

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
March 26, 2018 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, March 26, 2018 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Collins indicated for the record that Commissioners Farris-Olsen, Noonan, and O'Loughlin were present. City Manager Ron Alles, City Attorney Thomas Jodoin, and Deputy City Clerk Katya Grover were present.

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

Minutes The minutes of the regular City Commission meeting of March 12, 2018, will be approved at April 9, 2018, meeting.

Proclamation PROCLAMATION:
A. National Service Recognition Day
Mayor Collins read the National Service Recognition Day Proclamation and presented it to Corporation for National and Community Service Program Officer Anna Yeagle.
Ms. Yeagle thanked Mayor Collins for the proclamation and explained what this day signified with respect to the work done by the Corporation. Ms. Yeagle also explained the impact the National Day would have on the community. Lastly, Ms. Yeagle introduced volunteers and members of the Corporation for National and Community Service Program to the Commission.
Mayor Collins stated that he was very familiar with the network of these programs as he participated in some of them: Mayors Collins personally worked alongside with the Montana Conservation Corps and AmeriCorps Vista, and his mother-in-law worked as a Senior Companion. Mayor Collins noted he knew the important work members of these programs do and thanked Ms. Yeagle and all volunteers and members for services they provide.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Pledged collateral for City deposits at financial institutions
C. 2018 Open Lands Work Plan
D. Resolution authorizing the City of Helena to apply for Land and Water Conservation Fund Financial Assistance from the National Park Service through Montana's Fish, Wildlife & Parks Department for replacement of playground at Cherry Park.
Resolution 20433
E. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the disposal of that property. **Resolution 20434**
F. The nomination of Census tracts in the City of Helena as Opportunity Zones and setting priorities for the nominations.

City Manager Alles recommended approval of the claims.

Manager Alles briefly introduced each item on the Consent Agenda and asked Mayor and Commissioners if they wished to pull any of the items off the Consent Agenda. Mayor Collins said that the Commission would pull off Item F.

- Public Comment Mayor Collins asked for public comment, none was received.
- Motion** **Commissioner Farris-Olsen moved approval of Items A - E on the consent agenda.** Commissioner O'Loughlin seconded the motion.
- Discussion Commissioner Noonan said that he wanted to voice the citizens' concerns regarding Item C, 2018 Open Lands Work Plan: the directional downhill trails/ mountain biking. Commissioner Noonan referred to Cherry Park where the Department has been engaged allowing the community to raise funds for it. In this case, Montana Bicycle Guild would be constructing the directional mountain bike trail: it wouldn't be near any social trail crossings and at the bottom, the trail comes to a wooden bridge, for which a warning sign could be a fix. Commissioner Noonan said that it seemed that this was going to be another good community plan and noted that he wanted to let people, who were concerned, know that this was considered and that there seemed to be a plan in place addressing a lot of people's needs. Manager Alles stated that Natural Resource Coordinator Brad Langsather was available for questions.
- Vote** All voted aye, motion carried.
- Staff Report on Item F Manager Alles introduced Item F: the nomination of Census tracts in the City of Helena as Opportunity Zones and setting priorities for the nominations.
- Director Haugen reported Opportunity Zones are a new economic development program established by Congress in the Tax Cut and Jobs Act of 2017 to encourage long-term investments in low-income communities. The Montana Department of Commerce (MDOC) is working closely with the Governor's Office to provide a process for state designation as well as information, resources, and tools for this new Opportunity Zone program. Opportunity Zones are determined by eligible Census tracts. In the City of Helena, there are three census tracts that have been determined eligible. These include the census tract for the Downtown, and two census tracts that contain the most of the Railroad Urban Renewal District. Montana has 106 eligible Census tracts; however, the program regulations only allow for the nomination of 25 tracts for the state of Montana, and cities and counties have been asked to nominate tracts within their jurisdiction for consideration.
- The Census tracts that staff are recommending to nominate are:
1. Census Tract 30049000800. This Census tract contains the area generally referred to as the Downton and includes property south in the County. It includes the proposed area for the new Downtown URD and is focus of the City's and HBID partnership on the Montana Main Street program. It is also the area that includes investments made with New Market Tax Credits and has been the focus on several recent economic development and planning efforts. It contains many of the properties currently being considered for surplus by the City Commission.
 2. Census Tract 30049000900. This tract contains a majority of the land that is in the current Railroad Urban Renewal district, and tax increment financing is available for improvements in the area. It also includes the old Capitol Hill Mall property. It has been the subject of several planning efforts funding by the EPA and, as a result, has clean up occur on several properties that were previously contaminated and are now available for reinvestment

3. Census Tract 3004900400. This tract includes the Costco and Trinity Cemetery area.

City staff is working with the MBAC to put the nomination forms together for Census tracts. The documentation for the 800 track has been prepared, and for the 900 track is in the process of being prepared. The staff would prepare documentation for the 400 track if that was the wish of the Commission. The applications are due on March 30th. MDOC asked that if the City nominates more than one region, that the City would prioritize and identify which track would be priority 1, 2, and 3.

Discussion

Commissioner Farris-Olsen asked what Director Haugen's recommendation would be with respect to whether the Commission should nominate all three tracts or only two. Director Haugen replied that the Costco-Trinity area is not likely to receive a lot of investment due to geographical location and, thus, her recommendation would be to nominate zone 1 (800 tract) and 2 (900 tract).

Manager Alles added that the City could make better and fuller arguments for the 800 and 900 tracts with the goals that were able to be achieved and studies that have taken place in those areas.

Public Comment

MBAC Program Manager Eric Seidensticker pointed out with respect to the 800 and 900 tracts that because MBAC staff was aware of the programs and significant amount of money spend on them in grant money through the Department of Commerce, and because MDOC staff was aware of mechanisms associated with those programs, it would be easier to talk about those two tracts. Mr. Seidensticker added that both tracts were worthy of being prioritized; what's more, even if only one was approved, it would directly or indirectly benefit the other one as well.

Discussion

Commissioner O'Loughlin asked how the 800 and 900 census tracts compare to the TIF districts. Director Haugen replied that the proposed TIF district for the downtown, which has not been created yet, mirrors the 800 census tract, with the exception that this census tract extends further south. The 900 census tract contains approximately three fourth of the railroad district. The northern part of the railroad district that is not part of the 900 tract is the area where there is little potential for development; it extends to the Capital Mall and the southern border extends to the 11th Ave. However, the Capital Mall area is a subject for a potential discussion, as there was some interest expressed in potential reinvestment in the Mall.

Commissioner O'Loughlin said that it was hard to prioritize between the two tracts, as they were both worthy of development, but she was slightly inclined to prioritize the railroad renewal district. Commissioner O'Loughlin noted that this area was a perfect example of something that has been provided for on the federal level.

Commissioner Farris-Olsen stated that, looking at the criteria, he would prioritize the downtown area over the railroad renewal district; however, he agreed that both tracts were great opportunities.

Commissioner Noonan agreed that downtown would be his choice to prioritize because it was large and it came from a large amount of the tax base, but it's a fine line between the two areas.

Commissioner O'Loughlin said that she understood the benefits of prioritizing the downtown area and would be comfortable with that motion. Commissioner O'Loughlin noted that the federal tax bill provided significant tax benefits to fairly wealthy people and what the Commission would be doing was incentivizing this type of investment in certain areas. Commissioner O'Loughlin added that this Commission cares a lot about

areas like the 6th ward and that she heard a lot from the community members who were eager to learn what the plans of the Commission would be. Commissioner O'Loughlin concluded by expressing hope that the Commission would continue a conversation about the types of opportunities, such as the one under discussion, that would encourage development in the area but pointed out that, if a Commissioner made a motion to prioritize the downtown area, she would be comfortable with that.

Motion

Commissioner Noonan moved to authorize the nomination in the following order of priority of census tracts: 30049000800 and 3004900900 for consideration as opportunity zones and establishing priorities for the tracts. Commissioner Farris-Olsen seconded the motion.

Discussion

Commissioner Farris-Olsen said that he was glad that the City would be applying for both census tracts as both were equally important. Commissioner Farris-Olsen stated that within the new TIF district and railroad district, there were some funds coming in and expressed hope that the City could have that money to improve that district. Commissioner Farris-Olsen noted that the residents desperately wanted and deserved it.

Vote

All voted aye, motion carried.

***Communications
From Commissioners*****COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS**

Commissioner Noonan stated that at 4 p.m. on April 4 there would be a special administrative meeting with the purpose of having a discussion regarding snow removal: to reflect on the past winter experiences, to hear about the departments' priorities, to hear and gather some ideas, and to get educated about snow removal and City's practices.

***Report of the City
Attorney*****REPORT OF THE CITY ATTORNEY**

City Attorney Jodoin reported that the City was involved in three litigation cases, with two of them handled by MMIA. The first case was allegations that a former police officer assaulted two confidential informants. A jury trial was set in early 2019. The City denies the allegations. The second case involved a former employee who filed a complaint before the Human Rights Board. The Board is in investigative stage. This former employee filed alleged gender and sex discrimination with her wage and her termination. There was a process with the Civil Service Board. The final case was allegation before the Human Rights Bureau that HPD, or officer, engaged in unlawful age discrimination when it submitted a driver for review of her driving license following an accident. This case is handled in house and Human Rights Bureau is investigating it presently.

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

Manager Alles reported the same crews that were engaged in snow removal were now working on sand cleaning; it would take approximately two months for all the sand to be picked up. Manager Alles also reported on potholes being fixed and encouraged public to leave messages informing of pothole locations.

**Report from the
Helena Citizens**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Treasurer Maureen Kiely reported HCC has met with each department head to discuss what HCC was planning to request for their budget for the upcoming fiscal year. Ms. Kiely thanked all department heads for their cooperation and thanked Mayor Collins for attending the last HCC meeting. Ms. Kiely stated the HCC members would present their thoughts and requests at the upcoming administrative meeting.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER FINAL PASSAGE OF ORDINANCE 3239 AMENDING CHAPTER 7 OF TITLE 2 OF THE HELENA CITY CODE TO REPEAL THE CIVIL SERVICE BOARD AND ESTABLISH THE SAME AS THE POLICE COMMISSION.

Staff Report

City Attorney Thomas Jodoin reported this amendment will clarify the duties and responsibilities of the Civil Service Board and eliminate conflicting provisions from City Code. The amendment will also simplify the grievance procedure for non-union city employees.

Attorney Jodoin recommended to table final passage of Ordinance 3239 amending Chapter 7 of Title 2 of the Helena City Code to repeal the civil service board and establish the same as the Police Commission and reset the public hearing for April 9, 2018.

Public Testimony

Mayor Collins opened the public hearing and called for anyone wishing to address the commission.

There being no persons wishing to address the commission, Mayor Collins closed the public portion of the hearing.

Motion

Commissioner Farris-Olsen moved to table final passage of Ordinance 3239 amending Chapter 7 of Title 2 of the Helena City Code to repeal the civil service board and establish the same as the Police Commission and reset the public hearing for April 9, 2018.

Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

**Public
Communications**

PUBLIC COMMUNICATIONS

No comments received.

**Meetings of
Interest**

MEETINGS OF INTEREST

The Administrative Meeting is scheduled for April 4, City-County Joint Work Session is April 5, and the next Commission Meeting is April 9, 2018.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:42 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION