

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
March 27, 2020 - 6:00 P.M.  
City Commission Chambers, Room 330**

***Time & Place*** A regular City Commission meeting was held on Monday, March 27, 2020 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

***Members Present*** Mayor Wilmot Collins requested Interim City Clerk Clayborn call roll call: City Attorney Thomas Jodoin, Acting City Manager David Knoepke, Commissioner Haladay, Commissioner Dean, Commissioner Logan, and Commissioner O'Loughlin all responded present.

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

***Minutes*** MINUTES  
A. Administrative Summary - March 4, 2020  
B. Regular Commission Meeting Minutes - March 9, 2020

***Consent Agenda*** CONSENT AGENDA  
A. Claims  
B. Resolution of Intention to establish new fees to be charged for City of Helena Park and Open Space uses, recreation services and programs, and Waukesha Community Garden and repealing Resolutions No. 19816, 19995, 20331, and 20331.

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

***Motion*** **Commissioner moved to approve the Consent Agenda, Claims and item B.** Commissioner seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 5-0**

***Communications from City Commissioners*** COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

**Report of the City Attorney**                      REPORT OF THE CITY ATTORNEY  
City Attorney Jodoin stated there was nothing to report

**Litigation Strategy**                      LITIGATION STRATEGY  
City Attorney Jodoin stated there was nothing to report.

**Report of the City Manager**                      REPORT OF THE CITY MANAGER

**Communications from the Helena Citizens**                      COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL

**Regular Items**                      REGULAR ITEMS

- A.        CONSIDER A RESOLUTION AMENDING RESOLUTIONS OF INTENTION NOS. 19911 AND 20340 TO DEFER THE DEDICATION AND TRANSFER OF THE FIRE STATION LOT TO A LATER PHASE OF THE CROSSROADS AMENDMENT AT MOUNTAIN VIEW MEADOWS SUBDIVISION IN LEWIS AND CLARK COUNTY INTO THE CITY OF HELENA, MONTANA.

Staff Report                      Community Development Director Sharon Haugen introduced City Planner Lucy Morrell-Gengler to conduct the staff report. Ms. Morrell-Gengler reported there are three actions for the City Commission to act on associated with the Uplands Phase 2 final plat:

An amendment to condition number three (3), Fire Station Lot of the Resolution of Intent to Annex Crossroads at Mountain View Meadows; Resolution of Annexation for 10.7 acres of the Uplands Phase 2 portion of the Crossroads at Mountain View Meadows Subdivision; and The Uplands Phase 2 Final Plat creating 50 lots and one tract. This is the first action.

In 2005, the resolution of intention to annex Aspen Park, the first component of the Mountain View Meadows development, was passed. This resolution included a condition to provide property for a fire station with the location to be determined at a future date. This requirement was continued in subsequent annexation conditions as the area of the development expanded. On May 7, 2012, the Helena City Commission approved the Resolution of Intention to Annex (Resolution No. 19911) for the amended Crossroads at Mountain View Meadows Subdivision. This

resolution continued the annexation condition requiring dedication of a lot to the City for a possible fire station and a specific location was proposed in the Uplands area of the Mountain View Meadows development (Resolution No. 20340) see attached exhibit. An application for development of the last phase of the Uplands component of the Crossroads at Mountain View Meadows development has been submitted. This application does not include dedication of the fire station lot. As an alternative, the applicant has requested delaying transferring the fire station property until the adjacent Crossroads Parkway and related water and wastewater mains have been installed. The installation of adjacent Crossroads Parkway will improve fire station access and provide easier access to wastewater.

A portion of the area identified for the possible fire station has been annexed into the city although the majority of the property is still in the county. The property is zoned and rezoned PLI (Public Lands and Institutions) District. This zoning would limit the type of development on that property even though the property has not been transferred to the City. The timing for the development of a fire station in the area of Mountain View Meadows has not been established but it may precede the development of Crossroads Parkway. The applicant has also proposed language that will further ensure that property will be available for a fire station at a future date. Language has been proposed to address a situation where the City has determined that a location for a fire station facility will be required sooner than the availability of the current property. A City evaluation process would determine if another lot within the Mountain View Meadows Development is more appropriate.

If another property within the development is selected for a fire station, then the value of the current fire station property will be applied to the cost of the newly selected fire station property. This language is consistent with the intent of the annexation condition to provide property for future city services to the Mountain View Meadows Development. If the City Commission determines that the annexation condition should not be amended as proposed and the property should be transferred with the current phase, then the Resolution of Annexation and Uplands Phase 2 final plat cannot be approved until the plat is revised.that will allow future annexation or promote compatible growth.

Many cities and towns in Montana are experiencing a shortage of housing affordable to those who live there, hindering economic growth and community prosperity. The

Growth Policy provides a framework to address this issue and mechanisms to develop actions for constructive results. This update provides a focus for other policy reform and offers a way forward through the implementation matrix of goals, objectives and actions. The renewed focus on public process is another major improvement that will benefit the City. This update will formalize the process for public input on planning issues which will in turn provide the direction City staff and officials need to address projects with the surety that they provide a public good while meeting a public need. Notable Energy Impact: With a greater emphasis on dense compact development in the form of Neighborhood Centers and a focus on making non-motorized transit a realistic possibility for all Helenans, this Growth Policy update will make a significant impact on the amount of energy residents and businesses use daily. Disadvantage: There are no disadvantages to adopting this Growth Policy update. Notice of Public Hearing: N/A Recommended Motion: Consider a resolution of Intention to repeal the 2011 City of Helena Growth Policy and adopt the 2019 City of Helena Growth Policy, and set a public hearing date for March 23, 2020.

Public Comment

Mayor Collins called for public comment.

Greg Wirth, 501 State Street, offered support for the adoption of the Growth Policy updates, especially due to its effect on impacting the local economy and for expressing actionable items within.

Discussion

Commissioner Dean stated she was grateful to staff for their efforts in developing the plan, stating it was one of the most gratifying experiences she had been a part of working with local government. The Commissioner stated she would like to see this document used as a governing document.

Commissioner Haladay asked staff to explain where community members could find the full Growth Policy to review in its entirety. Director Haugen stated the Growth Policy and affiliated projects were listed on [helenamt.gov](https://www.helenamt.gov/government/departments/community-development/planning/long-range-planning) at <https://www.helenamt.gov/government/departments/community-development/planning/long-range-planning>

Motion

**Commissioner Dean moved to approve resolution of Intention to repeal the 2011 City of Helena Growth Policy and adopt the 2019 City of Helena Growth Policy, and set a public hearing date for March 23, 2020.**

Commissioner O'Loughlin seconded the motion. Interim City

Clerk Clayborn called a roll call vote, as follows:  
Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 5-0. Resolution 20593**

A. CONSIDER A RESOLUTION TO AMEND THE FISCAL YEAR 2020 BUDGET FOR AN INCREASE OF \$1,399,071.

Staff Report

Budget Analyst Chris Couey reported various items and projects have arisen that were neither budgeted for during the adoption process nor able to be absorbed into the current budget authority. Those items include:

Law Enforcement Block Grant - \$13,791  
911 Equipment Grant - \$470,000  
Beattie St Trailhead Construction –  
\$300,000 Streets Fund  
\$200,000 Open Lands Fund  
\$400,000 General Fund

A resolution of intention was presented and approved on February 10, 2020. Notices of a public hearing on this matter, to be held March 9, 2020, were posted in the Independent Record as required.

\*Since the passing of the resolution of intention, bids were received for the Beattie St Trailhead project with a maximum bid coming in at approximately \$400,000 total for the project. Approve a resolution to amend the Fiscal Year 2020 budget for an increase of \$1,399,071. Departments are able to proceed with their projects and/or purchases as needed. Additional costs to the city will be incurred.

Staff recommends a motion to approve the resolution to amend the Fiscal Year 2020 budget for an increase of \$1,399,071.

Discussion

Commissioner O'Loughlin asked for clarification on the amounts proposed within the packet. Mr. Couey stated the discrepancy was due to a \$15,281 amount placeholder for the 911 block grant. Mr. Couey stated the amount in was simply a miscommunication as to when the \$15,281 should be reflected in the budget approval process.

Public Comment

Mayor Collins called for public comment.

Gayle Joslin, 219 Fodder St, asked the commission to not consider the Beattie Street trailhead project, as part of the budget amendments. Ms. Joslin posed questions to the Commission regarding the project

John Bowen hollow, 800 2<sup>nd</sup> Street, placed a letter to the City into the permanent record. Mr. Bowen hollow made additional comments regarding the Beattie St. project in support of the project.

Cheri Thornton, 735 South Beattie Street, spoke in opposition to the Beattie Street project.

Nick Sovner, 735 South Beattie Street, spoke in opposition to the Beattie Street project,

Cheri Thornton read a letter by Karen Pelzel, into the record.

Dan Prevel, 55 South Fee Street, spoke in opposition to the resolution to amend the budget, including the Beattie Street Project.

Eric Broston, 100 North Rodney, made comment on Beattie Street Trailhead project

Lynne Boone, 638 1<sup>st</sup> Street, spoke in opposition to the Beattie Street Project.

Monica Rankin, 815 North Harris Street, spoke in opposition to the Beattie Street Project.

Tom Kilner, 621 2<sup>nd</sup> Street, spoke in opposition to the Beattie Street Project.

Jeff Bradley, 1216 8<sup>th</sup> Avenue, spoke in favor of the Beattie Street Project.

Jake Gunther, 1221 Chestnut Street, spoke in favor of the amendments and the Beattie Street project.

Charlotte McCann, 1934 Hauser Boulevard, spoke in opposition to the Beattie Street Project.

Denise Barber, 513 Grand Street, spoke in favor of the Beattie Street Project.

Morgan Smith, 633 Iowa Street, spoke in support of the Beattie Street Project.

Susan Lenard, 708 2<sup>nd</sup> Avenue, spoke in opposition to the Beattie Street Project.

Meg Bishop, 704 State Street, spoke in opposition to the Beattie Street Project.

Eric Grove, 734 South Beattie Street, spoke in favor of the Beattie Street Project.

Brian Coplin, 1610 Hudson Street, spoke to the amendments directly related to the 911 costs.

Michele Webster, 301 Graham, spoke in opposition to the Beattie Street Project.

Gary Rankin, 815 North Harris Street, spoke in opposition to the Beattie Street Project.

Marie Stump, 418 South Beattie Street, spoke in opposition to the Beattie Street Project.

Lindsay Gilstrap, 377 Brookfield Drive, spoke in favor of the budget amendment and the Beattie Street Project.

Gina Satterfield, 1313 Charlie Russell, spoke in opposition to the budget amendments.

Joel Gerhardt, 1719 Golden Street, spoke in favor of the budget amendments, including Beattie Street Project.

Byron Defork, 555 Davis Street, spoke in favor of the Beattie Street Project.

Dan Barry, 401 South Beattie Street, spoke in favor of the Beattie Street Project.

Tyler Lehman, 810 Wolf Road, spoke in favor of the Beattie Street Project.

Tim Chisman, 635 2<sup>nd</sup> Street, spoke in favor of the Beattie Street Project.

#### Discussion

Commissioner O'Loughlin asked Mr. Couey to clarify what has been factored into the proposed amendments specific to Beattie Street.

Mr. Leland stated there was \$200,000 coming out of Open Lands to cover the parking lot and trailhead improvements; \$250,000 would come from the Street Maintenance project would pay for the Street improvements which would include curb, gutter and sidewalks, and also paving of the street on Beattie Street; finally the Street Maintenance would cover traffic calming measures.

Commissioner O'Loughlin thanked staff for their updates on the Budget. The Commissioner stated these amendments were expected particularly on the Beattie Street Project, due to the timing of the funding and to continued public outreach in order to update any numbers required. Commissioner O'Loughlin cited the changes to the project overall due to the public comment received as part of the process since its inception within the HOLMAC meetings. The Commissioner stated this was an important project especially in the interest of accessibility for the ADA community. The Commissioner also stated the fact the amount of the bids came in so far under the projected amount meant there would not be any funds used from the general fund and this was a positive factor to applauded. The Commissioner stated she had taken all of the comments received to heart. After considering all factors, Commissioner O'Loughlin stated this was important project and would be supporting the resolution this evening.

Commissioner Dean asked if the cost of the trailhead improvements was the smallest portion of the budget amendments, and the bulk of the cost would be going to the Street Maintenance. Mr. Leland confirmed this, stating the trailhead in all proposed alternates within the project were the smallest expense, and the street improvements would be the lion share of the cost. The Commissioner stated this was an item she had received the most public commentary on. The Commissioner stated she would like to see some revisions to the budget process for projects similar to this one and of this size and scope going forward. The Commissioner stated the Open Lands were amongst the greatest assets of the Community and in order to offer a thriving future for future generations this project was an important and necessary component. The Commissioner stated support for the project.

Commissioner Haladay stated support for the project and spoke to the timeline of the project. The Commissioner stated the project that had gone through many revisions, and that while the public outreach would never be satisfactory to everyone, Commission makeups over the past several years had made a commitment to the public involvement of the project. The Commissioner stated he felt a genuine effort was made to take into account all sides concerns and wishes, and to find common ground.

Commissioner Logan thanked all those had weighed in on the Beattie Street Project. The Commissioner stated he still maintained some concerns over the cost of the trailhead. Commissioner Logan spoke to the way the adoption of a two-year budget was conducted and how the money was allocated. The Commissioner stated he could not see the Beattie Street Project as a priority given other areas of concern elsewhere in the overall budget.

Mayor Collins spoke about the process the Beattie Street Project had gone through during his time on the Commission. Mayor Collins asked Mr. Leland to speak to the costs of the parking lot alone. Mr. Leland stated the amount for a paved parking lot will be \$134,000. Sidewalk costs would be \$65,000 to \$70,000. Traffic Calming costs would be \$10,000 - \$15,000. Mayor Collins asked Mr. Leland to confirm if the costs

Commissioner O'Loughlin asked for clarification of the amendment.

## Motion

**Commissioner O'Loughlin moved to approve a resolution amending the Fiscal Year 2020 for the City of Helena, Montana by amending resolution no. 20531 to**

**include appropriations for \$949,071, which reflects the reduction to the Beattie Street Project to \$450,000 consisting of \$200,000 from Open Lands funding and \$250,000 from Street Maintenance funding.**

Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows:

Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 4-1. Resolution 20594**

**C. BID AWARD FOR THE BEATTIE STREET TRAILHEAD, CITY PROJECT #17-01**

City Engineer Ryan Leland reported the Beattie Street Trailhead Project will improve the trailhead with a parking area, and other trailhead amenities. In addition to the trailhead improvements, the City Commission decided to include constructing the dirt portion of Beattie Street that includes curb gutter, sidewalks, and traffic calming. City Staff and the City's consultant, WGM, bid the project in 3 different schedules, a base bid, which is the trailhead improvements, additive alternate 1, which is the street construction, and additive alternate 2, which is the paving of the parking area at the trailhead.

The City of Helena received four bids on February 27, 2020 and the lowest responsible bidder for Base Bid, Additive Alternate 1, and Additive Alternate 2 is Helena Sand and Gravel of Helena, Montana with a bid of \$314,697.75. The City Commission will establish the budget for this project.

The project will improve the trailhead at Beattie Street and construct one block of a dirt street to complete street standards.

Staff recommends awarding the Base Bid, Additive Alternate 1, and Additive Alternate 2 of the Beattie Street Trailhead Project, City Project #17-01 to Helena Sand and Gravel in the amount of \$314,697.75.

**Public Comment**

Mayor Collins called for public comment.  
Lynne Boone asked the Commission to consider a cap on the costs on the Beattie Street Project.

**Motion**

**Commissioner Haladay moved to approve Bid Award for the Beattie Street Trailhead, City Project #17-01.** Commissioner Dean seconded the motion. Interim City

Clerk Clayborn called a roll call vote, as follows:  
Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 4-1**

A. CONSIDER AN INTERIM CITY MANAGER  
EMPLOYMENT AGREEMENT WITH MELINDA  
REED.

Staff Report

City Attorney Jodoin reported the City currently needs an interim City Manager while the City engages in recruitment efforts for a permanent full-time City Manager. Staff recommends contracting with Melinda Reed to act as the City's Interim City Manager. The contract would be in effect from March 10, 2020, through November 30, 2020 or the Permanent City Manager's start date, whichever date is sooner. The City will have an interim City Manager during the hiring of a permanent city manager. Staff recommends to approve the hiring of an Interim City Manager Employment Agreement between the City of Helena and if deemed appropriate to agree to a contract with Ms. Melinda Reed.

Discussion

Melinda Reed, 925 Strawberry Drive, introduced herself to the Commission and offered herself as being available for questions for the Commission.

Commissioner Dean expressed concerns over the process and not with the candidate herself. She stated she felt transparency and proper process were not followed in the method of best practices, and such would not be able to support the appointment of Ms. Reed. The Commissioner reiterated the concerns had nothing to do with the candidate herself, and everything to do with the lack of proper process and public engagement.

Commissioner O'Loughlin asked the public to make commentary prior to making statements on this topic

Public Comment

Melanie Hoyer, 1244 Prairie Drive, expressed concerns over transparency within government process.

Carol Bondi, 200 South, spoke to concerns over the process of selecting and hiring a candidate for the Interim City Manager.

County Commissioner Susan Good-Geise, stated for the record she would be speaking for herself alone and not as a representative of the County. A statement by the Commissioner was submitted to the permanent record, asking for greater transparency in the hiring process.

Eric Broston, made public comment.

Gina Satterfield, 1315 Charlie Russell, spoke in opposition to hiring of Ms. Reed as Interim City Manager.

Kirsten Madsen, spoke in favor of the hiring of Ms. Reed.

Kelsen Young, spoke in favor of the hiring of Ms. Reed.

Darin Gaub, 524 8<sup>th</sup> Avenue, spoke in opposition to the process used in selecting the current candidate.

Dennison Rivera, 685 Legend Loop, Apt 112, spoke to concerns over transparency and the lack of the process used over the selection of the candidate.

#### Discussion

Commissioner O'Loughlin spoke to amount of feedback received since January regarding the Interim City Manager position. Commissioner O'Loughlin read aloud from a selection of positive comments received regarding Ms. Reed to the Commission directly and through public comment forums. Commissioner O'Loughlin stated due to the amount of City business that needed to be addressed presently, and in the future, the City was lucky to have someone of Ms. Reed's caliber to consider serving in this capacity.

Commissioner Logan stated it was his belief there was nothing more important the City Commission could be made than the selection of a City Manager and Interim City Manager presently. The Commissioner stated he had genuine concerns over the lack of transparency in the process, and over the lack of public involvement within this process. The Commissioner stated concerns over the lack of involvement of the entire Commission in the decision-making process and did not necessarily have issue with Ms. Reed.

Commissioner Haladay stated he was surprised at the concerns over the lack of Commission involvement, stating he had spoken with Commission members and received general statements of support from Commissioners for Ms. Reed. Commissioner Haladay felt there was a necessity in moving forward with an Interim Manager at this time and would be supporting the agreement this evening.

#### Motion

**Commissioner O'Loughlin moved to approve an Interim City Manager Employment Agreement with Melinda Reed.** Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted nay, Commissioner Logan voted nay,

Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 3-2.**

**Public  
Communications**

PUBLIC COMMUNICATIONS

Brian Coplin made public comment regarding poverty in the community.

**Adjournment**

There being no further business to come before the City Commission, the meeting adjourned at 9:09 p.m.

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MAYOR

ATTEST:

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CLERK OF THE CITY COMMISSION

**Any public commentary submitted after the meeting materials have been posted publicly (including at the meeting) will be placed in the permanent record by the Clerk of the Commission. This commentary will be made available for review upon request.**