



# City of Helena

## CITY OF HELENA

### City Commission Meeting

September 22, 2025 - 6:00 PM

City - County Building Room 330 / Zoom Online Meeting; <https://zoom.helenamt.gov/j/36053471/publicmeetings>

**1. Call to Order and Roll Call**

- A. Meeting Rules of Procedure

**2. Pledge of Allegiance**

**3. Minutes**

- A. 9-3-25 Admin Meeting
- B. 9-4-25 Strategic Plan Update Meeting
- C. 9-8-25 Commission Meeting

**4. Board & Committee Update**

- A. Board Appointments

**5. Consent Agenda**

- A. Release of Easement for Relocated Utilities and Access for Skyway Regional Shopping Center
- B. Donation of K-9 "Brutus" to Corporal Jacob Scavone

**6. Bid Award**

- A. Bid Award for 2019 Cured in Place Pipe (C.I.P.P.) Sewer Main Rehabilitation Project #19-35

**7. Communication/Proposals from Commissioners**

**8. Report of the City Attorney**

**9. Report of the City Manager**

**10. Communications from the Helena Citizens Council**

**11. Regular Items**

- A. Consider approving the first passage of an ordinance granting a franchise to Montana Internet Corporation (MIC), and allowing the construction, operation, regulation, and control of a telecommunications system within the City of Helena, Montana, and set a public hearing for October 20, 2025.
- B. Consideration of an amendment to Resolution No. 20970, adding additional representation to the Helena Urban Renewal Tax Increment Financing Advisory Board
- C. Consider a Resolution of Intention to set rates for all customers of the City of Helena wastewater system
- D. Consider a Resolution of Intention to set rates for all customers of the City of Helena water system
- E. Consider a Resolution of Intention to increase charges for all customers of the City of Helena Wastewater system.
- F. Consider a Resolution of Intention for services charges or equipment purchases for all customers of the City of Helena water system

**12. Public Communications**

**13. Adjournment**

It is the policy of the City Commission to take public comment on any action item. For further information on any of the items mentioned above, please contact the City Clerk's Office at 447-8410 or [dmclayborn@helenamt.gov](mailto:dmclayborn@helenamt.gov).

To read packet information while attending a City Commission Meeting please use the City/County wireless network COMM\_MEET during the meeting.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Anne Pichette, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

Phone: (406) 447- 8490

TTY Relay Service 1-800-253-4091 or 711

Email: [citycommunitydevelopment@helenamt.gov](mailto:citycommunitydevelopment@helenamt.gov)

Mailing Address & Physical Location: 316 North Park Avenue, Room 445, Helena, MT 59623.

## **Rules of Procedure:**

Good evening and welcome to the City of Helena City Commission Meeting. We appreciate your attendance and participation. To ensure our meetings are productive and respectful, we ask everyone to adhere to the following guidelines:

### **Decorum and Expectations:**

- Please maintain respect towards the Commission, presenters, and other participants. All participants are expected to avoid using profanity or hostile language. Inappropriate behavior or continued disruptions may result in action by the Commission.

### **Zoom Participation Decorum:**

- Please keep your microphone muted unless you are speaking to minimize background noise.
- Use the “Raise Hand” feature if you wish to speak and wait to be recognized by the chair.
- If available to you, please ensure your video is on if you are speaking, to maintain transparency and engagement.
- Participants joining by telephone may raise their hand by pressing \*9 and mute/unmute themselves using \*6.

### **Public Comment:**

- Public comments will be recognized only during designated periods by the presiding officer.
- State your name for the record when recognized to speak.
- **Each speaker will be given two minutes to make their comments. At two minutes, you will be asked to begin wrapping up. Please keep comments respectful, concise, and non-repetitive.**
- Individuals may speak once per agenda item and during the general comment period at the end of the meeting.
- **Comments will first be taken from people present in the room, followed by online participants.**
- Online participants may also use the Q&A feature to submit written comments.
- **If you ask a question during public comment, it will be recorded but you likely will not receive an answer. The purpose of public comment is for you to share your thoughts on a topic, not ask questions to City staff.**
- Members of the Commission may ask clarifying questions during the comment period.
- **All comments will be recorded in the permanent record. Formal statements can be submitted via the General Public Comment form on the City’s website. Comments on public engagement pages and media are public records under MCA 2-6-1003.**

### **Montana’s Right to Participate and Right to Know Laws:**

- In accordance with Montana’s right to participate law (MCA 2-3-103), the public is encouraged to engage in the decision-making process.
- The right to know law (MCA Article II Section 10) ensures that all meetings are open to the public and that records are accessible. We strive to maintain transparency and accountability in all our proceedings.

### **Public Meetings and Recordings:**

- **Please be aware that all public meetings and recordings are considered public records. These records are accessible to the public at any time.**
- **By participating in this meeting, you acknowledge that your comments and participation will be part of the public record.**

Thank you for your cooperation and for contributing to a respectful and effective meeting.



**City Commission Administrative Meeting  
September 3, 2025 – 4:00 PM**

**Zoom Link: <https://zoom.helenamt.gov/c/36053471/publicmeetings>  
City County Building, 316 N. Park Ave., Room 326**

**Time & Place**

A City Commission Administrative meeting was held Wednesday, September 3, 2025 at 4:00 p.m. physically in the City County Building, Room 326, and via Zoom Hub Link: <https://zoom.helenamt.gov/c/36053471/publicmeetings>

**Call to Work Session, Introductions**

**(00:03:20)** The following responded present:

**In Person**

Assistant City Attorney Petesch  
Acting City Manager Campbell  
Commissioner Dean  
Commissioner Shirliff  
Commissioner Logan  
Commissioner Reed  
Mayor Collins

**Via Zoom**

None

**Communications from the Helena Citizens Council**

**(00:03:42)** HCC Chair Kuiper discussed recent and upcoming meeting agenda items.

**City Manager's Report**

**(00:04:08)** Acting City Manager Campbell had nothing to report.

**Commission Comments, Questions**

**(00:04:22)** There were no comments or questions from Commissioners.

**Department Reports**

**A. Electric Vehicle Pilot Project**

**(00:04:30)** Public Works Director Leland and Environmental Pretreatment Manager Anderson presented Item A.



- (00:05:43) Commissioner Reed asked Manager Anderson and Director Leland about tracking and reporting.
- (00:06:33) Commissioner Dean asked Manager Anderson about concurrent use specifics and about pilot program assessment.
- (00:08:30) Commissioner Shirliff asked Manager Anderson and Public Works Deputy Director Coleman about the purchase location.
- (00:09:42) Commissioner Logan discussed concerns.
- (00:12:07) Mayor Collins, Commissioner Dean, and Commissioner Reed expressed support.

## **B. Parking Fees Discussion**

- (00:14:10) Transportation Systems Director Knoepke and Deputy Director Couey presented Item B.
- (00:23:27) Commissioner Reed asked Director Knoepke and Deputy Director Couey about balancing increasing costs.
- (00:29:49) Commissioner Shirliff asked Director Knoepke about outreach and education for the public.
- (00:31:09) Commissioner Logan expressed concerns for the day-to-day impacts of fees on businesses and customers.
- (00:32:43) Commissioner Dean discussed enforcement and maintenance costs.
- (00:35:20) Bobby Lambertson provided public comment, expressing concerns for parking, referencing small businesses.
- (00:37:25) Anita Mayhews provided public comment, expressing concerns for parking, referencing small businesses.
- (00:38:48) Parking Advisory Committee Chair Gustafson addressed Commission and public comments.
- (00:45:27) Commissioner Reed discussed her preference to pause increase decisions.
- (00:46:54) Commissioner Logan encouraged business owners to attend Parking Advisory Committee meetings.

## **C. Resolution of Intention to increase charges for all customers of the City of Helena Wastewater system**

## **D. Resolution of Intention for services charges or equipment purchases for all customers of the City of Helena water system**



(00:49:04) Director Leland presented Items C and D.

**E. Notice of Cancellation of the 2025 General Election for the Helena Citizens' Council Due to a Lack of Competitive Races**

(00:51:32) Clerk Clayborn presented Item E.

(00:53:52) HCC Chair Kuiper provided public comment, reporting no concerns from current Helena Citizens Council members.

**Public Comment**

(00:54:19) There were no further comments or questions from the Commission and/or public.

**Commission Discussion and Direction to the City Manager**

**Adjournment**

(00:54:30) There being no further business before the Commission, the meeting adjourned at 4:55pm.



## **City Commission Strategic Plan Update Meeting**

**September 4, 2025 – 12:00 PM**

**Zoom Link: <https://zoom.helenamt.gov/c/36053471/publicmeetings>**

**City County Building, 316 N. Park Ave., Room 326**

### **Time & Place**

A City Commission Strategic Plan Update meeting was held Thursday, September 4, 2025 at 12:00 p.m. physically in the City County Building, Room 326, and via Zoom Hub

Link: <https://zoom.helenamt.gov/c/36053471/publicmeetings>

### **(00:00:00) Call to Work Session, Introductions**

The following responded present:

#### **In Person**

City Manager Burton  
Mayor ProTem Dean  
Commissioner Shirtliff (arrived late)  
Commissioner Logan  
Commissioner Reed (left early)

#### **Via Zoom**

None

The following were absent:

Mayor Collins

### **(00:00:42) Current Strategic Plan**

- A. Purpose of mid-cycle plan review & expectations for the day**
- B. Best practices of mid-cycle reviews**
- C. Brief history & review of 2024 strategic plan**

### **(01:42:08) Break**

### **(01:54:34) Plan to Complete Strategic Priorities by 2026**

- A. Is the City on track to accomplishing the identified goals outlined in the current plan?**
- B. Strategies and Actions progress updates (Department Directors)**
- C. Prioritizing the remaining priorities**
- D. Identify barriers to implementation**
- E. Realistic pace of progress over the next 18 months**

### **(02:26:13) Review and Summary of Input**



**(02:53:20) Next Steps**

**Public Comment**

**(03:16:20)** Abigail Dolan from the Business Improvement District provided public comment, thanking the Commission and Staff.

**(03:17:28) Wrap Up**

**Adjournment**

**(03:18:13)** There being no further business before the Commission, the meeting adjourned at 3:19pm.



**City of Helena**  
**City Commission Meeting**  
**September 8, 2025 – 6:00 PM**  
**Zoom Hub Link; <https://zoom.helenamt.gov/c/36053471/publicmeetings>**  
**City County Building Commission Chambers, Room 330**

**Time & Place**

A regular City Commission meeting was held on Monday, September 8, 2025 at 6:00 p.m. via Zoom Hub Link: <https://zoom.helenamt.gov/c/36053471/publicmeetings> and physically in the City County Building Commission Chambers, Room 330.

**Call to Order and Roll Call**

**(00:04:40)** The following responded present, either via zoom or in person:

**In Person**

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

**Via Zoom**

None

**Pledge of Allegiance**

**(00:05:15)** Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

**Minutes**

- A.** 8-13-25 Admin Meeting
- B.** 8-18-25 Commission Meeting
- C.** 8-27-25 Admin Meeting

**(00:05:47)** **There being no comments or questions from the Commission, Mayor Collins accepted Minutes A, B, and C.**

**Proclamations**

**A. National Voter Registration Day Proclamation**

**(00:06:06)** Mayor Collins presented Proclamation A.

## **Consent Agenda**

### **A. Approval of a resolution designating the Environmental Certifying Official for the purposes of Helena Area Habitat for Humanity's Housing and Urban Developments (HUD) Self-Help Opportunity Program (SHOP) grant application**

**(00:08:49) Commissioner Reed made a motion to approve Consent Agenda Item A. Commissioner Shirliff seconded the motion.**

**(00:09:16)** Habitat for Humanity Executive Director Jacob Kuntz provided public comment, advocating for approval.

**(00:09:50)** Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

**The motion carried 5:0.**

## **Bid Award**

### **A. Bid Award for the Red Mountain Flume Repair Project #22-04**

**(00:10:15)** Public Works Director Leland presented Item A.

**(00:13:14)** Commissioner Reed asked Director Leland for statistical information of stages of the project.

**(00:14:04)** Commissioner Logan thanked Director Leland and Staff.

**(00:14:27)** Commissioner Dean asked Director Leland about backstory information and the proposed final plan for the Flume.

**(00:17:11)** Commissioner Shirliff asked Director Leland about the timeline for completion.

**(00:18:27) Commissioner Logan made a motion to approve the base bid and additive alternate 1 to the lowest responsive bidder, Hard Rock Road Building & Utilities Inc. in the amount of \$2,173,196.00 and a budget amendment activating cash reserves in the amount of \$525,000. Commissioner Dean seconded the motion.**



(00:18:58) Mayor Collins called for a vote.  
Commissioner Shirliff voted: **Aye**  
Commissioner Logan voted: **Aye**  
Commissioner Reed voted: **Aye**  
Commissioner Dean voted: **Aye**  
Mayor Collins voted: **Aye**

**The motion carried 5:0.**

### **Communications/Proposals from Commissioners**

(00:19:09) There were no communications or proposals from Commissioners.

### **Report of the City Attorney**

(00:19:17) City Attorney Dockter had nothing to report.

### **Report of the City Manager**

(00:19:23) City Manager Burton had nothing to report.

### **Communications from the Helena Citizens Council**

(00:19:35) There were no representatives from the HCC in attendance.

### **Regular Items**

#### **A. Consider a Resolution Establishing the Method of Levying Voted Mills as Required by Laws 2025, Chapters 674 and 767 Passed in the 69th Montana Legislative Session**

(00:20:10) Finance Director Danielson presented Item A.

(00:22:37) **Commissioner Dean made a motion to approve A Resolution Establishing the Method of Levying Voted Mills as Required by Laws 2025, Chapters 674 and 767 Passed in the 69th Montana Legislative Session. Commissioner Shirliff seconded the motion.**

(00:23:00) Mayor Collins called for a vote.  
Commissioner Shirliff voted: **Aye**  
Commissioner Logan voted: **Aye**



Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

**The motion carried 5:0.**

**B. Consider a Resolution Canceling the General Election for the Neighborhood Council Districts #1 through #7 for the 2025 Election; Declaring those Qualified Candidates Elected by Acclamation and Establishing a Procedure of Appointment by the Governing Body for the Remaining Vacancies**

(00:23:41) Clerk Clayborn presented Item B.

(00:25:30) **Commissioner Reed made a motion to approve a resolution canceling the HCC general election; declaring those filed as being elected by acclamation and establishing the appointment process for the remaining vacancies by the governing body. Commissioner Logan seconded the motion.**

(00:25:45) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

**The motion carried 5:0.**

**Public Hearings**

**A. Consider a Resolution for the City of Helena to Establish a Commercial Property Assessed Capital Enhancements (C-PACE) Program**

(00:26:10) Director Leland presented Item A.

(00:27:06) Commissioner Reed thanked Director Leland and the City's Sustainability Coordinator Jacobson.

(00:27:27) Commissioner Dean thanked Director Leland and Staff.

(00:28:29) Commissioner Shirliff thanked Director Leland and Staff.





**(00:29:08) Commissioner Shirliff made a motion to approve a Resolution for the City of Helena to Establish a Commercial Property-Assessed Capital Enhancements Program. Commissioner Reed seconded the motion.**

**(00:29:21)** Mayor Collins called for a vote.  
Commissioner Shirliff voted: **Aye**  
Commissioner Logan voted: **Aye**  
Commissioner Reed voted: **Aye**  
Commissioner Dean voted: **Aye**  
Mayor Collins voted: **Aye**  
**The motion carried 5:0.**

**B. Consider a Resolution Providing for the Annual Tax Levy in Mills for the Fiscal Year Beginning July 1, 2025 and Ending June 30, 2026**

**(00:29:45)** Director Danielson presented Item B.

**(00:31:53) Commissioner Dean made a motion to approve a Resolution Providing for the Annual Tax Levy in Mills for the Fiscal Year Beginning July 1, 2025 and ending June 30, 2026. Commissioner Logan seconded the motion.**

**(00:32:16)** Mayor Collins called for a vote.  
Commissioner Shirliff voted: **Aye**  
Commissioner Logan voted: **Aye**  
Commissioner Reed voted: **Aye**  
Commissioner Dean voted: **Aye**  
Mayor Collins voted: **Aye**  
**The motion carried 5:0.**

**C. Consider a Resolution Approving a Tax Abatement Application of Matthew Culpo and Christine Thennis for That Property located at 3 Washington Place in the City of Helena, Montana**

**(00:32:42)** Director Danielson presented Item C.



(00:34:20) **Commissioner Logan made a motion to approve a Resolution Approving a Tax Abatement Application of Matthew Culpo and Christine Thennis for that Property located at 3 Washington Place, in the City of Helena, MT. Commissioner Shirtliff seconded the motion.**

(00:34:41) Mayor Collins called for a vote.  
Commissioner Shirtliff voted: **Aye**  
Commissioner Logan voted: **Aye**  
Commissioner Reed voted: **Aye**  
Commissioner Dean voted: **Aye**  
Mayor Collins voted: **Aye**  
**The motion carried 5:0.**

**D. Consider a Resolution Adopting Final Budgets, Budget Authorities, and Appropriations for the Fiscal Year Beginning July 1, 2025 and ending June 30, 2026, and Setting the Salary for the Municipal Court Judge**

(00:35:09) Director Danielson presented Item D.

(00:44:14) Commissioner Dean thanked Director Danielson and Staff for their work.

(00:45:56) Commissioner Logan thanked Director Danielson and Staff for their work.

(00:46:20) **Commissioner Logan made a motion to approve a Resolution Adopting Final Budgets, Budget Authorities, and Appropriations for the Fiscal Year Beginning July 1, 2025 and ending June 30, 2026, and setting the Salary for the Municipal Court Judge. Commissioner Reed seconded the motion.**

(00:46:45) Mayor Collins called for a vote.  
Commissioner Shirtliff voted: **Aye**  
Commissioner Logan voted: **Aye**  
Commissioner Reed voted: **Aye**  
Commissioner Dean voted: **Aye**  
Mayor Collins voted: **Aye**  
**The motion carried 5:0.**



## Public Communications

- (00:47:11)** Claire Kearns of the League of Women Voters provided public comment, advocating for citizens to vote.
- (00:48:00)** Lily Clarke provided public comment, expressing opposition for immigration enforcement.
- (00:50:37)** Ashley Fischer provided public comment, expressing opposition for immigration enforcement.
- (00:52:36)** Caleb Wallace provided public comment, expressing opposition for immigration enforcement.
- (00:55:12)** Julia Cotter provided public comment, expressing opposition for immigration enforcement.
- (00:56:00)** Phoebe Howell provided public comment, expressing opposition for immigration enforcement.
- (00:58:11)** HCC Representative John E Andrew provided public comment, discussing recent and upcoming HCC agenda items.
- (00:59:26)** Dannet Kassa provided public comment, expressing opposition for immigration enforcement.

## Adjournment

- (01:00:11)** There being no further business before the Commission, the meeting adjourned at 7:11pm.

ATTEST:

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MAYOR

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CLERK OF THE CITY COMMISSION

September 22, 2025

TO: City Commissioners  
FROM: Mayor Wilmot Collins  
SUBJECT: Board Appointments

I am recommending the following board appointments:

<b>Business Improvement District</b>	Reappointment of Seth Brandenberger to a second term on the Business Improvement District. Term expires October 31, 2029.
<b>Citizen Conservation Board</b>	Appointment of Grace Carbeck to an interim term on the Citizen Conservation Board. Interim term expires February 28, 2026.

\*Appointees can reapply for full terms following the completion of the Interim Appointment.

***City of Helena, Montana***

09/15/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Ryan Leland, Public Works Director  
Brian Holling, Development Services Engineer  
Jamie Clark, City Engineer

**Subject:** Release of Easement for Relocated Utilities and Access for Skyway Regional Shopping Center.

**Present Situation:** The City of Helena possesses three easements in this development as shown on the attachments. These easements were proved for access to a water main, a sewer main and for emergency access. During further design, the site plan was revised to relocate the water and sewer and emergency access. The current easements are obsolete and no longer required. The owner desires to have the easements released.

**Background Information:** The City of Helena possesses three easements in this development as shown on the attachments. These easements were proved for access to a water main, a sewer main and for emergency access. During further design, the site plan was revised to relocate the water and sewer and emergency access. The current easements are obsolete and no longer required. The owner desires to have the easements released.

**Proposal/Objective:** With the new water and sewer and emergency access alignments, and new easements granted, the property owner desires the City of Helena to release the existing easements.

**Advantage:** With the new easements in place these easements are no longer needed, and this will relieve the City from any responsibilities associated with these easements.

**Notable Energy Impact:** n/a

**Disadvantage:** None

**Quasi-Judicial Item:** False

**Notice of Public Hearing:** False

**Staff Recommendation/  
Recommended Motion:** Move to approve Request for Release of Easements for the Skyway Regional Shopping Center.



City of Helena

## City of Helena Public Works Department

316 N Park Ave  
Helena, MT 59623  
Phone: 406-447-8431  
FAX: 406-447-8442

### REQUEST FOR RELEASE OF EASEMENT

Owner **HELENA SKYWAY LLC**

Phone No. **657-247-2600**

Contact Name: **GREG WIRTH**

Contact Phone: **406-442-8594**

Mailing Address: **2950 AIRWAY AVE STE A9, COSTA MESA, CA 92626**

Project Name & Location: **SKYWAY REGIONAL SHOPPING CENTER – CHICK-FIL-A**

Reason for Release of Easement Request (please attach additional sheet(s) if necessary):

**Please Note:** Additional review time will be required if utilities other than City utilities have an interest in the easement.

**THE ORIGINAL EASEMENT WAS FOR SECONDARY EMERGENCY ACCESS AT THE SKYWAY REGIONAL SHOPPING CENTER. FURTHER DEVELOPMENT SINCE THE DATE OF THIS EASEMENT'S CREATION HAS PROVIDED PERMAMENT EMERGENCY ACCESS, THUS ELIMINATING THE NEED FOR THIS EASEMENT.**

Complete Easement Legal Description (please attach additional sheet(s) if necessary):

**THE EASTERN PORTION OF THE EMERGENCY ACCESS EASEMENT, AS DESCRIBED AND RECORDED UNDER DOCUMENT NUMBERS 3140492 AND 3140493 (ATTACHED TO THIS REQUEST), LOCATED ON LOT 4-E-1 AS SHOWN ON DOCUMENT NUMBER 3224561 (ATTACHED TO THIS REQUEST).**

Owner Signature  Date **8/8/2024**

Print Name Patrick Wood - Manager Position Title

#### Note to applicant:

Please provide an exhibit of the original easement with the signed Request of Release of Easement form. The request process requires that city staff, city manager, and the city commission all review the request. Due to this process please allow for a minimum of 6-8 weeks to process all requests.

**Please return to Tyson Lesmeister in room 413 of The City County Building, or mail to:**

**City of Helena Engineering Department**

**Attention: Tyson Lesmeister**

**316 North Park Avenue**

**Helena MT 59623**



AREA TAB  
AREA OF LOTS 28,008 AC.  
AREA OF ROADS & STREETS + 0.737 AC.  
TOTAL AREA 28,746 AC.

# AMENDED SKYWAY REGIONAL SHOPPING CENTER PLAT - PHASE I

AMENDING LOTS 1, 2, 4 & 5 OF THE SKYWAY REGIONAL SHOPPING CENTER MINOR SUBDIVISION,  
LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 10  
NORTH, RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA

## REASON FOR SURVEY

RELOCATE BOUNDARIES, CREATE LOTS AND  
GRANT ROW PARCEL

## BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION  
20, NORTH 0°41'03" WEST AS SHOWN ON C.O.S. NO. 283050

## SURVEY COMMISSIONED BY:

LOTS 1, 2, 4 & 5  
SKYWAY REGIONAL SHOPPING CENTER LLC

EXAMINING LAND SURVEYOR  
9962-LS  
MONTANA REGISTRATION NO.

DATE 12-11-07

## LEGEND

- DENOTES MON. SET 5/8" REBAR  
W/ YELLOW PLASTIC CAP  
MARKED "L.C. HANSON 2523FS"
- ✚ DENOTES SECTION CORNER (AS SHOWN)
- ✚ DENOTES QUARTER CORNER (AS SHOWN)
- DENOTES MON. FOUND  
(5/8" REBAR W/ YELLOW  
PLASTIC CAP MARKED "L.C.  
HANSON 2523FS," UNLESS  
NOTED OTHERWISE)
- DENOTES CONCRETE R/W MON. FOUND
- (M) MEASURED VALUE
- (R) RECORD VALUE
- NEW BOUNDARY
- OLD BOUNDARY
- EASEMENT
- EMERGENCY ACCESS EASEMENT
- FUTURE PHASE, NOT PART  
OF THIS SUBDIVISION

## CERTIFICATE OF FINAL PLAT APPROVAL

THE UNDERSIGNED DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS  
CERTIFICATE OF SURVEY, AND HAVING FOUND THE SAME TO CONFORM  
TO LAW, HEREBY APPROVES IT, THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_.

*Ben Kral* 12-9-07  
CITY ENGINEER

*John E. Smith* 12-11-07  
MAYOR

*Debbie Harris*  
CITY CLERK

*Henry Mallory* 12-10-07  
COMMUNITY DEVELOPMENT DEPT.

THE CITY COMMISSION OF HELENA, MONTANA, HEREBY CERTIFIES THAT IT  
HAS EXAMINED THIS FINAL SUBDIVISION PLAT AND HAS FOUND THE SAME  
TO CONFORM TO LAW.

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND  
DONATION TO THE CITY OF HELENA OF ANY AND ALL LANDS SHOWN ON  
THIS PLAT AS BEING DEDICATED TO THE PUBLIC FOR PUBLIC USE.

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, MONTANA  
DOES HEREBY APPROVE THIS PLAT THIS 19 DAY OF November,  
2007.

## CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3), MCA,  
THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS  
ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT  
HAVE BEEN PAID.

LOT 1 GEO-CODE 05-1888-20-1-02-01-0000

LOT 2 GEO-CODE 05-1888-20-1-02-05-0000

LOT 4 GEO-CODE 05-1888-20-1-02-03-0000

LOT 5 GEO-CODE 05-1888-20-1-02-11-0000

DATED THIS 12<sup>th</sup> DAY OF December, 2007.

*Paula DeHart* by *St*  
COUNTY TREASURER

## LEGAL & PHYSICAL ACCESS

WE, SKYWAY REGIONAL SHOPPING CENTER LLC, DO HEREBY CERTIFY THAT THE LEGAL AND PHYSICAL ACCESS IS PROVIDED OR ASSURED BY THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN BOOK 332, PAGE 623, RECORDS OF LEWIS AND CLARK COUNTY, MONTANA.

## APPLICABLE EXEMPTIONS

76-4-125(2)(d) M.C.A. "DIVISIONS LOCATED WITHIN JURISDICTIONAL AREAS THAT HAVE ADOPTED GROWTH POLICIES PURSUANT TO CHAPTER 1 OR WITHIN  
FIRST-CLASS OR SECOND-CLASS MUNICIPALITIES FOR WHICH THE GOVERNING BODY CERTIFIES, PURSUANT TO 76-4-127, THAT ADEQUATE STORM WATER  
DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED."

## LANDOWNER CERTIFICATION

WE, THE UNDERSIGNED, CURRENT PROPERTY OWNER OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT THE PROPERTY AFFECTED BY THIS  
AMENDED PLAT LIES WITHIN A FIRST CLASS MUNICIPALITY FOR WHICH THE GOVERNING BODY CERTIFIES PURSUANT TO SECTION 76-4-127 THAT ADEQUATE STORM  
WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS REQUIRING SANITARY FACILITIES  
PURSUANT TO SECTION 76-4-125(2)(d) M.C.A.

## CERTIFICATE OF DEDICATION

WE, SKYWAY REGIONAL SHOPPING CENTER LLC, THE UNDERSIGNED PROPERTY OWNER, HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND  
PLATTED INTO LOTS AND STREETS AS SHOWN ON THE PLAT HERETO ANNEXED, THE FOLLOWING LAND IN LEWIS AND CLARK COUNTY, MONTANA, TO WIT:

LOTS 1, 2, 4 AND 5 OF THE SKYWAY REGIONAL SHOPPING CENTER MINOR SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 10  
NORTH, RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, THENCE ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 20, SOUTH  
0°41'03" EAST, 855.25 FEET TO A NO. 5 REBAR, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH  
8°18'57" EAST, 826.00 FEET TO A NO. 5 REBAR; THENCE NORTH 0°41'03" WEST, 758.83 FEET TO A NO. 5 REBAR ON THE SOUTH ROW LINE OF CUSTER  
AVENUE; THENCE ALONG SAID ROW LINE, NORTH 8°18'57" EAST, 18.58 FEET TO A NO. 5 REBAR; THENCE NORTH 0°40'26" WEST, 32.80 FEET TO A NO. 5  
REBAR; THENCE NORTH 8°18'57" EAST, 434.06 FEET TO A NO. 5 REBAR ON THE WEST ROW LINE OF WASHINGTON STREET; THENCE ALONG SAID ROW LINE  
SOUTH 0°21'37" EAST, 225.89 FEET TO A NO. 5 REBAR; THENCE ALONG A 690.00 FEET RADIUS CURVE TO THE LEFT, 212.21 FEET TO A NO. 5 REBAR; THENCE  
ALONG A 610.00 FEET RADIUS CURVE TO THE RIGHT, 187.61 FEET TO A NO. 5 REBAR; THENCE SOUTH 0°21'37" EAST, 75.36 FEET TO A NO. 5 REBAR; THENCE  
SOUTH 8°18'57" WEST, 76.26 FEET TO A NO. 5 REBAR; THENCE ALONG A 520.00 FEET RADIUS CURVE TO THE LEFT, 109.98 FEET TO A NO. 5 REBAR; THENCE  
SOUTH 0°21'37" EAST, 228.73 FEET TO A NO. 5 REBAR; THENCE NORTH 8°18'57" EAST, 184.35 FEET TO A NO. 5 REBAR ON THE WEST ROW LINE OF  
WASHINGTON STREET; THENCE ALONG SAID ROW LINE SOUTH 0°21'37" EAST, 346.95 FEET TO A STONE BEING A SIXTEENTH CORNER AS SHOWN ON C.O.S. NO.  
283050; THENCE SOUTH 0°16'07" EAST, 205.64 FEET TO A NO. 5 REBAR; THENCE SOUTH 8°18'57" WEST, 1297.88 FEET TO A NO. 5 REBAR ON THE EAST ROW  
LINE OF INTERSTATE 15; THENCE ALONG SAID ROW ALONG A NON-TANGENT CURVE TO THE RIGHT, LENGTH 336.41 FEET, RADIUS 5545.00 FEET, LONG CHORD  
BEARING NORTH 0°10'01" WEST, A CHORD DISTANCE OF 336.36 FEET TO A NO. 5 REBAR ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 20;  
THENCE ALONG SAID ROW LINE AND MID-SECTION LINE, NORTH 0°41'03" WEST, 349.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 28.740 ACRES AND IS SUBJECT TO ANY EASEMENTS OF RECORD OR IMPLIED AND IS TO BE KNOWN AS THE SKYWAY  
REGIONAL SHOPPING CENTER.

THE LAND SHOWN ON THIS PLAT AS BEING DEDICATED TO THE USE OF THE PUBLIC, INCLUDING STREETS, IS HEREBY DEDICATED, GRANTED AND DONATED  
TO THE CITY OF HELENA FOR SUCH USE.

SKYWAY REGIONAL SHOPPING CENTER LLC

BY: *Cam*  
NAME: *Cam*  
TITLE: *Manager*

STATE OF MONTANA  
COUNTY OF LEWIS AND CLARK  
ON THIS 12 DAY OF December, 2007, before me a  
NOTARY PUBLIC for the State of Montana,  
PERSONALLY APPEARED *Cam*,  
KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME  
IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE  
SAME.

*Julian Vasquez*  
PRINT NAME: *Julian Vasquez*  
NOTARY PUBLIC FOR THE STATE OF NEW YORK  
RESIDING AT: *Manhattan New York*  
MY COMMISSION EXPIRES: *05/22/2010*

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Page 1 of 2  
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Lewis and Clark County

MONTANA		1288	
LOWELL C. HANSON		12-03-07	
2523FS		1	
1/4 SEC. TWP. RGE.		20 10N 3W	
LEWIS AND CLARK COUNTY		P.M.M.	
Prepared By <b>NORTHLAND ENGINEERING</b> ENGINEERS - SURVEYORS - PLANNERS HELENA, MONTANA PHONE: (406) 442-8100			

CURVE	LENGTH(FT)	RADIUS(FT)	LONG CHORD(FT)	L.C. BEARING
C1	212.37	494.00	210.74	N77°02'00"E
C2	124.98	546.00	124.71	S71°14'50"W
C3	101.86	546.00	101.72	S83°08'37"W
C4	112.50	70.00	100.78	N42°26'46"E
C5	125.99	3946.50	125.98	N04°30'37"W
C6	151.26	610.00	150.87	N07°27'51"W
C7	36.35	610.00	36.34	N16°16'29"W
C8	212.21	690.00	211.38	S09°10'16"E
C9	148.74	546.00	148.28	N81°32'37"E
C10	86.29	546.00	86.20	N69°12'43"E
C11	102.15	494.00	101.97	S70°36'28"W
C12	109.98	520.00	109.78	S89°15'25"W
C13	84.07	80.00	84.54	N31°32'05"E
C14	100.00	180.00	98.72	N27°07'53"W
C15	12.71	5545.00	12.71	S05°21'35"E
C16	323.69	5545.00	323.64	S07°04'55"E

TRACT 1A  
C.O.S. NO. 306008  
THE HOME DEPOT, U.S.A.,  
A DELAWARE CORPORATION

PERMANENT ACCESS  
DRIVE EASEMENT  
BK. 132, PG. 6422

EXISTING 20' WATERLINE EASE.  
(BK. 129, PG. 34)

EXISTING 20' SEWER EASEMENT  
(BK. 129, PG. 40)

PERMANENT ACCESS  
DRIVE EASEMENT  
BK. 132, PG. 6422

LOT 1-A  
6.866 AC.  
299,098 S.F.

EXIST. 20' WIDE CITY UTILITY EASEMENT

OLD BOUNDARY (TYP.)

CENTERLINE 20' WIDE CITY UTILITY EASEMENT

EXIST. 20' WIDE CITY UTILITY EASEMENT

NEW 20' WIDE CITY UTILITY EASEMENT

CENTERLINE 20' WIDE CITY UTILITY EASEMENT

EXIST. 20' WIDE CITY UTILITY EASEMENT

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CENTERLINE 20' WIDE CITY UTILITY EASEMENT



Please return to:  
Andy Adamek  
PO Box 1697  
Helena, MT 59601

## EMERGENCY VEHICLE ACCESS EASEMENT

This Emergency Vehicle Access Easement ("Easement") is granted this 19<sup>th</sup> day of November, 2007, by **SKYWAY REGIONAL SHOPPING CENTER, LLC**, a Montana limited liability company whose address is One East Center, Suite 300, Provo, Utah, 84606, hereinafter referred to as "Property Owner," to the **CITY OF HELENA, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, 316 North Park Avenue, Helena, Montana 59623, hereinafter referred to as "City."

1. Property Owner grants City a non-exclusive easement for emergency vehicle access across that portion of the Property Owner's property shown on the Amended Skyway Regional Shopping Center Plat – Phase I, filed under Document Number 3140492 in the Office of the Clerk and Recorder of Lewis and Clark County, Montana.

2. This easement is granted for the purpose of allowing access for emergency vehicles through and across the above-described property.

IN WITNESS WHEREOF, the Property Owner has executed this Easement the day and year first above written.

**SKYWAY REGIONAL SHOPPING CENTER, LLC**

By: \_\_\_\_\_

Cameron Gunter

Its: Manager

STATE OF UTAH

ss.

County of Utah

On this 19<sup>th</sup> day of November, 2007, before me the undersigned, a Notary Public for the State of Utah, personally appeared Cameron Gunter known to me to be the person whose name is subscribed herein and acknowledged to me that he executed the same.



Lewis & Clark County

EMT

**3140493**

Page: 1 of 2  
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first-above written.

SUBSCRIBED AND SWORN TO before me this 19<sup>th</sup> day of November, 2007.

Notary's Signature:

*Lindsey Talbot*

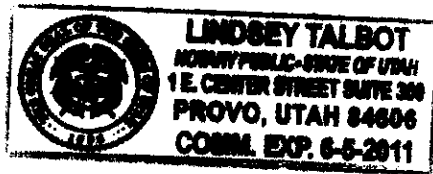
Notary's Name:

*Lindsey Talbot*

NOTARIAL SEAL Notary Public for the State of Utah

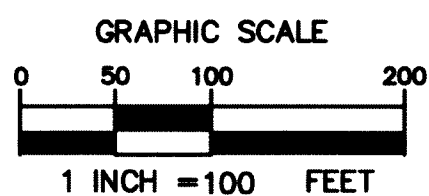
Residing at: *Provo, UT*

My Commission Expires: *6.5.2011*



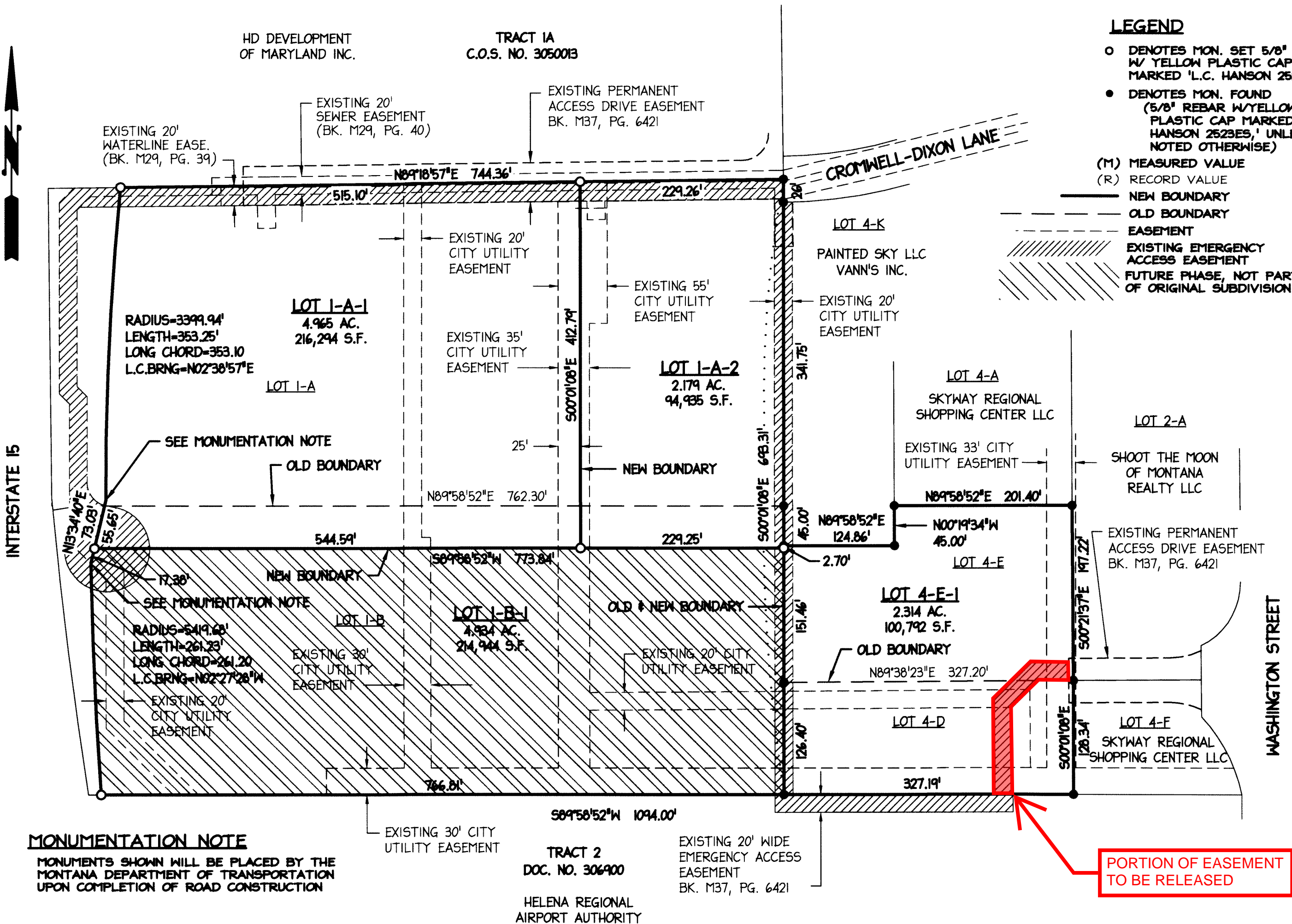
# AMENDED PLAT

AMENDING LOTS 1-A, 1-B, 4-D & 4-E OF THE  
AMENDED SKYWAY REGIONAL SHOPPING CENTER PLAT - PHASE 1  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 20  
TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M.  
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA



## LEGEND

- DENOTES MON. SET 5/8" REBAR W/ YELLOW PLASTIC CAP MARKED 'L.C. HANSON 2523ES'
- DENOTES MON. FOUND (5/8" REBAR W/YELLOW PLASTIC CAP MARKED 'L.C. HANSON 2523ES,' UNLESS NOTED OTHERWISE)
- (M) MEASURED VALUE
- (R) RECORD VALUE
- NEW BOUNDARY
- - - OLD BOUNDARY
- - - EASEMENT
- - - EXISTING EMERGENCY ACCESS EASEMENT
- - - FUTURE PHASE, NOT PART OF ORIGINAL SUBDIVISION



## SURVEY COMMISSIONED BY:

LOTS 1-A, 1-B, 4-D, 4-E  
SKYWAY REGIONAL SHOPPING CENTER LLC

## REASON FOR SURVEY

RELOCATE COMMON BOUNDARIES

## BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 20, NORTH 0°41'03" WEST AS SHOWN ON C.O.S. NO. 283050

## CERTIFICATE OF EXEMPTION

WE, THE UNDERSIGNED, CURRENT PROPERTY OWNERS OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT THE PURPOSE OF THIS DIVISION OF LAND IS TO RELOCATE COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES WITHIN A PLATTED SUBDIVISION AND THAT NO NEW OR ADDITIONAL PARCELS ARE HEREBY CREATED; THEREFORE THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(d) M.C.A.

WE, FURTHER CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS FOR THE AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF A LARGER AGGREGATED PARCEL ARE ESTABLISHED; THEREFORE THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(f) M.C.A.

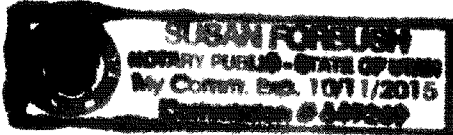
WE, FURTHER CERTIFY THAT THE PROPERTY AFFECTED BY THIS AMENDED PLAT LIES WITHIN A FIRST CLASS MUNICIPALITY FOR WHICH THE GOVERNING BODY CERTIFIES PURSUANT TO SECTION 76-4-127 THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS REQUIRING SANITARY FACILITIES PURSUANT TO SECTION 76-4-126(2)(d) M.C.A.

SKYWAY REGIONAL SHOPPING CENTER LLC

BY: Kip Wadsworth  
NAME: Kip Wadsworth  
PACIFIC REGISTERED AGENTS INC.

STATE OF UTAH  
COUNTY OF DEUEL  
ON THIS 16 DAY OF JULY, 2012, BEFORE ME A  
NOTARY PUBLIC FOR THE STATE OF UTAH  
PERSONALLY APPEARED KIP WADSWORTH,  
KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME  
IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE  
SAME.

Susan Forbush  
PRINT NAME  
NOTARY PUBLIC FOR THE STATE OF UTAH  
RESIDING AT Draper, Utah  
MY COMMISSION EXPIRES 10/15



## CERTIFICATE OF FINAL PLAT APPROVAL

THE UNDERSIGNED DO HEREBY CERTIFY THAT IT HAS EXAMINED THIS AMENDED PLAT, AND HAVING FOUND THE SAME TO CONFORM TO LAW, HEREBY APPROVES IT, THIS 18 DAY OF JULY, 2012.

[Signature] CITY ENGINEER

CITY CLERK

MAYOR

COMMUNITY DEVELOPMENT DEPT.

THE CITY COMMISSION OF HELENA, MONTANA, HEREBY CERTIFIES THAT IT HAS EXAMINED THIS FINAL AMENDED PLAT AND HAS FOUND THE SAME TO CONFORM TO LAW.

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND DONATION TO THE CITY OF HELENA OF ANY AND ALL LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE PUBLIC FOR PUBLIC USE.

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, MONTANA DOES HEREBY APPROVE THIS PLAT THIS 18 DAY OF JULY, 2012.

## CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING THIS 22 DAY OF JULY, 2012.  
PURSUANT TO SECTION 76-3-611(2)(a) M.C.A.

[Signature]  
EXAMINING LAND SURVEYOR  
LICENSE NO. 9962-15

## CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3), M.C.A., THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT HAVE BEEN PAID.

LOT 1-A GEO-CODE 05-1888-20-1-02-11-0000  
LOT 1-B GEO-CODE 05-1888-20-1-02-01-0000  
LOT 4-D GEO-CODE 05-1888-20-1-02-04-0000  
LOT 4-E GEO-CODE 05-1888-20-1-02-09-0000  
DATED THIS 18 DAY OF JULY, 2012.  
[Signature]  
COUNTY TREASURER

\\lon\Project\_Data\123300\dwg\1657.dwg 6/21/2012 2:31:09 PM MDT

DWS NO: 1657			
DRAWN BY: GOW	DATE: 6-21-12		
CHECKED BY: CLH	REVISED:		
JOB NO: 12-33-00	SHEET 1 OF 1		
1/4	SEC.	TWP.	RGE.
	20	10N	3W
LEWIS AND CLARK COUNTY P.M.M.			

Prepared By  
**NORTHLAND ENGINEERING**  
ENGINEERS - SURVEYORS - PLANNERS  
HELENA, MONTANA  
PHONE: (406) 442-8108



City of Helena

## City of Helena Public Works Department

316 N Park Ave  
Helena, MT 59623  
Phone: 406-447-8431  
FAX: 406-447-8442

### REQUEST FOR RELEASE OF EASEMENT

Owner **HELENA SKYWAY LLC**

Phone No. **657-247-2600**

Contact Name: **GREG WIRTH**

Contact Phone: **406-442-8594**

Mailing Address: **2950 AIRWAY AVE STE A9, COSTA MESA, CA 92626**

Project Name & Location: **SKYWAY REGIONAL SHOPPING CENTER – CHICK-FIL-A**

Reason for Release of Easement Request (please attach additional sheet(s) if necessary):

**Please Note:** Additional review time will be required if utilities other than City utilities have an interest in the easement.

**THE ORIGINAL CITY UTILITY EASEMENT WAS FOR SEWER AND WATER MAINS. THIS PROJECT WILL REMOVE THE EXISTING MAINS AND PROVIDE ALTERNATE SEWER AND WATER MAIN SERVICE, WITH A NEW EASEMENT, TO ALLOW FOR NEW BUILDING CONSTRUCTION, THUS ELIMINATING THE NEED FOR THIS EASEMENT.**

Complete Easement Legal Description (please attach additional sheet(s) if necessary):

**THE SOUTHERN 75' OF THE 33' WIDE CITY UTILITY EASEMENT, AS DESCRIBED AND RECORDED UNDER DOCUMENT NUMBER 3082596 (ATTACHED TO THIS REQUEST), LOCATED ON LOTS 4-E-1 AND 4-F AS SHOWN ON DOCUMENT NUMBER 3224561 (ATTACHED TO THIS REQUEST).**

Owner Signature  Date **8/8/2024**

Print Name Patrick Wood - Manager Position Title

#### **Note to applicant:**

Please provide an exhibit of the original easement with the signed Request of Release of Easement form. The request process requires that city staff, city manager, and the city commission all review the request. Due to this process please allow for a minimum of 6-8 weeks to process all requests.

**Please return to Tyson Lesmeister in room 413 of The City County Building, or mail to:**

**City of Helena Engineering Department**

**Attention: Tyson Lesmeister**

**316 North Park Avenue**

**Helena MT 59623**



LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH,  
RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA





1. SECTION CORNER COMMON TO SECTIONS 16,17,20,21 CALCULATED FROM CORNER RECORDATION PREPARED BY VIRGINIA R. MUELLER AND SHE WILL MONUMENT AFTER ROAD CONSTRUCTION PER THE CORNER RECORDATION.
2. SEE SHEET 2 OF 2 FOR BOUNDARY DESCRIPTIONS, SIGNATURES, LEGEND, ETC.

THIS ENTIRE SUBDIVISION IS SUBJECT TO A RECIPROCAL NONEXCLUSIVE EASEMENT FOR UTILITY LINES, ENCROACHMENTS, PERMANENT ACCESS DRIVE, LANDSCAPING, DRAINAGE, INGRESS AND EGRESS, AS STATED IN ARTICLE 3 OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTION, RECORDED IN BOOK 180, PAGE 1045.



**ENGINEERS - SURVEYORS - PLANNERS**  
**HELENA, MONTANA**  
**PHONE: (406) 442-8198**

DRAWN BY: <b>GDW</b>		DATE: <b>4/3/05</b>	
CHECKED BY:		REVIEWED:	
JOB NO: <b>04-10-02</b>		SHEET <b>1</b> of <b>2</b>	
<b>1/4</b>	<b>SEC.</b>	<b>TWP.</b>	<b>RGE.</b>
	<b>20</b>	<b>10N</b>	<b>3W</b>
			

**LEWIS AND CLARK COUNTY**  
**P.M.M.**

# SKYWAY REGIONAL SHOPPING CENTER MINOR SUBDIVISION PLAT

LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH,  
RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA

## LEGEND

- O DENOTES MON. SET 5/8" REBAR  
W/ YELLOW PLASTIC CAP  
MARKED 'L.C. HANSON 2523ES'
- ✚ DENOTES SECTION CORNER (AS SHOWN)
- ✚ DENOTES QUARTER CORNER (AS SHOWN)
- DENOTES MON. FOUND (AS SHOWN)
- DENOTES CONCRETE R/W MON. FOUND
- (M) MEASURED VALUE
- (R) RECORD VALUE
- NEW BOUNDARY
- STORMWATER EASEMENT  
BK. \_\_\_\_\_ PG. \_\_\_\_\_
- ACCESS EASEMENT
- UTILITY EASEMENT

## OWNER OF THE TRACTS

SKYWAY REGIONAL SHOPPING  
CENTER LLC

## REASON FOR SURVEY

CREATION OF A 5 LOT MINOR  
SUBDIVISION AND GRANT ROW PARCEL

## BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST  
QUARTER OF SECTION 20  
NORTH 0°41'03" WEST AS SHOWN ON  
C.O.S. NO. 283050

## CERTIFICATE OF FILING BY CLERK AND RECORDER

STATE OF MONTANA )  
COUNTY OF LEWIS & CLARK )SS  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20 \_\_\_\_ AT \_\_\_\_\_ O'CLOCK.

COUNTY CLERK AND RECORDER  
LEWIS AND CLARK COUNTY, MONTANA

## CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3), MCA,  
THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS  
ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT  
HAVE BEEN PAID.

GEO-CODE 1888-20-1-02-01-0000

DATED THIS 15 DAY OF April, 2005.

Paulotte DeBartolo  
COUNTY TREASURER

## CERTIFICATE OF EXEMPTION (ROW PARCEL)

WE, SKYWAY REGIONAL SHOPPING CENTER LLC, DO HEREBY CERTIFY THAT THE RIGHT-OF-WAY  
PARCEL IS EXEMPT FROM REVIEW PURSUANT TO SECTION 76-3-201(1)(h) AND 76-4-125(2)(a) M.C.A.

## CERTIFICATE OF EXEMPTION

WE, SKYWAY REGIONAL SHOPPING CENTER LLC, DO HEREBY CERTIFY THAT LOTS 1-5 ARE EXEMPT FROM DEQ REVIEW IN ACCORDANCE WITH  
76-4-125(2)(d), MCA BECAUSE THEY ARE LOCATED WITHIN THE JURISDICTIONAL AREA OF THE CITY OF HELENA, WHICH HAS ADOPTED A GROWTH  
POLICY PURSUANT TO TITLE 76, CHAPTER 1, MCA AND WHICH IS A FIRST CLASS MUNICIPALITY. THE CITY COMMISSION HAS CERTIFIED TO DEQ,  
PURSUANT TO 76-4-127, MCA, THAT STORMWATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED.

## LEGAL & PHYSICAL ACCESS

WE, SKYWAY REGIONAL SHOPPING CENTER LLC, DO HEREBY CERTIFY THAT THE LEGAL AND PHYSICAL ACCESS IS PROVIDED OR ASSURED BY "THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" RECORDED IN BOOK 130, PAGE 1095, RECORDS OF LEWIS AND CLARK COUNTY,  
MONTANA.

## CERTIFICATE OF DEDICATION

WE, SKYWAY REGIONAL SHOPPING CENTER LLC THE UNDERSIGNED PROPERTY OWNER HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED INTO  
LOTS AS SHOWN ON THE PLAT HERETO ANNEXED, THE FOLLOWING LAND IN LEWIS AND CLARK COUNTY, MONTANA, TO WIT:

TRACT 1B AS PREVIOUSLY DESIGNATED ON DOCUMENT NUMBER 3050013, LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 10  
NORTH, RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, THENCE ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 20, SOUTH 00°41'03"  
EAST, 885.28 FEET TO A NO. 5 REBAR, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 89°18'57" EAST, 826.00  
FEET TO A NO. 5 REBAR; THENCE NORTH 00°41'03" WEST, 758.83 FEET TO A NO. 5 REBAR ON THE SOUTH ROW LINE OF CUSTER AVENUE; THENCE ALONG SAID ROW  
LINE, NORTH 89°19'34" EAST, 18.58 FEET TO A NO. 5 REBAR; THENCE NORTH 00°40'26" WEST, 32.80 FEET TO A NO. 5 REBAR; THENCE NORTH 89°33'48" EAST, 499.06  
FEET TO A NO. 5 REBAR ON THE WEST ROW LINE OF WASHINGTON STREET; THENCE ALONG SAID ROW LINE SOUTH 00°21'37" EAST, 1283.17 FEET TO A STONE BEING  
A SIXTEENTH CORNER AS SHOWN ON C.O.S. NO. 283050; THENCE SOUTH 00°16'07" EAST, 205.59 FEET TO A NO. 5 REBAR; THENCE SOUTH 89°58'52" WEST, 1297.88  
FEET TO A NO. 5 REBAR ON THE EAST ROW LINE OF INTERSTATE 15; THENCE ALONG SAID ROW ALONG A NON-TANGENT CURVE TO THE RIGHT, LENGTH 336.41 FEET,  
RADIUS 8596.00 FEET, LONG CHORD BEARING NORTH 07°01'01" WEST, A CHORD DISTANCE OF 336.36 FEET TO A NO. 5 REBAR ON THE NORTH-SOUTH MID-SECTION  
LINE OF SAID SECTION 20; THENCE ALONG SAID ROW LINE AND MID-SECTION LINE, NORTH 00°41'03" WEST, 349.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 30.439 ACRES AND IS SUBJECT TO ANY EASEMENTS OF RECORD OR IMPLIED.

THE LANDS INCLUDED IN THE RIGHT-OF-WAY PARCEL ARE HEREBY GRANTED AND DONATED TO THE CITY OF HELENA FOREVER AND THE CITY UTILITY EASEMENTS  
SHOWN HEREON ARE ALSO HEREBY GRANTED TO THE CITY.

SKYWAY REGIONAL SHOPPING CENTER LLC

BY: Camara Guiter  
NAME: Camara Guiter  
TITLE: Manager  
STATE OF MONTANA

COUNTY OF LEWIS & CLARK  
ON THIS 15 DAY OF April, 2005, BEFORE ME A  
NOTARY PUBLIC FOR THE STATE OF MONTANA,  
PERSONALLY APPEARED Camara Guiter,  
KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME  
IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE  
SAME.

Shirley Hanson  
SHIRLEY HANSON  
PRINT NAME  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
RESIDING AT CLAUAY, MONTANA  
MY COMMISSION EXPIRES 01/28/2008

Lowell C. Hanson  
EXAMINING LAND SURVEYOR

9962-LS  
MONTANA REGISTRATION NO.

4-10-05  
DATE



3082596  
Page: 2 of 2  
04/18/2005 01:18P

## RESTRICTIVE COVENANTS

RESTRICTIVE COVENANTS ARE IMPOSED ON THIS SUBDIVISION  
AND ARE FILED IN BOOK 130 PAGE 1095

## CERTIFICATE OF FINAL PLAT APPROVAL

THE UNDERSIGNED DO HEREBY CERTIFY THAT IT HAS EXAMINED THIS  
CERTIFICATE OF SURVEY; AND HAVING FOUND THE SAME TO CONFORM  
TO LAW, HEREBY APPROVES IT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20 \_\_\_\_.

Ben Zwick 4-11-05  
CITY ENGINEER

James E. Smith 4-13-05  
MAYOR

Debbie Havens 4-13-05  
CITY CLERK

James M. Smith 4-8-05  
COMMUNITY DEVELOPMENT DEPT.

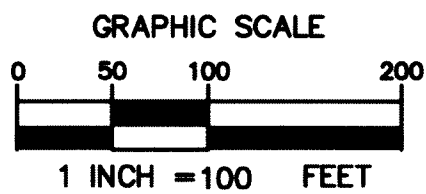


1:\lan\project_data\041900\dwg\1124.dwg 4/6/2005 1:53:36 PM MDT			
DWS NO: 1124			
DRAWN BY: GOW	DATE: 4/8/05		
CHECKED BY:	REVIEWED:		
JOB NO: 04-18-02	SHEET: 2 OF 2		
1/4	SEC.	TWP.	RGE.
20	10N	3W	
LEWIS AND CLARK COUNTY P.M.M.			
Prepared By <b>NORTHLAND ENGINEERING</b> ENGINEERS - SURVEYORS - PLANNERS HELENA, MONTANA PHONE: (408) 448-8108			



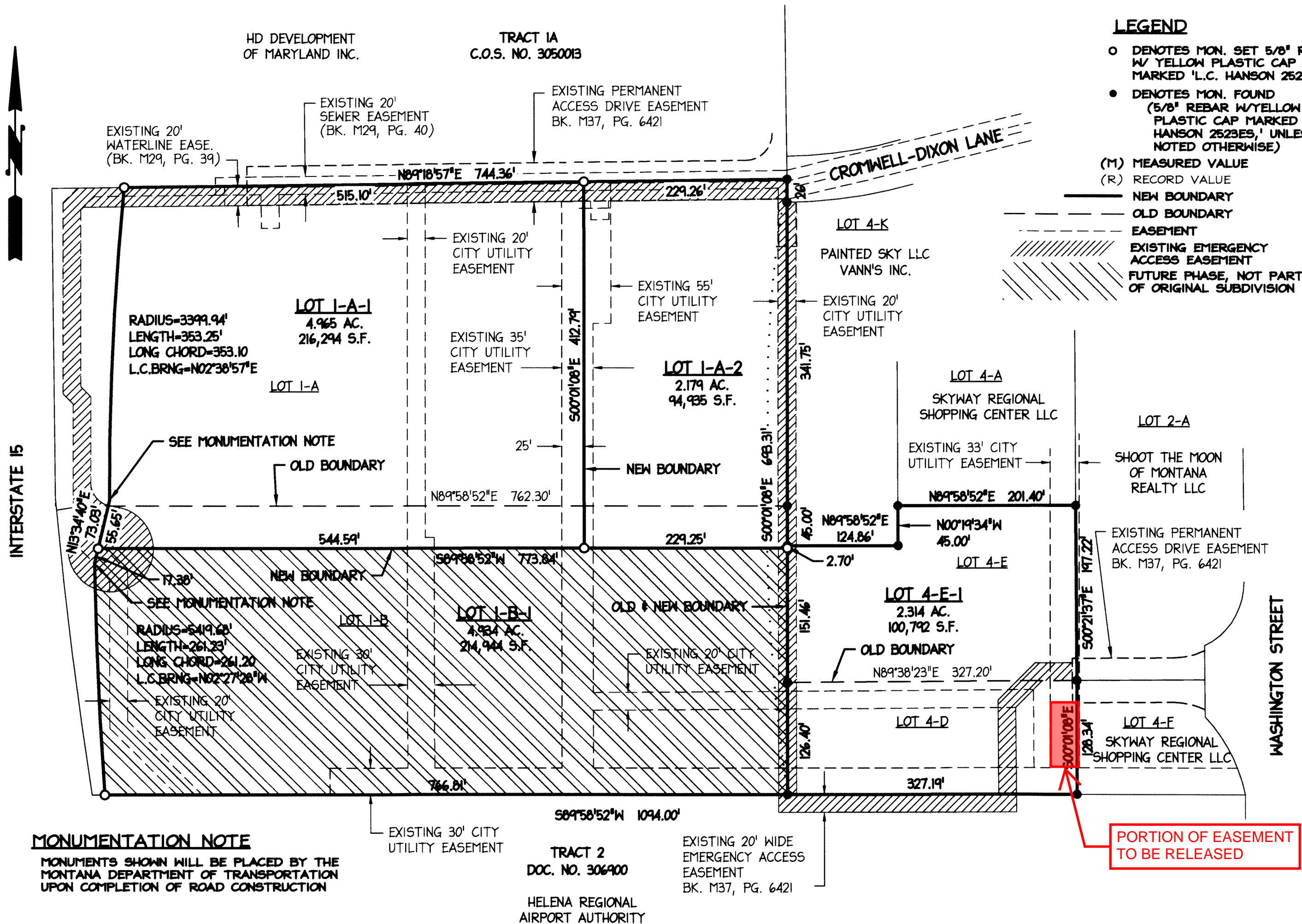
# AMENDED PLAT

AMENDING LOTS 1-A, 1-B, 4-D & 4-E OF THE  
AMENDED SKYWAY REGIONAL SHOPPING CENTER PLAT - PHASE 1  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 20  
TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M.  
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA



## LEGEND

- DENOTES MON. SET 5/8" REBAR W/ YELLOW PLASTIC CAP MARKED 'L.C. HANSON 2523ES'
- DENOTES MON. FOUND (5/8" REBAR W/YELLOW PLASTIC CAP MARKED 'L.C. HANSON 2523ES,' UNLESS NOTED OTHERWISE)
- (M) MEASURED VALUE
- (R) RECORD VALUE
- NEW BOUNDARY
- - - OLD BOUNDARY
- - - EASEMENT
- - - EXISTING EMERGENCY ACCESS EASEMENT
- - - FUTURE PHASE, NOT PART OF ORIGINAL SUBDIVISION



## SURVEY COMMISSIONED BY:

LOTS 1-A, 1-B, 4-D, 4-E  
SKYWAY REGIONAL SHOPPING CENTER LLC

## REASON FOR SURVEY

RELOCATE COMMON BOUNDARIES

## BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST  
QUARTER OF SECTION 20, NORTH 0°41'03"  
WEST AS SHOWN ON C.O.S. NO. 283050

## CERTIFICATE OF EXEMPTION

WE, THE UNDERSIGNED, CURRENT PROPERTY OWNERS OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT THE PURPOSE OF THIS DIVISION OF LAND IS TO RELOCATE COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES WITHIN A PLATTED SUBDIVISION AND THAT NO NEW OR ADDITIONAL PARCELS ARE HEREBY CREATED; THEREFORE THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(d) M.C.A.

WE, FURTHER CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS FOR THE AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF A LARGER AGGREGATED PARCEL ARE ESTABLISHED; THEREFORE THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(f) M.C.A.

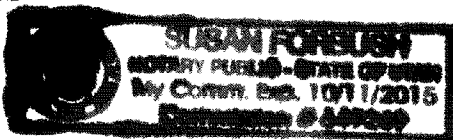
WE, FURTHER CERTIFY THAT THE PROPERTY AFFECTED BY THIS AMENDED PLAT LIES WITHIN A FIRST CLASS MUNICIPALITY FOR WHICH THE GOVERNING BODY CERTIFIES PURSUANT TO SECTION 76-4-127 THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS REQUIRING SANITARY FACILITIES PURSUANT TO SECTION 76-4-126(2)(d) M.C.A.

SKYWAY REGIONAL SHOPPING CENTER LLC

BY: Kip Wadsworth  
NAME: Kip Wadsworth  
PACIFIC REGISTERED AGENTS INC.

STATE OF UTAH  
COUNTY OF BLAINE  
ON THIS 16 DAY OF JULY, 2012, BEFORE ME A  
NOTARY PUBLIC FOR THE STATE OF UTAH  
PERSONALLY APPEARED KIP WADSWORTH,  
KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME  
IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE  
SAME.

Susan Forbush  
PRINT NAME  
NOTARY PUBLIC FOR THE STATE OF UTAH  
RESIDING AT Draper, Utah  
MY COMMISSION EXPIRES 10/15



## CERTIFICATE OF FINAL PLAT APPROVAL

THE UNDERSIGNED DO HEREBY CERTIFY THAT IT HAS EXAMINED THIS AMENDED PLAT; AND HAVING FOUND THE SAME TO CONFORM TO LAW, HEREBY APPROVES IT, THIS 18 DAY OF JULY, 2012.

[Signature] CITY ENGINEER  
[Signature] CITY CLERK

MAYOR

COMMUNITY DEVELOPMENT DEPT.

THE CITY COMMISSION OF HELENA, MONTANA, HEREBY CERTIFIES THAT IT HAS EXAMINED THIS FINAL AMENDED PLAT AND HAS FOUND THE SAME TO CONFORM TO LAW.

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND DONATION TO THE CITY OF HELENA OF ANY AND ALL LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE PUBLIC FOR PUBLIC USE.

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, MONTANA DOES HEREBY APPROVE THIS PLAT THIS 18 DAY OF JULY, 2012.

## CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING THIS 22 DAY OF JULY, 2012.  
PURSUANT TO SECTION 76-3-611(2)(a) M.C.A.

[Signature]  
EXAMINING LAND SURVEYOR  
LICENSE NO. 9962-15

## CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3), M.C.A., THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT HAVE BEEN PAID.

LOT 1-A GEO-CODE 05-1888-20-1-02-11-0000  
LOT 1-B GEO-CODE 05-1888-20-1-02-01-0000  
LOT 4-D GEO-CODE 05-1888-20-1-02-04-0000  
LOT 4-E GEO-CODE 05-1888-20-1-02-09-0000  
DATED THIS 18 DAY OF JULY, 2012.  
[Signature]  
COUNTY TREASURER

\\lon\Project\_Data\123300\dwg\1657.dwg 6/21/2012 2:31:09 PM MDT

DWS NO: 1657			
DRAWN BY: GOW	DATE: 6-21-12		
CHECKED BY: CLH	REVIEWED:		
JOB NO: 12-33-00	SHEET 1 OF 1		
1/4	SEC.	TWP.	RGE.
	20	10N	3W
LEWIS AND CLARK COUNTY P.M.M.			

Prepared By  
**NORTHLAND ENGINEERING**  
ENGINEERS - SURVEYORS - PLANNERS  
HELENA, MONTANA  
PHONE: (406) 442-8108



City of Helena

## City of Helena Public Works Department

316 N Park Ave  
Helena, MT 59623  
Phone: 406-447-8431  
FAX: 406-447-8442

### REQUEST FOR RELEASE OF EASEMENT

Owner **HELENA SKYWAY LLC**

Phone No. **657-247-2600**

Contact Name: **GREG WIRTH**

Contact Phone: **406-442-8594**

Mailing Address: **2950 AIRWAY AVE STE A9, COSTA MESA, CA 92626**

Project Name & Location: **SKYWAY REGIONAL SHOPPING CENTER – CHICK-FIL-A**

Reason for Release of Easement Request (please attach additional sheet(s) if necessary):

**Please Note:** Additional review time will be required if utilities other than City utilities have an interest in the easement.

**THE ORIGINAL CITY UTILITY EASEMENT WAS FOR A WATER MAIN. THIS PROJECT WILL REMOVE THE EXISTING MAIN AND PROVIDE ALTERNATE WATER MAIN SERVICE, WITH A NEW EASEMENT, TO ALLOW FOR NEW BUILDING CONSTRUCTION, THUS ELIMINATING THE NEED FOR THIS EASEMENT.**

Complete Easement Legal Description (please attach additional sheet(s) if necessary):

**THE SOUTHERN 67.99 OF THE 20' WIDE CITY UTILITY EASEMENT, AS DESCRIBED AND RECORDED UNDER DOCUMENT NUMBER 3140492 (ATTACHED TO THIS REQUEST), LOCATED ON LOT 4-E-1 AS SHOWN ON DOCUMENT NUMBER 3224561 (ATTACHED TO THIS REQUEST).**

Owner Signature \_\_\_\_\_

Date **8/8/2024**

Print Name **Patrick Wood - Manager**

Position Title

#### **Note to applicant:**

Please provide an exhibit of the original easement with the signed Request of Release of Easement form. The request process requires that city staff, city manager, and the city commission all review the request. Due to this process please allow for a minimum of 6-8 weeks to process all requests.

**Please return to Tyson Lesmeister in room 413 of The City County Building, or mail to:**

**City of Helena Engineering Department**

**Attention: Tyson Lesmeister**

**316 North Park Avenue**

**Helena MT 59623**



**AREA TAB**

AREA OF LOTS	26.008 AC.
AREA OF ROADS & STREETS	+ 0.737 AC.
<b>TOTAL AREA</b>	<b>26.740 AC.</b>

REASON FOR SURVEY

RELOCATE BOUNDARIES, CREATE LOTS AND  
GRANT ROW PARCEL

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION  
20, NORTH 0°41'05" WEST AS SHOWN ON C.O.S. NO. 283050

LOTS 1, 2, 4 & 5:  
SKYWAY REGIONAL SHOPPING CENTER LLC

THE UNDERSIGNED DO HEREBY CERTIFY THAT IT HAS EXAMINED THIS  
CERTIFICATE OF SURVEY; AND HAVING FOUND THE SAME TO CONFORM  
TO LAW, HEREBY APPROVES IT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_.

Ben Toland 12-9-07  
CITY ENGINEER

James E. Smith 12-  
MAYOR

Debbi Houms  
CITY CLERK

Lucy Moll-Gough  
COMMUNITY DEVELOPMENT DEPT.

THE CITY COMMISSION OF HELENA, MONTANA, HEREBY CERTIFIES THAT IT HAS EXAMINED THIS FINAL SUBDIVISION PLAT AND HAS FOUND THE SAME TO CONFORM TO LAW.

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND DONATION TO THE CITY OF HELENA OF ANY AND ALL LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE PUBLIC FOR PUBLIC USE.

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, MONTANA  
DOES HEREBY APPROVES THIS PLAT THIS 19 DAY OF November,  
2007.

WE, SKYWAY REGIONAL SHOPPING CENTER LLC, DO HEREBY CERTIFY THAT THE LEGAL AND PHYSICAL ACCESS IS PROVIDED OR ASSURED BY "THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" RECORDED IN BOOK 137, PAGE 6423, RECORDS OF LEWIS AND CLARK COUNTY, MONTANA.

76-4-125(2)(d) M.C.A. "DIVISIONS LOCATED WITHIN JURISDICTIONAL AREAS THAT HAVE ADOPTED GROWTH POLICIES PURSUANT TO CHAPTER 1 OR WITHIN FIRST-CLASS OR SECOND-CLASS MUNICIPALITIES FOR WHICH THE GOVERNING BODY CERTIFIES, PURSUANT TO 76-4-127, THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED."

WE, THE UNDERSIGNED, CURRENT PROPERTY OWNER OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT THE PROPERTY AFFECTED BY THIS AMENDED PLAT LIES WITHIN A FIRST CLASS MUNICIPALITY FOR WHICH THE GOVERNING BODY CERTIFIES PURSUANT TO SECTION 76-4-127 THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS REQUIRING SANITARY FACILITIES PURSUANT TO SECTION 76-4-126(2)(d) M.C.A.

WE, SKYWAY REGIONAL SHOPPING CENTER LLC, THE UNDERSIGNED PROPERTY OWNER, HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED INTO LOTS AND STREETS AS SHOWN ON THE PLAT HERETO ANNEXED, THE FOLLOWING LAND IN LEWIS AND CLARK COUNTY, MONTANA, TO WIT:

LOTS 1, 2, 4 AND 5 OF THE SKYWAY REGIONAL SHOPPING CENTER MINOR SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.1.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, THENCE ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 20, SOUTH 00°41'03" EAST, 856.28 FEET TO A NO. 5 REBAR; SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 08°18'57" EAST, 825.00 FEET TO A NO. 5 REBAR; THENCE NORTH 00°41'03" WEST, 758.83 FEET TO A NO. 5 REBAR ON THE SOUTH ROW LINE OF CUSTER AVENUE; THENCE ALONG SAID ROW LINE, NORTH 87°13'54" EAST, 18.58 FEET TO A NO. 5 REBAR; THENCE NORTH 00°40'26" WEST, 32.80 FEET TO A NO. 5 REBAR; THENCE NORTH 87°33'48" EAST, 434.06 FEET TO A NO. 5 REBAR ON THE WEST ROW LINE OF WASHINGTON STREET; THENCE ALONG SAID ROW LINE, NORTH 00°21'37" EAST, 225.84 FEET TO A NO. 5 REBAR; THENCE ALONG A 60.00 FEET RADIUS CURVE TO THE LEFT, 212.21 FEET TO A NO. 5 REBAR; THENCE ALONG A 60.00 FEET RADIUS CURVE TO THE RIGHT, 187.61 FEET TO A NO. 5 REBAR; THENCE NORTH 02°13'17" EAST, 75.36 FEET TO A NO. 5 REBAR; THENCE SOUTH 88°18'57" WEST, 76.22 FEET TO A NO. 5 REBAR; THENCE ALONG A 520.00 FEET RADIUS CURVE TO THE LEFT, 108.71 FEET TO A NO. 5 REBAR; THENCE SOUTH 00°21'37" EAST, 228.73 FEET TO A NO. 5 REBAR; THENCE NORTH 89°30'23" EAST, 189.35 FEET TO A NO. 5 REBAR ON THE WEST ROW LINE OF WASHINGTON STREET; THENCE ALONG SAID ROW LINE SOUTH 00°21'37" EAST, 346.95 FEET TO A STONE BEING A SIXTEENTH CORNER AS SHOWN ON C.O.S. NO. 263050; THENCE SOUTH 00°16'07" EAST, 205.59 FEET TO A NO. 5 REBAR; THENCE SOUTH 84°56'52" WEST, 1297.66 FEET TO A NO. 5 REBAR ON THE EAST ROW LINE OF INTERSTATE 15; THENCE ALONG SAID ROW ALONG A NON-TANGENT CURVE TO THE RIGHT, LENGTH 336.41 FEET, RADIUS 5595.00 FEET, LONG CHORD BEARING NORTH 07°01'01" WEST, A CHORD DISTANCE OF 336.36 FEET TO A NO. 5 REBAR ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 20; THENCE ALONG SAID ROW LINE AND MID-SECTION LINE, NORTH 00°41'03" WEST, 349.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 26.740 ACRES AND IS SUBJECT TO ANY EASEMENTS OF RECORD OR IMPLIED AND IS TO BE KNOWN AS THE SKYWAY REGIONAL SHOPPING CENTER.

THE LAND SHOWN ON THIS PLAT AS BEING DEDICATED TO THE USE OF THE PUBLIC, INCLUDING STREETS, IS HEREBY DEDICATED, GRANTED AND DONATED TO THE CITY OF HELENA FOR SUCH USE.

SKYWAY REGIONAL SHOPPING CENTER LLC

BY: C. Kunt  
NAME: Cameron Kuntz  
TITLE: Manager

STATE OF NEW YORK  
COUNTY OF MANHATTAN : ss.

ON THIS 20 DAY OF SEPTEMBER 2019, BEFORE ME A  
NOTARY PUBLIC FOR THE STATE OF MISSISSIPPI,  
PERSONALLY APPEARED DAVID L. GUNTER  
KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME IS  
SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE  
SAME.

TULIA VASQUEZ

PRINT NAME \_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF NEW YORK  
RESIDING AT MANHATTAN NEW YORK  
MY COMMISSION EXPIRES 05/22/2010

- DENOTES MON. SET 5/8" REBAR  
W/ YELLOW PLASTIC CAP  
MARKED 'L.C. HANSON 2523ES'
- ⊕ DENOTES SECTION CORNER (AS SHOWN)
- ⊙ DENOTES QUARTER CORNER (AS SHOWN)
- DENOTES MON. FOUND  
(5/8" REBAR W/YELLOW  
PLASTIC CAP MARKED 'L.C.  
HANSON 2523ES,' UNLESS  
NOTED OTHERWISE)

■ DENOTES CONCRETE R/W MON. FOUND  
 (M) MEASURED VALUE  
 (R) RECORD VALUE  
 — NEW BOUNDARY  
 — OLD BOUNDARY  
 -- EASEMENT  
 // EMERGENCY ACCESS EASEMENT  
 FUTURE PHASE, NOT PART  
 OF THIS SUBDIVISION

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3), MCA, THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT HAVE BEEN PAID.


LOT 1 GEO-CODE 05-1888-20-1-02-01-0000  
 LOT 2 GEO-CODE 05-1888-20-1-02-05-0000  
 LOT 4 GEO-CODE 05-1888-20-1-02-03-0000  
 LOT 5 GEO-CODE 05-1888-20-1-02-11-0000  
 DATED THIS 13<sup>th</sup> DAY OF December, 2007.  
Paula DeHart by SA  
 COUNTY TREASURER

WE, THE UNDERSIGNED ENCUMBRANCERS, DO HEREBY JOIN IN AND  
CONSENT TO THE PLAT ATTACHED HERETO AND RELEASE OUR  
RESPECTIVE LIENS, CLAIMS AND ENCUMBRANCES AS TO ANY PORTION  
OF SAID LANDS SHOWN ON SUCH PLAT AS BEING DEDICATED TO THE  
USE OF THE PUBLIC FOREVER.

BY: SKM  
NAME: Shari L. McCann  
TITLE: Senior Claims Officer KeyBank National Association

STATE OF )  
COUNTY OF ) ss.

ON THIS 5 DAY OF February 2021, BEFORE ME A  
NOTARY PUBLIC FOR THE STATE OF California,  
PERSONALLY APPEARED John W. McCassey  
KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME  
IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE



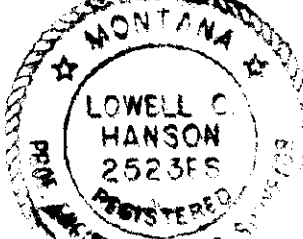


Michael Colasanti

PRINT NAME \_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF Colorado  
RESIDING AT Denver, Colorado  
MY COMMISSION EXPIRES August 18, 2008

TULIA VASQUEZ

PRINT NAME \_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF NEW YORK  
RESIDING AT MANHATTAN NEW YORK  
MY COMMISSION EXPIRES 05/22/2010

\\sra01\proj\_data\67200\dup\1289.dwg 12/5/2007 10:49:05 AM PTB

		DRAWING NO. <b>1289</b>	
DESIGNED BY: <b>GDW</b>		DATE: <b>12-03-07</b>	
DRAWN BY: <b>CLW</b>			
CHECKED BY: <b>CS-75-06</b>		SHEET: <b>1</b> OF <b>1</b>	
<b>1/4</b>	<b>SEC.</b>	<b>TWP.</b>	<b>RGE.</b>
	<b>20</b>	<b>10N</b>	<b>3W</b>
			
<b>LEWIS AND CLARK COUNTY</b> <b>P.M.M.</b>			

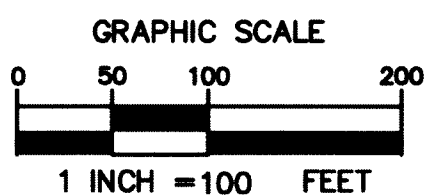
*Lowell C. Hanson*  
 12-31-07  
 LICENSED LAND SURVEYOR

Prepared By  
**NORTHLAND ENGINEERING**  
 ENGINEERS SURVEYORS PLANNERS  
 CHELSEA, MONTANA  
 PHONE: (406) 448-8100



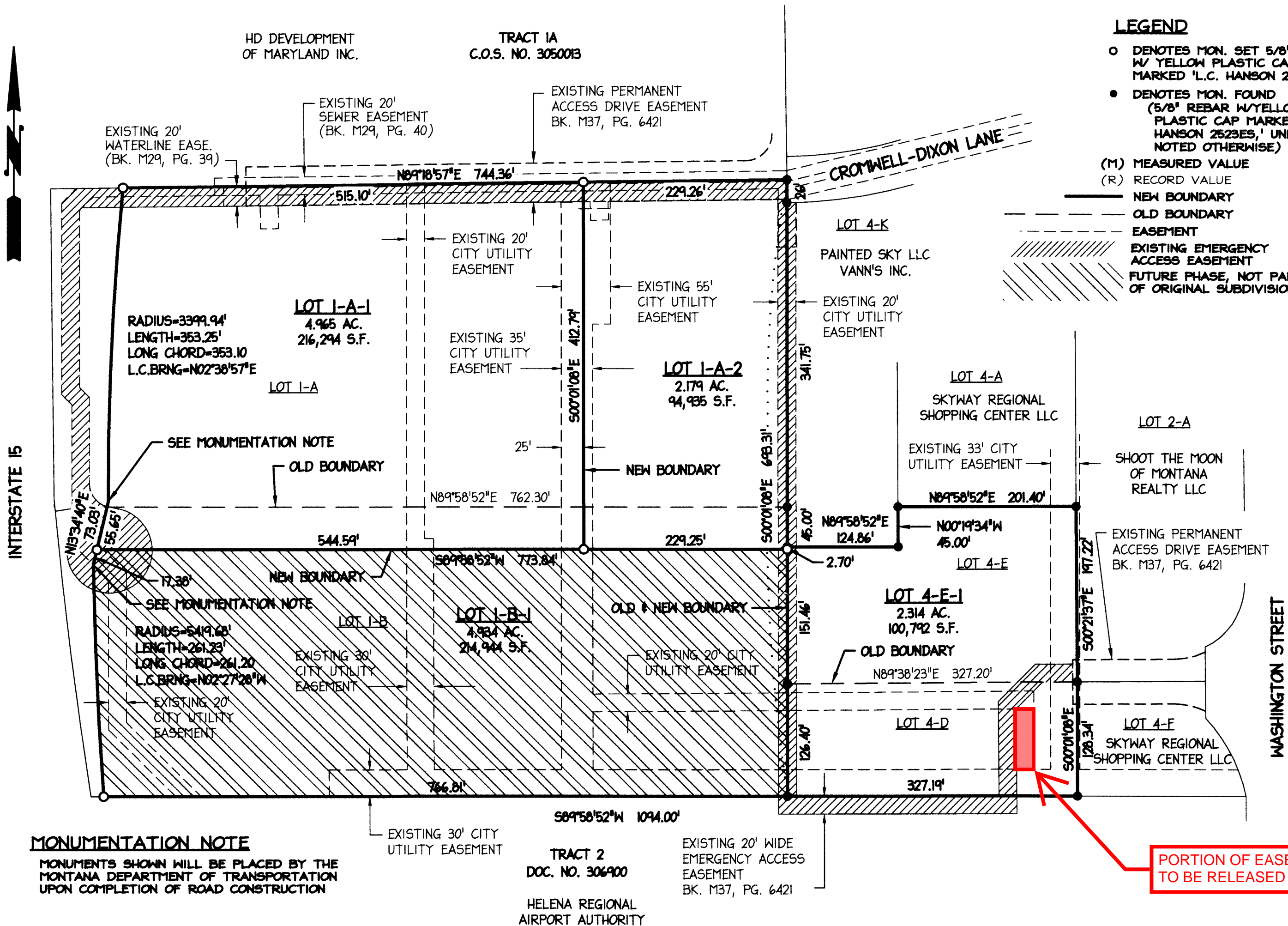
# AMENDED PLAT

AMENDING LOTS 1-A, 1-B, 4-D & 4-E OF THE  
AMENDED SKYWAY REGIONAL SHOPPING CENTER PLAT - PHASE 1  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 20  
TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M.  
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA



## LEGEND

- DENOTES MON. SET 5/8" REBAR W/ YELLOW PLASTIC CAP MARKED 'L.C. HANSON 2523ES'
- DENOTES MON. FOUND (5/8" REBAR W/YELLOW PLASTIC CAP MARKED 'L.C. HANSON 2523ES,' UNLESS NOTED OTHERWISE)
- (M) MEASURED VALUE
- (R) RECORD VALUE
- NEW BOUNDARY
- - - OLD BOUNDARY
- - - EASEMENT
- - - EXISTING EMERGENCY ACCESS EASEMENT
- - - FUTURE PHASE, NOT PART OF ORIGINAL SUBDIVISION



## SURVEY COMMISSIONED BY:

LOTS 1-A, 1-B, 4-D, 4-E  
SKYWAY REGIONAL SHOPPING CENTER LLC

## REASON FOR SURVEY

RELOCATE COMMON BOUNDARIES

## BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 20, NORTH 0°41'03" WEST AS SHOWN ON C.O.S. NO. 283050

## CERTIFICATE OF EXEMPTION

WE, THE UNDERSIGNED, CURRENT PROPERTY OWNERS OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT THE PURPOSE OF THIS DIVISION OF LAND IS TO RELOCATE COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES WITHIN A PLATTED SUBDIVISION AND THAT NO NEW OR ADDITIONAL PARCELS ARE HEREBY CREATED; THEREFORE THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(d) M.C.A.

WE, FURTHER CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS FOR THE AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF A LARGER AGGREGATED PARCEL ARE ESTABLISHED; THEREFORE THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(f) M.C.A.

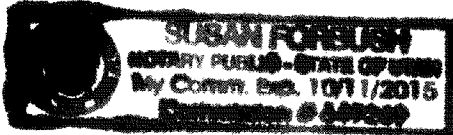
WE, FURTHER CERTIFY THAT THE PROPERTY AFFECTED BY THIS AMENDED PLAT LIES WITHIN A FIRST CLASS MUNICIPALITY FOR WHICH THE GOVERNING BODY CERTIFIES PURSUANT TO SECTION 76-4-127 THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS REQUIRING SANITARY FACILITIES PURSUANT TO SECTION 76-4-126(2)(d) M.C.A.

SKYWAY REGIONAL SHOPPING CENTER LLC

BY: Kip Wadsworth  
NAME: Kip Wadsworth  
PACIFIC REGISTERED AGENTS INC.

STATE OF UTAH  
COUNTY OF DEUEL  
ON THIS 16 DAY OF JULY, 2012, BEFORE ME A  
NOTARY PUBLIC FOR THE STATE OF UTAH  
PERSONALLY APPEARED KIP WADSWORTH,  
KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME  
IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE  
SAME.

Susan Forbush  
PRINT NAME  
NOTARY PUBLIC FOR THE STATE OF UTAH  
RESIDING AT Draper, Utah  
MY COMMISSION EXPIRES 10/15



## CERTIFICATE OF FINAL PLAT APPROVAL

THE UNDERSIGNED DO HEREBY CERTIFY THAT IT HAS EXAMINED THIS AMENDED PLAT, AND HAVING FOUND THE SAME TO CONFORM TO LAW, HEREBY APPROVES IT, THIS 18 DAY OF JULY, 2012.

[Signature] CITY ENGINEER

CITY CLERK

MAYOR

COMMUNITY DEVELOPMENT DEPT.

THE CITY COMMISSION OF HELENA, MONTANA, HEREBY CERTIFIES THAT IT HAS EXAMINED THIS FINAL AMENDED PLAT AND HAS FOUND THE SAME TO CONFORM TO LAW.

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND DONATION TO THE CITY OF HELENA OF ANY AND ALL LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE PUBLIC FOR PUBLIC USE.

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, MONTANA DOES HEREBY APPROVE THIS PLAT THIS 18 DAY OF JULY, 2012.

## CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING THIS 22 DAY OF JULY, 2012.  
PURSUANT TO SECTION 76-3-611(2)(a) M.C.A.

[Signature]  
EXAMINING LAND SURVEYOR  
LICENSE NO. 996275

## CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3), M.C.A., THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT HAVE BEEN PAID.

LOT 1-A GEO-CODE 05-1888-20-1-02-11-0000  
LOT 1-B GEO-CODE 05-1888-20-1-02-01-0000  
LOT 4-D GEO-CODE 05-1888-20-1-02-04-0000  
LOT 4-E GEO-CODE 05-1888-20-1-02-09-0000  
DATED THIS 18 DAY OF JULY, 2012.  
[Signature]  
COUNTY TREASURER

\\lon\Project\_Data\123300\dwg\1657.dwg 6/21/2012 2:31:09 PM MDT

DWM NO: 1657			
DRAWN BY: GOW	DATE: 6-21-12		
CHECKED BY: CLH	REVIEWED:		
JOB NO: 12-33-00	SHEET 1 OF 1		
1/4	SEC.	TWP.	RGE.
	20	10N	3W
LEWIS AND CLARK COUNTY P.M.M.			

Prepared By  
**NORTHLAND ENGINEERING**  
ENGINEERS - SURVEYORS - PLANNERS  
HELENA, MONTANA  
PHONE: (406) 442-8108



AMENDED PLAT

AMENDING LOT 4-E-1 OF DOCUMENT NO. 3224561 AND LOT 4-F OF DOCUMENT 3140492, BOTH BEING WITHIN THE SKYWAY REGIONAL SHOPPING CENTER MINOR SUBDIVISION, LOCATED WITHIN THE NE¼ OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA

PURPOSE OF SURVEY  
RELOCATE COMMON BOUNDARIES BETWEEN ADJOINING TRACTS OF RECORD.

DATE OF SURVEY  
OCTOBER, 2024

SURVEY COMMISSIONED BY  
WOOD INVESTMENTS COMPANIES, INC

OWNERS OF THE TRACTS  
HELENA SKYWAY LLC, ET AL

TRACTS OF RECORD STATEMENT  
PER 24.183.1104(1)(f)(iii)(C), ARM – "THE AREA THAT IS BEING REMOVED FROM ONE TRACT OF RECORD AND JOINED WITH ANOTHER TRACT OF RECORD IS NOT ITSELF A TRACT OF RECORD. SAID AREA SHALL NOT BE AVAILABLE AS A REFERENCE LEGAL DESCRIPTION IN ANY SUBSEQUENT REAL PROPERTY TRANSFER AFTER THE INITIAL TRANSFER ASSOCIATED WITH THE CERTIFICATE OF SURVEY ON WHICH SAID AREA IS DESCRIBED, UNLESS SAID AREA IS INCLUDED WITH OR EXCLUDED FROM ADJOINING TRACTS OF RECORD".

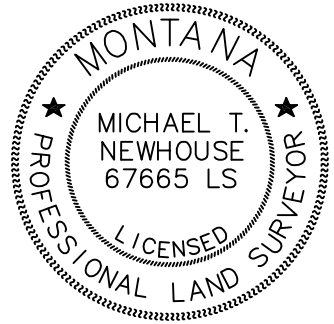
LEGAL DESCRIPTION LOT 4-E-1-A  
A TRACT OF LAND LOCATED WITHIN THE NE1/4 OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
  
BEGINNING AT A SURVEY MONUMENT LOCATED AT THE SOUTHWEST CORNER OF LOT 4-A OF DOC. No. 3140492;  
THENCE FROM SAID POINT OF BEGINNING ALONG THE SOUTH LINE OF SAID LOT 4-A S89°59'53"E 201.41 FEET TO THE WEST LINE OF LOT 2-A OF DOC. No. 3082596;  
THENCE S00°20'40"E 185.42 FEET TO THE NORTH LINE OF LOT 4-F-1 OF THIS SURVEY;  
THENCE S89°39'43"W 327.11 FEET TO THE EAST LINE OF LOT 1-B-1-A OF DOC. No. 3270343;  
THENCE N00°00'08"W 134.50 FEET TO THE EAST LINE OF LOT 1-A-2-A OF DOC. No. 3270343;  
THENCE N00°06'10"W 7.81 FEET TO THE SOUTH LINE OF LOT 4-K OF DOC. No. 3140492;  
THENCE N89°58'33"E 124.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4-K;  
THENCE CONTINUING ALONG SAID LOT 4-K PROPERTY LINE N00°18'53"W 44.99 FEET TO THE SURVEY MONUMENT LOCATED AT THE POINT OF BEGINNING;  
  
SAID TRACT OF LAND CONTAINS 1.27 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS OF RECORD OR APPARENT ON THE GROUND.

LEGAL DESCRIPTION LOT 4-F-1  
A TRACT OF LAND LOCATED WITHIN THE NE1/4 OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
  
BEGINNING AT A SURVEY MONUMENT LOCATED AT THE NORTHEAST CORNER OF TRACT 2 OF DOC. No. 306900;  
THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTH LINE OF SAID TRACT 2 N89°59'52"W 189.79 FEET TO A SURVEY MONUMENT;  
THENCE CONTINUING ALONG SAID NORTH LINE S89°59'42"W 327.18 FEET TO THE EAST LINE OF LOT 1-B-1-A OF DOC. No. 3270343;  
THENCE N00°00'08"W 138.21 FEET TO THE SOUTH LINE OF LOT 4-E-1-A OF THIS SURVEY;  
THENCE N89°39'43"E 327.11 FEET TO THE WEST LINE OF LOT 2-A OF DOC. No. 314092;  
THENCE S00°20'38"E 11.79 FEET TO THE SOUTWEST CORNER OF SAID LOT 2-A;  
THENCE CONTINUING ALONG SAID LOT 2-A PROPERTY LINE TRAVELING N89°39'43"E 144.63 FEET TO THE WESTERLY RIGHT-OF-WAY OF WASHINGTON STREET;  
THENCE ALONG THE SAID WESTERLY RIGHT-OF-WAT S00°17'32"E 41.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;  
THENCE ALONG SAID CURVE 100.05 FEET, HAVING A RADIUS OF 180.00 FEET AND A LONG CHORD BEARING S27°04'49"E 98.77 FEET TO THE SURVEY MONUMENT LOCATED AT THE POINT OF BEGINNING;  
  
SAID TRACT OF LAND CONTAINS 1.53 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS OF RECORD OR APPARENT ON THE GROUND.

CERTIFICATE OF SURVEYOR  
I, MICHAEL T. NEWHOUSE, A REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE PERFORMED THE SURVEY SHOW ON THE ATTACHED CERTIFICATE OF SURVEY; THAT SUCH SURVEY WAS MADE OCTOBER, 2024; THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN AND THAT THE MONUMENTS FOUND AND SET ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

MICHAEL T. NEWHOUSE, MONTANA REG. NO. 67665LS



CERTIFICATE OF EXAMINING LAND SURVEYOR  
REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING  
THIS 26th DAY OF November, 2024.  
PURSUANT TO SECTION 76-3-611(2)(a), MCA.  
*Thomas E. Stahl*  
EXAMINING LAND SURVEYOR  
  
REG. NO. 12249LS

CERTIFICATE OF EXEMPTION FROM SUBDIVISION REVIEW  
I, THE UNDERSIGNED OWNER OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT THIS SURVEY IS EXEMPT FROM SUBDIVISION REVIEW PURSUANT TO 76-3-207(1)(d), M.C.A., WHICH STATES: "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES".

CERTIFICATE OF EXCLUSION FROM D.E.O. REVIEW  
I, THE UNDERSIGNED, HEREBY CERTIFY THAT NEWLY CREATED LOT 4-E-1-A AND LOT 4-F-1 ARE NOT SUBJECT TO REVIEW IN ACCORDANCE WITH 76-4-125(1)(d)(iii), MCA, BECAUSE DIVISIONS ARE LOCATED WITHIN JURISDICTIONAL AREAS THAT HAVE ADOPTED GROWTH POLICIES PURSUANT TO CHAPTER 1 OR WITHIN FIRST-CLASS OR SECOND-CLASS MUNICIPALITIES FOR WHICH THE GOVERNING BODY CERTIFIES, PURSUANT TO 76-4-127, THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED.

PRINTED NAME AND TITLE OF INDIVIDUAL SIGNING SURVEY

SIGNATURE OF INDIVIDUAL SIGNING SURVEY

STATE OF MONTANA  
COUNTY OF LEWIS AND CLARK

THIS RECORD WAS SIGNED BEFORE ME ON \_\_\_\_\_ BY \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF MONTANA

CERTIFICATE OF COUNTY TREASURER  
I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-611(1)(b), MCA, THAT NO REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS CERTIFICATE OF SURVEY AND ENCOMPASSED BY THE PROPOSED COMMON BOUNDARY RELOCATION ARE DELINQUENT.

PROPERTY GEO-CODE 05-1888-20-1-02-09-0000  
ASSESSORS CODE 0000043994

PROPERTY GEO-CODE 05-1888-20-1-02-05-0000  
ASSESSORS CODE 0000038796

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

TREASURER, LEWIS AND CLARK COUNTY, MONTANA

CERTIFICATE OF PLAT APPROVAL

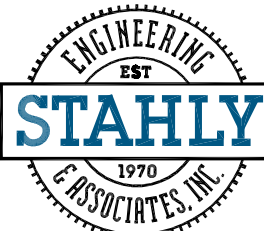
THE CITY OF HELENA, LEWIS AND CLARK COUNTY, HEREBY APPROVES THIS AMENDED PLAT

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CITY ENGINEER, CITY OF HELENA

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COMMUNITY DEVELOPMENT DIVISION, CITY OF HELENA



STAHL ENGINEERING & ASSOCIATES

PROFESSIONAL ENGINEERS & SURVEYORS

www.seaeng.com

2223 MONTANA AVE.  
STE. 201  
BILLINGS, MT 59101  
Phone: (406) 601-4055

3530 CENTENNIAL DR.  
HELENA, MT 59601  
Phone: (406) 442-8594  
Fax: (406) 442-8557

851 BRIDGER DR. STE. 1  
BOZEMAN, MT 59715  
Phone: (406) 522-8594  
Fax: (406) 522-9528

AMENDED PLAT

COUNTY: LEWIS & CLARK

PRINCIPAL MERIDIAN,  
MONTANA

1/4	SEC	T	R	1/4	SEC	T	R
<input checked="" type="checkbox"/>	20	10N	3W	<input type="checkbox"/>			
<input type="checkbox"/>				<input type="checkbox"/>			

FIELD: RJS/JMB

DRAWN: MTN

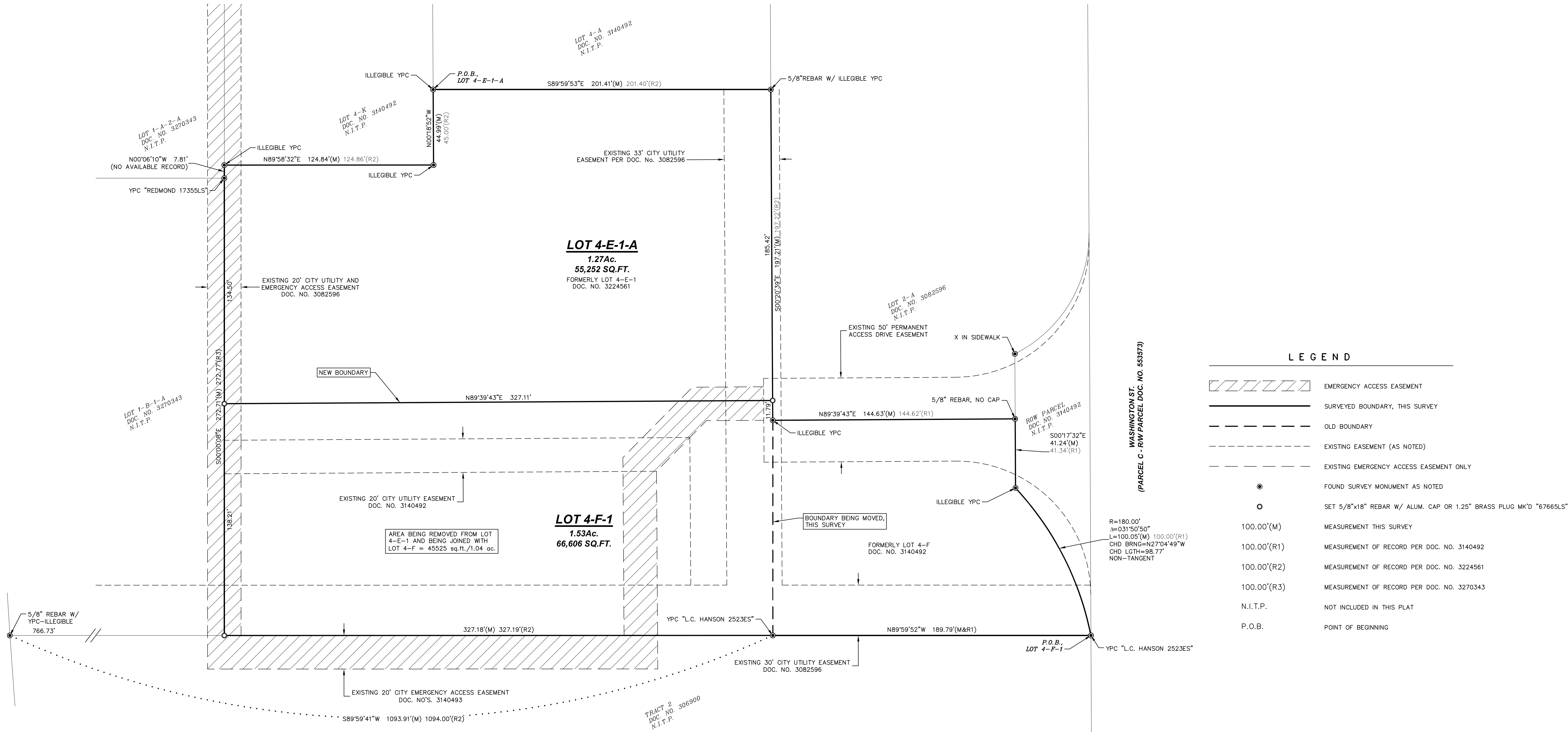
CHECKED: RJS

DATE: 11/25/2024

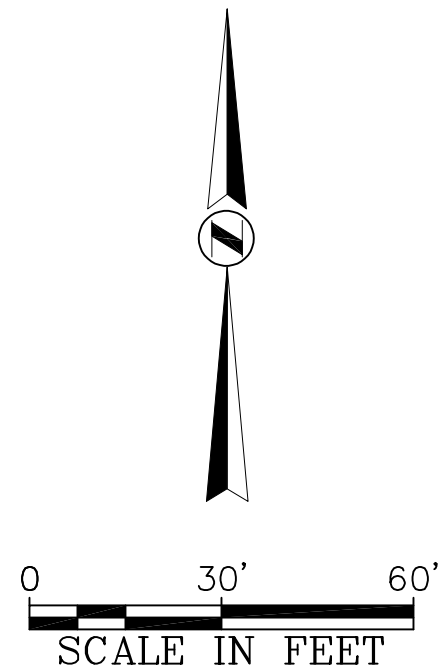
SHEET  
1 OF 2

AMENDED PLAT

AMENDING LOT 4-E-1 OF DOCUMENT NO. 3224561 AND LOT 4-F OF DOCUMENT 3140492, BOTH BEING WITHIN THE SKYWAY REGIONAL SHOPPING CENTER MINOR SUBDIVISION,  
LOCATED WITHIN THE NE¼ OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M.,  
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA

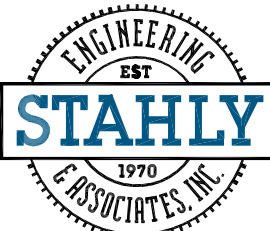


LEGEND	
	EMERGENCY ACCESS EASEMENT
	SURVEYED BOUNDARY, THIS SURVEY
	OLD BOUNDARY
	EXISTING EASEMENT (AS NOTED)
	EXISTING EMERGENCY ACCESS EASEMENT ONLY
	FOUND SURVEY MONUMENT AS NOTED
	SET 5/8"x18" REBAR W/ ALUM. CAP OR 1.25" BRASS PLUG MK'D "67665LS"
100.00'(M)	MEASUREMENT THIS SURVEY
100.00'(R1)	MEASUREMENT OF RECORD PER DOC. NO. 3140492
100.00'(R2)	MEASUREMENT OF RECORD PER DOC. NO. 3224561
100.00'(R3)	MEASUREMENT OF RECORD PER DOC. NO. 3270343
N.I.T.P.	NOT INCLUDED IN THIS PLAT
P.O.B.	POINT OF BEGINNING



BASIS OF BEARING  
HELENA LOW DISTORTION PROJECTION  
DATUM: NAD83(2011)  
PROJECTION: TRANSVERSE MERCATOR  
CENTRAL MERIDIAN: W111°57'00"  
PROJECT ORIGIN LATITUDE: N 46°30'00"  
SCALE FACTOR AT CENTRAL MERIDIAN: 1.000191  
FALSE NORTHING: 100,000.00 IFT  
FALSE EASTING: 200,000.00 IFT

VERTICAL DATUM  
NAVD88(GEOD18)



**STAHLY ENGINEERING & ASSOCIATES**  
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3530 CENTENNIAL DR. HELENA, MT 59601 Phone: (406)442-8594 Fax: (406)442-8557  
851 BRIDGER DR. STE. 1 BOZEMAN, MT 59715 Phone: (406)522-8594 Fax: (406)522-9528

AMENDED PLAT								
COUNTY: LEWIS & CLARK	1/4	SEC	T	R	1/4	SEC	T	R
PRINCIPAL MERIDIAN, MONTANA	<input checked="" type="checkbox"/>	20	10N	3W	<input type="checkbox"/>			
	<input type="checkbox"/>				<input type="checkbox"/>			

FIELD: RJS/JMB  
DRAWN: MTN  
CHECKED: RJS  
DATE: 11/25/2024  
SHEET  
**2 OF 2**

***City of Helena, Montana***

09/17/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Brett Petty, Chief of Police

**Subject:** Donation of K-9 "Brutus" to Corporal Scavone

**Present Situation:** K-9 "Brutus" has been deemed to have medical concerns that will prevent him from performing effective Police K-9 work for the Helena Police Department.

**Background Information:** K-9 "Brutus" has worked for a short time for the department; however, it was deemed that he has medical concerns.

**Proposal/Objective:** Donate K-9 "Brutus" to Corporal Scavone under surplus and dispose of by the City Manager.

**Advantage:** N/A

**Notable Energy Impact:** N/A

**Disadvantage:** N/A

**Quasi-Judicial Item:** False

**Notice of Public Hearing:** True

**Staff Recommendation/  
Recommended Motion:** Move to approve and declare K-9 "Brutus" as surplus property and transfer the ownership of "Brutus" to Corporal Jacob Scavone.

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. #####**

### **A RESOLUTION DECLARING POLICE K-9 "Brutus" TO BE SURPLUS PROPERTY AND AUTHORIZING THE TRANSFER OF OWNERSHIP TO Jacob Scavone**

**WHEREAS,** the City of Helena owns police K-9 "Brutus", a Belgian Malinois trained Police K-9;

**WHEREAS,** Police K-9 "Brutus" has been deemed to have medical concerns that prevent him from performing effective Police K-9 work for the Helena Police Department;

**WHEREAS,** Police K-9 "Brutus" is no longer useable by the City of Helena at present or in the foreseeable future;

**WHEREAS,** the Helena Police Department proposes donating Police K-9 "Brutus" to Jacob Scavone, who is a trained K-9 handler for the Helena Police Department;

**WHEREAS;** Section 1-4-18(C) of the Helena City Code, requires City Commission approval to dispose of personal property owned by the City of Helena with an original value of more than five thousand dollars; and

**WHEREAS,** it appears to be in the best interests of the City of Helena donate K-9 "Brutus" to Jacob Scavone under surplus and disposed of by the City Manager.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

**Resol. #####**

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

**Section 1.** Police K-9 "Brutus" is hereby declared surplus property, and the City Manager is authorized to directly transfer ownership of Police K-( "Brutus" to Jacob Scavone pursuant to Section 1-4-18(C) of the Helena City Code.

PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12<sup>th</sup> DAY OF September, 2025.

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DANNAI CLAYBORN

CLERK OF THE COMMISSION

***City of Helena, Montana***

09/16/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Ryan Leland, Public Works Director  
Jamie Clark, City Engineer

**Subject:** Bid Award for 2019 Cured in Place Pipe (C.I.P.P.) Sewer Main Rehabilitation Project #19-35

**Present Situation:**

Presently the existing sanitary sewer mains within the twenty (20) project locations are past their service life and have been requiring significant additional cleaning, jetting and maintenance for several years. The sanitary sewer mains are all currently in a deteriorating state and when inspected using in pipe cameras, it was determined that they needed replaced or rehabilitated. It was also determined through remote inspection that the pipes were able to be rehabilitated using trenchless methods. The twenty project locations proposed within the sewer system are all located within established older neighborhoods in Helena.

It was determined between City Utility Maintenance and Engineering Staff, after reviewing pipe inspection video and individual site visits, that trenchless, cured in place pipe rehabilitation would be the best option to fix the aging sewer pipes and to limit streetscape and landscape impacts in established older neighborhoods. Since the sewer mains are located in established neighborhoods with minimal possibility for additional service connections, cured in place pipe (C.I.P.P.) was chosen to rehabilitate the existing pipes without requiring significant excavation. The project is to be entirely funded by a Water Pollution Control State Revolving Fund (WPCSRF) loan.

The City received 1 bid for the 2019 C.I.P.P. Sanitary Sewer Main Rehabilitations Project #19-35. Bid was received Planned and Engineered Construction Inc. of Helena, MT. Bids were opened on March 21, 2023. Planned and Engineered Construction Inc. submitted a bid of \$718,500.00. The apparent low bidder for the project was Planned and Engineered Construction, Inc. of Helena MT with a quote of \$718,500.00.

**Background Information:**

Presently the existing sanitary sewer mains within the twenty (20) project locations are past their service life and have been requiring significant additional cleaning, jetting and maintenance for several years. The sanitary sewer mains are all currently in a deteriorating state and when inspected using in pipe cameras, it was determined that they needed replaced or rehabilitated. It was also determined through remote inspection that the pipes were able to be rehabilitated using trenchless methods. The twenty project locations proposed within the sewer system are all located within established older neighborhoods in Helena.

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**Proposal/Objective:**

Consider awarding the contract to Planned and Engineered Construction (PEC), Inc. which submitted the lowest responsive bid in the amount of \$647,970.00.

**Advantage:**

Rehabilitation of the aging sanitary sewer infrastructure with cured in place pipe liners will allow for reduced maintenance, reduced sewer infiltration and inflow, improved flows, and overall improved sanitary sewer service for the affected residents. Reduced maintenance frequency after rehabilitation will eliminate significant additional maintenance costs that are currently required to keep the mains functioning properly. Rehabilitation of pipes that have exceeded their design lives with new pipe liners will ensure adequate sewer service into the foreseeable future for the project areas.

**Notable Energy Impact:**

Construction of this project will eliminate the need for additional City Utility Maintenance Staff cleaning and jetting of the sanitary sewer mains, and will allow City Utility Maintenance Staff to place these sewers on a regular tri-annual maintenance schedule, saving time, money, fuel and energy expended in using City equipment to jet and clean the lines more frequently than is typically required for lines of this type.

**Disadvantage:**

No disadvantages to this award are expected.

**Quasi-Judicial Item:**

False

**Notice of Public Hearing:**

False

**Staff Recommendation/  
Recommended Motion:**

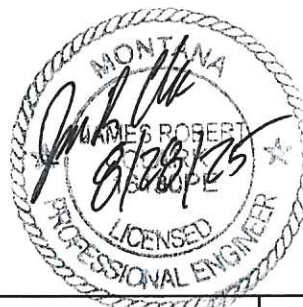
Move to award the 2019 C.I.P.P. Sewer Main Rehabilitations Project #19-35 to the lowest responsible bidder Planned and Engineered Construction (PEC) Inc. in the amount of \$718,500.00.






## BID TABS

PROJECT #24-04 2024 C.I.P.P. SEWER MAIN REHABILITATIONS



				Engineers Estimate		VORTEX	
ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
SCHEDULE 1						Schedule 1	
1	1	LS	MOBILIZATION	\$ 25,000.00	\$ 25,000.00	\$ 45,000.00	\$ 45,000.00
2	7,379	LF	8 INCH CONCRETE//CLAY SANITARY SEWER MAIN REHABILITATION. INCLUDES CLEANING, PRE TV INSPECTION, PREPARATION & INSTALLATION OF CURED IN PLACE PIPE, POST TV INSPECTION.	\$ 58.00	\$ 427,982.00	\$ 52.00	\$ 383,708.00
3	1	LS	SANITARY SEWER BYPASS PUMPING	\$ 12,000.00	\$ 12,000.00	\$ 22,500.00	\$ 22,500.00
4	98	EA	REMOTE LATERAL RE-CONNECTION TO EXISTING SEWER SERVICE	\$ 250.00	\$ 24,500.00	\$ 75.00	\$ 7,350.00
5	3	EA	ALLEY SPOT REPAIRS INCLUDING OPEN CUT EXCAVATION TECHNIQUES USED TO FIX DAMAGED PIPE SECTIONS BEFORE INSTALLATION OF CURED IN PLACE PIPE. INCLUDES 6" THICKNESS OF 1-1/2" MINUS CRUSHED BASE COURSE COMPACTED TO 95%	\$ 2,500.00	\$ 7,500.00	\$ 5,500.00	\$ 16,500.00
6	5	EA	STREET SPOT REPAIRS INCLUDING OPEN CUT EXCAVATION TECHNIQUES USED TO FIX DAMAGED PIPE SECTIONS BEFORE INSTALLATION OF CURED IN PLACE PIPE. INCLUDES 6" THICKNESS OF 1-1/2" MINUS CRUSHED BASE COURSE, TACK COAT, AND 3" THICKNESS HOT PLANT MIX ASPHALT SURFACE COURSE TO REPAIR ROAD	\$ 5,000.00	\$ 25,000.00	\$ 8,500.00	\$ 42,500.00
7	1	EA	INSTALL NEW 48-INCH DIAMETER MANHOLE 4FT DEPTH IN ALLEY AND CONNECT TO EXISTING WASTEWATER MAIN BEFORE LINING. SHEET 3	\$ 8,000.00	\$ 8,000.00	\$ 20,000.00	\$ 20,000.00
8	1	EA	INSTALL NEW 48-INCH DIAMETER MANHOLE 12FT DEPTH IN N LAMBORN ST AND CONNECT TO EXISTING WASTEWATER MAIN BEFORE LINING. SHEET 21	\$ 12,000.00	\$ 12,000.00	\$ 22,350.00	\$ 22,350.00
9	1	LS	CONSTRUCTION TRAFFIC CONTROL	\$ 20,000.00	\$ 20,000.00	\$ 20,962.00	\$ 20,962.00
10	15	HR	EXPLORATORY EXCAVATION	\$ 250.00	\$ 3,750.00	\$ 275.00	\$ 4,125.00
11	10	CY	ROCK EXCAVATION AND REMOVAL	\$ 300.00	\$ 3,000.00	\$ 400.00	\$ 4,000.00
TOTAL FOR SCHEDULE 1				\$	568,732.00		588,995.00
(PRICE IN WORDS)					(PRICE)	(PRICE)	
SCHEDULE 2						SCHEDULE 2	
1	1	LS	MOBILIZATION	\$ 25,000.00	\$ 25,000.00	\$ 55,000.00	\$ 55,000.00
2	1	LS	SANITARY STORM SEWER BYPASS PUMPING	\$ 20,000.00	\$ 20,000.00	\$ 28,500.00	\$ 28,500.00
3	7	EA	REMOTE LATERAL RE-CONNECTION TO EXISTING STORM SERVICE, THIS INCLUDES 3-8" SERVICES, 1-6" SERVICE, 2-4" SERVICES, AND 1-3" SERVICE	\$ 400.00	\$ 2,800.00	\$ 1,495.00	\$ 10,465.00
4	505	LF	54 INCH CONCRETE//BRICK STORM SEWER MAIN REHABILITATION. INCLUDES CLEANING, PRE TV INSPECTION, PREPARATION & INSTALLATION OF CURED IN PLACE PIPE, POST TV INSPECTION.	\$ 400.00	\$ 202,000.00	\$ 500.00	\$ 252,500.00
5	1	EA	ABANDON 12" REMOTE LATERAL CONNECTION FROM EXISITNG MAIN	\$ 750.00	\$ 750.00	\$ 4,530.00	\$ 4,530.00
6	1	LS	CONSTRUCTION TRAFFIC CONTROL	\$ 10,000.00	\$ 10,000.00	\$ 25,000.00	\$ 25,000.00
TOTAL FOR SCHEDULE 2				\$	260,550.00	\$	375,995.00
(PRICE IN WORDS)					(PRICE)	(PRICE)	
TOTAL FOR SCHEDULE 1 AND 2				\$	829,282.00	\$	964,990.00

**BUDGET WORKSHEET**  
**2024 CURED IN PLACE PIPE SEWER MAIN REHABILITATIONS PROJECT**  
**City of Helena Project #24-04**

Description		Estimate or Cost
<b>ENGINEERING</b>		
Engineering Design - Done in House		\$ -
Construction Management - Done in House		\$ -
<b>Total Engineering Cost</b>		<b>\$ -</b>
<b>CONSTRUCTION COSTS</b>		
Construction Cost - Vortex Services LLC		\$ 964,990.00
10% Contingency		\$ 96,499.00
<b>Total Construction Cost</b>		<b>\$ 1,061,489.00</b>
Bid Advertisement, RFP etc.		\$ 160.00
Misc Cost - MT DEQ Plan Review and Approval		\$ 2,564.70
<b>Total Project Estimate</b>		<b>\$1,064,213.70</b>

Budget Description and Number	Project # from Tyler	Budget Amount
Wastewater Collection Utility Maintenance - (52430641-493110)	WM23002	\$ 690,000.00
Stormwater Collection Utility Maintenance - (28430235-493110)	SD25002	\$ 879,420.00
<b>Totals</b>		<b>\$ 1,569,420.00</b>

<b>Project Manager</b>	<b>Jamie Clark</b>
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***City of Helena, Montana***

**September 22, 2025**

**To:** Mayor Collins and the Helena City Commission

**From:** Assistant City Attorney Matthew Petesch

**Subject:** Consider approving the first passage of an ordinance granting a franchise to Montana Internet Corporation (MIC), and allowing the construction, operation, regulation, and control of a telecommunications system within the City of Helena, Montana, and set a public hearing for October 20, 2025.

**Present Situation:** Montana Internet Corporation has applied to the City for a non-exclusive Franchise for a telecommunications system within the City of Helena.

**Background Information:** MIC has applied to the City for a non-exclusive Franchise for the right of entry, use, and occupation of public rights-of-way within the City, to install, construct, erect, operate, maintain, repair, relocate and remove its telecommunications facilities in, on, over, under, along and across those rights-of-way. Pursuant to § 7-3-4223 of the Montana Code Annotated, the City may enter into franchise agreements only through the passage of an ordinance. The franchise agreement with MIC is substantially similar to the City's franchise agreement with TDS.

**Proposal/Objective:** Consider approving the first passage of an ordinance granting a franchise to Montana Internet Corporation (MIC), and allowing the construction, operation, regulation, and control of a telecommunications system within the City of Helena, Montana, and set a public hearing for October 20, 2025.

**Advantage:** Helena residents will have more options for telecommunication services.

**Notable Energy Impact:** N/A

**Disadvantage:** N/A

**Notice of Public Hearing:** N/A

**Staff Recommendation/  
Recommended Motion:** Recommend approving the first passage of an ordinance granting a franchise to Montana Internet Corporation (MIC), and allowing the construction, operation, regulation, and control of a telecommunications system within the City of Helena, Montana, and set a public hearing for October 20, 2025.

**ORDINANCES OF THE CITY OF HELENA, MONTANA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A FRANCHISE TO MONTANA INTERNET CORP., AND ALLOWING THE CONSTRUCTION, OPERATION, REGULATION, AND CONTROL OF A CABLE COMMUNICATION SYSTEM WITHIN THE CITY OF HELENA, MONTANA**

**WHEREAS**, pursuant to §7-3-4223, MCA, the City of Helena may grant franchises by ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:**

**Section 1.** That a franchise is hereby granted to Montana Internet Corp. for the purpose of the construction, operation, regulation, and control of a cable communication system within the City of Helena. The Helena City Manager and her designees are hereby authorized to complete negotiations and enter into the franchise agreement with Montana Internet Corp., which by this reference is made a part hereof.

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CLERK OF THE COMMISSION**

**ORDINANCES OF THE CITY OF HELENA, MONTANA**

**Ord. 3294**

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF THE COMMISSION

## **Telecommunications Franchise**

This Telecommunications Franchise ("Franchise") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2025, by and between the City of Helena ("City") and Montana Internet Corporation ("Grantee"). The City and Grantee are individually referred to as a party and collectively as the parties to this Franchise.

**WHEREAS**, Grantee has applied to the City for a non-exclusive Franchise for the right of entry, use, and occupation of public right(s)-of-way within the City, to install, construct, erect, operate, maintain, repair, relocate and remove its telecommunications facilities in, on, over, under, along and across those right(s)-of-way; and

**WHEREAS**, the City is authorized by applicable law to grant one or more non-exclusive franchises to construct, operate and maintain telecommunications systems within the boundaries of the City; and

**WHEREAS**, the City desires to enter into this Franchise with Grantee for the construction, operation and maintenance of a telecommunications system on the terms and conditions set forth herein; and

**WHEREAS**, following proper notice, the City Commission held a public hearing on Grantee's request for a Franchise, at which time representatives of Grantee and interested citizens were able to be heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

**WHEREAS**, from information presented at such public hearing, and from facts and circumstances developed or discovered through independent study and investigation, the City Commission now deems it appropriate and in the best interest of the City and its inhabitants that the Franchise be granted to Grantee,

**NOW, THEREFORE, THE CITY COMMISSION OF HELENA, MONTANA, DOES ORDAIN** as follows:

### **Section 1. Definitions**

When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined herein shall be given their common and ordinary meaning. The word "shall" is always mandatory and not merely directory.

"Affiliate", when used in connection with Grantee, means any person who owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

"Customer" means a person or user of the Telecommunications System who lawfully receives services therefrom with Grantee's express permission.

"Emergency" means a condition of imminent danger to the health, safety or welfare of persons or property located within the City.

"FCC" means the Federal Communications Commission or successor governmental entity thereto.

"Franchise Area" shall mean the present physical boundaries of the City, and any additions thereto by annexation or other legal means.

"Information Service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capabilities for the management, control, or operation of a telecommunications system or the management of a telecommunications service (as provided in 47 U.S.C. Section 153(24)).

"Maintenance or Maintain" shall mean examining, testing, inspecting, repairing, maintaining and replacing Grantee's facilities or any part thereof as required and necessary for safe operation.

"Person" means any natural person or any association, firm, partnership, joint venture, corporation, limited liability company or other legally recognized entity, whether for-profit or not-for-profit, but shall not mean the City.

"Relocation" means permanent movement of Grantee's facilities required by the City, and not temporary or incidental movement of such facilities.

"Right-of-Way" shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or easements dedicated for compatible uses. Right-of-Way shall also include other easements or rights-of-way as shall within their proper use and meaning entitle the Grantee to the use thereof for the purposes of installing, operating, and maintaining Grantee's Telecommunications System over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, attachments, and other property as may be ordinarily necessary and appurtenant to the Telecommunications System.

"State" means the State of Montana.

"Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received (as provided in 47 U.S.C. Section 153(50)).

“Telecommunications Service” means the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used (as provided in 47 U.S.C. Section 153(53)).

“Telecommunications System” means the facilities used to offer Telecommunications Services or Information Services to the public.

## **Section 2. Grant of Right to Use City Rights-of-Way**

A. Subject to the terms and conditions stated herein, the City grants to the Grantee general permission to enter, use, and occupy the City Rights-of-Way throughout the Franchise Area.

B. The Grantee is authorized to install, construct, erect, operate, maintain, upgrade, relocate, remove and repair facilities and equipment, and all necessary appurtenances thereto for its Telecommunications System to provide Telecommunications Services and Information Services in the Franchise Area.

C. This Franchise does not authorize the use of public or private property elsewhere within the City.

D. This Franchise is non-exclusive and does not prohibit the City from entering into other agreements, including franchises, impacting the Franchise Area.

E. This Franchise does not waive any rights that the City has or may hereafter acquire with respect to the Franchise Area or any other City roads or Rights-of-Way or any portions thereof. This Franchise shall be subject to the power of eminent domain.

F. The City reserves the right to change, regrade, relocate, abandon, or vacate any Right-of-Way within the Franchise Area.

G. The Grantee agrees that its use of the Franchise Area shall at all times be subordinate to and subject to the City and the public’s need for municipal infrastructure, travel, and access in the Franchise Area. If, at any time during the term of this Franchise, the City vacates any portion of the Franchise Area containing Grantee facilities, the City shall reserve an easement for public utilities within that vacated portion within which the Grantee may continue to operate any existing Telecommunications System of Grantee under the terms of this Franchise.

H. This Franchise shall not be interpreted to prevent the City from imposing additional lawful conditions for use of the Right-of-Way, should Grantee provide cable services, as defined under federal law.

I. This Franchise is intended to convey limited rights and interests in the Right-of-Way. It is not a warranty of title or interest in any Right-of-Way; it does not provide



Grantee with any interest in any particular location within the Right-of-Way; and it does not confer rights other than as expressly provided in the grant hereof.

J. No rights shall pass to Grantee by implication. Without limiting the foregoing, by way of example and not limitation, this Franchise shall not include or be a substitute for:

1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City that may be required by the ordinances and laws of the City;

2. Any permit, agreement, or authorization required by the City for Right-of-Way users in connection with operations on or in the Right-of-Way or public property including, by way of example and not limitation, encroachment permits; or

3. Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by this Franchise including, without limitation, permits and agreements for placing devices on poles, in conduits or in or on other structures.

### **Section 3. Term of Franchise**

A. This Franchise, unless sooner terminated or extended, shall run for a period of ten (10) years, starting from the effective date of this Franchise.

B. Renewal Option of Term. The Grantee may renew this Franchise for an additional five (5) year period upon submission and approval of the application for such renewal by the City and subject to any modifications of the Franchise at that time. Any materials submitted by the Grantee for a previous application may be considered by the City in reviewing a current application, and the Grantee shall only submit those materials deemed necessary by the City to address changes in the Grantee's facilities or services, or to reflect mutually agreeable modifications to the Franchise.

C. Failure to Renew Franchise – Automatic Extension. If the Parties fail to formally renew this Franchise prior to the expiration of its term, the Franchise automatically continues month to month until renewed or until either party gives written notice at least one hundred eighty (180) days in advance of its intent not to renew the Franchise to the other party.

### **Section 4. Acceptance of Franchise**

A. This Franchise, and any rights granted hereunder, shall not become effective for any purpose unless and until Grantee files with the City Clerk (1) the Statement of Acceptance, attached hereto as Exhibit "A," and incorporated herein by reference, and (2) all verifications of insurance coverage and the financial guarantees specified in this Franchise.

B. Should the Grantee fail to file the Franchise acceptance with the City Clerk within thirty (30) days after the effective date of this Franchise, the City's grant of the Franchise will be voidable at the discretion of the City.

## **Section 5. Franchise Fees**

Grantee's current planned services to be offered on the Telecommunications System are Telecommunications and Information Services, such as Voice-over-Internet Protocol applications and Internet service, and current law does not subject Information Services to Franchise Fees. If in the future, as the result of subsequent action or ruling by the FCC, or Federal or State Law (which is not pre-empted by federal law), or if because of a final, non-appealable judicial decision of a court of competent jurisdiction, Information Services become subject to Franchise Fees or if Telecommunications Services become subject to Franchise Fees, then on a going-forward basis, the City will require Grantee to pay Franchise Fees in connection with such Information Services and Telecommunications Services, as applicable, and the parties shall negotiate, in good faith, the amount of any such fees. Any Franchise Fee imposed on Information Services or Telecommunications Services shall be reasonable in light of Grantee's appropriate share of the City's costs to manage the applicable rights-of-way (considered in light of other users and amounts paid by other users) and shall be no more than any franchise fee charged to any other Information Service or Telecommunications Service provider. Failure to agree on the Franchise Fee on Information Services or Telecommunications Services, after sixty (60) days notice from one party to the other, may result in the termination of this Franchise, at the election of either party.

## **Section 6. Construction and Maintenance**

A. The City may inspect the manner of Grantee's work and require remedies as may be necessary to assure compliance. All lines, cables, fibers and conduits laid or installed under this Franchise shall be so located and placed as not to obstruct or interfere with any water pipes, drains, sewers or other structures or utilities already installed, and all such facilities shall be installed subject to the reasonable approval of the Transportation Director, or his/her designee. Notwithstanding the foregoing, Grantee shall not be obligated to obtain a permit to perform emergency repairs but shall acquire one at its expense as soon as practicable thereafter.

B. To the extent consistent with any permit issued by the City, all facilities shall be located so as to cause minimum interference with the Right-of-Way and shall be constructed, installed, maintained, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City, as they may be amended from time to time as consistent with construction standards generally accepted within the industry.

C. Grantee shall, at all times, employ professional care and shall install and maintain and use industry-standard methods for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public. All structures and all lines,

equipment, and connections in, over, under, and upon the Right-of-Way, wherever situated or located, shall at all times be kept and maintained in a safe condition. Grantee shall comply with all federal, State, and municipal safety requirements, rules, regulations, laws, and practices, and employ all necessary devices as required by applicable law during the construction, operation, maintenance, upgrade, repair, or removal of its Facilities. Additionally, Grantee shall keep its facilities free of debris and anything of a dangerous or noxious nature, or which would create a hazard or undue vibration, heat, noise, or any interference with municipal services. By way of illustration and not limitation, Grantee shall also comply with the applicable provisions of the National Electrical Code, National Electrical Safety Code, FCC regulations, and Occupational Safety and Health Administration (OSHA) Standards. Upon reasonable notice to Grantee, the City reserves the right to inspect the facilities to evaluate if they are constructed and maintained in a safe condition.

D. Grantee, at its own expense shall repair and replace any disturbed paving or surface in accordance with the City's standard specifications for street construction subject to the reasonable approval of the Transportation Director or his/her designee.

E. Grantee, upon approval and issuance of permits by the City, shall have the authority to microtrench in the construction of Grantee's Telecommunications System. Issuance of permits is a prerequisite for Grantee's ability to microtrench anywhere in the City. Regular installation and maintenance shall be scheduled so as to accommodate ongoing or previously completed work in or near the Right-of-Way, such as protection of newly planted turf or other vegetation, installed asphalt, streets or sidewalks. In order to avoid such situations, Grantee shall, if practicable, provide notice of the planned work at least forty-eight (48) hours in advance and coordinate with the City to develop a mutually acceptable schedule for such work.

F. If, during the course of work, Grantee disturbs or causes damage to or alters any Right-of-Way or other public or private property, Grantee shall promptly replace, repair or restore such Right-of-Way or other public or private property, at Grantee's expense, to a condition equal to or better than the condition that existed immediately prior to such disturbance, damage or alteration within forty-eight (48) hours if reasonably practical.

G. Grantee shall provide geographic information system ("GIS") mapping layers, As-Built and strand maps or similar records kept in its usual course of business to the City within ten (10) days of a request therefor.

H. Nothing in this Franchise shall be construed to prevent the City from constructing, maintaining, repairing, or relocating its sewers, streets, water mains, sidewalks, or other public property. However, before commencing any work within a Right-of-Way that may affect Grantee's facilities, the City shall give written notice to Grantee, and all such work shall be done, insofar as practicable, in such a manner as not to obstruct, injure, or prevent the free use and operation of Grantee's facilities.

I. The Grantee shall apply for, obtain, pay for and comply with the terms of all permits required under applicable City Code provisions for any work done in the Right-of-Way. Grantee shall comply with all other applicable City, State, and federal codes, rules, regulations, and orders in undertaking such work, which shall be done in a thorough and proficient manner.

J. Grantee agrees to coordinate its activities with the City and all utilities located within the Right-of-Way within which Grantee is undertaking its activity. The City agrees to coordinate its activities with Grantee within the Right-of-Way within which Grantee has placed its Telecommunications System or is undertaking its activities.

K. The City expressly reserves the right to prescribe how and where Grantee's facilities shall be installed within the Right-of-Way.

L. Before commencing any work within the Right-of-Way, the Grantee shall comply with all of the provisions of Montana 811 to identify and protect existing utility infrastructure.

M. Upon prior written approval of the City and in accordance with City ordinances, Grantee shall have the authority to reasonably trim trees upon and overhanging streets, Rights-of-Way, and places in the Franchise Area so as to prevent the branches of such trees from coming in physical contact with Grantee's facilities. Grantee shall be responsible for debris removal from such activities. If such debris is not removed within twenty-four (24) hours of completion of the trimming, the City may, at its sole discretion, remove such debris and charge Grantee for the cost thereof.

N. Grantee's contractors of any tier shall be licensed and bonded in accordance with State law and the City's ordinances, regulations, and requirements. Work by contractors (of any tier) is subject to the same restrictions, limitations, and conditions as if the work were performed by Grantee. Grantee shall be responsible for all work performed by its contractors (of any tier) and others performing work on its behalf as if the work were performed by Grantee and shall ensure that all such work is performed in compliance with this Franchise and applicable law.

O. Grantee shall not introduce or use any hazardous substances (chemical or waste) in the Right-of-Way, in violation of any applicable law or regulation, nor shall Grantee allow any of its agents, contractors (of any tier), or any person under its control to do the same. Grantee will be solely responsible for and will defend, indemnify and hold the City, its agents, employees, officers, and officials harmless from and against any and all claims, costs and liabilities including reasonable attorneys' fees and costs, arising out of or in connection with the cleanup or restoration of the property associated with Grantee's use, storage, or disposal of hazardous substances, whether or not intentional, and the use, storage or disposal of such substances by Grantee's agents, contractors (of any tier), or other persons acting under Grantee's control, whether or not intentional.

## **Section 7. Repair and Emergency Work**

In the event of an emergency, the Grantee may commence such repair and emergency response work as required under the circumstances, provided that the Grantee shall notify the City in writing as promptly as possible, before such repair or emergency work commences, or as soon thereafter as possible, if advance notice is not practical. The City may act, at any time, without prior written notice in the case of an emergency, but shall notify the Grantee in writing as promptly as possible under the circumstances.

## **Section 8. Damages to City and Third-Party Property**

Grantee agrees that if any of its actions under this Franchise impair or damage any Right-of-Way, property, survey monument, or property owned by a third-party, Grantee will restore, at its own cost and expense, said property to a safe condition. Such repair work shall be performed and completed to the satisfaction of the Transportation Director.

## **Section 9. Location Preference**

Any structure, equipment, appurtenance, or tangible property of a utility, other than property of the Grantee's, which was installed, constructed, completed or in place prior in time to Grantee's application for a permit to construct or repair Grantee Facilities under this Franchise shall have preference as to positioning and location with respect to the Grantee's facilities. However, to the extent that the Grantee's facilities are completed and installed prior to a utility's submittal of a permit for new or additional structures, equipment, appurtenances, or tangible property, then the Grantee's facilities shall have priority. These rules governing preference shall continue in the event of the necessity of relocating or changing the grade of any Right-of-Way. A relocating utility shall not necessitate the relocation of another utility that otherwise would not require relocation. This Section shall not apply to any City facilities or utilities that may in the future require the relocation of Grantee's facilities.

## **Section 10. Grantee Information**

A. Grantee agrees to supply, at no cost to the City, any information reasonably requested by the City to coordinate municipal functions with Grantee's activities and fulfill any municipal obligations under State law.

B. The parties understand that State law limits the ability of the City to shield from public disclosure any information given to the City. Accordingly, the City agrees to notify the Grantee of requests for public records related to the Grantee, and to give the Grantee a reasonable amount of time to obtain an injunction to prohibit the City's release of records.

C. Grantee shall defend, indemnify and hold harmless the City for any loss or liability for fines, penalties, damages and costs (including attorneys' fees and expenses) imposed on the City because of non-disclosures requested by Grantee under Montana's Public Records Act, provided the City has notified Grantee of the pending request.

## **Section 11. Insurance**

A. The Grantee shall procure and maintain for the duration of this Franchise, insurance against claims for death, or injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Grantee, its agents, representatives, or employees in the amounts and types set forth below:

1. Comprehensive General Liability insurance, written on an occurrence basis, with limits no less than \$3,000,000 for bodily injury or death to each person and \$3,000,000 for property damage resulting from any one accident.
2. Comprehensive form premises-operations, explosions and collapse, underground hazard and products completed hazard in the amount of \$3,000,000.
3. Automobile Liability insurance covering all owned, non-owned and hired vehicles with a combined single limit for death, bodily injury and property damage of \$3,000,000 per accident.
4. Workers' Compensation coverage as required by the Insurance laws of the State of Montana.
5. Employers Liability insurance in the amount of \$1,000,000.
6. Umbrella or excess liability insurance in the amount of \$5,000,000 per occurrence and in the aggregate.

B. The Grantee's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Grantee's insurance and shall not contribute with it.

C. The Grantee's insurance shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City. If the insurance is canceled so as to be out of compliance with the requirements of this Franchise, Grantee shall provide a replacement policy.

D. All certificates of insurance and policies shall contain, or be endorsed so that the City, its City Commission, officers, officials, boards, employees, representatives,

engineers, consultants, volunteers and agents are to be covered as, and have the rights of, additional insureds under the policies.

E. Grantee's insurance shall apply separately to each insured against whom a claim is made or lawsuit is brought, except with respect to the limits of the insurer's liability.

F. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements for each insurance policy are to be on standard forms or such forms as are consistent with standard industry practices.

G. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A-VII.

H. Grantee shall furnish the City with original certificates of insurance and a copy of amendatory endorsements before commencement of the work.

I. Any deductible of the policies shall not in any way limit Grantee's liability to the City.

J. Grantee shall have the right to self-insure any or all of the above-required insurance subject to prior, written approval by the City.

K. Grantee's maintenance of insurance as required by this Franchise shall not be construed to limit the liability of Grantee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

## **Section 12. Indemnification and Hold Harmless**

The Grantee shall defend, indemnify, and hold the City and its officers, officials, agents, employees, and volunteers harmless from any and all costs, claims, injuries, damages, losses, expenses, suits, or liabilities of any nature including attorneys' fees arising out of or in connection with the Grantee's performance or omissions under this Franchise, except to the extent such costs, claims, injuries, damages, losses, expenses, suits, liabilities or attorneys' fees are caused by the sole negligence of the City.

## **Section 13. Bonds**

During construction of any part of the Telecommunications System, Grantee shall be required to obtain construction bonds and other forms of security, in accordance with the City Code.

## **Section 14. Successors and Assigns**

A. This Franchise shall not be leased, assigned or otherwise transferred, in whole or in part, without the express written consent of the City, which consent shall not be unreasonably withheld.

B. All of the provisions, conditions and requirements herein shall be binding upon the permitted successors and assigns of the Grantee, and all rights and privileges, as well as all obligations and liabilities of the Grantee shall inure to its permitted successors and assigns as if they were specifically mentioned herein wherever the Grantee is mentioned.

C. The proposed assignee or transferee shall file with the City a written agreement to unconditionally accept all of the terms of the Franchise, effective upon such transfer or assignment of the Franchise. The City is under no obligation to undertake any investigation of the Grantee's state of compliance and failure of the City to insist on full compliance prior to transfer does not waive any right to insist on full compliance thereafter.

## **Section 15. Dispute Resolution**

In the event of a dispute between the City and Grantee arising by reason of this Franchise, the dispute shall first be referred to the operational officers or representatives designated by the City and Grantee to have oversight over the administration of this Franchise. The officers or representatives shall meet within thirty (30) calendar days of either party's request for a meeting, whichever request is first, and the parties shall make a good faith effort to achieve a resolution of the dispute. If the parties fail to achieve a resolution of the dispute in this manner, either party may then pursue any available judicial remedies.

## **Section 16. Enforcement and Remedies**

If the Grantee shall willfully violate, or fail to comply with any of the provisions of this Franchise for any reason, including without limitation, through negligence, or should it fail to heed or comply with any directive given to Grantee under the provisions of this Franchise, the City will provide Grantee with written notice and an opportunity to cure the breach within thirty (30) days of notification. If the breach reasonably cannot be cured within thirty (30) days, the City may specify a longer cure period, and condition the extension of time on Grantee's submittal of a plan to cure the breach within the specified period, commencement of work within the original thirty-day cure period, and diligent prosecution of the work to completion. If the breach is not cured within the specified time, or the Grantee does not comply with the specified conditions, the City may revoke the Franchise with no further notification and pursue its other legal and equitable remedies.



## **Section 17. Compliance with Laws and Regulations**

This Franchise is subject to, and Grantee shall comply with, all applicable federal, State and City laws, regulations and policies, now existing or hereafter enacted. The Grantee shall be subject to the police power of the City to adopt and enforce general ordinances necessary to protect the safety, health and welfare of the public.

## **Section 18. Damages Limitation**

Notwithstanding any other provision of this Franchise, in no event shall either party be liable to the other for any special, incidental, indirect, punitive, loss of profits, loss of revenues, consequential or other similar damages.

## **Section 19. Notices**

Written notices shall be sent postage prepaid, by certified mail, return receipt requested, to the following addresses, unless a different address shall be designated in writing and delivered to the other party.

City: City of Helena - City Manager  
316 N. Park Ave.  
Helena, Montana 59623

with a copy to: Helena City Clerk  
316 N. Park Ave.  
Helena, Montana 59623

Grantee: Montana Internet Corporation  
1424 National Avenue  
Helena, Montana 59601

with copy to Andrew J. Utick  
Post Office Box 774  
Helena, Montana 59624

## **Section 20. Miscellaneous**

A. Force Majeure. Neither party shall be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged default occurred or was caused by a pandemic, epidemic, strike, riot, war, earthquake or other catastrophic act of nature, labor disputes or failure of electric service necessary to operate the Telecommunications System or other event that is reasonably beyond a party's ability to anticipate or control.

B. Entire Agreement. This Franchise represents the entire understanding and agreement between the parties hereto with respect to the subject matter hereof.

C. Severability. If any section, subsection, sentence, clause or phrase of this Franchise is for any reason declared invalid, in whole or in part, by any court, agency, legislative body, or other authority of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof, all of which shall remain in full force and effect.

D. Modification. No provision of this Franchise shall be amended or otherwise modified, in whole or in part, except by an instrument, in writing, duly executed by the City and Grantee.

E. No Third-Party Beneficiaries. Nothing in this Franchise is intended to confer third-party beneficiary status on any member of the public or person to enforce the terms of this Franchise.

F. No Waiver of Rights. Nothing in this Franchise shall be construed as a waiver of any rights, substantive or procedural, the City or Grantee may have under federal or State law. Without limitation, the City specifically reserves all of its governmental immunities under federal, State and local law.

G. Governing Laws. This Franchise shall be governed, construed and enforced in accordance with the laws of the State of Montana and any other applicable local and federal laws, rules, regulations, legislation or orders (as such now exist, are later amended or subsequently adopted).

H. Conflicts. In the event of a conflict between this Franchise and the City Code, this Franchise shall govern.

I. Venue. Venue for any judicial dispute shall be in the State District Court in Lewis and Clark County or the U.S. District Court for the District of Montana in Helena.

J. Attorneys' Fees. In the event any suit or other proceeding is instituted to enforce or interpret any provision of this Franchise, the prevailing party in any such action or suit shall be entitled to its attorneys' fees and costs, which shall be fixed by the judge hearing the case, and such fees and costs shall be included in the judgment.

K. Headings. The section and subsection titles used herein are for reference purposes only and shall not be used to interpret this Franchise.

## **Section 21. Effective Date.**

This Franchise shall take immediate effect and be in force after reading and final adoption.

**PASSED** by the City Commission of the City of Helena, Montana this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

Published: \_\_\_\_\_

EXHIBIT "A"

STATEMENT OF ACCEPTANCE

Montana Internet Corporation hereby accepts and agrees to be bound by all of the terms, conditions and provisions of the Franchise which is attached hereto and incorporated herein by this reference, subject to applicable law.

Montana Internet Corporation

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

***City of Helena, Montana***

09/08/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Chris Brink, Community Development Director

**Subject:** Consideration of an amendment to Resolution No. 20970, adding additional representation to the Helena Urban Renewal Tax Increment Financing Advisory Board.

**Present Situation:** Resolution No. 20970, passed on November 4, 2024, consolidated the Railroad TIF Advisory Board and the Downtown TIF advisory board into one advisory body and included representation from the Capital Hill TIF District. This resolution must now be amended to be in line with recent legislation from the 2025 session.

**Background Information:** During the last legislative session, SB 3 was drafted and passed which amended §7-15-4282, Montana Code Ann., now requiring that "...the legislative body of a local government that adopts a tax increment financing provision shall appoint an advisory committee to advise the local government about the administration of the urban renewal area..." and that "...The committee must include at least one representative from each incorporated city or town, county, or school district with boundaries that overlap with the urban renewal area...".

With the passage of Resolution No. 20970, we already comply with a portion of the amended statute in so much that the required advisory committee has already been established. To fully comply, amendments must be made to the original resolution, adding the two required voting members to that body.

**Proposal/Objective:** Amended Resolution No. 20970, passed on November 4, 2024, to add a representative of the Helena School District and a representative of the Lewis and Clark County Government as voting members of the Helena Urban renewal TIF Advisory Board.

**Advantage:** The proposed amendment would ensure our compliance with SB 3; adding voting representatives from the affected taxing entities.

**Notable Energy Impact:** N/A

**Disadvantage:** The City would not be in compliance with the applicable state statute affecting Tax Increment Financing Advisory Boards or Committees.

**Quasi-Judicial Item:** False

**Notice of Public Hearing:** False

**Staff Recommendation/  
Recommended Motion:** To amend resolution # 20970 to include a representative of the Helena School District and a representative of the Lewis and Clark County Government as voting members of the City of Helena Urban Renewal Tax Increment Financing Advisory Board.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING RESOLUTION NO. 20970 TO INCLUDE A REPRESENTATIVE OF THE HELENA SCHOOL DISTRICT AND A REPRESENTATIVE OF THE LEWIS AND CLARK COUNTY GOVERNMENT AS VOTING MEMBERS OF THE CITY OF HELENA URBAN RENEWAL TAX INCREMENT FINANCING ADVISORY BOARD**

**WHEREAS**, pursuant to the Helena City Code § 2-6-1, the Helena City Commission may establish various committees to foster and promote the general quality of life within the City;

**WHEREAS**, the Helena City Commission, in Resolution 20970, rescinded resolutions establishing the Railroad Urban Renewal Area Tax Increment Financing Advisory Board and the Downtown Urban Renewal Area Tax Increment Financing Advisory Board and established a consolidated advisory board titled The City of Helena Urban Renewal Tax Increment Financing Advisory Board;

**WHEREAS**, Resolution 20970 provided for the composition of the voting membership of the advisory board as well as establishing ex-officio members of the advisory board acting in a non-voting capacity;

**WHEREAS**, the voting members include "...One (1) owner, or representative of a business, located within each of the Urban Renewal Areas...; One (1) owner, or representative of an owner of

property, located within each of the Urban Renewal Areas...; and ... One (1) at-large member that owns a business, property, or otherwise has a vested interest or presence in each of the Urban Renewal Areas...;”;

**WHEREAS**, the ex-officio members include, among others, “Representatives of the various public educational institutions located within the Urban Renewal Areas;”;

**WHEREAS**, pursuant to SB 3 from the 2025 Legislative Session, Mont. Code Ann. §7-15-4282 now requires “...the legislative body of a local government that adopts a tax increment financing provision shall appoint an advisory committee to advise the local government about the administration of the urban renewal area...” and that ...“The committee must include at least one representative from each incorporated city or town, county, or school district with boundaries that overlap with the urban renewal area...”;

**WHEREAS**, with the adoption of Resolution 20970, the City of Helena complies with Mont. Code Ann. §7-15-4282, as amended, in so much that the required advisory committee has been established;

**WHEREAS**, to fully comply with Mont. Code Ann. §7-15-4282, as amended, the City of Helena must amend Resolution 20970 to specifically add a representative of the Helena School District and a representative of Lewis and Clark County Government as voting



members of the Helena Urban Renewal Tax Increment Financing Advisory Board.

**NOW, THEREFOR, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HELENA, MONTANA:**

**Section 1.** That *Section 3* of Resolution No 20970 be amended to add a representative of the Helena School District and a representative of Lewis and Clark County Government as voting members of the Helena Urban Renewal Tax Increment Financing Advisory Board.

**Section 2.** The applicable amended section and language shall read:

*Section 3. The Helena Urban Renewal Tax Increment Financing Advisory Board shall be comprised of eleven (11) voting members, representing the following interests:*

- 1) One (1) owner, or representative of a business, located within each of the Urban Renewal Areas for a total of three (3) owners, or representatives of a business;*
- 2) One (1) owner, or representative of an owner of property, located within each of the Urban Renewal Areas for a total of three (3) owners, or representatives of owners of property;*

- 3) One (1) at-large member that owns a business, property, or otherwise has a vested interest or presence in each of the Urban Renewal Areas, for a total of three (3) at-large members;
- 4) One (1) representative of the Helena School District, being the Chair of the Board of Trustees or their designee;
- 5) One (1) representative of the Lewis and Clark County Government, being the Chair of the County Board of Commissioners or their designee;
- 6) Additional ex officio, non-voting members may comprise the Helena Urban Renewal Area Tax Increment Financing Advisory Board. Ex officio members shall not be counted as part of the quorum of the body. The ex officio members may be comprised of, but are not limited to:
- a. Representatives of the various educational institutions, not being separate taxing authorities, located within the Urban Renewal Areas;
  - b. Representatives of the various art institutions or museums located within the Urban Renewal Areas;

- c. The Executive Director of the Montana Business Assistance Connection or their designee;*
- d. The City/County Historic Preservation Officer or their designee;*
- e. The Executive Director of the Helena Housing Authority or their designee;*
- f. The Executive Director of the Business Improvement District or their designee;*
- g. The Director of the Helena Area Chamber of Commerce or their designee.*

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CLERK OF THE COMMISSION**

## **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

### **RESOLUTION NO.**

**A RESOLUTION AMENDING RESOLUTION NO. 20970 TO INCLUDE A REPRESENTATIVE OF THE HELENA SCHOOL DISTRICT AND A REPRESENTATIVE OF THE LEWIS AND CLARK COUNTY GOVERNMENT AS VOTING MEMBERS OF THE CITY OF HELENA URBAN RENEWAL TAX INCREMENT FINANCING ADVISORY BOARD**

**WHEREAS**, pursuant to the Helena City Code § 2-6-1, the Helena City Commission may establish various committees to foster and promote the general quality of life within the City;

**WHEREAS**, the Helena City Commission, in Resolution 20970, rescinded resolutions establishing the Railroad Urban Renewal Area Tax Increment Financing Advisory Board and the Downtown Urban Renewal Area Tax Increment Financing Advisory Board and established a consolidated advisory board titled The City of Helena Urban Renewal Tax Increment Financing Advisory Board;

**WHEREAS**, Resolution 20970 provided for the composition of the voting membership of the advisory board as well as establishing ex-officio members of the advisory board acting in a non-voting capacity;

**WHEREAS**, the voting members include "...One (1) owner, or representative of a business, located within each of the Urban Renewal Areas...; One (1) owner, or representative of an owner of

## RESOLUTIONS OF THE CITY OF HELENA, MONTANA

### Resol. No.

property, located within each of the Urban Renewal Areas...; and ...  
One (1) at-large member that owns a business, property, or  
otherwise has a vested interest or presence in each of the Urban  
Renewal Areas...;";

**WHEREAS**, the ex-officio members include, among others,  
"Representatives of the various public educational institutions  
located within the Urban Renewal Areas;";

**WHEREAS**, pursuant to ~~Mont. Code Ann. §7-15-4282, as amended~~  
~~by SB 3 from the 2025 Legislative Session, Mont. Code Ann. §7-15-~~  
~~4282, as amended by~~ now requires "...the legislative body of a local  
government that adopts a tax increment financing provision shall  
appoint an advisory committee to advise the local government about  
the administration of the urban renewal area..." and that "...The  
committee must include at least one representative from each  
incorporated city or town, county, or school district with  
boundaries that overlap with the urban renewal area...";

**WHEREAS**, with the adoption of Resolution 20970, the City of  
Helena complies with Mont. Code Ann. §7-15-4282, as amended, in so  
much that the required advisory committee has been established;

Commented [CB1]: Edited for clarity

## RESOLUTIONS OF THE CITY OF HELENA, MONTANA

### Resol. No.

**WHEREAS**, to fully comply with Mont. Code Ann. §7-15-4282, as amended, the City of Helena must amend Resolution 20970 to specifically add a representative of the Helena School District and a representative of Lewis and Clark County Government as voting members of the Helena Urban Renewal Tax Increment Financing Advisory Board.

**NOW, THEREFOR, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HELENA, MONTANA:**

**Section 1.** That Section 3 of Resolution No 20970 be amended to add a representative of the Helena School District and a representative of Lewis and Clark County Government as voting members of the Helena Urban Renewal Tax Increment Financing Advisory Board.

**Section 2.** The applicable amended section and language shall read:

*Section 3. The Helena Urban Renewal Tax Increment Financing Advisory Board shall be comprised of ~~nine~~-eleven (11) voting members, representing the following interests:*

- 1) One (1) owner, or representative of a business, located within each of the Urban Renewal Areas for a*

## RESOLUTIONS OF THE CITY OF HELENA, MONTANA

### Resol. No.

*total of three (3) owners, or representatives of a business;*

*2) One (1) owner, or representative of an owner of property, located within each of the Urban Renewal Areas for a total of three (3) owners, or representatives of owners of property;*

*3) One (1) at-large member that owns a business, property, or otherwise has a vested interest or presence in each of the Urban Renewal Areas, for a total of three (3) at-large members;*

*4) One (1) representative of the Helena School District, being the Chair of the Board of Trustees or their designee;*

*5) One (1) representative of the Lewis and Clark County Government, being the Chair of the County Board of Commissioners or their designee;*

*6) Additional ex officio, non-voting members may comprise the Helena Urban Renewal Area Tax Increment Financing Advisory Board. Ex officio members shall not be counted as part of the quorum of the body. The*

**Commented [CB2]:** Edited to include, specifically, the Chair of the taxing authorities as the representative on the TIF board, or their designee (preferably the CAO of each)

## RESOLUTIONS OF THE CITY OF HELENA, MONTANA

### Resol. No.

*ex officio members may be comprised of, but are not limited to:*

- a. Representatives of the various ~~public~~ educational institutions, not being separate taxing authorities, located within the Urban Renewal Areas;*
- b. Representatives of the various art institutions or museums located within the Urban Renewal Areas;*
- c. The Executive Director of the Montana Business Assistance Connection or their designee;*
- d. The City/County Historic Preservation Officer or their designee;*
- e. The Executive Director of the Helena Housing Authority or their designee;*
- f. The Executive Director of the Business Improvement District or their designee;*
- g. The Director of the Helena Area Chamber of Commerce or their designee.*

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS \_\_\_\_ DAY OF \_\_\_\_, 2025.**



**RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

**Resol. No.**

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CLERK OF THE COMMISSION

DRAFT



AN ACT REQUIRING A DISTRICT THAT USES TAX INCREMENT FINANCING TO CREATE AN ADVISORY COMMITTEE; AND AMENDING SECTIONS 7-15-4234 AND 7-15-4282, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-15-4234, MCA, is amended to read:

**"7-15-4234. Urban renewal agency to be administered by appointed board of commissioners.**

(1) If the urban renewal agency is authorized to transact business and exercise powers under this part, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency consisting of no fewer than five commissioners, including one representative from the county or consolidated city-county government and one representative from a school district with boundaries that overlap with the urban renewal area.

(2) The initial membership shall must consist, at a minimum, of one commissioner appointed for 1 year, one for 2 years, one for 3 years, and two for 4 years. Each subsequent appointment must be for 4 years. A certificate of the appointment or reappointment of a commissioner must be filed with the clerk of the municipality, and the certificate is conclusive evidence of the proper appointment of the commissioner.

(3) Each commissioner shall hold office until a successor has been appointed and has qualified.

(4) A commissioner may not receive compensation for services but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties.

(5) Any persons may be appointed as commissioners if they reside within the municipality.

(6) A commissioner may be removed for inefficiency, neglect of duty, or misconduct in office."

**Section 2.** Section 7-15-4282, MCA, is amended to read:

**"7-15-4282. Authorization for tax increment financing -- advisory committee.** (1) An urban

renewal plan as defined in 7-15-4206 or a targeted economic development district comprehensive development plan created as provided in 7-15-4279 may contain a provision or be amended to contain a tax increment provision as provided in 7-15-4282 through 7-15-4294. The local governing body shall approve the adoption of a tax increment provision included in an urban renewal plan. The legislative body of a local government shall approve the adoption of a tax increment provision included in a targeted economic development district comprehensive development plan.

(2) (a) Before adopting a tax increment financing provision as part of an urban renewal plan or a comprehensive development plan, a municipality shall provide notice to the county and the school district in which the urban renewal district or targeted economic development district is located and provide the county and school district with the opportunity to meet and consult in a public meeting with the opportunity for public comment regarding the proposed tax increment financing provision and its effect on the county or school district.

(b) Before adopting a tax increment financing provision as part of a comprehensive development plan, a county shall provide notice to the school district in which the targeted economic development district is located and provide the school district with the opportunity to meet and consult in a public meeting with the opportunity for public comment regarding the proposed tax increment financing provision and its effect on the school district.

(3) The tax increment financing provision must take into account the effect on the county and school districts that include local government territory.

(4) (a) Except as provided in subsection (4)(b), the legislative body of a local government that adopts a tax increment financing provision shall appoint an advisory committee to advise the local government about the administration of the urban renewal area or targeted economic development district. The committee must include at least one representative from each incorporated city or town, county, or school district with boundaries that overlap with the urban renewal area or targeted economic development district. The committee may include representatives of other taxing bodies with boundaries that overlap with the urban renewal area or targeted economic development district.

(b) An urban renewal area administered by an urban renewal agency created under 7-15-4232(2) is not required to appoint an advisory committee as provided in subsection (4)(a)."

**Section 3. Transition.** If the urban renewal agency provided for in 7-15-4234 is composed of five commissioners on [the effective date of this act], in the event of a vacancy or on the next appointment the mayor, by and with the advice and consent of the local governing body, shall appoint commissioners consisting of one representative from the county or consolidated city-county followed by one representative from a school district with boundaries that overlap with the urban renewal area.

- END -

I hereby certify that the within bill,  
SB 3, originated in the Senate.

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Secretary of the Senate

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2025.

SENATE BILL NO. 3

INTRODUCED BY J. TREBAS

BY REQUEST OF THE REVENUE INTERIM COMMITTEE

AN ACT REQUIRING A DISTRICT THAT USES TAX INCREMENT FINANCING TO CREATE AN ADVISORY  
COMMITTEE; AND AMENDING SECTION SECTIONS 7-15-4234 AND 7-15-4282, MCA.

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. 20970**

### **A RESOLUTION REPEALING RESOLUTIONS NOS. 9967, 10154, 10376, 20374, AND 20580 AND ESTABLISHING A TAX INCREMENT FINANCING ADVISORY BOARD FOR THE CITY OF HELENA**

**WHEREAS,** pursuant to the Helena City Code § 2-6-1, the Helena City Commission may establish various committees to foster and promote the general quality of life within the City;

**WHEREAS,** pursuant to Mont. Code Ann. §7-15-4828, and Resolution No. 20215, the Helena City Commission established the urban renewal plan for the Railroad Urban Renewal Area;

**WHEREAS,** the Helena City Commission, in Resolution 20374, called for the re-establishment of the Railroad Urban Renewal Area Tax Increment Financing Advisory Board on August 7, 2017 for the purpose of advising the Helena City Commission on financing redevelopment projects within the Railroad Urban Renewal Area;

**WHEREAS,** it was re-established in Resolution No. 20374 that it was in the best interest of the City of Helena and the property owners within the Railroad Urban Renewal Area that they be represented on a Tax Increment Financing Advisory Board;

**WHEREAS,** pursuant to Mont. Code Ann. §7-15-4828, and Ordinance No. 3275, the Helena City Commission established the

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **Resol. No. 20970**

urban renewal plan for the Downtown Urban Renewal District, including the Rodney Street Study Area;

**WHEREAS**, the Helena City Commission, in Resolution No. 20580, called for the establishment of the Downtown Urban Renewal Area Tax Increment Financing Advisory Board on November 18, 2019 to assist in the administration of the district;

**WHEREAS**, it was established in Resolution No. 20580 that it is in the best interest of the City of Helena, the property owners, residents and businesses within the Downtown Urban Renewal District to be represented on the Downtown Urban Renewal Tax Increment Financing Advisory Board;

**WHEREAS**, pursuant to Mont. Code Ann. §7-15-4828, and Ordinance No. 3285, the Helena City Commission established the urban renewal plan for the Capital Hill Urban Renewal District;

**WHEREAS**, the Helena City Commission has not yet called for the establishment of an Urban Renewal Area Tax Increment Financing Advisory Board for the Capital Hill Urban Renewal District; and

**WHEREAS**, it appears to be in the best interest of the City of Helena and its citizens that Resolution Nos. 9967, 10154, 10376, 20374, and 20580, which established the Railroad Urban Renewal



# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **Resol. No. 20970**

Area Tax Increment Financing Advisory Board and Downtown Urban Renewal Tax Increment Financing Advisory Board, respectively, be further amended as set forth below.

**NOW, THEREFOR, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HELENA, MONTANA:**

**Section 1.** That Resolution Nos. 9967, 10154, 10376, 20374, and 20580, creating the Railroad and Downtown Urban Renewal Area Tax Increment Financing Advisory Boards are hereby repealed.

**Section 2.** The Helena Urban Renewal Tax Increment Financing Advisory Board is hereby created and has no assigned powers and shall serve only in an advisory capacity to the Helena City Commission. The Advisory Board will provide advice only with respect to the following topics related to the City of Helena's Urban Renewal Areas:

- a) Annual work-plans, reports, evaluations, and budgets;
- b) Allocation of TIF funds for redevelopment projects;
- c) Amendments to the Urban Renewal District Plans; and
- d) Other matters as assigned by the Helena City Commission related to the Urban Renewal Areas.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## Resol. No. 20970

**Section 3.** The Helena Urban Renewal Tax Increment Financing Advisory Board shall be comprised of nine (9) voting members, representing the following interests:

- 1) One (1) owner, or representative of a business, located within each of the Urban Renewal Areas for a total of three (3) owners, or representatives of a business;
- 2) One (1) owner, or representative of an owner of property, located within each of the Urban Renewal Areas for a total of three (3) owners, or representatives of owners of property;
- 3) One (1) at-large member that owns a business, property, or otherwise has a vested interest or presence in each of the Urban Renewal Areas, for a total of three (3) at-large members;
- 4) Additional ex officio, non-voting members may comprise the Helena Urban Renewal Area Tax Increment Financing Advisory Board. Ex officio members shall not be counted as part of the quorum of the body. The ex officio members may be comprised of, but are not limited to:
  - a. Representatives of the various public educational institutions located within the Urban Renewal Areas;

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## Resol. No. 20970

- b. Representatives of the various art institutions or museums located within the Urban Renewal Areas;
- c. The Executive Director of the Montana Business Assistance Connection or their designee;
- d. The City/County Historic Preservation Officer or their designee;
- e. The Executive Director of the Helena Housing Authority or their designee;
- f. The Executive Director of the Business Improvement District or their designee;
- g. The Director of the Helena Area Chamber of Commerce or their designee.

**Section 4.** All members shall serve a term of three (3) years; said terms shall initially be staggered as follows:

- a. Two (2) business owners, two (2) property owners, and one (1) at-large member shall serve an initial term of two (2) years;
- b. One (1) business owner, one (1) property owner, and two (2) at-large members shall serve an initial term of three (3) years.

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **Resol. No. 20970**

**Section 5.** Terms will be limited to two, full, three-year terms. Individuals serving interim terms will be eligible for a first full term upon completion of an interim term.

**Section 6.** The Helena Urban Renewal Tax Increment Financing Advisory Board shall be staffed and assigned as directed by the City Manager.

**Section 7.** The Helena City Commission has final expenditure approval of tax increment financing funds, irrespective of whether the Helena Urban Renewal Tax Increment Financing Advisory Board has recommended approval, disapproval, or even reviewed a potential project, cost, or expenditure.

**Section 8.** This board shall, within three (3) months of the appointment of all members, adopt and follow the approved policies for boards set forth by the Clerk of the Commission as outlined in Resolution No.20856.

**Section 9.** The Railroad Urban Renewal Area Tax Increment Financing Advisory Board and the Downtown Urban Renewal Area Tax Increment Financing Advisory Board will be eliminated, and this resolution will sunset following the expiration of all of the urban renewal districts having a Tax Increment Financing provision.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## Resol. No. 20970

**Section 10.** Resolutions Nos. 9967, 10154, 10376, 20374, and 20580 are hereby repealed and the previous Tax Increment Financing Boards established by those resolutions are eliminated.

PASSED AND EFFECTIVE BY THE COMMISSON OF THE CITY OF HELENA,  
MONTANA, THIS 4TH DAY OF NOVEMBER, 2024.



ATTEST

CLERK OF THE COMMISSION

MAYOR

***City of Helena, Montana***

09/08/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Ryan Leland, Public Works Director  
Sheila Danielson, Finance Director

**Subject:** Consider a Resolution of Intention to set rates for all customers of the City of Helena wastewater system.

**Present Situation:** All wastewater system customers are charged a monthly base rate and a per unit usage rate as required by Helena City Code 6-3-2. Rate increase considerations are necessary to adjust for inflation, provide for necessary capital improvements, and meet bonded debt coverage. A rate increase of 4.00% is being recommended.

**Background Information:** The wastewater rate study recommended a range of rate increases based on different permit scenarios for all wastewater customers with 2.25% being the minimum however inflation has increased at a higher rate since the study.

**Proposal/Objective:** Consider a Resolution of Intention to set residential and commercial wastewater base and usage rates.

**Advantage:** Timely rate considerations will ensure the ability to cover system operating costs, capital costs, and existing and future debt to maintain the integrity of the wastewater system.

**Notable Energy Impact:** n/a

**Disadvantage:** A 4.00% increase amounts to an additional \$1.40 monthly for the average residential wastewater customer based on 7 units (HCF).

**Quasi-Judicial Item:** False

**Notice of Public Hearing:** True

**Staff Recommendation/  
Recommended Motion:** Move to approve a Resolution of Intention to set residential and commercial wastewater base and usage rates and set a public hearing for October 20, 2025.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO.

### A RESOLUTION OF INTENTION TO SET RESIDENTIAL AND COMMERCIAL WASTEWATER BASE AND USAGE RATES

**WHEREAS**, Mont. Code Ann. § 7-13-4307 requires rates and charges must be sufficient in each year to provide income and revenue adequate for the payment of the reasonable expense of operation and maintenance, for the payment of the sums required to be paid into the sinking fund, for the accumulations of reserves, and for the payment of expenditures for depreciation and replacement of the system;

**WHEREAS**, wastewater system users have previously been charged a base rate, and a per unit usage rate for use of the wastewater collection system as required by §6-3-2 of the Helena City Code;

**WHEREAS**, rate increases are necessary to adjust for inflation, for cost of service, to provide for necessary capital improvements, and to meet bonded debt coverage;

**WHEREAS**, according to a recent rate study, commercial users generate a larger demand for wastewater treatment services than residential users and therefore should pay a higher rate for wastewater treatment services than residential users; and

**WHEREAS**, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the base rate and per unit usage rate imposed upon wastewater customers be set.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY**

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## OF HELENA, MONTANA:

**Section 1.** It is the intention of the Helena City Commission to set the residential and commercial wastewater base and usage rates imposed upon all wastewater customers.

**Section 2.** The proposed rates are shown in the following table:

SERVICE	CURRENT	PROPOSED
<b>Residential Rates:</b>		
Wastewater Base	\$10.52 phpm <sup>1</sup>	\$10.94 phpm <sup>1</sup>
Wastewater Usage	\$3.61/unit <sup>2</sup>	\$3.75/unit <sup>2</sup>
<b>Commercial Rates:</b>		
Wastewater Base	\$10.52 phpm <sup>1</sup>	\$10.94 phpm <sup>1</sup>
Wastewater Usage	\$4.86/unit <sup>2</sup>	\$5.05/unit <sup>2</sup>

<sup>1</sup>per connection per month

<sup>2</sup>units are measured in HCF (100 cubic feet or approximately 748 gallons)

**Section 3.** These rates are effective November 1, 2025 and remain effective until such time the City Commission deems the rates and charges are insufficient to cover the requirements of MCA 7-13-4307.

**Section 4.** The Helena City Commission will hold a public hearing on this matter on October 20, 2025 in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00



# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

P.M. and via Zoom Meeting at webinar ID:  
<https://zoom.helenamt.gov/ej/c/72667328/october2025regular> at  
which time all interested parties may appear and express their views  
of approval or disapproval on the proposed rates.

**Section 4.** Notice of the passage of this Resolution of  
Intention shall be given by publication and mailing as required in  
§69-7-111, MCA. The City Clerk is authorized and directed to make  
publication of this Resolution of Intention in the Independent  
Record, the official newspaper of the City of Helena.

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**MAYOR ATTEST:**

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**CLERK OF THE COMMISSION**

***City of Helena, Montana***

09/08/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Ryan Leland, Public Works Director  
Sheila Danielson, Finance Director

**Subject:** Consider a Resolution of Intention to set rates for all customers of the City of Helena water system

**Present Situation:** All water system customers are charged a monthly base rate and a per unit usage rate as required by Helena City Code 6-2-8. Rate increase considerations are necessary to adjust for inflation, provide for necessary capital improvements, and meet bonded debt coverage. A rate increase of 3.5% is recommended.

**Background Information:** The water rate study recommended an across-the-board increase of 3.5% for all water customers. Based on the significant amount of ARPA capital funds awarded to the Water fund, staff elected to postpone a rate increase recommendation for FY24. A 3.5% rate increase for FY25, and a proposed 3.5% rate increase for FY26 will keep the city in line with the rate study recommendations.

**Proposal/Objective:** Consider a Resolution of Intention to set residential and commercial water base and usage rates and to set a public hearing for October 20, 2025.

**Advantage:** Timely rate considerations will ensure the ability to cover system operating costs, capital costs, and existing and future debt to maintain the integrity of the water system.

**Notable Energy Impact:** n/a

**Disadvantage:** A 3.5% increase amounts to an additional \$1.72 monthly for the average residential water customer based on 11 units (HCF).

**Quasi-Judicial Item:** False

**Notice of Public Hearing:** False

**Staff Recommendation/  
Recommended Motion:** Move to approve a Resolution of Intention to set residential and commercial water base and usage rates and set a public hearing for October 20, 2025.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. \_\_\_\_\_

## A RESOLUTION OF INTENTION TO SET RATES FOR ALL CUSTOMERS OF THE CITY OF HELENA WATER SYSTEM

**WHEREAS**, Mont. Code Ann. § 7-13-4307 requires rates and charges established for municipal water systems must be sufficient in each year to provide income and revenue adequate for the payment of the reasonable expense of operation and maintenance, for the payment of the sums required to be paid into the sinking fund, for accumulation of reserves, for the payment of rates, and for the payment of expenditures for depreciation and replacement of the system; and

**WHEREAS**, water system users are charged a base rate and a per unit rate for water consumption as required by §6-2-8 of the Helena City Code;

**WHEREAS**, rates are adjusted as necessary to correct for inflation, cost of service, provide for necessary capital improvements, and meet bonded debt coverage; and

**WHEREAS**, a tiered rate structure is desired to encourage conservation of water while providing necessary funding for operational and capital costs.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:**

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## Res. No.

**Section 1.** It is the intention of the Helena City Commission to set residential, commercial and non-metered residential water consumption rates.

**Section 2.** The proposed water base and consumption rates are shown in the following table:

	CURRENT	PROPOSED
<b>Monthly Meter Base Rate<sup>1</sup>:</b>		
Meter Size		
¾"	\$9.58	\$9.92
1"	\$15.94	\$16.50
1 ½"	\$31.88	\$33.00
2"	\$50.92	\$52.70
3"	\$95.63	\$98.98
4"	\$159.70	\$165.29
6"	\$319.40	\$330.58
8"	\$574.84	\$594.96
12"	\$718.50	\$743.65
<b>Per Unit Consumption rate<sup>2</sup>:</b>		
Use Type		
Commercial	\$4.23	\$4.38
Multi-dwelling	\$3.51	\$3.63
Residential 0-8 units	\$3.51	\$3.63

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

**Res. No.**

Residential 9-15 units	\$3.93	\$4.07
Residential 15+ units	\$3.99	\$4.13
Non-metered residential (11 units)	\$4.06	\$4.20

<sup>1</sup> per meter per month

<sup>2</sup> units are measured in HCF (100 cubic feet or approximately 748 gallons)

**Section 3.** The rates are effective November 1, 2025 and will remain in effect until such time as the City Commission deems the rates and charges are insufficient to cover the requirements of MCA 7-13-4307.

**Section 3.** The Helena City Commission will hold a public hearing on this matter on October 20, 2025, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M., 316 North Park Avenue, Helena, Montana, and via Zoom meeting at webinar ID: <https://zoom.helenamt.gov/ej/c/72667328/october2025regular> so that all interested parties may appear and express their opinions of approval or disapproval.

**Section 4.** Notice of the passage of this Resolution of Intention shall be given by publication and mailing as required in §69-7-111, MCA. The City Clerk is authorized and directed to make publication of this Resolution of Intention in the Independent

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

**Res. No.**

Record, the official newspaper of the City of Helena.

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COMMISSION**

***City of Helena, Montana***

09/08/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Ryan Leland, Public Works Director  
Sheila Danielson, Finance Director

**Subject:** Consider a Resolution of Intention to increase charges for all customers of the City of Helena Wastewater system.

**Present Situation:** Wastewater customers pay charges which are based on the actual costs of providing those services. Increases are necessary to adjust for inflation in these services.

**Background Information:** The city has not increased the cost of wastewater charges since 2017, and the price has increased over time. The city is proposing to increase charges to cover these cost increases.

**Proposal/Objective:** Consider a Resolution of Intention to increase charges for all customers of the City of Helena wastewater system.

**Advantage:** Timely rate considerations will ensure the ability to cover system operating costs, capital costs, and existing and future debt to maintain the integrity of the water system.

**Notable Energy Impact:** n/a

**Disadvantage:** Septic Dumping Fees typically affect only county residents. The rest of the fees affect private subdivisions, businesses, contractors and other users of City equipment.

**Quasi-Judicial Item:** False

**Notice of Public Hearing:** True

**Staff Recommendation/  
Recommended Motion:** Move to approve a Resolution of Intention to increase charges for all customers of the Helena wastewater system and set a public hearing for October 20, 2025.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO.

### A RESOLUTION OF INTENTION TO INCREASE CHARGES FOR ALL CUSTOMERS OF THE CITY OF HELENA WASTEWATER SYSTEM

**WHEREAS**, wastewater customers pay various charges for services or equipment purchases which are based on the actual costs of providing those services or equipment; and

**WHEREAS**, charge increases are necessary to adjust for inflation in the cost of service or equipment; and

**WHEREAS**, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the charges imposed upon wastewater customers be increased.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:**

**Section 1.** It is the intention of the Helena City Commission to consider increasing wastewater charges imposed upon all wastewater customers to cover current costs of providing such services or equipment.

**Section 2.** The proposed increases are shown in the following table:

<u>Type of Charge</u>	<u>Current Charge</u>	<u>Unit</u>	<u>Proposed Charge</u>
Septic Dumping Fees	\$75.00	1000 Gallons	\$100.00
Industrial Pretreatment Application Fee	\$75.00	Each	\$75.00
Industrial Pretreatment Permit Fee	\$75.00	Each	\$75.00
TV-ING Sewer Lines	\$1.20	Foot	\$1.50
Jetting Sewer Lines	\$180.00	Hour	\$225.00
Vac Sewer Lines	\$180.00	Hour	\$225.00

**Section 3.** It is further the intention of the Helena City Commission to repeal any and all previous resolutions establishing



# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

charges for customers of the City of Helena wastewater system.

**Section 4.** A public hearing on this resolution of intention will be held on the 20th day of October, 2025, at 6:00 p.m. in the Commission Chambers at the City-County Building, 316 North Park Avenue, Helena, Montana, and via Zoom Meeting at webinar ID: <https://zoom.helenamt.gov/ej/c/72667328/october2025regular> so that all interested parties may appear and express their opinions of approval or disapproval.

**Section 5.** Notice of the passage of this Resolution of Intention shall be given by publishing as required in §69-7-111, MCA. The City Clerk is authorized and directed to make publication of this Resolution of Intention in the Independent Record, the official newspaper of the City of Helena.

**PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS  
22nd DAY OF SEPTEMBER, 2025.**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CLERK OF THE COMMISSION**

***City of Helena, Montana***

09/08/2025

**To:** Mayor Collins and the Helena City Commission

**From:** Tim Burton, City Manager  
Ryan Leland, Public Works Director  
Sheila Danielson, Finance Director

**Subject:** Consider a Resolution of Intention for services charges or equipment purchases for all customers of the City of Helena water system.

**Present Situation:** All water customers pay various charges for services or equipment purchases which are based on the actual costs of providing those services. Increases are necessary to adjust for inflation in the cost of providing these services and equipment.

**Background Information:** The City has not increased the cost of water service charges and equipment charges since 2017, and the price of both has increased over time. The City has seen meter costs both increase and decrease, so the City is proposing to identify the charge for meters as "Market Cost" to address price fluctuations.

**Proposal/Objective:** Consider a Resolution of Intention to set charges for services or equipment for all customers of the City of Helena water system.

**Advantage:** Timely rate considerations will ensure the ability to cover system operating costs, capital costs, and existing and future debt to maintain the integrity of the water system.

**Notable Energy Impact:** n/a

**Disadvantage:** Apart from fire line fees, the costs for water services and equipment charges affect new home construction, contractors, and plumbers and not the general rate payers in the City of Helena.

**Quasi-Judicial Item:** False

**Notice of Public Hearing:** True

**Staff Recommendation/  
Recommended Motion:** Move to approve a Resolution of Intention to set charges for services or equipment purchases and set a public hearing for October 20, 2025.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO.

### A RESOLUTION OF INTENTION TO INCREASE CHARGES FOR ALL CUSTOMERS OF THE CITY OF HELENA WATER SYSTEM

**WHEREAS**, water customers pay various charges for services or equipment purchases which are based on the actual costs of providing those services or equipment; and

**WHEREAS**, charge increases are necessary to adjust for inflation in the cost of service or equipment; and

**WHEREAS**, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the charges imposed upon water customers be increased.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:**

**Section 1.** It is the intention of the Helena City Commission to consider increasing water charges imposed upon all water customers to cover current costs of providing such services or equipment.

**Section 2.** The proposed charges are shown in the following table:

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

<u>Type of Charge</u>	<u>Current Charges</u>	<u>Unit</u>	<u>Proposed Charges</u>
Fireline Fees:			
4" and smaller	\$182.00	Annual	\$220.00
6"	\$293.00	Annual	\$350.00
8"	\$513.00	Annual	\$625.00
Meter Packages:			
3/4" **		Each	Market Cost
	\$0.00		
1" **		Each	Market Cost
	\$0.00		
1 1/2"	\$0.00	Each	Market Cost
2"	\$0.00	Each	Market Cost
3"	\$0.00	Each	Market Cost
4"	\$0.00	Each	Market Cost
6"	\$0.00	Each	Market Cost
8"	\$0.00	Each	Market Cost
10"	\$0.00	Each	Market Cost
12"	\$0.00	Each	Market Cost
**Residential meter packages Include backflow			
Positive Displacement Disc Meters:			
3/4" T-10 Complete	\$270.00	Each	\$0.00
3/4" T-10 Complete PIT	\$312.00	Each	\$0.00
1" T-10 Complete	\$350.00	Each	\$0.00
1" T-10 Complete PIT	\$394.00	Each	\$0.00
1 1/2" T-10	\$635.00	Each	\$0.00
1 1/2" T-10 PIT	\$670.00	Each	\$0.00
2" T-10	\$770.00	Each	\$0.00
2" T-10 PIT	\$800.00	Each	\$0.00
Compound Meters:	\$2,235.00	Each	\$0.00
2" Tru/Flo			
3" Tru/Flo	\$3,236.00	Each	\$0.00
4" Tru/Flo	\$4,161.00	Each	\$0.00
6" Tru/Flo	\$7,085.00	Each	\$0.00
High Performance Turbine Meter:			
1 1/2" HP Turbine	\$1,170.00	Each	\$0.00
2" HP Turbine	\$1,336.00	Each	\$0.00
3" HP Turbine	\$1,977.00	Each	\$0.00
4" HP Turbine	\$2,582.00	Each	\$0.00
6" HP Turbine	\$4,707.00	Each	\$0.00
8" HP Turbine	\$7,145.00	Each	\$0.00
12" HP Turbine	\$11,165.00	Each	\$0.00

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Curb Box Turn Ons /			
Turn Offs:	\$75.00	Each	\$90.00
Delinquent - Water			
Turn-off			
Delinquent - Water Turn-	\$50.00	Each	\$60.00
on			
User Request - Water	\$50.00	Each	\$60.00
Turn-off			
User Request - Water	\$25.00	Each	\$30.00
Turn-on			
Water Hourly			
Rates:	\$43.25	Hour	\$55.00
Water		ly	
Supervisor			
Utility Maintenance	\$36.00	Hour	\$45.00
Worker		ly	
Backhoe	\$79.00	Hour	\$92.00
		ly	
Pickup/Utility Truck	\$26.00	Hour	\$28.00
		ly	
Compressor	\$20.00	Hour	\$32.00
		ly	
Dump Truck	\$67.00	Hour	\$95.00
		ly	
Water Tapping Fee:			
3/4 to 1 inch (includes	\$242.00	Each	\$280.00
corps)			
1.5 inch	\$206.00	Each	\$240.00
2 inch	\$221.00	Each	\$255.00
4 inch	\$254.00	Each	\$295.00
6 inch	\$296.00	Each	\$345.00
8 inch	\$331.00	Each	\$385.00
10 inch	\$396.00	Each	\$460.00
12 inch	\$475.00	Each	\$550.00
14 inch and up (market -	\$550.00	Each	\$640.00
minimum)			
Water Station Card	\$10.00	Each	\$10.00
Fire Hydrant Meter Charge	\$25.00	Each	\$150.00
Freezing Machine Service	\$75.00	Each	\$90.00
Charge			

## RESOLUTIONS OF THE CITY OF HELENA, MONTANA

**Section 3.** It is further the intention of the Helena City Commission to repeal any and all previous resolutions establishing charges for customers of the City of Helena water system.

**Section 4.** A public hearing on this resolution of intention will be held on the 20th day of October, 2025, at 6:00 p.m. in the Commission Chambers at the City-County Building, 316 North Park Avenue, Helena, Montana, and via Zoom Meeting at webinar ID: <https://zoom.helenamt.gov/ej/c/72667328/october2025regular> so that all interested parties may appear and express their opinions of approval or disapproval.

**Section 5.** Notice of the passage of this Resolution of Intention shall be given by publishing as required in §69-7-111, MCA. The City Clerk is authorized and directed to make publication of this Resolution of Intention in the Independent Record, the official newspaper of the City of Helena.

**PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS  
22nd DAY OF SEPTEMBER 2025.**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CLERK OF THE COMMISSION**