

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 26, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, August 26, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Pro Tem Haladay requested City Clerk Havens call roll call: Manager Cortez, City Attorney Jodoin, Commissioner Wicks, Commissioner Noonan and Commissioner O'Loughlin all responded present. Mayor Collins was excused.

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

Minutes The minutes of the August 12, 2019 Regular City Commission, July 3, 2019 Commission Executive Session, and June 26th Commission Executive Session meetings were approved as submitted.

Consent Agenda CONSENT AGENDA:
A. Claims
B. 2019 Open Lands Work Plan Final Review

City Manager Cortez recommended approval of the consent agenda, items A-B.

Public Comment Mayor Pro Tem Haladay asked for public comment, on items A - B. None was received.

Motion **Commissioner O'Loughlin moved to approve the claims and consent agenda item B.** Commissioner Noonan seconded the motion.

Discussion Commissioner O'Loughlin thanked City Staff for their work on the Open Lands Work Plan and felt the public outreach was robust and

Vote City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0.**

Communications from City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS
There were no comments.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No report given.

Report of the City Manager REPORT OF THE CITY MANAGER
City Manager Cortez reported the High Definition Discussion for HCTV would be brought forth at the Joint Work Session on 9-3-19. The Hazardous Waste Materials drop-off was a success and it was a record intake at the event this year. Public Works project 9th Street Project public hearing will be held on 9-12-19, more details regarding the event will be announced as the date approaches. The city wishes Battalion Chief Fred Pippen congratulations on his retirement after 22 years of service. City Parks facilitated an open meeting regarding at Beattie Street Project on 8-22-19, but more meetings will follow, if interested members of the public were unable to attend the meeting on the 22nd.

The Parking App is now active and full enforcement will begin after Labor Day weekend. The trolley program will end at the end of the month. It was embraced by the community as a pilot program, and its renewal will be brought up next year during budget discussions to consider continuing the program. Engineering project updates included, Westside phases 1 and 2 utility easements are being negotiated with the School District; Front Street phase 2 is now complete; and Rodney Street second public meeting took place on 8-13-19. 4J's Casino owner has volunteered to install sidewalks on their property.

Discussion

Mayor Pro Tem Haladay asked for an update on the 9th Street project, Interim Public Works Director gave an update on the project. The project is currently in at a 75% of the design, this is part of the safe routes to school project. This project was set aside previously for funding issues.

Report from the HCC

REPORT FROM THE HELENA CITIZENS COUNCIL
No Report Given.

Regular Items

REGULAR ITEMS

- A. CONSIDER A RESOLUTION FINDING THAT A BLIGHTED AREA EXISTS WITHIN THE CITY OF HELENA, IMMEDIATELY ADJACENT TO THE DOWNTOWN URBAN RENEWAL DISTRICT, THAT REHABILITATION AND REDEVELOPMENT OR A COMBINATION THEREOF, OF SUCH AREA, IS NECESSARY AND IN THE INTEREST OF PUBLIC HEALTH, SAFETY, MORALS OR WELFARE OF THE RESIDENTS OF HELENA, AND THAT THE BLIGHTED AREAS TO BE INCORPORATED INTO THE DOWNTOWN URBAN RENEWAL DISTRICT BOUNDARY.

Staff Report

Community Development Director Sharon Haugen reported during the adoption of the Helena Downtown Urban Renewal District, the Helena City Commission agreed to consider the addition of Rodney Street as an amendment to the URD in 2019. The addition of the Rodney Street area into the Downtown URD would potentially benefit from tax increment financing (TIF) for any public improvements.

The City of Helena contracted with GM Group, Inc. to incorporate the Rodney Street area into the Downtown Urban Renewal District. The proposed boundary runs on the north by 6th Avenue; on the south by Pine Street; Warren Street on the west; and the east by Rodney Street, as shown on the attached map. WGM Group completed a Statement of Blight to document the existence of potentially blighted conditions that would meet the definition of blight as defined in MCA 7-15-4206 (2). Based upon the findings in the Statement of Blight, the Commission may want to consider an amendment to the Downtown Renewal Plan for the area. These are prerequisites to allowing the City of Helena to exercise its powers under Title 7, Chapter 15, Parts 42 and 43 of the Montana Code Annotated. The creation of the TIF district allows the City to use the increase in the tax base (tax increment) to help fund improvements in the area.

On August 8th, 2019, an open house was held at the Myrna Loy to discuss the draft Statement of Blight and the proposed boundary. The draft Statement of Blight was completed after interviews with various stakeholders and property owners in the area, and through a review of existing information available through the Department of Revenue, the

Downtown Master Plan, and numerous engineering studies. Over 100 notices were sent to the affected property owners, including landowners and other affected businesses. Advertisements were and on the City's website and Facebook page. Also, flyers were distributed within the neighborhood, The School District and the County received separate notices. The draft Statement of Blight was also available for viewing. The next steps are a neighborhood meeting in September and the preparation of the Urban Renewal Plan.

The passage of the resolution of necessity will facilitate the expansion of the Downtown Urban Renewal District into the Rodney Street area as depicted on the map attached to this report and will also permit the City to exercise its powers authorized in Title 7, Chapter 15, Parts 42 and 43 of Montana Code Annotated allowing the City to use the increase in the tax base (tax increment) to help fund needed improvements.

The passage of this resolution will result in the expansion of the Downtown Urban Renewal District and an amendment to the District Plan and will enable the use of TIF funds for redevelopment in the area. TIF is one of the few mechanisms that local governments have to encourage investment and to diversify the tax base. TIF funds can be used to make infrastructure improvements that benefit the public and allow for orderly growth. All of the uses for TIF funds will be based on the goals and the objectives developed in the amendment to Downtown Urban Renewal Plan. TIF may be available for use to increase the energy efficiency of publicly owned structures. All of the uses for TIF funds will be based on the goals and the objectives developed in the Downtown Urban Renewal Plan and amendment.

Director Haugen recommended approval of a resolution finding that a blighted area exists within the city of Helena, immediately adjacent to the Downtown Urban Renewal District, that rehabilitation and redevelopment or a combination thereof, of such area, is necessary and in the interest of public health, safety, morals or welfare of the residents of Helena, and that the blighted area is to be incorporated into the Downtown Urban Renewal District boundary.

Discussion

Commissioner Wicks asked for clarification of the area being discussed.

Commissioner O'Loughlin asked for clarification of the base year for the project in question. Director Haugen stated the base year for the Downtown Urban Renewal District was 2018, 2019 was the base year just for the specific addition.

Commissioner Noonan asked if this approval would automatically allow for the area to become part of the BID. Director Haugen stated these were two different processes by law, and this was just to add the property to the Urban Renewal District.

Mayor Pro Tem Haladay asked for the amount of the Increment Funding was generated by this district for the previous year. Director Haugen stated this amount was in open discussions with the Department of Revenue regarding this matter. Director Haugen stated she was continuing to pursue this matter with Interim Finance Director Hirst to investigate this matter. Mayor Pro Tem Haladay asked the dollar amount be given to the Commission when it was made available from the Department of Revenue.

Public Comment

Mayor Pro Tem Haladay asked for public comment. None was received

Motion

Commissioner Noonan moved to approve the resolution finding that a blighted area exists within the city of Helena, immediately adjacent to the Downtown Urban Renewal District, that rehabilitation and redevelopment or a combination thereof, of such area, is necessary and in the interest of public health, safety, morals or welfare of the residents of Helena, and that the blighted area is to be incorporated into the Downtown Urban Renewal District boundary Commissioner Wicks seconded the motion.

Discussion

Commissioner Noonan stated he was pleased this matter was coming forward and saw this as an opportunity to improve such a unique neighborhood.

Commissioner O'Loughlin stated she also was in favor of the resolution, citing there was great interest from the downtown business community, and they have expressed support for the investment and necessary improvements, and those businesses were supportive of the amended boundary. Commissioner O'Loughlin thanked City Staff for their work in this matter.

Vote

City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20554**

B. CONSIDER A RESOLUTION PROVIDING FOR THE ANNUAL TAX LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.

Staff Report

Interim Finance Director Liz Hirst reported the City Commission adopted the final budget on June 24, 2019. The City is required by 7-6-4036, MCA to fix the tax levy by the later of the 1st Thursday in September (9/5/19) or within 30 calendar days after receiving certified taxable values. Certified taxable values were dated August 5, 2019. September 4, 2019 is 30 days after receipt of certified taxable values. Therefore, the later tax levy deadline is September 5, 2019. Newly taxable property growth was 3.24% last year and is 2.67% this year.

Under 2-9-212, MCA, Group Health Insurance tax levies may include annual increases for insurance premiums and are not subject to the general-purpose mill levy calculation limitations provided for in 15-10-420, MCA. The FY2020 budget provides for \$2,187,057 or 30.17 mills to be levied for group health insurance premiums for city employees in tax year 2019 for FY2020, including a premium increase of \$287,026, as allowed under 2-9-212, MCA. The FY2020 budget provides for the full authorized tax levy to be levied. Approval of the resolution sets the mill levy as required by law.

Interim Finance Director Liz Hirst recommended approval of a resolution providing for the annual tax levy in mills for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

Discussion

Commissioner O'Loughlin asked Interim Director Hirst to confirm if this was not the total amount approved by the voters in the original tax levy, and the mills brought forth here were as low as possible, factoring in federal grant money received by the City. Interim Director Hirst confirmed this.

Public Comment

Mayor Pro Tem Haladay asked for public comment. None was received.

Motion

Commissioner O’Loughlin moved to approve a resolution providing for the annual tax levy in mills for the fiscal year beginning July 1, 2019 and ending June 30, 2020. Commissioner Wicks seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O’Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20555**

Public Hearings

PUBLIC HEARINGS

Staff Summary

City Manager Cortez introduced the Public Hearings and stated she would be giving one staff report and summary for the items A – O. Manager Cortez began by explaining items A and B were simply “pass through” resolutions, in which the City would be adopting the budgets for the two cooperative stakeholders, based upon Staff and Organization representatives’ recommendations. Items C – J are rate adoptions and would be discussed in more detail later. Items K, L, and O are loans, in which the assessments are only relevant to those individuals taking advantage of the loan programs. Item M is a fee. Manager Cortez reviewed the rates in items C – J, stating the rates were only raised in an amount necessary to provide the level of service requested by the public for the relevant services. Manager Cortez stated all the rates which follow are being set for the next two fiscal years. However, these same rates will be reviewed and discussed next year by the Commission. Manager Cortez stated 5 criteria were considered in the rate adjustments: personnel costs; operations and maintenance; obligations, such as debt payments; capital projects; and city support. A summary of the rate changes was provided for the commission and for the public record based upon the national average for a family of 4. These amounts would total an average monthly increase in rates for a family of 4 of \$11.25 per month for fiscal year 2020 and \$8.43 monthly increase for fiscal year 2021.

Public Testimony

Mayor Pro Tem Haladay the public portion of the hearing opened and called for anyone wanting to address the commission on Public Hearings items A – O.

Lynn Jennings, stated her water bill has doubled in the last year, and expressed concerns over the additional rate increases being considered by the Commission, and for those on a fixed income it could have significant financial impact on those households. There being no further public testimony, Mayor Pro Tem Haladay closed the Public Hearing for item A – O.

- A. CONSIDER A RESOLUTION APPROVING THE WORK PLAN AND BUDGET FOR THE BUSINESS IMPROVEMENT DISTRICT AND LEVYING AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT FOR FISCAL YEAR 2020.

Staff Report

On August 9, 2010, the City Commission adopted a resolution creating the BID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132, MCA) requires the BID to submit its budget and work plan to the City Commission for approval and to recommend a

method of levying an assessment on the property within the district to defray the cost of the work plan and budget. The Commission passed a resolution of intention on July 15, 2019.

The BID is not requesting any change to the assessment methodology. The complete methodology is outlined in the attached resolution and is in accordance with the prescribed methodologies allowed by state law (7-12-1133, MCA). The BID's proposal is that, after receiving public comment, the City Commission approve the work plan and budget, and levy an assessment to defray the cost thereof for fiscal year 2020 as submitted. The annual assessment approved by the City Commission will be placed on the calendar year 2019 tax bills of the properties within the district.

City Manager Cortez recommended approval of a resolution approving the work plan and budget for the Business Improvement District and levying an assessment on all property within the district for fiscal year 2020.

Motion

Commissioner Noonan moved to approve a resolution approving the work plan and budget for the Business Improvement District and levying an assessment on all property within the district for fiscal year 2020. Commissioner Wicks seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20556**

B. CONSIDER A RESOLUTION APPROVING THE WORK PLAN AND BUDGET FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVYING AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT FOR FISCAL YEAR 2020

On August 22, 2018, the City Commission passed Resolution 20473, which created the TBID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132, MCA) requires the TBID to submit its annual budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget. The Commission passed a resolution of intention on July 15, 2019.

The TBID is requesting a change to the assessment methodology from prior years. This is outlined in the attached resolution. The TBID is requesting to increase the assessment to two dollars per room rented. The rate increase was provided to the property owners during the TBID renewal process in 2018. The TBID's proposal is that, after receiving public comment, the City Commission approve the work plan and budget and levy an assessment to defray the costs thereof for fiscal year 2020 as submitted. The annual assessment approved by the City Commission will be placed on the calendar year 2019 tax bills of the properties within the district.

Approval of the resolution allows for public input on the TBID's work plan and budget and allows for the assessment to be placed on the 2019 tax bills of the properties within the district to fund the TBID's operations for fiscal year 2020. Commission approval of the budget and work plan will meet state law requirements.

City Manager Cortez recommended approval of a resolution approving the work plan and budget for the Tourism Business

Improvement District and levying an assessment on all property within the district for fiscal year 2020.

Motion

Commissioner O’Loughlin moved to approve a resolution approving the work plan and budget for the Tourism Business Improvement District and levying an assessment on all property within the district for fiscal year 2020. Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O’Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20557**

C. CONSIDER A RESOLUTION SETTING RATES FOR ALL CUSTOMERS OF THE CITY OF HELENA WATER SYSTEM FOR FISCAL YEARS 2020 AND 2021

Staff Report

Each year the City Commission may adjust water rates as necessary to cover personnel costs, operations/maintenance, capital improvements, debt service and city support.

The water rates include varying rate changes as a result of the City Commission's review of personnel, O/M, debt obligations, capital programming and city support services. The Commission will consider increases for residential and commercial customers as stated in the attached proposed resolution for fiscal years 2020 and 2021 to water base and usage rates. The Commission passed a resolution of intention on June 24, 2019.

After hearing public comment, approve a resolution setting rates to fund the water operating and capital systems. Approval of the resolution will establish rates to defray the costs of the water operating and capital systems and provide an incentive towards water usage conservation

City Manager Cortez recommended approval of a resolution setting rates for all customers of the City of Helena Water System for fiscal years 2020 and 2021.

Motion

Commissioner O’Loughlin moved to approve a resolution setting rates for all customers of the City of Helena Water System for fiscal years 2020 and 2021. Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O’Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20558**

D. CONSIDER A RESOLUTION SETTING RATES FOR ALL CUSTOMERS OF THE CITY OF HELENA WASTEWATER SYSTEM FOR FISCAL YEARS 2020 AND 2021

Staff Report

Each year the City Commission may adjust wastewater rates as necessary to cover costs associated with personnel, operations/maintenance, debt obligations, capital improvements and city support services.

The wastewater rates include recommended rates increases as a result of the City Commission’s CCIP review as well as projections associated with personnel costs, O/M, debt obligations and city support provided to this particular utility.

The Commission will consider increases for residential and commercial customers as stated in the attached proposed resolution for fiscal years 2020 and 2021 to wastewater base and usage rates. The Commission passed a resolution of intention on June 24, 2019. After hearing public comment, approve a resolution setting rates to fund the wastewater operating and capital systems. Approval of the resolution will establish rates to defray the costs of the wastewater operating and capital systems.

City Manager Cortez recommended approval of a resolution setting rates for all customers of the City of Helena wastewater system for fiscal years 2020 and 2021.

Motion

Commissioner Noonan moved to approve a resolution setting rates for all customers of the City of Helena Wastewater System for fiscal years 2020 and 2021. Commissioner Wicks seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20559**

E. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE STORM WATER UTILITY SERVICE AREA FOR FISCAL YEARS 2020 AND 2021 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE SERVICE AREA.

Staff Report

Each year the City Commission may adjust stormwater rates as necessary to cover costs associated with personnel, operations/maintenance, debt obligations, capital improvements and city support services.

These rates include recommended rates increases as a result of the City Commission's CCIP review as well as projections associated with personnel costs, O/M, debt obligations and city support provided to this particular utility.

The Commission will consider increases for district properties as stated in the attached proposed resolution for fiscal years 2020 and 2021 to storm water assessments. The Commission passed a resolution of intention on July 15, 2019.

After receiving public comment, approve a resolution specifying the assessment option and levying an assessment to defray the costs of the service area for fiscal years 2020 and 2021. Staff is requesting an increase for the district to fund the increased costs of required capital improvements. Approval of the resolution will allow the City to levy an assessment on all properties within the Storm Water Utility Service Area to defray the costs of operations.

City Manager Cortez recommended approval of a resolution specifying the assessment option for the Storm Water Utility Service Area for fiscal years 2020 and 2021 and levying an assessment on all property in the service area.

Motion

Commissioner Wicks moved to approve a resolution specifying the assessment option for the Storm Water Utility Service Area for fiscal years 2020 and 2021 and levying an assessment on all property in the service area. Commissioner Noonan seconded the motion.

Discussion

Commissioner O'Loughlin stated she felt the commentary on this item and all rate increases this evening did not truly reflect the amount of time the Commission has spent discussing the rate increases on the customers for both economic impacts, but for the service the rate increases would provide; and the Commission was sensitive to the matter. The needs of the City's infrastructure necessitated action on behalf of the Commission, but the changes were not taken lightly by the Commission.

Commissioner Wicks thanked the staff for their efforts in the preceding months of discussion, which had begun approximately in February, and at one point the increases were recommended to be in the \$18 range and due to the Commission concerns and the public outreach, the current \$11 increase was a reflection of those discussions.

Vote

City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20560**

F. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE STREET MAINTENANCE AND IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEARS 2020 AND 2021 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT

Staff Report

Each year the City Commission must levy an annual assessment on the district in order for the annual assessment to be placed on the upcoming tax bills and provide for the maintenance and improvements of the district. The annual assessment approved by the City Commission will be placed on the calendar year 2019 and 2020 tax bills. The Commission will consider increases for properties within the district as stated in the attached proposed resolution for fiscal years 2020 and 2021 to street maintenance assessments. The Commission passed a resolution of intention on July 15, 2019.

After hearing public comment, approve a resolution specifying the assessment option for the Street Maintenance and Improvements District No. 1 for fiscal years 2020 and 2021 and levying an assessment on all properties within the district. Staff is requesting an increase in the assessment to fund additional snow removal and street improvements and construction.

Approval of the resolution will allow the City to levy an assessment on all properties within the Street Maintenance and Improvement District No. 1 to defray the costs of operations.

City Manager Cortez recommended approval of a resolution specifying the assessment option for the Street Maintenance and Improvements District No. 1 for fiscal years 2020 and 2021 and levying an assessment on all properties within the district.

Motion

Commissioner O'Loughlin moved to approve a resolution specifying the assessment option for the Street Maintenance and Improvements District No. 1 for fiscal years 2020 and 2021 and levying an assessment on all properties within the district.

Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20561**

- G. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE FOR FISCAL YEARS 2020 AND 2021 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES RECEIVING RESIDENTIAL SOLID WASTE COLLECTION.

Staff Report

Each year the City Commission may adjust these rates as necessary to cover costs associated with personnel, operations/maintenance, debt obligations, capital improvements and city support services. These rates include recommended rates increases as a result of the City Commission's CCIP review as well as projections associated with personnel costs, O/M, debt obligations and city support provided to this particular utility. The Commission passed a resolution of intention on July 15, 2019.

After receiving public comment, approve a resolution setting rates to fund the residential solid waste operating and capital systems for fiscal years 2020 and 2021. The annual charges approved by the City Commission will be placed on the calendar year 2019 and 2020 property tax bills. The Commission is considering no increase to the rates.

Approval of the resolution will allow the City to establish rates to fund the residential solid waste operation and capital needs for fiscal years 2020 and 2021 and place the applicable charges on the corresponding residential 2019 and 2020 property tax bills.

City Manager Cortez recommended approval of a resolution specifying the assessment option for the collection and disposal of residential garbage and refuse for fiscal years 2020 and 2021 and levying an assessment on all properties receiving residential solid waste collection.

Motion

Commissioner Noonan moved to approve a resolution specifying the assessment option for the collection and disposal of residential garbage and refuse for fiscal years 2020 and 2021 and levying an assessment on all properties receiving residential solid waste collection. Commissioner Wicks seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. **The motion carried, 4-0. Resolution 20562**

- H. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE SPECIAL URBAN FOREST MANAGEMENT DISTRICT FOR FISCAL YEARS 2020 AND 2021 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT.

Staff Report

Each year the City Commission must levy and assess an annual assessment on the Special Urban Forest Management District in order for the assessment to be placed on the upcoming tax bills and provide for the operation of the district. The Commission is considering increasing the rate from \$21 to \$39 per property. The increase will fund an additional crew to help replace the ash trees that are threatened by the Emerald Ash Borer insect. The Commission passed a resolution of

intention on July 15, 2019.

After receiving public input, approve the resolution levying an assessment to defray the costs of the district for fiscal years 2020 and 2021. Approval of the resolution will allow the City to levy an assessment on all properties within the Special Urban Forest Management District to defray the costs of operations

City Manager Cortez recommended approval of a resolution specifying the assessment option for the Special Urban Forest Management District for fiscal years 2020 and 2021 and levying an assessment on all properties within the district.

Motion

Commissioner Noonan moved to approve a resolution specifying the assessment option for the special urban forest management district for fiscal years 2020 and 2021 and levying an assessment on all properties within the district. Commissioner Wicks seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20563**

- I. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEARS 2020 AND 2021 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT.

Staff Report

Each year the City Commission must levy and assess an annual charge on properties within the Open Space Maintenance District No. 1 in order for the charge to be placed on the upcoming tax bills and provide for the operation of the district.

The annual assessment approved by the City Commission will be placed on the calendar year 2019 and 2020 tax bills of the properties within the district. The Commission will consider assessments as stated in the attached proposed resolution. The Commission passed a resolution of intention on July 15, 2019

After receiving public input, approve a resolution specifying the assessment option for the Open Space Maintenance District No. 1 for fiscal years 2020 and 2021 and levying an assessment on all properties within the district. Staff is recommending an increase to fund the additional costs related to acquiring new open space property and ongoing maintenance of current trails and open space. Approval of the resolution will allow the City to levy an assessment on all properties within the Open Space Maintenance District No. 1 to defray the costs of operations.

City Manager Cortez recommended approval of a resolution specifying the assessment option for the Open Space Maintenance District No. 1 for fiscal years 2020 and 2021 and levying an assessment on all properties within the district.

Motion

Commissioner Wicks moved to approve a resolution specifying the assessment option for the Open Space Maintenance District No. 1 for fiscal years 2020 and 2021 and levying an assessment on all properties within the district. Commissioner O'Loughlin seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20564**

- J. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEARS 2020 AND 2021 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT.

Staff Report

Each year the City Commission must levy an annual assessment on the Landfill Monitoring and Maintenance District in order for the assessment to be placed on the upcoming tax bills and provide for the operation of the district. The annual assessment approved by the City Commission will be placed on the calendar year 2019 and 2020 tax bills of the properties within the district. No increase to the amount of the annual assessment for fiscal years 2020 and 2021 is being considered. The Commission passed a resolution of intention on July 15, 2019.

After receiving public comment, approval of a resolution specifying the assessment option for the Landfill Monitoring and Maintenance District for fiscal years 2020 and 2021 and levying an assessment on all properties within the district is required. Approval of the resolution will allow the City to levy an assessment on all properties within the Landfill Monitoring and Maintenance District to defray the costs of operations.

City Manager Cortez recommended approval of a resolution specifying the assessment option for the Landfill Monitoring and Maintenance District for fiscal years 2020 and 2021 and levying an assessment on all properties within the district.

Motion

Commissioner O’Loughlin moved to approve a resolution specifying the assessment option for the Landfill Monitoring and Maintenance District for fiscal years 2020 and 2021 and levying an assessment on all properties within the district. Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O’Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20565**

- K. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT ON PROPERTIES TO RECOVER THE AMORTIZED LOANS ISSUED UNDER THE RESIDENTIAL ENERGY EFFICIENCY AND RENEWABLE ENERGY LOAN PROGRAM FOR TAX YEARS 2019 AND 2020

Staff Report

Each year the City Commission will levy assessments on all properties under the Residential Energy Efficiency and Renewable Energy Loan Program. Properties are assessed based on the loan agreements entered into by the property owners. The annual assessments approved by the City Commission will be placed on the calendar year 2019 and 2020 tax bills of participating property owners. After receiving public input, approval of a resolution levying assessments on each property identified is required. Approval of the resolution will allow the City to levy assessments on all participating properties in the Residential Energy Efficiency and Renewable Energy Loan Program to recover the annual payments of loans issued under the program.

City Manager Cortez recommended approval of a resolution levying an assessment on properties to recover the

amortized loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for tax years 2019 and 2020

Motion **Commissioner Wicks moved to approve a resolution levying assessment on properties to recover the amortized loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for tax years 2019 and 2020.** Commissioner Noonan seconded the motion.

Discussion Commissioner O'Loughlin stated this was simply to recover the funds from the individuals taking part in the program and this was not an increase on all citizens.

Vote City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20566**

L. CONSIDER A RESOLUTION LEVYING ASSESSMENTS FOR IMPROVEMENT OF SIDEWALKS, CURBS, GUTTERS AND ALLEY APPROACHES IN THE CITY OF HELENA, MONTANA FOR TAX YEARS 2019 AND 2020

Staff Report Each year the City Commission must levy assessments on participating properties in order for those assessments to be placed on the upcoming tax bills and recoup the cost of installation of sidewalks, curbs, gutters, and alley approaches. The annual assessments approved by the City Commission will be placed on the calendar year 2019 and 2020 tax bills of those participating properties. The Commission passed a resolution of intention July 15, 2019. After receiving public input, approval of a resolution levying assessments on each district to defray the costs thereof for fiscal year 2020 and 2021 is required. Approval of the resolution will allow the City to levy assessments for fiscal year 2020 and 2021 for improvement of sidewalks, curbs, gutters, and alley approaches in the City of Helena to defray the costs of improvements.

Interim Finance Director Hirst recommended approval of a resolution levying assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for tax years 2019 and 2020.

Motion **Commissioner O'Loughlin moved to approve a resolution levying assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for tax years 2019 and 2020.** Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20567**

M. A RESOLUTION LEVYING AN ASSESSMENT ON PROPERTIES TO RECOVER THE COST OF REMOVAL OF SNOW AND ICE FROM SIDEWALKS ON THE ADJACENT PUBLIC RIGHTS-OF-WAY

Staff Report Each year the City Commission may levy assessments on properties to recover the costs of removal of snow and ice from

sidewalks in order for those assessments to be placed on the upcoming tax bills. The annual assessments approved by the City Commission will be placed on the calendar year 2019 tax bills of the affected properties. The Commission passed a resolution of intention on July 15, 2019. After receiving public input, approval of a resolution levying assessments on each property that has not previously paid the costs of snow/ice removal services received and to defray the cost thereof for fiscal year 2020 is required. Approval of the resolution will allow the City to levy assessments on all affected properties to defray the costs of snow and ice removal services.

City Manager Cortez recommended approval of a resolution levying an assessment on properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way.

Motion

Commissioner Wicks moved to approve a resolution levying an assessment on properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way.

Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20568**

N. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE SPECIAL STREET LIGHTING DISTRICTS FOR FISCAL YEARS 2020 AND 2021 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICTS

Staff Report

Each year the City Commission must levy assessments on the Special Street Lighting Districts in order for the assessments to be placed on the upcoming tax bills and defray the costs of installing, providing power to, and maintaining improvements in the districts. The annual assessment approved by the City Commission will be placed on the calendar year 2019 and 2020 tax bills of the properties within the districts. The Commission passed a resolution of intention on July 15, 2019. After receiving public input, the commission is encouraged to approve a resolution levying assessments to defray the costs of the districts for fiscal years 2020 and 2021. Approval of the resolution will allow the City to levy an assessment on all properties within the Special Street Lighting Districts to defray the costs in those districts.

Interim Finance Director Hirst recommended approval of a resolution specifying the assessment option for the Special Street Lighting Districts for fiscal years 2020 and 2021 and levying an assessment on all properties within the districts

Motion

Commissioner Noonan moved to approve a specifying the assessment option for the Special Street Lighting Districts for fiscal years 2020 and 2021 and levying an assessment on all properties within the districts

Commissioner O'Loughlin seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20569**

O. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT ON PROPERTIES TO RECOVER THE COST REIMBURSEMENT FOR WATER AND WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY FOR TAX YEARS 2019 AND 2020

Each year the City Commission will levy assessments on all properties under the Cost Reimbursement Program for Water and Wastewater Infrastructure Installed. Properties are assessed based on the loan agreements entered into by the property owners. Those assessments will be placed on the upcoming tax bills. The annual assessments approved by the City Commission will be placed on the calendar year 2019 and 2020 tax bills of the properties. After receiving public input, the commission must vote to approve a resolution levying assessments on each property identified. Approval of the resolution will allow the City to levy assessments on all participating properties in the Reimbursement Program for Water and Wastewater Infrastructure Installed to defray the costs of improvements.

City Manager Cortez recommended approval of a resolution levying an assessment on properties to recover the cost reimbursement for water and wastewater infrastructure installed by the City for tax years 2019 and 2020

Motion

Commissioner Wicks moved to approve a levying an assessment on properties to recover the cost reimbursement for water and wastewater infrastructure installed by the City for tax years 2019 and 2020.

Discussion

Mayor Pro Tem Haladay echoed the considerations the other Commission members had made previously about the rate increases, stating these deliberations began months ago when the budget discussions commenced. Mayor Pro Tem Haladay stated the Commission has discussed at great length the effect of the rate increases; and great care was taken to lessen the impact financially on the community, while still keeping the vital infrastructure intact, and maintaining services.

Vote

Commissioner Noonan seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0.
Resolution 20570

P. CONSIDER A RESOLUTION DECLARING REAL PROPERTY OWNED BY THE CITY, KNOWN AS KCAP PARK, AND LOCATED AT THE NORTH-WEST CORNER OF BROADWAY STREET AND CRUSE AVENUE, AS SURPLUS REAL PROPERTY AND AUTHORIZING DISPOSAL BY SOLICITING REQUESTS FOR PROPOSALS (RFP) FOR ITS REDEVELOPMENT AND HOLDING A PUBLIC HEARING. THE RFP SHALL FOCUS ON TWO ELEMENTS: PURPOSE AND PRICE

The City owns a 2,809 square foot parcel of property known as KCAP Park. The property was acquired by the City in June of 1975 from the Consistory Shrine Temple Association. The deed granting the

property to the City did not contemplate any particular use for the property nor does it contain any deed restrictions associated with the property. Since that time the City's Parks and Recreation Department has maintained the property as open space.

The property was identified for surplus in 2014 because of its small size and limited current and future recreation potential. The Commission previously approved the disposal of KCAP Park by authorizing auction sale to the highest bidder on January 29, 2019. At auction on February 28, 2019 Firetower, LLC submitted the high bid of \$30,500. Subsequently on March 7, 2019 the City and Firetower, LLC entered into an Agreement to Sell and Purchase ("Agreement"). Closing was to occur within 60 days. The buyer was unable to timely complete closing and on June 25, 2019 the City notified the buyer's agent that the City would not complete the sale. Because Resolution 20508 authorized disposal of KCAP Park through auction, the City must recommence the disposal process as any other methodology has not been so authorized. This entails a resolution of intention, public notice and notice to property owners within three hundred feet, a legally noticed public hearing, and finally adoption of a resolution authorizing a new method of disposition.

The Commission must vote to declare the above-mentioned property as surplus real property, hold public hearing and authorize the disposal method. Based on previous Commission direction, City staff will solicit requests for proposal to identify the best re-use or purpose for the site and the highest possible price that the City may obtain for said property. The proposed City goals and criteria for the site included in the request for proposals are:

Downtown impact - The process will evaluate how the proponent maximizes the site's development potential in such a manner that it contributes to the vibrancy of the Downtown district with a well-designed development that brings people into the area.

Housing - If the proposal includes housing, the proponent will be asked to include mixed-income housing with at least 25 % of the proposed units affordable to houses at or below 120 % of Area Median Income Mixed-use. The process will also examine how the proponent maximizes retail/commercial space on the ground floor attracting unique retail or innovative purpose

Community benefit - The process will also evaluate creative offers of community benefits package and activities.

Capacity - The process will seek evidence of capacity or proven record for implementing similar projects in other like cities/settings.

SCHEDULE

Issue/advertise Request for Proposal August 29, 2019

Scheduled walk through the property September 12, 2019

Last day for questions September 25, 2019

Proposals due by October 1, 2019

Review Committee

Recommendation of Selection of Proposal

Commission action on the recommendation

SELECTION

A committee consisting of a Helena BID representative, an MBAC representative, a property owner in the Downtown Urban Renewal District, member of the financial community, a design professional and a

representative from the Heritage Preservation and Tourism Council, a member of the Helena City Commission and city staff will review all qualified proposals.

The City Wishes to further achieve the goals established in the Downtown Master Plan through the disposal of this property to an entity with proven capacity. The City will save general fund dollars by not maintaining, irrigating, and paying assessments on the parcel and selling the property could improve the economic viability of that area. Using a request for proposals method of disposition would give the City control over the development of this property. Once the property is disposed, the City no longer controls use. For this reason, the suggested RFP process is the most effective tool to influence future use

Director Ponozzo recommended the resolution of declaring real property owned by the City, known as KCAP Park, and located at the north-west corner of Broadway Street and Cruse Avenue as surplus real property and authorizing disposal by soliciting requests for proposals for its redevelopment.

Public Testimony

Mayor Pro Tem Haladay the public portion of the hearing opened and called for anyone wanting to address the commission.

Patrick Cassidy, owner of On Broadway Restaurant, stated his interest in the property in order to benefit not only his business, but commerce generally in the Downtown district.

There being no persons wanting to address the commission, Mayor Pro Tem Haladay closed the public portion of the hearing.

Motion

Commissioner Noonan moved to the resolution of declaring real property owned by the City, known as KCAP Park, and located at the north-west corner of Broadway Street and Cruse Avenue as surplus real property and authorizing disposal by soliciting requests for proposals for its redevelopment. Commissioner Wicks seconded the motion.

Discussion

Commissioner Noonan stated he was pleased about the property's second chance at a sale and stated this vote did not lessen the Commission's commitment to Park space in the Downtown area.

Commissioner O'Loughlin stated support for the sale of this property in order to continue efforts to pursue the goals stated in the Downtown Master Plan. The Commissioner also echoed Commissioner Noonan's statement on Park space. Commissioner O'Loughlin stated she looked forward to the proposals which would be brought forth for the property.

Vote

City Clerk Havens called a roll call vote, as follows:
Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Resolution 20571**

Q. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3264 UPDATING THE CITYS ORGANIZATIONAL STRUCTURE BY AMENDING TITLE 2 CHAPTER 3 OF THE HELENA CITY CODE.

Staff Report

City Manager Cortez reported the City's departments are listed in Title 2, Chapter 3, of Helena City Code. The provisions of that chapter have not been updated since 2001. The City Manager proposes to

update the City's organizational structure and department nomenclature as follows:

1. The Administrative Services department will be renamed the Finance department with the various activities performed by the department broken out into separate divisions.
2. Open Lands will be added to the title of the Parks and Recreation department to read Parks, Recreation and Open Lands department.
3. Civic Center operations division will move from the Community Facilities department to the Parks, Recreation and Open Lands department.
4. A new Transportation Systems department will be created.
5. The Transportation Systems department will be comprised of Streets, Shop and Fleet Services, Transit, Parking, and Right-of-Way Code Enforcement divisions.
6. The Public Works department is will be comprised of the City Engineer, Solid Waste, Utility System Maintenance, Water Treatment, and Wastewater Treatment divisions

The updated organizational structure will help streamline city operations and create greater efficiencies with respect to provision of services. Some costs need to be incurred to update city publications to reflect the new organizational structure and nomenclature. Members of the public may experience some confusion during the transition period which will be mitigated with public information and outreach efforts.

City Manager Cortez recommended final passage of Ordinance No. 3264 updating the City's organizational structure by amending Title 2 Chapter 3 of the Helena City Code.

Discussion

Commissioner Wicks asked for clarification on the City Attorney Jodoin stated the City Manager has the ability to manage the staff and organization of City Staff, except for the City Clerk's office

Public Testimony

Mayor Pro Tem Haladay the public portion of the hearing opened and called for anyone wanting to address the commission.

Judy Kline, President of Civic Center Advisory Board, expressed concerns of the Civic Center Board's comments being not being properly considered by the City Commission and City Manager. Ms. Kline gave a synopsis of the efforts of the Civic Center Board's in fundraising and the improvements of building infrastructure itself. A brief statement was read by Ms. Kline authored by board member Dr. Wilkerson.

Gery Carpenter, former Executive Director of the Community Facilities Department, expressed concerns regarding the impacts of the Organizational changes and the impacts on the proper management of the Civic Center and its staff. Mr. Carpenter stated his worries over the process surrounding the reorganization of the Civic Center and Community Facilities. He further expressed concerns regarding the possibility of privatization of the Civic Center. Mr. Carpenter asked the Commission to create a more open process in any future changes made which impact the Civic Center going forward.

Gary and Joy Navoda, producers of Stars on Stage, read a prepared letter. Ms. Navoda stated careful consideration was taken and counsel with multiple individuals and stakeholders in the community before speaking publicly in this matter. Ms. Navoda asked the existing staff of the Civic Center remain in the facility itself. Fundraising efforts were discussed by the Ms. Navoda, stating other venues in the city were researched, and there was no other venue available to meet the needs

of their production and urged the Commission to avoid considerations of privatization of the facility in the future.

Phyllis Lamping, spoke in opposition of the reorganization of the Civic Center.

Christi Delaney, volunteer at Civic Center, spoke in opposition of the reorganization of the Civic Center under Parks and Recreation, Open Lands Department.

Pat Keim, President of Helena Symphony and Chairperson of Helena Symphony spoke in favor of the reorganization of the Civic Center under Ordinance 3263. Mr. Keim introduced Maestro Scott of the Helena Symphony. Maestro Scott gave a brief history and synopsis of the Helena Symphony's affairs and the symphony's use of the Civic Center facility. Maestro Scott stated as the primary renter and user of the facility, he spoke in favor of the reorganization of the Civic Center under the Parks and Recreation, Open Lands Department and stated the past several months have been operating efficiently, while operating under the Park and Recreation Department. He looked forward to continuing this productive relationship with the new department.

Kevin Hamm, spoke in favor of the reorganization. He read a prepared letter, stating he felt the letter the Civic Center Board submitted was counterproductive to the discussion, and felt the Parks and Recreation Department was well suited to the management of the facility.

Commissioner Wicks asked permission to recall Maestro Scott for additional questions. Commissioner Wicks asked if the Civic Center Advisory Board had reached out to the Helena Symphony Board for collaborative efforts. Maestro Scott stated this had not happened in the past. Commissioner Wicks asked if the Helena Symphony Board had requested a collaborative effort of the Civic Center Board. Maestro Scott there were requests and they were met with resistance. Commissioner Wicks asked Maestro Scott if he was aware in his touring experience of any performing arts centers which were under the direction of a Parks and Recreation Department or the equivalent and were, they able to function efficiently. Maestro Scott stated he was aware of several examples of this type of organization and they all functioned efficiently and productively.

There being no other persons wanting to address the commission, Mayor Pro Tem Haladay closed the public portion of the hearing.

Motion

Commissioner O'Loughlin moved to approve final passage of Ordinance No. 3264 updating the City's organizational structure by amending Title 2 Chapter 3 of the Helena City Code.

Commissioner Noonan seconded the motion.

Discussion

Commissioner O'Loughlin expressed a need for open lines of communication between all stakeholders who are concerned about the future of the Civic Center. Commissioner O'Loughlin thanked all those who participated in the discussions regarding the Civic Center, and appreciated that all parties involved cared about the future of the Civic Center.

Commissioner Noonan stated he was concerned about the public commentary, which felt the Commission was not listening to the concerns of those in opposition of the reorganization of the Civic Center. The Commissioner stated he was listening to all the concerns, but still felt the best interests of the Civic Center would be served by the move of the Civic Center under the Parks and Recreation, Open Lands

Department. Commissioner Noonan stated the City still stood behind the Civic Center, and its future.

Commissioner Wicks expressed dismay over the communications from the Civic Center Board, and the Board members which were in opposition to the reorganization. Commissioner Wicks felt the conduct of the Board members was unbecoming of any representative of a City of Helena Board.

Mayor Pro Tem Haladay stated concerns over the language of the Civic Center Board members in opposition of the move of the Civic Center and was disappointed in this conduct and language.

Vote

City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Ordinance 3264**

- R. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3263 REQUIRING PAWNBROKERS TO REPORT STOLEN PROPERTY TO THE CHIEF OF POLICE AND TO REQUIRE PRESENTATION OF IDENTIFICATION VERIFYING A PERSONS AGE PRIOR TO ACCEPTING ITEMS FOR PAWN BY AMENDING TITLE 4 CHAPTER 2 OF THE HELENA CITY CODE.

Staff Report

Deputy City Attorney Iryna O'Connor reported the City Commission adopted Ordinance 3253, on May 20, 2019, eliminating outdated and duplicative business regulations. The intent of that ordinance was to update the City's business regulations by updating and re-organizing the regulations contained in Title 4. During this process, two provisions from the old regulations, relating to pawnbrokers that were intended to remain, were inadvertently left out of Ordinance 3253. Those provisions relate to 1) requiring pawnbrokers to immediately report to the chief of police any item in pawnbroker's possession that is suspected to be stolen or lost; 2) that all persons wishing to pawn an item with a pawnbroker are required to present valid identification with age verification. Adopting the proposed ordinance amending Title 4 Chapter 2 of the Helena City Code to require pawnbrokers to report stolen property to the chief of police and to require presentation of identification verifying the person's age prior to accepting items for pawn, would not inherently change any Ordinance, and would simply be a correcting an inadvertent error in the adoption of the previous ordinance.

City Attorney O'Connor recommended approval of final passage of Ordinance No. 3263 requiring pawnbrokers to report stolen property to the chief of police and to require presentation of identification verifying a person's age prior to accepting items for pawn by amending Title 4 Chapter 2 of the Helena City Code.

Public Testimony

Mayor Pro Tem Haladay declared the public portion of the hearing opened and called for anyone wanting to address the commission. There being no persons wanting to address the commission, Mayor Pro Tem Haladay closed the public portion of the hearing.

Motion

Commissioner O'Loughlin moved to approve final passage of Ordinance No. 3263 requiring pawnbrokers to report stolen property to the chief of police and to require presentation of identification verifying a person's age prior to accepting items for

pawn by amending Title 4 Chapter 2 of the Helena City Code.

Commissioner Wicks seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Pro Tem Haladay voted aye. The motion carried, 4-0. **Ordinance 3263**

***Public
Communications***

PUBLIC COMMUNICATIONS
None received.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 8:03 p.m.

Meetings of Interest MEETINGS OF INTEREST

City-County Joint Work Session – September 3, 2019 – Room 326, City-County Building

Administrative Meeting – September 4, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – September 9, 2019 - 6:00 p.m. - Commission Chambers,
City-County Building

/S/ ANDRES HALADAY
MAYOR PRO TEM

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE CITY COMMISSION