

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**April 22, 2019 - 6:00 P.M.**  
**City Commission Chambers, Room 330**

***Time & Place***

A regular City Commission meeting was held on Monday, April 22, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

***Members Present***

Mayor Collins requested Deputy City Clerk Clayborn call roll call: Attorney Thomas Jodoin, City Manager Ana Cortez, City Commissioner Wicks, City Commissioner Noonan, City Commissioner O'Loughlin and Mayor Collins all responded present. City Commissioner Haladay was excused.

***Pledge of Allegiance***

Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

***Minutes***

The minutes of the regular City Commission meeting of April 8, 2019 were approved as submitted.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Big Sky Economic Development Trust Fund (BSTF) Grant on behalf of Big Sky Care Connect  
**Resolution 20517**
- C. Designating the City of Helena community Development Director as the environmental certifying official for the City's Center for Mental Health CDBG Grant  
**Resolution 20518**

City Manager Cortez recommended approval of the consent agenda, items A - C.

***Public Comment***

Mayor Collins asked for public comment. Brian Obert Executive Director of MBAC thanked the Commission for moving forward on the BSTF Grant.

***Motion***

**Commissioner Noonan moved for approval of the claims and consent agenda, items B - C.** Commissioner O'Loughlin seconded the motion. Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0.

***Bid Award***

BID AWARD:

- A. Water System Storage and Distribution System Capital Improvement Plan Project #18-11

City Engineer Leland reported the City of Helena's water storage and distribution system dates back to the early 1900s. Operating and maintaining the existing system requires constant evaluation and prioritization of system needs and capital improvements. Establishing a broad reaching and comprehensive capital improvements plan is essential to efficient operation and maintenance of the City's potable water distribution system. This is necessary to effectively establish and prioritize system capital improvement and maintenance needs on an

ongoing basis.

The last water system facilities master plan was completed in 2006. At the present time, the water distribution and storage system is in need of a comprehensive planning document to help guide capital improvement and operation and maintenance activities.

The City requested proposals in March 2019 and received four (4) qualified proposals from consultants for the work. Proposals were scored based on established criteria and the highest ranking proposing firms were interviewed by public works staff. The highest ranking proposal and interview scores were combined to select the winning consultant. AE2S was selected through a comprehensive request for proposals (RFP) and interview process. Funding for this contract comes from utility revenues.

The cost for this project is planned to be paid for by the City of Helena out of the Water Utility and Water Treatment funds and is a planned update to the City's water planning documents to increase the planning efficiency of the Water Treatment and Utility Maintenance Divisions.

An essential piece of City utility planning documentation will be updated and rewritten. This will allow for more efficient capital improvement planning. This will also allow optimization of operation and maintenance activities for the Utility Maintenance and Water Treatment Divisions.

City Engineer Leland recommended awarding the City of Helena Water System Storage and Distribution System Capital Improvement Plan Project #18-11, to Advanced Engineering and Environmental Services Inc. (AE2S) in the amount of \$265,183.00

Public Comment Mayor Collins asked for public comment. None was received.

Discussion Commissioner O'Loughlin asked for the timeline for the completion of the project. City Engineer Leland stated the average of this type of project is 12-18 months, but it may be a bit faster in this instance, due to the efficiency of the City Staff's work on the project.

Motion **Commissioner O'Loughlin moved to the City of Helena Water System Storage and Distribution System Capital Improvement Plan Project #18-11, to Advanced Engineering and Environmental Services Inc. (AE2S) in the amount of \$265,183.00.** Commissioner Wicks seconded the motion. Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, Mayor Collins voted aye. Motion carried, 4-0.

**Communications** COMMUNICATIONS/PROPOSALS FROM CITY  
**From City Commissioners** COMMISSIONER

Commissioner Noonan commented on the success of the Civic Center in the last fiscal year, noting the improvement of ticket sales, and the overall success of the events in the previous year. The Commissioner thanked and offered congratulations to Civic Center Manager Byron Dike and the Civic Center staff.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
 No report given

**Report of the City  
Manager**

**REPORT OF THE CITY MANAGER**

Manager Cortez reported on two letters prepared by the Conservation Board, regarding the Sustainability Coordinator position. The Conservation Board recommended the Sustainability Coordinator be a joint effort between the City and County, and requested their letters and recommendations be presented at a formal meeting to the Commission. The Manager presented the letters to the Commission for their review.

**Report from the  
Helena Citizens**

**REPORT FROM THE HELENA CITIZENS COUNCIL**

No report given.

**Regular Items**

- A. **CONSIDER A RESOLUTION REPEALING RESOLUTION NO. 10285, ESTABLISHING A SEPARATE PARKING COMMISSION**

**Staff Report**

City Attorney Thomas Jodoin reported The Helena Parking Commission ("HPC") was created on July 15, 1991 via Resolution No. 10285. Prior to that the Helena City Commission functioned as the appointed parking commission under the terms of Resolution No. 7195 passed on October 5, 1970.

In 2003, and redrafted in 2008, the city and the HPC had an agreement that defined respective responsibilities and to clarify revenue authority for the 15th Street Parking Ramp bond repayment. That agreement modified many of the HPC's statutory powers and subjected most of the HPC's decisions to city commission approval. The agreement also called for HPC employees to become employees of the city to which the city would contract to the HPC to perform maintenance and enforcement obligations.

On February 25, 2019, the Helena City Commission passed Resolution No. 20510 so that the Business Improvement District Board of Trustees would no longer be the appointed Helena Parking Commission. The City of Helena Commission will continue to receive community input and perspective from other business, merchant and community organizations such as the BID and the HCC. At this meeting staff explained that current duties of Parking staff do not necessitate the level of oversight that was initially envisioned for the Parking Commission. Furthermore, the City Manager explained that daily maintenance issues are discussed directly with the City Manager and resolved. City Attorney Jodoin stated while the City Commission would take on the bulk of the work developing a yearly work plan and developing rates and budgets; dissolving the Helena Parking Commission would eliminate redundant governance body and avoid confusion of duties and authorities between the Parking Commission and the City of Helena Commission.

City Attorney Jodoin recommended approval of a Resolution Repealing Resolution No. 10285, establishing a separate Parking Commission.

**Discussion**

Commissioner O'Loughlin addressed Helena Parking Commission Director Dave Hewitt. The Commissioner stated the BID has offered assistance to the Parking Commission in an advisory capacity, and asked if the intent is to continue this relationship, by having Parking as a recurring agenda item for the BID. Director Hewitt stated yes, the BID would continue to offer assistance to the Parking Commission, and he would be attending the Downtown Helena Inc. meetings, as well.

Commissioner Wicks asked for clarification, if the members of the Parking Commission were also members of the BID. Director Hewitt confirmed this.

**Motion**

**Commissioner Wicks moved to approve the Resolution Repealing Resolution No. 10285 Establishing a separate Parking Commission.** Commissioner Noonan seconded the motion.

Commissioner O'Loughlin stated the Commission had extensive discussion regarding the role of the BID and the Parking Commission; and should it prove in further discussion a more formal advisory body is needed, this would be something the Commission would be open to. However, given the two entities were duplicative, it seemed necessary to clarify the BID as an advisory body, and leave the governing to the City Commission. Commissioner O'Loughlin acknowledged the BID would be an important advisory body, especially given all the previous work the BID has done with the upcoming changes to the Parking district in the coming months.

Commissioner Noonan stated his support for the dissolution of the Parking Commission, as the liaison between the City Commission and the BID and Parking Commission. The Commissioner emphasized this was not a negative commentary on either of the relevant bodies, and the relationship between the two bodies has been a productive and positive one. Commissioner Noonan stated he is certain this cooperative relationship will continue moving forward. The Commissioner asked if Director Hewitt could update the Commission on the upcoming public events for the Parking Commission. Director Hewitt stated the public meeting is Wednesday at the Civic Center from 6:30 to 8:30 PM.

**Public Comment**

Mayor Collins called for public comment. None was received.

**Vote**

**Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. Resolution 20519**

**B. CONSIDER FIRST PASSAGE OF ORDINANCES AMENDING AND REPEALING SECTIONS OF TITLE 4, BUSINESS REGULATIONS, TITLE 5 POLICE REGULATIONS, AND TITLE 7, PUBLIC WAYS AND PROPERTY, OF THE HELENA CITY CODE TO ELIMINATE OUTDATED AND DUPLICATIVE CITY BUSINESS REGULATIONS.**

City Attorney asked the Commissions permission to introduce Deputy City Attorney Iryna O'Connor for a comprehensive presentation. Deputy City Attorney O'Connor reported the City's business regulations are contained in Title 4 of the City Code. However, over the years many of the regulations contained in Title 4 have become conflicting, duplicative, or unnecessary, or do not fit with the current operations of the city.

Repeal Title 4 of the Helena City Code in its entirety and re-adopt parts of the title with a new organizational structure. The changes to the code will be as follows:

**Title 4 Business Regulations:**

- Adopt new Chapter 1: Business Licenses - this chapter outlines the regulations with respect to business licensing requirements, endorsements for particular types of business, application requirements, fees, and revocation and suspension process.
- Adopt new Chapter 2: Business Regulations – this chapter consolidates non-duplicative and non-superseded regulations specific to particular types of businesses such as pawnbrokers and tobacco retailers which are currently contained in separate chapters.
- Current Chapters 2 through 14 are repealed with numbering reserved for future use.

**Title 5 Police Regulations:**

- Amend Section 5-1-4: Smoking Prohibited in Certain Areas to incorporate the prohibition on smoking with a reasonable distance of an indoor public place such that tobacco smoke may enter nonsmoking areas. Currently this regulation is contained in Title 4 Chapter 13.

**Title 7 Public Ways and Property:**

- Adopt new Chapter 14 that outlines permitting requirements for consumption of alcoholic beverages on city property such as streets or city parks. Currently these regulations are contained in Title 4 of the Helena City Code.

Deputy City Attorney O'Connor stated the proposed re-adoption of Title 4 will eliminate conflicting, duplicative, or unnecessary provisions, move certain sections to other titles of city code for easier referencing, and clarify the regulations, process, and administration of business licenses within the city.

Deputy City Attorney O'Connor recommended the approval of first passage for the following ordinances:

An Ordinance establishing Business License Regulations by adopting Chapter 1, Business Licenses, of Title 4, Business Regulations, of the Helena City Code, and set a public hearing date of May 20, 2019.

An Ordinance recodifying reasonable distance smoking regulations from Title 4 Business Regulations into Title 5 Police Regulations of the Helena City Code, and set a public hearing date of May 20, 2019.

An Ordinance recodifying regulations addressing consumption of alcoholic beverages on city property from Title 4, Business Licenses, by adopting a new Chapter 14, Consumption of Alcoholic Beverages on City Property, of Title 7, Public Ways and Property, of the Helena City Code, and set a public hearing date of May 20, 2019.

An Ordinance eliminating outdated and duplicative business regulations by repealing Chapters 2 through 14 of Title 4, and adopting a new Chapter 2, Business Regulations, of Title 4 of the Helena City Code, and set a public hearing date of May 20, 2019.

Discussion

Commissioner Wicks asked Deputy City Attorney O'Connor to clarify part of the presentation slides that were displayed, asking if the

displayed slide was a direct representation of the impacted businesses. Deputy Attorney O'Connor stated the slide was simply a mock-up of a business license and for illustrative purposes only.

Commissioner O'Loughlin asked if the motions needed to be modified or at this time, or if they can be as written, given there may be minor changes to the language at second passage. Deputy Attorney O'Connor stated the motions could be passed as they stand now, and at second passage any necessary amendments can be included.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion

**Commissioner O'Loughlin moved to approve first passage of an ordinance establishing Business License Regulations by adopting Chapter 1, Business Licenses, of Title 4, Business Regulations, of the Helena City Code, and set a public hearing date of May 20, 2019.** Commissioner Noonan seconded the motion. Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. **Ordinance 3250**

Motion

**Commissioner Noonan moved to approve first passage of an ordinance recodifying reasonable distance smoking regulations from Title 4 Business Regulations into Title 5 Police Regulations of the Helena City Code, and set a public hearing date of May 20, 2019.** Commissioner O'Loughlin seconded the motion. Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. **Ordinance 3251**

Motion

**Commissioner Wicks moved to approve first passage of an ordinance recodifying regulations addressing consumption of alcoholic beverages on city property from Title 4, Business Licenses, by adopting a new Chapter 14, Consumption of Alcoholic Beverages on City Property, of Title 7, Public Ways and Property, of the Helena City Code, and set a public hearing date of May 20, 2019.** Commissioner Noonan seconded the motion. Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. **Ordinance 3252**

Motion

**Commissioner O'Loughlin moved to approve the first passage of an ordinance eliminating outdated and duplicative business regulations by repealing Chapters 2 through 14 of Title 4, and adopting a new Chapter 2, Business Regulations, of Title 4 of the Helena City Code, and set a public hearing date of May 20, 2019.** Commissioner Wicks seconded the motion. Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. **Ordinance 3253**

Discussion

Commissioner Noonan thanked the City Attorney's office for their efforts of the restructuring of this Title in the City Code. Mayor Collins echoed this comment by Commissioner Noonan.

**Public Hearings**

**PUBLIC HEARINGS**

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTION CHAPTER 2 OF TITLE 11 OF THE HELENA CITY CODE ESTABLISHING THE PERMITTED LOCATIONS FOR MEDICAL MARIJUANA DISPENSARIES AND GROW OPERATIONS.

**Staff Report**

Community Development Director Sharon Haugen reported The State of Montana legalized medical marijuana with the Medical Marijuana Act of 2017. State law, under the Medical Marijuana Act of 2017, gives the State the ability to deny a license or endorsement if the applicant's proposed registered premise is within five hundred (500') feet of and on the same street as a building used as a school. State law allows the community to consider restrictions.

Although the State legalized the use of medical marijuana, Federal law does not recognize that as a legal use. The City of Helena has disallowed any business that is prohibited under any law of the United States.

On December 17, 2018, the City Commission passed Ordinance No. 3248, suspending the enforcement of Section 4-1-11 of the Helena City Code. This section of City Code prohibits the issuing of a city business license to a business, occupation, vocation, profession or entertainment that is permitted by the state law but is prohibited under any law of the United States. The moratorium will remain in effect until June 30, 2019.

On January 16, 2019, the Zoning Commission held a public meeting at the Civic Center to ask the general public questions about permitting medical marijuana land uses in the city. The Zoning Commission took general comments regarding the operation of medical marijuana business in the city limits.

The information from the January 16, 2019 public meeting was summarized and presented in a work session before the Zoning Commission on February 12, 2019. At that work session, the Zoning Commission recommended that staff prepare an amendment to the City of Helena City Code to clarify where businesses would be allowed related to the sale and production of medical marijuana. The following decisions were made at the work session: medical marijuana dispensaries should be defined and allowed within the city limits in commercially zoned districts (B1, B2, B3, CLM, and MI) with a restriction to not be within five hundred (500') feet of a school; and grow operation should be defined and allowed as a conditional use permit (CUP) in the Commercial Light manufacturing (CLM) district and in the Manufacturing and Industrial (MI) district with a restriction to not be within one thousand (1,000') from a school or a residential zone. The Zoning Commission recommended against allowing either use as a home occupation. The Zoning Commission based some of their restrictions for the locations of medical marijuana dispensaries and grow operations on the State law restrictions, the Commissioners also considered the impacts on surrounding neighborhoods and uses. Director Haugen proposed to change the zoning ordinance to allow Medical Marijuana Dispensaries and Grow Operations in certain zoning districts within the City of Helena. If approved, this ordinance would allow Medical Marijuana Dispensaries to be located in the commercially zoned districts (B1, B2, B3, CLM, and MI) zoning districts. If approved, this ordinance would allow Grow

Operations to be permitted by a Conditional Use Permit (CUP) in the Commercial Light manufacturing (CLM) and Manufacturing and Industrial (MI) zoning districts. This would be consistent with the 2011 Helena Growth Policy. The proposed text amendments will allow a functioning business model to operate in the City of Helena contributing to the economic vitality of the City. Additionally, the proposed text amendment will allow businesses to establish in the City that will contribute to the diversification of the economic base of the City. One of the objectives of the economic conditions chapter of the Growth Policy is to support efforts to encourage the creation and expansion of small business and help reduce the rate of failure. The proposed text amendment supports small businesses. After hearing from the public at the public meeting held on January 16, 2019 the Zoning Commission drafted the proposed language in accordance with the growth policy to facilitate the permitting process while maintaining the public interest. The Zoning Commission as reviewed City zoning requirements to identify and remove unnecessary impediments to commercial and industrial developments, while protecting established areas with the appropriate standards and promoting the interests of the greater community.

Director Haugen stated a separate definitions section needed to be established specifically for the medical marijuana section, and to better define "horticulture" within the ordinance.

Director Haugen recommended approval first passage of an ordinance amending Chapter 2 of Title 11 of the Helena City Code establishing the permitted locations for Medical Marijuana dispensaries and grow operations.

Discussion

Commissioner O'Loughlin asked when the business license fee will be addressed as it pertains to this ordinance. Director Haugen rates will be discussed separately.

Public Testimony

Mayor Collins declared the public portion of the hearing open and called for any public testimony.

There being no public testimony, Mayor Collins closed the public portion of the hearing.

Motion

**Commissioner Noonan moved to approve first passage of an ordinance amending Chapter 2 of Title 11 of the Helena City Code establishing the permitted locations for Medical Marijuana dispensaries and grow operations.** Commissioner O'Loughlin seconded the motion.

Discussion

Commissioner O'Loughlin thanked the City staff and the Zoning Commission for their work on this ordinance; and the public inclusion of the process as a whole. Commissioner O'Loughlin stated due to the work of the two entities, she felt confident in her decision regarding this motion.

Commissioner Noonan stated he was grateful this motion was being considered; and he was in support of the ordinance due to the diligence of the entities in garnering public opinion in this matter.

Vote

**Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. Ordinance 3254**

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CHAPTER 26 OF TITLE 11 OF THE HELENA CITY CODE PROHIBITING MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROW OPERATIONS AS HOME OCCUPATIONS.

Staff Report

Community Development Director Sharon Haugen reported The State of Montana legalized medical marijuana with the Medical Marijuana Act of 2017. State law under the Medical Marijuana Act of 2017 gives the State the ability to deny a license or endorsement if the applicant's proposed registered premise is within five hundred (500') feet of and on the same street as a building used as a school. State law allows the community to consider restrictions. Although the State legalized the use of medical marijuana Federal law does not recognize that as a legal use. The City of Helena has disallowed any business that is prohibited under any law of the United States. On December 17, 2018 the City Commission passed Ordinance 3248 suspending the enforcement of Section 4-1-11 of the Helena City Code. This section of City Code prohibits the issuing of a city business license to a business, occupation, vocation, profession or entertainment that is permitted by the state law but is prohibited under any law of the United States. The moratorium will remain in effect until June 30, 2019.

On January 16, 2019 the Zoning Commission held a public meeting at the Civic Center to ask the general public questions about permitting medical marijuana land uses in the City. The Zoning Commission took general comments regarding the operation of medical marijuana business in the City limits. The information from the January 16, 2019 public meeting was summarized and presented in a work session before the Zoning Commission on February 12, 2019. At that work session the Zoning Commission recommended that staff prepare an amendment to the City of Helena City Code to clarify where businesses would be allowed related to the sale and production of medical marijuana. The following decisions were made at the work session: medical marijuana dispensaries should be defined and allowed within the City limits in commercially zoned districts (B1, B2, B3, CLM and MI) with a restriction to not be within five hundred (500') feet of a school; and grow operation should be defined and allowed as a conditional use permit (CUP) in the commercial Light Manufacturing (CLM) zone and in the Manufacturing and Industrial (MI) zone with a restriction to not be within one thousand (1000') from a school or a residential zone. The Zoning Commission recommended against allowing either use as a home occupation. The Zoning Commission based some of their restrictions for the locations of medical marijuana dispensaries and grow operations on the State law restrictions, the Commissioners also considered the impacts on surrounding neighborhoods and uses. Director Haugen proposed this ordinance is to preclude the use of medical marijuana dispensaries and grow operations as home occupations. If this ordinance is adopted medical marijuana dispensaries and grown operations will not be allowed to operate as home occupations. The ordinance will allow for the continued ease of administration of the home occupation standards.

Director Haugen recommended approval first passage of an ordinance amending Chapter 26 of Title 11 of the Helena City Code prohibiting Medical Marijuana Dispensaries and Medical Marijuana Grow Operations as Home Occupations.

Public Testimony

Mayor Collins declared the public portion of the hearing open and called for any public testimony.

There being no public testimony, Mayor Collins closed the public portion of the hearing.

Motion

**Commissioner Wicks moved to approve first passage of an ordinance amending Chapter 26 of Title 11 of the Helena City Code prohibiting Medical Marijuana Dispensaries and Medical Marijuana Grow Operations as Home Occupations.** Commissioner Noonan seconded the motion. Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0. **Ordinance 3255**

C. CONSIDER GRANTING A DEMOLITION PERMIT TO DEMOLISH THE PROPERTY LOCATED AT 300 SOUTH RODNEY.

Staff Report

Community Development Director Sharon Haugen reported On February 25, 2019, Matt Culp submitted a Historic Building Demolition application to the Heritage Preservation Office (HPO) and the Community Development Department.

The HPO reviewed the application and requested revisions from the applicant. Since one of the questions on the application requires definite knowledge and documentation of the Historic District, the HPO drafted that portion of the application on behalf of Mr. Culp. Mr. Culp then resubmitted the application to the HPO, who deemed it complete by historic preservation standards on February 28, 2019. Once that was completed, the City considered the application complete on March 5, 2019.

In his application, Mr. Culp stated that he had found significant settling on the north and west walls of the building which have resulted in cracks, degradation and bulging, and the settlement varies between six to twelve inches. Inspections by other engineers also confirmed that fact.

On November 17, 2017, the Building Division inspected the property after several incidents and complaints and found the property to be uninhabitable. The estimated cost to rehabilitate the building, according to the applicant, a professional engineer, is \$1,241,754. This cost is \$468,257 more than the estimated value to construct three new attached townhouses with tuck-under garages (2,250 square foot footprint and total square footage of 6,750 square feet) on the site, which the applicant indicates in the application, will cost \$773,497. The applicant also stated in his application that the settlement existing throughout the exterior could not be corrected to level and plumb, and the cost of rehabilitation is economically infeasible for investment purposes, in his opinion.

The applicant proposes to build three attached townhomes on the site, as stated and shown in the application. For the new structure's façade, the applicant has chosen an architectural style and building materials that are compatible with adjacent buildings in the Historic District, as suggested in the Design Guidelines for Helena's Historic Neighborhoods ("Design Guidelines"). In the HPO's opinion, the applicant's proposed design would protect the Historic District's integrity as discussed with the applicant at pre-application meetings.

The HPO recommends approval of the 300-304 S. Rodney St. Demolition Permit application for the following reasons: 1) significant settlement, possibly caused by the 1935 earthquakes and lack of an effective gutter and downspout system on the southwest corner of the building resulting in significant settling of the building, 2) limited or no maintenance over a period of many years has resulted in considerable damage to the structure so that most elements must be replaced or heavily repaired, and the cost to the owner of rehabilitating the structure is significantly greater than the cost of new construction; and 3) the applicant's proposed structure, if built as shown in the application, will protect the Historic District's integrity. Director Haugen proposed the objective of the action is to obtain approval for the demolition of the structure located at 300 to 304 South Rodney. A building that is generally considered unsafe will be removed from the lot and will be replaced by a newer set of townhomes that will be designed to match the historic character of the neighborhood. The new buildings, while designed to match the historic nature of the district, will be more energy efficient and built according to current code.

**Public Testimony**

Mayor Collins declared the public portion of the hearing open and called for any public testimony. Matt Culpo addressed the Commission, as the applicant for the Demolition permit. He stated his original intention was to rehab the property, but upon closer inspection and research it was deemed not a feasible option. He asked for the Commission to approve the demolition permit.

**Motion**

**Commissioner Noonan moved to approve a Historic Building Demolition permit for the property located at 300-304 South Rodney Avenue.** Commissioner Wicks seconded the motion.

**Discussion**

Commissioner O'Loughlin stated the informational packet provided by City Staff was very helpful, and asked what the criteria were for the demolition of a historic property. Director Haugen stated there are very little criteria, but it was outlined in Title 3 Chapter 15. Director Haugen stated the intention was to develop more defined criteria in the coming year, working with the Historic Preservation office and the Heritage Tourism Council, for these types of demolition permits.

Commissioner Noonan noted the significance of the passing of piece of historic property.

Commissioner Wicks commended the plans and the efforts taking place to build structures in accordance with the historic nature of the original property and the district.

**Vote**

**Deputy Clerk Clayborn called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0.**

**Public Communications**

PUBLIC COMMUNICATIONS  
No communications.

**Adjournment**

There being no further business to come before the City Commission, the meeting was adjourned at 6:54 p.m.

***Meetings of Interest*** MEETINGS OF INTEREST

Administrative Meeting – May 1, 2019 - 4:00 p.m. - Room 326, City-County Building

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

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DEBBIE HAVENS

CLERK OF THE CITY COMMISSION