A regular City Commission meeting was held on Monday, March 12, 2018 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Mayor Collins indicated for the record that Commissioners Farris-Olsen, Haladay, Noonan, and O’Loughlin were present. City Manager Ron Alles, Public Affairs Specialist Sarah Elkins, City Attorney Thomas Jodoin, City Clerk Debbie Havens, and Deputy City Clerk Katya Grover were present.

Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.

The minutes of the regular City Commission meeting of February 26, 2018, were approved as submitted.

PRESENTATIONS:

A. Confirmation of Probationary Firefighter Mark Mitchell

Fire Chief Mark Emert introduced Mark Mitchell and his family and talked about Firefighter Mitchell's biography.

Chief Emert recommended confirmation of Firefighter Mark Mitchell who has successfully completed one-year probation.

Mayor Collins asked for public comment, none was received.

Commissioner Noonan moved approval of the confirmation of Firefighter Mark Mitchell. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Firefighter Mitchell received the Oath of Office from Mayor Collins.

CONSENT AGENDA:

A. Claims

City Manager Alles recommended approval of the claims.

Mayor Collins asked for public comment, none was received.

Commissioner Haladay moved approval of Claims on the consent agenda. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

BID AWARD:

A. West Main Street Reconstruction, Project #14-21

City Engineer Ryan Leland reported West Main Street and its underground utilities are past their design life and in need of reconstruction. The City proposed to reconstruct the water, sewer, storm drain and street. The City received three bids from area contractors to build the project.

Staff proposed to consider awarding the West Main Street Reconstruction project to Helena Sand & Gravel with the lowest responsible bid in the amount of $3,324,961.00, which includes the base bid and alternate #1 & #4. Three bids were received at the bid opening.
on February 13, 2018.

If implemented, this project will enhance utility service and vehicle and pedestrian operation and safety.

City Engineer Leland recommended awarding the West Main Street Reconstruction, Project #14-21, to the lowest responsible bidder Helena Sand & Gravel to include the base bid and alternate #1 & #4 in the amount of 3,324,961.00.

Discussion

Commissioner Farris-Olsen asked whether West Main St. would be closed during weekdays but open on the weekends. Engineer Leland replied that the street would be closed six days a week and open only on Sundays, so there would be delays on the street six days a week.

Commissioner Farris-Olsen asked whether Trail-Riding Program would be affected. Engineer Leland said that it would be affected but that the staff would make it work as smoothly as possible. Commissioner Farris-Olsen referred to the Commission discussion at the last administrative meeting and asked whether there would be any penalties if the road is closed for too long. Engineer Leland replied that there is a $5 thousand a day incentive and a $5 thousand a day disincentive. The contractor would have a ten-day grace period for each side of the road; otherwise, it would be $5 thousand a day.

Commissioner Haladay referred to Base Bid Sheet (pages 5 and 6 of the Commission packet) and asked for clarification as on the first sheet (page 5 of the Commission packet) where the second contractor is named as Hard Rock Building and Utilities, Inc., and on the second sheet (page 6 of the Commission packet) the second bidder is marked as Missouri River Contractors, LLC. Engineer Leland said that it was a typographical error and both sheets should have Hard Rock Building and Utilities, Inc.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commission Haladay moved to award the West Main Street Reconstruction, Project #14-21, to the lowest responsible bidder Helena Sand & Gravel to include the base bid and alternate #1 & #4 in the amount of 3,324,961.00. Commissioner Noonan seconded the motion.

Discussion

Commissioner Farris-Olsen asked Attorney Jodoin whether there were encroachments on West Main St. Attorney Jodoin replied that there used to be encroachments there but city staff worked with the property owner to accomplish that.

Commissioner Haladay thanked Engineer Leland and the Engineering department staff for working on this project and making it happen.

Vote

All voted aye, motion carried.

B. Missouri River Water Treatment Plant (MRWTP) Supervisory Control and Data Acquisition (SCADA) Integration and Programming Upgrade Project #16-37 Contract

Staff Report

City Engineer Ryan Leland reported at the present time the existing instrumentation and control (I&C) systems at the MRWTP are aging and nearing obsolescence. The existing I&C systems consist of a patchwork of hardware and software systems from various vendors, causing considerable inefficiencies within the system. This project is the
second phase of the project and consists of the improvements necessary to update and standardize the I&C systems at MRWTP in order to effectively work with other I&C systems within the City of Helena’s water treatment, storage, and distribution system. The first phase of the project was to do preliminary work on the system to determine the extent of the second and main phase of the project. A similar project was undertaken at the City’s Ten Mile Water Treatment Plant (TMWTP) last year with considerable success.

The City solicited four (4) proposals from selected consultants based on qualifications/open RFQ process for the project on January 30, 2018. The City received and evaluated the proposals based on qualifications and project schedule.

The Water Treatment Division has allocated $350,000.00 to pay for this project. As part of the project, the City will be providing the materials for the project and some electrical services. These planned upgrades to the City’s water treatment infrastructure will allow for improved operation and maintenance of the existing treatment system.

Staff proposed to consider awarding the contract to Mountain Equipment Tech Inc. which was selected in the open RFQ process for the project in the amount of $178,375.00.

Performing the necessary work to upgrade the I&C systems at MRWTP will allow for the efficient use of City Water Treatment Resources (both human and infrastructure) for the 20 year design period. This project is the natural extension of previous I&C upgrades at TMWTP and would bring these much needed improvements to the remainder of the water treatment system.

Installation of new I&C improvements will update and bring the system into the 21st Century, allowing for the replacement and elimination of analog equipment and the reduction of overall power requirements of the system. Updating of the instrumentation and control systems will allow for much greater efficiency in day to day operations of the water system and should provide a significant energy savings to the City in the form of reduced power consumption at the treatment plant, as well as at pump stations within the City’s water system.

City Engineer Leland recommended awarding the Missouri River Water Treatment Plant (MRWTP) Supervisory Control and Data Acquisition (SCADA) Integration and Programming Upgrade Project #16-37 to Mountain Equipment Technology Inc. in the amount of $178,375.00.

Public Comment
Mayor Collins called for public comment, none was received.

Motion
Commissioner Farris-Olsen moved to award the Missouri River Water Treatment Plant (MRWTP) Supervisory Control and Data Acquisition (SCADA) Integration and Programming Upgrade Project #16-37 to Mountain Equipment Technology Inc. in the amount of $178,375.00. Commissioner O’Loughlin seconded the motion. All voted aye, motion carried.

Communications
There were no communications from the Commissioners.

Report of the City Attorney
City Attorney Jodoin had nothing to report on.
REPORT OF THE CITY MANAGER

Manager Alles reported late last week the City received information regarding Opportunity Zones: the applications/proposals are due on March 30. Manager Alles noted that he would prepare an agenda item for March 21 administrative meeting for Commission’s consideration. The City needs to identify three zones. Once that is done, the application would be then submitted to the Department of Commerce.

Commissioner Haladay noted that time is of essence in this situation and asked for if any information or analysis, no matter how basic, was generated to pass to the Commission. Manager Alles said that the Community Development Office will work with Montana Business Assistance Connection (MBAC) and coordinate with them; the information would be forwarded to the Commission as soon as it becomes available.

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was provided.

REGULAR ITEMS:

A. CONSIDER A RESOLUTION CALLING FOR AN ELECTION ON SUPPLEMENTAL FUNDING FOR THE FIRE DEPARTMENT.

Administrative Services Director Glenn Jorgenson reported the City Commission has determined there is a need for additional funding for fire services. The attached resolution will authorize an election on June 6, 2018, that, if passed, would provide funding for approximately six new firefighters and firefighting capital needs.

The Fire Department's budget is approximately $4.4 million dollars in Fiscal Year 2018, not including capital expenditures. This equates to 66.73 mills based on the value per mill for Fiscal Year 2018.

The attached resolution would authorize an election on June 6th, 2018, that would raise tax revenues by approximately $750,000. This amount is estimated to provide $600,000 for six additional firefighters and $150,000 for capital needs of the department.

The attached resolution will authorize an election requesting 11.37 mills. This would add $15.35 in taxes for a home valued at $100,000, or $30.71 for a home valued at $200,000 in the first year. The levy would increase at the same amount allowed in State law for our general levy (one-half the CPI-U over the last three years plus new growth).

The Fire Department has not been able to add additional firefighters for many years, even though the City has grown significantly during the same time. The number of callouts for fire services has also increased, especially for first responder requests. The Fire Department has many capital needs that the City cannot afford at its current funding levels.

The main reason the City cannot afford additional firefighters and related capital without a supplemental levy is due to limitations in State law capping the amount of revenue the City can raise in taxes to support general fund departments.

If this resolution is approved, the City residents would pay more in taxes each year.

Director Jorgenson recommended approval of a resolution calling for an election on supplemental funding for the Fire Department for the City of Helena, Montana.
Mayor Collins asked for public comment.

Matt Lewis of Helena Police Department and Helena Police Protective Association testified as a private citizen. Mr. Lewis thanked Mayor and Commissioners for their hard work but expressed his concerns regarding the levy:

There were many officers in attendance at the meeting to express support for Mr. Lewis’ testimony. There are more serious concerns than only Fire Department. This levy should include all services that are in crisis, not only the Fire Department. Police and dispatch services need help as well, as they are dangerously understaffed. This particularly affects the response time, which is steadily increasing: last year there were approximately 30 thousand calls received and about 1 thousand times there was no one immediately available to send for help. Police officers produced about 10 thousand reports last year. The violent crimes are increasing. Mental health is becoming in increasing burden on police resources. Another contributing factor is that it takes almost a year to train a new police officer. The Police Department is in critical need of additional funding. Lack of appropriate funding leads to the police officers being fatigued when they have to be alert and make split-second decisions. The Police Department has been working with the City for the last 6 years that Mr. Lewis has been working for the Police Department to find ways to provide most coverage. Most of the employees at the Police Department had an understanding there was a plan in place and that the issue with insufficient funds would be addressed in the future. The worry is that the current levy fails to address the largest crisis that Helena emergency services are dealing with.

In conclusion, Mr. Lewis said that as a taxpayer he would be concerned if there was another levy coming out later and strongly requested that the City take time to amend the proposal as it’s written and include the Police Department.

Commissioner Farris-Olsen asked Attorney Jodoin for his opinion on the proper procedure with an amendment: to move to approve the levy and then, once it’s moved and seconded, move to amend it. Attorney Jodoin concurred.

Commissioner Farris-Olsen moved approval of a resolution calling for an election on supplemental funding for the Fire Department for the City of Helena, Montana. Commissioner O’Loughlin seconded the motion.

Commissioner Farris-Olsen moved to amend section 1 on page 3 so that the date reads “June 5, 2018” as opposed to “June 6, 2018.” Commissioner O’Loughlin seconded the motion. All voted aye, motion carried.

Commissioner Farris-Olsen asked whether, if the resolution is amended to have $300 thousand, that would functionally eliminate the need to pay for capital through General Fund. Manager Alles replied that would functionally remove the need for capital for Fire Department through the 440 Fund.

Commissioner Farris-Olsen asked whether by taking $300 thousand out of the 440 Fund it would be possible to reallocate that $300 thousand to either Police Department’s capital needs or staffing. Manager Alles replied that $300 thousand would not be coming directly out of the 440 Fund. Manager Alles stated the following:
Typically, between $400 thousand and $500 thousand has been budgeted to be transferred from the General Fund to the Capital Improvement Fund. That money is used for Parks, Police, Fire, and their capital needs. When Manager Alles had started his duties as a City Manager, the City implemented a program where, if there was sufficient cash balance at the end of the fiscal year for General Fund money, that money could be transferred to the 440 Fund. It was one way to take any savings that the City had operationally and put them in the Capital Improvement Program. In addition, several years ago, the City received $1.9 million in tax settlement, and a large part of that went into the 440 Fund. Manager Alles concluded that the City pays for the people out of the General fund. The City would have to reduce the General Fund contribution so it could be used for people; however, if it was the only source of money, the City would have to fund capital on a regular basis.

Commissioner Farris-Olsen clarified that, during the next budget cycle or whenever the City could start getting funds from the levy, the City could contribute $300 thousand less to the 440 Fund; this way, there would be $300 thousand more for the General Fund that the City could spend on, for example, increased police staffing. Manager Alles concurred. Commissioner Farris-Olsen stated that, according to past discussions, each police officer costs City about $75 thousand, and so if the Commission proceeds with the idea that’s being discussed, some funds could be freed up to potentially hire more police officers. Manager Alles replied that could be done. Manager Alles said that what he understood Commissioner Farris-Olsen has said was: if the City reduces the General Fund contribution for capital equipment for General Fund departments, that money could be used to pay for additional staffing.

Commissioner Farris-Olsen noted that he wanted to have this discussion after receiving comments from Mr. Lewis. Commissioner Farris-Olsen stated the following:

The Commissioner received a letter from Mr. Lewis and everyone appreciated that fact that it’s not only a Fire Department issue, it’s an across the board issue. What has been discussed could be one way to address, if not the whole problem, then at least part of it, so that the Commission could help both Fore Department and Police Department at the same time. Commissioner Farris-Olsen said that he thinks the motion needs to be amended to levy $300 thousand so that more money could be obtained for the Fire Department capital needs and police staffing. However, Commissioner Farris-Olsen noted that he wanted to have a discussion before he would move an amendment.

Commissioner Noonan stated that it was very important that Mr. Lewis provided Commission with the information and noted that the Commission was not aware of what was discussed in the letter because the Commission is not involved in the specifics of labor negotiation. Commissioner Noonan expressed hope that this opportunity could be something the Commission could build on and said that the Commission has a growing sense of the needs of the Police Department. Commissioner Noonan expressed his agreement that the Commission needs to get money and the Commission would be asking people to trust them that, if the bond passes, the Commission would put extra money into Police. Commissioner Noonan stated that he didn’t know how to solidify this idea because, based Attorney Jodoin’s feedback, it is impossible to reword the text of the resolution to try to accomplish that at this point. Attorney Jodoin said that would be part of the FY19 and subsequent years’ budget process.

Commissioner Noonan said that, as Commissioner Farris-Olsen proposed, it would be good for the resolution to express the idea that
although it’s going to help firefighters, it’s also going to free up some funds to help the Police department. Commissioner Noonan stated that during his service on the Commission, it became clear that a lot of work that Police Department’s employees, for example, have been doing lies outside of the community’s sight and, as a result, the Commission doesn’t have a good view of it, and it is a problem. Commissioner Noonan said that he was glad that the Commission was getting a clear vision and could make steps to support it.

Commissioner O’Loughlin said that she appreciated the public comment and information that was brought forward. Commissioner O’Loughlin stated the following:

There has been a lot of thought put into this conversation. The Commission is only at the beginning phases of the next budget cycle. The conversation about public safety capacity should continue. However, Commissioner O’Loughlin stated that she felt comfortable with the resolution as it is at this stage. The Commission is asking voters to consider this and the Commission should be thoughtful in what it puts forwards to the voters. There has been a lot of thought with regards to what this should look like, what capacity is needed and what the Commission feels comfortable with putting to the voters. Commissioner O’Loughlin concluded that the Commission needs to continue the conversation about public safety as a whole and about what the next budget cycle looks like.

Commissioner Haladay said that he would echo Commissioner O’Loughlin’s comments. Commissioner Haladay also pointed out that this process started a decade ago when the last study was done and out of which a proposal to the Commission came. The study called for important increased staffing for the Fire Department with concrete reasons of why there should be 4 and 4 with the battalion commander. That was not brought up by this Commission a month ago; it was a recommendation of the former Commission, thoughtful citizens, and the Fire Department from over a decade ago. It is time to get it back on the ballot and let the citizens decide.

Commissioner Noonan noted that if the Commission moves forward with this today, it will get attentive to other needs that have become clear through this process.

Mayor Collins expressed his agreement with Commissioner Haladay and noted that the Commission would address the budget; it would look at additional staffing for the Police Department.

Manager Alles emphasized that if the only source of capital for the 440 Fund (which funds Police and Fire departments, Parks, and several other things) was the General Fund, in time there wouldn’t be enough money to buy the vehicles for those departments. This method could only work for a period of time. Manager Alles recommended that the Commission would leave the next City Manager the authority to transfer savings at the end of the year into the Capital Improvement Fund.

Commissioner Farris-Olsen clarified that he was not proposing to cut the 440 Fund completely; instead, if the City could save money, there could be found creative ways to fund staffing for Police while simultaneously maintaining the 440 Fund. For instance, if the City saved $150 thousand for the Fire Department, $50 thousand could be transferred and that would still leave $100 thousand going into the 440 Fund.
Motion to amend

Commissioner Farris-Olsen moved to amend Section 2 to raise the amount to $900,000. Commissioner Noonan seconded the motion. Motion carried 3-2, with Mayor Collins and Commissioners Farris-Olsen and Noonan voting yes, and Commissioners Haladay and O’Loughlin voting no. The motion carried.

Motion

Commissioner Farris-Olsen moved to approve the resolution as amended. Commissioner Haladay seconded the motion. All voted aye, motion carried. Resolution 20431

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 2 OF THE HELENA CITY CODE TO REPEAL THE CIVIL SERVICE BOARD AND ESTABLISH THE SAME AS THE POLICE COMMISSION.

Staff Report

City Attorney Thomas Jodoin reported the City is required to have a three-member Police Commission by Montana Code Annotated § 7-32-4151. The role of the Police Commission is to examine applicants for the police force and to hear appeals brought by police officers in accordance with the procedures as outlined in Montana Code Annotated § 7-32-4154 et. seq.

The current city ordinance places the responsibilities of the Police Commission on the City’s three-member Civil Service Board. Based on staff’s recollection, there used to be a standalone Police Commission previously; however, at some point it was converted into the present Civil Service Board and assigned additional duties. Currently, in addition to performing the functions of the Police Commission, the Civil Service Board is also assigned duties of:

- Conducting firefighters examinations;
- Hearing complaints of any firefighter who has been demoted or incurred an adverse personnel action, other than suspension or termination (HCC 2-7-24);
- Hearing complaints of any other City employee, who has been dismissed, demoted or suspended (HCC 2-7-25).

Furthermore, City of Helena Personnel Policy 9-2 allows an employee to proceed to a hearing before the Civil Service Board as the last step in the City’s grievance procedure. Finally, the same policy designates the Civil Service Board as the Employee Grievance Committee; however, the policy does not describe in what circumstances the Employee Grievance Committee is utilized and how the functions of the Grievance Committee are different from the functions performed by the Board when hearing a Level Four grievance.

Members of the current Civil Service Board have raised a number of questions with respect to their duties, which caused staff to look more closely at the Board’s operations. In conducting this review, staff found several issues:

- Some of the City Code provisions with respect to the Board’s Police Commission duties are at odds with provisions in state law;
- Firefighters’ examinations are conducted through the fire consortium;
- Firefighters do not utilize the Board’s hearing process because their collective bargaining agreement provides for a different grievance process that does not involve the Board;
- Other City employees do not routinely utilize the Board’s hearing process. The process has only been utilized once in the last ten years;
• The Board’s process and authority with respect to City employees' complaints is not clearly defined within the City Code, which has caused significant confusion on the part of the parties and the Board, and may potentially expose the City to liability claims.

This amendment will clarify the duties and responsibilities of the Civil Service Board and eliminate conflicting provisions from City Code. The amendment will also simplify the grievance procedure for non-union City employees.

Attorney Jodoin moved approval of first passage of an ordinance amending Chapter 7 of Title 2 of the Helena City Code to repeal the Civil Service Board and establish the same as the Police Commission and set a public hearing date of March 26, 2018.

Public Testimony  Mayor Collins opened the public hearing and called for anyone wishing to address the commission.

There being no persons wishing to address the commission, Mayor Collins closed the public portion of the hearing.

Motion  Commissioner Farris-Olsen moved approval of first passage of an ordinance amending Chapter 7 of Title 2 of the Helena City Code to repeal the Civil Service Board and establish the same as the Police Commission and set a public hearing date of March 26, 2018. Commissioner O’Loughlin seconded the motion. All voted aye, motion carried. Ordinance 3239

C. CONSIDER A RESOLUTION AMENDING RESOLUTION 20071 TO AMEND THE CONSOLIDATED LISTING OF ALL CURRENT RESIDENTIAL PARKING DISTRICTS IN THE CITY OF HELENA TO ADD A RESIDENTIAL PARKING DISTRICT FOR 1004 AND 1108 NORTH PARK AVENUE.

Staff Report  City Attorney Thomas Jodoin reported Resolution 20071 created the consolidated listing of all Residential Parking Districts within the City. On March 12, 2018, the Commission approved the creation of a Type B Residential Parking District for 1004 and 1108 North Park Avenue. As a result, the consolidated listing of residential parking district needs to be updated.

This resolution would allow maintaining an updated list of all Residential Parking Districts within the City.

Attorney Jodoin moved approval of a resolution amending Resolution 20423 that amended Resolution 20071 to amend the consolidated listing of all current Residential Parking Districts in the City of Helena to add a Residential Parking District for 1004 and 1108 North Park Avenue.

Public Testimony  Mayor Collins opened the public hearing and called for anyone wishing to address the commission.

There being no persons wishing to address the commission, Mayor Collins closed the public portion of the hearing.

Motion  Commissioner Haladay moved approval of a resolution amending Resolution 20423 that amended Resolution 20071 to amend the consolidated listing of all current Residential Parking Districts in the City of Helena to add a Residential Parking District for 1004 and 1108 North Park Avenue. Commissioner Noonan seconded the motion. All voted aye, motion carried. Resolution 20432
PUBLIC HEARINGS:
A. CONSIDER A RESOLUTION CREATING A RESIDENTIAL PARKING DISTRICT FOR 1004 AND 1108 NORTH PARK AVENUE.

Staff Report
Parking Commission Director David Hewitt reported the Type B Residential Parking District, for 1004 and 1108 North Park Avenue, was created by Resolution 19303 on November 21, 2005. The same parking district was terminated by Resolution 20136 on November 10, 2014.

The property owner of 1004 and 1108 North Park Avenue lives out of state and apparently did not receive notice that the Residential Parking District was being terminated. No parking permits had been purchased for years.

The property owner now desires that the City Commission reestablish the Type B Residential Parking District. Resolution 20071 established criteria for the creation of residential parking districts. A copy of the criteria is attached. A summary of the analysis of those criteria is as follows:

A. One side of North Park Avenue is zoning R-2; the other side is zoning Public Lands and Institutions.
B. The property is surrounded by Carroll College, and only one property has off-street parking. Due to the parking conflicts, tenants of that unit cannot find parking on the street and do not have permission to park on Carroll College campus.
C. Currently, there are only three residential houses located on the 1000 and 1100 blocks of North Park Avenue.
D. Only one of the three properties has off-street parking.

Recreating the Type B Residential Parking District for 1004 and 1108 North Park Avenue would reserve on-street parking for the property owner and their guests. However, creation of a Residential Parking District in this location would not comply with the criteria established in Resolution 20071.

Parking Commission Director David Hewitt recommended to approve, table, or deny a resolution creating a Type B Residential Parking District for 1004 and 1108 North Park Avenue.

Public Testimony
Mayor Collins opened the public hearing and called for anyone wishing to address the commission.

There being no persons wishing to address the commission, Mayor Collins closed the public portion of the hearing.

Motion
Commissioner Noonan moved to approve, table, or deny a resolution creating a Type B Residential Parking District for 1004 and 1108 North Park Avenue. Commissioner Haladay seconded the motion. All voted aye, motion carried. Resolution 20433

Public Communications
No comments received.

Meetings of Interest
The Administrative Meetings are scheduled for March 21 and the next Commission Meeting is March 26, 2018.
Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:00 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION