

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 23, 2015
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, November 23, 2015 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 and Haladay were present. Commissioner Haque-Hausrath was excused. City Manager Ron Alles, Deputy City Attorney Iryna O'Connor and Deputy City Clerk Robyn Brown were present. Others present were Dick Sloan representing the Helena Citizens Council.

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 November 2, 2015 were approved as submitted.

Proclamation

PROCLAMATION:

A. #Giving Tuesday – www.givingtuesday.org

Mayor Smith read the proclamation designating Tuesday, December 1, 2015 as “#Giving Tuesday” in the City of Helena.

Ms. Heather Greene with Prickly Pear Land Trust accepted the proclamation and introduced Family Outreach representatives Mike Mahoney and Rhonda Schaffer in attendance. She spoke in support of the philanthropy and anti-consumerism the #Giving Tuesday program promotes during the holiday season and commented \$23,000 was raised by local non-profit organizations on #Giving Tuesday in 2014.

Mr. Mahoney thanked Mayor Smith for the proclamation and commented on the importance of donating to non-profit organizations because of the vital services they provide to communities.

Board Appointments

BOARD APPOINTMENTS:

A. Business Improvement District/Helena Parking Commission (BID/HPC), Non-Motorized Travel Advisory Council (NMTAC) & Public Art Committee

Mayor Smith recommended approval of the following appointments:

BID/HPC - Appointment of Rex Seeley to an unexpired term on the Business Improvement District/Helena Parking Commission. Term will begin upon appointment and expire October 31, 2016.

NMTAC - Appointment of Sarah Karjala to an unexpired term NMTAC. Term will begin upon appointment and expire March 31, 2016.

Appointment of Cortne Winegard to an unexpired term on NMTAC. Terms will begin upon appointment and expire March 31, 2017.

Public Art Committee - Appointment of Becky Lawson to the Public Art Committee. The unexpired term will begin upon appointment and expire December 31, 2018.

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

Motion **Commissioner Ellison moved approval of the appointments to the BID/HPC, NMTAC and Public Art Committee as listed above.** Commissioner Haladay seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Utility Bill Inserts for 2016
C. Authorization for staff to void stale dated checks
D. Acceptance of the 2015-2016 USDOT Hazardous Materials Emergency Preparedness (HMEP) Training Grant in the amount of \$10,875.00 for five (5) Helena Fire Department Firefighters to attend the 2016 Continuing Challenge Conference in Sacramento, CA.

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

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

Motion **Commissioner Elsaesser moved approval of items A through D on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Bid Award BID AWARD:
A. Fire Department - Two (2) Pierce 1500 GPM Pumps

Staff Report Fire Chief Sean Logan reported the Helena Fire Department (HFD), through the Assistance to Firefighters Grant Program, was recently awarded funding for one fire engine, with an associated 10% match from the City of Helena. In subsequent discussion with City Manager Alles and Administrative Services Director Glenn Jorgenson, it was determined that we could use capital reserve funds toward the purchase of a second fire engine. Our two oldest engines are either in need of replacement, in the case of the 1986 Sutphen, or moved from front line to reserve service, as in the case of the 1999 E-One.

Based upon the size of the HFD insofar as fire apparatus (vehicles) is concerned, the department has, for decades, held one engine in reserve. In 2005, when the department last replaced a front line engine, a Sutphen engine manufactured in 1985 became the reserve engine.

A reserve engine serves two vital functions. When one of the frontline engines requires maintenance or repair, it is taken out of service and the reserve engine operates in its place until the newer unit is returned from the shop. On a larger incident, a reserve engine can be used by an incident commander as an additional resource in the mitigation of an emergency.

The existing reserve engine is in its thirtieth year of operation; the typical age of a fire engine when it is replaced is twenty years. The

1986 Sutphen, the current reserve engine, needs to be replaced before it catastrophically fails and possibly causes injury to firefighters or a member of the public. It has an open cab configuration, which means firefighters need to ride in an exterior seated position which affords them no hearing protection. If exposed to a collision or rollover the vehicle itself exposes those seated in the jump seats to serious potential for injury. The lighting and siren package is not compliant to current industry standard. Due to its age, repair costs are increasing with the progression of time.

The HFD's next oldest engine is a 1999 E-One, which has spent a significant amount of time in the shop over the last two years. This is due to the fact that it is sixteen years old and is still in frontline status. The more time it spends in the shop for repair, the more time the aforementioned engine is on the frontline. It will make a very safe and functional reserve engine.

The newest engine is a 2005 American Lafrance, which has some service life left, but the manufacturer ceased operations and closed its doors for business in 2014. This makes maintenance almost impossible due to lack of parts availability and no manufacturer support. Hughes Fire Equipment, Inc., will accept a trade-in value of roughly \$40,000 for this engine and it is our intent to do so when this purchase is completed.

Staff is proposing the purchase of two Pierce 1500 GPM pumpers. The 1986 Sutphen reserve engine would be removed from our inventory, move our 1999 E-One engine into reserve status and trade our 2005 American Lafrance in toward the purchase of these engines. This purchase would enable the replacement of aging apparatus with new frontline response engines.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved to award the bid for two Pierce 1500 GPM Pumpers for the Helena Fire Department to Hughes Fire Equipment, Inc. in the amount of \$1,015,925.00.
Commissioner Ellison seconded the motion.

Comment

Commissioner Ellison pointed out one of the trucks identified for replacement is from 1986; it has most definitely reached its useful service life. He expressed support for the bid award, noting the proposed purchase and associated replacement of the aging engine will result in increased safety for the citizens of Helena since the HFD will no longer need to rely on outdated and worn out equipment and will be able to utilize the newest technology available.

Vote

All voted aye, motion carried.

B. Water Storage Reservoirs Seismic Retrofits, Project No. 13-20

Staff Report

City Transportation Engineer David Knoepke reported currently there are eight finished water storage reservoirs and one raw water reservoir used for the City of Helena's water distribution system. At the present time only one of the reservoirs is equipped with a seismic isolation system capable of ensuring the water supply is isolated in the event of a significant earthquake. If a significant earthquake were to occur and reservoir piping is damaged or broken, the water stored in the

reservoirs could flow out unabated, causing the loss of potable water for consumptive uses and firefighting efforts, as well as possible significant property damage caused by the water loss.

The City received 2 bids for the project. The apparent low bidder was Montana Underground Construction, Inc. of Belgrade Montana with a quote of \$765,761.00.

Engineer Knoepke recommended approval of the bid award as it will enhance public safety by providing for the safety/storage of potable water for firefighting and consumptive uses in the event of a significant earthquake at 7 water storage reservoirs. The project is also to be funded by a 3:1 matching reimbursement disaster mitigation grant from FEMA/MT DES that includes an in-kind engineering services match of around \$82,000. The City will be reimbursed for over 75% of project construction costs by the grant, allowing for the City to construct the project at a net cost of approximately \$160,000.00±.

Comment

Commissioner Elsaesser asked for an explanation of the dramatic difference in costs between the two bidders. Engineer Knoepke indicated he did not know for certain, but speculated one of the contractors may not have fully understood the project specifications and thus elevated his prices for the project.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Elsaesser moved to award the Reservoir Seismic Retrofits Project, Project No. 13-20 to the lowest responsible bidder, Montana Underground Construction Inc. in the amount of \$765,761.00. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser expressed concern over recent issues that have arisen over shared water and wastewater service lines by multiple dwellings. While these lines were installed some time ago, problems are now coming to light and a policy needs to be created and implemented to outline resolution of the issue and lessen the hardship on affected homeowners.

Commissioner Elsaesser referred to the possibility of purchasing the existing Lehrkind's building to serve as a new Parks Maintenance Facility. He spoke in support of the proposal, commenting it could also provide space for eight additional City departments and would be an excellent re-use of the building.

Commissioner Elsaesser commented on the un-stability of the City's general fund and urged the Commission to pay special attention to the matter during the City's annual audit review scheduled for December 2nd and monitor the fund closely to ensure adequate funding moving into the future.

Commissioner Ellison referred to the significant winter storm forecast for the Helena area over the next couple of days and reminded residents to keep their sidewalks clear of snow and ice. He also encouraged citizens to provide a helping hand to their neighbors if they need assistance complying with the City's snow removal requirements.

A. Helena Citizens' Council Appointments- Districts #1 & #4

Mayor Smith announced a three-way tie in write-in nominations for HCC District #1 occurred during election for its 2016 membership. Following the election, District #4 experienced the same situation; however two seats for district representative are now available. Because of this, both Sharon Hubbell and Tom Woodgerd will be appointed to District #4.

In order to resolve the still existing tie in District #1, City Attorney Jodoin recommended it be broken by drawing the successful candidates' names out of a hat to decide who should be appointed to the HCC.

Following the drawing of names by HCC member Dick Sloan, Sarah Sadowski and Patricia Christian were identified for appointment to the HCC as District #1 representatives.

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 referred to the imminent winter storm and assured the Commission and Helena's residents that the City's Street Department is prepared and ready to keep Helena's streets as clear of snow and ice as possible. He announced concerned citizens can call 406-447-1566 during normal business hours and the dispatch number at 406-442-3233 after 5:00 p.m.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Dick Sloan reported the Council formed a relevance committee to enhance their service to the residents of Helena and City staff. The solutions identified by the committee will be reported to the Commission.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION OF INTENTION TO VACATE THE FULL WIDTH OF DODGE AVENUE RIGHT-OF-WAY BETWEEN LOTS 1-5 IN BLOCK 7 AND LOTS 7-9 IN BLOCK 8, ALL LOCATED IN THE GRAND AVENUE ADDITION IN THE CITY OF HELENA.

Staff Report

Transportation Engineer David Knoepke reported Max Pigman, owner of Lewis & Clark Brewing Company, applicant, is requesting a Resolution of Intention to vacate the full width of Dodge Avenue right-of-way between Lots 1-5 in Block 7 and Lots 7-9 in Block 8, all in the Grand Avenue Addition.

The vacation will make way for the construction and expansion of a new building that would attach to the two existing buildings, allowing the brewery to expand its brewery operation within the City of Helena. The square footage of the alley to be vacated is 2160 square feet. The square foot value for the east half of the street is \$4.78 per square foot and the south half of the street is \$5.15 per square foot. The approximate total calculated value to vacate the portion of alley is \$10,724.40. The required survey by the applicant will determine the total square footage and final cost of the vacation.

Staff recommended the following conditions:

The Helena Fire Department (HFD) would accept an alternative means of providing legal and physical emergency access as established in 503.1.1 of the International Fire Code to enable the vacation and joining of the buildings on Dodge Avenue at railroad property as follows:

1. Current access to the north side of the building is provided. A 12-foot wide gravel access is provided from North Montana Avenue to the location of the proposed new structure that is to connect the existing buildings. A gravel turnaround is provided near the end of this access. Both the roadway and the turnaround are maintained and kept clear of snow in the wintertime.
2. The existing old Agri Feeds building and the proposed building have fire sprinklers.
3. Existing Lewis & Clark Brewing, old Agri Feeds building and the proposed building have early warning devices installed throughout. These devices include smoke detection, heat detection, or other devices that provide early warning and approved by the Fire Marshal.

Engineer Knoepke recommended approval of the proposal as it will allow the applicant to construct and expand its current operation at the subject location.

Public comment

Mayor Smith called for public comment; none was received.

Discussion

Commissioner Haladay referred to the conditions for approval of the vacation that are being recommended by staff and clarified said conditions are listed in the staff report but not in the resolution. Manager Alles requested the Commission reference the conditions in their motion for approval and they will be included in the resolution scheduled for consideration on December 7, 2015.

Motion

Commissioner Ellison moved conditional approval of a resolution of intention to vacate the full width of Dodge Avenue right-of-way between Lots 1-5 in Block 7 and Lots 7-9 in Block 8, all in the Grand Avenue Addition, and including the conditions related to access, fire sprinklers and early warning devices listed in the staff report contained in the November 23rd Commission Meeting packet, and set a public hearing date of December 7, 2015.

Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #20223**

- B. CONSIDER AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH LARSON CIVIL ENGINEERING FOR THE WEST MAIN RECONSTRUCTION PROJECT.

Staff Report

Engineer Knoepke reported Larson Civil Engineering, the consultant on this project, is working on the preliminary design. The

floodplain application has been reviewed by FEMA and their comments have been received.

Amendment No. 2 is required to address comments received from FEMA for further information and clarification. This additional information includes an additional survey among other details. Also, the scope of the project expanded slightly to include the Orofino Gulch water main extension and an additional storm swale across private property.

He recommended approval of the amendment, as it would allow the project to continue to move forward with the ability to adequately address FEMA's comments.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Haladay moved approval of Amendment No. 2 to the Professional Services Agreement for the West Main Reconstruction Project as outlined in the consultant's request included in the Commission packet and attached to the official agreement to enter into Amendment No. 2. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR THE BILL ROBERTS MUNICIPAL GOLF COURSE FOR THE 2016 SEASON.

Staff Report

City Manager Alles reported annually city staff and the Golf Advisory Board (GAB) review the season's expenses, revenues, and trends in comparison to budget projections and the local market. To date the golf course has a net FY15 profit of \$25,166 which includes paying cash for several capital items. When inserting FY15 actual revenue figures into the FY16 adopted budget worksheet, there is an estimated \$44,000 balance of revenue over expenditures.

Trends show that the course continues to save money and make money. The estimated revenue per round in FY15 was \$31.09 which includes golf fees, merchandise, concessions and lessons.

Based on a review of the 2015 revenue reports, course/trend observations, a comparison to the local market and a staff report, the GAB does not recommend an overall fee increase for the 2016 season. Instead they recommend a marginal increase in two service categories (golf simulator and club storage). The golf simulator is in high demand, and the installation of new club lockers will provide increased security and value for customers. Staff will continue to focus efforts in increasing revenues in the categories of concessions, merchandise, lessons and private cart services.

Manager Alles recommended approval of the resolution setting the BRGC fees for 2016 to help maintain a competitive edge in the local golf market.

He noted the resolution contained in the Commission Meeting packet incorrectly lists the cost for pull cart/bag storage as \$35; it should identify the cost as \$50.

Public Testimony

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

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Ellison moved approval of a resolution establishing fees to be charged for the Bill Roberts Municipal Golf Course for the 2016 season, noting the cost for pull cart/bag storage will be \$50. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Res #20224**

- B. CONSIDER A RESOLUTION TO AMEND THE RULES AND FEES CHARGED FOR DISPOSAL OF GARBAGE AND REFUSE AT THE CITY OF HELENA TRANSFER STATION BY AMENDING RESOLUTION NO. 20170.

Staff Report

Public Works Director Randall Camp reported the current Transfer Station rate resolution, effective July 1, 2015, limited the amount of visits to the facility to thirty (30) or 3,000 pounds, whichever came first. This translated into a minimum fee of \$3.10 per trip (\$93 permit credit/30 trips). After a permit holder reached either the 30 trips or 3,000 pounds, the minimum transaction fee would be \$6.25. Since the resolution went into effect, total trips to the Transfer Station have decreased 8,841 for July-September 2015 compared to the same months in 2014 (53,225 to 44,384).

Based on public comment received during implementation, the City Commission directed the City Manager to explore alternatives removing the 30-trip limitation. City Manager Alles recommended, and the Task Force and the County Commission endorsed, the proposal to charge based on weight with a 20lb minimum charge (same as before the current resolution). The renter recycling permit program will continue as allowed in the residential rate resolution.

Staff recommended removal of the thirty (30) trip limitation and require payment of \$0.62 per 20 pounds for permit holders to be charged against the permit holder's credit. There would be a minimum charge of \$6.25 per 200 pounds for non-permit holders.

Advantages to these amendments include: permit users will only be limited by the permit credit and not by the number of trips to the Transfer Station. Also, this proposal should allow more time to explore long-term options regarding pay-as-you-throw.

Discussion

Commissioner Elsaesser asked if the reduced fee of \$54.00/ton for clean, sorted construction and demolition waste will still be offered with passage of the proposed resolution. Manager Alles stated yes and explained the price has not changed from the past.

Commissioner Elsaesser spoke to the permit offered to renters in the past and asked if that program will continue to be offered. Manager Alles stated it will continue to be offered and has not been changed; detailed language regarding renter's options was included in the resolution setting the transfer station rates for FY16.

Public Testimony

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

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

- Motion** Commissioner Haladay moved approval of a resolution to amend the rules and fees charged for disposal of garbage and refuse at the City of Helena Transfer Station by amending Resolution No. 20170. Commissioner Ellison seconded the motion.
- Comment** Commissioner Elsaesser expressed concern that this resolution does not carry out the intent of Resolution No. 20170 and the changes being considered tonight were brought about due to complaints received by County residents. He cautioned the Commission to be very mindful moving forward with changes to operations and charges at the Transfer Station.
- Vote** All voted aye, motion carried. **Res #20225**
- Public Communications** PUBLIC COMMUNICATIONS
Mayor Smith introduced Great Falls Mayor-elect Bob Kelly in attendance.
- Meetings of Interest** MEETINGS OF INTEREST
The next Administrative Meeting is December 2, 2015 and the next Commission Meeting is December 7, 2015. The monthly City/County Joint Work Session will be held on December 3, 2015.
An Executive Session related to litigation strategy for a human rights case against the City of Helena will be held this Wednesday, November 25th.
- Adjournment** There being no further business to come before the Commission, the meeting was adjourned at 6:58 p.m.

/S/ JAMES E. SMITH
Mayor James E. Smith

ATTEST:

/S/ DEBBIE HAVENS
Clerk of the Commission