



**City of Helena
City Commission Meeting
August 12, 2024 – 6:00 PM
Zoom Online Meeting; <https://us06web.zoom.us/j/89382079922>
City County Building Commission Chambers, Room 330**

Time & Place

A regular City Commission meeting was held on Monday, August 12, 2024 at 6:00 p.m. via Zoom Online Meeting ID: <https://us06web.zoom.us/j/89382079922> and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:00:00) The following responded present, either via zoom or in person:

City Attorney Dockter
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

Pledge of Allegiance

(00:00:57) Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

Minutes

- A. 7-24-24 Admin Meeting
- B. 7-29-24 Commission Meeting

(00:01:35) **There being no comments or questions from the Commission, Mayor Collins accepted Minutes A and B.**

Presentations

A. Arborist Outstanding Service Awards

(00:02:08) Parks, Recreation, and Open Lands Director Smith and Mayor Collins presented Outstanding Service Awards.



(00:04:30) Commissioner Dean thanked the Arborist team.

B. FY24 Budget Carryovers to FY25

(00:05:20) Finance Director Danielson presented Item B.

(00:07:30) Commissioner Reed asked Director Danielson about the comparison versus typical years.

(00:08:44) **Commissioner Logan made a motion to accept the City Manager's recommendation for FY24 to FY25 budget carryover appropriations. Commissioner Shirliff seconded the motion.**

(00:08:58) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Board Appointments

A. Board Appointments: HCC District 5

(00:09:33) Mayor Collins presented Item A.

(00:09:53) **Commissioner Dean made a motion to approve Board Appointments. Commissioner Shirliff seconded the motion.**

(00:10:05) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Consent Agenda



A. Consider granting a non-exclusive 10 ft wide utility easement across City owned property known as the Centennial Trail to Montana Internet Corporation to install underground fiber optic infrastructure

(00:10:40) Commissioner Dean made a motion to approve Consent Agenda Items A. Commissioner Shirliff seconded the motion.

(00:10:50) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Communications/Proposals from Commissioners

(00:11:05) There were no communications or proposals from Commissioners.

Report of the City Attorney

(00:11:09) City Attorney Dockter had nothing to report.

Report of the City Manager

(00:11:14) City Manager Burton had nothing to report.

Communications from the Helena Citizens Council

(00:11:30) HCC Representative Sydney Ausen discussed recent and upcoming meeting agenda items.

Regular Items

A. Consider a Resolution of Intention to specify the assessment option for the collection and disposal of residential garbage and refuse for fiscal year 2025 and levy and assess all properties receiving residential solid waste collection

(00:12:50) Director Danielson presented Item A.



- (00:13:20) Commissioner Logan asked Director Danielson about rate increase justification.
- (00:14:35) Commissioner Dean and Director Danielson discussed the process for assessment and rate approval.
- (00:17:05) **Commissioner Reed made a motion to approve Resolution of Intention to specify the assessment option for the collection and disposal of residential garbage and refuse for Fiscal Year 2025 and levy and assess all properties receiving residential solid waste collection and set a public hearing for August 26, 2024. Commissioner Shirliff seconded the motion.**
- (00:17:28) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

B. Consider A Resolution of Intention to Levy and Assess Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax year 2024

- (00:18:03) **Commissioner Dean made a motion to approve a Resolution of Intention to Levy and Assess Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax Year 2024 and to set a public hearing for August 26, 2024. Commissioner Reed seconded the motion.**
- (00:18:30) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.



C. Consider a Resolution of Intention to Levy and Assess properties to recover the cost of reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2024

(00:19:02) Commissioner Shirliff made a motion to approve a Resolution of Intention to Levy and Assess properties to recover the cost of reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2024, and to set a public hearing date for August 26, 2024. Commissioner Logan seconded the motion.

(00:19:22) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

D. Consider a Resolution of Intention to specify the assessment option for the Landfill Monitoring and Maintenance District for Fiscal Year 2025 and levy and assess all property within the District

(00:19:54) Commissioner Reed made a motion to approve a Resolution of Intention to specify the assessment option for the Landfill Monitoring and Maintenance District for Fiscal Year 2025 and levy and assess all property within the District, and to set a public hearing date for August 26, 2024. Commissioner Dean seconded the motion.

(00:20:16) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.



E. Consider a Resolution of Intention to specify the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2025, and to levy and assess all property within the District

(00:20:44) Commissioner Shirliff made a motion to approve a Resolution of Intention to specify the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2025, levying an assessment all property within the District, and to set a public hearing for August 26, 2024. Commissioner Dean seconded the motion.

(00:21:10) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

F. Consider a Resolution of Intention to levy and assess properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way for Tax Year 2024, and to set a public hearing date

(00:21:40) Commissioner Dean made a motion to approve a Resolution of Intention to levy and assess properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way, and to set a public hearing date for August 26, 2024. Commissioner Logan seconded the motion.

(00:22:00) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.



G. Consider a Resolution of Intention to specify the assessment option for the Stormwater Utility Service Area for Fiscal Year 2025 and levy and assess all property within the service

(00:22:31) Commissioner Shirliff made a motion to approve a Resolution of Intention to specify the assessment option for the Stormwater Utility Service Area for Fiscal Year 2025 and levy and assess all property within the service, and to set a public hearing date for August 26, 2024. Commissioner Dean seconded the motion.

(00:22:53) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

H. Consider a Resolution of Intention to levy assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for Tax Year 2024

(00:23:23) Commissioner Shirliff made a motion to approve a Resolution of Intention to levy assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for Tax Year 2024 and to set a public hearing date. Commissioner Reed seconded the motion.

(00:23:28) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

I. Consider a Resolution of Intention to specify the assessment option for the Special Street Lighting Districts for Fiscal Year 2025 and levy and assess all property within the districts



(00:24:14) Commissioner Logan made a motion to approve a Resolution of Intention to specify the assessment option for the Special Street Lighting Districts for Fiscal Year 2025 and levy and assess all property within the districts and set a public hearing date. Commissioner Dean seconded the motion.

(00:25:29) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

J. Consider a Resolution of Intention to specify the assessment option for the Street Maintenance and Improvements District NO. 1 for Fiscal Year 2025 and levy and assess all property within the district

(00:26:00) Commissioner Dean made a motion to approve a Resolution of Intention to specify the assessment option for the Street Maintenance and Improvements District No. 1 for Fiscal Year 2025 and levy and assess all property within the district and to set a public hearing date on August 26, 2024. Commissioner Reed seconded the motion.

(00:26:23) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

K. Consider a Resolution of Intention to specify the assessment option for the Special Urban Forest Management District for Fiscal Year 2025 and levy and assess all property within the district



(00:27:00) Commissioner Reed made a motion to approve a Resolution of Intention to Specify the Assessment Option for the Special Urban Forest Management District for Fiscal Year 2025 and Levy and Assess on all Property within the District, and to set a public hearing on August 26, 2024. Commissioner Shirliff seconded the motion.

(00:27:25) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

L. Consider a Resolution Expanding the Boundaries of the Street Maintenance and Improvement District No. 1 for Fiscal Year 2025

(00:27:53) Commissioner Shirliff made a motion to approve a Resolution Expanding the Boundaries of the Street Maintenance and Improvement District No. 1 for Fiscal Year 2025. Commissioner Logan seconded the motion.

(00:28:08) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

M. Consider a Resolution Expanding the Boundaries of the Open Space Maintenance District No. 1 for Fiscal Year 2025

(00:28:44) Commissioner Dean made a motion to approve a Resolution Expanding the Boundaries of the Open Space Maintenance District No. 1 for Fiscal Year 2025. Commissioner Shirliff seconded the motion.

(00:28:57) Mayor Collins called for a vote.



Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

N. Consider first passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision in the City of Helena, Lewis and Clark County, Montana

(00:29:25) Planner Alvarez recommended this item be tabled due to administrative error.

(00:30:03) **Commissioner Logan made a motion to table first passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision in the City of Helena, Lewis and Clark County, Montana. Commissioner Dean seconded the motion.**

(00:30:48) Commissioner Dean asked Planner Alvarez about public outreach.

(00:31:41) Commissioner Reed asked Planner Alvarez about the next date for consideration (September 23, 2024).

(00:32:00) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion to table carried 5:0.

O. Consider Capitol Traffic Plan Proposal which includes one-way streets and angle parking along 5th, 6th and Lockey Avenue



- (00:32:17) Manager Burton recommended this item be tabled.
- (00:32:35) Commissioner Reed asked Manager Burton to discuss the reason for tabling and following dates for discussion.
- (00:34:19) **Commissioner Dean made a motion to table the Capitol Traffic Plan Proposal which includes one-way streets and angle parking along 5th, 6th and Lockey Avenue. Commissioner Shirliff seconded the motion.**
- (00:34:39) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion to table carried 5:0.
- P. Consider a Resolution Modifying the Distribution of Helena Affordable Housing Trust Funds from United Housing Partners, LLC to Twin Creek 4 Housing Associates, LLLP, for New Multi-Family Housing Construction.**
- (00:35:13) Housing Coordinator Pichette presented Item P.
- (00:37:07) Seth O'Connell of United Housing Partners provided public comment, advocating for approval.
- (00:40:57) **Commissioner Shirliff made a motion to approve a Resolution modifying the distribution of Helena Affordable Housing Trust Funds from United Housing Partners, LLC to Twin Creek 4 Housing Associates, LLLP, for new multi-family housing construction. Commissioner Dean seconded the motion.**
- (00:41:19) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.



Public Hearings

A. Consider a Resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11093, and providing for a policy for the waiver of fees

- (00:41:55) Community Development Director Brink presented Item A.
- (00:56:13) Commissioner Reed thanked Director Brink and staff.
- (00:56:37) Commissioner Dean discussed the fee analysis within the meeting agenda packet.
- (00:59:19) Commissioner Shirliff asked Director Brink about public outreach and discussions with stakeholders.
- (01:00:58) Brent Cotton of the Helena Building Industry Association provided public comment, expressing concerns.
- (01:02:51) Commissioner Dean addressed public comment.
- (01:03:58) Commissioner Reed asked Director Danielson about internal implications of fee increases for the Community Development Department.
- (01:06:20) **Commissioner Dean made a motion to approve a to Resolution Setting Fees Charged for Various Land Use and Subdivision Review Applications within the Planning Division of the Department of Community Development, Repealing Resolution # 11093, and Providing for a Policy for the Waiver of Fees. Commissioner Logan seconded the motion.**
- (01:06:45) Mayor Collins called for a vote.
- Commissioner Shirliff voted: **No**
- Commissioner Logan voted: **Aye**
- Commissioner Reed voted: **Aye**
- Commissioner Dean voted: **Aye**
- Mayor Collins voted: **Aye**
- The motion carried 4:1.**



B. Consider Final passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof

- (01:07:36)** Planner Alvarez presented Item B and asked Attorney Dockter to address public notice requirements.
- (01:21:38)** Commissioner Shirliff asked Planner Alvarez about how variances will be handled with new language.
- (01:25:19)** Commissioner Logan asked Planner Alvarez about feedback from the public and business community.
- (01:28:20)** A member of the public provided public comment, expressing concerns about annual permit fees.
- (01:31:43)** Bob Alvarez provided public comment, expressing concerns about annual permit fees.
- (01:33:15)** Allie Carly provided public comment, expressing concerns about annual permit fees.
- (01:34:45)** Earl Charles provided public comment, expressing concerns about residential zone adjacent signs and electronic sign standards.
- (01:38:42)** Commissioner Logan explained his opposition.
- (01:39:16)** Commissioner Dean asked Planner Alvarez about the origin of the annual permit fee structure and about Zoning Commission discussions.
- (01:43:03)** Mayor Collins asked Planner Alvarez about next steps should a change be requested by the Commission.
- (01:44:09)** Commissioner Reed asked Attorney Dockter about addressing the annual permit fee structure cited in public comment.
- (01:46:06)** Mayor Collins asked Planner Alvarez about considering alternative options before voting.
- (01:48:09)** Commissioner Dean asked Attorney Dockter and Planner Alvarez about residential zone adjacent sign specifics and explained her support.



(01:52:24) Commissioner Dean made a motion to approve an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof. With the condition that the area of allowable wall signage in section 11- 23-9 be changed from 8% to 15%. The further condition that section 11-23-6 (H) be amended to read “Any on-premise electronic message center(s) that is located within three hundred (300) feet of any residential zoning district must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily ...” And the further condition that section 11-23-7 (E) be amended to read “a nonconforming on-premise sign shall cease to be used when the business, activity...”. The motion was not seconded.

The motion failed.

(01:53:53) Commissioner Reed made a motion to table an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof to the soonest possible Commission Meeting Agenda to consider specific options related to the business permit and Section 11-23-6 related to on-premise electronic message centers at the Commission Meeting on September 9th, 2024. Commissioner Logan seconded the motion.

(01:56:06) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion to table carried 5:0.

Public Communications

(01:56:41) Commissioner Shirliff thanked Planner Alvarez for his work.

Adjournment



City of Helena

(01:56:56) There being no further business before the Commission, the meeting adjourned at 7:57pm.



CLERK OF THE CITY COMMISSION

MAYOR