

**CITY OF HELENA**  
**City Commission Meeting**  
**July 26, 2021 - 6:00 PM**  
**City-County Building, Room 330**  
**Zoom Online Meeting: <https://zoom.us/j/99885666417>**

**Time & Place**

A regular City Commission meeting was held on Monday, July 26, 2021 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/99885666417>, as well as, the City Commission Chambers at 316 N. Park Ave, Helena 59623.

**Call to Order and Roll Call**

**(0:14)** Mayor Collins requested 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. Commissioner O'Loughlin participated virtually via Zoom.

**Pledge of Allegiance**

**(01:24)** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

**Board Appointments**

- A. Helena Public Arts Committee; Heritage Preservation & Tourism Board; City Zoning Commission.

**Helena Public Arts Committee** Appointment of Jeanie Warden to an Interim Appointment on the HPAC. Term will begin upon appointment and expire on December 31, 2022.

**Heritage Preservation & Tourism Board** Appointment of Katie Donath to a first term on the Heritage Preservation & Tourism Board. Term will begin upon appointment and expire on June 30, 2024.

**City Zoning Commission** Appointment of Nicole Anderson to an Interim Appointment on the City Zoning Commission. Term will begin upon appointment and expire on September 30, 2023.

**(03:33) Commissioner Dean moved to approve the board appointments for the following boards: Helena Public Arts Committee; Heritage Preservation & Tourism Board; City Zoning Commission. Commissioner Haladay seconded the motion. The motion carried 5:0.**

**Consent Agenda**

- A. Claims

**(04:32)** City Manager Harlow-Schalk recommended a motion to approve Consent Agenda Item A.

**(05:13) Commissioner Logan made a motion to accept Consent Agenda Item A. Commissioner Dean seconded the motion. The motion carried 5:0.**

**Bid Award**

- A. Bid Award for City of Helena Project #18-17 - 2018 Water/Sewer Main Replacements Project.

**(06:16)** City Manager Harlow-Schalk gave a brief introduction for Bid Award Item A and recommended the commission entertain a motion to accept the Bid for City of Helena Project #18-17 – 2018 Water/Sewer Main Replacements Project located in South Dakota Ave.

**(07:08)** Commissioner Dean asked Director Leland why staff was only recommending schedules 1 and 3 and not 1, 2 and 3. Director Leland explained the recommendation to leave out schedule 2 was due to budgetary constraints.

**(08:18) Commissioner Dean moved to award bid schedules 1 and 3 of the 2018 Water/Sewer Main Replacements Project #18-17 to the lowest responsible bidder Montana Underground Construction Inc., in the amount of \$759,830.00. Commissioner Logan seconded the motion. The motion carried 5:0.**

- B. Move to Award the City-County Building DMV Renovation Project #21-40 to Diamond Construction in the amount of \$241,600.

**(09:22)** City Manager Harlow-Schalk gave a brief introduction for Bid Award Item B and recommended the commission entertain a motion to award the City-County Building DMV Renovation Project #21-40 to Diamond Construction in the amount of \$241,600.

**(10:40)** Commissioner Dean noted in the memo, Lewis and Clark County had committed to paying for these improvements and asked city staff to explain why the item was on the city's agenda and why they are asked to award this type of Bid. City Manager Harlow-Schalk explained the city and county share a variety of operations and as part of that shared service, the city manages and constructs the project.

**(11:49) Commissioner Logan moved to Award the City-County Building DMV Renovation Project #21-40 to Diamond Construction in the amount of \$241,600. Commissioner Dean seconded the motion. The motion carried 5:0.**

### **Communication/Proposals from Commissioners**

#### **Report of the City Attorney**

**(12:39)** City Attorney Jodoin had nothing to report.

#### **Report of the City Manager**

City Manager Harlow-Schalk provided updates to the commission regarding the following:

- **(12:46)** The moratorium on evictions was scheduled to expire this week and may further compound the homelessness issue within the Helena Community. City Manager Harlow-Schalk has been in talks with local non-profits to discuss the emerging issue as well as a temporary solution until a more permanent solution is available. Information was also provided for rental assistance through the Department of Commerce.
- **(19:53)** An update was given regarding the mine blow-out near Rimini Creek and its potential impact on the City's watershed and drinking water.

**(24:48)** Commissioner Dean asked that staff include the Department of Commerce resource for rental assistance on their website as well as throughout social media.

**(25:13)** Commissioner Dean asked the City Manager what EPA's response was when the city reiterated it was their obligation to keep the city informed and what the timeline might look like moving forward. City Manager Harlow-Schalk explained it was the Department of Environmental Quality that would ultimately hold EPA responsible for non-compliance or not notifying the city in a timely manner. The City Manager went on to explain the circumstances surrounding the EPA's involvement and when the city was officially notified.

**(28:18)** Discussion was had between city staff and Commissioner Logan regarding EPA's and DEQ's progress to date regarding Susie Mine and what mitigation strategies will be taken as they move forward. Director Leland explained city staff's role was to monitor the area and check the head gates every day, as well as stay in regular contact with EPA.

### **Communications from the Helena Citizens Council**

**(31:34)** HCC representative, Dylan Klapmeier gave a report.

### **Regular Items**

- A. Consider final passage of an Ordinance amending City of Helena Ordinance No. 3097 and amending the official zoning map for the City of Helena for a zone change from DT (Downtown) District to TR (Transitional Residential)

District for Lot A being a portion of Lot H of the Placer Mining Claim of Getchell and Child as shown on Certificate of Survey No. 3114987 with a street address of 739 Getchell Street in the City of Helena, Montana.

**(33:26)** City Manager Harlow-Schalk gave a brief introduction to Regular Item A.

**(33:45)** Planner II, Ellie Ray addressed the commission and gave a PowerPoint presentation for Regular Item A.

**(37:13)** Commissioner Dean asked Ms. Ray if the commission were to approve the zone change, what would the timeline be for development to begin on the property. The applicant, Peter Butler addressed the commission and explained it was their wish to move forward as soon as possible.

**(38:30)** There were no public comments.

**(38:44) Commissioner Dean moved to approve final passage of an Ordinance amending City of Helena Ordinance No. 3097 and amending the official zoning map for the City of Helena for a zone change from DT (Downtown) District to TR (Transitional Residential) District for Lot A being a portion of Lot H of the Placer Mining Claim of Getchell and Child as shown on Certificate of Survey No. 3114987 with a street address of 739 Getchell Street in the City of Helena, Montana. Commissioner Haladay seconded the motion. The motion carried 5:0.**

**B.** Consider a Resolution of Intention to create Special Improvement Lighting District No. 399 in the City of Helena, MT and set a public hearing for August 23, 2021.

**(39:57)** City Manager Harlow-Schalk gave a brief introduction and history for Regular Item B. This item was originally brought before the commission on May 17, 2021, where the commission voted not to approve the motion pending further review. Then, on July 12, 2021, the commission voted to reconsider the motion based on information received.

**(41:23)** Discussion was had between Commissioner Dean and Director Danielson regarding the process should more than 50% of the homeowners protest the Resolution as well as the process for homeowners who wish to petition to have streetlights removed.

**(44:19)** City Attorney Jodoin clarified that the petition to remove a streetlight would only remove the light and would not remove the property from the district. So, the property owner would still be paying an assessment if this district were created.

**(44:40)** Commissioner Logan asked how long the public comment period was for the proposed resolution and Director Danielson confirmed it was a 15-day period from the date of the first public notice which is tomorrow (July 27, 2021) and any petitions received will be included in the commission's final packet for the public meeting scheduled for August 23, 2021.

**(45:54)** Commissioner O'Loughlin, Director Danielson and Community Development Director, Sharon Haugen discussed the average increase in property tax within the first year should the resolution pass and if there were any low-income housing units included within the boundary of the district that could be affected.

**(49:05)** Discussion was had between Commissioner Dean and Director Danielson confirming the rates would be relatively consistent with what the average Helena homeowner pays for streetlights. However, Director Danielson explained it could vary between districts depending on the number of streetlights and properties within a given district.

**(50:20)** Commissioner Logan asked staff what would happen to the existing streetlights should the resolution not pass and Director Danielson explained Northwestern Energy could potentially come before the commission and take the streetlights out of the district as they have previously indicated. Currently, Northwestern Energy is paying for the cost of the streetlights rather than the cost being placed upon the property owners, which is inconsistent with how the city normally handles these districts. Director Danielson went on to explain the general process the city has for Special Improvement Lighting Districts.

**(52:48)** Northwestern Energy Director of Community Connections, Rick Edwards addressed the commission and spoke in favor of passing the resolution of intent.

**(55:08)** Discussion was had between representatives of Northwestern Energy, the commission, and city staff regarding the average annual assessment for a residence in Montana for a lighting district and how the cost projected for this lighting district compared as well as the process for establishing the cash flow reserve for the first year.

**(01:01:35)** Commissioner O'Loughlin asked representatives of Northwestern Energy what they would do if the resolution were not to pass. Rick Edwards explained that the lights had been in operation since the early 2000s but have not been paid for. Northwestern Energy is not proposing to go back and recover any of those costs, rather

they plan to begin charging the cost moving forward. In regard to the existing streetlights within the district, if the resolution does not pass then Northwestern Energy would have no choice but to remove them citing, they were in no position to provide free service as a company.

**(01:03:30)** Commissioner Dean asked the Northwestern Energy representatives if they could provide a copy of the PSC Lighting Matrix so the commission could have a better idea of what goes into establishing these costs moving forward.

**(01:04:10)** Discussion was had between Commissioner Haladay and representatives of Northwestern Energy regarding how the cost for this specific lighting district was calculated and whether property owners were also being charged for the installment of the lighting infrastructure that took place in the early 2000s.

**(01:15:54)** There were no further public comments.

**(01:16:20) Commissioner Logan moved to approve a Resolution of Intention to create Special Improvement Lighting District No. 399 in the City of Helena, MT and set a public hearing for August 23, 2021. Commissioner Dean seconded the motion.**

**(01:16:44)** Commissioner Dean reiterated her wish to have the information that Commissioner O'Loughlin requested as well as the PSC Lighting Matrix prior to the public hearing date of August 23, 2021.

**(01:17:14) The motion carried 3:2.**

### Public Hearings

- A. Consider a Resolution granting a Conditional Use Permit to allow a three-dwelling unit in the Residential (R-3) T #12 Zoning District in the city of Helena, Montana.

**(01:17:56)** City Manager Harlow-Schalk gave a brief introduction to Public Hearings Item A.

**(01:18:20)** Planner II, Ellie Ray addressed the commission and gave a PowerPoint presentation for Public Hearings Item A.

**(01:25:30)** Commissioner Dean asked if the notices sent to surrounding property owners only consisted of properties directly adjacent to the subject property or if they were sent to other property owners in the neighborhood. Ms. Ray confirmed it was not just to adjacent property owners but to all property owners within one-hundred and fifty (150') feet of the proposed property.

**(01:26:12)** There were no public comments.

**(01:26:27) Commissioner Dean moved to approve a Resolution granting a Conditional Use Permit to allow a three-dwelling unit in the Residential (R-3) T #12 Zoning District in the city of Helena, Montana. Commissioner Logan seconded the motion. The motion carried 5:0.**

### Public Communications

**(01:27:14)** There were no public comments.

### Adjournment

**(01:27:30)** There being no further business to come before the City Commission, the meeting adjourned at 7:27 p.m.

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MAYOR

ATTEST:

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CLERK OF THE CITY COMMISSION