



Helena Citizens' Council (HCC)

Minutes

August 23rd, 2023, 7-9PM
Room 326 or via Zoom

Meeting was called to order by Chair Ben Kuiper at 7:05PM

Attendance: John E Andrew, John R. Andrew, Diana Hammer, Nancy Perry, Pat Bik, Joe Lehman, Ben Kuiper, Lowell Chandler, Paige Myers, Emily Mowers, Michael Monaco, Bob Schlack, Ryan Schwochert, Rick Boleware, Steve Allen, Bob Habeck, Denise Roth Barber, Susan Steffens, Peggy Benkelman (coordinator)

Excused: Nolan Harris, Margaret Strachan, Erinn Donnell, Chelly Hasquet

Absent: Heidi Friedlander

Guests - Paul Landes and Heather Grahame from the Helena Regional Sports complex.

A Quorum was established – yes

Approval of July 2023 Minutes – Lowell Chandler moves to approve the minutes as they stand. Pat Bik seconds the motion. Chair Ben Kuiper calls out all in favor, none opposed. Minutes are approved.

Public Comment – none

Guest Speakers – Paul Landes and Heather Grahame of the Helena Regional Sports Complex

Paul Landes speaks regarding the Helena Regional Sports Association (HRSA). The HRSA is requesting ARPA funds (\$64K) to perform a study showing economic impacts, sustainability, public health and business redevelopment for the community. The HRSA has joined forces with the L&C county Fair Board who would operate this publicly owned facility. The HRSA wants to identify options for funding the Aquatics and Rec Center. This facility will have indoor turf supporting football, soccer, baseball etc. The HRSA has a good public/private partnership working with the Fairground Board. A few of the positive points of the Sports Complex are:

1. Economic Benefits of this project would be huge - according to a 2017 study, over \$1.3 million could be brought into the community.
2. The Health Benefits are substantial. Over \$1500 in health savings for an individual and over \$600 in savings for employers over the course of a year.
3. Sustainability study needs to be performed to make sure such a facility could support itself. There are great community needs:
 - a. Water Safety program – there is money available through the State to support this. There currently is not enough pool space for adult and children “learn to swim” programs.
 - b. Need to support both the physically and mentally challenged persons in our community.
4. There will be upcoming User Groups Studied coupled with community needs. Paul Landes will contact the HCC about the timing of these meetings.

The HRSA has hired a private fund-raising group. This project could be transformational for the community of Helena. Heather Grahame states the HRSA put in their application well before the deadline in February, yet the Commission has neither denied it nor funded their ask.

Paul Landes says he feels the Commission may make final decisions on funding at the Sept. 6th Administrative Commission meeting, then have the final vote on September 11th.

Chair Ben Kuiper says the HCC will further discuss the ARPA funding/re-supporting the HRSA project and then possibly recommend to the Commission again.

HCC Member Bob Schlack asks if the HRSA has reached out to the MHSA (Montana High School Sports Association)? Paul L. says yes that the MHSA is very supportive of the project.

Paul L. says for example, the Stampede fills up 90% of the hotels in Helena, so it is a great economic boon for the community.

Pat Bik asks will user fees fund the operations? This will be a County owned project with nonprofit status, correct?

Paul L. and Heather G. answer – they don't want this facility to compete with private health clubs. They want it to be for the public. Think of the HRSA as a catalyst to help complete the project. Other cities in Montana don't necessarily have similar facilities. This one will not be as large as the one in Billings.

Diana Hammer asks if it will have enough field space to help promote hosting the Montana State Soccer Tournaments.

Paul Landes says there is a lot of land at the Fairgrounds and that helps with future expansion.

Denise R. Barber asks if the HCC could just re-use the poll from last February to tell the Commission that we still support the project.

Paige R. Myers asks if it is out of the HCC's jurisdiction to decide on spending City funds if the Fairgrounds is owned by the County? Paul Landes says they have checked into that, and the Fairgrounds is within the City limits, so the City Attorney approves asking for City Funds.

The YMCA fully supports the HRSA plan.

Lowell Chandler says he appreciates the great leg work that the HRSA has done so far. He feels Public/Private partnerships are very important, because Helena struggles to get things done. This facility is badly needed in Helena. It is important to have a master plan.

Officer Reports

Chair Ben Kuiper – Ben K moves ahead with ARPA funding discussion and election of new Vice-Chair.

Ben Kuiper suggests that the HCC re-affirm its support to all the possible ARPA funding requests that the HCC supported in the February 2023 Recommendation to the Commission.

Diana Hammer makes a motion to re-affirm the past support of ARPA funding applications that have not yet been approved or funded.

Bob Schlack seconds the motion.

47:25 Ben Kuiper asks all in favor for a verbal response. All were in favor, none opposed. Motion passes.

Chair Ben Kuiper opens the floor for Vice Chair nominations. Nominees are John E. Andrew and Lowell Chandler. Each candidate will be given 3 minutes to explain why they are running for the Vice- Chair position.

Candidate John E. Andrew says he is a Helena Native, and a graduate of University of Montana. He joined the HCC in 2017 and was on the NMTAC committee from 2017 thru 2020. He has co-authored several recommendations to the Commission, served on the Civic Center Steering Committee and has also served on the City/County Planning Board.

Chair Kuiper opens the floor for questions to John E. Andrew – there are no questions.

Candidate Lowell Chandler from HCC District #3 speaks. He grew up in Missoula and has 2 young children. He feels that the City Commission is not taking enough action to improve Helena. He wants our voices to be heard. When the HCC sends a recommendation to the Commission, he would like an up or down vote from them. The HCC is an elected body and deserves more respect. He is disappointed with recent development regarding the Downtown Business Improvement District. There needs to be fewer obstacles so that the downtown can grow in a way that its citizens approve of.

Chair Ben Kuiper opens the floor for questions to Lowell Chandler:

Pat Bik asks how he would make the Commission show more respect to the HCC?

Lowell C. answers that he would bring up our role as stated in the City Charter, have more regular discussions/communications with the Commission, “hold the Commission’s feet to the fire” regarding their feedback on the HCC recommendations.

Ben Kuiper calls for anymore questions for candidate Lowell Chandler. There were none.

57:45 Private voting takes place both via Zoom and on paper. The votes are tallied, and Lowell Chandler has been voted in as the new HCC Vice-Chair.

Treasurer Report – Nolan Harris – New expense of \$60 was approved by Nolan for neighborhood outreach in District #1. Chair Ben Kuiper asks District member to explain the expense. Diana Hammer says it was for their annual Block Party to support the event. HCC table with handouts and District #1 members were there to promote HCC.

Secretary Report – Diana Hammer – Diana has nothing new to report and defers to Emily Mowers from the Outreach Committee.

The Policy about interacting/partnering/supporting non-profits and the HCC was addressed. Ultimately it was decided to table the discussion and re-write the possible policy issue. It will again be brought up at the next HCC meeting.

Patricia Bik shows the document “Nonexclusive Right of Way Use.” This document may be considered an ordinance change. Pat B. still wants to meet with the City Attorney regarding this document. Further discussion will be moved to the next HCC meeting.

Chair Ben Kuiper requests that Pat Bik get a solid timeline on any changes, so that the HCC is kept in the loop before the Commission possibly votes on changes.

HCC rep Ryan Schwochert asks that the applications process in the document be bumped out to two weeks. Pat B. replies that the one-week timeline is already cemented in place.

Lowell Chandler asks Pat Bik if she researched what other cities in Montana do. Pat Bik answers yes – it is often discretionary as to what the City Manager chooses.

The letter to the Commission regarding the HCC's position on Advisory Board is brought onto the Zoom screen. All HCC members have received a copy several days prior to the HCC August meeting.

Paige R. Myers brings up some errors - quotation marks and spacing. They are repaired.

Denise R. Barber – wants the letter to be in the Public Record and would like to have it sent to the *Independent Record* for publication. Several HCC members suggest a Guest Editorial that could be more than 200 words (such as in a letter to the editor) and send the letter to Nolan Lister (IR) who could have it be an opinion piece. It could also be placed on our Facebook page per Emily Mowers.

Bob Habeck now sees the letter as indicating two clear asks:

1. For the Commission to reconsider its decision to remove HCC members from Advisory Boards
2. To have a facilitated discussion with the HCC, the Commission, and the Local Government Center (LCG).

1:40:23 Diana Hammer moves to approve the letter as amended.

1:40:50 Chair Ben Kuiper opens the floor for discussion

1:41:33 Paige Myers says that the HCC could possibly recognize the Commission's side – that some people do have too much power on advisory boards. Possibly their opinion could be changed.

Denise R. Barber wants the HCC to know the Local Government Center (LGC) is not a legal entity. They are not lawyers and they don't provide us (the HCC) with legal advice or guidance.

1:46:10 John R. Andrew suggests that Ben Kuiper leave off his phone number and email if letter is published to the public. Persons can locate that information via the HCC webpage. John R. Andrew also suggests that in the letter a sentence firmly stating the HCC requests a facilitated discussion should be added.

Susan Steffens and Denise R. Barber also request a change in the last sentence stating, "a response is requested from you in a timely manner."

1:48:58 Motion to approve the letter as amended by Denise R. Barber and seconded by Susan Steffens. All were in favor.

1:50:51 Patricia Bik motions to approve the letter and send to the Commission asap. Denise R. Barber seconds the motion.

1:50:51 Chair Ben Kuiper calls all in favor. Verbal vote. None Opposed.

1:52:19 It was decided that the Editorial Committee will be the HCC Executive Committee. All were in favor.

Commission Attendees' Reports – two minutes

8/2 Emily Mowers – not able to attend but Denise R. Barber did. There was a presentation from the Fire Department. It can be viewed online.

8/7 John R. Andrew – Bids were awarded for ground water test wells, for a public water supply well and a well for the historic firetower. The Eric Feaver Trail and Union was officially approved. Eight ARPA projects were awarded \$1.2M. A resolution expanding open space and street maintenance was approved. There were revisions made to the Fire Code.

8/16 John E. Andrew – A new Housing Development Map was presented. It shows 1363 units. There is a new Fire Department Master Plan. Parklet Fees was discussed with the Transportation Department. Jordan Conley asked that the Commission make it easier for the Downtown District to get things done. The Commission quickly closed the meeting and the next day Jordan Conley resigned from her position as the Business Improvement District Operations Director.

8/21 Joe Lehman – Chair Ben Kuiper spoke up at the beginning of the Commission meeting asking them to delay their official vote on the removal of HCC members from Advisory Boards, and allowing HCC the time to respond. They quickly moved on to approve their Consent Agenda which included the removal of HCC members from boards – Commission Dean quickly motioned to approve without time for consideration. Joe Lehman was the designated HCC rep for the meeting, yet they never even called on him. Very disappointing meeting.

Coordinator Report – Peggy Benkelman – Peggy B. says she will further research the upcoming election information. Still need HCC members to attend Commission Meetings in October, November and December. September spaces have been filled.

Outreach Committee Report – Emily Mowers – There will be another “Meet n Greet” in October at the L&C Library. Emily M. says she will revisit the google forms as to how to report to the Commission for HCC members who attend Commission meetings. It is helpful if we get more Social Media engagement.

Boards, & Standing Committees

City-County Consolidated Planning Board – John E. Andrew – nothing much new on the agenda.

Helena Public Arts Committee – Paige Myers – Upcoming projects are painting the Lyndale Tunnel, Painting the Bandshell at Memorial Park, Painting Dumpster and having more Traffic Signal box covers.

Non-Motorized Travel Advisory Council – Lowell Chandler – Lowell C. says he will continue to report to the HCC, but most probably will not attend the actual meetings. He will relay information from the NMTAC secretary Greg Wirth.

L&C County Water Quality Protection District Board - Diana Hammer - they toured the Prickley Pear Fishing Access. Very nicely done, with many willows and close access from town.

Citizen Conservation Board – Diana Hammer – The CCB had the sustainability coordinator from Bozeman reports on their sustainability plan, water conservation and climate action. Diana will share the pdf with all of HCC.

Solid Waste Master Plan Meetings – Denise Roth Barber – Denise RB explains that she will attend as a member of the public and report back to HCC.

City- County Library Board – Paige Myers - meeting was in Augusta so she did not attend.

Golf Advisory Board – Ryan Schwochert - There continues to be an issue about putting water on the course. Maybe the Golf board will approach the Parks Department to help with getting more water. There are other capital improvements needed on the course. Ryan S. asks if he will still be able to speak at the meetings? Ben Kuiper says yes and he encourages Ryan S. to attend and speak as much as they will allow.

City-County Consolidated Parks Board – Ben Kuiper – no meeting so nothing to report. Ben K. was appointed as a citizen, so will continue to attend.

Affordable Housing Trust Fund Advisory Board – Paige Myers- They are compiling an evaluation guide for funding projects. They only had one application this year.

Lowell Chandler suggests the HCC has an Ex. Committee member of advisory boards come to speak at our monthly meetings, giving us a quick update of needs and issues.

Emily Mowers agrees with Lowell C. and says they could even send us an email update with bulleted points.

Peggy Benkelman – announces that Michael Monaco (District #4) has had to step down due to a move out of Helena. He states he has enjoyed his time working with the HCC. The entire HCC thanks Mike.

9:00PM **Meeting Adjourned**

Next HCC Full Board Meeting is scheduled for September 27th, in Room 326 or via Zoom.

Attachments:

1. Non-Profit Interaction with HCC paragraph below – unapproved
2. Non-Exclusive Right of Way approach for Block/neighborhood parties – Patricia Bik – unapproved

NonProfit HCC Partnerships/relationships Aug. 2023

If participating in an event or volunteer opportunity with a local non-profit where the HCC Body, Neighborhood Districts, or individual HCC representative is participating under one of the HCC designations the organization must meet the following criteria: Non-profit organization, non-partisan, secular, and it must be adding value or benefiting the City of Helena community.

Block Party/ Neighborhood Outreach Info 2023

7-13-4: NONEXCLUSIVE RIGHT OF WAY USE:

A. The city manager may grant a nonexclusive right of way use permit for use of public right of way, including right of way used for pedestrian purposes, for private commercial use that does not exclude the public and does not constitute a hazard to the safety of the public's use of right of way.

B. A nonexclusive right-of-way use permit may only be granted for uses that are permitted in the district immediately adjacent to the right-of-way on which the use is taking place. These uses include:

1. Commercial sale of goods or services, including the retail sale of food products from vehicles legally parked on the right-of-way;

2. Social gatherings and events privately conducted by and for residents of a neighborhood in a zoning district that allows for residential uses by right;

a. A permit under this subsection for a neighborhood block party allows:

1) temporary closure of no more than two city blocks of right of way to motor vehicles; and

2) emergency vehicle access at all times;

b. A permit under this subsection for a neighborhood block party prohibits:

1) sale or distribution of alcoholic beverages;

2) use of right of way in excess of 5 hours; and

3) closure of right of way after 10:00 p.m.;

c. The city manager may waive insurance requirement outlined in 7-13-4(K) and 7-14-3 for the nonexclusive right-of-way use for a neighborhood block party.

3. Special events and celebrations sponsored by nonprofit organizations;

4. Vending machines and private parcel carrier drop boxes; and

5. Use of closed right of way that contains an indistinguishable mix of private and public uses.

C. The application for a nonexclusive right of way use permit must be submitted one week ahead of the start of the event to the city manager on forms furnished by the city. The application must include a drawing of the location and dimensions of the right of way area proposed for the nonexclusive use and the arrangement of personal property expected to be located and used on the right of way. The application must also contain a description of the use of right of way, the starting and ending times of the use, and the duration of the use.

D. A nonexclusive right of way permit may not exceed five (5) years and must state the starting and ending times as well as the duration of the nonexclusive use. The city manager may place conditions and limitations on the use of the right of way.

E. A nonexclusive right of way permit is a revocable license and is personal to the applicant, and may not be transferred.

F. No fixtures or permanent structures may be erected in right of way.

G. The nonexclusive use of public right of way must allow public pedestrian access across right of way, and the use of personal property placed on right of way. If the nonexclusive use of right of way occurs on a public sidewalk, the nonexclusive use must provide for an unencumbered remainder of sidewalk that is no less than seven feet (7') in width.

H. Tables, chairs, and other personal property must be placed so as not to obstruct normal ingress to and egress from any adjacent entrance to a building.

I. Except as allowed by permit, public right of way under a nonexclusive permit may not be used for idle storage of personal property not used actively for the permit purposes.

J. Signs are not permitted unless they comply with title 11, chapter 23 of this code and the size, location, and type of sign are approved by the city manager in conjunction with a nonexclusive right of way permit.

K. The city manager may require the sponsor of an event, as a condition for the issuance of a nonexclusive right of way permit, to indemnify and hold the city harmless from liability and the city manager may require adequate insurance for this indemnification and hold harmless requirement. (Ord. 3107, 3-9-2009; amd. Ord. 3276, 12-9-2019)