

**SUMMARY OF ADMINISTRATIVE MEETING**  
**July 8, 2015 – 4:00 p.m.**  
**Room 330, City-County Building**

**1. Call to order, introductions, opening comments** – Mayor Pro Tem Elsaesser called the meeting to order. Commissioners Ellison, Haque-Hausrath and Haladay were present. Mayor Smith was excused. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; Community Facilities Director Gery Carpenter; Planner Dustin Ramoie; Fire Chief Sean Logan; Parks & Recreation Director Amy Teegarden; Police Chief Troy McGee; Budget Manager Robert Ricker; Human Resources Director James Fehr; HCC Coordinator Judy Garrity and City Clerk Debbie Havens.

Others in attendance included: HCC Representative Dick Sloan, Heritage Preservation Officer Pam Attardo.

**2. June 24, 2015** - The June 24, 2015 administrative meeting summary was approved as submitted.

**3. Commission comments, questions –**

**Upcoming Appointments** – There are no board appointment on the July 13<sup>th</sup> city commission meeting agenda.

**Commission Comments** – Commissioner Haque-Hausrath reported Julie Dalsoglio, Director of the EPA Montana will be in Helena for another community processing meeting, July 16<sup>th</sup> from 1:00 p.m. to 5:00 p.m. An email inviting the commission to the meeting will be forthcoming.

Mayor Pro Tem Elsaesser complimented the employees at the transfer station on letting the customers know the changes in the number of visits.

**Rededicate the Confederate Memorial Fountain** – Commissioner Haladay made opening comments on the importance of rededicating the Confederate Memorial Fountain and proposed the following:

Commissioner Haladay stated he hopes this is a reasonable solution that neither blinds us to history nor “obliterates” the past:

1. We re-dedicate the Fountain a Civil War Veterans’ Fountain.

2. Staff works with the Helena historical community to craft language for a plaque that can be placed by the Fountain reflecting:

a. The history of reconciliation and relations between former foes who sought a new life in Montana after the Civil War (historical context).

b. The history of the United Daughters of the Confederacy’s motivations to change the narrative of the Confederacy, and recognition that this fountain was erected at a time the UDC was building monuments for this purpose around the nation (historical context).

c. In light of both the positive and negative of this Fountain, the Commission concluded to rededicate the monument to *all* veterans who chose to call Montana home after the Civil War (teachable moment).

This addresses the rational concerns voiced in this matter. Our esteemed historical community has lobbied for an interpretation of the Fountain reflecting reconciliation and unity between former foes. As this is not currently expressed on the Fountain, it appears a necessary addition for full historical context.

At the same time, no one has disputed the UDC engaged in a propaganda campaign to whitewash the Confederate narrative, and used monuments like the Fountain as a tool to do so. Just like the unity aspect, this history is not currently reflected, and it appears a necessary addition for full historical context. We cannot shut our eyes to the portions of history that do not align with our preferred interpretations.

Explaining this history, and choosing unity over the UDC’s one-sided motivations provides a teachable moment. In other words, we take the UDC’s ulterior purpose, explicitly confront it, and explain our rejection of that message for one of unity. That’s how we provide *full* historical context and confront historical ignorance, while maintaining fidelity to the past.

Commissioner Haladay stated he believes this proposal should be sent to the Parks Board for a recommendation. He acknowledged the well written editorial from Heritage Preservation Officer Pam Attardo; more education is better than no education.

Commissioner Haque-Hausrath concurred to refer this to the Parks Board. There are two issues, everyone can agree the fountain should remain; however, currently without any context around it, it is confusing to visitors. Currently the fountain makes a false premise that Helena supported the white supremacy at the time the fountain was built. Commissioner Haque-Hausrath again stated she would support referring this to the Parks Board for a recommendation and then have a full discussion of the commission.

Mayor Pro Tem Elsaesser asked if the commission could ask for a recommendation from both the Parks Board and Heritage Preservation Commission. Manager Alles stated yes, both are advisory boards to the city commission.

Manager Alles noted Mayor Smith has stated he would prefer the commission not ask for a recommendation from the Parks Board and is in favor of getting additional history on a plaque. After reading Commissioner Haladay's most recent recommendation, Mayor Smith stated he would consider approving it.

Commissioner Ellison stated he does not support asking the Parks Board for a recommendation; he will not oppose it if it is the will of the commission. Commissioner Ellison stated the timing of this is confusing and surprising, there have been racial motivated crimes for years and this discussion has not happened in the past and now, because of one incident, it is important to discuss the fountain. Commissioner Ellison stated he believes this is a knee jerk reaction and does not know what all the fuss is about. He has read the well written memos and he continues to be confused on what the commission needs to address. What we have is a solution looking for a problem. There are confederate memorials around the nation and those are not being addressed. The fountain here, no one has ever mentioned a problem with or a difficult interpreting it. There have been a lot of comments in the last few days. The commission is being seen as taking a rash and hasty step. Commissioner Ellison stated he would like to remove it from consideration. However, he will wait to make a decision until a recommendation is brought forward.

Mayor Pro Tem Elsaesser stated he too would support asking the Parks Board to have a community discussion and bring forward a recommendation for language to be placed on a plaque.

Mayor Pro Tem Elsaesser asked for public comment. The following persons addressed the commission:

**Dick Alberts**, PO Box 6684, Helena, City-County Heritage Tourism Council member, stated he does not support renaming the fountain and does support adding a plaque with additional information.

**Pam Attardo**, Historic Preservation Officer, stated she has received a lot of comments/calls and does not support renaming the fountain. The Heritage Preservation Council would be willing to work with the city to prepare additional information for a plaque. Ms. Attardo suggested holding a rededication but do not rename the fountain.

**Zoe Ann Stoltz**, Montana Historical Society, stated this is a very complex issue and thanked the commission for recognizing racism does exist. She asked the commission not to deny history but learn from it; this is a momentous teaching occasion.

**Greg Chadwick**, 3010 Custer Avenue, concurred with Commissioner Ellison's comments; the fountain is a learning opportunity; he asked the commission leave the fountain alone.

**Dan Elliott**, Sons of the Union Veterans of the Civil War, read a statement opposing the removal of any confederate monument.

**Wilmont Collins**, PO Box 458, Helena, noted history is not what you see, it is what is in the past. He has lived in the Helena community in 22+ years and noted the crisis in South Carolina does affect citizens of Helena. Mr. Wilmont stated he has experienced racism.

**Mary Lou Garrett**, Sons & Daughters of the Montana Pioneers, stated they are in opposition to doing anything to the fountain, leave as is.

**Amy Hall** stated there are two different perspectives being discussed; the historical versus what the monument reflects on Helena now. She recommended keeping the monument and removing the wording, let's not be a community that honor confederate soldiers. Ms. Hall stated she respects both sides of the issue; however, she does not agree with keeping the fountain as his. A plaque with additional information would also be helpful.

**John Moore**, 517 Knight Street, stated he is opposed to doing anything with the fountain; he is in support of adding a plaque with additional historical information.

**Tammy Jo**, PO Box 5473, Helena, stated she has visited the monument and if we begin to remove history, we are in a lot of trouble. Montana is rich in history. A plaque is a good idea, but do not change the monument. The citizens of this community all have to live and raise their children together.

**Carl Schweitzer**, stated the horrible event in South Carolina should not be acted upon in Helena. There are a lot of schools/streets named after confederate soldiers. The commission needs to make the decision and not refer it to the Parks Board.

**Dan Moore**, 2510 Gold Rush Avenue, asked the commission not to change the monument.

**Shawn White Wolf**, 716 Jackson Street, stated he has seen the fountain for years and had interpreted it differently; however, he does support Pam Attardo's recommendation. This discussion has brought forward new information on the fountain.

**Pat Keim**, 1315 Deer Meadow Drive, stated he is a Historian by training and he is opposed to renaming or removing the monument. He has lived in the south and understands what the confederate "battle" flag stands for. This monument is about honoring American veterans, not about racism or slavery. He too agrees with Pam Attardo's recommendation.

**Jeff Lucas**, Montana Human Rights Network, supports the recommendation to rename the confederate monument in Hill Park and to refer it to the Parks Board for a recommendation.

**County Commissioner Susan Good Geise** stated she does not support referring it to the Parks Board and suggested the commission do their job and make the decision. She noted she sits on the Parks Board and they consider improving parks, installing playgrounds and how to install paths. This is a policy decision and the commission needs to make it.

**Jennifer** read a prepared statement on the Civil War and asked the commission to reject any attempt to change the fountain.

**Jane Hamin**, PO Box 4, Clancy, stated she has a tremendous interest in history and is opposed to changing the name of the fountain. She supports a plaque with further information explaining the history. The commission should make the decision.

**Chuck Jesick** stated renaming the fountain is like rewriting history, keep it as is and install a plaque.

**Roger LaVoie**, member of the Sons of Confederate Soldiers, asked the commission not to change the name of fountain. This is the only confederate monument in Montana and in the Northwest area. He is opposed to re-writing history. The commission needs to make the decision and he supports putting a plaque up explaining why the fountain was placed in the park.

**Jessica Larr**, 206 W. Lawrence, stated what the confederate flag symbolizes now is different from the intent. She supports the Montana Human Rights Network recommendation. It is important to preserve historic buildings and monuments, however, a plaque needs to be added.

**Sandy Sendlow**, 1919 Grizzly Gulch, recommended keeping the monument and if there is a plaque then it should reflect the history, this is not a racism issue.

**Shilo Hernandez**, 566 Highland Street, noted everyone is in agreement that no one supports racism and no one wants to remove the fountain. However, Helena needs to show that we are not racist and if there is going to be a plaque the language should include that everyone is created equal and we denounce racism in any and every form.

Commissioner Haladay stated his original point was the commission is not talking about tearing the fountain down. The intent is to engage the community in the historical content of the fountain. Historical context will be very valuable in this case, the conversation is worth having.

Commissioner Haladay asked how does the commission generate the language; ask the Parks Board, the Heritage Preservation Council or staff to recommend language for the plaque. Ultimately, it is not going to be the commission that drafts the language. He does not want to create an ad-hoc committee to do this.

Mayor Pro Tem Elsaesser noted there is a lot of support for a plaque that would provide historical context. He supports accepting Pam Attardo's offer to work on language for a plaque and engage the Parks Board.

Commissioner Ellison stated three commissioners have crafted an approach to move forward, although he is in opposition to that, he will look forward to the recommendation.

Dick Alberts stated the Heritage Tourism Council will be more than happy to generate language to express the intent of why the fountain was placed there.

Commissioner Haladay thanked Mr. Alberts for the offer; he noted there are different thoughts on the historical context. He asked Mr. Alberts if he will keep an open mind on the historical perspective when drafting the language. Mr. Alberts concurred to keep an open mind when working on the language.

Commissioner Haque-Hausrath referenced the information Heritage Preservation Officer Pam Attardo provided and noted she contacted Jill Titus with the Getty's Institute and received an email with some good comments. Commissioner Haque-Hausrath concurred to have the Heritage Preservation Council develop language for a plaque.

Heritage Preservation Officer Pam Attardo stated she will begin the process and work with the council on the language. All comments offered today will be taken into consideration.

Mayor Pro Tem Elsaesser stated persons interested in this conversation can contact Ms. Attardo at [pattardo@lccountymt.gov](mailto:pattardo@lccountymt.gov) or 447-8357.

**4. City Manager's Report** – Manager Alles reported staff is forwarding the city's proposed route system to MDT; they are going to do their due diligence and get it back to the city. MDT Director Tooley will work with the city to get this approved.

Manager Alles referred the commission to the list of proposed budget amendments that will be presented at the July 13<sup>th</sup> city commission meeting. He then noted the anticipated deficit of \$250,000 has been addressed through department's savings for FY2015. A final report will be prepared once all the information is available.

Commissioner Ellison noted a primary for the 2015 city elections will not necessary; he asked if the budgeted amount for the primary could be reallocated back into the general fund. City Manager Alles concurred those funds could be reallocated back onto the general fund.

Commissioner Haladay thanked City Manager Alles for bringing the information forward and staff for doing a good job with their FY2015 budgets.

## **5. Department Discussions**

### **City Attorney**

**Street Improvement Ordinance within Street Maintenance District** – City Manager Alles stated in October, there was commission consensus to bring this ordinance forward. By approving this ordinance, it does not force the city to increase the assessment until there is a need.

Section 7-1-8 of the Helena City Code established the existing Street Maintenance District No. 1 that encompasses the entire city. That ordinance was adopted in 2004 pursuant to the authority granted in §7-12-4401, MCA. Because the provisions of city code only include street maintenance, state law does not allow street maintenance district funds to be used on street improvements within the street maintenance district. However §§7-12-4405 and 7-12-4428 MCA, specifically authorized the expenditure of street maintenance district funds on street improvements within the district if the city commission adopts an ordinance for that specific purpose.

The proposal is to adopt an ordinance that specifically authorizes street maintenance funds to be used to fund street improvements within Street Maintenance District No. 1.

The ordinance must go through the city's normal process of first passage (or "reading") which sets a date for a public hearing and final passage. However, state law does allow protest by owners of property within the district before final passage of the ordinance. The following are the three scenarios that would prevent the commission from acting on final passage of the proposed ordinance in include street improvements in Street Maintenance No. 1. The protests must be in writing and be filed by:

1. Owners of property within the district having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of the property within the district;
2. At least 50% of the owners of property within the district; or
3. Owners of property within the proposed maintenance district having projected assessments, when aggregated, representing not less than 50% of the total projected assessments for property within the district.

Unlike special districts, the city clerk does not need to send out protest cards. Rather, notice of the introduction of the proposed ordinance and the time for public comment and final adoption simply needs according to normal notice procedures in §7-1-4127, MCA.

The commission would not need to consider and approve the assessment rate for the Street Maintenance District No. 1 during this ordinance process. Instead that would be determined during the annual assessment resolution process.

Commissioner Haladay stated he is gone from supporting an ordinance to neutrality as he is still unclear as to what commission consensus supported bringing this ordinance forward. In the wake of the Non-Motorized District failure, there did not appear to be commission support for the level of rate increases that would result from this district. The commission pulled the plug on a fire service district owing to lack of consensus. Commissioner Haladay stated he expected to hear full-throated support from the commissioners before he gets behind this proposed ordinance. To date, he has not heard such support.

Commissioner Ellison asked if the passage of this ordinance would allow maintenance on the non-motorized portions of the streets. Attorney Jodoin stated he previously opined that street maintenance funds could be used for non-motorized projects as long as the project is in the city's right-of-way. He believes that to be the case when adding street improvements to the district. However, the city commission needs to define what is non-motorized improvements are.

Commissioner Ellison stated he may have been perceived in opposition to the non-motorized district due to costs; however, at that time, it was because non-motorized projects should compete with all other general fund projects. If this ordinance is moved forward and put into place, he will support fixing the non-motorized entities within the street improvements and therefore will support the ordinance.

Commissioner Haque-Hausrath stated she shares the same concerns as Commissioner Haladay. She has heard that Mayor Smith and Commissioners Elsaesser and Ellison want to move forward in the creation of the new taxing jurisdiction; therefore, staff should move forward.

Manager Alles clarified this would not be a new district; it is within the street maintenance district and expands the scope. Commissioner Haque-Hausrath clarified in would an increase in the assessment to provide for things that cannot currently be paid for with the street maintenance funds.

Mayor Pro Tem Elsaesser stated this would be an appropriate tool for street improvements to include ADA corners and he supports moving forward with the ordinance.

Commissioner Haladay proposed the following:  
**“10% of the total budget for each improvement project listed, as provided in subsection C must be set aside in a reserve fund dedicated for non-motorized improvements within the street maintenance district. The Commission can waive this requirement only if it is clearly established an individual project has budgeted for non-motorized improvements and those improvements account for 10% or more of the budget for the improvement project.”**

**Any proposed improvement that is not listed, as provided in subsection C, or not approved during the annual budget development must be approved by the Commission before the project can proceed.**

Commissioner Haladay stated this language ensures the commission makes the final sign-off on every street improvement dollar spent. If we're going to raise rates pursuant to this ordinance, we need to ensure the Commission approves of and can defend the improvements.

Mayor Pro Tem Elsaesser stated Commissioner Haladay's language is great for transparency. He then asked for public comment, none was received.

**Consensus Direction to Manager: Move forward with the ordinance and include Commissioner Haladay's two recommended language proposals.**

### **Community Development**

**Green Energy Loan Program** – City Manager Alles noted this program has been discussed in the context of allocating the telecommunications tax settlement funds during the FY2016 budget process. \$200,000 has tentatively been “allocated” to fund a loan program where the city would loan funds to property owners within the city for the purposes of installing “green” infrastructure on their property.

Manager Alles referred the commission to the outline of the various “decision points” for the commission to consider in developing a “green” energy loan program. The main issues to be decided can be distilled down to the following:

- Who is eligible for a loan?
- What projects can the loan funds be used for?
- How to secure the city's interest in the repayment of the loan?
- Terms of the loan?

Commissioner Haladay stated he tried to answer some of staff's questions and recommended the following:

1. Single family homes, or owner-occupied duplexes. They can be new or existing. – if possible, commercial could be included. \$200,000 is not a large pool of money, however, it can be reviewed.
  2. All of the listed uses (geothermal, photovoltaic, and greywater).
    - a. Add solar thermal.
    - b. Do we have any interest in catch-all language for other projects to be approved on a project-by-project basis.
  3. The security should be a contractual agreement to repay the loan as an assessment on the property tax bill, ultimately resulting in a tax lien if unpaid. He does not want to require a 2<sup>nd</sup> mortgage, which is what DEQ requires.
  4. The default should be a 10-year, 0% interest loan for a maximum of \$12,000. An applicant could request a shorter payback period if they wanted.
- Application process: the recommendation looks good, but I would propose a few changes:
1. One-half of the total loan amount will be disbursed to the contractor at the time the application is approved (i.e. project is ready to go).
  2. Second half of total loan upon completion and inspection.
  3. Homeowner/Contractor consents to photograph project and provide to Community Development.

**Commissioner Ellison stated he would prefer the \$200,000 go to general fund funded departments; however, he will support moving forward with the program. He asked Commissioner Haladay how he came up with the recommendation of \$12,000 maximum and a ten-year payback. Commissioner Haladay explained DEQ has the 10-year pay back as does the city's sidewalk program. As for the \$12,000, he went back and forth and from personal experience and knowledge, he settled on the maximum of \$12,000; this will allow homeowners to move forward.**

Commissioner Ellison stated he supports the recommendation; he recommended adding #4 – the property owner will provide an annual statement to the Community Development staff that the infrastructure is still operable.

Commissioner Haque-Hausrath stated she supports Commissioner Haladay's recommendations and revisiting it in a one-year for expanded uses. She asked if the loan would transfer if the house is sold. Manager Alles stated usually the loan would be paid off and included in the closing costs and be settled at the time of sale. It could go into an escrow account, but not normally.

Commissioner Haque-Hausrath asked if the loan could be structured where it would stay with the property for ten years and the new owner could assume it. Attorney Jodoin will have to research this. He recommended the agreement be recorded with the Clerk and Recorder so any title search would show the debt. It would be difficult to have the loan associated with the property and not the property owner. Manager Alles stated if there is still an unpaid debt, the purchaser is going to negotiate with the seller. The city cannot attach it to the property.

Mayor Pro Tem Elsaesser recommended limiting the program to residential for the first year, allowing some flexibility for certain requests. The equity for the loan is the property. He then asked if there could be a provision that would allow additional payments to replenish the fund that would re-cap the funds and recover the costs of the program. This may be waived initially; however, in the long run it should be considered. There is community support for this program and this opportunity for the city to create a long-term program.

Mayor Pro Tem Elsaesser stated citizens should be encouraged to use existing programs and not use the maximum. Good option for the commission to explore.

Attorney Jodoin stated in order to reduce any possible confusion; he asked the commission if it is their intent that any structural changes would be eligible for the loan. Mayor Pro Tem Elsaesser recommended staying with the original proposal and re-evaluate the program in one-year. He is not sure how to deal with the incidental costs. Do not make undue work on staff.

Attorney Jodoin stated the worst case scenario would be a property owner installs two solar panels; however, they re-roof the house with a zero percent loan. It will be up to the commission to assess the projects. Staff could keep a log of all the applications.

Commissioner Haladay stated the installation of these devices do require some incidental costs; however, he would not support a remodel. He is not sure how those checks and balances would work; staff will need to monitor the program. He also noted that DEQ restricts the use of the funds and suggested staff contact them.

Manager Alles stated staff is ready to move forward and there is consensus on Commissioner Haladay's recommendations. He asked Mayor Pro Tem Elsaesser for clarification on this recommendation for an extra payment. For example, a property owner takes out a loan for \$10,000, pays back \$1,000 per year for ten years, and is the recommendation to add another \$500 onto the loan. Mayor Pro Tem Elsaesser stated that would be his preference, maybe it is waived for the first year or so. It would help to create a sustainable fund.

Commissioner Ellison stated there are two different ideas being discussed; Manager Alles is asking if the recommendation is to add an additional \$500 onto the loan that the property owner would have to repay. These funds would replenish the program. The second idea is if a property owner could make an additional payment and pay the loan off early. Included in Commissioner's Haladay's recommendation is the property owner could pay the loan off early.

Mayor Pro Tem Elsaesser stated he is interested in creating a mechanism that would keep the program funded. As of today, he will support the program as recommended, including that it will be reevaluated in a year.

**Leroy Beebey**, 1620 Townsend, concurred the settlement of any loan would be handled at the time the house is sold. He asked the commission if the idea of using green materials has been discussed and if there would be any property tax breaks for commercial properties.

**Shilo Hernandez**, 566 Highland, stated he supports the energy loan program; solar energy is good for the environment and local economy. He suggested allowing up to 10% of the loan for incidental expenditures.

**Jen Hill-Hart** also spoke in support of the loan program and the benefits of it.

**Consensus Direction to Manager: Move forward with the program with the inclusion of Commissioner Haladay's recommendations.**

### **Public Works**

**Resolution of Intention to increase fares and charges for all customers of the City of Helena Transit System** – City Manager Alles referred the commission to the draft resolution of intention and the proposal for charges.

Commissioner Haladay stated he has no concerns with what is being proposed and recommended moving forward with the draft resolution of intention.

Commissioner Haque-Hausrath stated she too has no concerns with what is being proposed.

Commissioner Ellison stated he too supports the draft resolution of intention; however, he recommended the following changes to the one-way pass fares:

10-punch pass - \$9.00

20-punch pass - \$17.00 or \$18.00

30-punch pass - \$25.00 or \$26.00

Commissioner Haladay concurred with Commissioner Ellison's recommendation; this may encourage large employers to purchase monthly passes. Mayor Pro Tem Elsaesser asked if staff is comfortable with the recommendation for the monthly advertising rates. Manager Alles stated yes. Mayor Pro Tem Elsaesser asked that language be included in the resolution of intention where staff can set up MOU's with large employers.

**Consensus Direction to Manager – Bring resolution of intention forward, including amendments recommended by Commissioner Ellison and Mayor Pro Tem Elsaesser.**

## **6. Committee discussions**

- a) Audit Committee, City-County Board of Health, Civic Center Board, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns – No report
  - b) Audit Committee, Board of Adjustment, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – No report
  - c) Intergovernmental Transit Committee, Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – No report
  - d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Parks Board, Montana Business Assistance Connection – No report
  - e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – No report
  - f) Helena Citizens Council – HCC Representative Dick Sloan reported the HCC will be submitting written comments on Street Improvement Ordinance and will discuss the Confederate Fountain.
- 7. Review of agenda for July 13, 2015 City Commission meeting** – No discussion held.
- 8. Public Comment** – No comment received
- 9. Commission discussion and direction to the City Manager** – No discussion held.
- 10. Adjourn** – Meeting adjourned at 6:15 p.m.