

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 24, 2020 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, February 24, 2020 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Wilmot Collins requested Interim City Clerk Clayborn call roll call: City Attorney Thomas Jodoin, Acting City Manager David Knoepke, Commissioner Haladay, Commissioner Dean, Commissioner Logan, and Commissioner O'Loughlin all responded present.

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

Minutes MINUTES
A. Regular Commission Meeting – February 10, 2020
B. Administrative Meeting Summary – February 5, 2020

Board Appointments BOARD APPOINTMENTS

- A. Golf Advisory Board; Helena Public Arts Committee; TIF/URD Advisory Board

Helena Public Art Committee Appointment of Chelly Hasquet to a three-year term on the HPAC, Term will begin upon appointment and expire on 12/31/23

Golf Advisory Board Appointment of Riley Kurtz to the Golf Advisory Board. Term will begin upon appointment and expire on 10/31/22

TIF / URD Advisory Board Appointment of Nathan Bilyeu as the representative of a Business within the Downtown Urban Renewal Area

Riley Tubbs as the owner of a property located within the Downtown Urban Renewal Area.

Hannah VanHoose as a resident within the Downtown Urban Renewal Area but is not an owner.

Lee Schubert as a representative of the Business Improvement District

Andy Shirtliff as the Lewis and County representative.

TIF / URD (Continued)

Brian Obert as the Montana Business Assistance Connection representative

Lori Ladas as the representative of a non-profit organization.

Tatum Curtis and Charlie Carson as business or property owners within the Rodney Street Study Area.

Jennifer Deherrera as the real estate or property development professional in the Urban Renewal Area.

Kalli Kind as a representative of Helena School District #1

Krys Holmes as the representative of an art, music or other cultural organization located in the Urban Renewal Area

William Greiner as the representative of historic preservation organization

Andrew Chanania as a representative of an organization focused on housing.

Commissioner Logan moved to approve the board appointments as listed. 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

- Consent Agenda** CONSENT AGENDA
- A. Claims
 - B. A resolution granting Railroad Urban Renewal District Tax Increment Financing funds for a sidewalk and stormwater infrastructure improvement project at 1322 Helena Avenue. **Resolution 20591**

Public Comment Mayor Collins called for public comment, none was received.

Motion **Commissioner Haladay moved to approve the Consent Agenda, Claims and item B.** 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

Communications from City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

Commissioner Dean spoke to the concept of an employee service award, and proposed it be titled the “Ed Noonan Service Award”.

Commissioner O’Loughlin spoke about the Interim City Manager process. The Commissioner stated the process to recruit a permanent City Manager could be a months long process and as such there needed to be a competent Interim City Manager to “keep the trains running on time.” The process should be quick but thoughtfully enacted. Commissioner O’Loughlin stated she was disappointed the Commission was unable to fully consider Ed Meece for the Interim position and felt some of the reporting and public commentary was inconsistent with her own due diligence regarding Mr. Meece and his work as City Manager in Livingston. Commissioner O’Loughlin stated she hoped the City could move forward expeditiously to secure another candidate.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
City Attorney Jodoin stated there was nothing to report

Litigation Strategy LITIGATION STRATEGY
City Attorney Jodoin stated there was nothing to report.

**Report of the City
Manager**

REPORT OF THE CITY MANAGER

Acting City Manager Knoepke stated the Ambulance Board voted to extend the 7-year contract with St. Peter's hospital. This would need to be brought back to St. Peter's for review before final adoption.

**Communications from
the Helena Citizens**

**COMMUNICATIONS FROM THE HELENA CITIZENS
COUNCIL**

Pat Christian, HCC rep, spoke to the HCC upcoming meeting business and updates, including the HCC priorities for the year.

Regular Items

REGULAR ITEMS

- A. CONSIDER RELEASE OF AN EXISTING 30 FOOT-WIDE EMERGENCY ACCESS EASEMENT LOCATED WITHIN UPLANDS PHASE 1 OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS UNDER COS #3305704

Staff Report

City Engineer Ryan Leland reported Mark Runkle, the applicant has submitted a request to the City of Helena to release its interest in the existing emergency access easement that was created for Uplands Phase 1 in 2017. The easement was granted for the purpose of emergency services over and across the Tract 1-A-2 and Tract C-2-A-1-A-1-A-1-A-1-A both as shown on the Plat of Uplands Phase 1 of the Crossroads at Mountain View Meadows under easement #3305704. No city utilities are in the existing easement. Consider the release of easement. The legal description of the easement are as follows: The 30' wide emergency access easement located within Uplands Phase 1 of the Crossroads at Mountain View Meadows under easement #3305704, all in Helena, Lewis and Clark County, Montana. Phase 2 will create permanent provisions to supplant temporary easement conditions. An easement release will allow the development of Uplands Phase 2.

City Staff recommends approval of a release of an existing 30' wide emergency access easement located within Uplands Phase 1 of the Crossroads at Mountain View Meadows under COS #3305704

Motion

Commissioner O'Loughlin moved to approve the release of an existing 30-foot wide emergency access

easement located within Uplands Phase 1 of the Crossroads at Mountain View Meadows under COS #3305704.

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

- B. CONSIDER A RELEASE OF AN EXISTING 30 FOOT STORM WATER EASEMENT LOCATED BY THE CENTERLINE OF THE STORM WATER DRAINAGE CONVEYANCE DITCH AS SHOWN WITHIN UPLANDS PHASE 1 OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS UNDER COS #3305706.

Staff Report

City Engineer Ryan Leland reported Mark Runkle, applicant has submitted a request to the City of Helena to release its interest in the storm water easement that were created for Uplands Phase 1 in 2017. The easement was granted for the purpose of storm water conveyance over and across the Tract 1-A-2 as shown on the Plat of Uplands Phase 1 of the Crossroads at Mountain View Meadows under easement #3305706. No city utilities are in the existing easement. The legal description of the easement are as follows: The 30' wide storm water easement located within Uplands Phase 1 of the Crossroads at Mountain View Meadows under easement #3305706, all in Helena, Lewis and Clark County, Montana. Phase 2 will create permanent provisions to supplant temporary easement conditions. An easement release will allow the development of Uplands Phase 2.

City Staff recommends approval of a release of an existing 30' storm water easement located by the centerline of the storm water drainage conveyance ditch as shown within Uplands Phase 1 of the Crossroads at Mountain View Meadows under COS #3305706.

Public Comment

Mayor Collins called for public comment. Greg Wirth, spoke on behalf of the applicant Mr. Runkle, and spoke in favor of approval of both easement releases.

Motion

Commissioner Haladay moved to approve the release of an existing 30-foot storm water easement located by the centerline of the storm water drainage

conveyance ditch as shown within uplands phase 1 of the crossroads at mountain view meadows under cos

#3305706 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

C CONSIDER A RESOLUTION ESTABLISHING A GOAL OF 100% CLEAN, RENEWABLE ELECTRICITY FOR THE HELENA COMMUNITY BY 2030

Sustainability Coordinator Patrick Judge reported A draft of the "100% Clean, Renewable Electricity for Helena" resolution was presented to the Commission at the February 5, 2020 administrative meeting. The Commission discussed the resolution and expressed a desire to move it forward to a Public Hearing and Commission Vote on February 24, 2020. Commissioners also suggested several ideas for improving the draft. The attached version contains changes (highlighted in yellow) meant to incorporate those suggestions. Approval of such a goal would send an important signal to policymakers, the local utility, and others. Helena would continue its collaboration with other Montana cities in negotiating for an increasingly clean and renewable energy portfolio and energy products (like a Green Tariff). The Whereas statements of the resolution further describe how this resolution furthers the City's commitment to a clean energy future. If successful, the effort to bring 100% clean electricity to the Helena community by 2030 would have notable environmental benefits in terms of greenhouse gas reduction and transitioning away from fossil fuel-based resources. There is little downside risk, other than the possibility of establishing a goal and not meeting it.

City Staff recommended to approve a resolution establishing a goal of 100% clean, renewable electricity for the Helena community by 2030.

Discussion

Commissioner Dean asked what steps needed to be made to make the March 6th deadline. Mr. Judge stated a board would convene a sub-committee meeting of the Helena Citizen Conservation Board at which time initial steps for the application would be developed.

Public Comment

Mayor Collins asked for public comment

Ann Wilsnack spoke in favor of the resolution.

Brian Fadie, 216 N Ewing St, Vice-Chair HCCB, spoke in favor of the Resolution.

Mary Bourgeois, 1630 Stuart St, spoke in favor of the resolution and the zero-interest loan program.

Cassie Perkins, Helena High Environmental Green Group, spoke in favor of the resolution.

Tim Holmes, 446 N Hoback, spoke in favor of the resolution.

Gray Haladay, spoke in favor of the resolution.

Matt Scheuster, spoke in favor of the resolution.

Isaac Neiring, Montana Youth Action representative, spoke in favor of the resolution.

Helen Bovington, 1042 Breckenridge, spoke in favor of the resolution.

Representative Rob Farris-Olsen spoke in favor of the resolution.

Farris-Olsen spoke in favor of the resolution.

Melissa Hervine, spoke in favor of the resolution.

Diana Hammer, spoke in favor of the resolution

Rose Ellis spoke in favor of the resolution.

Bob Adams, Seasonal Ranger Glacier national Park, spoke in favor of the resolution.

Andrew Valanais, executive director of Montana renewable energy connection, spoke in favor of the resolution.

Gene Sevins spoke in favor of the resolution.

Janice Frish spoke in favor of the resolution.

Susan Dubree, 428 Wilder Ave, spoke in favor of the resolution.

Representative Maryann Dunwell, 3820 Alexis Ave, member of the Legislative Consumer Committee, spoke in favor of the resolution.

Sue Kronenberger, spoke in favor of the resolution.

Lynne Boone, spoke in favor of the resolution.

Pat Christian, Hauser Blvd, spoke in favor of the resolution.

Jay Bick, spoke in favor of the resolution.

William "Chip" Clausen, 202 Pine St, spoke in favor of the resolution.

Michelle Ubaraga, Livingston resident, member of Moms Clean Air Force, spoke in favor of the resolution.

Heidi Hartingrex, Saddle Dr., spoke in favor of the resolution.

Jessica Peterson, 1024 Avenue, spoke in favor of the resolution.

Jonathan Matthews, 1633 Flowerree St. spoke in favor of the resolution.

Brian Coplin spoke in favor of the resolution.

Shawn Reagor spoke in favor of the resolution.

Discussion

Commissioner Dean thanked all that attended the meeting and spoke in favor of the resolution, and thanked the organizations involved, and Mr. Patrick Judge for his efforts as the Sustainability Coordinator. The Commissioner stated she hoped this would just be a positive first step in this matter.

Commissioner O'Loughlin stated she was also in support of the resolution and felt there were clear actionable steps in pushing the resolutions goals forward. The Commissioner spoke to the power of a municipality in pushing for action from NorthWestern Energy.

Commissioner Logan stated he could not better state his reasons for support than had already been expressed this evening. The Commissioner spoke in favor of the resolution.

Commissioner Haladay thanked all those in attendance and spoke to the hard work of the previous Commission members in pushing this and similar efforts forward. The Commissioner spoke about the work which still needed to be done in order to push forward the goals related to the resolution. The Commissioner stressed how the Municipality could play the role as an advocate to push all matters related to this resolution forward with Corporate partners and at the State government level.

Mayor Collins spoke to the large and positive turnout by the community this evening and urged the community to continue pushing the Commission to pursue this issue. The Mayor stated this would be just the beginning.

Motion

Commissioner Dean moved to resolution establishing a goal of 100% clean, renewable electricity for the Helena community by 2030. 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
Resolution 20592

Public Hearings PUBLIC HEARINGS

- A. CONSIDER FINAL PASSAGE OF AN ORDINANCE NO. 3280 ADOPTING BY REFERENCE THE STATE ADOPTED 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) ALONG WITH APPENDIX CHAPTER C GROUP U, AGRICULTURAL BUILDINGS, THE INTERNATIONAL RESIDENTIAL CODE (IRC) ALONG WITH APPENDIX CHAPTER Q TINY HOUSES AND APPENDIX CHAPTER S STRAWBALE CONSTRUCTION, THE INTERNATIONAL EXISTING BUILDING CODE (IEBC), INTERNATIONAL MECHANICAL CODE (IMC), INTERNATIONAL FUEL GAS CODE (IFGC), UNIFORM PLUMBING CODE (UPC) AND 2017 EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND CLARIFYING PROVISIONS RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THESE CODES BY REPEALING CHAPTERS 2, 3, 4, 5, 7, AND 13, AMENDING CHAPTER 1, AND ADOPTING A REVISED CHAPTER 2 OF TITLE 3, OF THE HELENA CITY CODE

Staff Report

Chief Building Official Kimberley Mack reported on January 13, 2020, the City of Helena Commission voted unanimously to approve first passage of an ordinance to adopt the latest editions of building construction codes as noted above and related State mandated amendments in several chapters within Title 3 of the Helena City Code. A public hearing is scheduled for February 24, 2020 to consider public comment and final passage. The chapters in Title 3 were representative of several ordinances regarding the adoption of building construction related codes and are now clarified into a single chapter. Currently, the Building Division for the City of Helena is enforcing the 2012 editions of the IBC, IRC, IEBC, IMC, IFGC, UPC and the 2014 NEC. 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. 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. 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 with copies of the ordinances. MCA 7-5-108 requires a proposed ordinance for adoption that incorporates by reference the provisions of any code or amendments, be available for public inspection and examination a minimum of 30 days prior to final adoption. These documents have been available in the City Clerk's office since January 14, 2020 and have had no inquiries to date. Of significance in the amendments, the State deleted Section 116 – Unsafe Structures and Equipment in its entirety when they adopted the current edition of the IBC. This decision was based on an Attorney General's opinion and provision in Title 50, Chapter 60 MCA, that states the building and construction standards do not apply to existing building and equipment that become unsafe. The International Fire Code (IFC) has a comparable section, Section 111 – Unsafe Building, that does provide for the regulations of buildings or structures that have become unsafe. The enforcement of this section will begin with the Fire Department.

The purpose of the proposal is to present the above series of codes, as amended through the State of Montana, to the City Commission for final passage and to hear public comment on the proposed codes. City staff is recommending the proposed consolidation of all the building construction related codes into a single chapter and adopting by reference the amendments to the above stated codes required by the State.

The State of Montana has chosen not to adopt the 2018 International Energy Conservation Code (IECC) at this time to provide further discussion through public listening sessions throughout the state. We will bring the adoption of the 2018 IECC to the Commission at a later date. The 2018 International Fire Code (IFC) is not being adopted at this time. The State's adoption of the IFC is through the State Fire Marshal's Office. That process has not been completed and will put forward to the Commission by the Fire Department at a later date. The 2018 International Wildland-Urban Interface Code (IWUIC) is not being considered for adoption at this time. The City of Helena is engaging stakeholders in additional meetings and will bring forth a recommendation regarding the adoption of the WUI at a future date. The 2018 International Swimming Pool and Spa Code (ISPSC) is not being considered for adoption by the City as it is currently being enforced by the Lewis and Clark County Public Health Department and DPHHS, along with several other pool codes. Having multiple agencies enforcing the same code may lead to multiple interpretations of

provisions and confusion for the applicant. Final passage and adoption by the Commission enables the City Building Division to comply with the State's directive to adopt the new editions of the above codes. This keeps the City's certified enforcement program in good standing. Updating to the new code editions provides builders and the public with the opportunity to make use of the newest technologies and materials that are authorized in the codes to provide for good sound, safe and efficient buildings. The new appendices for the regulation of tiny homes and strawbale construction will allow for additional options in construction and in housing types. The State of Montana Building Codes Program has chosen not to adopt the 2018 International Energy Conservation Code (IECC) at this time to provide further discussion through public listening sessions throughout the state. We will bring the adoption of the 2018 IECC to the Commission at a later date.

City Staff recommended approval of final passage of an ordinance No. 3280 adopting by reference the State adopted 2018 editions of the International Building Code (IBC) along with appendix Chapter C – Group U, Agricultural Buildings, the International Residential Code (IRC) along with Appendix Chapter Q – Tiny Houses and Appendix Chapter S – Strawbale Construction, the International Existing Building Code (IEBC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC) and 2017 edition of the National Electrical Code (NEC) and clarifying provisions relating to the administration and enforcement of these codes by repealing Chapters 2, 3, 4, 5, 7, and 13, amending Chapter 1, and adopting a revised Chapter 2 of Title 3, of the Helena City Code.

Discussion

Commissioner Dean asked when the IECC discussions were going to commence could the Commission be apprised. Ms. Mack stated the meeting had already occurred and would provide the Commission with any information she could get regarding discussions had at the meeting.

Public Testimony

Mayor Collins opened the public hearing for public testimony, there being no one wishing to address the Commission, the public hearing was closed.

Motion

Commissioner Haladay moved to approve final passage of an ordinance no. 3280 adopting by reference the state adopted 2018 editions of the International

Building Code (IBC) along with appendix chapter C group U, agricultural buildings, the International Residential Code (IRC) along with appendix chapter Q tiny houses and appendix chapter S strawbale construction, the International Existing Building Code (IEBC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), Uniform Plumbing Code (UPC) and 2017 edition of the National Electrical Code (NEC) and clarifying provisions relating to the administration and enforcement of these codes by repealing chapters 2, 3, 4, 5, 7, and 13, amending chapter 1, and adopting a revised chapter 2 of title 3, of the Helena city code. 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. **Ordinance 3280**

***Public
Communications***

PUBLIC COMMUNICATIONS
None received.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 7:38 p.m.

MAYOR

ATTEST:

CLERK OF THE CITY COMMISSION