



**City of Helena
City Commission Meeting
December 19, 2022 – 6:00 PM
Zoom Online Meeting; <https://zoom.us/j/94996466523>
City County Building Commission Chambers, Room 330**

Time & Place

A regular City Commission meeting was held on Monday, December 19, 2022 at 6:00 p.m. via Zoom Online Meeting ID: <https://zoom.us/j/94996466523> and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:01:11) The following responded present, either via zoom or in person:

City Attorney Dockter
Interim City Manager Burton
Commissioner Shirtliff
Commissioner Logan
Mayor Collins

The following members were absent:

Commissioner Dean
Commissioner Reed arrived late

Pledge of Allegiance

(00:02:30) Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

Minutes

- A. 11-16-22 Admin Meeting**
- B. 11-21-22 Commission Meeting**
- C. 11-22-21 Commission Meeting**
- D. 07-18-22 Commission Meeting**

(00:03:07) There being no comments or questions from the Commission, Mayor Collins accepted Minutes A, B, C, and D.

Proclamations



A. Capital High Bruins Football Day

(00:03:30) Mayor Collins presented the Proclamation to Coach Kyle Mihelish.

(00:06:40) Coach Mihelish addressed the Commission.

(00:08:52) Mayor Collins, Commissioner Shirtliff, and Commissioner Logan thanked and congratulated Coach Mihelish.

Board Appointments

A. Board Appointments: ADA Compliance Committee

(00:10:20) Mayor Collins presented Item A.

(00:10:50) **Commissioner Logan made a motion to approve Board Appointments for ADA Compliance Committee. Commissioner Shirtliff seconded the motion.**

(00:11:06) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirtliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

Consent Agenda

A. Final passage of ordinances amending Title 11, Chapter 2, Section 11-2-3 and 11-2-4 and Title 11, Chapter 38, Sections 11-38-2 and 11-38-3 of the City of Helena Zoning Regulations.

B. Final plat for the Commercial Phase 3 Minor Subdivision creating 2 city lots containing 13.53-acres from Tract 1-B as shown on Certificate of Survey 3226447 in the records of the Clerk and Recorder of Lewis and Clark County, Montana.

C. Resolution Reestablishing CCB

D. Interim City Manager Agreement Amendment

E. A resolution rescinding resolution nos. 20495 and 20639 to eliminate the monthly water and wastewater charges that fund the residential water and wastewater service line replacement loan program and amending resolution no. 20488.

- (00:12:41) Commissioner Logan requested that Consent Agenda Item E be commuted to Regular Items to allow for discussion.
- (00:13:05) Attorney Dockter advised the Commission about the procedure for commuting Item E.
- (00:14:08) Scott Raznoff provided public comment, expressing support for the water and wastewater service line replacement loan program.
- (00:15:11) Dianna Hammer of the Citizens Conservation Board provided public comment, recommending changes to the resolution regarding Item C.
- (00:18:10) Denise Roth Barber of the Citizens Conservation Board provided public comment, recommending changes to the resolution regarding Item C.
- (00:20:57) Anne Brodski of the Citizens Conservation Board provided public comment, recommending changes to the resolution regarding Item C.
- (00:24:03) Commissioner Reed asked Attorney Dockter about the legality of the CCB's jurisdiction and striking term limits.
- (00:26:06) Commissioner Logan asked Clerk Clayborn for clarification about the necessity for standard processes and term limits on advisory boards.
- (00:28:00) Commissioner Logan expressed concern with one board having different term criteria than others.
- (00:28:25) Commissioner Shirliff asked Attorney Dockter about the procedure for tabling Item C.
- (00:29:06) Commissioner Reed asked Attorney Dockter about what happens if the resolution expires after being tabled, and if extending the existing resolution would be possible.
- (00:31:27) **Commissioner Logan moved to commute Consent Agenda Item C to Regular Items. Commissioner Shirliff seconded the motion.**
- (00:32:12) **Commissioner Logan made a motion to approve Consent Agenda Items A, B, and D. Commissioner Shirliff seconded the motion.**
- (00:32:26) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.



Communications/Proposals from Commissioners

(00:32:40) There were no communication from the Commissioners.

Report of the City Attorney

(00:33:00) City Attorney Dockter had nothing to report

Report of the City Manager

(00:33:07) Interim City Manager Burton informed the Commission about DNRC ineligible ARPA Flood Mitigation Funds incurred from Lewis & Clark County.

Communications from the Helena Citizens Council

(00:35:20) HCC Representative Rachel Opakal discussed recent and upcoming meeting agenda items.

Regular Items

A. Consider a Sidewalk Variance Request for 34 W 6th Avenue

(00:36:50) Transportation Systems Director Knoepke and Transportation Engineer Mark Young presented Item A.

(00:38:28) Commissioner Logan asked Director Knoepke about feedback from adjacent property and business owners.

(00:39:36) Applicant Joe Muller provided public comment, addressing Commissioner questions and providing additional information.

(00:41:22) **Commissioner Shirliff made a motion to approve a Sidewalk Variance Request for 34 W 6th Avenue. Commissioner Logan seconded the motion.**

(00:41:38) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.



B. Consider an Exclusive Right-of-Way Use Permit for 34 W 6th Avenue

(00:41:56) Director Knoepke presented Item B.

(00:42:40) **Commissioner Logan made a motion to approve an Exclusive Right-of-Way Use Permit for 34 W 6th Avenue. Commissioner Shirliff seconded the motion.**

(00:42:56) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

C. Consider a Sidewalk Variance Request for 700 Cole Avenue Minor Subdivision

(00:43:12) Director Knoepke presented Item C.

(00:46:45) **Commissioner Shirliff made a motion to deny a Sidewalk Variance Request for 700 Cole Avenue Minor Subdivision. Commissioner Reed seconded the motion.**

(00:47:00) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **No**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 3:1.

D. Consider a Residential Curbside Recycling Collection Contract Amendment/Extension

(00:47:46) Public Works Director Leland presented Item D.

(00:50:15) Commissioner Reed thanked Director Leland and staff.

(00:50:40) Commissioner Logan thanked Director Leland and recommended allowing more time for public discussion regarding costs and future assessments.



- (00:52:54) Commissioner Shirliff expressed support and concern, recommending more discussion.
- (00:53:08) Mayor Collins expressed support.
- (00:53:58) **Commissioner Reed made a motion to approve a Residential Curbside Recycling Collection Contract Amendment/Extension. Commissioner Shirliff seconded the motion.**
- (00:54:36) Mayor Collins called for a vote.
Commissioner Dean voted: **Absent**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 4:0.
- E. Consider the final plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres on property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732.**
- (00:55:07) Community Development Director Brink informed the Commission that the applicant for Item E has requested an extension.
- (00:55:44) **Commissioner Reed made a motion to table the final plat for the Shopko Minor Subdivision creating 4 new lots from 10.86 acres on property legally described as Lot 1A-1A of the Amended Plat of the Shopko Minor Subdivision in the City of Helena, Lewis and Clark County, Montana, Filed under Doc. No. 3171732 until the Commission Meeting on January 23rd, 2023. Commissioner Shirliff seconded the motion.**
- (00:56:27) Attorney Dockter advised the Commission to include the specific date within the motion.
- (00:57:04) Clerk Clayborn informed the Commission of written public comment for this Item.
- (00:57:33) Mayor Collins called for a vote.
Commissioner Dean voted: **Absent**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**



Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

F. Consider a resolution annexing Lots 3 and 4 in Block 2 of the Highland Park Subdivision, in Lewis and Clark County, Montana and the portions of Flowerree Street and Glen Avenue rights-of-way adjacent thereto, into the City of Helena, Montana

(00:58:03) Director Brink presented Item F.

(01:00:18) **Commissioner Logan made a motion to approve a resolution annexing Lots 3 and 4 in Block 2 of the Highland Park Subdivision, in Lewis and Clark County, Montana and the portions of Flowerree Street and Glen Avenue rights-of-way adjacent thereto, into the City of Helena, Montana. Commissioner Shirliff seconded the motion.**

(01:00:42) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

G. Consider a Resolution Relating to the Financing of Proposed Wastewater System Improvements, Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code

(01:01:11) Finance Director Danielson presented Item G.

(01:02:32) **Commissioner Shirliff made a motion to approve a Resolution Relating to the Financing of Proposed Wastewater System Improvements, Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code. Commissioner Logan seconded the motion.**

(01:02:55) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**



Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

Commuted Consent Agenda Items

C. Consent Agenda Item C – Resolution reestablishing the CCB.

(01:03:50) Commissioner Logan asked Attorney Dockter for clarification.

(01:04:40) **Commissioner Logan made a motion to table a resolution reestablishing the CCB. Commissioner Shirliff seconded the motion.**

(01:05:00) Mayor Collins called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

E. Consent Agenda Item E – a resolution rescinding resolution nos. 20495 and 20639 to eliminate the monthly water and wastewater charges that fund the residential water and wastewater service line replacement loan program and amending resolution no. 20488.

(01:05:36) Director Leland presented Item E

(01:06:40) Commissioner Logan asked for clarification about the longevity of funding.

(01:07:52) Commissioner Logan asked Manager Burton about the procedure for gathering information.

(01:09:20) Commissioner Logan expressed support for the program and recommended further discussion and public communication.

(01:15:45) Greg Wirth provided public comment, recommending approval.

(01:18:18) **Commissioner Reed made a motion to approve a Resolution rescinding resolution nos. 20495 and 20639 to eliminate the monthly water and wastewater charges that fund the residential water and wastewater service line replacement loan program and amending resolution no. 20488. Commissioner Logan seconded the motion.**



- (01:18:46) Mayor Collins asked Manager Burton for clarification about the motion and resolution language, and next steps.
- (01:20:43) Commissioner Logan expressed concern for loan administration costs and funding.
- (01:21:36) Manager Burton expressed the necessity for other City programs to converge regarding the FY24 budget.
- (01:22:33) Attorney Dockter clarified that the resolutions being rescinded created the fees, and the other resolution amends the program to eliminate fees.
- (01:23:26) Mayor Collins expressed concern and intent to vote no, then called for a vote.

Commissioner Dean voted: **Absent**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **No**

The motion carried 3:1.

Public Communications

- (01:24:52) There were no further comments from the Commission and/or Public.

Adjournment

- (01:25:04) There being no further business before the Commission, the meeting adjourned at 07:24pm.



CLERK OF THE CITY COMMISSION

MAYOR