

**CITY OF HELENA**  
**CITY COMMISSION MEETING**  
**June 8, 2020 - 6:00 P.M.**  
**Zoom Online Meeting <https://zoom.us/j/4129664351>**

- Time & Place** A regular City Commission meeting was held on Monday, June 8, 2020 at 6:00 p.m., conducted as an online meeting via Zoom utilizing the following link: <https://zoom.us/j/4129664351>
- Members Present** Mayor Wilmot Collins requested Interim City Clerk Clayborn call roll call: City Attorney Thomas Jodoin, Interim City Manager Reed, Commissioner Haladay, Commissioner Dean, Commissioner Logan, and Commissioner O’Loughlin all responded present.
- Pledge of Allegiance** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** MINUTES
- A. Special Commission Meeting – April 8, 2020
  - B. Administrative Meeting – April 15, 2020
  - C. Regular City Commission Meeting – April 20, 2020
- Minutes were approved as submitted.
- Consent Agenda** CONSENT AGENDA
- A. Claims
  - B. Department of Justice Coronavirus Emergency Supplemental funding Program Grant
  - C. Distribution of bridge and road safety and accountability program funds
- Discussion** Commissioner O’Loughlin asked either Interim Manager Reed or Chief Hagen to indicate how the money needed to be spent from the grant or was their timeline involved. Chief Hagen gave a brief itemization of the expected expenditures for the money in the coming months.
- Public Comment** Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.
- Motion** **Commissioner Haladay moved to approve the Consent Agenda, item Claims and items B-C.** Commissioner O’Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O’Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0
- Bid Award** BID AWARD
- A. IP-BASED NG9-1-1 TELEPHONE SYSTEM
- Staff Report** Police Chief Hagen the Helena Police Department was awarded a grant for \$477,000.00 from the State of Montana 9-1-1 grant program to upgrade the 9-1-1 Center phone system. The upgrade will bring the 9-1-1 Center up to modern standards with an IP based Next Generation 9-1-1 phone system. City staff received 6 bids for this project. After thorough review and evaluation Central Square with the 911 Pro telephone solution was selected by staff. Though they were the second

lowest bidder, Central Square's product not only checked all the required boxes they offer technology that exceeded the other bids.

From the 911 operator's perspective 911 Pro offers the most comprehensive and integrated features such as RapidSOS™ integration, patented Caller Location Query (CLQ), Text-to (and from) -911 & Integrated Google mapping. CentralSquare utilizes its own short message services (SMS) for Center Initiated Text which allows a telecommunicator to initiate an outbound SMS message to any SMS enabled phone. Text responses can be pre-configured and organized for a quick and concise response to text messages. With Center Initiated Text, phone calls could be replaced with text for callers who cannot speak or are hearing impaired in order to assist them without the help of a third party. RapidSOS™ Clearinghouse is another robust feature with the CentralSquare 911 Pro system. With this technology, 911 Pro locates and uses the caller's latitude, longitude, and reverse geocoded address to create a plot point of their location on the map. This is a great advancement in locating wireless 911 callers that other vendors do not have implemented.

On top of this, CentralSquare 911 Pro also offers patented technology called Caller Location Query (CLQ) that no other vendor can provide. It allows a public safety telecommunicator to send an SMS message to any number to obtain the location of the wireless phone. Once the location is captured, it will automatically send the phone's location to CentralSquare 911 Pro, allowing the call-taker to access the phone's GPS. For missing, abducted or in search and rescue cases this would be a tremendous improvement to determining a wireless caller's location.

CentralSquare 911 Pro offers the most comprehensive and forward leaning calltaking remedy for the City of Helena. Its integrated features, patented caller location query, visual appeal and ease of use makes this an ideal call-taking platform for the public safety telecommunicator.

Staff recommended to award the IP-based NG9-1-1 Telephone System to CentralSquare 911 Pro in the amount of \$305,970.63.

#### Discussion

Commissioner Dean inquired as to the amount of ongoing maintenance and operating costs for the software and from what fund they would be drawn. The Commissioner also asked what considerations had been taken for consent to be given for configuring the locations. Mr. Pete Callahan, Dispatch Superintendent, stated the privacy concerns would be policy driven and this option would only be utilized in rare specific instances. The maintenance costs would be all funded from the grant money.

Commissioner Haladay asked Mr. Callahan to itemize the differences between CentralSquare and the Sunlo bid, which was technically a lower bid; and ultimately why the higher of the two was chosen. Mr. Callahan cited the advanced technology in the CentralSquare product and its more prominent use in the larger law enforcement network for the reasons.

#### Public Comment

Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

**Motion**

**Commissioner Dean moved to award the IP-based NG9-1-1 Telephone System to Central Square 911 Pro in the amount of \$305,970.63.** Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0

***Communications from City Commissioners***

**COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS**

Commissioner Logan asked if the Commission would like to consider reevaluating the Emergency Order to allow advisory boards to begin meeting again. City Attorney Jodoin stated while the authority of the Commission exists, it should be more broadly discussed at the next Administrative Meeting to ensure the details and direction could be given to staff. Commissioner Logan asked further to put on the next Administrative Meeting a discussion pertaining to the filling of key positions within the City. A consensus was given to put both items on an upcoming agenda.

***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**

Interim City Manager Reed gave a brief update on the installation of the hand sanitizing stations throughout the Downtown area. Additionally, Manager Reed deferred to Budget Analyst Chris Couey to give an overview of the final budget adoption timeline to the Commission.

***Communications from the Helena Citizens***

**COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL**

**A. HELENA CITIZENS COUNCIL BUDGET REVIEW AND RECOMMENDATIONS PRESENTATION**

Dylan Klapmeier, HCC Chair, reported the Helena Citizens Council City of Helena budget recommendations.

***Regular Items***

**REGULAR ITEMS**

**A. CONSIDER THE HELENA OPEN LANDS MANAGEMENT PLAN, RECREATION CHAPTER ADOPTION**

**Staff Report**

Parks, Recreation and Open Lands Director Kristi Ponzozzo reported starting in Spring 2019, the City of Helena engaged CDR Associates to lead the Helena Open Lands Recreation Plan update. The CDR team interviewed 50 individuals from 23 organizations or affiliations and reached out to nearly 80 individuals from 38 organizations or affiliations.

From these interviews key themes emerged. In Fall 2019, CDR engaged Halliday & Associates to design and facilitate three community workshops to gather input on key themes. More than 100 people participated in the workshops. In addition, an on-line survey generated more than 150 responses. The community input helped guide the City of Helena's Open Lands Recreation Plan update.

The intent of the Helena Open Land Recreation Plan is to be an accessible, usable guide for current and future decision making and to guide not prescribe. The City of Helena envisions this plan to serve as a guide for current and future decisions. The City recognizes that uses and demands will continue to change over time. This plan sets out broad guidance and a collaborative process to equip the community's stewardship of HOL.

The Parks Department brought the Final Draft of the Open Lands Management Plan, Recreation Chapter to the January 13th City Commission Meeting for consideration. We received direction at that meeting to bring back to the commission the specific public involvement process outlined in Chapter 7. A draft of the public involvement process (attached) was offered to us by several user groups who worked together to come to consensus on what the public involvement process should look like. The Parks Department reviewed the process and made some minor changes that are reflected in the document. The proposed public involvement process is a robust and usable guide to engage the public on major recreation projects on open lands.

Director Ponozzo recommended Final adoption of the Open Lands Management Plan, Recreation Chapter and accompanying public process appendix.

Discussion

Commissioner Dean expressed appreciation for the update and thanked staff for the outreach to the user groups and stakeholders in the community in the process.

Public Comment

Mayor Collins asked if there was anyone wishing to make public comment on this this item.

Lisa Bay spoke in support of the proposed plan and expressed support from Helena Hikes.

Jeff Sherlock, 613 Power, stated support for the plan but expressed some support for additional outreach in general for public engagement in the Open Lands process.

DeeDee Dowden, 535 Curtis, reiterated the comments made by Judge Sherlock.

Christine Deveny, 626 2<sup>nd</sup> Street, expressed support for the proposed plan.

Tony Jewett, 500 Deal Drive, expressed concern over the public process used in the open lands process but support for the current plan.

There being no further wishing to speak, public comment was closed.

Motion

**Commissioner Dean moved to approve Final adoption of the Open Lands Management Plan, Recreation Chapter and accompanying public process appendix.** Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE ESTABLISHING THE CITY'S ANIMAL CONTROL REGULATIONS BY ADOPTING CHAPTER 2 OF TITLE 5 OF THE HELENA CITY CODE AND SETTING A PUBLIC HEARING FOR JULY 13, 2020.

Staff Report

City Attorney Thomas Jodoin reported the Chapter 2 of Title 5 of the Helena City Code currently contains the various duties and responsibilities of dog (animal) owners in the City, and also includes various prohibitions such as keeping a nuisance dog. Further, the chapter outlines a process for declaring dogs potentially dangerous or dangerous, depending on the severity of the actions of the dog.

The existing ordinance is, in many instances, redundant and conflicting, and it creates an inefficient mix of civil and criminal enforcement processes. Substantively there are three major concerns:

1. Presently if a dog bites or attacks another animal or human the only offense that can be cited is "nuisance animal" under Section 5-2-15, HCC, ostensibly because the dog has caused an "annoyance" to the person or animal by biting or attacking them. "Nuisance animal" is primarily oriented towards the prohibition of prolonged barking. Because there is no specific violation for a dog that bites or attacks another animal or human, we have to rely on the "nuisance animal" provision for criminal enforcement and restitution.

2. There is also a civil "designation" and impoundment process where a dog is designated either "potentially dangerous" or "dangerous," depending on the severity of the incident and prior history of the dog. When a dog acts in a manner that results in the dog being designated "dangerous," the dog is seized by the animal control officer and impounded at the Lewis and Clark Humane Society shelter. The owner is cited for the applicable concomitant offenses of "nuisance animal," failure to have the dog on a leash, failure to have proof of rabies vaccination, and/or no city dog license. Before the dangerous dog is released to the owner, the owner must (1) obtain a dangerous dog license from the City, (2) provide proof of liability insurance covering attacks by the dangerous dog, and (3) have a secure enclosure for the dangerous dog to be kept in, or keep the dangerous dog muzzled and on a leash when not in a secure enclosure.

Because there is no authority for the municipal court to decide whether the owner should be allowed to keep the dangerous dog under the civil dangerous dog designation we have had to wait until conviction of the underlying criminal "nuisance animal" citation. This process is incredibly inefficient, and the shelter incurs significant costs and other risks in boarding the dangerous dog often for several months until the dog owner is convicted. (See the attached spreadsheet.) This proposed ordinance would create a process whereby the City can petition the Helena Municipal Court to order the relinquishment of a dog independent of any criminal prosecution. Thus, the City would not need to wait several months for a conviction in order to adjudicate the ownership of the dog while the shelter incurs costs that can reach thousands of dollars.

3. Finally, in terms of the "nuisance animal" portion of the City Code for barking dogs, the language is amended to incorporate the long-standing

policy of the City Attorney's office with regard to prosecution of owners who keep a nuisance barking dog. A copy of the barking dog log that must be submitted to my office for consideration of prosecution is attached.

Comprehensive rewrite of the City's animal control regulations as follows:

- "Potentially Dangerous Dog and Dangerous Dog" designation and appeal process.
- Relinquishment of dangerous dogs for failure to comply severed from criminal process.
- Increase insurance requirements for keeping of dangerous dogs from \$50,000 to \$100,000.
- Delineate specific prohibited behavior for animals and owners:
  - o Specific offense for a dog that charges in a menacing fashion.
  - o Specific offense for a dog that causes injury to a human or domesticated animal.
  - o Codify objective criteria for barking dogs.
  - o Animal at-large
  - o Removal of excreta on public property
  - o Removal of excreta on private property weekly.
  - o Failing to keep dog on a leash (except within designated off-leash areas).
- Create consistency with Lewis and Clark County Board of Health rabies requirements.

Eliminate redundancy and the inefficient mix of civil and criminal enforcement processes problematic in the current ordinance. Comprehensive rewrite of the City's animal control regulations as follows:

- "Potentially Dangerous Dog and Dangerous Dog" designation and appeal process.
- Relinquishment of dangerous dogs for failure to comply severed from criminal process.
- Increase insurance requirements for keeping of dangerous dogs from \$50,000 to \$100,000.
- Delineate specific prohibited behavior for animals and owners:
  - o Specific offense for a dog that charges in a menacing fashion.
  - o Specific offense for a dog that causes injury to a human or domesticated animal.
  - o Codify objective criteria for barking dogs.
  - o Animal at-large
  - o Removal of excreta on public property
  - o Removal of excreta on private property weekly.
  - o Failing to keep dog on a leash (except within designated off-leash areas).
- Create consistency with Lewis and Clark County Board of Health rabies requirements

City Attorney Jodoin recommended approval of first passage of ordinance establishing the City's Animal Control Regulations by Adopting Chapter 2 of Title 5 of the Helena City Code and setting a public hearing date of July 13, 2020.

Public Comment Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

Discussion Commissioner Dean asked about the language in the ordinance regarding the use of the word “menacing” and whether or not there could be considerations for the number of tags the dogs are required to use, and the possibility of harm to the dogs hearing. City Attorney Jodoin stated he would be willing to work with the Commission on both items.

**Motion** Commissioner O’Loughlin moved to approve first passage of ordinance establishing the City’s Animal Control Regulations by Adopting Chapter 2 of Title 5 of the Helena City Code and setting a public hearing date of July 13, 2020. Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O’Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

C. CONSIDER A SIDEWALK VARIANCE FOR 37 DUNBAR AVE

Staff Report City Engineer Ryan Leland reported Ron Davidson, the owner of 37 Dunbar Avenue, is requesting a sidewalk variance. The property is currently being developed and has approved building plans. Currently Dunbar Avenue is an undeveloped dirt street with no asphalt, curb & gutter or sidewalks and has steep grades between the developed property and the current street elevation towards the west end.

The Owner of the Property is requesting a sidewalk variance to defer the installation of sidewalks along Dunbar Avenue until it is constructed to city standards.

Staff recommended to approve, table, or deny the deferring of the installation of sidewalks along 37 Dunbar Avenue until its constructed to city standards.

Public Comment Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

Discussion Commissioner Haladay asked staff to confirm if through the previous variance agreement with the landowner a waiver towards a SID exists. Mr. Leland confirmed the waiver of any future protest towards an SID would have been signed as part of the variance process.

Commissioner Dean asked Mr. Leland if a variance was approved today, and the City did conduct street improvements in the area, would the sidewalk installed today be able to be saved. Mr. Leland stated he didn’t believe there could be a way to save any installation that would be placed in the area currently, should the city move forward with street improvements.

**Motion** Commissioner Logan moved to approve the deferring of the installation of sidewalks along 37 Dunbar Avenue until its constructed to city standards. Commissioner Dean seconded the motion.

Discussion Commissioner Haladay asked Mr. Leland to clarify the language “to city standards.” Mr. Leland stated the intention of the language was if

pavement and curb and gutter were installed in the adjacent land, the requirement would be triggered. City Attorney Jodoin added the Commission also retains the authority to order in sidewalks at any time. Mr. Leland stated there was not a set City policy which indicated timelines as it pertained to the installation of streets by the City, thus impacting the installation of sidewalks.

Commissioner Haladay stated it made sense to not require installation of sidewalks in an area where there were dirt streets, due to the uncertainty of the infrastructure at this time, with a caveat there should be a discussion at some point of the Commission to start consider creating a SID in areas where they make sense.

**Vote**

Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

**D. CONSIDER A SIDEWALK VARIANCE FOR 2480 WOODWARD AVENUE**

**Staff Report**

Robert & Traci Merzlake, the owners of the property located at 2480 Woodward Ave, are requesting a sidewalk variance for no sidewalks on Granite Street and Curb-side sidewalk on Woodward Avenue. The lot is currently vacant but the owners are planning to submit for building permit in the near future. Woodward Avenue is developed with curb, gutter, and paved streets. The topography of the site drops off considerably from behind the curb and gutter. Sidewalks are not currently installed on the corresponding block but are installed curbside one block to the east. Granite is paved street but not developed to city standards along the corresponding block.

The owners are requesting a sidewalk variance to defer the installment of sidewalks along Granite Avenue until the street is constructed to city standards and to allow the installation of curbside sidewalks along Woodward Avenue.

**Public Comment**

Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

**Discussion**

Commissioner Haladay asked if there was any plans by the City to install street improvements on Granite Street. Mr. Leland stated there were no plans.

Commissioner Dean asked if staff agreed with the property owners' statement regarding the amount of fill in the area being unreasonable. Mr. Leland stated it would be a substantial amount of fill.

**Motion**

**Commissioner Logan moved to approve the deferring of the installation of sidewalks along Granite Street and allow for deferment of installation of sidewalks along Woodward Avenue until its constructed to city standards.**

**Discussion**

Commissioner Dean stated she was comfortable to table this item at this time but was not comfortable with approving it due to the number of children using the area as passage to Kessler School.

Commissioner Haladay agreed with Commissioner Dean and stated he would be inclined to deny the deferment altogether.

Commissioner O'Loughlin concurred with the other Commissioners statements.

**Alternative Motion**

**Commissioner O'Loughlin moved to deny the deferring of the installation of sidewalks along Granite Avenue and deny the request for installation of curbside sidewalks along Woodward Avenue.** Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

**E. CONSIDER A SIDEWALK VARIANCE FOR 810 HIAWATHA STREET**

**Staff Report**

Daniel & Kelsey Wiegand, the owners of 810 Hiawatha Street, are requesting a sidewalk variance. The property is currently being developed and has an approved building plan and permit for a single-family home. The current plans reflect city standard boulevard sidewalk and drive approach. The property is located on the northwest corner of Stuart and Hiawatha. Hiawatha is currently undeveloped and has no sidewalk, asphalt, or curb and gutter installed. Stuart is developed on the southside of the street but is not developed fully on the northside. The only sidewalk installed is located on the property directly west and is not currently compliant with ADA and City Standards.

The Owners are requesting a sidewalk variance to defer the installment of sidewalks along both Stuart Street and Hiawatha Street until both streets have been constructed to city standards.

**Public Comment**

Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

**Discussion**

Commissioner Haladay asked if there were any plans by the City to conduct street improvements on Stuart Street. Mr. Leland stated there was no intention by the City to improve Stuart at this time.

Commissioner O'Loughlin asked if the adjacent property had installed sidewalks. Mr. Leland stated the adjacent property did have a boulevard style, and it was not in compliance with ADA standards.

Commissioner Haladay asked Mr. Leland whether the installation of asphalt only to any street, would meet "to city standards" qualifier. Mr. Leland stated this qualifier would also require curb and gutter to trigger the requirement, as it was being interpreted at this time.

Commissioner O'Loughlin asked Mr. Leland to clarify where sidewalk currently exists in the surrounding properties.

**Motion**

**Commissioner O'Loughlin moved to approve the deferring of the installation of sidewalks Along 810 Hiawatha Street, conditional upon the property owner signing a waiver of protest of any future SID and deny the deferment along Stuart Street.**

Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye,

Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

F. CONSIDER THE ADOPTION OF THE DOWNTOWN URBAN RENEWAL DISTRICT WORK PLAN FOR FY 2020 AND THE FIRST HALF OF FY 2021.

Staff Report

Community Development Director Sharon Haugen reported the Helena City Commission created the Downtown Urban Renewal District in 2018 and expanded that District to include a portion of the Rodney Street area. At the time, the City also adopted a resolution establishing the Downtown Urban Renewal District Tax Increment Financing Advisory Board (to be known as the Downtown URD TIF Advisory Board). One of the responsibilities of the Board is to adopt an Annual Work Plan that recommends the priorities for the use of TIF funds. A subcommittee of Advisory Board members met to discuss potential projects that could be considered and to identify the project areas that would best address the needs that have arisen out of the Covid-19 emergency. On May 19, 2020, the Board met to consider a draft Annual Work Plan that recommends program prioritizations for FY 2020 and the first half of FY 2021. These program priorities include: the development of branding and marketing plans focused on the Downtown URD businesses; a Health and Safety Improvement Program; and a Public Spaces Utilization Program. All of these priorities have been focused to address the concerns that have arisen from the directives of the Governor, the Lewis and Clark County Public Health Department, and the City of Helena State of Local Disaster Emergency Declaration related to the Covid-19 emergency.

Although additional projects are eligible as urban renewal projects, such additional projects expressly are not recommended at this time for funding amounts and prioritization. However, the additional projects and programs may be eligible for funding in the event additional tax increment funds become available. They will be included on the prioritization list once the Work Plan is formally amended and solicitations are made for projects of that type and recommended for funding.

The objective of the proposed Work Plan is to identify the priorities for Downtown TIF funds that can be used to address the concerns and issues that have arisen from the recent Covid-19 related emergency and the need to address the directives resulting from the Governor and the City of Helena's Local Disaster Emergency Declaration. They are intended to provide for a safer environment for residents and visitors to the Downtown URD District and to promote the area.

The adoption of the Annual Work Plan will make TIF money available to ensure a safer environment to allow businesses and public places to better serve the public. It also allows for the development of a marketing and branding plan that will promote the area and help both businesses and the public understand the measures that have been taken to ensure a safe environment exists in the area. It also allows for financing of temporary (or permanent) improvements that allow for adequate spacing and better utilization of those areas.

Director Haugen recommended approval of the adoption of the Downtown Urban Renewal District Work Plan for FY 2020 and the first half of FY 2021.

Public Comment Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

Discussion Commissioner Dean applauded staff for their efforts on this matter.  
Commissioner O'Loughlin asked if the TIF dollars spent on this and similar items, would be submitted for reimbursement by the Federal government. Interim Manager Reed state the intent by the City was to pursue reimbursement and thus leaving the TIF dollars in place.

**Motion** Commissioner Dean moved to approve the adoption of the Downtown Urban Renewal District Work Plan for FY 2020 and the first half of FY 2021. Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

G. CONSIDER A RESOLUTION GRANTING DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING FUNDS TO PROVIDE FOR PUBLIC SAFETY AND SANITATION EXPENSES IN THE DISTRICT.

Staff Report Community Development Director Sharon Haugen reported The Downtown URD TIF Advisory Board recommended adoption of the Annual Work Plan for FY 20 and FY 21 at their May 19th meeting. The City Commission will consider its adoption at their June 8th meeting. The project priorities considered in the proposed plan are intended to address the concerns that have arisen from the directives given by the Governor, the Lewis and Clark County Public Health Department, and the City of Helena's State of Local Disaster Emergency Declaration related to the Covid-19 emergency. The three (3) project areas are: the development of branding and marketing plans focused on the Downtown URD businesses; a Health and Safety Improvement Program; and a Public Spaces Utilization Program.

The City of Helena is proposing a project to purchase hand sanitizers and related sanitation facilities for the public places and businesses within the boundaries of the Downtown URD District. The project cost for the City will be \$10,000. The project is consistent with the intent of the declaration of a local emergency. It also conforms to the goals and the priorities stated in the Downtown URD Plan and the recommended Work Plan.

On May 28th, 2020, the Downtown TIF Advisory Board heard the City staff's proposal. The Advisory Board voted unanimously to recommend using Downtown URD TIF funds to purchase the hand sanitizers and related sanitation facilities for locations and businesses in the Downtown URD District. They recommended an allocation of \$10,000 for this purpose.

The purpose of the request is to obtain Downtown URD TIF funding for the installation of sanitation facilities to address public health and safety in the Downtown URD.

The use of tax increment financing funds for this purpose will address some of the serious health and safety concerns in the Downtown's public places and within the buildings located in the District. The project will not only address the health and safety concerns but will also promote the Downtown area as a safer environment for both visitors and residents.

Director Haugen recommended approval of a resolution granting Downtown Urban Renewal Tax Increment Financing funds to provide for public safety and sanitation expenses in the district.

Public Comment

Mayor Collins asked if there was anyone wishing to make public comment on this this item. There being none, public comment was closed.

Discussion

Commissioner Logan asked if there was additional information on the cost of maintenance of the hand sanitizers. Director Knoepke stated the costs and maintenance would be managed by Parks and Transportation Systems staff and an update would be given to the Commission after a period, allowing for adjustments to be made as needed.

Motion

**Commissioner Dean moved to a resolution granting Downtown Urban Renewal Tax Increment Financing funds to provide for public safety and sanitation expenses in the district.**

Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

**Public Hearings**

PUBLIC HEARINGS

- A. CONSIDER A PRELIMINARY PLAT FOR THE ANDERSON VILLAGE MAJOR SUBDIVISION CREATING 18 LOTS FROM 5.76 ACRES, TO ADOPT THE FINDINGS OF FACT AND THE CONDITIONS CONTAINED THEREIN, AND ACCEPT THE DEDICATION TO THE CITY OF THE PROPERTY AND PUBLIC IMPROVEMENTS SO DESIGNATED THEREON, FOR PROPERTY LEGALLY DESCRIBED AS LOTS 8, 9 & 13 OF THE ANDERSON BUSINESS PARK SUBDIVISION AS SHOWN IN COS# 3050024, IN THE RECORDS OF THE CLERK & RECORDER OF LEWIS & CLARK COUNTY, MONTANA.

Staff Report

The applicant has applied for preliminary plat review for the Anderson Village Major Subdivision to the City of Helena that has gone through both internal and external reviews. Anderson Village represents a replat of lots 8, 9 & 13 of the previously approved Anderson Business Park and is intended to have 12 residential and 6 commercial lots and ROW from 5.76 acres. The subject properties are zoned R-O (Residential/Office) which support a mixture of residential and commercial uses. At their regular meeting on March 4, 2020 the Parks Board voted in favor of accepting a cash in lieu payment with the final amount being determined at final plat as Skelton Park, a larger neighborhood park, is approximately 150 feet away. The Consolidated Planning Board, at their April 21, 2020 regular meeting voted to

recommend approval of the preliminary plat application with conditions. The proposal is to gain approval of the preliminary plat for Anderson Village Major Subdivision, creating 18 new lots from 5.76 acres within the city limits of Helena, Montana. The subject property is located within the City of Helena in an already urbanized area to the northeast of the intersection of Custer Avenue and McHugh Lane making it an ideal location for infill development. Such development is supported and encouraged by the 2011 growth policy to avoid sprawl and its detrimental impacts, support Helena's walkability, and create opportunities for goods, services and employment closer to existing residential areas. Infill developments like this one support vibrant, walkable neighborhoods, potentially reducing vehicle miles traveled, the urban heat island effect and making use of already existing city infrastructure. Any potential impacts of the subdivision will be mitigated by the proposed conditions of approval.

Staff recommended to conditionally approve the preliminary plat for the Anderson Village Major Subdivision creating 18 lots from 5.76 acres, to adopt the findings of fact and the conditions contained therein, and accept the dedication to the City of the property and public improvements so designated thereon, for property legally described as Lots 8, 9 & 13 of the Anderson Business Park Subdivision as shown in COS# 3050024, in the records of the Clerk & Recorder of Lewis & Clark County, Montana.

Public Comment

Holly Manning of Robert Peccia and Associates, spoke on behalf of the applicant, stating she was available for any questions.

Motion

**Commissioner Logan moved to conditionally approve the preliminary plat for the Anderson Village Major Subdivision creating 18 lots from 5.76 acres, to adopt the findings of fact and the conditions contained therein, and accept the dedication to the City of the property and public improvements so designated thereon, for property legally described as Lots 8, 9 & 13 of the Anderson Business Park Subdivision as shown in COS# 3050024, in the records of the Clerk & Recorder of Lewis & Clark County, Montana.**

Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

- B. CONSIDER A RESOLUTION GRANTING PROPERTY TAX BENEFITS FOR SEELEY BUILDING, LLC, FOR RECONSTRUCTION OF A BUILDING AT 630 N. LAST CHANCE GULCH IN THE CITY OF HELENA, MONTANA.

Staff Report

Community Development Director Sharon Haugen reported Seeley Building LLC has purchased the property located at 630 N. Last Chance Gulch from the City of Helena and is planning to reconstruct a new residential and commercial building on the property. The property was most recently the site of the old Bus Depot by the City and had been used for the 24/7 program. The owner has applied for a tax abatement under the provisions of (MCA 15-24-1502 et seq.). The application is for the future building to be located on 630 N. Last Chance Gulch, the former bus depot. Under these provisions of MCA 15-24-1502, if approved, the property taxes are abated during construction and for up

to five years. The taxes are then gradually phased in at a rate at 20 percent each year. Upon local approval of tax abatements, the Department of Revenue determines eligible improvements and applies the abatement to the property.

If granted, the applicant must keep all taxes current for the property that receives tax benefits. Failure to pay taxes will void the tax abatement for the next ten years. Property taxes abated from the reduction in property taxes allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of this section of law.

Seeley Building LLC plans a \$12-\$13 million reconstruction of this site into a three-story tall mixed-use building with an underground parking garage. The first 2 floors will provide commercial space. The top floor will offer residential condominiums and are not eligible for the tax abatement.

The previous taxable market value of the property is \$0 because it was owned by the City of Helena. The Department of Revenue has not determined the new increase in taxable value after the reconstruction but given that the property will be new to the tax rolls, it is a given that the 5 percent criteria will be met by the applicant.

To be eligible for the property tax exemption and the property tax reduction, the commercial building may not have been used in a business for at least 6 months immediately preceding the date of application to the governing body for approval. The building was used by the Sheriff's Office for the 24/7 program and is not considered a commercial use. The applicant is also current on all their property taxes.

The intent of the tax abatement is to allow local communities to encourage new and/or expanding businesses by making available tax benefits for future expansion and development. The tax abatement helps the company to better afford improvements and expansion of their existing operation and to enable the expansion to better cash flow.

The granting of property tax benefits is one of the tools the City Commission has for encouraging economic development and the redevelopment of an area. This redevelopment project is located in the Downtown Urban Renewal District and reconstruction could serve as a catalyst for other redevelopment in that area. The property tax benefits will result in a decrease in the total revenue realized until the property tax benefits period is complete and due to Helena School District No. 1, Lewis and Clark County, and the City of Helena. If approved by both the City and the County, the total tax exemption and reduction over ten years is approximately \$889,682, \$194,836 of which would be due to the City. This reduction would also impact the revenue of the Downtown Urban Renewal District.

Director Haugen recommended approve, table or deny a resolution granting property tax benefits for Seeley Building, LLC, for reconstruction of a building at 630 N. Last Chance Gulch in the City of Helena, Montana

#### Discussion

Commissioner Dean asked if contact had made to the School District regarding the abatement. Director Haugen stated a certified letter and personal contact had been made. The Commissioner asked if there were other mechanisms to defer taxes for a limited time to a property, in lieu of the abatement being considered this evening.

Public Comment

Mayor Collins asked if there was anyone wishing to make public comment on this this item.

Ray Kuntz spoke on behalf of the property owner, stating the tax benefits would be going to the tenants, and spoke in favor of the resolution.

Dr. Nicole Henrikson, Helena Vision Center, spoke in favor of the resolution.

Toby DeWolf, Bert & Ernie's Restaurant, spoke in favor of the resolution.

Marty Schuma, of Dick Anderson Construction, spoke in favor of the resolution.

Rex Seeley, property owner, spoke in favor of the resolution. There being no others wishing to comment, public comment was closed.

Discussion

Commissioner O'Loughlin asked if a tax abatement was part of the initial proposal submitted to the City as part of the process for bids on the Bus Depot property. Director Haugen stated there was no abatement with the original submission. The Commissioner further asked for clarification on where the financial impact would be most absorbed, including the TIF district.

Commissioner Dean expressed concerns over allowing for any financial considerations of this kind during a time when tax revenues were at a minimum due to COVID, although she could understand the arguments from the businesses and the property owner.

Commissioner O'Loughlin stated she also had reservations regarding tax considerations due to financial impact locally of COVID, and due to the tax abatement was not part of the original proposal to the city for the purchase of the property. The Commissioner stated she was very appreciative of the property owner for his willingness to invest in the community and was still supportive of the project overall.

Motion

**Commissioner O'Loughlin moved to deny a resolution granting property tax benefits for Seeley Building, LLC, for reconstruction of a building at 630 N. Last Chance Gulch in the City of Helena, Montana.**

Discussion

Commissioner Haladay stated he did not believe the data on tax abatements was indicative of overall community benefit and stated this is was why he would support the denial this evening.

Vote

**Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye, and Mayor Collins voted nay. The motion carried, 3-2.**

C. CONSIDER A RESOLUTION GRANTING PROPERTY TAX BENEFITS FOR FARMERS STATE BANK OF MONTANA, FOR RECONSTRUCTION OF A BUILDING AT 2100 N. MONTANA IN THE CITY OF HELENA, MONTANA

Staff Report

Farmers State Bank of Montana has purchased the property at 2100 N. Montana and is presently reconstructing a new commercial building on the property. The property was most recently the site of the Helena Industries Thrift Store. The owners of Farmers State Bank have

submitted a request for tax abatement under provisions of state law for remodeling, reconstruction, or expansion of existing commercial buildings or structures (MCA 15-24-1502 et seq.). Under these provisions, applicants who add to an existing building or structure that increase its taxable value by at least 5 percent may qualify for this abatement. If approved, the property taxes abated are phased in over five years at 20 percent each year. Upon local approval of tax abatements, the Department of Revenue determines eligible improvements and applies the abatement to the property.

The current taxable market value of the property is \$0 because it was owned by Helena Industries, a not for profit corporation and exempt from ad valorem property taxes. Farmers State Bank desires to obtain the property tax benefits for reconstruction of a building at 2100 N. Montana. The granting of tax abatements is one of the tools the City Commission has for encouraging economic development and redevelopment of an area. This abatement represents a redevelopment project located in one of the key corridors of the City and new construction would serve as a catalyst for other redevelopment in that area. The property tax benefits will result in a decrease in the total revenue realized until the property tax benefits period is complete and due to Helena School District No. 1, Lewis and Clark County, and the City of Helena. If approved by both the City and the County, the total tax exemption and reduction over ten years is approximately \$520,939, \$114,083 of which would be due to the City.

Director Haugen recommended to approve, table or deny a resolution granting property tax benefits for Farmers State Bank of Montana, for reconstruction of a building at 2100 N. Montana in the City of Helena, Montana.

#### Discussion

Commissioner Dean asked if the property owners or a representative had contacted the City previously with the idea of the tax abatement during the permitting process. Director Haugen stated she had not discussed the tax abatement with anyone representing the property.

#### Public Comment

Mayor Collins asked if there was anyone wishing to make public comment on this item.

Travis Brazil, of Farmers State Bank, spoke in favor of the resolution.

There being no others wishing to comment, public comment was closed.

#### Motion

**Commissioner Haladay moved to deny a resolution granting property tax benefits for Farmers State Bank of Montana, for reconstruction of a building at 2100 N. Montana in the City of Helena, Montana.** Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted nay. The motion carried, 4-1.

D. CONSIDER A RESOLUTION TO VACATE 6TH AVENUE BETWEEN N. ROBERTS STREET AND SANDERS STREET.

#### Staff Report

City Engineer Ryan Leland reported Russ Katherman, Applicant, representing the State of Montana Department of Administration, is requesting the City of Helena to vacate 6th Avenue between Roberts

Street and Sanders Street. The legal description for the subject area falls between Blocks 4 and 9 of the Corbin Subdivision located in the NW ¼ of Section 32 T10N3W.

The applicant is requesting to vacate 6th Avenue for the construction of the new Montana Heritage Center, which is an addition to the Montana State Museum located on the Montana State Capital Campus.

The calculated square foot transfer price is \$5.90. The total area to be transferred is approximately 28,063 square feet. The total transfer fee is \$165,571.70. The following conditions to complete the property vacate are as follows:

- Existing sanitary sewer main to be abandoned and relocated to serve existing conditions.
- Existing water main to be abandoned and relocated to 8th Avenue to serve existing conditions.
- Existing storm main to be abandoned and relocated as a future project by the City of Helena. The State of Montana will be responsible during the course of this project to ensure the storm water service connections connected to the 48" main are disconnected including the area inlet south of the building.

A physical connection between the new building and the existing building is critical for museum functions and visitor experience. The street vacation and construction of the new building across 6th Ave. will require all non-motorized travel to go through or around the building and will be only accessible during working hours through the building. The vacation will also change the traffic patterns and will increase traffic on adjacent streets.

Mr. Leland recommended to approve, table or deny a Resolution to vacate 6th Avenue between N. Roberts Street and Sanders Street.

Discussion

Commissioner Dean asked if the neighborhood had been engaged recently on the Capitol Complex master plan. Russ Katherman stated the public outreach had happened during an open house last week, but this public outreach has been part of a greater discussion which had been happening for years with the neighborhood and with plans to continue those discussions into the future.

Jennifer James, project lead, spoke further on the data gathered as part of the public outreach and surveys and research with Capitol employees.

Zack Graham, with the consulting group, screen shared additional documents and materials on the data gathered.

Public Comment

Mayor Collins asked if there was anyone wishing to make public comment on this this item.

Rebecca Bauman, 2014 Lockey Avenue, spoke in opposition of the closure.

There being no one further wishing to make comment, public comment was closed.

Motion

**Commissioner Dean moved to approve a Resolution to vacate 6th Avenue between N. Roberts Street and Sanders Street.**

Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0.

***Public  
Communications***

PUBLIC COMMUNICATIONS  
None received.

***Adjournment***

There being no further business to come before the City Commission, the meeting adjourned at 9:45 p.m.

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MAYOR

ATTEST:

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CLERK OF THE CITY COMMISSION