

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**September 14, 2020 – 6:00 P.M.**  
**Zoom Online Meeting <https://zoom.us/j/98335574881>**

- Time & Place*** A regular City Commission meeting was held on Monday, September 14, 2020 at 6:00 p.m. via Zoom Online Meeting  
<https://zoom.us/j/98335574881>
- Members Present*** Mayor Collins requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, Interim City Manager Reed, Commissioner Haladay, Commissioner Dean, Commissioner Logan, Commissioner O’Loughlin and Mayor Collins all responded present.
- Pledge of Allegiance*** (11:27) Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes*** (11:54) City Commission Budget Work Session – May 12, 2020  
  
The minutes from the City Commission Budget Work Session held on May 12, 2020 were approved as submitted.
- Proclamations*** (12:10) PROCLAMATIONS  
A. Suicide Prevention Month  
  
Mayor Collins proclaimed September 2020 as “Suicide Prevention Month”.
- Public Comment** (15:32) Dana Hillyer gave public comment on “Suicide Prevention Month”
- Board Appointments*** (17:20) BOARD APPOINTMENTS  
  
A. Helena Housing Authority  
B. Helena Regional Airport Authority  
C. Railroad TIF Advisory Board
- Helena Airport Authority*** (17:25) Appointment of Mike Murray to a second of a three-year term to the Helena Airport Authority Commission. Term will begin upon appointment and will expire on September 21, 2023.
- Helena Housing Authority*** (17:40) Appointment of Stacey Anderson to the Helena Housing Authority. Term will begin upon appointment and expire on August 21, 2025.
- Railroad TIF Advisory Board*** (17:53) Appointment of Ann Pichette to Railroad TIF Advisory Board as a representative of Montana Business Assistant Connection. Term will begin upon appointment and with no particular term expiration.
- Motion** (18:19) **Commissioner Haladay moved to approve the appointment of Mike Murray to a second, three-year term on the Helena Airport Authority Commission. Term will begin upon appointment and expire on September 21, 2023. Reappointment of Stacey Anderson to the Helena Housing Authority. Term will begin upon appointment and expire on August 21, 2025. Appointment of Ann Pichette to the Railroad TIF Advisory Board as a representative of Montana Business Assistant Connection. Term begins upon appointment with**

**no particular term expiration.** Commissioner Dean seconded the motion. Interim 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, 5-0. (19:20)**

**Consent Agenda (19:23) CONSENT AGENDA**  
A. Claims

Interim City Manager Reed gave a report on the claims.

**Motion (20:20) Commissioner Logan moved to approve Consent Agenda item A Claims.** Commissioner O'Loughlin seconded the motion. Interim 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, 5-0. (20:51)**

**Communications from (20:54) COMMUNICATIONS/PROPOSALS FROM CITY**  
**City Commissioners COMMISSIONERS**

Commissioner Dean had follow-up regarding the discussion that was had at the Joint City-County Work Session on the detention center census. Commissioner Dean had a conversation with Judge Peterson and would like to invite her to present at a future Administrative Meeting.

Commissioner O'Loughlin asked follow-up questions to City Attorney Jodoin regarding Commissioner Dean's request.

Commissioner Logan commented on Helena Safe Fire Project.

**Report of the City Attorney (27:18)** City Attorney Jodoin had nothing to report.

**Report of the City Manager (27:23)** A. Downtown and Beyond Business Support

Interim City Manager Reed asked Chief Hagen to report on the discussions with the downtown community.

Interim City Manager Reed gave an update on the staffing of the City Clerk's Office.

Interim City Manager Reed gave an update on the transfer station possibly opening on Sundays, with discussion and follow-up questions from the Commission.

**Regular Items (47:45)**  
A. CONSIDER FIRST PASSAGE OF AN ORDINANCE ADOPTING THE STATE ADOPTED SWIMMING POOL AND SPA BUILDING CODES BY AMENDING CHAPTER 2 OF TITL 3, HELENA CITY CODE, AND SET A PUBLIC HEARING DATE.

**Staff Report** Community Development Director Sharon Haugen and Chief Building Official Kimberley Mack reported that currently, the Building Division for the City of Helena is enforcing the 2018

editions of the IBC, IRC, IEBC, IMC, IFGC, UPC and the 2017 NEC by the adoption of Ordinance 3280. Effective December 7, 2019, the State of Montana Building Codes Program adopted new Administrative Rules of Montana (ARM) implementing the use of the above codes and mandating their adoption.

As part of the State's adoption of the 2018 Codes, the International Swimming Pool and Spa Code (ISPSC) was also adopted. In the previous code adoption cycles, the adoption of the ISPSC was optional for the certified jurisdictions. In this adoption cycle, the State has made it mandatory as per ARM 24.301.175(2) stating the certified jurisdictions who have adopted the 2018 International Building Code, must adopt 2018 International Swimming Pool and Spa Code.

ARM 24.301.202 requires the code adoption by certified local jurisdictions be the same as those adopted by the State and they have 90 days from December 4, 2019 to adopt this version of the codes. As this was a change from previous adoptions, we overlooked that it was mandatory to adopt this code. The codes as adopted by the State may not be altered and must be adopted by certified jurisdictions in the same editions with the same amendments as adopted by the State. Once the City has adopted the above codes, notification must be sent to the state informing them of the adoption and copies of the ordinances are to be sent to them.

MCA 7-5-108 requires when an ordinance is proposed for adoption that incorporates by reference the provisions of any code or amendments, the codes and amendments shall be available for public inspection and examination a minimum of 30 days prior to final adoption in the City Clerk's office.

Chapters 7 – 10, inclusive, of the 2018 ISPSC are deleted in their entirety by the State and as such, the City will not enforce these Chapters. These chapters regulate the installation of swimming pools and spas in residential households.

The purpose of the proposal is to present the above code, as amended through the State of Montana, to the City Commission for first passage and set a hearing for November 9, 2020. First passage by the Commission sets the course for the City Building Division to comply with the State's directive to adopt the new edition of the International Swimming Pool and Spa Code. This keeps the City's certified enforcement program in good standing. The 2018 International Swimming Pool and Spa Code (ISPSC) being considered for adoption by the City will be cooperatively enforced by the City, Lewis and Clark County Public Health Department and DPHHS. Having multiple agencies enforcing the same code may lead to multiple interpretations of provisions and confusion for the applicant making it imperative that these organizations work together when enforcing this code.

City staff requested first passage of an ordinance adopting the State adopted Swimming Pool and Spa Building Codes by amending Chapter 2 of Title 3, Helena City Code and set a public hearing date for November 9, 2020.

- Discussion (52:30) Commissioner Dean had follow-up questions.
- Public Comment (53:55) Mayor Collins opened the floor to public comment. None were made.
- Motion** (54:20) **Commissioner O’Loughlin moved to consider first passage of an ordinance adopting the State adopted Swimming Pool and Spa Building Codes by amending Chapter 2 of Title 3, Helena City Code and set a public hearing date for November 9, 2020.** Commissioner Dean seconded the motion. Interim 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, 5-0. (54:52)**
- Report from the HCC** (55:05) COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL  
  
John Andrew gave a report on the Helena Citizens Council
- Public Communications** (57:35) Mayor Collins opened the floor to public comment. None were made.
- Adjournment** (58:26) There being no further business to come before the City Commission, the meeting adjourned at 6:47 p.m.

**/S/ WILMOT COLLINS**  
MAYOR

ATTEST:

**/S/ DANNAI CLAYBORN**  
CLERK OF THE CITY COMMISSION