

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 28, 2020 – 6:00 P.M.
Zoom Online Meeting <https://zoom.us/j/96833625205>

- Time & Place*** A regular City Commission meeting was held on Monday, September 28, 2020 at 6:00 p.m. via Zoom Online Meeting
<https://zoom.us/j/96833625205>
- Members Present*** Mayor Collins requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, Interim City Manager Reed, Commissioner Haladay, Commissioner Dean, Commissioner Logan, Commissioner O’Loughlin and Mayor Collins all responded present.
- Pledge of Allegiance*** **(5:28)** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes*** **(5:55)** Regular Commission Meeting – May 18, 2020

The minutes from the Regular City Commission Meeting held on May 18, 2020 were approved as submitted.
- Presentations*** **(6:12)**

A. Firefighter Oath of Office

Chief Wood presented John Gustafson to be sworn in as a Helena Firefighter. Mayor Collins swore in Firefighter Gustafson. **(9:22)**

(9:25) Chief Wood presented Steven Reather to be sworn in as a Helena Firefighter. Mayor Collins swore in Firefighter Reather. **(11:28)**
- Proclamations*** **(12:24)**

A. Fire Prevention Week

Chief Wood presented on Fire Prevention Week. Mayor Collins presented the Proclamation declaring October 4 – 10, 2020 as “Fire Prevention Week”.
- Consent Agenda*** **(17:50)**

A. Claims

Interim Manager Reed gave a report on claims.

B. State Homeland Security Grant
- Discussion** **(18:51)** No questions or discussion from the Commission.
- Public Comment** **(18:55)** Mayor Collins opened the floor to public comment. None were made.

Motion

(19:00) Commissioner Haladay moved to approve Consent Agenda item A Claim and item B State Homeland Security Grant.

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. (19:30)**

Bid Award

(19:34)

A. BID AWARD FOR WINNE/FEE PRESSURE REDUCING VALVE INSTALLATION PROJECT #19-06

City Engineer Ryan Leland, Civil Engineer Jamie Clark, and Interim Public Works Director Phil Hauck reported Presently the existing City of Helena water distribution system consists of 9 individual pressure zones, determined by elevation and location. Lower elevation pressure zones are fed with water either from storage facilities within the zone, pump stations or through pressure reducing valves (PRVs) from higher pressure zones. At the present time the City of Helena owns and maintains at least 14 PRVs. The majority of the PRVs are aging and in need of replacement.

During the fall of 2018, the City of Helena water system experienced some unintended pressure spikes and variations, triggering dry pipe fire suppression systems on the upper east side. City Engineering, Utility Maintenance, and Water Treatment divisions all worked together in an attempt to determine the cause of these pressure issues. During the investigation of the pressure spikes an existing check valve installed in 1964 functioning as an interzone valve was discovered located on the intersection of Winne and Fee streets. This check valve ties directly into the 1958 20-inch cross town connector main from Ten Mile Water Treatment Plant in the Malben High Zone and the higher-pressure Winne Zone. Failure of this check valve would either result in the draining of the Winne Tank's water into the Malben High zone overflowing the Malben, Nob Hill, and Woolston Tanks, or the draining of the cross-town connector main's water into Fee and Winne Streets. Either failure would be catastrophic and result in many Citizens without water for an extended period. The existing check valve at Winne and Fee Streets has reached its design life and needs to be replaced with a pressure reducing valve connecting the two pressure zones.

The City received 4 bids for the Winne/Fee Pressure Reducing Valve Installation Project. Bids were received from Hard Rock Road Building and Utilities Inc, MJD Contracting LLC, Helena Sand and Gravel Inc. and Montana Underground Construction Inc. Bids were opened on August 18, 2020. The apparent low bidder for the project was MJD Contracting, LLC of Clancy, MT with a quote of \$163,274.00.

City staff proposed the consideration of awarding the contract to MJD Contracting LLC which submitted the lowest responsive bid in the amount of \$163,274.00. Replacement of the existing check valve with a new inter-zone pressure reducing valve and vault will replace an asset that has reached its serviceable design life and prevent the possibly catastrophic results of its failure. Construction of this project

will allow interzonal water flow if needed and possibly reduce pumping and maintenance costs for the water distribution system.

City staff requested a motion to award the Winne/Fee Pressure Reducing Valve Installation Project #19-06 to the lowest responsible bidder MJD Contracting LLC. in the amount of \$163,274.00.

Discussion

(21:27) Commissioner Dean had follow-up questions.

Public Comment

(22:11) Mayor Collins opened the floor to public comment. None were made.

Motion

(22:15) Commissioner Logan moved to award the Winne/Fee Pressure Reducing Valve Installation, project #19-06, to the lowest responsible bidder MJD Contracting LLC in the amount of \$163,274.00. 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. (22:56)**

B. (23:04) BID FOR RODNEY STREET PHASE I – RECONSTRUCTION PROJECT, CITY PROJECT #19-31

City Engineer Ryan Leland and Transportation Engineer Mark Young reported that the Rodney Street Phase-I reconstruction project, between Broadway and 6th Avenue, was bid on 10 September 2020. Reconstruction includes:

- Removal and replacement of water and sewer mains and service lines;
- Full streetscape reconstruction including curb, gutter, sidewalks, ADA curb ramps and boulevard trees;
- Removal of traffic signal at 6th Avenue;
- Removal and replacement of school flasher at 8th Avenue.

The City's design consultant's construction estimate was \$2,166,000. A single bid for construction was received from Helena Sand & Gravel of **\$2,806,000**.

The following is the project cost breakdown:

- Construction Costs - \$2,806,000
- Contingency & Testing (10%) - \$280,600
- Engineering Costs (Design & Construction) - \$727,500
- **Total Project Costs - \$3,814,100**

In summary, the estimated total cost of the project is \$3,814,100 with a total of \$3,450,000 budgeted.

The following opinion was received from the City's design consultant, CDM Smith:

- Bidding late in the fall was going to take some luck. But there was hope for multiple contractors looking to fill out their workload for the rest of the year and early 2021.
 - With only one bidder, that failed to materialize.
- The winter suspension of work likely led to higher unit costs of the bid due to mobilization, temporary features, and maintenance of the site over the winter.
- It is hard to recommend award when there was only one bidder.

Based on the above, and the cost difference in the bid received to the engineer's estimate, it is City staff's recommendation for the City to re-bid this project early in 2021.

- While there is no guarantee that more bidders will submit a bid, especially with a lower price, there is little disadvantage to re-bidding compared with such a late 2020 notice to proceed.
- Awarding the project now vs. later due to the winter shutdown won't change the completion date significantly

Re-bidding the project for a spring start will limit disruption to the public and landowners to only one construction season vs. 2 seasons. City staff and City's consultant CDM Smith recommended rejecting the bid for the Rodney Street Phase 1 Reconstruction, City Project 19-31

Discussion

(25:27) Commissioner O'Loughlin had follow-up questions.
Commissioner Haladay had follow-up questions.

Public Comment

(35:01) Mayor Collins opened the floor to public comment. None were made.

Motion

(35:28) Commissioner Haladay moved to reject the bid for the Rodney Street Phase 1 Reconstruction, City Project 19-31, and re-bid this project in early 2021. Commissioner O'Loughlin seconded the motion. 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. (35:58)**

Communications from City Commissioners **(36:03)** COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

No comments or proposals were received from the Commission.

Report of the City Attorney

(36:20)

City Attorney Jodoin that the city has received two HRB complaints from two former employees. One is specifically a discrimination complaint and the other is a retaliation complaint. MMIA has provided coverage and counsel for both.

Report of the City Manager

(37:02)

A. Review of Clerk Position Description

Interim City Manager Reed gave an update on the revised City Clerk position and seeking discussion from the Commission on the approval of posting that position.

Discussion **(37:29)** No questions or discussion from the Commission. Mayor Collins advised to post the position.

(37:50) Interim Manager Reed asked Budget Analyst Couey to give an update to the budget.

(37:56) Budget Analyst Couey updated that the budgets will need to be submitted by October 1, 2020 and let the Commission know of any changes. He asked for verbal consent from the commission on digital signatures to be able to submit the budget in a timely manner.

Discussion **(43:13)** Commissioner Dean had follow-up questions. She gave verbal consent for her digital signature to be used. Commissioner Logan gave verbal consent for his digital signature to be used. Commissioner O'Loughlin gave verbal consent for her digital signature to be used. Commissioner Haladay gave verbal consent for his digital signature to be used. Mayor Collins gave verbal consent for his digital signature to be used.

Report from the HCC (44:20) COMMUNICATIONS FROM THE HELENA CITIZENS COUNCIL

Dylan Klapmeier gave a report on the Helena Citizens Council.

Regular Items (45:51)

A. CONSIDER A RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA SHORT TERM INVESTMENT POOL (STIP) AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO AND REPEALING RESOLUTION NO. 20588

Staff Report Controller/Treasurer Barbara Walsh reported that on January 13, 2020, the City Commission considered and passed Resolution No. 20588 that authorized participation in the STIP and appointed Elizabeth Hirst, Controller/Treasurer, as the City's Authorized Representative. Her retirement requires the City to pass a new resolution. Currently the City has \$53,917,434 in its investment pool.

City staff's proposal is to adopt the resolution authorizing the City of Helena to continue participation in the Montana Board of Investment's Investment pool (STIP) and appointing Barbara Walsh Controller/Treasurer as the Participant's Authorized Representative and authorizing the execution and delivery of documents related thereto. Adopting this resolution will secure the City's ability to continue to invest funds in the program.

City staff requested a motion to approve a resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool, authorizing the execution and delivery of documents related thereto and repealing Resolution 20588.

Discussion (47:32) No discussion or questions from the Commission.

Public Comment (47:41) Mayor Collins opened the floor to public comment. None were made.

Motion (47:46) Commissioner Dean moved to approve a resolution authorizing participation in the Board of Investments of the State of Montana Short Term Investment Pool (STIP) and authorizing the execution and delivery of documents related thereto and repealing resolution No. 20588. Commissioner Haladay seconded the motion. 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. (48:22)**

B. (48:39) CONSIDER ACQUISITION OF APPROXIMATELY 54 ACRES OF REAL PROPERTY, GENERALLY LOCATED WEST OF THE CITY LIMITS, FOR USE AS OPEN SPACE, FROM PRICKLY PEAR LAND TRUST, INC. (PPLT) FOR A NOMINAL PRICE OF \$10.00

Staff Report Parks, Recreation & Open Lands Director Kristi Ponozzo reported PPLT is in the process of purchasing approximately 54 acres of real property from the Graham Property Owners. The property is generally located west of the city limits, is adjacent to the Mt. Helena City Park, is vacant, and is not zoned. PPLT wishes to donate this property, for a nominal sum of \$10.00, to the City once it is acquired. As part of its financing package, PPLT is using funding available from the United States Army through to a special military project cooperative agreement pursuant to 10 U.S.C. § 2668a (“Cooperative Agreement”). As such, the use of the property must comply with the terms and conditions as set forth in the Cooperative Agreement. The Cooperative Agreement limits the use of the property to open space. Furthermore, if the City ever wishes to dispose of the property the City would have to get prior written approval from the Army before conveying any interest in the land. The transfer of this property from PPLT to the City is subject to approval of the Draft Deed by the United States Army.

City staff’s recommendation is that the City Consider acceptance of a donation, by the PPLT to the City of Helena, of approximately 54 acres of real property, for use as open space by the City, generally located west of the city limits.

By accepting this donation, the City will add approximately 54 acres of open space for use by the public. The property is 54 acres on the west-side adjacent to the new LeGrande addition from 2019. It borders City, DNRC and USFS land and provides public land continuity, emergency/fire access, and fuels reduction adjacent to residences, community. The City would be responsible for maintaining an additional 54 acres of Open Space.

City staff requests a motion to accept/decline an acquisition of approximately 54 acres of real property, generally located west of the city limits, for use as open space, from PPLT, for a nominal price of \$10.00. City Manager is hereby authorized to execute any documents necessary to finalize this acquisition.

- Discussion (54:10) Commissioner Dean had follow-up discussion.
- Public Comment (55:10) Mayor Collins opened the floor to public comment. None were made.
- Motion** (55:18) **Commissioner Dean moved to approve the acquisition of approximately 54 acres of real property, generally located west of the city limits, for use as open space, from Prickly Pear Land Trust, Inc. (PPLT) for a nominal price of \$10.00.** Commissioner Logan seconded the motion. 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. (56:00)**
- Public Hearings** (56:03)
- A. A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A BUY/SELL AGREEMENT TO SELL 2,259 SQUARE FEET OF UNUSED CITY PROPERTY IN THE BELT VIEW PLANNED UNIT DEVELOPMENT ALONG COMSTORCK ROAD IN THE CITY OF HELENA, MONTANA.
- Staff Report
- Parks, Recreation & Open Lands Director Kristi Ponozzo reported the City owns the undefined Belt View Planned Unit Development Common Area (“Property”). The property was previously owned by the homeowner’s association to satisfy subdivision parkland dedication. The association failed to pay property taxes on the common area and Lewis and Clark County came to own the property via tax deed. Subsequent quit claim deeds transferred ownership to the City and removed the restriction that the Property be used “only for the purposes of parks, recreation, open space, preservation of natural drainage ways, and management of stormwater runoff.” The attached memo explains the history of the Property. Property owners at 10 Comstock Road (“Jennings”) would like to purchase 2,259 square feet of the Property adjacent to their property to provide for a more permanent access to their property. Jennings’ currently have an easement for access. They would like to acquire the property between their house and the street as is seen on the attached map (Exhibit A). The property the Jennings’ would like to purchase is sandwiched between two private parcels.
- The Parks Department proposes direct sale of the property to the landowners following HCC 1-4-17. Staff recommends a methodology used for right-of-way vacation transfer fee (average DOR Fair Market value of nearby property/square feet). That would be \$7.40 per square foot X 2,259 square feet for \$16,716.60. The advantage is disposal of small area of land with little public use benefit and that is already encumbered by an easement.
- City staff requests a motion approve a resolution authorizing the city manager to enter into a buy-sell agreement to sell 2,259 square feet of unused city property in the Belt View Planned Unit Development along Comstock Road in the City of Helena, Montana.
- Discussion (58:20) No discussion or questions from the Commission

- Public Comment (58:24) Mayor Collins opened the floor to public comment. None were made.
- Motion** (58:30) **Commissioner Logan moved to approve a resolution authorizing the city manager to enter into a buy-sell agreement to sell 2,259 square feet of unused city property in the Belt View Planned Unit Development along Comstock Road in the City of Helena, Montana.** Commissioner dean seconded the motion. 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. (59:12)**
- B. (59:17) A RESOLUTION TO SET FEES CHARGED FOR USE OF THE HELENA CIVIC CENTER AND REPEAL RESOLUTION NO. 20353.
- Staff Report Parks, Recreation & Open Lands Director Kristi Ponozzo reported the Helena Civic Center will not be able to host large events of more than 250 people, at least through the end of this year. This impacts almost every booking the Civic Center had or would have had for the remainder of the year. It also impacts most clients and their ability to generate ticket revenue from in-person seating. City staff are working with clients to scale back and/or reschedule their events, but there is a need to offer some different pricing options for smaller events, and/or different events, such as events where groups want to book the venue and not do a live show, but instead stream the event. There are also several fee updates that are needed. Some of the new, or updated fees, that are not COVID related, represent an increase and some are just new fees that haven't been in the schedule before such as a lounge area rental.
- The Parks Department would like to consider special COVID fees for the Civic Center specifically to address facilitating continued operations and community use of the facility during the pandemic, within a reasonable price structure. Staff would also like to update some existing fees and add several new fees for new programs/rentals. To do this, the Civic Center Fee Schedule will need to be amended, which is set in resolution by the commission. We propose the following fees as laid out in the attached Exhibit A.
- City staff requests a motion to Approve a Resolution to Set Fees Charged for Use of the Helena Civic Center and Repeal Resolution No. 20353.
- Discussion (1:01:08) Commissioner Dean had follow-up questions.
- Public Comment (1:03:05) Mayor Collins opened the floor to public comment. None were made.
- Motion** (1:03:15) **Commissioner O'Loughlin moved to approve a resolution to set fees charged for use of the Helena Civic Center and repeal Resolution No. 20353.** Commissioner Haladay seconded the motion. 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. (1:03:42)**

**Public
Communications**

(1:03:55) Mayor Collins opened the floor to public comment. None were made.

Adjournment

(1:04:33) There being no further business to come before the City Commission, the meeting adjourned at 6:59 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE CITY COMMISSION