

CITY OF HELENA
City Commission Meeting
May 17, 2021 - 6:00 PM
City-County Building, Room 330
Zoom Online Meeting: <https://zoom.us/j/99232891124>

Time & Place

A regular City Commission meeting was held on Monday, May 17, 2021 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/99232891124>, as well as, the City Commission Chambers at 316 N. Park Ave, Helena 59623.

Call to Order and Roll Call

(00:10) Mayor Collins requested City Clerk Clayborn call roll call: City Attorney Jodoin, City Manager Harlow-Schalk, Commissioner Haladay, Commissioner Dean, Commissioner Logan, and Mayor Collins all responded present. All participated in-person. Commissioner O'Loughlin was not in attendance.

Pledge of Allegiance

(00:32) Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

Proclamations

A. **(01:13)** Don't Fry Day Proclamation read by Mayor Collins.

(03:30) Karrie Fairbrother addressed the commission and spoke briefly about the importance of skin cancer awareness.

Consent Agenda

(06:01)

A. Claims

B. Resolution requesting a mail ballot election for the City's 2021 Primary and General Elections

C. Appointment of Stefani Reinhardt as Deputy City Clerk

(07:09) Deputy Clerk, Stefani Reinhardt addressed and introduced herself to the commission.

(08:00) Commissioner Dean and Commissioner Logan welcomed Ms. Reinhardt to her new position.

D. Consider a resolution distributing Downtown Urban Renewal District Tax Increment Financing funds to Consistory Shrine Temple Association for a feasibility study at 15 North Jackson Street.

E. Consider a resolution distributing Downtown Urban Renewal District Tax Increment Financing funds to Dowling Architects, PC for the construction of sidewalk amenities at 734 North Last Chance Gulch.

F. Consider a resolution distributing Downtown Urban Renewal District Tax Increment Financing funds to Seeley Building, LLC for the construction of sidewalks and pathway amenities at 630 North Last Chance Gulch.

(08:30) Relating to the Downtown TIF minutes that accompanied Consent Agenda items D through F, Commissioner Haladay asked city staff if the Placer Building's TIF application was scheduled to come before the commission at a later date. City Manager Harlow-Schalk confirmed that was correct.

(09:36) No public comments.

(10:40) Commissioner Logan made a motion to accept consent agenda items A through F. Commissioner Dean seconded the motion. The motion carried 4:0.

Communication/Proposals from Commissioners

(11:55) Commissioner Haladay informed the rest of the commission of a concern brought to him the previous week regarding the policing discussion panels and that public comment was not being taken during those meetings. Discussion was had amongst the city commission and city staff to whether public comment had been taken and if that was the consensus moving forward.

Report of the City Attorney

(14:23) City Attorney Jodoin had nothing to report to the commission.

Report of the City Manager

(14:30) City Manager Harlow-Schalk informed the commission of a string of vandalisms that occurred over the weekend including spray painting of vehicles, the Helena Cathedral, two businesses, as well as other incidences on Mount Helena and the Beattie Street trailheads.

Communications from the Helena Citizens Council

(15:40) HCC representative, Nancy Perry gave a report.

There were no public comments.

Regular Items

- A. Consider first passage of an Ordinance adopting by reference the State adopted 2018 editions of the International Energy Conservation Code (IECC) by amending and adopting a revised Chapter 2 of Title 3, Helena City Code and set a public hearing date for June 21, 2021.

(17:28) Chief Building Official, Kim Mack presented on Regular Item A.

(22:14) Commissioner Dean recalled previous discussions around other code adoptions prior to IECC and how at the time, Chief Building Official Mack stated she did not know what the State's public input process would entail. Commissioner Dean asked Ms. Mack if she had new information regarding this subject. Chief Building Official Mack explained they held several virtual meetings around the State of Montana, they put out public notice to stakeholders, and public comments were gathered for the Building Codes Council for review. In conclusion, amendments were considered followed by a vote from said council.

(23:20) Commissioner Haladay questioned if the City of Helena had considered adopting the R-A Appendix and whether city staff knew if other municipalities were doing the same. Chief Building Official Mack explained the Building Codes Council adopted the appendix on the state level in order for certified jurisdictions to be able to use it, but left it as an option for local jurisdictions to enforce it or not. She confirmed she did reach out to several other municipalities including Billings, Bozeman, Laurel, Missoula, and Kalispell. None of which had adopted Appendix R-A, but the general consensus was if someone did want to use it, then it could be used as a guidance for that type of installation.

(25:05) Mark Juedeman residing at 1801 E. Broadway Street addressed the commission and spoke in favor of adopting the 2018 Energy Code.

(25:54) There were no other public comments.

(26:00) Commissioner Dean moved to approve first passage of an ordinance adopting by reference the State adopted 2018 editions of the International Energy Conservation Code (IECC) by amending and adopting a revised Chapter 2 of Title 3, Helena City Code and set a public hearing date for June 21, 2021. Commissioner Logan seconded the motion. The motion carried 4-0.

- B. Consider a Resolution of Intention to vacate the full width of the alley adjacent to Lots 11, 12 and 13 in Block 36 of the Flower Garden Addition to the City of Helena, Montana. In exchange for a city easement located on lot 14A.

(27:05) Public Works Director, Ryan Leland presented on Regular Item B.

(30:27) Commissioner Logan asked if Director Leland had received any comments regarding public safety related to access. Director Leland confirmed he had not and explained the property was undeveloped and currently can not be driven on because it is located on the embankment.

(31:00) There were no public comments.

(31:09) Commissioner Logan moved to approve a Resolution of Intention to vacate the full width of the alley adjacent to Lots 11, 12 and 13 in Block 36 of the Flower Garden Addition to the City of Helena, Montana in exchange for a City easement located on Lot 14A. Commissioner Dean seconded the motion. The motion carried 4:0.

Public Hearings

- A. Consider a Resolution to vacate Powderhorn Court located off Alpine View Drive within Aspen Park at Mountain View Meadows, all in the City of Helena, Montana.

(32:09) Public Works Director, Ryan Leland presented on Public Hearings Item A.

(35:12) Commissioner Dean recalled during previous discussions that the neighbors were in support of this change and asked Director Leland if this was correct. Director Leland confirmed this was correct and explained the majority of the surrounding properties were either owned by the developer or the City of Helena. However, all other property owners in the area indicated they were fine with this change.

(35:57) There were no public comments.

(36:06) Commissioner Haladay moved to conditionally approve the resolution to vacate the right-of-way between Lots 1 and 2 in Block 8 of Aspen Park at Mountain View Meadow, known as Powderhorn Court. The right-of-way will be divided as represented in the attachment with 75% of the right-of-way going to the applicant and 25% to City Park Property and waiver of the transfer fee of \$43,691.52, with the condition of creating an easement for the existing 18" sewer main currently located in the right-of-way. Commissioner Dean seconded the motion. The motion carried 4:0.

- B. Consider a Resolution to Create Special Improvement Lighting District No. 399 in the City of Helena, Montana.

(37:00) Finance Director, Sheila Danielson presented on Public Hearings Item B.

(41:14) Discussion was had between Commissioner Dean and Director Danielson regarding what the process would be if a neighbor wanted to have a streetlight removed.

(42:16) Commissioner Haladay asked Director Danielson if she knew of any other situations such as this within the City of Helena where a group of homeowners have been forced to take on a lighting district that a developer built and then required the homeowners to pay for. Director Danielson stated she did not know of any others like it.

(43:00) Commissioner Logan asked Director Danielson if she had received any comments regarding how individuals in a condo association are assessed and if they were perhaps not benefiting from the streetlights. Director Danielson explained they did receive comments related to the lights continually going out and then not being replaced in a timely manner as well as single mothers on a fixed income indicating the cost would create a hardship. However, there were no comments that directly indicated that they were not benefiting from the lights at all.

(44:05) Commissioner Dean asked Director Danielson who had been paying for the lights over the last fifteen (15) years. Director Danielson confirmed that Northwestern Energy had been paying for the lights and explained they would not be passing off the costs to the property owners at this time rather they are calculating the costs as they currently exist to pass off to the property owners in the future. Should the resolution pass, then it will go as part of the City's annual assessments to the Montana Department of Revenue and the costs will be added to the property owners taxes for year 2021 and billed in fiscal year 2022.

(44:56) City Manager Harlow-Schalk made a point of clarification stating there were no condominiums within the area being assessed rather they were all single-family dwellings.

(45:12) There were no public comments.

(46:15) Commissioner Logan moved to approve a resolution to create Special Improvement Lighting District No. 399 in the City of Helena, Montana. Commissioner Dean seconded the motion. The motion failed 0:4.

Presentations

Helena Business Improvement District Work Plan FY2022

- B. (49:30)** Executive Director of the Helena Business Improvement District, Micky Zurcher presented Item B to the commission.

(51:49) Commissioner Dean and Director Zurcher discussed the scope of what the term “street beautifications” entailed.

(52:35) Commissioner Dean asked where a member of the public could get one of the maps and Director Zurcher explained they were available at the Helena BID’s office located at 330 Jackson Street, the City-County Building, the Chamber of Commerce, several local businesses downtown, the Helena Tourism Alliance, as well as the Helena Airport.

(53:20) There were no public comments.

- A.** Helena Tourism Business Improvement District Work Plan & Budget Presentation

(53:30) Executive Director of the Helena Tourism Business Improvement District, Andrea Opitz presented Item A to the commission.

(57:20) Discussion was had between Commissioner Dean and Director Opitz regarding what efforts were being taken to promote Helena as the half-way point between Yellowstone National Park and Glacier National Park as well as which park affiliated groups had been contacted so far.

(01:00:12) Commissioner Dean asked Director Opitz to expand on the TBID training as well as how businesses can find out about it. Director Opitz explained the training program is generally offered once a year either in the Spring or the Fall, and current outreach for the program consists of word of mouth and notices are printed in their newsletter. Director Opitz went on to outline the training as well as outreach efforts in more depth.

(01:03:29) There were no public comments.

- C.** DRAFT Preliminary FY2022 Budget Work Session 2

(01:03:53) City Manager Harlow-Schalk presented Item C to the commission.

Parks & Recreation Department

(01:24:54) Parks and Recreation Director, Kristi Ponozzo presented her Department’s Preliminary FY2022 Budget to the commission.

(01:34:54) Commissioner Dean asked Director Ponozzo if the funding for the Regional Parks District (also referred to as the Regional Community Amenities District) was already budgeted for FY22 and if not, did she anticipate they would need to expend additional dollars to cover those efforts or did the Department intend to find the funding somewhere else within their FY22 budget. Director Ponozzo explained they did increase their contracted services line item by \$8,000 within their general Parks and Recreation budget to pay for consulting work to get started on that.

(01:35:40) Commissioner Dean asked Director Ponozzo about the deferred capital improvement project for the Helena Civic Center and whether her Department intended to come back with that once the development of the business plan had concluded. Director Ponozzo explained they were updating their projected revenues for FY22 and they believe they will be able to make up some of those costs in order to complete

some of the maintenance items. However, some of the capital improvement items may still need to be deferred.

(01:36:26) Commissioner Haladay recalled the last time the city tried to create a Regional Parks District and how their community partners such as Lewis and Clark County were not on board at the time, and it essentially ended the project. Commissioner Haladay asked Director Ponozzo what steps were being taken to ensure the funding being spent on consulting and other efforts for a Regional Parks District would not go to waste like last time. Director Ponozzo explained they intended to begin with an internal feasibility study to determine whether or not they should bring on a consultant and what they would be bringing them on for. Director Ponozzo acknowledged conversations needed to happen with the City-County Parks board to ensure that before they began spending time and money, that they were moving toward specific phases and/or milestones. Commissioner Haladay recommended they determine what the district will cost first and then building backwards from that, determine how that figure changes should our partners such as Jefferson or Lewis and Clark County withdraw from the project.

(01:39:10) Discussion was had between Commissioner Haladay and city staff regarding the parameters of the initial loan taken out for the Bill Robert's Golf Course to construct the club house, and whether it was now the recommendation to the commission to absorb \$250,000 in golf year over year through the general fund based on the Parks and Recreation Department's presentation.

(01:45:39) Commissioner Dean questioned if city staff intended to bring the proposed outline for contracted services of the Regional Parks District to the City-County Parks Board before plans commence and what that process would look like. Director Ponozzo confirmed the city has started those conversations within the City-County Parks Board and intend to have more specific conversations moving forward.

Transportation Systems Department

(01:47:05) Transportation Systems Director, David Knoepke presented his Department's Preliminary FY2022 Budget to the commission.

(02:01:34) Discussion was had between City Manager Harlow-Schalk, Director Knoepke, and the commission regarding long-term debt transfers and internal transfers.

(02:07:07) Commissioner Haladay questioned Director Knoepke about funding set aside for slip, trip and fall hazards and if they were being proposed for revision citing the initial Preliminary Budget binder showed a larger figure. Director Knoepke confirmed that was correct and outlined the specific reasons for this change.

(02:08:19) Commissioner Haladay asked if the Safe Routes to School program was also a new revision and Director Knoepke confirmed it was. Discussion was had regarding how much of that funding would be allocated for a consulting study and what that process could look like.

(02:12:25) Commissioner Haladay asked Director Knoepke if Knight Street was budgeted for FY2022 in any capacity. Director Knoepke confirmed the design was included, however the construction funding was be anticipated through COVID savings and potentially some of the ARPA funding. Director Knoepke also informed the commission that his department intended to bring forward an information only presentation regarding the Montana Department of Transportation's Transportation Alternatives (TA) grants as a potential alternative means of funding. Discussion was had regarding the potential debt servicing costs year over year for a project such as Knight Street.

(02:14:30) Regarding the Non-Motorized Travel Advisory Council (NMTAC), Commissioner Haladay listed three recommended areas for review they had at their last meeting:

1. Helena Ave, specifically the 5-point intersection study
2. The crossing at Ewing and 12th Ave
3. Centennial Trail

(02:14:50) Discussion was had between Commissioner Haladay and Director Knoepke regarding the process and cost if the commission wanted to get the ball rolling on any of those non-motorized projects.

(02:21:34) City Manager Harlow-Schalk informed the commission that there are additional federal funds that have become available separate from the ARPA funds. As such, the city is not only targeting existing projects, but also looking to prioritize them as discussions advance.

(02:22:47) Discussion was had between Commissioner Dean and Director Knoepke regarding funding listed for snow removal within the general fund and if it was meant to cover existing snow removal practices or if it was also meant to target some of the snow removal issues that have arisen in recent years.

(02:24:05) Discussion was had where Commissioner Dean asked Director Knoepke to expand on the 11th Avenue mill overlay project and what part of 11th Avenue would be impacted.

(02:26:27) City Manager Harlow-Schalk offered a brief summary of the Helena Citizen's Council outreach results and commission strategic plan outcomes.

Public Communications

(02:27:16) There were no public comments.

Meetings of Interest

(02:27:30) Discussion was had between the Commission and City Manager Harlow-Schalk on what the commission could expect moving forward with the budget discussions.

Adjournment

(02:32:15) There being no further business to come before the City Commission, the meeting adjourned at 8:32 p.m.

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DANNAI CLAYBORN

CLERK OF THE CITY COMMISSION