

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
APRIL 9, 2001
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, April 9, 2001, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Colleen McCarthy indicated for the record that Commissioners Morrison, Netschert, and Smith were present. Commissioner Groepper was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Cathy Beck-Jenkins were present.
HCC representative was George Hoff.

Pledge of Allegiance Mayor McCarthy asked those persons present to please stand and join her in the pledge of allegiance.

Minutes The minutes of the special city commission meeting of March 14, 2001 were approved as submitted.

Consent Agenda CONSENT AGENDA
A. Claims
B. Donation of one federal light bar from the Helena Police Department to the Granite County Sheriff's Office
C. Utilities Agreement with MDT for Cedar Street Interchange Project

City Manager Tim Burton asked to remove item B from the agenda and recommended approval of the claims.

Motion Commissioner Netschert moved approval of consent agenda items A&C. Commissioner Smith seconded the motion. All voted aye, motion carried.

Bid Awards BID AWARD
A. FIRE DEPARTMENT – SCBA

Staff Report Fire Chief Steve Larson reported the Helena Fire Department's current self-contained breathing apparatus doesn't provide adequate respiratory protection. The new apparatus will comply with Title 29, Part 1910.134 of the Federal Regulations along with allowing for more effective communication capabilities. Chief Larson recommended awarding the bid to the lowest bidder, L.N. Curtis, in the amount of \$81,770.00.

Discussion Commissioner Netschert noted there was a bid from a local fire supplier and asked what the price disparity was in the bids.
Chief Larson replied the department applied the ordinance issued 3% for the local bid, however, they were still higher than the low bid. Specifications were checked and the low bidder met the requirements of the law.

Motion Commissioner Netschert moved to award the bid for the self-contained breathing apparatus to L.N. Curtis in the amount of \$81,770.00. Commissioner Smith seconded the motion. All voted aye, motion carried.

**Public
Communications**

PUBLIC COMMUNICATIONS

A. KRIS LARSON – PRICKLY PEAR FUN RUN

Ms. Larson addressed the commission and stated the Prickly Pear Fun Run is scheduled for May 12. She explained the event will take place in upper Davis Gulch and there is a possibility it will disrupt traffic. She noted the event would be advertised in the newspaper and the neighborhood will also be informed of the event. She invited the commission and public to participate in the Fun Run.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Netschert thanked everyone for their kind words and support on the birth of their daughter.

**Report of the City
Attorney**

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen had nothing to report.

**Report of the City
Manager**

REPORT OF THE CITY MANAGER

City Manager Tim Burton reported on the airport assessments for stormwater drainage and street maintenance. He noted there is agreement in terms of the inequities that have existed for airport exempt property being federal property and the airport paying those bills. It relates to what has been credited to stormwater improvements and is a complicated issue. It has come to the forefront in the last week because the Forest Service and the National Guard can't construct their new runway facilities without clear title to the property. In discussion with Airport Director Ron Mercer regarding payment of his back taxes, it was agreed upon that the history needs to be considered from when the stormwater drainage was implemented. Mr. Burton stated he didn't know what the outcome would be, however, a process has been agreed upon. He relayed there are some equity issues he will bring forth to the commission regarding stormwater drainage and street assessments. Mr. Burton stated his ideas are somewhat different from what exists in the ordinance, however, they are particular to the airport. He stated he would bring the matter to the commission and would more than likely request an ordinance change for a permanent solution.

Mr. Burton also reported on HB11, which is the Treasure State Endowment Program. Yellowstone County was amended up and Lewis and Clark County was again amended up just under the line for funding. He reviewed his request to Governor Martz for an amendatory veto. In feedback he has received, the recommendation was not to request the amendatory veto. He asked for and received concurrence from the commission that this was the proper avenue to pursue.

Public Works Director John Rundquist referred to a letter on their desk in reference to the Missouri River Treatment Plant. Mr. Rundquist stated the consultant for upgrades to the plant has begun assessing the work needed at the plant. One of the tasks the consultant was given was potential funding for improvements at the MRTP. HDR is a nationwide consulting firm and they have fairly credible connections with Washington DC. They have advised staff that the city is in a good position for potentially obtaining a special EPA grant for water improvements. Helena in particular would be amenable to the grant because of the drought, the fires in the last year and the water rates being impacted by federal drinking water regulations. HDR recommended compiling a short statement and cover letter with a support letter from the Department of

Environmental Quality and sending it to Senator Conrad Burns with a copy to Senator Baucus. The special project grant is a 55% federal matching grant on anything related to the MRTP. They are looking for big projects and the city has a master plan on the table that identifies approximately twelve million dollars of total improvements that could be done.

Motion

Commissioner Morrison moved to urge the city staff to provide a letter to the congressional staff concerning the city's water upgrade needs and potential funding. Commissioner Netschert seconded the motion. All voted aye, motion carried.

City Manager Burton stated that during the special session, the city went in and fought for \$500,000 that was allocated for the Helena water system improvements because the long range planning wanted to cut those allocations. He noted the city was successful but it's also one of the problems occurring this session with the \$500,000 grant for stormwater improvements.

Gateway Economic Development

CONSIDER A RECOMMENDATION TO TRANSFER FUNDS IN THE AMOUNT OF \$38,442.57 FROM THE REVOLVING LOAN FUND TO THE GATEWAY ECONOMIC DEVELOPMENT CORPORATION FOR USE IN THE FY2001 GATEWAY MANAGEMENT BUDGET

Mayor McCarthy stated this agenda item was removed by request of the city manager.

Airport Road Utility Easement

CONSIDER A REQUEST TO REMOVE 20-FOOT WIDE INTERIOR UTILITY EASEMENT BETWEEN LOTS 10 AND 11 OF THE AIRPORT ROAD BUSINESS PARK ADDITION

Staff Report

City Planner Lucy Morell-Gengler presented the proposal for the removal of the 20-foot wide utility easement located between Lots 10 and 11 of the Airport Road Business Park Addition. Removal of the easement would allow the joint development of Lots 10 and 11. The utility easements in this development were originally provided to comply with the requirements of the City Subdivision Regulations. This requirement is a standard condition when a utility plan for the subdivision is not provided at the time of plat approval. As development plans emerge, the utility needs are evaluated and at times interior utility easements are determined unnecessary. The city of Helena does not have water or sewer mains in the subject utility easement and the Engineering Department has stated no objection to removing this easement. Notarized letters have been received from Qwest, Montana Power Company, AT&T, and Watkins Shepard.

Motion

Commissioner Smith moved approval of a request to remove a 20-foot wide interior utility easement between Lots 10 and 11 of the Airport Road Business Park Addition. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Contract Amendment

CONSIDER CONTRACT AMENDMENT NO. 4 FOR ENGINEERING SERVICES WASTEWATER TREATMENT PLANT IMPROVEMENTS, PROJECT NO. 98-2

Staff Report

Public Works Director John Rundquist reported during the current

wastewater plant improvements, the contractor removed the floating cover from the west secondary digester. The floating cover had tipped a couple of years prior to this project and gotten stuck in the digester. The digester repair is included in the project financing but until the cover was removed and the whole system reviewed for damage, the scope of work was unknown at bid time. Once the cover was removed the engineer noted problems with the concrete walls. The surface concrete has started spalling and is in poor shape from the acid attack from the digesting sludge. Our engineer requested the contractor to develop a cost proposal to fix the concrete walls, rehabilitate the digester cover, install new cover guides, fix a large crack in the floor and place the repaired digester back in service. The price quoted by Bodell was declined as too expensive. As part of capital planning prior to the start of this project the wastewater plant staff noted that the primary clarifiers needed repairs. The basin bottom surfaces had worn thin from the continuous action of the solids sweep and needed to be replaced. A thin layer of gout is generally applied to these types of basins as a sacrificial surface that is meant to be replaced over time. This capital repair was included in the financial package that was obtained from the SRF program. As staff discussed the need for the digester repair and its high cost proposal and the need for a separate project for the primary clarifier bottoms, an opportunity was seen to roll both fairly costly items into a combined bid package, apart from the current contract, to get better prices.

Commissioner Morrison asked if there were any requirements for Morris Maierle to do the design work regardless of what they found.

Mr. Rundquist replied there was a bid in the original contract that was an add-alternate for the digester repairs. However, there was very limited information about the digester because the inside could not be viewed. Once the lid was removed and inside could be seen, it was apparent there was far more work than what was anticipated in the add-alternate. The contractor did not want to do the work at the original bid price and a quotation was requested from them. The quotation came back higher than the add-alternate was and it was determined it would be more cost effective to re-bid the project. Morrison Maierle has done some engineering since the digester lid has been removed and that work won't be regenerated. Mr. Rundquist stated Morrison Maierle had an obligation to do the work, however, it was not known at the time of the contract what would be involved. The work involved is far more substantial than was anticipated.

Commissioner Morrison asked if the contractor on the project, Bodell Contractors, already bid on the work, why do we need to spend another \$55,000 before another bidding process.

Mr. Rundquist replied the \$55,000 includes putting together a contract package. It also includes the construction inspection of the work to be done. What this is basically paying for is the additional engineering required to put together a contract package with the specifications to meet state requirements for bidding.

Commissioner Smith asked if Bodell would be allowed to bid again and if so, would their original bid be public record.

Mr. Rundquist explained there is a quotation from Bodell for the digester work and a price as an add-alternate that assumed a certain level of work. The price they quoted for the actual work that needed to be done was well in excess of the add-alternate price they submitted.

Commissioner Morrison referred to the total construction project budget spreadsheet and asked for assurance that there wouldn't be duplication by

Morrison Mairele in that they didn't have responsibility in the original 1.6 million dollar agreement to do this work.

Mr. Rundquist replied he was comfortable that the cost supplied by Morrison Maierle to do the work is reasonable.

Commissioner Morrison inquired about the engineering budget savings and if the engineering firm had already billed the city. He also inquired if this was the cost savings from what was originally budgeted.

Mr. Rundquist replied there was a cost savings and the \$55,000 could be drawn from this account so as not to over-expend the engineering account.

Motion

Commissioner Smith moved approval of contract amendment no. 4 for engineering services – Wastewater Treatment Plant Improvements, Project No. 98-2. Commissioner Netschert seconded the motion.

City Manager Tim Burton stated Morrison Maierle still has over-expended their contract amount as there is a request from them for an additional \$200,000 in engineering fees. He stated he has directed the department to withhold any more engineering fees until the project is finished at which time the fees can be reviewed.

Vote

All voted aye, motion carried.

Cedar Street Interchange

CONSIDER STANDARD CONSTRUCTION AGREEMENT WITH MDT FOR THE CEDAR STREET INTERCHANGE PROJECT

Staff Report

Public Works Director John Rundquist presented the proposal to review and approve the MDT Standard Project Agreement. The MDT is in process of bidding the reconstruction and widening of the bridge over the interstate at Cedar Street. The required roadwork to match the new bridge will impact Cedar Street from Washington Street to Oakes Street. The agreements are the standard city/state agreement where the city acknowledges the project and agrees to a number of standard conditions to promote the project. Approval of the agreement requires no city financial involvement and promotes a needed improvement at this interchange and allows for bidding to proceed.

Discussion

Commissioner Smith asked why the utilities agreement and the standard construction agreement were not on the same agenda item.

Mr. Rundquist replied neither agreement will cost the city financially.

City Manager Burton replied the city has tried for years to change the template agreements with the state without success. He stated he asked that the construction agreement be put under a regular item because he thought there might be more discussion on this item.

Motion

Commissioner Smith moved approval of a standard construction agreement with MDT for the Cedar Street Interchange Project. Commissioner Netschert seconded the motion. All voted aye, motion carried.

MACI Project

CONSIDER GENERAL PROJECT DEVELOPMENT, CONSTRUCTION AND MAINTENANCE AGREEMENTS WITH MDT FOR BRADY STREET/JOSLYN STREET AND MACI PROJECT

Staff Report

Public Works Director John Rundquist reported the city received a

Montana Air and Congestion Initiative grant in 2000 for a paving project on that portion of Brady Street west of Henderson and Joslyn Street from Brady Street south across the railroad tracks to the current edge of the city limits. The purpose of this project is to provide a better riding service and dust control for this busy street. The project was chosen from a statewide request pool because of its positive impacts to control dust in the city and improve air quality. The MDT is ready to begin the preliminary design and needs the city agreement for project development and maintenance. The approval of these agreements will allow the MDT to begin public input and preliminary design phase of this project. The estimated cost of this project is \$383,486 of which \$332,022 is covered by the MACI Grant and the balance of \$51,464 to be covered by local funds. A combination of a neighborhood SID and gas tax funds will be proposed for the local funding when more accurate estimates are completed. Gas tax funding is necessary for the portion of the project through the railroad right-of-way including the actual crossing improvements and the match for city property adjacent to the street, which is currently estimated at \$34,000. City approval will also provide a \$332,022 grant towards improving this problem road, and substantially reduce costs for the residents and the city. The basic project does not include sidewalks and it may be an option for the neighborhood to utilize an SID for sidewalks.

Commissioner Morrison asked if ordinance doesn't require all new construction to include sidewalks and especially boulevard sidewalks.

Mr. Rundquist replied the ordinance pertains to new construction and this is not a new development but is an air quality initiative grant and typically sidewalks are not an eligible cost associated with the grant. He noted they could propose including the sidewalks in with the SID.

Commissioner Morrison pointed out that there is a very active recreation area adjacent to Brady Street and asked the city manager if this doesn't make it more important to have sidewalks.

City Attorney David Nielsen explained the ordinance puts the burden on the adjacent property owners to construct sidewalks when certain events happen such as subdivision building permits. In this case, there would be no triggering event as to the property owner putting in the sidewalks. The ordinance doesn't define what happens if the city or state is doing a special project such as this.

City Manager Tim Burton stated perhaps this could be pursued in partnership with the neighborhood in an SID and whatever flexibility could be found in the upcoming budget process. He noted this is a heavily used area and sidewalks would be beneficial.

Mayor McCarthy noted there has been discussion regarding the remaining CTEP money and targeting it for high pedestrian and bike areas within the community. She stated the CTEP money may serve to benefit this area.

Commissioner Smith expressed concern with sidewalks not being included in the total package. He stated sidewalks should be a covered cost if it relates to the safety of the public.

Mr. Burton stated there would be some flexibility with the CTEP monies and noted a program could be established in the upcoming budget process for the city to actually build sidewalks when it relates to public safety.

Motion

Commissioner Netschert moved approval of the general project development, construction and maintenance agreements with MDT for Brady Street/Joslyn Street and MACI project and direct staff to include estimates of installing sidewalks in the project.

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

**Reber PUD
Traffic Control**

CONSIDER TRAFFIC CONTROL IN WESTRIDGE AREA OF REBER PUD

Staff Report

Public Works Director John Rundquist reported the city received a request from the Westridge neighborhood organization last fall regarding safety and traffic speeds in the neighborhood. They proposed placement of stop signs and speed limit signs in various locations. Staff reviewed the request and developed a signing plan that met the city's requirements. The proposal was shared with the neighborhood representatives in subsequent meetings and modified by consensus. The following are the proposed sign placements as recommended by the neighborhood representatives:

- Speed limit sign at Hauser and Joslyn
- Stop sign on Westridge Court at Joslyn
- Stop sign on Stuart at Joslyn
- Three way stop sign at Joslyn and Floweree
- Yield sign on Floweree at University
- Speed limit sign on University at Joslyn
- Speed limit sign at University and Silverette
- Stop sign on University and Silverette
- Stop sign on Woodward Court at Silverette
- Stop sign at Kenwood Court and Floweree
- Stop sign at Woodward Street and Silverette
- Speed limit sign on Silverette at Stuart
- Four Way stop at Stuart and Silverette

Commissioner Netschert asked what the projected cost for maintenance of the signs would be.

Mr. Rundquist replied maintenance for signs usually consists of replacement costs. He noted there is a significant amount of maintenance that goes into signs and the city sign shop manufactures most of the signs, which helps to keep costs down. However, the materials used to make the signs can be quite costly.

Motion

Commissioner Smith moved approval of traffic control signage proposed by staff in the Westridge area of the Reber PUD. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS

- A. CONSIDER SECOND PASSAGE OF ORDINANCE NO. 2907
AMENDING CHAPTER 7 OF TITLE 3 OF THE HELENA CITY CODE
ADOPTING THE 2000 UNIFORM PLUMBING CODE AND APPROVING
MISCELLANEOUS AMENDMENTS

Staff Report

Building Official Brandt Salo reported the ordinance was first considered and passed on February 26, 2001. The adoption of the ordinance keeps the city of Helena current with the state of Montana's legislatively mandated adoptions of the plumbing code and program certification requirements. Approval assures the most current technologies in the field of plumbing are available to both the craftspeople and their customers. The document has been available in the city

clerk's office for the mandatory thirty-day period as required by law with no interest in the document by the public. Mr. Salo recommended second passage of the ordinance.

Public Testimony

Mayor McCarthy declared the public portion of the hearing open and called for any persons wishing to address the commission.

With no persons wishing to address the commission, Mayor McCarthy closed the public hearing.

Motion

Commissioner Smith moved second passage of Ordinance No. 2907 amending Chapter 7 of Title 3 of the Helena City Code adopting the 2000 Uniform Plumbing Code and approving miscellaneous state amendments. Commissioner Netschert seconded the motion. All voted aye, motion carried. **Ordinance No. 2907**

**Public
Communications**

PUBLIC COMMUNICATIONS

Commissioner Smith asked George Hoff to give an update on the Helena Citizens Council.

Mr. George Hoff, HCC District #3, addressed the commission and reported he has been working closely with the Knight Street Ambassadors on the sidewalk issues on the west side. He stated they have done numerous studies and will have a follow-up meeting with the planning and engineering departments on May 8, at 7:00 p.m. at the CR Anderson Middle School. He noted the meeting would be utilized to answer questions the property owners may have regarding the SID, their cost, the city's cost, plus additional findings from Stuart, Hauser, Henderson, and Knight Streets. The same group is also going to send questionnaires home with all of the walking students within a three-mile radius of CR Anderson School regarding the sidewalk issue. The study will be compiled and included in the city planning project for infrastructure on the west side.

Commissioner Smith thanked Mr. Hoff for his attention to the sidewalk matter and for his help with the student debate group known as the Knight Street Ambassadors.

City Manager Tim Burton reported to the commission that the Police Department has had the animal control officer stationed on LeGrande Avenue to watch for dog owners not cleaning up after their pets. He noted the officer spent an entire eight hours citing pet owners and he has asked Parks Director Randy Lilje to look into methods of promoting dog owners to clean up after them. He further noted he has had complaints about dogs being in the open space areas without anyone cleaning up after them. He told the commission that the problem hasn't gone away and will more than likely resurface at a commission meeting in the near future.

Commissioner Smith replied that he has read studies regarding e-coli being found in ground water sources from dog feces. He stated this is an issue that needs to be continually monitored and maybe more educational material supplied to the public.

Commissioner Netschert suggested citizens and youth doing court community service could be utilized to clean up some of the open space areas.

Meetings of

MEETINGS OF INTEREST

Interest

No meetings were mentioned.

Adjournment

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

MAYOR

ATTEST:

CLERK OF THE COMMISSION