

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 12, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, August 12, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Pro Tem Haladay requested City Clerk Havens call roll call: Manager Cortez, Deputy City Attorney O'Connor, Commissioner Wicks, Commissioner Noonan and Commissioner O'Loughlin all responded present. City Attorney Jodoin and Mayor Collins were excused.

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

Minutes The minutes of the July 29, 2019 Regular City Commission meeting and the August 1, 2019 Special City Commission Meeting were approved as submitted.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Approval of Montana Department of Administration 911 Grant Program funding for updated phone system for the 911 center.
C. Ordinance requiring pawnbrokers to report stolen property to the chief of police and to require presentation of identification verifying a persons age prior to accepting items for pawn by amending Title 4 Chapter 2 of the Helena City Code. **Ordinance 3263**
D. Ordinance updating the City's organizational structure by amending Title 2 Chapter 3 of the Helena City Code. **Ordinance 3264**

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

Discussion Commissioner O'Loughlin asked to have item D moved to regular items.

Public Comment Mayor Pro Tem Haladay asked for public comment, on items A - C. None was received.

Motion **Commissioner O'Loughlin moved approval of the claims and consent agenda items A - C.** Commissioner Wicks seconded the motion.

Discussion Commissioner O'Loughlin asked if any information was previously given to Pawnbrokers regarding the Ordinance listed in item C. Deputy City Attorney O'Connor stated this was simply to clean up an oversight in the adoption of the reorganization and redrafting of the Business Licensing Section of the City Code which had been passed by the Commission at a previous Commission meeting. These items were inadvertently left out of the adoption at that time. The Ordinance in question was long-standing and thus the affected businesses were well-aware of the language and should continue operating as they had previously.

Vote City Clerk Havens called a roll call vote, as follows:

Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0.**

Communications from City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

There were no comments.

Report of the City Attorney REPORT OF THE CITY ATTORNEY

No report given.

Report of the City Manager REPORT OF THE CITY MANAGER

City Manager Cortez introduced to Ellie Utter, City of Helena Intern, for a report on Urban Renewal Districts. Ms. Utter gave a brief presentation on her research from multiple Montana cities and their current Urban Renewal Districts as compared to Helena, including Missoula, Bozeman, and Billings.

Discussion

Commissioner O'Loughlin thanked Ms. Utter for her work on this project this summer, and the presentation was very informative on the topic. Commissioner Wicks thanked Ms. Utter, stating the explanation of a complex topic was very helpful. Mayor Pro Tem Haladay thanked Ms. Utter and stated the report contained vital information for the Commission to make informed decisions in the future.

Report from the HCC REPORT FROM THE HELENA CITIZENS COUNCIL

No Report Given.

Regular Items REGULAR ITEMS

A. CONSIDER AN ORDINANCE UPDATING THE CITY'S ORGANIZATIONAL STRUCTURE BY AMENDING TITLE 2 CHAPTER 3 OF THE HELENA CITY CODE.

City Manager Cortez proposed to update the City's organizational structure and department nomenclature as follows:

1. The Administrative Services department will be renamed the Finance department with the various activities performed by the department broken out into separate divisions.

2. Open Lands will be added to the title of the Parks and Recreation department to read Parks, Recreation and Open Lands department.

3. Civic Center operations division will move from the Community Facilities department to the Parks, Recreation and Open Lands department.

4. A new Transportation Systems department will be created.

5. The Transportation Systems department will be comprised of Streets, Shop and Fleet Services, Transit, Parking, and Right-of-Way Code Enforcement divisions.

6. The Public Works department will be comprised of the City Engineer, Solid Waste, Utility System Maintenance, Water Treatment, and Wastewater Treatment divisions.

Discussion

Commissioner O'Loughlin asked for clarification on the direct report of the Civic Center staff to the City Manager and did this make the hierarchy official as part of the city code. City Manager Cortez confirmed this.

Commissioner Wicks asked if the Snow Plowing would exist under the new Transportation Systems Department, and within the Streets division. Manager Cortez confirmed this.

Mayor Pro Tem Haladay asked City Manager Cortez to offer further explanation, as to why the Transportation Systems Department was created and the reorganization of Streets, Transit, and Sidewalks. Manager Cortez stated this was ensure more accountability, quality of service, and a more responsive financial and budgetary strategy it was determined the relevant departments would be better suited under a separate department and Director.

Commissioner O'Loughlin asked if movement of Civic Center out of the Facilities Department, to the Parks Department will result in any operational changes of the Civic Center. City Manager Cortez stated the only change that would be who the Civic Center staff would report to, from the City Manager to the Parks and Recreation, Open Lands Director Ponozzo.

Public Comment

Mayor Pro Tem Haladay asked for public comment.

Judy Kline, President of the Civic Center Advisory Board, made several comments on the reorganization. Ms. Kline stated she was concerned about the changes which were currently being made. Amongst Ms. Kline's reported concerns were office space rentals to outside entities, the placement and physical occupation of Civic Center staff. Ms. Kline asked the Commission to consider amending the current Ordinance to not include changes to the Civic Center.

Gary Carpenter, former Executive Director of the Civic Center, expressed concerns over the staffing numbers, and knowledge base for those individuals which are tasked with maintaining and implementing events at the Civic Center. Mr. Carpenter expressed concerns over Parks Department Staff not having the institutional knowledge of Civic Center or event operation. Mr. Carpenter stated he felt future plans for the Civic Center needed clarification, especially as it pertains to any discussions of possible privatization. Mr. Carpenter asked the Civic Center to be removed from the re-organization Ordinance.

Mike DaSilva, former City Commissioner, spoke of concerns over the budget supplied to the Civic Center being for upcoming year reduced by \$100,000, and still being able to operate and function at the same capacity

Bonnie Lorang, Civic Center Advisory Board member, spoke in opposition to the Civic Center transfer to the Parks & Recreation Department.

Sean Logan, 1954 Stuart St, spoke about concerns regarding the Ordinance being passed this evening being voted on, when the implementation of the reorganization appeared to be executed, starting in May. Mr. Logan submitted a statement expressing these concerns to the official public record.

Pat Keim, president of Helena Symphony, stated he was approached by the City with an offer to rent space at the Civic Center. This offer was being considered due to its convenience as the venue base for the organization. Mr. Keim stated he had recently had a conversation with Ms. Kline from the Civic Center advisory board on this matter. Mr. Keim characterized the conversation as being adversarial. When considering the importance of the Helena Symphony to the Civic

Center's success, it was disappointing to be treated in such a way by the President of the Civic Center Board, as a matter of customer service.

Discussion

Commissioner O'Loughlin asked for clarification on the figures for the Civic Center from the past 3 fiscal years. Civic Center Manager Byron Dike stated he didn't have exact figures but was able to give a broad overview of the previous years, stating there was a steady increase in the revenues produced over the last three years. Commissioner O'Loughlin asked how much from the General Fund was constituted for the Civic Center operations. Manager Dike stated \$470,000.00 was allocated from the General Fund. Commissioner O'Loughlin asked for clarification on the dollar amounts given for support staff for the Civic Center and for other support staff, who help with the day to day operation of the Civic Center. Manager Dike stated the Facilities Superintendent position is budgeted through the Civic Center budget.

Commissioner Noonan asked for clarification on the total budget for the funding of the Civic Center. Manager Cortez stated the total budget is 1.1 million. The Manager further stated the historical deficit the Civic Center budget is operating under is around \$400 – 470,000.00. Manager Cortez spoke to the possibility of the Civic Center being self-sustaining, and this was the reason for RFP's.

Commissioner Haladay asked for clarification of the reserves for Civic Center. Manager Cortez stated there would not be additional Capital reserve funds added to the Civic Center budget, this distribution of reserves was "a one-time shot," due to the deficits being run by the city and the efforts to balance the budget.

Motion

Commissioner Noonan moved to Ordinance updating the City's organizational structure by amending Title 2 Chapter 3 of the Helena City Code. Commissioner O'Loughlin seconded the motion.

Discussion

Commissioner Noonan stated he believed the concerns regarding the Civic Center reorganization were a misunderstanding the City would slowly abandon the Civic Center. Commissioner Noonan stated the City of Helena had no plans to abandon the Civic Center as it was part of the Cities cooperative history. The Commissioner felt the Parks department was a vibrant department and would offer additional value to the operation of the facility, in addition to the knowledge base which exists within the current staff of the Civic Center.

Commissioner Wicks expressed her concerns regarding commentary that only certain members of the Facilities Staff have the knowledge base to operate the facility. The Commissioner felt this was to the detriment of the operation of the Civic Center. Commissioner Wicks hoped this lack of coordinated knowledge and responsibility would be resolved with the Civic Center moving under the Parks & Recreation, Open Lands Department.

Mayor Pro Tem Haladay expressed concerns over statements made in some communications received from members of the Civic Center Advisory Board and individuals opposed to the reorganization of the Civic Center. He felt the discourse was such, it damaged the credibility of the Civic Center Board. The Commissioner stated he continued to support the Civic Center, despite his concerns of the statements by some members of the Civic Center Board and its supporters in opposition to the Ordinance.

Vote

City Clerk Havens called a roll call vote, as follows:
Commissioner Wicks voted aye, Commissioner Noonan voted aye,
Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted
aye. **The motion carried, 4-0. Ordinance 3264**

- B. CONSIDER A RESOLUTION PERMITTING BACK-IN ANGLE
PARKING ON THE NORTH-SIDE OF 7TH AVENUE BETWEEN
WARREN STREET AND CRUSE AVENUE.

Staff Report

Interim Public Works Director Ryan Leland reported 7th Avenue carries two-way traffic and has approximately nine (9) parking spaces on the south side of the roadway between Warren Street and Cruse Avenue and no parking along the north side. The Helena School District, in order to improve traffic flow during student drop-off and pick-up, has requested to change 7th Avenue to a one-way street. They have also requested that on-street parking be increased (via angle parking) to decrease staff parking in the residential neighborhood.

Helena School District held a public meeting on 11 July 2019 to inform residents of their request to the city and ask the residents near Central School for their concerns or comments on the proposal. The final number of back-in angle parking spaces will ultimately be determined by the final layout and design. Staff is proposing permit back-in angle parking on the north side of 7th Avenue between Warren Street and Cruse Avenue.

Traffic flow during school drop-off and pick-up should be improved by removing eastbound traffic from 7th Avenue. City services, namely plowing, will not have to contend with opposite direction traffic.

The one-way street would require removal of the south-bound left-turn lane on Cruse which, in turn, would allow for a reconfiguration and increase of parking (likely angled) on the east side of Cruse adjacent to the Central School property. These additional stalls would provide more parking for school events and make better use of the large cross section of Cruse Street.

Helena School District would be given first opportunity to purchase permits for the new angled parking stalls. These permits would provide guaranteed revenue for parking enforcement.

Interim Public Works Director Leland recommended approval of a resolution permitting back-in angle parking on the north-side of 7th avenue between Warren Street and Cruse Street.

Discussion

Commissioner Wicks asked Interim Public Works Director Leland to clarify the timing of the agenda item. Interim Director Leland stated the Helena School District was preoccupied with the completion of the new Central School, and a formal request was never completed by the Helena School District. After the completion, it was determined there was not enough parking to suit the needs of the school, and so the request made to fulfill this need.

Commissioner Wicks expressed concerns over a possible precedent being set by the Resolution, for a possibility of another government entity building a facility and then asking for parking post build. Interim Director Leland stated the zoning requirements were met by the Helena School District and the school itself, thus the parking was not necessary to meet those requirements. This was a unique situation and due to the existing one-way streets and dead-end streets, and it did

not pose traffic flow issues. This type unique situation would be reviewed on a case by case basis by City Staff.

Mayor Pro Tem Haladay asked Interim Leland to clarify the traffic flow being considered in this matter, and why one-way traffic flow was better suited to 7th Avenue. Interim Director Leland stated consideration of the buses turning radius and accessibility, street slope, and the merging of traffic onto Cruse from 7th Avenue were all justifications for the one-way.

Mayor Pro Tem Haladay asked if the School was currently meeting all permit requirements for the parking.

Director Haugen responded to the question, stating there was a judge order which stated the schools did not have to comply to parking requirements, but if the school was required to comply, they would meet the requirements.

Mayor Pro Tem Haladay asked for a time frame to complete the project. Interim Leland stated the time frame was dependent on the availability of resources for City Staff and obtaining a suitable contractor, stating the project could be completed rather quickly.

Commissioner O'Loughlin asked Interim Director Leland what other projects should be considered when implementing the current recommendations, even if they were speculative or future projects. Interim Director Leland stated the City staff were always considering options for the area and how to improve access and safety. These considerations would be taken into account and monitored after the School opens and a clear understanding of the traffic flow developed.

Mayor Pro Tem Haladay asked if angle parking was ever considered on Cruse Avenue. Interim Director Leland stated the topic of parking and angle parking was always a topic of discussion, as it pertains to Cruse Avenue.

Public Comment

Mayor Pro Tem Haladay asked for public comment.

Kalli Kind, District Facilities Director, stated there were concerns over the grade of elevation on 7th avenue; and due to the safety concerns, traffic flow needed to be managed. This parking would be used primarily for faculty members and would alleviate the need for parking onsite.

Motion

Commissioner O'Loughlin moved to approve a resolution permitting back-in angle parking on the north-side of 7th Avenue between Warren Street and Cruse Avenue. Commissioner Noonan seconded the motion.

Discussion

Mayor Pro Tem asked if the parking spaces would be designated strictly for school use. Interim Director Leland stated the parking at this time was available for all individuals with the proper permit.

Vote

City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20550**

- C. A RESOLUTION ENCOURAGING VOLUNTARY OUTDOOR SMOKE-FREE AREAS AND ENHANCED PRACTICES TO REDUCE OUTDOOR SECONDHAND SMOKE EXPOSURE IN PUBLIC PLACES

Staff Report

Deputy City Attorney Iryna O'Connor reported An Outdoor Smoking Workgroup, consisting of public health officials, city staff, and business representatives has worked together since November 2018 to develop the attached resolution that encourages property and business owners to voluntarily establish enhanced smoke-free practices to reduce outdoor secondhand smoke exposure in public places.

Staff encourages businesses within the city to adopt smoke-free practices so that outdoor smoking near public access entrances, exits, windows, and ventilation systems is discouraged. Undertake community awareness and education efforts to ensure enhanced compliance with the Lewis and Clark Clean Indoor Air Act Implementation Protocol.

Deputy City Attorney O'Connor recommended approval of a resolution encouraging voluntary outdoor smoke-free areas and enhanced practices to reduce outdoor secondhand smoke exposure in public places.

Public Comment

Mayor Pro Tem Haladay asked for public comment.

Nate Wellington, Tobacco Specialist Lewis & Clark County Health Department, spoke in favor of the resolution.

Jaime Larese, Manager of Wellness and Community Outreach, at St. Peter's Hospital, spoke in support of the resolution, and expressed the support of St. Peter's Hospital, stating this was an opportunity to promote the health of community.

Bruce McCollough, Tri-County Montana Tavern Association, stated the Tri-County Montana Tavern Association would be taking their support further adopting their own separate internal programs to support the resolutions goals.

Cathy Burwell, Director Helena Chamber of Commerce, spoke in support of the resolution, citing the support of Chamber members and business owners of the resolution, assured the adoption of the resolutions success.

Tim Chisman, Co-Owner of the Blackfoot River Brewery, spoke in favor of the resolution.

Thom Prop, representative of Town Pump, spoke in favor of the resolution.

Brad Longcake, representative of Montana Petroleum Marketers and Convenience Store Association, spoke in favor the resolution, stating the process in developing the resolution was an example of cooperative efforts amongst multiple entities

Discussion

Commissioner O'Loughlin asked Ms. Burwell if there were methods the Chamber of Commerce possessed to track how many businesses were participating in the enhanced practices. Ms. Burwell, stated this may be a possibility due to the number of organizations involved, and tracking any participants asking for the toolkit to promote the practices.

Jaqueline Isaly, Lewis and Clark Public Health, stated these discussions were already being had within the Workgroup and the County Health Department, and a tracking model was already in development.

Commissioner Wicks stated her support for this resolution.

Motion

Commissioner Noonan moved to approve a resolution encouraging voluntary outdoor smoke-free areas and enhanced practices to reduce outdoor secondhand smoke exposure in public places. Commissioner Wicks seconded the motion.

Discussion

Commissioner Noonan stated his support for the resolution and cited the workgroup as an example for cooperative efforts in other complex topics.

Vote

City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20551**

- D. CONSIDER A RESOLUTION RELATING TO \$5,700,000 WATER SYSTEM REVENUE BONDS (DNRC DRINKING WATER STATE REVOLVING LOAN PROGRAM), SERIES 2019 BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

Interim Public Works Director Leland gave a brief report on the project logistics.

Interim Finance Director Liz Hirst reported the City is requesting the Commission approve borrowing \$5,700,000 to finance the Ten Mile transmission line replacement. Approximately 5 miles of new transmission main is being replaced between the Ten Mile Water Treatment Plant and the Baxendale junction box. Staff budgeted to complete and borrow for this project originally in 2004. It has taken until this year to engineer, resolve and obtain easements, and bid out the project. The project is almost complete with final hookup anticipated for the fall after peak water demand is over.

Staff is proposing the City borrow up to \$5,700,000 from the DNRC Drinking Water Loan Program for 20 years at 2.5%.

Interim Finance Director Hirst recommended approval of a resolution relating to \$5,700,000 water system revenue bonds (DNRC Drinking Water State Revolving Loan Program); and authorizing the issuance and fixing the terms and conditions thereof.

Public Comment

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

Motion

Commissioner Noonan moved to approve a resolution relating to \$5,700,000 water system revenue bonds (DNRC Drinking Water State Revolving Loan Program); and authorizing the issuance and fixing the terms and conditions thereof. Commissioner Wicks seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20552**

- E. CONSIDER A RESOLUTION AMENDING AND RESTATING ALL PRIOR WATER SYSTEM REVENUE FINANCING RESOLUTIONS AND WATER SYSTEM REVENUE BONDS ISSUED PRIOR TO 2019.

Staff Report

Interim Finance Director Liz Hirst reported The City has four outstanding water bond issues. All were borrowed from the State of Montana, Department of Natural Resources, State Revolving Fund (SRF). All bond documents refer to the original bond resolution No. 10386 adopted in 1992. The language is outdated and difficult to interpret. The attached resolution will replace resolution No. 10386 as

the originating resolution for all current and future water bonds to provide for up-to-date bond language. Staff recommends the City replace resolution No. 10386 with a new master bond resolution for all water bonds issued prior to 2019. Thus, The City will have bond language that is consistent with current bond language used in the market place making it more understandable by all.

Interim Finance Director Hirst recommended approval of a resolution amending and restating all prior water system revenue financing resolutions and water system revenue bonds issued prior to 2019.

Discussion Commissioner O'Loughlin asked who reviewed the resolution. Interim Finance Director Hirst stated the bond counsel for the City recommended the language of the resolution.

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

Motion **Commissioner Wicks moved to approve a resolution amending and restating all prior water system revenue financing resolutions and water system revenue bonds issued prior to 2019.** Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20553**

Public Communications

PUBLIC COMMUNICATIONS

Missie Rundel, spoke to the Commission regarding the issue of affordable housing, asking for assistance and options from the City, and the potential of a community fundraiser for victims of domestic violence and the homeless population in the area.

Discussion Commissioner Noonan stated a Quiet Zone meeting would be held on August 13th at 10:00am and a CUP planning meeting at 5:00pm in the Commission Chambers.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 8:07 p.m.

Meetings of Interest MEETINGS OF INTEREST

Administrative Meeting – August 21, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – August 26, 2019 - 6:00 p.m. - Commission Chambers, City-County Building

/S/ ANDRES HALADAY

MAYOR PRO TEM

ATTEST:

/S/ DEBBIE HAVENS

CLERK OF THE CITY COMMISSION