

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 4, 2014
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 4, 2014 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Pro Tem Elsaesser indicated for the record that Commissioners Ellison, Haque-Hausrath and Haladay were present. Mayor Smith was excused. City Manager Ron Alles, City Attorney Jeff Hindoien and Deputy City Clerk Robyn Brown were present.

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

Minutes The minutes of the regular City Commission meeting of July 21, 2014 were approved as submitted.

Board Appointments BOARD APPOINTMENTS:
A. City-County Planning Board, Helena Open Lands Management Advisory Committee & Helena Regional Airport Authority

Mayor Pro Tem Elsaesser recommended the following board appointments:

City-County Planning Board- Reappointment of Margaret Strachan to a second term on the City-County Planning Board; term will begin upon appointment and expire September 1, 2017.

Helena Open Lands Management Advisory Committee (HOLMAC) – Appointment of Betsy Miller to HOLMAC; term will begin upon appointment and expire June 30, 2017.

Helena Regional Airport Authority – Reappointment of Jonathon Moe for a first full term to the Airport Authority; term will begin upon appointment and expire September 1, 2017.

Public comment Mayor Pro Tem Elsaesser called for public comment; none was received.

Motion **Commissioner Haladay moved approval of the appointments to the City-County Planning Board, HOLMAC and the Helena Regional Airport Authority as listed above.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Resolution authorizing the donation of twenty (20) bicycles to Youth Dynamics that are unclaimed and/or abandoned property in the City of Helena impound lot. **Res #20108**
C. Resolution authorizing the donation of fifteen (15) bicycles that are unclaimed and/or abandoned property in the City of Helena impound lot to the Willis Cruse House and the Montana

Veteran's Foundation. **Res #20109**

- D. Resolution amending Resolution No. 11316 to modify the membership of the Public Art Committee for the City of Helena. **Res #20110**
- E. Amended and Restated Interlocal Agreement for Creating Montana Firefighters Testing Consortium.
- F. Sidewalk variance request for curbside sidewalks instead of boulevard sidewalks for 6th Ward Park.

City Manager Ron Alles recommended approval of the claims and the consent agenda.

Commissioner Haque-Hausrath requested item F be removed for discussion.

Public comment

Mayor Pro Tem Elsaesser asked for public comment, none was received.

Motion

Commissioner Haque-Hausrath moved approval of items A through E on the consent agenda. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Item F

- F. Sidewalk variance request for curbside sidewalks instead of boulevard sidewalks for 6th Ward Park.

Commissioner Haque-Hausrath asked for the rationale behind the Parks Department's request for the variance. Director Teegarden explained curbside sidewalks allow for more space inside the park to maximize the size of the community garden and permaculture project. Boulevard sidewalks would greatly condense the size of the project and garden.

Motion

Commissioner Haque-Hausrath moved approval of item F on the consent agenda. Commissioner Ellison seconded the motion.

Comment

Mayor Pro Tem Elsaesser indicated he would reluctantly vote against the variance and hopes balance of the safety of the size of boulevard sidewalks and the requirements of the tree ordinance can be reached in the coming month.

Vote

Motion carried 3-1, with Commissioner Elsaesser voting no.

Bid Awards

BID AWARDS:

- A. TEN MILE WATER TREATMENT PLANT CLEARWELL COVER REPLACEMENT, PROJECT NO. 14-2

Staff Report

City Engineer Ryan Leland reported City Project No. 14-2 proposes to replace the clearwell cover and rehabilitate the clearwell at the Ten Mile Water Treatment Plant (TMTP). The floating cover of the clearwell at the plant is 25 years old and has reached the useful life of a cover. The cover protects the treated water and needs to be replaced before any major failures that could cause the treatment plant to become unusable. The rehabilitation for the clearwell concrete is needed to stop any leaks or potential leaks from the clearwell.

On June 10, 2014 the City opened one bid for this project. Layfield USA Corporation was the lowest bidder, with a total bid amount of \$861,775.72. After the bid Layfield USA proposed "value engineering" on the concrete rehabilitation to reduce the cost of the project. Since there were no additional bidders for the project, the City engineering staff began negotiating with Layfield USA on the project to optimize the bid package to meet the needs of the project. The revised value engineering cost proposal from Layfield USA eliminated the majority of concrete reparation for the existing clearwell reservoir at TMTP, and instead proposed minimal concrete reservoir preparation and the installation of a synthetic geomembrane (fortified Polyolefin) liner and liner cushion for the clearwell basin. This would eliminate the uncertainty in cost associated with preparing the existing 50+ year old concrete clearwell basin to a leak free condition. The installation of the synthetic fortified Polyolefin clearwell liner in lieu of completely rehabilitating the existing concrete basin has reduced the project's estimated cost by approximately \$189,291.00. The clearwell reservoir will still be rehabilitated to a leak free condition by the installation of the liner and liner cushion.

The current value engineering proposed project cost for the Clearwell Cover Replacement from Layfield USA is \$672,485. City staff is recommending the acceptance of Layfield USA's value engineering proposal in the amount of \$672,485 for the construction of the Ten Mile Water Treatment Plant Clearwell Cover Replacement Project.

The City can proceed with the TMTP Clearwell Cover Project in a manner that attempts to secure the benefits of the value engineering proposal for City ratepayers, but also virtually eliminate the potential risk for project scope creep and the unknown potential additional costs in rehabilitating the existing 50+ year old concrete clearwell basin at the Ten Mile Plant.

The addition of the concrete clearwell basin liner will virtually eliminate leakage from the basin. The basin in its current state leaks finished water. The construction of this project will present an energy savings in the reduction or elimination of the loss of finished water from the basin. Finished water costs energy to treat do drinking water standards.

Engineer Leland recommended approval of the bid award for \$672,485 to Layfield USA for the Ten Mile Water Treatment Plant Clearwell Cover Replacement, Project No. 14-2.

Discussion

Mayor Pro Tem Elsaesser asked how rainwater on top of the cover is addressed. Engineer Leland explained there is a floating pump that runs over the cover to displace the rainwater so there is no contamination.

Public comment

Mayor Pro Tem Elsaesser called for public comment; none was received.

Motion

Commissioner Ellison moved approval of a contract in the amount of \$672, 485 to Layfield USA for the Ten Mile Water Treatment Plant Clearwell Cover Replacement, Project No. 14-2.
Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

B. 2014 CHIP & SEAL PROJECT, PROJECT NO. 14-10**Staff Report**

City Engineer Leland reported the 2014 Chip & Seal will add a new wear surface and pavement sealer by applying a single application of asphalt material followed by spreading a 3/8-inch gravel chip.

The City opened three bids for the 2014 Chip & Seal, on July 25, 2014 Helena Sand and Gravel Inc. was the lowest responsible bidder for schedules; A: East Central City Streets (East/West); B: East Central City Streets (East/West); C: Central City Streets (East/West); and D: South Central City Streets (East/West) for a total of \$341,942.40. This is the unit price \$1.60 of per square yard. Last year's unit price was \$1.54 to \$3.00 per square yard.

City staff is recommending award of schedules A, B C and D to the lowest responsible bidder, Helena Sand & Gravel, which submitted the low bid of \$341,942.40. As proposed, this project will complete approximately 9.93 miles of city streets, providing a new wear surface and extending the life of the streets.

Discussion

Commissioner Ellison asked when the project would begin. Engineer Leland stated the work would start quickly; approximately two weeks from the date of award. He explained fliers will be hung up in the areas asking citizens not to park on the affected streets. The contract requires completion by September 1st, so the work needs to be performed quickly.

Public comment

Mayor Pro Tem Elsaesser called for public comment; none was received.

Motion

Commissioner Haque-Hausrath moved to award the schedules A, B, C, and D of the 2014 Chip & Seal Project, Project No. 14-10 to the lowest responsible bidder, Helena Sand & Gravel, in the amount of \$341,942.40. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Communications**COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS**

Commissioner Haque-Hausrath referred to comments being received regarding the Non-Motorized Transportation District currently being proposed; citizens are concerned the information being provided to them is not specific enough. She explained the district would lay out general categories like Safe Routes to Schools, sidewalks, bike paths, and Centennial Trail. Then similar to the city's other assessments, the Commission will get input from city staff and from the Non-Motorized Travel Advisory Council, who would prioritize a list of the best projects to be funded each year to help citizens get around safely while biking and walking. Thus far the city has not had enough money to make a significant dent in such projects; the proposed Non-Motorized District would help provide funding to conduct those projects. Commissioner Haque-Hausrath commented the funds would also go to maintenance of Centennial Trail, may help low income or fixed income citizens on priority routes near schools or medical facilities install sidewalks, and the construction of separated bike paths and bike lanes.

Commissioner Ellison displayed the ballot for the proposed district and spoke of the format of the protest form. He noted there are two lines near the bottom of the form with boxes to indicate whether the

property owner is for, or against, creation of the district, and not returning the form means the property will be counted as support for the district. He commented that process seems opposite of the way to register support, but that is how the state statute reads. He encouraged all property owners to fill out the form, marking whether they are for or against creation of the district, and return them to the City's Clerks office to be counted. Doing so will give the Commission an accurate sense of the level of support for this effort throughout the community.

Commissioner Ellison also reported last Thursday was the celebration for the donation of Mountain View Park and commented it was a wonderful event. He thanked the developers of the subdivision and park, Mark Runkel and Rebecca Ryland, noting they donated much more than what was required and commended them for the amenities they installed in the park. He also thanked Parks & Recreation Director Amy Teegarden for working with Mr. Runkel and Ms. Ryland on the development of park.

Commissioner Haladay reported he has received comments that only the users of non-motorized amenities should pay into the proposed district. He stated he disagrees with that opinion; the citizens of Helena live within the city limits because they want a certain level of public goods. The way public goods work is that everyone pays for public good regardless of their use and spoke of the many assessments that citizens pay every year but may not use. He commented this is not a selective district, everyone uses it. When we think of transportation; transportation is a public good, however the city only greatly funds street maintenance while there really is a three-legged system in Helena: motorized transportation, non-motorized transportation and public transportation. The street maintenance portion is funded well, the public transportation is marginally funded in comparison, and non-motorized is funded the worst. He summarized everyone benefits from a coherent, well funded, motorized, and non-motorized, free transportation system in our city. He reiterated the proposed district is a public good.

Mayor Pro Tem Elsaesser concurred with Commissioner Haque-Hausrath and Haladay's comments related to supporting the district and Commissioner Ellison's comments urging citizens to participate in the proposal. He stated the proposed district is a wonderful opportunity to avoid conflicts of injury between all of the city's users and provide a network from the west and east sides of town and to all of the recreation opportunities within Helena.

He congratulated Water/Wastewater Superintendent Don Clark on another successful "Running for Helena's Water" event over the past weekend and also recognized the Helena Fire Department and Department of Natural Resources and Conservation, who are ready to fight any fires near Helena and commended them on their existing partnership.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles reported the city's open lands fire mitigation contractor is performing some work near Highway 12 and Rimini and to demonstrate the amount of timber that is there, they are actually going to pile an acres-worth of that which has fell, near the Ten Mile Treatment Plant so folks can see the amount of timber that is there. Secondly, a

project has been contracted to treat approximately 32 acres of land on Mount Ascension and will be completed by the end of September.

Manager Alles stated the Caird property demolition is going faster than expected. The lab results on the soil samples, so far, have shown the soil is less contaminated than previously thought. This hopefully means perhaps all of the property may be to the higher standards; the soils worksheet should be provided sometime in the next week.

Commissioner Ellison stated he has been contacted by a frequent hiker and Audubon member with concerns the city is not leaving enough dead trees standing for cavity nesting birds and other wildlife. He requested this be kept in mind when performing these mitigation projects.

Mayor Pro Tem Elsaesser concurred with Commissioner Ellison's comments and noted he has received many positive comments on the city's wildfire mitigation projects. He added he is pleased the Caird demolition is moving faster than anticipated.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

No member was present to provide a report.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A VEHICLE REPAIR BUSINESS IN AN EXISTING 2,950 SQUARE FOOT STRUCTURE WITH A PROPOSED 750 SQUARE-FOOT ADDITION (3,700 SQUARE FEET TOTAL) TO BE LOCATED IN A B-2 (GENERAL COMMERCIAL) DISTRICT; LEGALLY DESCRIBED AS THE NORTH 115' OF LOTS 27-32, BLOCK 67, CANNON ADDITION, HELENA, MONTANA; PROPERTY ADDRESS OF 1030 EUCLID AVENUE.

Staff Report

Zoning Officer Elroy Golemon reported the previous use of the property located at 1030 Euclid Avenue was a for a welding and fabrication shop which was established by Conditional Use Permit (CUP) Resolution #11747 in April 2002. The welding and fabrication CUP was voided when the current owner changed the use of the property and structure to a vehicle repair shop in 2011. The need for a new CUP to operate a vehicle repair use was identified in May 2014 when plans were submitted for the proposed addition at 1030 Euclid Avenue.

A Conditional Use Permit (CUP) has to be obtained operate a vehicle repair shop in a B-2 District. The applicant/property owner is seeking approval of a Conditional Use Permit (CUP) to allow a vehicle repair use to be located in a 3,700 square-foot building at 1030 Euclid Avenue and to bring the current use of the structure and land into compliance with the B-2 zoning.

On Tuesday, July 08, 2014 the Helena Zoning Commission held a public hearing to consider the resolution granting the Conditional Use Permit (CUP); the Zoning commission voted 4-0 to recommend approval of the resolution.

Mr. Golemon recommended approval of the CUP and stated allowing for the continued use of the 2,950 square-foot building and 750 square-foot addition as a vehicle repair facility on land that is adjacent to the property owner's established auto body business represents an

efficient use of city services and has a minimal effect on the established transportation system.

Discussion

Commissioner Ellison asked what zoning category would allow a vehicle repair business by right. Mr. Golemon stated the CLM (Commercial-Light Manufacturing) District.

Commissioner Haque-Hausrath asked if dry cleaners and gas stations are allowed as a right in the B-2 District. Mr. Golemon answered yes. Commissioner Haque-Hausrath asked if the applicant will have to install sidewalks as part of the building permit process. Mr. Golemon stated that would be a separate process. He explained the property was already developed and is not located on undeveloped land, which is the policy that currently requires sidewalk installation with the building permit.

Public Testimony

Mayor Pro Tem Elsaesser declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Pro Tem Elsaesser closed the public hearing.

Motion

Commissioner Ellison moved approval of a resolution granting a Conditional Use Permit (CUP) to allow a vehicle repair business in an existing 2,950 square-foot structure with a proposed 750 square-foot addition (3,700 square feet total) to be located in a B-2 (General Commercial) District for property legally described in the resolution. Commissioner Haladay seconded the motion.

Discussion

Commissioner Haque-Hausrath indicated she would vote in support of the CUP and commented Euclid Avenue is an appropriate location for a vehicle repair shop. She noted there are other uses that are allowed by right in the B-2 District that could be more destructive to their neighbors.

Commissioner Ellison spoke in support of the proposal and noted the CUP's approval will get the applicant and city on the same page in relation to regulatory requirements.

Vote

All voted aye, motion carried. **Res #20111**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is August 13, 2014 and the next Commission Meeting is August 18, 2014.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:45 p.m.

/S/ James E. Smith
Mayor James E. Smith

ATTEST:

/S/ Debbie Havens
Clerk of the Commission