

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 5, 2014
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, May 5, 2014 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

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

Pledge of Allegiance Mayor Smith 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 April 21, 2014 were approved as submitted.

Proclamations A. Buddy Poppy Month

Mayor Smith read the proclamation designating May 2014 as Buddy Poppy Month. John W. Mahan Veterans of Foreign Wars (VFW) Post 1116 Representatives Tom and Shirley Pouliot and Pat Winfield accepted the proclamation. John W. Mahan VFW Adjutant and Former City Commissioner Tom Pouliot spoke of the importance of recognizing and showing support for our nation's veterans by donating to the Buddy Poppy program and read an excerpt from the poem "In Flanders Fields" by Lt. Colonel John McCrae, MD. VFW Adjutant Pouliot acknowledged May is also Military Appreciation Month and Memorial Day is May 26, 2014.

Consent Agenda CONSENT AGENDA:

A. Claims

City Manager Ron Alles recommended approval of the claims.

Public comment Mayor Smith asked for public comment, none was received.

Motion Commissioner Haque-Hausrath moved approval of item A on the consent agenda. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Bid Award BID AWARD:

A. 2013 Sewer Main Replacement Project- Project No. 13-26

Staff Report City Engineer Ryan Leland reported the City opened 4 bids for this project on March 11, 2014.

Mockel Pre-Cast & Excavating (Mockel) was the lowest bidder for all four schedules, with bid amounts as follows:

Schedule 1 - \$37,700.00 – Townsend Avenue Hannaford east

Schedule 2 - \$61,135.61 – Missoula Avenue Fee Street to Washington Street

Schedule 3 - \$46,992.55 – Cannon Street south alleyway

Schedule 4 - \$52,066.40 – Flowerree Street from Linden to Laurel Streets

Total Bid for all four schedules = \$197,894.56

The next lowest bidder was Bullock Contracting LLC., with bid amounts as follows:

Schedule 1 - \$50,290.69– Townsend Avenue Hannaford east

Schedule 2 - \$81,055.87 – Missoula Avenue Fee Street to Washington Street

Schedule 3 - \$58,848.70– Cannon Street south alleyway

Schedule 4 - \$79,273.28 – Flowerree Street from Linden to Laurel streets

Total Bid for all four schedules = \$269,468.54

Engineering Department estimates for this project were \$290,029. Staff has discussed the significant difference between the bid amounts (and estimates) with Mockel, and they have advised they believe they can successfully execute the project for the bid amount submitted. However, in the interest of attempting to strike a balance between the benefit of securing those services for the lowest cost to City ratepayers, and the risk of potential contract performance issues that might affect the entire project, the Engineering Department is recommending that the project proceed in a “phased” manner. Accordingly, staff is recommending the following action by the City Commission: accept Mockel’s bid and award a contract for Schedule 1 and Schedule 2 services in the amount of \$98,835.61; and also accept Mockel’s bid and *conditionally* award a contract to Mockel for the Schedule 3 and Schedule 4 services in the amount of \$99,058.95.

The acceptance of the bid and award of any contract for the Schedule 3 and Schedule 4 services would be conditioned upon Mockel’s successful execution and performance of the Construction Agreement for the Schedule 1 and Schedule 2 services. In the event that Mockel does not successfully execute and perform the contract for the Schedule 1 and Schedule 2 services, the condition for the award of the contract for the Schedule 3 and Schedule 4 services will not have been met, and those schedules of the contract will not be awarded to Mockel. At that point, the city will either turn to the next lowest bidder or could potentially seek new bids for the Schedule 3 and Schedule 4 projects.

Engineer Leland recommended conditional approval of the bid award as outlined above so the city can proceed with the 2013 Sewer Main Replacement Project in a manner that attempts to secure the benefit of the lowest bid proposals for city ratepayers, but also balances the potential risk for any bid price-based problems that may affect the performance of the contracted services across the entire project.

Discussion

Commissioner Elsaesser asked if a reason for the lower bid amount had been identified. Engineer Leland explained in discussions with the contractor, a specific item could not be identified. Every specification was bid at a lower price because Mockel believes they can perform the project at a lower cost. Commissioner Elsaesser asked what types of pipes will be replaced. Engineer Leland stated most of the existing pipes are clay tile and will be replaced with PVC.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Ellison moved to award a contract to Mockel Pre-Cast & Excavating for Schedule 1 and Schedule 2 of the 2013 Sewer Main Replacement project in the amount of \$98,835.61, and

conditionally award a contract to Mockel for Schedule 3 and Schedule 4 of the project in the amount of \$99,058.95. The award of any contract for the Schedule 3 and Schedule 4 services is to be conditioned upon Mockel's successful execution and performance of the contract for the Schedule 1 and Schedule 2 services.

Commissioner Haladay seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser spoke of attending a Migratory Bird Day event with fellow members of the Commission over the past weekend and commended Bike/Walk Helena on the success of their "Recycle your Cycle" and Commuter Challenge programs.

He referred to City and County CTEP funds that have been dedicated towards building Centennial Trail across town, generally along the railroad tracks. Unfortunately, very late in the process, both entities were notified by the State of Montana-Department of Transportation (MDT) that the proposed route for the trail will need to be altered because the type of agreement being proposed for railroad right-of-way is not an authorized use of CTEP funding. He discussed possible alternate routes for the trail on the west side of town and affirmed the Commission and city staff are working very hard to provide the community with safe passage on the trail.

Commissioner Ellison commented over the past couple weeks while Mayor Smith spent time away on vacation, he stood in for him by welcoming the Knights of Columbus of Montana to Helena for their annual convention; addressed the General Federation of Women's Clubs of Montana at their biannual conference held at the Great Northern; and read a presidential proclamation recognizing National Prayer Day on the capitol steps. He also spoke of attending the groundbreaking ceremony for the construction of two new cottages at Intermountain Children's Home and noted a Community Development Block Grant sponsored by the City of Helena was a key component of the project.

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 new service allowing plastics recycling to be dropped off at the Transfer Station is going well.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

There was no member of the HCC present to provide a report.

Regular Items

REGULAR ITEMS:

A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3189 AMENDING THE LAND USE TABLE FOR ZONING DISTRICTS IN SECTION 11-2-3 OF CITY CODE TO ALLOW INDOOR ENTERTAINMENT, SPORTS AND RECREATION AS A PERMITTED USE IN THE M-I (MANUFACTURING AND INDUSTRIAL) DISTRICT.

Staff Report

Zoning Officer Elroy Golemon reported on Monday, April 7, 2014, the Helena City Commission held a public hearing and approved first passage of Ordinance No. 3189, (4-1 vote) amending the Land Use

Table for zoning districts in Section 11-2-3 of City Code to allow indoor entertainment, sports and recreation as a permitted Use in the M-I (Manufacturing and Industrial) District.

Zoning Officer Golemon recommended approval of final passage of the ordinance and noted as proposed, indoor entertainment, sports and recreation activities are similar in intensity and activity when compared to similar uses permitted in the M-I District. The list of uses currently permitted in the M-I District includes: open space, horticulture, dwelling units constructed on the floor above a commercial use, rooming and boarding houses, instructional and public safety facilities, and artisan shops. Therefore, the proposed amendment would continue to promote compatible urban growth and encourage the appropriate use of land in the M-I District. Also, the inclusion of indoor recreational opportunities into the M-I district may help accommodate the reuse of larger buildings typically found in an M-I district in a way that is compatible with other uses in the district. Often times, these buildings may remain vacant.

Discussion

Commissioner Elsaesser asked for the notification process required for this type of zoning amendment. Zoning Officer Golemon stated per state law, a legal advertisement must be published twice in the newspaper, within 15 days of advance of the public hearings, before both the Zoning Commission and City Commission. He added that is the only notification requirement associated with the proposal.

Public comment

Mayor Smith called for public comment; none was received.

Comment

Commissioner Elseasser noted he would vote in support of final passage of the ordinance as he believes it is an appropriate use for the M-I District. He explained he feels the need to be cautious with this type of proposal since it may affect additional property owners located in the district, who did not foresee changes in the allowable uses when they purchased their property.

Commissioner Ellison noted initially he had concerns similar to those of Commissioner Elsaesser, but having not received any negative comments from the public related to the proposal, and after meeting with the applicant, he feels comfortable with the addition of indoor entertainment, sports and recreation facilities in the M-I District.

Motion

Commissioner Ellison moved approval for final passage of Ordinance No. 3189 amending the Land Use Table for zoning districts in Section 11-2-3 of City Code to allow indoor entertainment, sports and recreation as a permitted use in the M-I (Manufacturing and Industrial) District. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Ord #3189**

B. CONSIDER A RESOLUTION OF INTENTION TO ANNEX INTO THE CITY OF HELENA PROPERTY LEGALLY DESCRIBED AS LOTS 17, 18, 19, 20, AND 21 BLOCK 172 OF THE SYNDICATE ADDITION; LOTS 13, 14, 15, AND 16 BLOCK 173 OF THE SYNDICATE ADDITION; AND LOT 9 BLOCK 6 OF THE BROADWATER 2ND ADDITION; AND ADJACENT LESLIE AVENUE, LINDEN STREET AND ALLEY RIGHTS-OF-WAY. GENERALLY LOCATED AT 1903 AND 1904 LESLIE AVENUE.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE PRE-ZONING TO R-2 (RESIDENTIAL) PRIOR TO ANNEXATION INTO THE CITY OF HELENA: FOR PROPERTY LEGALLY DESCRIBED AS LOTS 17, 18, 19, 20, AND 21 BLOCK 172 OF THE SYNDICATE ADDITION; LOTS 13, 14, 15, AND 16 BLOCK 173 OF THE SYNDICATE ADDITION; AND LOT 9 BLOCK 6 OF THE BROADWATER 2ND ADDITION, AND ADJACENT LESLIE AVENUE, LINDEN STREET AND ALLEY RIGHTS-OF-WAY.

Staff Report

Planner Dustin Ramoie reported the applicant has requested the annexation of 1903 and 1904 Leslie Avenue. The properties are adjacent to the City of Helena and are located within the "Urban Standards Boundary Area." It is in accordance with the 2011 Growth Policy to annex property that is adjacent to the City and within the defined "Urban Standards Boundary Area." The lot located at 1904 Leslie Avenue is currently developed with a residential dwelling and the lot at 1903 Leslie Avenue is vacant land. The applicant wishes to redevelop these lots and as a result petitioned the City for annexation to attain all other city services and to utilize the property with an R-2 (Residential) zoning designation. With annexation, extension of the water and wastewater service boundary will occur.

On April 8, 2014 the Helena Zoning Commission unanimously recommended (5-0) the Pre-Zoning of R-2 (Residential) District for the subject properties. City Ordinance requires property to be pre-zoned prior to annexation. Current land use in the area includes but is not limited to single dwelling residential, multifamily residential, and commercial. The proposed pre-zoning would become effective upon annexation.

Planner Ramoie recommended approval of the intention to annex and proposed pre-zoning designation and noted the subject properties have in the past, and are currently served with city water and wastewater but are currently located in Lewis & Clark County. Pre-zoning and annexation will bring them into the City of Helena to receive full services and creates an opportunity for infill development and enable the applicant to redevelop the properties with new structures.

Discussion

Commissioner Elsaesser asked if the waiving the right to protest a future Special Improvement District (SID) would include stormwater improvements? Planner Ramoie stated all right-of-way improvements included in the City of Helena Engineering Standards would be included in the waiver.

Commissioner Haque-Hausrath asked for more information on how SID's are implemented. City Engineer Leland explained SID's are regulated by state statute. Following determination of the benefitting boundary, the affected properties are notified of the intent to create the SID and their ability to protest its creation. The City Commission votes to approve and implement the district but if over 50% of the affected property owners vote against the SID, creation of the district fails.

Public comment

Mayor Smith called for public comment.

Shannon Bell, applicant; urged the Commission to approve the resolution of intention to annex and pre-zoning designation for the property.

Motion Commissioner Haladay moved approval of a resolution of intention to annex into the City of Helena for property legally described as Lots 17, 18, 19, 20, and 21 Block 172 of the Syndicate Addition; lots 13, 14, 15, and 16 Block 173 of the Syndicate Addition; and lot 9 Block 6 of the Broadwater 2nd Addition, Helena Montana; and adjacent Leslie Avenue, Linden Street and alley rights-of-way; and establish the conditions of annexation.
Commissioner Ellison seconded the motion.

Comment Commissioners Ellison and Elsaesser commended Mr. Bell for his desire to improve the condition of the neighborhood and both expressed support for the proposal.

Vote All voted aye, motion carried. **Res #20076**

Motion Commissioner Hague-Hausrath moved approval for first passage of an ordinance for a pre-zoning designation to R-2 (Residential) District, amending City of Helena Ordinance No. 2359 and the Official Zoning Map after the property is annexed; for property legally described as Lots 17, 18, 19, 20, and 21 Block 172 of the Syndicate Addition; lots 13, 14, 15, and 16 Block 173 of the Syndicate Addition; and lot 9 Block 6 of the Broadwater 2nd Addition, Helena Montana. Commissioner Haladay seconded the motion.

Comment Commissioner Elsaesser commented any housing that can be located within urban zones is an incredibly efficient use of infrastructure.

Vote All voted aye, motion carried. **Ord #3191**

Public Communications PUBLIC COMMUNICATIONS
No public communications were given.

Meetings of Interest MEETINGS OF INTEREST
The next Administrative Meeting is May 14, 2014 and the next Commission Meeting is May 19, 2014. Commission Budget Work Sessions will be held on May 7 & May 12, 2014.
One of the initial meetings to solicit public comment on the Greater Helena Area Transportation Plan will be held on May 8, 2014 at 6:00p.m.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 6:53 p.m.

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

ATTEST:

/S/ Debbie Havens
Clerk of the Commission