

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
January 14, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, January 14, 2019 at 6:00 p.m., in the City Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Collins indicated for the record, City Commissioners Haladay, Noonan, and O’Loughlin were present, City Commissioner Wicks was excused. Deputy City Attorney Iryna O’Connor; Acting City Manager Troy McGee; City Clerk Debbie Havens and Deputy City Clerk Dannai Clayborn were in attendance.
- 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 December 17, 2018 were approved as submitted.
- Presentations** A. Confirmation of Assistant Chief Mike Chambers
- Staff Report** Fire Chief Mike Emert praised Assistant Fire Chief Mike Chambers for his accomplishments over the past year, and thanked him for his dedication to service. Fire Chief Emert stated Assistant Fire Chief Chambers has completed his one year probationary period, as such, Fire Chief Emert recommended the confirmation of Assistant Fire Chief Mike Chambers.
- Oath of Office** Mayor Collins read the oath of office to Assistant Fire Chief Mike Chambers
- Discussion** Commissioner O’Loughlin thanked the Fire Chief Emert and Assistant Fire Chief Chambers on behalf of the Commission, for all of their hard work, especially given the difficult events which had occurred in the recent months.
- Motion** **Commissioner Haladay moved to recommend the confirmation of Assistant Fire Chief Mike Chambers.** Commissioner Noonan seconded the motion. All voted aye. Motion carried.
- B. Confirmation of Officers Monica Kuehn, Steven Cornish, and Jon Pulsifer
- Staff Report** Helena Police Chief Troy McGee presented Officers Kuehn, Cornish, and Pulsifer and recommended, having successfully completed their FTO Program as well as their first year with the HPD, the confirmation of the officers.
- Motion** **Commissioner O’Loughlin moved the confirmation of Officers Kuehn, Cornish, and Pulsifer.** Commissioner Haladay seconded the motion. All voted aye. Motion carried.
- Discussion** Officers Kuehn, Cornish, and Pulsifer were given the opportunity to say a few remarks. Police Chief McGee presented the officers with the “challenge coin.” Assistant Police Chief Hagan and his wife offered congratulatory remarks and a gift of a book.
Commissioner Noonan congratulated the officers and thanked the police department for all their hard work.

Board Appointments BOARD APPOINTMENTS:
A. Board of Adjustment, Helena Open Lands Management Advisory Committee (HOLMAC), Lewis & Clark County Heritage Preservation Tourism Council, Public Art Committee, Zoning Commission.

Mayor Collins recommended the following appointments.

Board of Adjustment - Appointment of Camie Zufelt to the Board of Adjustment. The unexpired term will begin upon appointment and expire September 30, 2021.

Helena Open Lands Management Advisory Committee (HOLMAC) - Appointment of Brian Barnes to Helena Open Lands Management Advisory Committee (HOLMAC.) The unexpired term will begin upon appointment and expire on June 30, 2021.

Lewis & Clark County Heritage Preservation Tourism Council - Appointment of Renee Kelley to the Heritage Preservation commission. The unexpired term will begin upon appointment and expire June 30, 2021.

Public Art Committee - Reappointment of Anastasia Burton and Abigail St. Lawrence to the Public Art Committee. Terms will begin upon appointment and expire December 31, 2021.
Appointment of Lou Archambault and Kristin Drees to the Public Art Committee. Unexpired terms will begin upon appointment and expire December 31, 2019 and December 31, 2020.

Zoning Commission - Appointment of David (Kim) Wilson to the Zoning Commission. Unexpired term will begin upon appointment and expire September 30, 2021.

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

Motion Commissioner Noonan moved for approval of the board appointments Zufelt, Barnes, Kelley, Burton, St. Lawrence, Archambault, Drees, and Wilson as outlined above. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Award of Montana Department of Natural Resources and Conservation and Montana Urban and Community Forestry Association, Urban Forestry Program Development Grant.

Discussion Commissioner O'Loughlin asked staff to give a timeline for the expenditure of grant funds. Lead Arborist Chris Daly responded the grant funds needed to be spent by September 30, 2019.
Commissioner Noonan requested that Arborist Daly offer an update regarding the removal and replacement of the green ash trees, and how the implementation of these grant funds would help in the long term plan of green ash replacement. Arborist Daly stated the grant would help to expedite the replacement of the trees, which was currently

down around 2%. Noonan asked where the latest data showed the green ash borer insect had been found in tree populations. Arborist Daly responded the current data has shown the insect has been found in South Dakota, but no data exists to show the speed at which the insect is spreading.

Commissioner Haladay asked for the total number of trees to be removed per year. Arborist Daly responded the current number ranged around 60, but the purpose of the grant would be to improve the amount of removals due to the outsourcing of this workload. Outsourcing would not only be more cost effective per tree, but also free up city staff to focus their efforts on planting. Commissioner Haladay asked Interim Parks and Recreation Director Marr to organize with incoming City Manager Cortez an update to be given in the next several months to review the budget needs for the Urban Forestry Management Plan, and the efforts associated with green ash borer mitigation.

Commissioner Noonan thanked the department for their work dealing with the green ash and related issues.

Acting City Manager McGee recommended approval of the claims and consent agenda item B.

Motion

City Commissioner O'Loughlin moved approval of the consent agenda, Items A-B. City Commissioner Haladay seconded the motion. All voted aye, motion carried.

Bid Award

- A. Bid Award for the Missouri River Water Treatment Plant Chemical Feed Improvements Project #18-12.

City Engineer Ryan reported the Missouri River Water Treatment Plant (MRWTP) provides the seasonal summer and fall water supply for the City of Helena. The plant currently is capable of producing 10 million gallons of potable water daily. The plant utilizes surface water from the Missouri River through a flocculation and filtration system to provide water to the city during the high demand summer and fall months. The treatment plant has been in operation since 1960. At the present time, finished water delivered to town utilizing two pump stations. Chemical treatment is used at the plant for flocculation, pH adjustment, taste and odor reduction, and chlorine is utilized for disinfection of finished water. This project will replace six existing MRWTP chemical feed pumping systems with new systems. The systems to be replaced are reaching obsolescence, are beginning to fail, and have become maintenance intensive.

The City solicited and received 2 bids for the Missouri River Water Treatment Plant Chemical Feed Improvements Project on December 18, 2018. The lowest responsive bidder for the project was Advanced Pump & Equipment Inc., of Belgrade MT with a bid price of \$180,300.01.

The cost for this project is planned to be paid for by the City of Helena out of the Missouri River Budgeted Capital fund and is a planned upgrade to the City's water treatment system to increase reliability and reduce maintenance. This project is for the replacement of vital infrastructure for the City. Engineer Leland stated a very essential piece of City infrastructure will be replaced. Replacement of the chemical feed systems at MRWTP will ensure that the Missouri River Water Treatment Plant is capable of providing the City's high demand period water supply for the foreseeable future. Further, the Replacement and update of the

chemical feed pumps will reduce energy consumption and maintenance.

City Engineer Leland moved to award the Missouri River Water Treatment Plant Chemical Feed Improvements Project #18-12, to the lowest responsive bidder Advanced Pump & Equipment Inc. in the amount of \$180,300.01.

Public Comment

Mayor Collins asked for public comment. None was received.

Motion

Commissioner Haladay moved to award the Missouri River Water Treatment Plant Chemical Feed Improvements Project #18-12, to the lowest responsive bidder Advanced Pump & Equipment Inc. in the amount of \$180,300.01. Commissioner Noonan seconded the motion. All voted aye, motion carried.

B. Parking Kiosks, Smart Meters and Smart Phone App.

Staff Report

Director of Helena Parking Commission Dave Hewitt reported three bids were received and opened for the new multi-space parking kiosks, and smart meters. The three companies are Flowbird, IPS and Amano. Two additional App companies submitted their smart phone App that interfaces with this equipment. This new equipment will be placed in the downtown parking district where currently one and two hour parking exists and replace current equipment that is in HPC parking lots that are outdated and are not capable of processing a credit card. The new equipment implementation will allow the public to pay by coin, credit/debit card and allow them to use their cell phone for the purpose of paying for parking. Total costs for equipment is estimated to be \$494,688 including shipping and installation.

Staff originally estimated a need of 56 kiosks and 300 smart meters. Numbers may vary slightly depending on final design. Annual operating cost for cloud based software and payment processing / gateway fees are estimated to be \$58,464, dependent on the number of transactions. This purchase will be funded using general fund borrowing authority from the State of Montana, Board of Investments, INTERCAP Loan Program.

Director Hewitt recommended the purchase of the Flowbird Inc. kiosk system due to the lowest monthly operating costs as well as customer ease of use. The recommended choice for the Civic Smart meter is also due to the lowest monthly fees and integration to the current meter housings on street. The Passport Parking App is recommended due to the advanced technology, equipment integration expertise, superior signage and complete usage fees. Implementation of this equipment will allow the public to easily make parking payments and allow more effective enforcement of the downtown area.

These parking equipment upgrades allow for options not currently offered by the Helena Parking Commission. Coin, credit/debit card payments and the use of a personal smart phone App will provide parking customers multiple options. The addition of pay to park technology at the current one and two hour areas will allow business customers the opportunity to park their vehicle for as long as they wish and pay for additional time without returning to the vehicle. Pay to park also creates parking turnover, offering more available parking by forcing business employees and squatters to move from prime spots to long term parking areas. Free one hour parking options will be available in designated garages and parking lots. The Helena Parking Commission will implement additional recommendations of the city master plan adopted by the City Commission. Director Hewitt asked the commission

for the flexibility to purchase 60 kiosks, if needed, due to a request of City Manager Taylor to install kiosks in the newly acquired parking lot adjacent to the new Law & Justice Center. This would also allow for further flexibility if other kiosks are requested by the City in the future, and if any additional changes are needed to the Parking Commissions initial kiosk plan.

Director Hewitt recommended to award the bid to Flowbird Inc, as the lowest responsible bidder for the purchase of Parking Kiosks at \$6,323 each and monthly operating fees in the amount of \$52 each per month.

Director Hewitt recommended to award the bid to Flowbird Inc. as the lowest responsible bidder for the purchase of Smart Meters at \$453 each and monthly operating fees in the amount of \$7 per meter per month.

Director Hewitt recommended to award the contract to Passport Parking Inc. as the lowest responsible Mobile Parking App bidder for customer usage fees in the amount of \$.15 per transition.

Discussion

Commissioner O'Loughlin asked Director Hewitt how many current meters existed in the downtown area, confirming the projected need for the smart meters would increase from 250 to 300. Commissioner O'Loughlin asked why the kiosks were not going to be used in the areas where parking meters currently existed, as opposed to replacing them with smart meters.

Director Hewitt stated the kiosks' expense was considered too large to receive a proper return on investment, given some areas only having a limited number of parking spaces, making smart meters a more fiscally prudent choice. Hewitt stated the additional smart meter given was due to a concern over investment.

Commissioner O'Loughlin asked how the payments of individuals would be handled if they needed to move their car during their paid parking period. Director Hewitt stated the kiosks, through the mobile app, would allow an individual to move their car into a different area from the original kiosk where payment was made, and still receive credit for their time, as well as add more time if needed, as long as they remain in the same parking zone.

Public Comment

Mayor Collins asked for public comment, none was received.

Motion

Commissioner Noonan moved to award the bid to Flowbird Inc, as the lowest responsible bidder for the purchase of 60 Parking Kiosks at \$6,323 each and monthly operating fees in the amount of \$52 each per month for the total amount of \$416,820.00.

Commissioner Haladay seconded the motion.

Discussion

Commissioner O'Loughlin stated for the record the parking commission's recommendations were aligned with the Downtown Strategic Plan, and the discussions were long standing with all relevant parties in order to develop these recommendations with staff. The commission has requested regular updates on the communications plan being developed for the public and the timeline be provided to the commission. The commission thanked staff for all of their work on moving this project forward, as part of the overall downtown plan.

Commissioner Noonan affirmed Commissioner O'Loughlin's sentiments and thanked all parties involved in the development of the parking commission's plans, and its furtherance, as a component, of the Downtown Master Plan.

- Vote** All voted aye, motion carried.
- Motion** Commissioner O’Loughlin moved to award the bid to Flowbird Inc. as the lowest responsible bidder for the purchase of 300 Smart Meters at \$453 each and monthly operating fees in the amount of \$7 per meter per month for the total amount of \$163,920.00. Commissioner Haladay seconded the motion. All voted aye, motion carried
- Motion** Commissioner Haladay moved to award the contract to Passport Parking Inc. as the lowest responsible Mobile Parking App bidder for customer usage fees in the amount of \$.15 per transition. Commissioner Noonan seconded the motion. All voted aye, motion carried.
- Communications From City Commissioners** COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS
No communications from Commissioners.
- Report of the City Attorney** REPORT OF THE CITY ATTORNEY
Deputy City Attorney Iryna O’Connor reported the lawsuits by S.H. and T.F. against the City of Helena have been dismissed by the district court and the timeline for appeal has passed; as such the matter is now considered closed.
Deputy City Attorney O’Connor stated the public commentary has begun for the two applicants for the Municipal Judgeship Vacancy for the two applicants: Anne Peterson and James Reavis. The applications for each are available on the City of Helena website for viewing, and public comment can be submitted with the general comment form online, or to the City Clerk office via email, mail, or in person. The public comment period ends on Sunday January 27th. The Mayor and Commission will be reviewing all materials on January 30th and to finalize the selection.
- Report of the City Manager** REPORT OF THE CITY MANAGER
Acting City Manager Troy McGee stated he would continue as acting as City Manager until Sunday, January 20th, when Manager Taylor returns. The incoming City Manager Ana Cortez will begin her tenure on January 23rd.
- Report from the Helena Citizens** REPORT FROM THE HELENA CITIZENS COUNCIL
No report given.
- Regular Items** A. CONSIDER GRANTING NORTHWESTERN ENERGY A UTILITY EASEMENT ACROSS TRACT A AS SHOWN ON CERTIFICATE OF SURVEY NO. #3120033 AND TRACT B ON CERTIFICATE OF SURVEY NO. #3312918.
- Staff Report** Deputy City Attorney O’Connor reported Northwestern Energy (“Northwestern”) is installing new infrastructure in the Helena valley to accommodate increased demand and to improve reliability of electrical service to its customers. Part of the project requires the installation of a 100 KV above-ground electric utility line and appurtenant infrastructure

located across City owned properties north of town. Northwestern owns a 1.6 acre tract that is landlocked between City, County and Greyn family property. That 1.6 acre tract, known as Tract B on Certificate of Survey No. 3120033 has Northwestern electric utility infrastructure on it.

In 2013 the City granted Prickly Pear Simmental Ranch, LLP a twenty-foot wide access easement to maintain an electric service line across the northern twenty feet of City's Tract A as shown on Certificate of Survey No. 3120033. A small portion of the proposed easement to Northwestern would "overlap" with the previous easement granted to Prickly Pear Simmental Ranch, LLP on its extreme western end adjacent to Tract B as shown on Certificate of Survey No. 3120033. Northwestern has requested from the City a 1.59 acre easement to accommodate the construction of the above mentioned electric utility line. Northwestern will compensate the City at \$12,086 per acre for a total of \$19,250. The City would like to continue to work cooperatively with Northwestern, however, additional city property would be subject to easement.

Deputy Attorney O'Connor recommend granting a utility easement to Northwestern Energy across Tract A as shown on Certificate of Survey No. 3120033 and Tract B on Certificate of Survey No. 3312918, as more specifically shown and defined on Exhibit "A" attached to the proposed Utility Easement document.

Public Comment

Mayor Collins called for public comment. None was received.

Motion

City Commissioner Haladay moved to grant a utility easement to Northwestern Energy across Tract A as shown on Certificate of Survey No. 3120033 and Tract B on Certificate of Survey No. 3312918, as more specifically shown and defined on Exhibit "A" attached to the proposed Utility Easement document.
Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

B. CONSIDER ACCEPTANCE OF A DONATION OF A WATER FEATURE TO BE PLACED IN HILL PARK.

Staff Report

Acting City Manager McGee introduced Mr. Ron Waterman, who would be presenting a proposal of a donation of a water feature to the City of Helena to be placed in Hill Park.

Ron Waterman reported the Confederate Memorial Fountain was removed from Hill Park on August 2017. Since that time, the site of the former fountain has remained vacant.

Mr. Waterman stated the Equity Fountain Project Committee, including himself; wish to donate to the City a water feature to be placed in Hill Park at the site of the former Confederate Memorial Fountain. The water feature will be designed by James Dihn and Michael Stutz based on the Sphere of interconnectedness concept design submitted by the artists. Once the water feature is designed and produced, the City will contract for the shipment and installation of the feature. The Helena Public Art Committee supports this donation. Through this installation the City will gain a water feature that can serve as a community gathering place in Hill Park. Funding for the project will be from private donations. The final cost is estimated including some minor additions to be approximately \$110,000. Currently \$70,000 in funds has been raised. The amount above of the actual cost of installation would provide a resource for the future maintenance is expected to be funded by these additional monies. Since the installation will be on public property, it will be the responsibility of the public to maintain and care for the feature,

and donation of time and services are expected to help in this maintenance. The installation of the feature is expected sometime in July 2019.

Mr. Waterman recommended the commission accept the recommendation of the Equity Fountain Project Committee of a water feature, to be placed in Hill Park at the site of the former Confederate Memorial Fountain.

Public Comment

Mayor Collins called for public comment, none was received.

Discussion

Commissioner O'Loughlin asked what conversations have occurred with the HPAC regarding the water feature donation. Mr. Waterman stated he has maintained regular discussions with the HPAC since beginning the process in January of 2018. In those discussions it was found to be in the best interest to allow Mr. Waterman to continue with the Equity Fountain project with full support of their committee. A public forum was created to present the project to the HPAC, in conjunction with City Manager Taylor. The HPAC committee voted unanimously to support the project. He stated he has also been working with the Helena Parks and Recreation staff regarding the installation and space usage throughout the process, and has found the staff to very cooperative and supportive, as well.

Motion

Commissioner Noonan moved to accept the donation from Ron Waterman and the Equity Fountain Project Committee of a water feature, to be placed in Hill Park at the site of the former Confederate Memorial Fountain. Commissioner O'Loughlin seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

Mr. Richard Schutte, of 1061 N. Ewing, spoke regarding the water sewer line service program. He stated he was concerned over the additional charges on his water bill. He stated he understood the purpose of the program after speaking with staff and commission members, but was concerned over the lack of a definitive end date to the charge. He requested the commission define an end date for the additional charges, once the program becomes "self-funding."

Meetings of Interest

MEETINGS OF INTEREST

Administrative Meeting - January 23, 2018 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting - January 28, 2019 - 6:00 p.m. - Commission Chambers, City-County Building

Adjournment

There being no further business to come before the City Commission, the meeting was adjourned at 7:02 p.m.

MAYOR

ATTEST:

CLERK OF THE CITY COMMISSION