

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 29, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, July 29, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Collins requested City Clerk Havens call roll call: Manager Cortez, City Attorney Jodoin, Commissioner Haladay and Commissioner O'Loughlin all responded present. Commissioners Noonan and Wicks were excused.

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

Minutes The minutes of the July 15, 2019 regular City Commission meeting were approved as submitted.

Board Appointments BOARD APPOINTMENTS:
A. ADA Compliance Committee; Citizen Conservation Board; Helena Regional Airport Authority; Tourism Business Improvement District

Mayor Collins recommended the following appointment:

ADA Compliance Committee Reappointment of George McCauley and James Whaley to second terms on the ADA Compliance Committee. Terms will begin upon appointment and expire September 1, 2022.

Citizen Conservation Board Appointment of Erin Grossman as a student representative to the Citizen Conservation Board. There is not a specific term for members of the Citizen Conservation Board.

Helena Regional Airport Authority Reappointment of Elizabeth Bangerter to a second term on the Helena Regional Airport Authority. Term will begin upon appointment and expire on September 1, 2022.

Tourism Business Improvement District Appointment of Adrian Ambro to the TBID for a first term. Term will begin upon appointment and expire April 20, 2023.

Public Comment Mayor Collins asked for public comments. None was received.

Motion **Commissioner Haladay moved approval of the board appointment as outlined above.** Commissioner O'Loughlin seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 3-0.**

Consent Agenda CONSENT AGENDA:
A. Claims
B. Consider a resolution of intention to declare real property owned by the City, known as KCAP Park, and located at the north-west corner of Broadway Street and Cruse Avenue, as surplus real

property and authorizing disposal by soliciting requests for proposals for its redevelopment. **Resolution 20549**

City Manager Cortez recommended approval of the consent agenda, items A-B.

Public Comment Mayor Collins asked for public comment. None was received.

Motion **Commissioner Haladay moved approval of the claims and consent agenda item B.** Commissioner O'Loughlin seconded the motion.

Discussion Commissioner O'Loughlin asked if the commission would be given further detail at the public hearing on the criteria for the purchase of surplus property. Manager Cortez stated staff is using the same model for this parcel that was used for the old bus depot; including price and purpose of the property to make sure it is consistent with the priorities of the walking mall. Commissioner O'Loughlin stated the efforts with the downtown re-zoning has given a good framework on what the commission would like to see.

Public Comment Mayor Collins asked for public comments. None was received.

Vote City Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motions carried, 3-0.**

Bid Award BID AWARD
A. Chessman Dam Controls Rehabilitation Project #17-18

Staff Report Interim Public Works Director Leland reported the Chessman water storage reservoir, operated by the City of Helena Water Treatment Division, is located south of Helena in what is now the Helena National Forest. The dam has been in place since about 1876, in its current configuration since 1906 and was completely rehabilitated in 1988. The dam stores water for times of low water supply in Ten Mile Creek and allows water to be released from the reservoir into the Beaver Creek drainage where it can be collected for treatment downstream at an intake for the Ten Mile Water Treatment Plant.

Ice, wind and weather have rendered the current intake structure's multi-level controls inoperable, and as a consequence, water can only be removed from the lowest level of the multi-level dam intake structure, restricting flexibility in dam operations. The broken controls do not allow Water Treatment Division staff to intake the highest quality water into the dam for discharge, sometimes causing some taste and odor issues due to algae. This also keeps the intake structure full of water and does not allow for proper dam maintenance. The main dam control valve is old and reaching the end of its serviceable life, sticks, and cannot be modulated well to regulate dam discharge.

The proposed project will replace the intake control gates with gates protected from ice damage, replace the main dam control valve, replace the gate and valve operators, and clean the dam out and perform regular maintenance and inspection activities.

The City received five bids for the Chessman Dam Controls Rehabilitation Project 17-18 on July 2, 2019. The lowest responsible bidder for the project was Dick Anderson Construction of Helena, MT

with a bid price of \$372,216.12. Bids received ranged from \$372,216 to \$917,036. The cost for this project is budgeted from Water Treatment capital funds as planned maintenance, upkeep and repair to the City's water treatment and storage system. It will improve operation and maintenance of the water treatment and storage system and increase the flexibility in operation of the reservoir outlet works as designed.

Installing the new controls at the dam will restore full operability to the raw water system, allow the reservoir to be used as designed, allow for improved raw and treated water quality, and improve maintenance at the facility. Installing the new ice protection will ensure operable controls for the foreseeable future.

Interim Director Leland recommended awarding the Chessman Dam Controls Rehabilitation Project #17-18 to the lowest responsible bidder, Dick Anderson Construction, in the amount of \$372,216.12.

Discussion

Commissioner O'Loughlin asked for clarification on how staff determines the discrepancy between bids, what does "responsible bidder" mean to staff, how are the bids rated and what criteria is used.

Interim Director Leland stated staff looks at the contractor's qualifications; can they do the job; past experiences where they may have defaulted and not finished a project. This is a unique project, as it requires a copper dam. Dick Anderson Construction has the experience with installing a copper dam.

Public Comment

Mayor Collins asked for public comments. None was received.

Motion

Commissioner O'Loughlin moved to award the Chessman Dam Controls Rehabilitation Project #17-18 to the lowest responsible bidder, Dick Anderson Construction, in the amount of \$372,216.12 Commissioner Haladay seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 3-0.**

B. Red Mountain Canal Repair Project #17-20

Staff Report

Interim Public Works Director Leland reported at the present time, the Red Mountain Canal is used to convey City drinking water prior to treatment from the Banner Creek head gate roughly 5.5 miles through open ditch, lined ditch, elevated trestle and pipe to Chessman Reservoir for storage. The flume is roughly 150 years old and was largely rebuilt in the late 1980s.

The flume has been inoperable from its start at the Banner Creek head gate for the last 3-4 years. This is due to an illegal logging road being cut below the canal from the Peerless Jennie Road for the first ¼ mile of the canal's length. This has resulted in excessive flume leakage and slope instability issues below the canal, resulting in it not being used to convey water due to the risk of slope failure. The canal is still used but only conveys water from creeks it intercepts between Banner Creek and Chessman Reservoir.

The proposed project is to replace the first 1,800 feet of canal with 30 inch diameter HDPE pipe. The existing open ditch will be replaced with buried pipe. The project will include two manholes and a riser tee to allow for flow measurement, and the periodic cleaning and removal of debris from the pipe. A small land slump blocking the canal will also be repaired as part of the work. This work will allow for the canal to be again used for its entire length and allow for the withdrawal of water

from Banner Creek and its transport to Chessman Reservoir. The City received 3 bids for the Red Mountain Canal Repair Project 17-20 on July 2, 2019. The lowest responsible bidder for the project was Missouri River Contractors of Helena, MT with a bid price of \$214,888.00. Bids received ranged from \$214,888 to \$306,722.

The cost for this project is planned to be paid for by the City of Helena out of the Water Treatment capital funds and is planned maintenance, upkeep and repair to the City's water treatment and storage system to allow for improved operation and maintenance of the water treatment and storage system and to allow.

Repair of the canal will allow for the operation of the canal for its full length, from the Banner Creek Intake to Chessman Reservoir. Canal repairs will monitor and preserve use of the City of Helena's water right. Repair of the canal will eliminate excessive water leakage and slope instability for the first 1/3 of a mile of the canal.

Interim Director Leland recommended awarding the Red Mountain Canal Repair Project #17-20, to the lowest responsible bidder Missouri River Contractors in the amount of \$214,888.00.

Public Comment

Mayor Collins asked for public comments. None was received.

Motion

Commissioner Haladay moved to award the Red Mountain Canal Repair Project #17-20 to the lowest responsible bidder Missouri River Contractors in the amount of \$214,888.00.

Commissioner O'Loughlin seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 3-0.**

C. Montana and Highland Bulb-Outs and Sidewalks, City Project #19-09

Staff Report

Interim Public Works Director Leland reported last fall the City Commission directed staff to start a project to construct bulbouts at the intersection of Montana and Highland and include sidewalks for one block each direction. Staff hired TD&H Engineering to design and manage the project.

Staff presented the plans NMTAC, where we received positive comments for the project and a few suggestions. TD&H and staff held a public meeting at Jefferson School on March 12, 2019 where we received again very positive comments and a few suggestion. TD&H also mailed out a brochure to the adjacent property owners informing them of the project and where to get more information.

On May16, 2019, the City of Helena received and opened one bid for the project from Helena Sand and Gravel. The bid was for \$144,900 for schedule # 1 (bulbouts) and \$336,450 for schedule #2 (sidewalks) for a total of \$511,350. This bid was in excess of the TD&H's engineering estimate of \$92,625 for schedule#1 and \$217,880 for schedule #2 for a total of \$310,505. Based on the extremely high bids and only having one bidder, staff and TD&H negotiated with Helena Sand and Gravel to see if there as a way to reduce the cost by allowing a later completion date. After the negotiation with Helena Sand and Gravel, the bids were changed to \$135,070 for schedule#1 and 340,220 for schedule#2 for a total of \$475,290. This was above the original estimated budget and required a budget amendment. The final budget for the project with engineering cost will be \$600,000 from the Street Maintenance Fund.

This project will improve the crossing for school kids and pedestrians at the intersection of Montana and Highland.

Interim Director Leland recommended awarding both schedule #1 and #2 for the Montana and Highland Bulbouts and sidewalk project to the lowest responsible bidder, Helena Sand and Gravel in the amount of \$475,290.

Discussion

Commissioner O'Loughlin asked for a snapshot of the timeline for the bulbouts and the sidewalks. Interim Director Leland stated this is the number one priority and hopefully within two weeks the contractor will be on-site and Phase I will be completed by the end of September and Phase II by the end of October

Commissioner O'Loughlin stated this is an important project, there is a lot of pedestrian traffic in the area, and there needs to be a safe route to school. Given the cost, it is higher than what was projected and asked if the cause is a timing issue. Interim Director Leland stated yes and noted there are no contractors available to do the project. The commission could decide not to award the project and re-bid it later this fall.

Commissioner O'Loughlin stated Schedule I is a big piece of the project and she believes Schedule II seems to be higher than the estimated amount.

Interim Director Leland stated the commission could award both schedules or the individual schedules. Schedule I is \$135,070 and Schedule II is \$340,220.

Commissioner Haladay asked if the commission awards Schedule I and not Schedule II, what would the timeframe for Schedule II to be completed. Interim Director Leland stated Phase II would begin in the spring of 2020.

Mayor Collins noted the costs could also go up. Interim Director Leland concurred but thought there may be more than one bid.

Public Comment

Mayor Collins asked for public comments. None was received.

Discussion

Commissioner Haladay stated he would like to move the project forward, the commission and staff has been discussing this project for two to three years. Mayor Collins and Commissioner O'Loughlin concurred.

Commissioner O'Loughlin encouraged staff to begin having conversations with the contractors sooner than later on future projects.

Motion

Commissioner Haladay moved to award both Schedule #1 and Schedule #2 for the Montana and Highland Bulbouts and sidewalk project to the lowest responsible bidder, Helena Sand and Gravel in the amount of \$475,290.00.

Commissioner O'Loughlin seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 3-0.**

D. 2019 Chip and Seal Project, City Project #19-17

Staff Report

Transportation Systems Director Knoepke reported the 2019 Chip and Seal, City Project #19-17 would add a new wear surface and pavement sealer by applying a single application of asphalt material followed by spreading a 3/8-inch gravel chip.

The City opened one bid for the 2019 Chip and Seal, Project #19-17 on July 2, 2019 Helena Sand and Gravel Inc. was the lowest

responsible bidder for schedules; A, Selected N-S Upper West Side City Streets; B, Selected E-W Upper West Side City Streets; C, Selected Charlie Russel Streets; D, Selected Upper West of Joslyn; E, Selected Lower West Side E-W; F, Selected Lower West Side N-S; and G, Oaks Beltview Overlay for a total of \$558,549.12 with a unit price \$1.52 of per square yard. Last year's unit price was \$1.32 per square yard. In addition, this year we are adding a Traffic Control on Schedules A through G. The additional cost for this process is \$0.22 per square yard, bringing the total amount to \$639,438.78.

Staff recommends awarding schedules A, B, C, D, E, F and G to the lowest responsible bidder; Helena Sand and Gravel, which submitted the low bid of \$639,438.78. This project will complete approximately 19.8 miles of city streets this year compared to previous years; 2018/8 miles, 2017/12.2 miles, 2016/8.80 miles, 2015/8.70 miles, 2014/9.93 miles, and 2013/8.46 miles.

A new wear surface extends the life of 19.8 miles of city streets. Notable energy impact(s): The Chip and Seal will extend the life of the streets.

Director Knoepke recommended awarding schedules A, B, C, D, E, F and G of City Project #19-17, 2019 Chip and Seal to the lowest, responsible bidder, Helena Sand and Gravel for the amount of \$639,438.78.

Discussion

Commissioner Haladay asked if ADA ramps would be installed during this project. Director Knoepke stated ADA ramps would not be installed, as this is a maintenance project and not reconstruction.

Commissioner Haladay referenced the resolution requiring the use of apprentices by contractors performing services for the city of Helena and asked where they fit in with this project.

Director Knoepke stated staff would have to discuss the city's requirements this with Helena Sand and Gravel. Attorney Jodoin asked if the contractor was aware of the apprentice requirement prior to submitting a bid. He noted the City Manager has the authority to waive the requirement if there are no apprentices for this type of work.

Commissioner Haladay stated he does not want the city to make it a pattern of not using apprenticeship programs. Staff will follow-up with Helena Sand and Gravel.

Public Comment

Mayor Collins asked for public comments. None was received.

Motion

Commissioner O'Loughlin moved to award schedules A, B, C, D, E, F and G of City Project #19-17, 2019 Chip and Seal to the lowest, responsible bidder, Helena Sand and Gravel for the amount of \$639,438.78. Commissioner Haladay seconded the motion. City Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 3-0.**

Communications from City Commissioners COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS
There were no comments.

Report of the City Attorney REPORT OF THE CITY ATTORNEY
No report given.

**Report of the City
Manager**

REPORT OF THE CITY MANAGER

Manager Cortez invited Assistant Fire Chief Mike Chambers to give an update on the fire in the north valley. Assistant Chief Chambers stated there is not much of an update; there are more flare-ups and there are anticipated winds for this evening. A community update will be given later this evening. As of now it is zero percent contained; there has been no injuries and no loss of structures.

Manager Cortez reported on July 24 the administrative meeting adjourned early, she asked for commission concurrence to put the items that were not covered at the meeting on the August 7 agenda. With concurrence from the commission, Clerk Havens will move the items to the August 7 administrative meeting agenda.

The Helena Police Department will host a community dialogue event on Wednesday, August 14 at 6:00 p.m. at the Placer building.

The trolley had over 50 people use it and it runs until 9:00 p.m.

With regards to Parking, staff continues to coordinate with the downtown merchants. The app is ready to be used and the stickers should be ready soon. There will be another evaluation meeting this week with staff. There continues to be issues of having one-hour free parking and having consistent rates.

The city received the Certificate of Achievement for Excellence in Financial Reporting

Manager Cortez referred the commission to the memorandum from Alan Hulse with MMIA asking the city to appoint an individual to replace James Fehr on their board. Manager Cortez asked if there is a commission member who would like to serve on the board to please let her know, if not she will appoint a staff member. She also referred the commission to a draft letter addressing the comments received on the Civic Center and the position announcement for the Chief Financial Officer.

**Report from the
HCC**

REPORT FROM THE HELENA CITIZENS COUNCIL – HCC

Representative Dylan Klapmeier reported the HCC would be submitting a recommendation to the city commission regard the LED lights.

Regular Items

REGULAR ITEMS

- A. CONSIDER A SIDEWALK VARIANCE FOR THE INSTALLATION OF SIDEWALKS FOR THE RED ALDER HOUSING DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF HENDERSON STREET AND BRADY STREET.

Staff Report

Interim Public Works Director Ryan Leland the Rocky Mountain Development Council is proposing to develop the Red Alder Housing Project on the undeveloped property at the corner of Brady Street and Henderson Street. There are currently sidewalks along Brady Street adjacent to the proposed development but no sidewalks on Henderson Street. With the construction of a primary building on the property, sidewalks would be required to be installed on all adjacent rights-of-way (ROW). The property owner is requesting not install the sidewalk on Henderson Street.

Staff proposes considering the request to delay the installation of sidewalks along Henderson Street adjacent to the Red Alder Property located at the southwest corner of Brady Street and Henderson Street.

Interim Director Leland recommended approval of a sidewalk variance for the installation of sidewalk along Henderson Street adjacent

to the Red Alder lot location at the Southwest Corner of Brady Street and Henderson Street.

Discussion

Commissioner Haladay referenced the two internal paths that go out to Henderson and asked if the paths would be re-worked as internal pathways and not have direct access onto Henderson. Interim Director Leland stated the applicant's representative is here and can answer the question. Director Leland stated the paths are not going to dead-end into a street.

Commissioner Haladay referenced the intersection of Anderson and Henderson and asked if there are sidewalks on both sides of Henderson. Interim Director Leland stated on the east side, there is a bike path that goes all the way down Henderson and there are sidewalks on both sides of Anderson.

Public Comment

Mayor Collins asked for public comments. Greg Wirth, Stahly Engineers, stated RMDC recognizes the city's requirement to install sidewalks. However, the topography along Henderson is not conducive to installing sidewalks the entire length of Henderson. Mr. Wirth spoke of pedestrian safety along Henderson Avenue. Mr. Wirth referenced the following three options: 1) not to install sidewalk along Henderson and force pedestrians to the controlled intersection of Henderson and Anderson; the applicant would enter into an agreement to install sidewalks at a later date; 2) install sidewalks partially along Henderson and enter into an agreement to install the remaining sidewalks at a later date and 3) install sidewalks the full length of Henderson with the understanding it would create an unsafe situation on the south side..

Mr. Wirth stated he is a member NMTAC and offered to take the sidewalk variance request to a meeting for review and a recommendation. One of NMTAC'S high priority is the Henderson crossing for the Centennial Trail.

Discussion

Commissioner Haladay stated with the layout of the property, you have a cluster of six building and then four adjacent and he believes pedestrians trying to reach Henderson Avenue are going to use the slope and there are going to be social paths leading onto Henderson to access Anderson Boulevard. He asked Mr. Wirth how that would be addressed by not installing sidewalks at least to Anderson Boulevard. Mr. Wirth stated the correct answer is to have an educated pedestrian to go up to the controlled intersection; however, that is not always the case. Mr. Wirth suggested providing a pedestrian crossing at the corner of Anderson and Henderson; he recognized it would be hard to enforce and control. The railroad underpass path does create a problem.

Commissioner O'Loughlin stated the public transit system does not currently operate in the area. The applicant and the city committed to work together to provide a transit stop and if that were to happen, where that would be and sidewalk connectivity needs to be there.

Manager Cortez stated potentially the city might go away from fixed routes and go to a demand base service; if that were to happen in reality the sidewalk conversation would be obsolete. It will depend on the future of the transit system.

Commissioner Haladay referred to the letter from Mosaic Architecture that outlined six possible solutions regarding the variance request; he then asked if the recommended motion is all or nothing regarding the installation of sidewalks. Interim Director Leland stated the commission could amend the motion any way they want. Staff does not have a recommendation. Interim Director Leland stated if there were

a pedestrian crossing at Henderson and Anderson Boulevard there would need to be some safety improvements made.

Commissioner Haladay asked what is the long-term feasibility of doing an extension from the southern end of the property to under the railroad tracks and connecting into Henderson on the other side. Interim Director Leland stated staff would have to do additional research on how to make the connection. The city will have to work with MRL to get access for a path connection.

Commissioner O'Loughlin commented the commission has considered these types of variances before where the grade is not ideal to install sidewalks. However, Commissioner Haladay's concerns about Anderson north to Brady is a valid one, particularly since this is a significant increase in housing in the area. Commissioner O'Loughlin stated she has mixed feelings with the request and appreciates the applicant has given the commission some options. Commissioner O'Loughlin stated she understands that we may need to come back and revisit the area once the development is complete to determine what pedestrian amenities are needed. At this time, installing sidewalks from Anderson to Brady makes sense. Whatever decision is made is going to result in certain behavior; therefore, we need to be thoughtful on what we want this to look like.

Commissioner Haladay stated he cannot support a full variance for a sidewalk, he could support requiring sidewalk from Brady to Anderson to allow connectivity of the neighborhood.

Motion

Commissioner O'Loughlin moved to approve a sidewalk variance for the location of the southwest corner of the property line to Anderson Boulevard, would be the actual granting of the variance with the continued requirement to install sidewalks north of there.

Discussion

Attorney Jodoin asked for clarification if the motion is for the north boundary line or the south boundary line, if we were to extend Anderson Boulevard across to Henderson. Is the motion to extend the sidewalk to the north side of Anderson or the south side of Anderson.

Commissioner O'Loughlin asked Interim Director Leland to provide some perspective on what would make sense. The reality is pedestrians will be crossing Henderson. Interim Director Leland stated where it makes the most sense is to install one crossing on Anderson.

Motion

Commissioner O'Loughlin moved to approve a sidewalk variance for the installation of sidewalks along Henderson Street adjacent to the Red Alder lot location at the intersection of Anderson Boulevard down to the property line of the Red Alder residence. Commissioner Haladay seconded the motion.

Discussion

Commissioner Haladay asked if staff understood the motion. Attorney Jodoin indicated he did and that it was his understanding that the motion was to not require a sidewalk on the adjacent Henderson Street right-of-way from the southeast property corner to the north right-of-way line of Anderson Boulevard. The commission concurred.

Commissioner Haladay stated if for some reason this creates a problem the commission would be open for further discussion. This makes the most sense to approve this variance.

Vote

City Clerk Havens called a roll call vote, as follows:
Commissioner Haladay voted aye, Commissioner O'Loughlin voted aye,
and Mayor Collins voted aye. **The motion carried, 3-0.**

**Public
Communications**

PUBLIC COMMUNICATIONS
There were no public comments.

Adjournment

There being no further business to come before the City
Commission, the meeting adjourned at 6:54 p.m.

Meetings of Interest MEETINGS OF INTEREST

Special City Commission Meeting – August 1, 2019 – 4:00 p.m. – Commissioner Chambers,
Room 330, City-County Building

Joint Work Session – August 6, 2019 – 4:00 p.m. – Room 326, City-County Building

Administrative Meeting – August 7, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – August 12, 2019 - 6:00 p.m. - Commission Chambers,
City-County Building

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DEBBIE HAVENS

CLERK OF THE CITY COMMISSION