

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
December 7, 2020 – 6:00 P.M.
Zoom Online Meeting <https://zoom.us/j/99990317043>

- Time & Place*** A regular City Commission meeting was held on Monday, December 7, 2020 at 6:00 p.m. via Zoom Online Meeting
<https://zoom.us/j/99990317043>
- Members Present*** Mayor Collins requested City Clerk Clayborn call roll call: City Attorney Jodoin, City Manager Harlow-Schalk, Commissioner Haladay, Commissioner Dean, Commissioner Logan, and Mayor Collins all responded present. Commissioner O’Loughlin was excused for this meeting.
- Pledge of Allegiance*** **(16:05)** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes*** **(16:25)** Budget Work Session – June 10, 2020

The minutes from the City Commission Budget Work Session held on June 10, 2020 were approved as submitted.
- Board Appointments (16:47)***
- A. BID; HPAC
- Helena Business Improvement District*** Reappointment of Rex Seeley for a second term in the HBID. Term begins upon appointment and will expire on October 31, 2024.

Reappointment of Ryan Stavnes to a second term on the HBID. Term begins upon appointment and will expire on October 31, 2024.

Appointment of Al Roy to a first term on the HBID. Term begins upon appointment and will expire on October 31, 2023.

Appointment of Jake Heaton to a first term on HBID. Term begins upon appointment and will expire on October 31, 2023.
- Helena Public Arts Committee*** Appointment of Amanda Reese to a first term on the HPAC. Term begins upon appointment and will expire on December 31, 2024.
- Motion*** **(18:05)** Commissioner Dean moved to approve reappointment of Rex Seeley for a second term on the HBID. Term begins upon appointment and will expire on October 31, 2024. Reappointment of Ryan Stavnes to a second term on the HBID. Term begins upon appointment and will expire on October 31, 2024. Appointment of Al Roy to a first term on the HBID. Term begins upon appointment and will expire on October 31, 2023. Appointment of Jake Heaton to a first term on the HBID. Term begins upon appointment and will expire on October 31, 2023. Appointment of Amanda Reese to a first term on the HPAC. Term begins upon appointment and will expire on December 31, 2024. Commissioner Logan seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. (19:13)**

Consent Agenda (19:20) A. Claims

City Manager Harlow-Schalk gave a report on claims.

Motion (20:37) Commissioner Dean moved to approve Consent Agenda item A Claims. Commissioner Haladay seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. (21:01)**

Communications from (21:09) COMMUNICATIONS/PROPOSALS FROM CITY City Commissioners COMMISSIONERS

Commissioner Dean did not have comments or proposals but wanted to notify the Mayor that she would have to leave this meeting at 6:30 p.m.

No other comments or proposals from the Commission.

Report of the City Attorney

(21:53) City Attorney Jodoin had nothing to report and no litigation strategy report.

Report of the City Manager

- (22:05)**
- A. Commissioner Retreat Update & Strategic Planning
 - B. County Detention Center Update
 - C. HCTV Contract

City Manager Harlow-Schalk introduced the City of Helena's new Finance Director, Sheila Danielson. Director Danielson gave an update on her immediate directives for the Finance Department.

City Manager Harlow-Schalk gave an update on the "We Are All In" initiative and recommended a motion.

Motion (25:38) Commissioner Dean moved to approve "We Are All In". Commissioner Haladay seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 4-0. (26:09)**

- A. City Manager Harlow-Schalk gave an update on the Commissioner Retreat Update and Strategic Planning.

Discussion (27:48) Commissioner Dean had follow-up questions on the retreat update and strategic planning.

- B. **(28:42)** City Manager Harlow-Schalk Introduced Captain Alan Hughes with the Lewis and Clark County Sheriff's Office to give an update on the County Detention Center.

Discussion (31:13) Commissioner Dean had follow-up questions for Captain Hughes. **(36:52)** City Manager gave an update on the Administrative Order regarding COVID.

- C. **(41:03)** City Manager Harlow-Schalk gave an update on the HCTV Contract.

Report from HCC

(42:46) COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL

Ryan Schwochert gave an update on the Helena Citizens Council.

Regular Items

(45:05)

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 5 OF THE HELENA CITY CODE BY REPEALING PART 3, POSSESSION OF FIREARMS PROHIBITED; EXCEPTIONS, IN ITS ENTIRETY AND ADOPTING 5-1-3 FIREARMS AND OTHER WEAPONS; DISCHARGE; IN ITS PLACE.

Staff Report

(45:30)

City Attorney Thomas Jodoin reported Montana voters approved Legislative Referendum 130 ("LR-130") in November 2020. When the measure goes into effect on January 1, 2021, local government regulation of firearms will be far more limited than before. First, by way of amendments to §§ 7-1-111(9) and 45-8-351(2)(a), MCA, LR-130 wholly removes a local government's right to regulate the carrying of concealed weapons by persons who possess a valid concealed carry permit. Local governments will retain the right to forbid the carrying of a concealed firearm by a person who does not have a permit. Second, the changes to § 45-8-351(2)(a), MCA, will limit local government regulation of open carry to publicly owned and occupied buildings under the local government's jurisdiction.

The first change is not of great concern because § 5-1-3 currently excludes from its directives those people who possess a valid concealed carry permit. However, the second change presents a problem because § 5-1-3 will conflict with the amended version of § 45-8-351, MCA. Specifically, § 5-1-3 regulates the open carrying of firearms in the following places: (1) public assemblies; (2) City of Helena parks; (3) schools; and (4) all publicly owned buildings. This broad regulation of open carry will be forbidden when LR-130 goes into effect. As a result, the City must amend § 5-1-3 to bring the ordinance into compliance with changes to the Montana Code.

This is an item of first impression before the Commission and community conversations have not occurred because the changes to § 5-1-3 are dictated by the passage of LR-130. My office has engaged with the Helena Police Department to ensure the draft ordinance is understood and can be enforced by officers. Comparisons to other cities is not applicable because the City of Helena has a unique firearms regulation. There are no specific identified costs of this ordinance other than the general time it has taken my office to review LR-130, draft an ordinance and memo, and review with HPD which is estimated to be about 10 hours of total staff time. There are no expected long-term increase in costs associated with the change in regulation because HPD was already enforcing a more restrictive regulation.

Staff recommends that the City amend § 5-1-3 of the Helena City Code to bring it into compliance with amended versions of §§ 7-1-111(9) and 45-8-351(2)(a), MCA. The City's firearms ordinances will not conflict with changes to the Montana Code brought about by LR-130.

Mr. Jodoin recommended a motion to approve first passage of an ordinance amending Chapter 1 Of Title 5 Of The Helena City Code By Repealing Part 3, Possession Of Firearms Prohibited; Exceptions, In Its Entirety And Adopting § 5-1-3 Firearms And Other Weapons; Discharge; In Its Place, and set a public hearing for December 21, 2020.

- Discussion (50:20) No comments or questions from the Commission.
- Public Comment (50:27) Mayor Collins opened the floor to public comment. None were made.
- Motion (50:40) **Commissioner Logan moved to approve first passage of an ordinance amending Chapter 1 Of Title 5 Of The Helena City Code By Repealing Part 3, Possession Of Firearms Prohibited; Exceptions, In Its Entirety And Adopting § 5-1-3 Firearms And Other Weapons; Discharge; In Its Place, and set a public hearing for December 21, 2020.** Commissioner Haladay seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Logan voted aye, and Mayor Collins voted aye. **The motion carried, 3-0. (51:38)**
- Public Hearings (51:42)**
- A. CONSIDER FINAL PASSAGE OF AN ORDINANCE ESTABLISHING THE CAPITAL HILL URBAN RENEWAL DISTRICT AND THE BOUNDARIES HEREOF AND ADOPTING THE CAPITAL HILL URBAN RENEWAL DISTRICT PLAN, INCLUDING TAX INCREMENT PROVISION PURSUANT TO TITLE 7, CHAPTER 15, PARTS 42 AND 43, MCA.
- Staff Report (52:10) Community Development Director Sharon Haugen reported On November 23, 2020, the Helena City Commission approved first passage of an ordinance creating the Capital Hill Urban Renewal District (URD) and establishing the boundaries thereof, and adopting the Capital Hill Urban Renewal District Plan (Plan), including tax increment provision pursuant to Title 7, Chapter 15, Parts 42 and 43 MCA. The City Commission established December 7, 2020 as the date for a public hearing to consider final passage of the ordinance. MCA Section 7-15-4213 requires that the Consolidated Planning Board review the Urban Renewal Plan as well as any amendments then provide a written recommendation to the City Commission as to whether the Urban Renewal Plan conforms to the 2019 Growth Policy. On October 20, 2020, the Planning Board heard a presentation regarding the Urban Renewal Plan and the goals identified therein. The staff report also evaluated how these goals were in conformance with the City's current Growth Policy. As a result of that meeting, the Planning Board concluded the goals were in conformance with the 2019 Growth Policy and made a formal recommendation for the City Commission to consider the Capital Hill Urban Renewal Plan. The Planning Board's recommendations were provided to the City Commission on November 23, 2020. The City sent notices of the hearing to all property owners in the proposed District

whose names appear on the county treasurer's tax rolls as the owners or purchasers under contract. Lewis and Clark County and the Helena School District were also notified about the hearing. Through this process, all of these parties have an opportunity to comment on the Plan and the formation of the District. A copy of the draft Plan is located on the City website at: www.helenamt.gov/cd/planning/current-projects. A hard copy of the Plan can be obtained by contacting the Community Development Department located at 316 N. Park Ave, Helena, MT, 59623. Once approved by the City Commission, City staff will finalize the Plan. Then, it as well as other required documents will be sent to the Montana Department of Revenue so that they can certify the base year for the amended District and the subsequent tax increment.

The purpose of the action is to take public comments prior to the adoption of the Capital Hill Urban Renewal District, the amended boundaries, and the accompanying plan. The Capital Hill URD and resulting opportunities associated with the various mechanisms identified in the Plan would help to encourage revitalization and redevelopment of the area. The City of Helena Growth Policy identifies this area as one with potential for infill, redevelopment, and as a designated potential Neighborhood Center. The Growth Policy and the proposed Plan speaks to encouraging redevelopment in the area and maximizing opportunities to reinvest in existing building and infrastructure. The District and accompanying tax increment financing will help accomplish some of these goals and is one of the few tools that cities have to encourage redevelopment in an area. It also encourages and better enables public and private partnerships.

Redevelopment activities take advantage of existing infrastructure and require less resources to develop than raw ground. The possible use of TIF funds may allow existing buildings to be brought up to current standards that make them more energy efficient and extend their usable life.

It is anticipated that the actions resulting from the Plan will increase the overall taxable value of the proposed district through strategic public and private investment. The increase in taxable value from a set baseline level will be redirected back into the district. The increment that is derived from the increase in taxable value, therefore, will stay in the district and will not be available to be used elsewhere in the City.

Staff recommends a motion to approve final passage of an ordinance establishing the boundaries of the Capital Hill Urban Renewal District and the Capital Hill Urban Renewal District Plan including a tax increment provision pursuant to Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated.

- Discussion (57:53) There were no comments or questions from the Commission.
- Public Comment (58:15) Michael O'Neil gave public comment.
- Motion (1:00:10) Commissioner Haladay moved to approve final passage of an ordinance establishing the boundaries of the Capital Hill Urban Renewal District and the Capital Hill Urban Renewal District Plan including a tax increment provision pursuant to Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated.**

- Discussion **(1:00:31)** Commissioner Haladay made a comment prior to the vote.
- Motion** (1:02:15) Commissioner Logan seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Logan voted aye, and Mayor Collins voted aye. **The motion carried, 3-0. (1:02:25)**
- Public Communications** **(1:02:30)** Mayor Collins opened the floor to public comment. None were made.
- Adjournment** **(1:03:33)** There being no further business to come before the City Commission, the meeting adjourned at 6:48 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE CITY COMMISSION