their property. City would retain access to any utilities and retain the use for snow storage from the parking structure. The City will save some funds by not maintaining or irrigating the property. Granting the lease would enhance the aesthetics

and access to the proposed development. The long-term lease would allow the adjacent property owners to purchase the desired area when the indebtedness has been fulfilled.

**Motion** No motion was required of this item at this time. This was the public hearing only.

**Public Testimony** Mayor Pro Tem Haladay declared the public portion of the hearing opened and called for anyone wanting to address the commission. There being no one wishing to address the Commission, Mayor Pro Tem Haladay closed the public portion of the hearing.

**Public Communications** PUBLIC COMMUNICATIONS  
No public communications.

**Adjournment** There being no further business to come before the City Commission, the meeting adjourned at 6:33 p.m.

**Meetings of Interest** MEETINGS OF INTEREST

Administrative Meeting – October 30, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – November 4, 2019 - 6:00 p.m. - Commission Chambers,  
City-County Building

ATTEST:

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MAYOR PRO TEM

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CLERK OF THE CITY COMMISSION