

SUMMARY OF ADMINISTRATIVE MEETING

August 16, 2017– 4:00 p.m.
Room 330, City-County Building
316 N. Park Avenue, Helena

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Ellison, Farris-Olsen, Haladay and Noonan were present. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; Deputy City Attorney Iryna O'Connor; Police Chief McGee; Community Development Director Sharon Haugen; Human Resources Director James Fehr; Parks and Recreation Director Amy Teegarden; Chief of Police Troy McGee; City Engineer Rayan Leland; Administrative Services Director Glenn Jorgenson; Parks Superintendent Craig Marr; and Deputy City Clerk Katya Grover.

Others in attendance included: IR Reporter Matt Neuman and HCC Representative Gary Spaeth.

Mayor Smith welcomed the public and those who came to provide testimony. Mayor Smith explained that this meeting was not a regular City Commission meeting and described the procedure of an Administrative Meeting.

2. August 2, 2017 Meeting Summary – The August 2, 2017 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Upcoming Appointment – Mayor Smith is recommending the following appointments:

City-County Planning Board	Appointment of March French to a first term on the City-County Planning Board. Term will begin September 1, 2017, and expire August 31, 2020.
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Commissioner Haladay referred to two potential amendments he is proposing (Amendment #1 and Amendment #2) regarding renewal of the contract with Bresnan Communications, LLC. City Manager Alles noted that those amendments have responses from Bresnan Communications, LLC, attached. Commissioner Haladay said that he was hoping to discuss those amendments at today's meeting but that there might not be time for that. Mayor Smith said that at the end of this Administrative meeting he will allot five to ten minutes for discussing agenda for the August 21 Commission meeting.

4. City Manager's Report – No report given.

5. Commission Discussion of Removal of a Confederate Fountain at Hill Park

Commissioner Ellison reported this week is Navy Week in Helena and this is the first time that it is held in Helena, MT. There was a ceremony planned to read the Proclamation of the Navy Week but it had to be canceled due to changes in travel arrangements. Instead, Commissioner Ellison, who served as Mayor Pro Tem, had to look for another venue for reading the Proclamation and reschedule it for August 15. Commissioner Ellison offered his apologies to those who possibly came for the Proclamation ceremony on Monday.

Commissioner Ellison also read a prepared statement regarding the Confederate Fountain in Hill Park. The main points are highlighted below.

- Today we are confronted with a major challenge to our community regarding the Confederate Fountain in Hill Park. And the events of the past week in Virginia strongly suggest action by this Commission to remove the fountain from Hill Park. In the interest of disclosure and transparency, in the past couple of years I've expressed concerns about adding items on our agenda without much public notice. I'll take ownership of doing that here today, and my rationale revolves primarily around public safety. I believe that if the fountain remains in the park, there is likely to be a confrontation where high emotions, coupled with strong beliefs spill over into violence. Rather than the Commission's usual approach of starting with a discussion, gathering input, making a resolution of intention, having public hearings and proceeding deliberately to a consensus decision, taking action today seems to be the best option that's before us.

- To provide some background, I did not support the suggestion to put up a sign by the monument when it first surfaced. My feeling then was that people could look at the monument and make up their own minds about what it stood for. Since the commission decided on installing a sign, there has been some criticism of City staff for proceeding too slowly to get that sign in place. That criticism is unfounded as the policy decision to do a sign came from this commission. The staff has worked hard to use approved language, to ensure that that sign included the language proposed by the historical preservation office, and to also be in accordance with Americans with Disabilities Act. But I believe we are now well past the point of needing a sign by the monument.
- My suggestion on what to do with the fountain is not taken lightly: it's a monument to soldiers who fell in battle, it is what President Lincoln described as giving the last full measure of their devotion. They were fighting for a cause that many of us consider unjust, but a cause which they believed in. Long afterword, an organization founded on the principals within that cause made a gift to the City of Helena with that statue. And now it's a historic structure. Removing it will likely be troubling to those concerned with historic preservation. Not removing it will undoubtedly cause greater agony to those who find it offensive.
- In conclusion, I'll provide a personal example related to this problem. Back in the early 1990's, I had the honor to work for a great American, General Collin Powell, Chairman of the Joint Chief of Staff at Pentagon. He was the first officer of his race selected to lead nation's military forces, over 2 million men and women in uniform. Once, during an interview with a national news organization, he was asked if, while coming up through the ranks, he found that his being black was a problem. And his reply was that it was never a problem for him, and if it was a problem for somebody else, he let it be their problem. So today, we have a public safety problem at Hill Park, and it's this Commission's problem.

Mayor Smith asked whether the Commissioners wanted to proceed with the discussion regarding the Confederate Fountain.

Commissioner Noonan said that he would like to underscore many things Commissioner Ellison said. Commissioner Noonan also made the following points:

- Although he wasn't on the Commission two years ago, he was supportive of the idea of putting the monument into the historical context and having that information there for people.
- That didn't happen but now everyone's own personal history and response to our times has moved beyond that.
- And if one looks into the history of it, besides it being a gift from undoubtedly a group of Helena citizens for the best of reasons put it there, underneath it all is a history of racism and believe in the lost cause. It's clear that in the history of this moment, that's what these monuments have become.
- It is a public safety issue. It's going to be problematic, but the Commission has to take those steps to be very clear that in our community racism that was expressed is not to be tolerated and allowed.
- To Commissioner Noonan, one of the most compelling things is that for a lot of young people these monuments have become something that teaches them to go against all these values, that become inspirations for young people to be seduced to the position that underscored the history of our times after a movie *The Birth of a Nation*.
- We have to make it clear that we will not become a touchstone for people who would use hate to define Helena community or the American community.

Commissioner Farris-Olsen said while he respects concerns for safety expressed by Commissioner Ellison and Commissioner Noonan, this is bigger than just safety concerns. This fountain is a symbol of oppression; it's not just a symbol of fallen soldiers. Commissioner Farris-Olsen referred to historical documents that were drafted but were never put up to talk about how racist the Daughters of the United Confederacy were and that they were hiding behind that fact that they were pretending to support their soldiers. Commissioner Farris-Olsen noted that his understanding is that it was an attempt to

essentially promote racism and those Southern values that caused the oppression in the South prior and during the Civil War. The Commission has an obligation to take the fountain down and it should have been done two years ago. Commissioner Farris-Olsen said that he is glad that the Commission can strip the community off this symbol of oppression that only makes the community worse off. He referred to testimony from two years ago, prior to his service on the Commission and, particularly, to testimony of Wilmot Collins, who spoke about how he was taking his children to Hill Park in the 1990's when he first came to Helena and how he had a difficult time explaining to his children the purpose of the fountain. Commissioner Farris-Olsen concluded by saying that by taking the fountain down, the Commission can promote equality across all of Helena.

Commissioner Haladay said that this is a relatively emotional discussion for him in that two years ago he was called names and insulted, not so much by the members of the public but by the fellow Commissioners. Commissioner Haladay noted that he is interested in hearing what the public has to say today.

Mayor Smith asked City Manager Alles to provide an update on the interpretive sign for the Confederate Fountain and elaborate on the reasons why it is still not installed. Mayor Smith noted that, as Commissioner Ellison stated, Commissioner Farris-Olsen and Commissioner Noonan were not on the Commission when the Commission gave instruction to the City staff to install the sign and so any delay with the installation is not on them. Mayor Smith spoke about the procedure with this agenda item: the City Manager's report will be followed by public comment and then by the Commission discussion with a decision regarding the Confederate Fountain.

Manager Alles reported to the Commission regarding the interpretive sign for the Confederate Fountain:

- There was language approved by the commission for placement of an interpretive sign: a single-spaced, approximately a two-page document that came out of the Historic Preservation Commission.
- The Historic Preservation Commission was asked to make the text shorter as the City Manager would be forced to place a bill board in the middle of the park in order to accommodate for the entire text.
- The text was shortened to fit on one sheet of paper, which still was too large, due to having to be ADA compliant regarding the letter sizing, etc.
- The City Manager and the staff decided to put a QR code referencing the full language as adopted by the Historic Preservation and City Commission for reference.
- Even a double-spaced line would fill up a sign approximately 3.5~4 feet by 5 feet. It still seemed to the Park's employees that that would be very problematic with respect to maintenance.
- About a month ago Manager Alles talked to a Historic Preservation Officer about cutting that language even further, referencing to the QR code and then installing full language on the site. The City currently has the money budgeted for this purpose, and the intentions were to get the sign up this summer.

Mayor Smith noted that it is important to have City Manager's report on record and agreed with Commissioner Noonan that even if the sign was installed in the last six months, the Commission would still be having this discussion today.

Public Comment on Confederate Fountain in Hill Park

Mayor Smith opened the public hearing and announced that the Commission will listen to the public testimony until 5:30 p.m. and then have about 30 minutes to go over the remaining agenda. Mayor Smith encouraged those providing testimony to show courtesy and civility to allow for a dignified hearing on a sensitive issue.

The following citizens provided public comment **in support or against removing the Confederate Fountain**, or provided general comments and suggestions.

Steve LeRoy, Helena resident, proponent
Carol Maken, Helena resident, opponent
Richard Alberts, Helena resident, opponent
Rebecca Skilden, Helena resident, proponent
Diane Winger, Helena resident, opponent
Nash Michael, Helena resident, proponent
Beverly Fox, Helena resident, provided suggestions
Walter Palmer, Helena resident, former New Orleans resident, opponent
Dee Brown, Helena resident, opponent
Marshall Meyer, Helena resident, proponent
Caitlin Borgmann, Executive Director, ACLU of Montana, proponent
John Lovett, Helena resident, proponent and provided suggestions
Bill Knudsen, Helena resident, opponent
Nicky Supanik, Helena resident, proponent and provided suggestions
Paul Pacini, Helena resident, opponent and provided suggestions
Anne Anglim, Helena resident, proponent and provided suggestions
Wilmot Collins, Helena resident, proponent
John Kurth, Helena resident, opponent
John Thompson, Butte resident but lived in Helena for 20 years; opponent
Maureen Kiely, Helena resident, proponent and provided suggestions
Kim Abbott, HD 83, proponent
Dale Stickler, Helena resident, opponent
Rep. Jenny Eck, HD 79, proponent
Shaun Reiger, Montana Human Rights Network, proponent
Pam Attardo, Heritage Preservation Officer for the Lewis & Clark County, spoke as a Helena resident, opponent and provided suggestions
Barbara Kirkland, Helena resident, opponent
Patricia Niky, Helena resident, proponent
Rep. Mary Ann Dunwell, HD 84, proponent
Kim Leighton, Helena resident, proponent
Beau Downing, Helena resident, proponent and provided suggestions
Ty Drell, Helena resident, opponent
Thomas Culver, Helena resident, proponent and provided suggestions
Don Watson Senior, Montana resident, proponent
Mike Jadie, Helena resident, opponent and provided suggestions
Anthony Thompson, Helena resident, opponent and provided suggestions
Fred Easy, Helena resident, opponent
Allison Dale-Riddle, Helena resident, proponent
Lauren Caldwell, Helena resident, proponent
Allen Cormany, Helena resident, opponent
Jean Satterfield, Helena resident, opponent
Susie Walkatt, Helena resident, provided suggestions

Commission Discussion

Mayor Smith thanked public for providing testimony and for being courteous and respectful to each other. Mayor Smith explained that the reason the discussion on whether to remove the Confederate Fountain took place was the communication that the Commission received from the American Indian Caucus calling for the removal of the fountain. Mayor Smith suggested to limit the Commission discussion to a question of whether to remove the fountain or not and to leave the discussion regarding to whether to put the Confederate Fountain in a museum for a later time.

Commissioner Farris-Olsen asked Mayor Smith to state his position on the issue and to provide an explanation because two years ago Mayor Smith opposed removal of the fountain.

Mayor Smith said that he believes that the time has come for the removal of the fountain. He thought that the Commission could find a way where a compromise might be acceptable but circumstances overwhelmed good intentions from two years ago. Mayor Smith said that he has to concur

with a lot of what was said this afternoon, including the comments from Mr. Collins. Mayor Smith said he was happy to hear from the American Indian Caucus and everyone who provided testimony. Mayor Smith noted that last night he spoke to Daniel Pocha, one of the Native American leaders in Helena, and communicated with Shawn White Wolf, another Native American leader, as well. And Mr. Pocha expressed the idea that it is time for the fountain to be removed. Mayor Smith thanked Commissioner Farris-Olsen for his question and reiterated the idea that he believes that the time has come to remove the fountain.

Commissioner Farris-Olsen said that he wanted to emphasize two points. First of all, Mr. Reagor is right that removal of the fountain would not infringe on anyone's free speech. This is a monument that is maintained by the City and paid for by the City. And so while some may disagree that it should be removed, it is within the Commission's purview because it is something funded by the City. But it should not be destroyed. In the proper context, it can provide a lot of educational value. Commissioner Farris-Olsen noted that he didn't know anything about the United Daughters of the Confederacy until he listened to some of the conversations two years ago. Another point is that drafts created by Pam Attardo should be displayed, so everyone can learn from them. It is clear that everyone has different views. There were wonderful people who donated for that fountain, but in the larger context, it is clear that it was more than just those people. It was preaching those ideals and preserving those ideals of oppression and racism that came years later. It wasn't just, as was heard tonight, about African Americans in our community; it was about Native Americans in our community. In conclusion, Commissioner Farris-Olsen said that in order to ensure that we promote equality and show that our community is welcoming to everyone, we need to remove the fountain and hopefully someday put it in the County museum.

Commissioner Noonan said that in his time on the Commission, he had himself open to the public testimony and tried to keep an open mind and be influenced by it. In this case, however, the strong sense he had coming in is where he leaves it. Commissioner Noonan said that he has this picture in his mind of young people who are seduced by the current rhetoric, and that is the picture that he wants to make sure is prevented.

Mayor Smith noted that, as Commissioner Farris-Olsen said, it's clear where Commissioner Ellison and Commissioner Haladay are coming from, and unless any of the Commissioners would like to make a comment, suggested that the Commission provides some direction to the City Manager.

Commissioner Ellison said that he appreciated all the testimony the Commission has heard today and noted that people have been very respectful. But he has not heard anything today that would change his opinion that he offered to the fellow members of the Commission at the beginning of this discussion.

Commissioner Haladay said that his views probably haven't changed a lot in the last two years. Commissioner Haladay noted that he is still reasonably conflicted about the removal question. Two years ago, he thought that providing a historical context, providing education would be helpful. But he saw the same people as two years ago making the same arguments they made two years ago. Commissioner Haladay said that Commissioner Noonan provided some thoughtful comments and context two years ago, prior to serving on this Commission: regarding birth of the nation, regarding Jim Crow, regarding the lost cause, and issue with the great migration North. Commissioner Haladay noted that none of these can be divorced from this fountain's establishment. In conclusion, Commissioner Haladay said that he is still equivocal on the issue but that the Commission knows where the consensus is today.

Mayor Smith said that there is a sentiment of the Commission for removal of the fountain. Other questions have to be discussed at a later date. Mayor Smith suggested that the Commission gives the City Manager some latitude and discretion to act as expeditiously as possible and as professionally as he can with regard to how the removal takes place.

Commissioner Farris-Olsen suggested that, in the light of the City taking about two years to work on the plaque, there should be a deadline put for the removal of the fountain.

Mayor Smith suggested the fountain to be removed by Monday morning. Mayor Smith went back to Commissioner Ellison's opening comments and said that among everything else, public safety is a concern of his. And to have what happened in Charlottesville, Virginia, happen here, would break hearts of all present here. Mayor Smith said that he is fine with the idea of having a deadline but would like the fountain to be removed as expediently as possible in the interest of public safety. Mayor Smith said that he talked to Manager Alles and explained to him what his concerns were. Mayor Smith asked Manager Alles if he has any comments.

Manager Alles said that the direction that he hears from the Commission is clear and expressed his appreciation for leaving this matter in his hands to take care of.

Commissioner Farris-Olsen asked Manager Alles about an approximate timeline of how long it would take to complete the task.

Manager Alles said that he would like to talk with the appropriate staff and work out a timeline internally. But it won't take long: there is no need to work through with the ADA requirements and other things that precluded the City staff from getting the sign up quickly.

Commissioner Farris-Olsen asked Manager Alles to provide an update at the next Administrative meeting.

Consensus Direction to Manager – to remove the Confederate Fountain from Hill Park as expeditiously as possible but at the discretion of the City Manager with respect to the exact date and to report to the Commission at the next Administrative Meeting.

5. Department Discussions

Parks and Recreation

Walking Mall Management Update – No report given.

Public Works

Front Street Update – No report given.

Quiet Zone Update – No report given.

6. Committee discussions

- a) Audit Committee, City-County Board of Health, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns – No report given.
- b) Mayor Pro-Tem, Audit Committee, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – No report given.
- c) ADA Compliance Committee, Audit Committee, City-County Parks Board, Civic Center Board – No report given.
- d) Board of Adjustment, City-County Administration Building (CCAB), Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – No report given.
- e) Business Improvement District/Helena Parking Commission, Montana Business Assistance Connection, Public Art Committee – No report given.
- f) Helena Citizens Council – No report given.

7. Review of agenda for August 7, 2017 – No discussion held.

8. Public Comment – No public comment received.

9. Commission discussion and direction to the City Manager – No discussion held.

10. Adjourn – Meeting adjourned at 6:02 p.m.