

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
April 8, 2019 - 6:00 P.M.
City Commission Chambers, Room 330

Time & Place A regular City Commission meeting was held on Monday, April 8, 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: Attorney Thomas Jodoin, City Manager Ana Cortez, Deputy City Clerk Dannai Clayborn, City Commissioner Haladay, City Commissioner Wicks, City Commissioner Noonan, City Commissioner O'Loughlin and Mayor Collins all responded 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 Executive Session of March 11, 2019 and the regular City Commission meeting of March 25, 2019 were approved as submitted.

Presentations PRESENTATIONS:

- A. Confirmation of Probationary Firefighter and Paramedic Jeffrie O'Neill
Interim Fire Chief Ken Wood presented the confirmation of Firefighter and Paramedic Jeffrie O'Neill, and congratulated him on his hard work and service to the community.

Commissioner O'Loughlin recommended the confirmation of Probationary Firefighter and Paramedic Jeffrie O'Neill.

Commissioner Noonan seconded the motion. Clerk Havens took a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0.

Mayor Collins read Jeffrie O'Neill the Oath of Office. Mr. O'Neill thanked the Commission and stated a few words.

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

Consent Agenda CONSENT AGENDA:

- A. Claims
City Manager Cortez recommended approval of the claims.

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

Motion **Commissioner Haladay moved approval of the consent agenda, item A. Claims.** Commissioner O'Loughlin seconded the motion. Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 4-0.

Bid Award

BID AWARD:

A. 5-Point Intersection Multimodal Study Award

Public Works Director Randall Camp reported The BID and the 6th Ward Neighborhood approached the City Commission and requested examination of 5-Point intersections for 2-way traffic on Last Chance Gulch for better access into the 6th Ward Area. Therefore, the City Commission directed staff to complete a study for both issues. The two intersections were combined into one study, because changes at one 5-point intersection can, and will, affect the other intersection.

Through an RFP process, staff selected RPA to complete a traffic study for the 5-Point Intersections in Helena. As part of developing the scope and fee for the project, RPA and City Staff conducted two public meetings and submitted the study's scope to MDT to better identify the needs of the multimodal study. Based on the two public meetings and MDT comments, RPA developed a scope and fee, involving all stakeholders input. The study will look at short-term recommendations such as signage and striping, as well as, long-term recommendations such as reconstruction of one or both of the intersections. The study will provide recommendation for 2-way traffic downtown and better access to the 6th Ward Area. The ultimate goal of the City staff is to pursue a TIGER Grant for the funding of the project.

City Staff and RPA have negotiated the scope and fee for the proposed study. The fee estimate is \$244,941. The study is budgeted and will be funded with Gas Tax funding.

Director Camp recommended awarding a contract to Robert Peccia and Associates to study both of the 5-point Intersections in the City of Helena in the amount of \$244,941.

Public Comment

Mayor Collins asked for public comment. None was received.

Discussion

Commissioner Noonan asked Director Camp if Montana Department of Transportation has given any indication regarding Cared access and Boulder Ave. City Engineer Leland stated MDT is cooperating with and is supportive of the current proposal. MDT has been notified with regular updates with respect to the project, assuring no recommendations will be made unless MDT is a willing partner.

Commissioner O'Loughlin asked how many bids were received for this project. City Engineer Leland stated there was an RFQ process, due to state law prohibiting a bid process for this type of project.

Commissioner O'Loughlin asked what comments were received from MDT and if they provided any direction which would shape the project. City Engineer Leland the type of model utilized was determined by MDT.

Commissioner O'Loughlin asked for clarification as to the significance of the buffer area requested by MDT. City Engineer Leland stated MDT requested the buffer area be expanded in order to better understand the overall impact of the study; and to have the most realistic data for any decisions going forward.

Commissioner O'Loughlin asked if MDT was approached for funds for the study given their request to expand the scope of the study, they would benefit from that expansion, and considering the significant cost of the study. City Engineer Leland stated there have been no substantial discussions pursuing cooperative funding from MDT.

Manager Cortez stated a discussion about funding for the study with MDT would be a priority, should the commission direct it.

Commissioner O'Loughlin asked what the typical size of a TIGER Grant. Director Camp stated these types of grant would typically run in the \$10 million range. Manager Cortez stated this type of project would be a game changer for the city, and as such, would increase the likelihood of some funding from a grant source.

Commissioner O'Loughlin asked if there was a recommendation from the City Manager to hold off from the formal motion. Manager Cortez said it could be relevant to hold off for an additional six weeks, in order to secure conversations from MDT regarding funding. Commissioner O'Loughlin felt waiting would be worthwhile, given the size and scope of the project. Commissioner Wicks asked if it would be possible to hold off on discussions until the next commission meeting. Manager Cortez stated staff could work to meet the two week deadline. Commissioner Haladay stated he would be in support of holding off for further discussions. Commissioner Noonan and Mayor Collins agreed an additional two weeks for discussions with MDT would be worth postponing action at this time.

Motion

Commissioner Haladay moved to table a contract to Robert Peccia and Associates in the City of Helena in the amount of \$244,941. Commissioner O'Loughlin seconded the motion. Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, Mayor Collins voted aye. Motion carried, 5-0.

Communications COMMUNICATIONS/PROPOSALS FROM CITY
From City Commissioners COMMISSIONERS

Commissioner Wicks apologized for being late due to work with the legislature.

Report of the City Attorney REPORT OF THE CITY ATTORNEY

City Attorney Jodoin reported an update on the lawsuit between the Upper Missouri Waterkeeper v. DEQ and EPA in federal district court. The court ruled for Waterkeeper and found that the DEQ impermissibly granted a "variance to a variance" to its base numerical discharge standards. The court ordered the parties to negotiate a remedy, until such time a resolution was agreed to, it would be difficult to determine what the impact would be on the City.

City Attorney Jodoin updated the Commission on the lawsuit challenging the fuels reduction project with US Forest Service in the Tenmile Watershed. The lawsuit contends the areas in question would impact the crucial habitat and security areas for big game. City Attorney Jodoin and Manager Cortez will be seeking guidance by outside counsel to offer expertise regarding the possible involvement by the City, if any, in this matter. This update is planned for the April 17th Administrative Meeting. Staff is also exploring funding by the DNRC for the outside counsel.

Commissioner Haladay asked if there was an injunction pending. City Attorney Jodoin stated he was waiting on confirmation as to an injunction, as well as further details on the lawsuit. Attorney Jodoin will update the Commission with these details when they are received.

Commissioner Haladay asked for the start date of the forest fuels reduction project. City Attorney Jodoin stated there was no specific date available, but two contracts had been signed with contractors, so the start date was imminent. Haladay asked if the City Attorney could

provide a cost-benefit analysis to the Commission, especially considering the US Forest Service's current involvement in the lawsuit. Attorney Jodoin stated it was his intent to consult with the outside counsel regarding this question, as well as others, and would update the Commission accordingly.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Cortez emphasized the importance of the Forest Service Tenmile project, due to its impact on the City's water infrastructure, and the mitigation of fire danger to the City. In the past week, Manager Cortez and city staff have met with the DNRC and the US Forest Service to discuss the impact of the civil actions filed by the outside organizations.

Manager Cortez stated the next update on the budget discussion will be focused on the Enterprise Funds at the April 17th Administrative Meeting.

Lastly, Manager Cortez reported on the ongoing discussions with the BID, and an update on those discussions to the Commission will also be given at the April 17th Administrative meeting.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL

No report given.

Regular Items

- A. CONSIDER A RESOLUTION OF INTENTION TO VACATE A PORTION OF HOWIE STRET ADJACENT TO LOT 9 AND THE WEST 25 FEET OF LOTS 11 THROUGH 14 IN BLOCK 4 OF THE HELENA TOWNSITE 1869 IN THE CITY OF HELENA, MONTANA

Staff Report

Public Works Director Randall Camp reported Kathryn Wright, the applicant, owner of residence at 301 South Howie, requests the City of Helena to vacate a portion of South Howie Street. The portion requested is located adjacent to Helena Townsite 1869 Block 4 Lot 9 and the west 25-feet of lots 11-14. (COS# 3065974). The applicant wishes to vacate the subject right of way, as described above, to build an addition to their 718 square foot home located at 301 South Howie. The applicant is also planning to construct a garage. The proposed closed and vacated portion of Howie, as shown on the exhibit provided, is 2548 square feet. The average market value is \$8.49 per square foot for a total of \$21,632.52. The proposed amended plat and easement exhibit shows the required City of Helena water main easement. The easements included in the request, are for utilities which currently occupy, or may occupy in the future. The utility companies have released objections, as long as, the easements are included in the amended plat. The requested vacation will allow the applicant to build the addition and garage as stated on the application.

Director Camp recommended approval of the Resolution of Intention to vacate a portion of Howie Street adjacent to lot 9 and the west 25 feet of lots 11 through 14 in block 4 of the Helena Townsite 1869 in the City of Helena, Montana (Cos# 3065974) and set a public hearing date of May 6, 2019

Discussion

Commissioner Haladay asked if the two adjacent lots to the applicants request would be losing right of way access. City Engineer Leland stated there was no loss of access by the adjacent properties.

Public Comment

Mayor Collins called for public comment.

Motion

Commissioner Noonan moved to approve the Resolution of Intention to vacate a portion of Howie Street adjacent to lot 9 and the west 25 feet of lots 11 through 14 in block 4 of the Helena Townsite 1869 in the City of Helena, Montana (Cos# 3065974) and set a public hearing date of May 6, 2019. Commissioner Wicks seconded the motion. Clerk Havens called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Wicks voted aye, Commissioner Noonan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. The motion carried, 5-0. **Resolution 201516**

Public Communications

PUBLIC COMMUNICATIONS

Mr. Brian Kopeland, 1805 Joslyn St. #129, reported on an incident he assisted with for an individual in crisis. He proposed a crisis response team to deal with individuals who are the most vulnerable. Mayor Collins thanked Mr. Kopeland for his comments.

Adjournment

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

Meetings of Interest MEETINGS OF INTEREST

Administrative Meeting – April 17, 2019 - 4:00 p.m. - Room 326, City-County Building

Regular City Commission Meeting – April 22, 2019 - 6:00 p.m. - Commission Chambers, City-County Building

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE CITY COMMISSION