

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
February 10, 2020 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, February 10, 2020 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Wilmot Collins requested Interim City Clerk Clayborn call roll call: City Attorney Thomas Jodoin, Acting City Manager Steve Hagen, Commissioner Haladay, Commissioner Dean, Commissioner Logan, and Commissioner O'Loughlin all responded present.

Pledge of Allegiance

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

Minutes

MINUTES
A. Regular Commission Meeting – January 27, 2020
B. Special Commission Meeting – January 17, 2020

Proclamations

PROCLAMATIONS

A. Proclamation - League of Women Voters
Mayor Collins read the Proclamation aloud and recognized the members of the League in attendance. Clare Kearns accepted the Proclamation and made remarks.

Presentations

PRESENTATIONS
A. Confirmation of Helena Police Officers Alex Schwier, Brandon Hansen, and Megan Coleman.

Police Chief Hagen introduced the officers and read the biographies of the Officers. Each Officer was given an opportunity to introduce family and friends, and to make brief remarks.
Chief Hagen presented the officers with the Challenge coins as a gift. Mrs. Barb Hagen presented the Officers with several books as gifts.

Commissioner O'Loughlin moved to approve confirmation of Officers Schwier, Hansen, and Coleman. Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

A. Proclamation for Commissioner Ed Noonan
Mayor Collins read the Proclamation in honor of Commissioner Ed Noonan. Mr. Kevin Casey read aloud from a poem written by Commissioner Noonan.

Consent Agenda

CONSENT AGENDA
A. Claims
B. Interlocal Agreement that will upgrade and maintain the public safety radio system.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Logan moved to approve the Consent

Agenda, items A – B. Commissioner O’Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O’Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

Communications from City Commissioners

COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

Commissioner O’Loughlin thanked Parks & Recreation, Open Lands Director Ponozzo and all involved in the upgrades to Cherry Park.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin stated there was nothing to report

Litigation Strategy

LITIGATION STRATEGY

City Attorney Jodoin stated there was nothing to report.

Report of the City Manager

REPORT OF THE CITY MANAGER

Acting City Manager Hagen stated there was nothing to report

Communications from the Helena Citizens

COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL

Gary Dalton, representative of HCC, updated the Commission on the recent meeting of the HCC.

Regular Items

REGULAR ITEMS

- A. CONSIDER A RESOLUTION OF INTENTION TO AMEND THE FISCAL YEAR 2020 BUDGET FOR AN INCREASE OF \$1,399,071 AND SET A PUBLIC HEARING FOR MARCH 9, 2020.

Staff Report

Budget Analyst Chris Couey due to Commission driven projects and unforeseen circumstances, there are additional expenses in the 2020 Fiscal Year that are unlikely to be absorbed under the current budget authority. City Staff recommended approval of a Resolution of Intention to amend the Fiscal Year 2020 Budget for an increase of \$1,399,071 and set a public hearing for March 9, 2020. The relevant costs will be authorized to complete the projects or purchases.

Mr. Couey recommended a motion to approve a Resolution of Intention to amend the Fiscal Year 2020 Budget for an increase of \$1,399,071 and set a public hearing for March 9, 2020.

Discussion

Commissioner Dean asked Director Ponozzo to present the numbers for the Beattie Street Trailhead and Improvement Project, and a breakdown of the costs. Director Ponozzo presented to the Commission the financial breakdown of the Beattie Street trailhead.

Commissioner Dean asked for clarification if cost estimates were available for the three alternatives presented to the Commission. Commissioner Dean asked if the bidding process had already begun for the project. City Engineer Leland stated the request for bids had been advertised, but the bids would need to be approved by the Commission. Mr. Leland stated the bids will be received by and opened on February 27th, 2020.

Public Comment

Lynne Boone, 638 1st Street, spoke in opposition to the resolution of intention, expressing concerns over the cost of the Beattie Street improvements as part of the Budget amendment.

Gayle Joslin, spoke in opposition of the amendment, citing the costs for the Beattie St. project.

Tom Kilmer, 600 block of Second St, spoke in opposition to the Beattie St. project, and expressed concerns over sustainability and costs as reasons for his opposition.

Susan Lenard, 708 2nd Street, spoke in opposition to the Beattie St. project.

Nate Copp, 902 5th Ave, spoke as a representative of the Prickly Pear Land Trust. Mr. Copp spoke to the background of the Mount Ascension park and its land use and urged the Commission to consider land use when deciding on the vote for the resolution of intention.

Lyndsey Gilstrap, 377 Brookfield Dr., spoke in support of the resolution of intention, including the law enforcement funding and the Beattie St. project.

Tony Zamitt, 2010 E 6th Ave., spoke in favor of the budget amendment, citing the street construction and improvements referenced as part of the Beattie St. project.

Meg Bishop, spoke in opposition to the resolution of intention, expressing concerns over the initial public involvement at the Beattie St. project's inception in 2012.

Margaret Regan, 318 Chaucer St., spoke in opposition to the resolution of intention, citing costs of the Beattie St project as her reason for opposition.

Michele Webster, spoke in opposition to the resolution of intention, citing costs for the Beattie St. project as her concern.

Joel Gerhardt, 1719 Gold St., spoke in favor of the resolution of intention, citing support for the Beattie St. project.

TJ Lehman, 810 Wolf Rd., spoke in support of the resolution of intention, expressing support for the Beattie St. project, including the vaulted toilets and ADA access to the trailhead.

Discussion

Commissioner Dean thanked all the individuals who made public commentary this evening and with commentary prior to the meeting. Commissioner Dean stated she felt the City had done its due diligence in the public process for this project but did recognize that some individuals of the community did not feel heard. The Commissioner stated this was even more reason to continue to update and improve the public process, which would be updated as part of the Commission priorities for Staff. Commissioner Dean expressed concerns over the costs and cited other City projects as being worthy of funding, as well. Commissioner Dean stated she would be supporting the resolution of intention, due to the ability to continue the discussion on this topic, and felt the City needed to continue be a good steward of open lands. The Commissioner expressed concerns over the budgeting process used to fund this project.

Commissioner Logan stated this was an issue which was difficult for a new Commission member to deal with. Commissioner Logan stated he has heard more on this topic than any other, and comment has been received by both sides of the issue. Commissioner Logan stated concerns over the costs of the Beattie St. project, and as it was deemed as a priority over what Commissioner Logan cited as sacrifices to other areas of the budget. The Commissioner noted the \$1.4 million in cuts made to the general fund in the spring of 2019 against the \$400,000

dollar amendment to the general fund budget in the current resolution of intention, as one of the reasons he would not be supporting the resolution before the commission.

Commissioner O'Loughlin asked Budget Analyst Couey to clarify the process of budget amendments, such as those in resolution of intention. Mr. Couey stated it was his understanding the amendments or revisions to the budget in the past had been made as part of the Consent agenda, and this would be a process not typically used where the amendments were made in a resolution. Commissioner O'Loughlin stated, she felt this was a situation where the City had actually been more transparent in the budget process. The Commissioner stated due to the length of time provided for public comment and public involvement, it had added time to the budget process for this item to bring it back to the Commission for approval. The Commissioner cited the traffic and street improvements were in part due to the public commentary and requests by residents of the neighborhood, and it was based upon Commission direction to staff to provide a safe route for pedestrians, and additional study for traffic calming options, including the desires of the residents of the surrounding neighborhood.

Mayor Collins asked for clarification on the total cost being provided to the Commission this evening. Director Ponozzo stated the numbers were provided totaled \$663,000. Mr. Couey stated the \$900,000 was direction from the former City Manager, adding an additional \$400,000 from the General Fund as a buffer for cost overrun or unforeseen circumstances. City Engineer Leland stated since the vote this evening was on the resolution of intention only, the bidding process would fall in between this evenings vote and final approval, meaning by the time the Commission was voting on the Resolution, the bid cost would be a known factor.

Commissioner Haladay stated he had worked with multiple members of the Commission on the Beattie Street project, and due to the amount and time of public outreach done for this project, during his tenure on the Commission, in his estimation had been greater than any other project for the City. The Commissioner stated due to the passion on either side of this debate, it was inevitable that some individuals were going to be unhappy with the outcome. Commissioner Haladay stated he felt comfortable supporting the resolution of intention.

Motion

Commissioner O'Loughlin moved to Resolution of Intention to amend the Fiscal Year 2020 Budget for an increase of \$1,399,071 and set a public hearing for March 9, 2020. Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 4-1

- B. CONSIDER ACCEPTANCE OF THE CAPITAL TRANSIT FY 2021 COORDINATION PLAN AND ALLOW STAFF TO INCLUDE THE DOCUMENT IN ITS GRANT APPLICATION PACKAGE.

Staff Report

Transportation Systems Director David Knoepke and Capital Transit Superintendent Elroy Goleman reported a yearly updated Transportation Coordination Plan is a required segment of our 5311 Operating Funds Grant Request. The plan is prepared and approved by the Transportation Advisory Committee (TAC). The TAC includes

representatives of public, private, and non-profit transportation and human-services providers, and other programs sponsored by federal, state, and local agencies.

The Transportation Coordination Plan helps indicate how transportation coordination is progressing in our community. Coordination plans are used by the State in their scoring metrics when considering all Capital requests submitted by each service area. The Coordination Plan maximizes the programs' collective coverage by minimizing duplication of services. The Transportation Coordination plan seeks to provide greater access to transportation services for people with disabilities, older adults, and individuals with lower income.

The Coordination Plan will assist our community with its short- and long-term transit goals.

Staff recommended approval to accept the Capital Transit FY 2021 Coordination Plan and allow staff to include the document in its grant application package.

Discussion

Commissioner Dean asked what research and consideration had been given to Park and Rides. Director Knoepke stated the Park and Ride options had been explored under previous direction but was mostly abandoned due to other priorities. Director Knoepke stated if it was the Commission's wish, direction could be provided to continue exploring these options. Superintendent Goleman stated in 2011 the Park and Ride options were explored and it was determined approximately an acre of land would be needed in order to meet certain build criteria, and this would need to be considered if the Commission would like to set this option as a priority.

Commissioner Haladay asked what the contribution by the County has been to this date for the expansion of the transit service. Superintendent Goleman stated the dollar amount for the East Valley route is approximately \$75,000. Commissioner Haladay asked what it would cost to add an additional route. Superintendent Goleman stated the latest example would have been to add a route to the Fort Harrison/VA facility, it was determined the costs would be approximately \$150,000, as an overall operating budget.

Public Comment

Paul Kent provided public comment, supporting expansion of the Transit system especially concerning access to public transportation for those with Disabilities.

Motion

Commissioner O'Loughlin moved to accept the Capital Transit FY 2021 Coordination Plan and allow staff to include the document in its grant application package. Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

- C. CONSIDER AUTHORIZING SUBMISSION OF CAPITAL TRANSIT FISCAL YEAR 2021 REQUEST FOR MONTANA DEPARTMENT OF TRANSPORTATION (MDT)5311 TRANSADE FUNDING OF \$81,287.

Superintendent Goleman reported each year communities and organizations request Transit Assistance for the Disabled and Elderly

(TransADE) funds from the Montana Department of Transportation to provide transportation for seniors, elderly and disabled individuals. Helena's TransADE allocation is \$81,287. Transportation for seniors, elderly and individuals with disabilities through Capital Transit's ADA Para Transit service is the primary transportation for many in our community. Without this funding many individuals would be left relying on friends, neighbors or relatives for transportation.

Staff recommended authorizing submission of Capital Transit Fiscal Year 2021 request for Montana Department of Transportation (MDT)5311 TransADE Funding of \$81,287.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion

Commissioner Dean moved to authorize submission of the Capital Transit Fiscal Year 2021 Montana Department of Transportation (MDT) 5311 TransADE funding of \$81,287.

Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

D. CONSIDER AUTHORIZING SUBMISSION OF THE CAPITAL TRANSIT FISCAL YEAR 2021 MONTANA DEPARTMENT OF TRANSPORTATION (MDT) 5311 GRANT REQUEST FOR CAPITAL EQUIPMENT AS RANKED BY THE TRANSPORTATION ADVISORY COMMITTEE.

Superintendent Goleman reported the Transportation Advisory Committee (TAC) receives requests from the community for capital equipment and ranks the requests. Capital Transit is requesting two 6-14 passenger vehicles that have room for 1-4-wheel chair passengers. The cost is \$70,000 per vehicle plus match of \$14,000 per vehicle.

Capital Transit would also like to secure funding to purchase new scheduling software that will allow for more customer interaction and provide efficiencies in trip response. The estimated cost to replace the current scheduling software is approximately \$50,000 plus match of \$10,000. One other agency requested equipment. West Mont has requested one (1) 9-passenger minivan at a cost of \$60,000. Westmont's Capital Equipment request was ranked higher by the Transportation Advisory Committee based upon usage, vehicle trips and need to maintain community collaboration. Please see attached ranking comparison. As the Lead Agency, the Commission has the authority to change the rankings of the Capital Equipment requests.

Submitting the Capital Transit Fiscal Year 2021 Montana Department of Transportation (MDT) 5311 grant request for Capital Equipment as ranked by the Transportation Advisory Committee, allows Capital Transit to continue to update and protect its bus fleet. Fleet replacement is vital to maintaining an effective operation. New buses are more energy efficient and have up-to-date electronics and emission systems as required by the federal government. Not updating fleet leads to inefficient vehicles and increased maintenance cost.

Staff recommends authorizing submission of the Capital Transit Fiscal Year 2021 Montana Department of Transportation (MDT) 5311

grant request for Capital Equipment as ranked by the Transportation Advisory Committee.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion

Commissioner Logan moved to authorizing submission of the Capital Transit Fiscal Year 2021 Montana Department of Transportation (MDT) 5311 grant request for Capital Equipment as ranked by the Transportation Advisory Committee. Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

E. CONSIDER AUTHORIZING THE ACTING CITY MANAGER TO SIGN AND SUBMIT CAPITAL TRANSITS MONTANA DEPARTMENT OF TRANSPORTATION (MDT) 5311 OPERATING GRANT PACKAGE REQUEST ELECTRONICALLY.

Transit Fleet Supervisor Each year the lead agency must submit the grant funding request to the Montana Department of Transportation to assist in funding our public transportation program.

The grant request includes the 5311-operating budget, capital equipment request, TransADE funding request, and the updated Coordination Plan. Authorizing the Acting City Manager to sign the 5311-grant request which includes the 5311-operating budget, capital equipment request, TransADE funding request, and the updated Coordination Plan for the City of Helena and to allow the City to submit the FY 2021 5311 Grant Request. The 5311 Operating Grant, TransADE funds and Capital Equipment funding provided by the State of Montana Department of Transportation (MDOT) allows the City of Helena to continue to provide vital public transportation. Without the federal funding the city would need to totally fund the public transit operation. In addition, the use of public transportation can help reduce air pollution in our community, as well as to provide alternative transportation to the private vehicle. Using public transportation can help reduce air pollution in our community, as well as to provide alternative transportation to the private vehicle. Without the federal funding the city would need to totally fund the public transit operation.

Staff recommends authorizing the Acting City Manager to sign and submit Capital Transits Montana Department of Transportation (MDT) 5311 Operating Grant package request electronically.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion

Commissioner O'Loughlin moved to authorize the Acting City Manager to submit Montana Department of Transportation (MDT) 5311 operating grant package request electronically. Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

Public Hearings

PUBLIC HEARINGS

A. CONSIDER AUTHORIZING SUBMISSION OF THE CAPITAL TRANSIT SERVICE FISCAL YEAR 2021 MONTANA DEPARTMENT OF TRANSPORTATION 5311 OPERATING GRANT REQUEST PACKAGE.

Superintendent Goleman reported each year Capital Transit submits a financial request on behalf of the City of Helena to the Montana Department of Transportation to support our public transit operations. Federal 5311 funds are available for FY2021 in the amount of \$867,228 with a 20% required non-federal match of \$173,446. The proposal to MDT is due March 1, 2020.

Submitting our operating funds grant application to the Montana Department of Transportation for \$867,228 in 5311 operating funds plus the required match. Funds will be used to pay operational expenses for fixed route and para-transit services and administrative expenses within the Helena City limits and for the approved East Valley operations.

Continued state assistance is critical to our transit operation's ability to provide citizens, seniors, the elderly, and individuals with disabilities access to necessary services. Public transportation helps improve our citizens' health as well as the environment by reducing traffic congestion, fuel consumption, and exhaust emissions. Without these funds the City would solely have to fund the transit program.

Staff recommends authorizing submission of the Capital Transit Service Fiscal Year 2021 Montana Department of Transportation 5311 Operating Grant request package.

Public Testimony

Mayor Collins opened the public hearing for public testimony, being no one wishing to address the Commission, the public hearing was closed.

Motion

Commissioner Dean moved to submission of the Capital Transit Service Fiscal Year 2021 Montana Department of Transportation 5311 Operating Grant request package.

Commissioner Logan seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

B. CONSIDER GRANTING A DEMOLITION PERMIT FOR A GARAGE LOCATED AT 721 HAUSER BOULEVARD.

Community Development Director Sharon Haugen reported Sean Becker, owner of the property located at 721 Hauser Boulevard, has applied for a building permit to demolish a garage at that location. Due to it being a contributing property of an historic district, the owners must comply with the requirements of Title 3, Chapter 15 of Helena City Code. On December 17, 2019, the HTC held a public hearing and recommended approval of the demolition of the structure with the condition that approval be contingent upon receipt of a revised site plan and reviewed by the HTC.

The purpose of the agenda items is to consider the Helena/Lewis and Clark County Heritage Tourism Council recommendation for a garage located at 721 Hauser Drive.

The demolition of the building would allow the applicant to replace the structure with a garage that includes living quarters on the second story. The disadvantage to the City is the loss of a structure that is considered a contributing structure to one of Helena's historic districts.

Director Haugen recommended approval of the demolition of a garage at 721 Hauser Boulevard and that approval be contingent upon receipt of and review by the Helena/Lewis and Clark County Heritage Tourism Council of a revised site plan.

Discussion

Commissioner Dean asked if utilities would be needed for the added living quarters which are proposed in the plan. Director Haugen confirmed utilities would be needed, if the plan was adopted and there would be an approval process for those updates to the utilities. Commissioner Dean asked for an update on the timeline of the property.

Commissioner Haladay asked Director Haugen if the plans being approved this evening were going to go back to the HTC and would this mean if the applicant was dissatisfied with the decision of the HTC would this item need to come back to the Commission for final approval. Director Haugen stated if there was not a final agreement by the applicant and the HTC, then the item would need to come back to the Commission.

Public Testimony

Mayor Collins opened the public hearing for public testimony, there being no one wishing to address the Commission, the public hearing was closed.

Motion

Commissioner Haladay moved to approve the demolition of a garage at 721 Hauser Boulevard and that approval be contingent upon receipt of and approval by the Helena/Lewis and Clark County Heritage Tourism Council of a revised site plan. Commissioner O'Loughlin seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0

Public Communications

PUBLIC COMMUNICATIONS
None received.

Adjournment

There being no further business to come before the City Commission, the meeting adjourned at 8:01 p.m.

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DANNAI CLAYBORN

CLERK OF THE CITY COMMISSION