

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
June 18, 2018 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, June 18, 2018 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Collins indicated for the record that Commissioners Farris-Olsen and O'Loughlin were present. Commissioners Haladay and Noonan were excused. City Manager Ron Alles, Public Affairs Specialist Sarah Elkins, City Attorney Thomas Jodoin, City Clerk Debbie Havens, and Deputy City Clerk Katya Grover were present.
- 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 regular City Commission meeting of May 21, 2018, were approved as submitted.
- Board Appointments** BOARD APPOINTMENTS:
A. Citizen Conservation Committee
Mayor Collins recommended the following appointments:
Appointment of Morgan Shimkus to the Citizen Conservation Board as a student representative.
- Public Comment** Mayor Collins asked for public comment, none was received.
- Motion** **Commissioner Farris-Olsen moved approval of appointing Morgan Shimkus to the Citizen Conservation Board as a student representative.** Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. Acceptance of pledged collateral for City deposits at financial institutions
C. Release of existing utility easements located within Lot 1 Block 14 of the Crossroads at Mountain View Meadows subdivision, Uplands Phase one as shown in COS #3305702
D. Resolution declaring the 2002 Hurst extrication equipment owned by the City of Helena to be surplus property and authorizing the City Manager to dispose of the property through donation to the Lewis & Clark Rural Fire Council
Resolution 20446
E. Award of Accessible Playground Improvement Grant for the Cherry Park Playground Project by Montana State Parks
F. Resolution of Intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station, repeal Resolution 20345, and set a public hearing date
Resolution 20447

City Manager Alles recommended approval of the claims.
- Discussion** Commissioner O'Loughlin asked why Item C was put under Consent Agenda and not under Regular Items allowing for public hearing, etc. Engineer Leland responded saying that release of utility easement described in item C was different from other issues because it only dealt with a general utility easement and so the City had all of its

needs met through that easement as the City didn't have utilities in that location; thus, placing this item on the Consent Agenda would be sufficient.

Commissioner O'Loughlin asked about general requirements determining whether an item would be placed on the Consent Agenda or in Regular Items category. Attorney Jodoin referred to item C from today's Consent Agenda and to the discussion regarding the easement in relation to Sussex Construction from May 21, 2018, meeting and noted that, given the nature of the issue with the Sussex discussion, public comment was expected, but item C on Consent Agenda seemed to be relatively straightforward with nobody interested in discussing it. That was why item C was placed on the Consent Agenda.

Public Comment Mayor Collins asked for public comment, none was received.

Motion **Commissioner Farris-Olsen moved approval of Items A-F on the consent agenda.** Commissioner O'Loughlin seconded the motion.

Discussion Commissioner O'Loughlin referred to item C and asked Engineer Leland whether he foresaw any need for the City to have utilities installed at that location, given the continued development in that area. Engineer Leland showed the location on the map and explained that the City had a ROW there and that the City didn't foresee needing the easement.

Commissioner O'Loughlin asked why there was ROW in that location. Engineer Leland explained that it was the corner lot in the Mountain View Meadow subdivision where a builder built into the utility easement by approximately 9' (4', with the eave of the house going into the easement by approximately 6'). The City had a ROW at that location. All plans were looked at for water, sewer, stormwater, and streets and everything is located within the ROW. The City was not looking into needing extra room for anything in the foreseeable future.

Commissioner O'Loughlin asked why there was the original easement. Engineer Leland replied that his recollection was that at some point, NorthWestern Energy was going to put utilities at that location because they wanted utilities to be behind the sidewalk and not under it. And then NorthWestern Energy changed their mind and decided to put those either in ROW, sidewalk, or boulevard.

Vote All voted aye, motion carried.

Bid Award BID AWARD:
A. Cured in Place Pipe (C.I.P.P.) Sewer Main Rehabilitation Project #16-9

Staff Report City Engineer Ryan Leland reported presently the existing sanitary sewer mains within the thirteen project locations are past their service life and have been requiring significant additional cleaning, jetting and maintenance for several years. The sanitary sewer mains are all currently in a deteriorating state and when inspected using in-pipe cameras, it was determined that they needed to be replaced or rehabilitated. It was also determined through remote inspection that the pipes were able to be rehabilitated using trenchless methods. The thirteen project locations proposed within the sewer system are all located within established older neighborhoods in Helena.

It was determined between the City's Utility Maintenance and Engineering staffs, after reviewing pipe inspection video and individual site visits, that trenchless cured in place pipe rehabilitation would be the

best option to fix the aging pipe and to limit streetscape and landscape impacts in established older neighborhoods. Since the sewer mains are located in established neighborhoods with minimal possibility for additional service connections, cured in place pipe (C.I.P.P.) was chosen to rehabilitate the existing pipes without requiring significant excavation.

The City received one (1) bid for the project. Bids were opened on May 15, 2018. The apparent low bidder for the project was Planned and Engineered Construction, Inc. of Helena, MT, with a quote of \$328,850.00.

Rehabilitation of the aging sanitary sewer infrastructure with cured in place pipe liners will allow for reduced maintenance, improved flows and overall better sanitary sewer service for the affected residents. Reduced maintenance frequency after rehabilitation will eliminate significant additional maintenance costs that are currently required to keep the mains functioning properly. Rehabilitation of pipes that have exceeded their design lives with new pipe liners will ensure adequate sewer service into the foreseeable future for the project areas.

Construction of this project will eliminate the need for additional City Utility Maintenance staff cleaning and jetting of the sanitary sewer mains and will allow City Utility Maintenance staff to place these sewers on a regular tri-annual maintenance schedule, saving time, money, fuel and energy expended in using City equipment to jet and clean the lines more frequently than is typically required for lines of this type.

Engineer Leland recommended awarding the C.I.P.P. Sewer Main Rehabilitations Project #16-9 to the lowest responsible bidder Planned and Engineered Construction (PEC) Inc. in the amount of \$328,850.00.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commission O'Loughlin moved to award the C.I.P.P. Sewer Main Rehabilitations Project #16-9 to the lowest responsible bidder Planned and Engineered Construction (PEC) Inc. in the amount of \$328,850.00. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

B. Lewis Street Water Main Replacement project #17-27

Staff Report

City Engineer Ryan Leland reported presently there are 4 and 6 inch cast iron water mains in Lewis Street east of Roberts Street to North Harris Street. This project is replacing old water mains dating from 1961 and 1936 that have been subject to low flows, leaks and multiple breaks due to the ages and sizes of the main. The project is replacing and upsizing the existing 4 and 6 inch water mains to new 8 inch ductile iron water main. The project is also adding two new fire hydrants, 6 new gate valves and 15 water services from the new main to the existing curb box. This project will increase overall reliability of the system and fire flows in the neighborhood.

The City received 3 bids for the project on May 22, 2018. The lowest responsible bidder for the project was Hard Rock Road Building & Utilities, Inc. of Helena, MT, with a bid price of \$219,290.00.

The cost for this project is planned to be paid for by the City of Helena out of the Water Utility fund and is a planned upgrade to the City's water system to increase reliability and capacity.

Replacing the water main will increase capacity and fire protection for the 14 services served from the existing water main to be replaced. The elimination of the need for frequent repairs of the water

main will save energy (equipment fuel, manpower, etc.) used for said repairs.

City Engineer Leland recommended awarding the Lewis Street Water Main Replacement, Project #17-27, to the lowest responsible bidder Hard Rock Road Building & Utilities, Inc. in the amount of \$219,290.00.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Farris-Olsen moved to award the Lewis Street Water Main Replacement, Project #17-27, to the lowest responsible bidder Hard Rock Road Building & Utilities, Inc. in the amount of \$219,290.00. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

C. Replacement of the Wastewater Treatment Plant Grit Washer and Management System, City Project #18-2

Staff Report

City Engineer Ryan Leland reported the Grit Management System is typically a machine or system that removes and washes grit from the wastewater stream as it enters the treatment plant. Grit is defined as heavy mineral matter consisting of a variety of particles including sand, gravel, cinder and other heavy discrete inorganic materials found in domestic wastewater. The existing grit management system was installed in 1982 and is past its useful life. The existing grit system has become maintenance intensive and although it still functions, it has required multiple repairs this year due to grit wearing through the metal housing of the machine. The treatment plant budgeted for the replacement of the grit management system last year and researched potential replacement models for at least the last year.

The City has previously replaced WWTP equipment through direct purchase and it has resulted in significant project cost savings. Typical contractor markup for equipment like this is 15% minimum, and direct purchase would result in a savings of at least \$17,500.00 in this case. Direct purchase of the equipment by the City will also provide for better factory support for the equipment. Direct purchase of the grit system will result in a significant cost saving amounting to at least \$20,000.00, an overall project cost reduction of approximately 12-15%. Installation cost will be approximately \$ 25-30,000.00 and a proposal has been received from one Contractor at \$30,750.00.

A very essential piece of equipment will be replaced with a more functional updated model and the City will save approximately \$20,000 from the bid price for a contractor to procure and install. Ordering the grit system directly will also reduce lead time for procurement by 3-6 months allowing for replacement of the grit system this year. The new grit management system will use less power and newer technology than the existing system, thereby reducing energy impacts.

City Engineer Leland recommended awarding the scope of supply/direct purchase of grit management equipment from Huber Technologies, Inc. in the amount of \$116,775.00.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner O'Loughlin moved to award the scope of supply/direct purchase of grit management equipment from Huber Technologies, Inc. in the amount of \$116,775.00. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

D. Ten Mile Water Treatment Plant Outfall Main Replacement
Project No. 15-18

Staff Report

City Engineer Ryan Leland reported the Ten Mile Water Treatment Plant provides the bulk of the potable water supply for the City of Helena. The plant currently is capable of producing 9 million gallons of potable water daily. The plant utilizes snowmelt from the Ten Mile Creek watershed through a flocculation and filtration system to provide water to the city on a year round basis. The treatment plant has been in operation since 1990, but existing water infrastructure on the site dates back to the early 1900s prior to treatment when Ten Mile Creek water was simply diverted to the clear well, settled out and piped to town via gravity. At the present time, finished water is piped through three existing pipelines, a 16 inch cast iron pipe believed to be installed in 1903, a 16 inch welded steel pipe dating to 1913 and a 24 inch welded steel pipe dating to 1947. The newest of the existing transmission mains is 71 years old and the oldest is an astonishing 115 years old. These mains have clearly exceeded their service life as designed. This project will replace the three existing transmission mains with one new 36 inch diameter PVC pipe from the Ten Mile Water Treatment Plant to the existing control valve vault located in Baxendale. The project will also replace the flow control valve vault. The proposed project consists of the installation of ~11,110 lineal feet of 36" diameter PVC water main ten air release vaults, abandonment of three existing mains in-place, and construction of a new flow control vault.

The City solicited and received 5 bids for the project on May 22, 2018. The lowest responsive bidder for the project was Missouri River Contractors LLC of Helena, MT, with a bid price of \$4,220,362.00.

The cost for this project is planned to be paid for out of the Water Utility fund and is a planned upgrade to the City's water system to increase reliability and capacity. This project is for the replacement of vital infrastructure for the City.

A very essential piece of City infrastructure will be replaced with new. Replacement of the outfall main will ensure that the Ten Mile Water Treatment Plant is capable of providing the bulk of the City's water supply for the foreseeable future.

City Engineer Leland recommended awarding the Ten Mile Water Treatment Plant Outfall Main Replacement, Project #15-18, to the lowest responsive bidder Missouri River Contractors LLC in the amount of \$4,220,362.00.

Discussion:

Commissioner O'Loughlin asked about the timeline: once this process starts, how long it would take for this phase to be completed. Engineer Leland replied that once the contract is signed in July, the City would need about 120 days for completing the project.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Farris-Olsen moved to award the Ten Mile Water Treatment Plant Outfall Main Replacement, Project #15-18, to the lowest responsive bidder Missouri River Contractors LLC in the amount of \$4,220,362.00. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

E. Transfer Station Pit Floor Expansion, City Project #18-8

Staff Report

City Engineer Ryan Leland reported the City of Helena Transfer Station has two areas for the public to dump into the pit. The first area is the two elevated areas on the side of the pit and one at grade area on the east side of the pit. This area is used for dumping of larger vehicles such as semi-truck. As part of the existing expanded pit floor, there is a small building that is used to store equipment but the building is falling down. The proposed plan is to expand the pit floor dumping area that is needed to allow more customer dumping area. The expansion area will be enclosed in a building to allow for better dumping and to store more transfer station equipment out of the elements. The size of the expansion area of the pit floor will be 6,800 square feet. In addition to the building and pit floor, a new fire sprinkler will be installed for the transfer station.

The City of Helena received 3 bids on May 22, 2018. The lowest response bidder for the project was Abraham Construction Service LLC of Clancy, MT, with a bid price of \$749,000. The City budgeted \$450,000 in FY18, and \$268,000 in the original proposed FY19 plus a proposed amendment to the budget of \$60,000.

The project will allow an additional area for customers to dump, ability to separate the commercial customers from the residential customers, more area for larger vehicles to dump, and an area to store transfer station equipment out of the elements.

City Engineer Leland recommended awarding the Transfer Station Pit Floor Expansion, City Project #18-8, to Abraham Construction Service LLC in the amount of \$749,000.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner Farris-Olsen moved to award the Transfer Station Pit Floor Expansion, City Project #18-8, to Abraham Construction Service LLC in the amount of \$749,000. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

Discussion

Commissioner O'Loughlin noted that Engineer Leland provided information regarding to where the City Project #18-8 was budgeted in FY18 and FY 19 but not regarding to other projects and asked for information regarding the rest of the projects with respect to where those items were budgeted. Engineer Leland replied that all other projects were budgeted in FY18 or before and that he could provide information where exactly those projects were budgeted and with what amendments.

Commissioner O'Loughlin asked for an update on Safeway parking lot water main project. Engineer Leland reported the project had been going fairly well; there was some delay due to the weather but overall the project was progressing well and the crew needed a week and a half of good weather to complete it.

**Communications
From Commissioners**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
There were no communications from the Commissioners.

**Report of the City
Attorney**

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin reported the City was served with a lawsuit against the Police Department relative to its initial active shooter training at the school district. An individual alleges to have suffered ear damage at that training when one of the gun shooting blanks went off. The City disputes the facts of that case and it has been tendered to MMIA. The individual who was injured submitted a claim a number of months ago

and has been working through MMIA. A resolution could not be reached then that was satisfactory to both parties so they filed a lawsuit. Attorney Jodoin expected that MMIA would be providing a defense and hiring an attorney.

Attorney Jodoin reported on another case where the Attorney's Office has been working on human rights complained involving the Police Department where a driver alleged that she was discriminated against based on her age. Today a resolution was reached with that individual. The HRB found a mixed motive cause, which the Attorney's Office strongly disagreed with. The City agreed to educate officers and go over the statute with them and be slightly more precise in the words police officers use: the statute allows to consider age in requesting a review for driving license but it can't be the sole determining factor. In this case, there were many other factors. That case got resolved through reconciliation.

About two weeks ago, there was another case involving a former employee who is alleging discrimination based on disability. City Attorney's Office was handling that case; MMIA had also been involved.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles reported Dennis Taylor started working as an Interim City Manager today. Manager Alles welcomed Interim City Manager Taylor.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was provided.

Regular Items

REGULAR ITEMS:

- A. CONSIDER AN AGREEMENT TO LEASE, SELL AND PURCHASE REAL PROPERTY - 406-420 FULLER AVENUE, HELENA, MONTANA.

Staff Report

City Manager Ron Alles reported the approval of the Public Safety operations and maintenance levy authorized Lewis & Clark County to proceed with remodeling the existing Law Enforcement Center (LEC) which will require the administrative offices of the Helena Police Department and Sheriff's Office be relocated.

A working group met and gathered information; the work focused upon identifying possible site relocation options. The working group included input from representatives from several City and County departments.

Several properties were analyzed based upon anticipated space needs and a desire to continue to co-locate the Helena Police Department and Sheriff's Office. Some of the other criteria included traffic patterns, future growth potential, building condition, parking, power logistics, ITS capabilities, furniture and costs.

The work led to a conclusion that the County Administrator and myself negotiate for the use and possible purchase of the building located at 420 Fuller Avenue in downtown Helena. Those negotiations have resulted in the attached Agreement to Lease, Sell, and Purchase Real Property.

Section 1-4-15, Helena City Code, requires two independent appraisals be conducted if the purchase price of the property is more than \$500,000. Since the purchase price is One Million Two Hundred Ninety Thousand Dollars (\$1,290,000.00), two appraisals are required unless the Commission finds a second appraisal will prevent the purchase from occurring or not in the best interest of the City.

The Helena Police Department and Sheriff's Office will co-locate in one building and will remain in downtown Helena.

Manager Alles recommended approval to waive the requirement for a second independent appraisal of the property and find that two appraisals of the property are not in the best interest of the City **and** recommended approval to waive the requirement for a second independent appraisal of the property and find that two appraisals of the property are not in the best interest of the City.

Public Comment

Mayor Collins called for public comment, none was received.

Discussion

Commissioner O'Loughlin stated that she was part of the sub-committee looking for what properties might work for the Police Department and commended the City and County staff for the process. Commissioner O'Loughlin asked regarding the amount of space the Police Department and the Sheriff's Office would need: whether the usage as well as the space would be split 50-50. Manager Alles replied that it would be very close to 50-50.

Commissioner O'Loughlin asked if the maintenance price Manager Alles referred to was the overall price and not simply the City's share. Manager Alles concurred and stated that in the City-County Building, the City pays \$17-18 per square foot, so it should be expected that the price per foot in the new building should go up from current \$11 per square foot.

Manager Alles added that he did not recommend to have the second appraisal.

Public Comment

Michael Casey, owner of Trimac Real Estate, thanked Manager Alles for great work.

Commissioner O'Loughlin asked Manager Alles whether two motions would be needed in this case. Manager Alles concurred.

Motion

Commissioner O'Loughlin moved to waive the requirement for a second independent appraisal of the property and find that two appraisals of the property are not in the best interest of the City. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

Motion

Commissioner Farris-Olsen moved to approve the purchase of the 406-420 Fuller Avenue from Cottonwood ALC, Inc., as described in the attached buy-sell agreement in the amount of \$1,290,000.00. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

B. CONSIDER A RESOLUTION AUTHORIZING PARTICIPATION IN THE SHORT TERM INVESTMENTS POOL (STIP) PROGRAM THROUGH THE MONTANA BOARD OF INVESTMENTS.

Staff Report

City Budget Manager Libbi Lovshin reported on June 6, 2016, the Commission passed Resolution 20250 authorizing participation in the STIP program and appointing Ron Alles, City Manager, as the City's authorized representative. His retirement this month requires the City to pass a new resolution. Currently, the City has \$42,879,416.85 in this investment pool.

Adopting this resolution will secure the City's ability to continue to invest funds in the program, and appointing Mr. Jorgenson as Authorized Representative will allow the City to avoid having to adopt yet another resolution immediately upon hiring a permanent City Manager. There is no perceived internal controls issues as the Authorized Representatives can only transfer money between STIP and the City's bank account. There is no option to transfer money to any other account.

Manager Lovshin moved approval of 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 20250.

Public Comment

Mayor Collins called for public comment, none was received.

Motion

Commissioner O'Loughlin moved approval of 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 20250. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Resolution 20448**

Public Communications

PUBLIC COMMUNICATIONS
No comments received.

Meetings of Interest

MEETINGS OF INTEREST
The Administrative Meetings are scheduled for June 20 and the next Commission Meeting is June 25, 2018.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:50 p.m.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION