

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 9, 2020 – 6:00 P.M.
Zoom Online Meeting <https://zoom.us/j/95197867351>

Time & Place A regular City Commission meeting was held on Monday, November 9, 2020 at 6:00 p.m. via Zoom Online Meeting
<https://zoom.us/j/97963981141>

Members Present Mayor Collins requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, City Manager Harlow-Schalk, Commissioner Haladay, Commissioner Dean, Commissioner Logan, Commissioner O'Loughlin and Mayor Collins all responded present.

Pledge of Allegiance (22:02) Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

Minutes (22:36)

- A. Special Commission Meeting – June 29, 2020
- B. Budget Work Session – May 28, 2020

The approval of these minutes will be held until the next meeting.

Consent Agenda (22:48)

- A. Claims

City Manager Harlow-Schalk gave a report on the claims.

- B. Appointment of Dannai Clayborn as the Clerk of the Commission

City Manager Harlow-Schalk recommended a motion to the appointment of Interim Clerk of the Commission Dannai Clayborn to Clerk of the Commission.

Motion (23:42) **Commissioner Dean moved to approve Consent Agenda item A Claims, and item B Appointment of Dannai Clayborn as the Clerk of the Commission.** Commissioner Haladay 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. (24:12)**

Communications from City Commissioners (24:16) COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

No comments or proposals were received from the Commission.

Report of the City Attorney (24:26)

No report given

Report of the City Manager (24:35)

City Manager Harlow-Schalk gave a report that a survey will be sent to Helena citizens regarding overall use of the baseball fields. She also reported on snow removal along emergency routes and the snow removal process. She also noted she would be following-up on the transfer station being open on Sundays.

Staff Report **(27:00)** Director David Knoepke reported on the pilot project of using the snow-gaits during the snow removal process.

Discussion **(29:05)** Commissioner Dean had follow-up questions for Director Knoepke. Commissioner O’Loughlin had follow-up questions for Director Knoepke.

Report from HCC (32:07) COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL

No report given

Regular Items (32:43)

A. CONSIDER A RESOLUTION ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND TO MEET AFFORDABLE HOUSING NEEDS IN THE CITY OF HELENA.

Staff Report Community Development Director Sharon Haugen, Budget Analyst Chris Couey and City Attorney Thomas Jodoin reported At the October 21, 2020 Administrative meeting and prior to that the August 19, 2020 Commission Administration meeting, the City Manager received consensus direction to bring before the Commission a resolution to establish an Affordable Housing Trust Fund that includes:

- requires the City Manager to include a \$100,000 transfer from the General Fund to the Trust Fund in the City Manager’s fiscal year preliminary budget, and
- dedicates funds not otherwise committed from the sale of General Fund property to the fund.

No additional funds are necessary to establish the fund currently. However, the City Manager plans to review funds that may be reallocated to the fund as a result of reimbursements received from COVID-19 CARES Act funding made available by the State of Montana.

Additionally, operation and programmatic management of the Fund will be determined by the FY21 budget approved Housing Coordinator who will provide a work plan to the Commission soon after starting to ensure policies of importance to the Commission are incorporated as well as establishment of a review Committee for the program.

As a reminder, the City has engaged the community on the establishment of this fund through the Housing Task Force. The Housing Task Force is made up of representatives from the low-income housing providers, such as RMDC, Habitat for Humanity, and others; the Helena Housing Authority; Helena Builders Association, Helena Realtors Assn, the

Chamber of Commerce, MBAC and representatives from Lewis and Clark County and East Helena.

In 2018, the City of Helena participated in the Tri-County Housing Needs Assessment which identified the population of Helena continues to grow while the affordability of housing (homes owned or rented) continues to decline. One of the strategies identified in that assessment was the creation of a local housing trust fund. This toll was further identified in the Housing Strategy presented to the Joint Work Session in December 2019. Additionally, the City of Helena's Growth Policy as adopted by the Commission on June 29, 2020 responds to the Assessment and supports the need to establish such a fund in support of affordability in Helena.

While the creation of this fund is not unique to Helena, it is reflective of Montana's authority given to local governments and meets the expectations of establishment. Other communities across the nation utilize Affordable Housing Funds including Missoula, Montana and the City of Bend, Oregon. The structure of the fund as identified in this resolution reflects a financial commitment by Helena within its abilities as a municipality in Montana.

Staff proposes that the City establish an affordable housing trust fund, ensure that annual dollars will be set aside in the amount of \$100,000, and dedicate funds not otherwise committed from the sale of General Fund property to the fund to continue the allocation of resources in Helena thus assuring the City's commitment to affordability.

Implementing this affordable housing fund and setting aside dollars not only establishes a clear commitment to affordability, it also allows the City to leverage potential other federal resources and attract other investors in the community to improve affordability. If the fund is not established and dollars set at a minimum level to operate, it is anticipated the City will continue to struggle to improve the diversity of housing stock in the community.

Staff requested a motion to approve a resolution establishing an affordable housing trust fund to meet affordable housing needs in the City of Helena.

Discussion

(36:06) Commissioner Dean asked follow-up questions to Director Haugen. Commissioner O'Loughlin had a follow-up question to Director Haugen. Commissioner Logan provided comment. Commissioner Haladay provided comment.

Public Comment

(37:00) Michael O'Neil provided public comment. Jacob Kuntz (Helena Habitat for Humanity) provided public comment. Tyson O'Connell (Wish Camper Development Partners) provided public comment. Greg Wirth (Helena Habitat for Humanity) provided public comment. Emily McVey (United Way) provided public comment. Jen Gursky (Helena YWCA) provided public comment. Theresa Ortega provided public comment.

Motion

(1:08:24) Commissioner Haladay moved to approve a resolution establishing an affordable housing trust fund to meet affordable

housing needs in the City of Helena. Commissioner O'Loughlin seconded the motion. City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 4-1. (1:08:53)**

Public Hearings

(1:09:01)

- A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3283 ADOPTING BY REFERENCE THE STATE ADOPTED SWIMMING POOL AND SPA CODE BY AMENDING CHAPTER 2 OF TITLE 3, OF THE HELENA CITY CODE.

Staff Report

Community Development Director Sharon Haugen and Chief Building Official Kimberly Mack reported that on September 19, 2020, the City of Helena Commission voted unanimously to approve first passage of an ordinance to adopt the latest editions of the International Swimming Pool and Spa Code and related State mandated amendments by amending Chapter 2 of Title 3, of the Helena City Code. A public hearing is scheduled for November 9, 2020 to consider public comment and final passage.

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 and copies of the ordinance must be sent to the State informing them of the final adoption.

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 staff's proposal is to present the above code, as amended through the State of Montana and adopt by reference the amendments, to the City Commission for final passage and to hear public comment on the proposed code.

Final passage and adoption 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. This new code will establish the minimum standards to provide a reasonable level of safety and protection of health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials and location of public swimming pools, spas, and aquatic recreation facilities. 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.

Staff requested a motion to approve final passage of ordinance No. 3283 adopting by reference the State adopted 2018 editions of the International Swimming Pool and Spa Code (ISPSC) as amended by amending Chapter 2 of Title 3, of the Helena City Code.

- Discussion (1:13:03) No comments from the Commission.
- Public Comment (1:13:10) No public comment was made.
- Motion (1:13:46) Commissioner Logan moved to approve final passage of ordinance No. 3283 adopting by reference the state adopted swimming pool and spa code by amending Chapter 2 of Title 3 of the Helena City Code.** Commissioner Dean 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, 5-0. (1:14:28)**
- Public Communications (1:14:34)** Michael O'Neill provided public comment.
- Adjournment (1:16:30)** There being no further business to come before the City Commission, the meeting adjourned at 6:55 p.m.

MAYOR

ATTEST:

CLERK OF THE CITY COMMISSION