

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 22, 2021 – 6:00 P.M.
Zoom Online Meeting <https://zoom.us/j/97146008212>

- Time & Place** A regular City Commission meeting was held on Monday, February 22, 2021 at 6:00 p.m. via Zoom Online Meeting ID:
<https://zoom.us/j/97146008212>
- Members Present** **(11:22)** Mayor Collins requested City Clerk Clayborn call roll call: City Attorney Jodoin, City Manager Harlow-Schalk, Commissioner Dean, Commissioner O’Loughlin and Mayor Collins all responded present. All participated remotely via Zoom. Commissioner Logan joined the meeting after roll call. Commissioner Haladay has been excused from this meeting.
- Pledge of Allegiance** **(13:18)** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** **(13:43)** MINUTES
- A. Regular Commission meeting – January 25, 2020
- Minutes were approved as submitted.
- Presentations** PRESENTATIONS **(14:00)**
- A. Larry Kurokawa is retiring after 30 years of public service as the City of Helena’s Golf Course Superintendent.
- Consent Agenda** CONSENT AGENDA **(22:18)**
- A. CLAIMS
- City Manager Harlow-Schalk presented the claims.
- Discussion **(22:52)** There was no discussion or comments from the Commission.
- Public Comment **(22:57)** The Mayor asked for public comments. There were no public comments given.
- Motion** **(23:02)** **Commissioner Dean moved to approve Consent Agenda item A Claims. Commissioner Logan seconded the motion.** Commissioner Logan seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O’Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. (23:35)**
- Communications from City Commissioners** COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS **(23:39)**
- No comments or proposals were received from the Commission.
- Report of the City Attorney (23:53)**
- City Attorney Jodoin had no report.

Report of the City Manager (24:06)

City Manager Harlow-Schalk pointed out that Consent Agenda Item B had not been addressed. She recommended that item be moved down into the agenda so that the report may be discussed. The Commission acknowledged moving it down further on the agenda.

(26:38) City Manager Harlow-Schalk introduced the new Human Resource Director Renee McMahaon.

(28:14) City Manager Harlow-Schalk gave a report regarding a loan to Artisan LLP Mortgage that was entered into with the city on May 9, 2005, where the city altered the loan that was originally entered into in 1997. The payments on that loan had been deferred since 2005 and payments began on April 1, 2020, however, since that time no payments had been made. Discussion with Artisan and the city are active regarding payment and payment options of the loan.

It is requested that the Commission make a motion or direction to continue the current loan or combine several of the seven options proposed.

Discussion

(33:26) Commissioner Dean had follow-up comments. Commissioner Logan had follow-up questions. Commissioner O'Loughlin had follow-up comments. Mayor Collins had follow-up comments. The commission approved City Manager Harlow-Schalk to move forward with discussion and payment options with Artisan LLP Mortgage.

A. **(38:47)** Update on fire service and study information.

Fire Chief Ken Wood reported in 2006, the City of Helena hired Emergency Services Consulting Inc. to review the City's fire service. Based on this review, in 2007, the City established the Fire Protective Services Review Committee. Both recognized the importance of meeting National Fire Protection Agency (NFPA) 1710 response times and recommended adding a third Fire Station on the north end of the city by 2012/013. To date, this station has not been added.

The Fire Chief will provide a presentation on the impact of not having the third fire station including increased 911 calls for service, emergency response times, overlapping calls, and responder delay or even lack of response. A third Fire Station is necessary, has been so for a long time and even historically been approved, but not implemented. Until there is a new station, the City is risking a devastating impact in Helena.

Proposal/Objective:

It is recommended that the Commission include in its Strategic Outcomes a priority to improve Fire and EMS service in Helena to include: forming a stakeholder task force to review the 2006 and 2008 studies, seek current information from staff including urban/wildland interface service as well as inter-local agreements, identify current needs, recommend improvements and offer funding options to include the establishment of a third Fire Station on the north end of the city. Anticipated members of this task force to be requested include:

- Helena Citizens Council
- Federal and State government

- Rural Fire and Lewis and Clark County
- St. Peters Health
- Helena College
- Firefighter's Union
- Fort Harrison and the VA Hospital
- Helena Regional Airport
- Helena School system
- Lewis and Clark County
- East Helena

Additionally, the cascading effect of future development outside City borders which may be incorporated in the City should be evaluated by the City's joint City/County Planning Committee. The Committee should be asked to recommend to the City and the County how emergency services outside of city borders will be accommodated in the future knowing that many County households may seek or be required to seek incorporation in the City.

It is recommended that the Commission incorporate into its Strategic Outcomes a priority to improve Fire and EMS service in Helena to include: forming a stakeholder task force to review the 2006 and 2008 studies, seek current information from staff including urban/wildland interface service as well as inter-local agreements, identify current needs, recommend improvements and offer funding options to include the establishment of a third Fire Station on the north end of the city. Additionally, it is recommended that the Commission make a motion which requests the City's joint City/County Planning Committee recommend to the City and the County how emergency services outside of city borders will be accommodated in the future knowing that many County households may seek or be required to seek incorporation in the City.

Discussion

(59:45) Commissioner O'Loughlin had follow-up questions. Commissioner Dean had follow-up questions. Commissioner Logan had follow-up questions. The Commission felt comfortable in future discussion on this topic.

Report from HCC

COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL
(1:23:23)

HCC Chairperson Denise Roth Barber gave a report.

Regular Items

REGULAR ITEMS **(1:25:38)**

- A. CONSIDER A RESOLUTION ESTABLISHING A POLICY THAT ALL DEPARTMENT DIRECTOR-LEVEL EMPLOYEES SHOULD BE RESIDENTS OF THE CITY OF HELENA WHILE EMPLOYED BY THE CITY OF HELENA **(1:25:50)**

Staff Report

City Manager Harlow-Schalk gave a report. On November 19, 2018, the Helena City Commission adopted a resolution that all City of Helena Directors live within the City limits. While the Commission can exercise any power not prohibited by the Montana Constitution, state law, or the charter itself, the Commission's adoption of the resolution did not foresee the impact of a global pandemic and the cascading impact on the availability of housing in the community.

As discussed with many Commission members, it is of great importance to them that leaders of the organization receive the services they manage. It is well understood that no matter where you live in the greater Lewis and Clark valley as well as in neighboring communities, Helena is the destination for primary services. That is, even if a Director were to live outside of City limits, they must come to Helena for many of conveniences which include shopping, recreating, medical appointments and other services. Indeed, these leaders are often working more than 40 hours a week, in city facilities, and spending less time with their families at home where they live in City.

With the pandemic, the impact on operations of this requirement became heightened. The city may lose key leadership positions due to an inability to find housing that meets their family needs. Additionally, leaders already in the team may be lost because the pandemic has only made worse the confined area in which the growing family has to shared. That is, even current Directors in the city that need more space for their family cannot find it.

Most members of the leadership team fit within caveats offered in the resolution and as a result, a minority of leaders in crucial positions and their families are being impacted. Bozeman, Billings, Great Falls, Butte-Silver Bow and Kalispell do not require the Directors live within their corresponding city (Butte-Silver bow does have a county residency requirement which can be waived). Only the City of Missoula requires its Directors live within city limits.

The City's borders often do not stop services the City provides. Most citizens in the area surrounding the City must come to Helena for services like groceries and medical services. Also, many developments outside city limits receive water and sewer services which are only anticipated to grow in the future.

The pandemic and low construction of housing in Helena have made it difficult for Directors to find a home and as a result, the City may lose key leaders at a time when stability is long over-due in the organization. Staff is not recommending sweeping changes to the resolution. Instead, in the two places where the work "shall" exists, the word be revised to "should". This ensures leaders of the organization are clear on the expectations of the Commission and yet, does not limit the City's ability to attract and retain talented leaders.

The City reduces its potential to lose talented leaders to the City organization by ensuring the flexibility of housing options during difficult housing times. When the restriction was first adopted, the advantage noted was that Directors would be more in tune with the services they deliver. In the three years since adoption of the resolution, there is no evidence that services are better or worse because of residency requirements or even more informed.

In fact, many among the City's leadership team met the caveats and do not live in the City; yet, their service delivery has not seen a decrease or improvement that can be correlated to their residency. Residency is not proven to improve service delivery. Focus, talented leadership improves service delivery. The residency requirement has had an even greater impact negatively onto their morale during the pandemic as the burden of space onto the family unit is far greater.

Staff recommended the approval of a resolution establishing a policy that all department director-level employees should be residents of the City of Helena while employed by the City of Helena.

- Discussion **(1:30:31)** Commissioner Logan had follow-up questions. Commissioner O'Loughlin had follow-up questions and discussion. Commissioner Dean had follow-up questions.
- Public Comment **(1:50:40)** The Mayor asked for public comments. There were no public comments given.
- Discussion **(1:51:02)** City Manager Harlow-Schalk had further discussion. Commissioner O'Loughlin had follow-up discussion. Commissioner Dean had follow-up discussion. Mayor Collins had follow-up discussion. Commissioner Logan had follow-up discussion.

Motion

(1:57:01) Commissioner O'Loughlin moved to table the resolution establishing a policy that all department director-level employees should be residents of the City of Helena while employed by the City of Helena until the next Commission Meeting. No second was given.

(1:58:03) Commissioner Dean Commissioner moved to repeal policy 20500 and accepting the resolution establishing a policy that all department director-level employees should be residents of the City of Helena while employed by the City of Helena and that this policy should be reviewed in the next 12-months. Commissioner Logan seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted nay and Mayor Collins voted aye. **The motion carried, 3-1. (1:59:47)**

- B. CONSIDER A BUDGET ADJUSTMENT TO TRANSFER APPROPRIATION AUTHORITY FROM THE CONTINGENCY ACCOUNT IN THE GENERAL FUND TO THE FACILITIES FUND (212). **(2:00:15)**

Staff Report

Director Sheila Danielson and Budget Analyst Chris Couey gave a report. On October 13, 2020 the Commission instructed staff to identify a place within the budget to cover the cost of repairs needed at the Grandstreet Theatre. The amount was estimated to be around \$25,000. After completing some of the work and receiving firm estimates on the remaining work the total amount for this project will be \$25,575.00. Staff has identified the Contingency Account within the General Fund as the first and most viable option to reallocate this amount of spending. Section 5, parts A and B of Resolution 20609 grant the City Manager authority to transfer this budget authority to "budgets within the General Fund or other City funds" so long as the City Manager advises the Commission and the Public of the intent to do so at a Commission meeting or public work session. Notice of intent is hereby given and staff requests to hear any objections to the budget adjustment from the Commission and the Public.

The Facilities Fund will not be liable for the cost of repairs approved by the Commission as the fund has not collected adequate revenue from the lease agreement to cover such a repair from its reserve.

This accounts for nearly half of the annual budget for the Contingency Account.

- Discussion **(2:03:34)** There was no comments or questions from the commission.

Public Comment

(2:03:44) The Mayor asked for public comments. There were no public comments given.

C **CONSIDER A RESOLUTION ESTABLISHING SOLID WASTE REDUCTION GOALS AND A METHOD TO ACHIEVE THOSE GOALS FOR THE CITY OF HELENA. (2:04:58)**

Staff Report

Sustainability Coordinator Patrick Judge and Citizen Conservation Board Ann Brodsky reported on the City of Helena's 2009 Climate Action Plan recommended that the City achieve a 2020 solid waste diversion rate of 35%, which is currently the national average. Through recycling and composting, the diversion rate at the Transfer Station has increased from approximately 14% to approximately 20%. On June 29, 2020, the City Commission adopted a new Growth Policy including provisions consistent with Montana's Integrated Waste Management Act (IWMA). The Montana IWMA and the Helena Growth Policy both call for increased diversion of solid waste through the commonly recognized waste hierarchy principles of "reduce, reuse, recycle, and compost" before landfilling.

The proposed resolution, developed by the Citizen Conservation Board in consultation with the Sustainability Coordinator and the Public Works Department, would set a new goal of 50% diversion by 2040 and an interim goal of 35% by 2030. The resolution clarifies that these waste reduction goals are not intended to be final goals for the City. The City Commission is asked to revisit these goals every 5 years, starting in 2027. The resolution further calls for the development of a Strategic Plan for Waste Reduction.

Adoption of this resolution would reaffirm Helena's commitment to diversion as the preferred solid waste management option, and establish clear targets for meaningful reductions in landfill percentages. Achieving those goals would help conserve natural resources and reduce greenhouse gas emissions. The proposed Strategic Plan for Waste Reduction would provide specific strategies for achieving those goals.

According to the United States Environmental Protection Agency, 42% of all U.S. greenhouse gas emissions are associated with the management of materials (including food) as they flow through the economy, from extraction or harvest, production and transport, provision of services, reuse, and disposal. Unlike many greenhouse gas mitigation options, waste management is largely determined at the local level. Reusing and recycling materials saves considerable energy (e.g. recycling aluminum uses approximately 90% less energy than smelting new aluminum from bauxite ore) and generally conserves natural resources. The development of a Strategic Plan for Waste Reduction would require funding. The Citizen Conservation Board has requested that \$60,000 be included in the FY2022 budget for the purpose of hiring a consultant to prepare the plan.

Staff recommends approval of a resolution establishing solid waste reduction goals and a method to achieve those goals for the City of Helena.

Discussion

(2:11:23) Commissioner Dean had follow-up discussion and questions. Commissioner O'Loughlin had follow-up discussion and questions. Commissioner Logan had follow-up discussion and questions.

Public Comment **(2:33:41)** The Mayor asked if there was anyone wishing to make public comment on this item.

Eric Griffin gave public comment. Denise Barbara gave public comment. Pete Anderson gave public comment. Mark Juedeman gave public comment. Chelsea Paschall provided written comments.

Discussion **(2:46:18)** Commissioner Dean had follow-up discussion and questions.

Amended Motion **(2:48:45)** **Commissioner Dean moved to adopt a Resolution establishing solid waste reduction goals and amending section 2 to 50% diversion by 2030 and 75% diversion by 2040 and a method to achieve those goals for the City of Helena.** Commissioner O'Loughlin seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye and Mayor Collins voted nay. **The motion stands, 2-2. (2:51:16)**

Amended Motion **(2:51:26)** **Commissioner O'Loughlin moved the current Resolution as it stands to adopt a Resolution establishing solid waste reduction goals and a method to achieve those goals for the City of Helena as proposed in the resolution.** Commissioner Dean seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carries, 3-1. (2:52:05)**

Public Hearings PUBLIC HEARINGS **(2:52:22)**

A. CONSIDER AN ORDINANCE AMENDING THE CITY'S REGULATIONS CONCERNING THE PARKING OF VEHICLES, TRAILERS, RECREATIONAL VEHICLES, AND BOATS ON CITY STREETS DURING WINTER BY AMENDING TITLE 7, PUBLIC WAYS AND PROPERTY, CHAPTER 8 SNOW AND ICE, OF THE HELENA CITY CODE. **(2:52:47)**

Staff Report
Transportation Systems Director David Knoepke reported the current City Code does not reflect changes to snow route along 6th Avenue or means to issuing a permit to construction trailers and other minor revisions necessary to implement the code based on current needs in the community.

Approve the revised ordinance to accurately describe the snow route along 6th Avenue, allow the City Manager to permit construction trailers along roadways between November 1 and April 15th and other minor wording revisions.

Staff recommended approval of final passage of an ordinance amending the city's regulations concerning the parking of vehicles, trailers, recreational vehicles, and boats on city streets during winter by amending Title 7, Public Ways and Property, Chapter 8 Snow and Ice, of the Helena City Code.

Discussion **(2:53:57)** There was no discussion or questions from the Commission.

Public Comment **(2:54:11)** The Mayor asked for public comments. There were no public comments given.

Motion

(2:54:40) Commissioner Logan moved to final passage of an ordinance amending the city's regulations concerning the parking of vehicles, trailers, recreational vehicles, and boats on city streets during winter by amending Title 7, Public Ways and Property, Chapter 8 Snow and Ice, of the Helena City Code. Commissioner Dean seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. (2:55:36)**

B. ADOPTING FY2022 BUDGET STRATEGIC OUTCOMES AND PRIORITIES. (2:55:40)

Staff Report

City Manager Harlow-Schalk gave a report and wanted reflected in the minutes the Be Heard Helena Strategic Plan and information received to date. This is a new platform in the City. City Manager Harlow Schalk is recommending Adopting FY2022 Budget Strategic Outcomes and Priorities. *(This item was moved down on the agenda from the City Manager's Report so that further discussion could be had).*

Discussion

(3:02:35) Commissioner Dean had follow-up questions and discussion. Commissioner Logan had follow-up questions and discussion.

Public Comment

(3:05:43) The Mayor asked for public comments. There were no public comments given.

Motion

(3:06:25) Commissioner O'Loughlin moved to adopt the strategic outcomes and priorities for FY2022 to budget based upon and input from the community as summarized within the real-time results of the Be Heard Helena report. Commissioner Dean seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. (3:07:03)**

Public Communications

PUBLIC COMMUNICATIONS (3:07:10)

Mayor Collins asked if there was anyone wishing to address the Commission on any matter.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 9:07 p.m.

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DANNAI CLAYBORN

CLERK OF THE CITY COMMISSION