

CITY OF HELENA
City Commission Meeting
July 12, 2021 - 6:00 PM
City-County Building, Room 330
Zoom Online Meeting: <https://zoom.us/j/92488319503>

Time & Place

A regular City Commission meeting was held on Monday, July 12, 2021 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/92488319503>, as well as, the City Commission Chambers at 316 N. Park Ave, Helena 59623.

Call to Order and Roll Call

(00:15) Mayor Collins requested City Clerk Clayborn call roll call: Deputy City Attorney Coate, City Manager Harlow-Schalk, Commissioner Haladay, Commissioner Dean, Commissioner Logan, Commissioner O'Loughlin, and Mayor Collins all responded present. All participated in-person except Commissioner O'Loughlin who participated virtually via Zoom.

Pledge of Allegiance

(00:57) Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

Minutes

- A. Regular Commission Meeting - May 3, 2021
- B. Regular Commission Meeting - June 21, 2021

(01:50) With no objections, the minutes were accepted as submitted.

Consent Agenda

- A. Claims
- B. Resolution Declaring Various Vehicles and Equipment owned by the City of Helena to be Surplus Personal Property and Authorizing the City Manager to Dispose of that Property.
- C. Resolution repealing No. 20595 that declared a state of local disaster emergency.

(02:03) City Manager Harlow-Schalk recommended a motion to approve Consent Agenda Items A through C.

(03:00) Commissioner Dean asked two questions: 1) if the 2020 Ford Interceptor was the police vehicle that was hit; and 2) if the County's Declaration of Emergency still in effect. City Manager Harlow-Schalk stated she could have an answer to them by the end of the day. She did not believe the County had removed their Declaration of Emergency, however that didn't mean the city could not go forward with removing their own.

(04:00) Commissioner O'Loughlin asked for confirmation regarding the 2020 Ford Interceptor and city staff acknowledge it was the vehicle related to the accident.

(04:28) Commissioner O'Loughlin asked City Manager Harlow-Schalk to expand on the potential impacts and the reasoning behind repealing the city's Declaration of Emergency. City Manager Harlow-Schalk explained one of the assets that an Emergency Declaration offers is it opens the door for accessing emergency dollars and also incorporates any public health emergencies. The recent legislative session changed this process by making any restrictions imposed by the Board of Health contingent upon the local government, specifically elected officials. City Manager Harlow-Schalk clarified this did not mean private businesses had to remove their requirements as well, citing the use of other common health requirements

such as shoes and shirts for entry. In conclusion, City Manager Harlow-Schalk explained that lifting the city's Emergency Declaration would not impact their ability to access federal funding.

(07:15) Commissioner Haladay recalled the commission's original Resolution declaring an emergency had a section regarding advisory boards meeting remotely. The Commissioner questioned if by lifting the city's Declaration of Emergency, it would mean all boards would go back to meeting in-person. City Manager Harlow-Schalk stated it would not remove the opportunity for advisory boards to meet in person but encouraged all boards to offer a virtual option moving forward. Ultimately, it would be up to the individual boards to decide.

(08:30) There were no public comments.

(09:00) Commissioner Logan made a motion to accept Consent Agenda Items A through C. Commissioner Dean seconded the motion. The motion carried 5:0.

Communication/Proposals from Commissioners

(09:45) Commissioner Logan recalled on May 17, 2021, the commission considered the Special Lighting District No. 399 and it was ultimately denied. The Commissioner stated he wished to take this opportunity to bring that item back to the commission for reconsideration.

(10:25) Commissioner Logan moved for consideration the motion to reconsider the vote on May 17, 2021 which refused passage of the Resolution to create Special Improvement Lighting District No. 399 in the City of Helena, Montana and place the item for reconsideration on the next available regular City Commission meeting agenda. Commissioner Dean seconded the motion.

(11:24) Commissioner Dean asked City Manager Harlow-Schalk and Deputy City Attorney Coate regarding what the process moving forward will look like. City Manager Harlow-Schalk described the process, specifically public notice that will need to go out prior to bringing the item back in a public hearing.

(12:47) As a point of clarification, Commissioner Dean asked if the motion would be tabled today.

(12:53) Mayor Collins clarified the reconsideration of the item will be tabled until the July 26, 2021 regular city commission meeting in the interest to public notification.

(13:06) Commissioner Dean asked if that meant a roll call was necessary for the proposed motion. Deputy City Attorney Coate recommended the commission err on the side of caution and wait to take a vote on the motion until public notice had been given on the item and to have an open debate in a public hearing setting.

(13:51) City Clerk Clayborn acknowledged the direction from the commission and stated she would work with city staff to get the item on the July 26th agenda.

(14:04) Commissioner O'Loughlin asked if this meant they were placing an item on the agenda without the consent of the commission. City Manager Harlow-Schalk read the commission by-laws aloud that described the procedure for re-introducing an item for a vote. The by-laws state that two commissioners who voted against the creation of the district in the original, must submit a motion to the commission to reconsider the action. Therefore, if the motion passes by vote of three (3) affirmative votes, then the resolution of intention to create the district is put on a regular commission meeting agenda. As a result of this discussion, Mayor Collins directed the City Clerk to do a roll call vote for the motion to bring back the item on a regular city commission agenda.

(15:36) The motion carried 2:3.

Report of the City Attorney

(16:10) Deputy City Attorney Coate had nothing to report.

Report of the City Manager

(16:17) City Manager Harlow-Schalk provided updates to the commission regarding the following:

- **(16:25)** The city has received over fifty (50) emails from citizens who wish to see the Centennial Trail paved using remaining funding provided by emergency federal COVID-19 funding. City Manager Harlow-Schalk went on to describe the many nuances that surround the completion of this project and how that funding was being allocated.
- **(19:55)** City Manager Harlow-Schalk informed the commission of a mine that blew out below the City's water supply, however within Ten Mile Creek. There is a significant amount of contamination in the creek and a team is monitoring the situation.
- **(20:29)** The city is watching their water consumption daily and noted both the city and the citizens have done a great job leveling out their water use. The City Manager also outlined a couple other water preservation initiatives taking place within the city.

(22:02) Commissioner Dean asked the City Manager what they should be on the look out for as far as water contamination goes and what the process will look like for those monitoring the situation moving forward. City Manager Harlow-Schalk explained the project was being managed by the EPA along side the Department of Environmental Quality (DEQ).

(22:51) Discussion was had between Commissioner Haladay and city staff regarding the history of the Centennial Trail paving project as it relates to BNSF and an update on the easement status. City Manager Harlow-Schalk informed the commission that she would work with staff to bring an overall update on the project at a later meeting.

(25:30) Commissioner Haladay questioned whether surplus savings as a result of using ARPA funding on previously budgeted projects could be utilized to pave a portion of the Centennial Trail. City Manager Harlow-Schalk confirmed that to be correct so long as the ARPA funding was applied to a budgeted item from this year.

(28:50) No other comments from the commission.

Communications from the Helena Citizens Council

(29:29) HCC representative, Denise Roth Barber gave a report.

Public Communications

(31:24) Denise Roth Barber residing at 513 Graham Street addressed the commission and asked what chemicals were involved in the mine spill. Public Works Director, Ryan Leland explained the discovery was just made that day and samples were still being processed. Both EPA and DEQ were contacted and on the scene. Once city staff received the results from the sampling, they would provide an update to both the commission and the public.

(33:05) There were no other public comments.

Adjournment

(33:25) There being no further business to come before the City Commission, the meeting adjourned at 6:33 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE CITY COMMISSION