



City of Helena
City Commission Meeting
August 21, 2023 – 6:00 PM
Zoom Online Meeting; <https://us06web.zoom.us/j/84335086083>
City County Building Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, August 21, 2023 at 6:00 p.m. via Zoom Online Meeting ID: <https://us06web.zoom.us/j/84335086083> and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:00:23) The following responded present, either via zoom or in person:

City Attorney Dockter
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

Pledge of Allegiance

(00:01:26) Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

Minutes

- A. 8-7-23 Commission Meeting
- B. 8-16-23 Admin Minutes

(00:01:48) **There being no comments or questions from the Commission, Mayor Collins accepted Minutes A and B.**

Board Appointments

- A. **Board Appointments: Helena Housing Authority, Lewis and Clark County Heritage Tourism Council**

(00:02:09) Mayor Collins presented Item A.



(00:02:53) Commissioner Dean made a motion to approve Board Appointments: Helena Housing Authority, Lewis and Clark County Heritage Tourism Council. Commissioner Shirliff seconded the motion.

(00:03:41) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Consent Agenda

- A. Annual Lease Agreement with the Rocky Mountain Development Council for the Neighborhood Center Property**
- B. Annual Lease Agreement with Montana Business Assistance Connections, Inc. for a portion of the George D. Anderson Commerce Center, (Chamber Building)**
- C. Annual Lease Agreement with Helena Area Chamber of Commerce for the George D. Anderson Commerce Center, (Chamber Building)**
- D. Boards & Committees Standardized Bylaws Resolution**
- E. Consider a Resolution amending resolution 20792 reestablishing the Citizen Conservation Board to align with current Commission Policy**
- F. Consider a Resolution amending resolution 20803 reestablishing the Helena Public Art Committee to Align with Current Commission Policy**

(00:04:00) Commissioner Dean thanked the Clerk's Office for standardizing Board/Committee processes.

(00:05:00) Ben Kuiper provided public comment, reading a letter from the Helena Citizens Council.

(00:06:27) Mark Juedeman provided public comment via zoom, expressing concerns regarding Citizen Conservation Board bylaws.

(00:08:52) Commissioner Logan made a motion to approve Consent Agenda Items A, B, C, D, E, and F. Commissioner Dean seconded the motion.



(00:09:10) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Communications/Proposals from Commissioners

(00:09:28) Commissioner Shirliff congratulated “Sugar” Sean O’Malley on the UFC Bantamweight Championship and thanked first responders, business owners, and volunteers for their work regarding a recent fire at the Iron Front Building.

Report of the City Attorney

(00:10:25) City Attorney Dockter had nothing to report.

Report of the City Manager

(00:10:32) City Manager Burton discussed communications from Judge Peterson regarding the Food for Fines program. The Mayor and Commissioners confirmed consensus.

(00:12:12) Commissioner Reed asked Manager Burton about budget implications.

Communications from the Helena Citizens Council

(00:13:44) HCC Representative Lehman referred to Mr. Kuiper’s public comment.

Regular Items

A. Consider an Exclusive Use Permit for Brothers Tapworks

(00:14:10) Transportation Systems Director Knoepke presented Item A.

(00:15:25) Commissioner Reed discussed the discrepancy between outdoor space use fees versus parklet fees.



(00:16:38) Commissioner Shirliff made a motion to approve setting a public hearing on 9-11-2023 for the Brothers Tapworks Exclusive Right-of-Way use permit of 275 sqft. Commissioner Dean seconded the motion.

(00:17:00) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

B. Consider a resolution distributing Downtown Urban Renewal District Tax Increment Financing funds to Lewis and Clark County, to install sidewalks and landscaping in the vicinity of the Myrna Loy

(00:17:28) Senior Planner Ray presented Item B.

(00:18:55) County Public Works Director Chambers provided public comment, adding details and specifics.

(00:19:53) Commissioner Logan made a motion to approve a resolution distributing Downtown Urban Renewal District Tax Increment Financing funds to Lewis and Clark County, to install sidewalks and landscaping in the vicinity of the Myrna Loy. Commissioner Dean seconded the motion.

(00:20:14) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

C. Consider a resolution distributing Downtown Urban Renewal District Tax Increment Financing funds to Atlas Rentals, LLC, to replace and stabilize vaulted sidewalks at the Atlas Building

(00:20:43) Senior Planner Ray presented Item C.



(00:22:16) **Commissioner Shirliff made a motion to approve a resolution distributing Downtown Urban Renewal District Tax Increment Financing funds to Atlas Rentals, LLC, to replace and stabilize vaulted sidewalks at the Atlas Building. Commissioner Dean seconded the motion.**

(00:22:33) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

D. Consider Budget Carryovers from FY23 to FY24

(00:22:50) Finance Director Danielson presented Item D.

(00:26:18) Commissioner Dean asked Director Danielson if carryovers for projects are going to happen in subsequent years.

(00:27:39) Commissioner Dean asked Director Danielson for clarification on the need for a motion.

(00:28:15) Mayor Collins confirmed consensus with Manager Burton.

E. Consider a Resolution of Intention to set rates for all customers of the City of Helena water system and to set a public hearing date for September 25, 2023

(00:28:35) Public Works Director Leland presented Item E.

(00:30:15) **Commissioner Logan made a motion to approve a Resolution of Intention to set residential and commercial water base and usage rates and set a public hearing date for September 25, 2023. Commissioner Dean seconded the motion.**

(00:30:32) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**



Mayor Collins voted: **Aye**

The motion carried 5:0.

F. Consider a Resolution of Intention to set rates for all customers of the City of Helena wastewater system and to set a public hearing date for September 25, 2023

(00:31:00) Director Leland presented Item F.

(00:33:10) **Commissioner Dean made a motion to approve a Resolution of Intention to set residential and commercial wastewater base and usage rates and to set a public hearing date for September 25, 2023. Commissioner Logan seconded the motion.**

(00:33:25) Mayor Collins called for a vote.

Commissioner Dean voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Shirliff voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

G. Consider preliminary plat for the 1409 Poplar Street Minor Subdivision creating 4 new lots from .48 acre and to adopt the findings of fact and the conditions contained therein for the property legally described as a Lots 2-R and 4-R in Block 13 of the Flower Garden Addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Amended Plat of Lot 2, 3 and 4 in Block 13 of the Flower Garden Addition filed under Document Number 325377

(00:34:18) Planner Holland presented Item G.

(00:40:56) Laura Langdon provided public comment via zoom, asking Planner Holland about the proposed structures.

(00:42:55) Corrina Beaman provided public comment via zoom, expressing concerns about the proposed structures' vicinity to the property line.

(00:44:15) Commissioner Dean encouraged members of the public to submit questions to the Community Development department and asked Planner Holland to clarify the purpose of this Item.



- (00:45:58) Zach Beaman provided public comment, expressing concerns about communications.
- (00:47:47) **Commissioner Dean made a motion to approve a preliminary plat for the 1409 Poplar Street Minor Subdivision creating 4 new lots from .48 acres and to adopt the findings of fact and the conditions contained therein for the property legally described as a Lots 2-R and 4-R in Block 13 of the Flower Garden Addition to the City of Helena, Lewis and Clark County, Montana, as shown on the Amended Plat of Lot 2, 3 and 4 in Block 13 of the Flower Garden Addition filed under Document Number 325377. Commissioner Logan seconded the motion.**
- (00:48:30) Mayor Collins called for a vote.
- Commissioner Dean voted: **Aye**
- Commissioner Logan voted: **Aye**
- Commissioner Reed voted: **Aye**
- Commissioner Shirliff voted: **Aye**
- Mayor Collins voted: **Aye**
- The motion carried 5:0.**

Public Hearings

A. Consider a Resolution Re-Creating A Special District to Annually Finance the Management and Maintenance of Public Trees on Public Rights-Of-Way and in City Limits

- (00:48:53) Director Danielson presented Item A.
- (00:53:17) Manager Burton asked Director Danielson and Clerk Clayborn about the percent of protest.
- (00:54:15) Mayor Collins asked Director Danielson for clarification about the rate per parcel compared to previous years.
- (00:55:00) Commissioner Reed thanked Staff for their role in educating the public about the Urban Forestry Program.
- (00:55:28) Commissioner Logan explained his vote.
- (00:57:22) Mayor Collins asked Attorney Dockter to repeat her previously provided legal opinion.
- (00:59:35) Robert Frossel provided public comment, advocating for approval.
- (01:00:40) Phyllis Michelson provided public comment, discussing concerns.



- (01:02:13) James Driggers provided public comment, advocating for approval.
- (01:05:15) **Commissioner Dean made a motion to approve a Resolution Re-Creating A Special District to Annually Finance the Management and Maintenance of Public Trees on Public Rights-Of-Way and in City Parks. Commissioner Reed seconded the motion.**
- (01:05:32) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Nay**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 4:1.
- B. Consider a Resolution Levying an Assessment on Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax year 2023**
- (01:06:16) Director Danielson presented Item B.
- (01:07:26) **Commissioner Dean made a motion to approve a Resolution Levying an Assessment on Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax year 2023. Commissioner Logan seconded the motion.**
- (01:07:45) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.
- C. Consider a Resolution levying an assessment on properties to recover the cost reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2023**
- (01:08:10) Director Danielson presented Item C.



(01:08:58) Commissioner Logan made a motion to approve a Resolution levying an assessment on properties to recover the cost reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2023. Commissioner Shirliff seconded the motion.

(01:09:22) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

D. Consider a Resolution specifying the assessment option for the Special Street Lighting Districts for Fiscal Year 2024 and levying an assessment on all property within the Districts

(01:09:43) Director Danielson presented Item D.

(01:11:09) Commissioner Dean made a motion to approve a Resolution specifying the assessment option for the Special Street Lighting Districts for Fiscal Year 2024 and levying an assessment on all property within the Districts. Commissioner Reed seconded the motion.

(01:11:28) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

E. Consider a Resolution specifying the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2024, and levying an assessment on all properties within the District

(01:11:49) Director Danielson presented Item E.



(01:13:03) Commissioner Reed made a motion to approve a Resolution specifying the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2024, and levying an assessment on all properties within the District. Commissioner Dean seconded the motion.

(01:13:24) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

F. Consider a Resolution levying assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for Tax Year 2023

(01:13:46) Director Danielson presented Item F.

(01:14:36) Commissioner Shirliff made a motion to approve a Resolution levying assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for Tax Year 2023. Commissioner Logan seconded the motion.

(01:14:55) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

G. Consider a Resolution levying an assessment on properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way

(01:15:20) Director Danielson presented Item G.



(01:16:27) **Commissioner Dean made a motion to approve a Resolution levying an assessment on properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way. Commissioner Logan seconded the motion.**

(01:16:46) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

H. Consider a Resolution specifying the assessment option for the collection and disposal of residential garbage and refuse for fiscal year 2024 and levying an assessment on all properties receiving residential solid waste collection

(01:17:10) Director Danielson presented Item H.

(01:18:04) **Commissioner Logan made a motion to approve a Resolution specifying the assessment option for the collection and disposal of residential garbage and refuse for fiscal year 2024 and levying an assessment on all properties receiving residential solid waste collection. Commissioner Dean seconded the motion.**

(01:18:26) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

I. Consider a Resolution specifying the assessment option for the Stormwater Utility Service Area for Fiscal Year 2024 and levying an assessment on all properties within the service

(01:18:48) Director Danielson presented Item I.



(01:20:07) Commissioner Dean made a motion to approve a Resolution specifying the assessment option for the Stormwater Utility Service Area for Fiscal Year 2024 and levying an assessment on all properties within the service. Commissioner Shirliff seconded the motion.

(01:20:25) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

J. Consider a Resolution specifying the assessment option for the Street Maintenance and Improvements District No. 1 for Fiscal Year 2024 and levying an assessment on all properties within the district

(01:20:47) Director Danielson presented Item J.

(01:22:10) Commissioner Dean made a motion to approve a Resolution specifying the assessment option for the Street Maintenance and Improvements District No. 1 for Fiscal Year 2024 and levying an assessment on all properties within the district. Commissioner Reed seconded the motion.

(01:22:30) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

K. Consider a Resolution Specifying the Assessment Option for the Landfill Monitoring and Maintenance District for Fiscal Year 2024 and levying an assessment on all Properties within the District

(01:22:55) Director Danielson presented Item K.



(01:24:06) **Commissioner Dean made a motion to approve a Resolution Specifying the Assessment Option for the Landfill Monitoring and Maintenance District for Fiscal Year 2024 and levying an assessment on all Properties within the District. Commissioner Shirtliff seconded the motion.**

(01:24:26) Mayor Collins called for a vote.
Commissioner Dean voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Shirtliff voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

Public Communications

(01:24:40) Mayor Collins thanked Directors Danielson, Leland, Knoepke and Staff for their work on fees and assessments.
(01:25:08) Clerk Clayborn read a written comment submitted by Laura Langdon into the record.

Adjournment

(01:25:38) There being no further business before the Commission, the meeting adjourned at 7:26pm.



CLERK OF THE CITY COMMISSION

MAYOR