

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
January 28, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, January 28, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Wilmot Collins indicated for the record, City Commissioners Haladay, Noonan, O’Loughlin and Wicks were present. City Attorney Thomas Jodoin; City Manager Ana Cortez; City Clerk Debbie Havens and Deputy City Clerk Dannai Clayborn were in attendance.

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

Minutes The minutes of the regular City Commission meeting of January 14, 2019 were approved as submitted.

Presentations A. 2019 State of the City Address

Mayor Collins gave the 2019 State of the City Address. A copy of the address is included in the Commission packet as part of the official record.

B. Oath of Office—City Manager Cortez

Oath of Office City Manager Ana Cortez received the Oath of Office from Mayor Collins.

Board Appointments BOARD APPOINTMENTS:

A. Commission Board Appointments 2019-2020
Mayor Collins recommended individual City Commissioners be appointed to City boards and committees for 2019-2020 as listed below:

MAYOR PRO TEM
Commissioner Andres Haladay

ADA COMPLIANCE COMMITTEE – one commission member
One-year term – expires December 31, 2019
Commissioner Ed Noonan

BOARD OF ADJUSTMENT – one commission member
One year term - expires December 31, 2019
Commissioner Andres Haladay

AUDIT COMMITTEE – three commission members

One-year terms - expires December 31, 2019

Mayor Wilmot Collins

Commissioner Heather O’Loughlin

Commissioner Kali Wicks

BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS/HELENA PARKING COMMISSION – one commission member

One-year term – expires December 31, 2019

Commissioner Ed Noonan

CHAMBER OF COMMERCE – one commission member

One-year term – expires December 31, 2019

Commissioner Kali Wicks

CITY-COUNTY BOARD OF HEALTH – one commission member

One-year term – expires December 31, 2019

Mayor Wilmot Collins

CITY-COUNTY PARKS BOARD – one commission member

One-year term – expires December 31, 2019

Commissioner Heather O’Loughlin

CITY-COUNTY WEED BOARD

No specific term

NO APPOINTMENT AT THIS TIME

CIVIC CENTER BOARD – one commission member

One-year term – expires December 31, 2019

Mayor Wilmot Collins

INFORMATION TECHNOLOGY COMMITTEE – one commission member

One-year term – expires December 31, 2019

Commissioner Andres Haladay

INFRASTRUCTURE COMMITTEE

No specific term

NO APPOINTMENT AT THIS TIME

LEWIS & CLARK COUNTY MENTAL HEALTH LOCAL ADVISORY COMMITTEE – one commission member

One-year term – expires December 31, 2019

Commissioner Kali Wicks

MONTANA BUSINESS ASSISTANCE CONNECTION – one
commission member
One-year term – expires December 31, 2019
Commissioner Kali Wicks
City Manager Cortez – standing member

NON-MOTORIZED TRAVEL ADVISORY BOARD – one
commission member
One-year term – Expires December 31, 2019
Commissioner Andres Haladay

PRE-RELEASE SCREENING COMMITTEE
No specific term
NO APPOINTMENT AT THIS TIME

PUBLIC ART COMMITTEE – one commission member
One-year term – expires December 31, 2019
Commissioner Ed Noonan

TRANSPORTATION COORDINATING COMMITTEE – two
commission members
One-year terms – expires December 31, 2019
Commissioner Heather O’Loughlin
Mayor Wilmot Collins

Public Comment Mayor Collins asked for public comment, none was
received.

Motion **City Commissioner Haladay moved approval of
Commission member board appointments for 2019-2020 as
outlined above.** City Commissioner O’Loughlin seconded the
motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims

City Manager Cortez recommended approval of the claims.

Public Comment Mayor Collins asked for public comment, none was
received.

Motion **City Commissioner O’Loughlin moved approval of the
consent agenda, item A.** City Commissioner Haladay seconded
the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM CITY
From City Commissioners COMMISSIONERS
No communications.

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

Report of the City REPORT OF THE CITY MANAGER
Manager

City Manager Cortez reported on several items which were discussed at the administrative meeting on January 23, 2019, including SCJ's stakeholders, an additional notification request for drivers parked around the capitol building, and snow/ice removal on sidewalks. Regarding the snow/ice removal on sidewalks, Manager Cortez reported the city received 24 complaints last week and 60 complaints since October. Of the 24 complaints referenced, 10 have been addressed and 14 are pending a second inspection.

Additionally, Manager Cortez reported on snow related towing activity, stating 7 vehicles have been towed by this date, with most having already been retrieved by the owners.

A Strategic Planning draft agenda was provided to the Commission to begin development of budget guidelines. Manager Cortez asked if the commission had any suggestions on the agenda. It was decided a digital copy would be provided to the commission, in order to give the commission time to review the documents, and suggestions will be given in email format individually.

A short report on public safety was given to the commission, including updates from the police department, the fire department, and an update on the municipal judgeship vacancy.

The manager asked if the commission's intent was to increase the number and diversity of housing units in the city and/or the region. The manager updated the commission on the update of open lands management plan. This includes the selection of a firm to facilitate the plan update, and the finalization of the stakeholder group list, in accordance with the commission's direction of transparency, and increased community engagement in the analysis of related projects.

Discussion Commissioner Haladay asked for a clarification on the use of general funds for sidewalk snow removal and the inability for the funds to be used from street maintenance. Manager Cortez stated a legal review was requested on this matter, but according to documents she had received the funds would be limited to the general fund. Commissioner Haladay stated in a legal conclusion provided two years ago, snow removal from sidewalks was determined to be street maintenance and thus could be funded from

this budget item. Manager Cortez stated she would follow-up on the appropriation of funds for sidewalk snow removal and report back to the Commission.

Manager Cortez stated she would like to assemble a list from the commission of projects which would be a priority for budget purposes. Commissioner Noonan asked Manager Cortez if a list would be then provided to the commission for viewing. Manager Cortez confirmed a list would be provided to the commission and would include the costs projected by staff.

Commissioner Haladay readdressed the source of funds of sidewalk snow removal, asking Manager Cortez to provide copies of the source of the legal opinion for fund sourcing to the commission. Manager Cortez stated she would provide copies.

Sidewalk and snow removal direction was requested by Manager Cortez from the Commission for staff.

Manager Cortez asked the commission if a full sidewalk strategy was to be included as part of proposed general fund appropriation in the 2020 budget process. Manager Cortez proposed to the commission a pilot program to deal with snow removal on sidewalks around schools and sensitive locations, and requested direction to identify funding resources to implement the pilot program for the next 4 snow events.

Commissioner O'Loughlin asked a proposal report be provided to the commission at the next administrative meeting, in order to reach a further understanding before implementing such a pilot and appropriating funds.

Manager Cortez reported the City has created a twitter account and will be used as a means of sharing information with the community. It would be administrative in nature and any policy related messages sent would be first approved by the commission.

Lastly, Manager Cortez informed the commission of the intention to adopt a policy regarding the participation of city staff as advocates or experts to testify at the Capitol. If the staff member is formally representing the City and its interests, their narrative would need to be pre-approved by the city manager.

Commissioner Haladay asked to be informed prior to any city staff testifying in front of legislator, and what bills the staff would be speaking on. City Manager Cortez stated she would keep the commission abreast of the content and narrative of any testimony staff may be a part of.

Commissioner Noonan stated a discussion of procedure should be deliberated for the manager's report going forward.

Regular Items

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE REPEALING SECTION 8-11-11 OF THE HELENA CITY CODE - PARKING REGULATIONS.

Staff Report

City Attorney Thomas Jodoin reported on October 29, 2018, the City Commission passed Ordinance 3243 amending Title 7, Chapter 8 of the Helena City Code. That ordinance outlined new parking regulations which are in conflict with provisions of 8-11-11. In discussion with staff it has also been determined that provisions of section 8-11-11 are not being utilized. The repeal of section 8-11-11 will eliminate inconsistency in the City Code with respect to parking regulations.

City Attorney Jodoin recommended approval of first passage of an ordinance repealing Section 8-11-11 of the Helena City Code and set a public hearing date of February 25, 2018.

Public Comment

Mayor Collins called for public comment. None was received.

Motion

Commissioner O’Loughlin moved to approve first passage of an ordinance repealing Section 8-11-11 of the Helena City Code and set a public hearing date of February 25, 2019. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Ordinance 3249**

Public Hearings

PUBLIC HEARING:

- A. CONSIDER THE RESOLUTION DECLARING THE KCAP PARK OWNED BY THE CITY OF HELENA SURPLUS REAL PROPERTY AND AUTHORIZING SALE TO THE HIGHEST BIDDER.

Discussion

City Manager Cortez recused herself on this matter.

Staff report

Interim Parks and Recreation Director Craig Marr reported the city owns a .06 acre parcel of property known as KCAP Park. The property was identified for surplus in 2014 because of the small size and limited current and future recreation potential. A memo was circulated to all city departments inquiring if there were concerns disposing of the property and one response was received from solid waste expressing concern about losing that space to place a commercial solid waste container.

Section 1-4-17 of Helena City Code sets forth the process for sale, disposal or lease of real property owned by the city. Letters were sent to property owners within 300 feet of the parcel and two legal notices were published in the Helena Independent Record on January 16 and January 20, 2019. At this time no one

has contacted the Parks and Recreation Department with any concerns. The Parks and Recreation Department has been contacted by an interested buyer.

City staff proposed to declare the above-mentioned property as surplus real property and to sell it to the highest bidder after proper public notice. The city will save general fund dollars by not maintaining and irrigating the parcel, and selling the property could improve the economic viability of that area.

Director Marr recommended approval of the resolution declaring the KCAP Park owned by the City of Helena surplus real property and authorizing sale to the highest bidder. Director Marr asked for policy direction from the commission, requesting if a price should be given for the property, such as, fair-market value, or a minimum reserve price.

Discussion

Commissioner O'Loughlin asked if a precedent existed in a matter where only one bidder existed for the sale of surplus property.

City Attorney Jodoin stated the same methodology was used in this matter as in the vacating of Right of Way, using the adjacent property market value, as set by the Montana Department of Revenue. The property in question is listed as 2800 square feet and was valued at \$27,118, using the methodology utilized in the past. However, the City Attorney acknowledged, due to the size of the property, this method may result in a price which is not desirable to prospective buyers.

Commissioner Wicks asked if Director Marr would have a recommendation of a reserve price for the property. Director Marr stated an estimate based upon assessments over a 40 year period, which resulted in an estimate of around \$14,000.

Commissioner Haladay asked City Attorney Jodoin to confirm if in a previous example of a parcel sold by the city, whether there was a competitive bidding process, or if the City entered directly into a buy-sell agreement. City Attorney Jodoin confirmed the buy-sell agreement, without a competitive bid.

Commissioner Noonan offered a proposal to set a reserve price at half the property valuation given by City Attorney Jodoin, which coincided with the 40 year estimation of paid assessments cost to the city. Mayor Collins concurred with Commissioner Noonan's proposal.

Public Testimony

Patrick Cassidy, owner of On Broadway restaurant, offered a valuation for the property he received from realtors, which was well below the valuation of \$14 per square foot put forth by the city.

Discussion

Commissioner O'Loughlin asked City Attorney Jodoin if the motion could be amended with a reserve price being set as "the

city deems appropriate.” City Attorney Jodoin asked the commission to set a specific reserve price, in order to clarify policy direction for staff.

A general discussion continued between the commission and City Attorney Jodoin regarding the advantages and disadvantages of setting a reserve price for the property for both the City and for potential buyers.

Commissioner Haladay stated his support for Commissioner Noonan’s suggestion of half the valuation. Commissioner Haladay further stated he would be comfortable with any dollar amount, given considerations of cost to the city of property maintenance and assessments versus the long term goal of renewing the downtown district.

Mayor Collins asked Mr. Cassidy what the value of the property he was given from the relators he consulted. Mr. Cassidy stated this value was \$10-12 per square foot.

City Attorney Jodoin stated the property valuation the city staff estimated was based upon an average price for all the adjacent properties, which totaled to \$9.65 per square foot, or the \$27,118.00.

Commissioner Wicks stated she was comfortable with a reserve price of \$10,000.00, making a request for a consensus from the commission.

Commissioner O’Loughlin stated she would like to move the motion as stated “the highest bidder.”

City Attorney Jodoin stated some of the information of this bid would be used in the appraisal of adjacent properties for valuation in the future and this should be considered when setting any sort of price for the property.

Motion

Commissioner O’Loughlin moved to approve the resolution declaring the KCAP Park owned by the City of Helena as surplus real property and authorizing sale to the highest bidder. Commissioner Haladay seconded the motion. The motion carried 3-2, Commissioners Haladay, O’Loughlin, and Noonan, voting aye and Mayor Collins and Commissioner Wicks voting nay. **Resolution 20508**

Public Communications

PUBLIC COMMUNICATIONS
No public communications.

Meetings of Interest

MEETINGS OF INTEREST

City-County Joint Work Session - February 5, 2019 - 4:00 p.m. - Room 326, City-County Building

Administrative Meeting - February 6, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting - February 11, 2019 - 6:00 p.m. - Commission Chambers, City-County Building

Adjournment

There being no further business to come before the City Commission, the meeting was adjourned at 7:24 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE CITY COMMISSION