



City of Helena

ADMINISTRATIVE MEETING

July 10, 2024 - 4:00 PM

City - County Building Room 326 / Zoom Online Meeting; <https://us06web.zoom.us/j/81880953089>

AGENDA

1. **Call to Work Session, introductions**
2. **Commission comments, questions**
3. **Recommendations from the Helena Citizens Council**
4. **City Manager's Report**
5. **Presentations**
 - a. Public Safety Discussion
 - b. A Resolution of Intent to set fees charged and collected by the Planning Division of the Community Development Department, repeal Resolution No. 11093, and to set a public hearing date
 - c. Transportation Systems - Capitol Traffic Plan
 - d. Transportation Systems - Benton Turn Lanes
6. **Department Reports**
 - a. Fire Tower Rehabilitation Status Update
 - b. McHugh Recycling Bin Removal Transition Plan
 - c. NMTAC Discussion Follow Up
 - d. Discuss a resolution adopting policies pertaining to Electronic Meeting
 - e. Consider Quitclaiming City Interest In Property Near Armory
7. **Public Comment**
8. **Commission discussion and direction to the City Manager**
9. **Adjourn**

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

Phone: (406) 447- 8490

TTY Relay Service 1-800-253-4091 or 711

Email: citycommunitydevelopment@helenamt.gov

Mailing Address & Physical Location: 316 North Park Avenue, Room 445, Helena, MT 59623.

City of Helena, Montana

(Memo Creation Date)

07/01/2024

To:

Mayor Collins and the Helena City Commission

From:

Tim Burton, City Manager
Sheila Danielson, Finance Director
Jon Campbell, Fire Chief
Brett Petty, Chief of Police

Subject:

Public Safety Discussion

Present Situation:

The Public Safety Mill Levy for additional Police and Fire Dept. staff failed, and the bond for the construction of a new fire station with a training facility passed.

Background Information:

Over the past several years, both Police and Fire Departments have conducted extensive analysis of service demand and service capability. During that time, the City Commission identified maintaining and improving city services as one of their top 4 strategic goals which included specific enhancements to the Police and Fire Departments. These efforts culminated in a public safety mill levy and bond ballot items during the June 2024 election.

Proposal/Objective:

Staff have discussed the results of the election, identified options, and would like to continue to engage the Commission in these discussions.

Advantage:

Clarify next steps in the process for responding to the election results.

Notable Energy Impact:

n/a

Disadvantage:

None

Notice of Public Hearing:

False

**Staff Recommendation/
Recommended Motion:**

n/a

Attach:

- 1) Novus Memo

City of Helena, Montana

06/24/2024

To: Tim Burton, City Manager

From: Chris Brink, Community Development Director

Subject: A Resolution of Intent to set fees charged and collected by the Planning Division of the Community Development Department, repeal Resolution No. 11093, and to set a public hearing date.

Present Situation: Present to members of the City Commission a Resolution of Intent, setting fees charges by the Planning Division of Community Development and the proposed schedule of fees

Background Information: Fees charged and collected by the Planning Division of the City of Helena Community Development Department have not changed in over 27 years. In 1997, when the fees were last adjusted, an analysis was done that estimated the average planning staff time to review the various land use applications. An estimate of the staff time-cost was then calculated for each land use application. The application fee amount was based on recovery of related costs (legal advertisement, notifications, etc.) and an estimate of half of staff costs. A survey of other communities was also conducted and, at the time of that analysis, Helena's fees "appeared to represent an average."

In conjunction with the FY 25 budget process, to further coincide with the implementation of our new, online application submittal process, and in preparation of full implementation of SB 382, staff has once again conducted a thorough review of our fee schedules relative to land use and subdivision applications. As in 1997, staff conducted an analysis of our current fee structure and the cost for the City of Helena to provide services to receive, review, process, and present for action those applications and requests. Again, like in 1997, reviews and surveys were conducted of various Montana cities and their fee structures. This time around, however, it was evident that fees charged by the City of Helena for planning services have been drastically outpaced by all our sister cities.

As part of the departmental budget presentation to City Commission, staff provided an overview of proposed fee increases and the analysis used to draft the proposed departmental fee schedule. Taking into consideration the increased cost of providing our planning services since the establishment of the current land use fees, approximately 27 years, the requirements in state law for additional and new subdivision processes, the land use fees charged by other jurisdictions in Montana, and compatibility with the new online application process, staff is proposing changes to the City of Helena's land use application fees.

Proposal/Objective: Passage of a Resolution of Intent to set fees charged and collected by the Planning Division of the Community Development Department, repeal Resolution No. 11093, and to set a public hearing date for August 12th, 2024, at 6:00 PM.

Advantage: Various charges for certain land use applications and other planning division processed requests are necessary and reflect the partial cost of

providing application processing, review and public noticing and presentation for consideration by the City's various boards and commissions.

Notable Energy Impact:

N/A

Disadvantage:

N/A

Quasi-Judicial Item:

False

Notice of Public Hearing:

NA – Public Notice required with Final Fee Resolution PH

**Staff Recommendation/
Recommended Motion:**

Staff is recommending approval of a Resolution of Intent to set fees charged and collected by the Planning Division of the Community Development Department, and repeal Resolution No. 11093 at the next City Commission meeting on Monday, July 15th



Christopher J. Brink, AICP
Director

Community Development Department
316 North Park Avenue, Room 445
Helena, Montana 59623

Phone: 406-447-8490
Direct: 406-447-8445
Email: cbrink@helenamt.gov

helenamt.gov

STAFF MEMO

DATE: June 24, 2024

TO: Honorable Mayor Collins
Members, Helena City Commission
Tim Burton, City Manager

FROM: Christopher Brink, AICP
Director

SUBJECT: **Consider the passage of a Resolution of Intent to set fees charged and collected by the Planning Division of the Community Development Department, repeal Resolution No. 11093, and to set a public hearing date**

OVERVIEW

Fees charged and collected by the Planning Division of the City of Helena Community Development Department have not changed in over 27 years. In 1997, when the fees were last adjusted, an analysis was done that estimated the average planning staff time to review the various land use applications. An estimate of the staff time-cost was then calculated for each land use application. The application fee amount was based on recovery of related costs (legal advertisement, notifications, etc.) and an estimate of half of staff costs. A survey of other communities was also conducted and, at the time of that analysis, Helena's fees "appeared to represent an average."

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As part of the departmental budget presentation to City Commission, staff provided an overview of proposed fee increases and the analysis used to draft the proposed departmental fee schedule. Taking into consideration the increased cost of providing our planning services since the establishment of the current land use fees, approximately 27 years, the requirements in state law for additional and new subdivision processes, the land use fees charged by other jurisdictions in Montana, and compatibility with the new online application process, staff is proposing changes to the City of Helena's land use application fees.

GENERAL INFORMATION/PUBLIC NOTICE

IR Legal Notice:	Not Yet Run for PH
City Commission Administration Mtg (Budget):	May 1, 2024
City Commission Administration Meeting:	July 10, 2024
City Commission Regular Meeting:	July 15, 2024
City Commission Public Hearing:	August 12, 2024

PUBLIC COMMENT AND ENGAGEMENT

Staff presented the proposed fee schedule changes at the May 1, 2024 Administration Meeting of the City Commission.

The proposed fee scheduled changes have also been posted on the Community Development website @ <https://www.helenamt.gov/Departments/Community-Development/Planning/Current-Projects>

Additional public notice will be presented using our normal social media channels prior to the public hearing.

As of the date of this Memo, no public comments have been received. Any comments received will be provided and placed in the NOVUS packet.

RECOMMENDED FEE SCHEDULE

PROPOSED

Planning Division Schedule of Fees Land Use, Subdivision Review, and Miscellaneous Fees w/ Three (3) Year Phased Implementation

Fee Category	Fee Name/Type	Current Fee	Fee at Adoption	Fee on July 1, 2025	Fee on July 1, 2026
Pre-Applications					
	Pre-Application Non-Subdivision Consultation	No Fee	No Fee	No Fee	No Fee
	Subdivision Pre-Application Consultation	No Fee	No Fee	No Fee	No Fee
Subdivision					
	Major Subdivision Preliminary Plat	\$400 Base + 15/Lot	\$475 Base + 15/Lot	\$550 Base + 15/Lot	\$625 Base + 15/Lot

	Minor Subdivision Preliminary Plat	\$400	\$475	\$550	\$625
	Preliminary Plat Amendments	No Fee	\$400	\$800	\$1,200
	Preliminary Plat Extension	No Fee	\$375	\$775	\$1,150
	Subdivision Variance (each)	No Fee	\$275	\$550	\$825
	Phased Commencement Review	No Fee	\$375	\$750	\$1,125
	Major Subdivision Final Plat	\$375	\$725	\$1,050	\$1,400
	Minor Subdivision Final Plat	\$100	\$375	\$650	\$925
	*Amended Plat/COS	No City Fee	\$125	\$275	\$400
	Expedited Subdivision review	No Fee	\$350	\$725	\$1,075
	Administrative Minor	No Fee	\$375	\$775	\$1,150
Land Use/Zoning					
	Annexation	\$300	\$650	\$1,000	\$1,350
	Annexation w/Pre-Zone	\$560	\$1,025	\$1,475	\$1,925
	Pre-Zone/Zone Change	\$410	\$750	\$1,100	\$1,450
	Conditional Use Permit	\$435	\$825	\$1,200	\$1,575
	Conditional Use Permit Amendment	\$435	\$650	\$875	\$1,100
	Conditional Use Permit Extension	\$310	\$550	\$800	\$1,050
	Zoning Variance	\$125	\$550	\$750	\$950
	Zoning Ordinance Text Amendment	\$350	\$550	\$750	\$950
	Growth Policy/Land Use Map Amendment	\$200	\$575	\$975	\$1,150
Site Plan Review					
	1 and 2 Residential Units	No Fee	No Fee	No Fee	No Fee
	Commercial/Non-Residential/Multi-Unit Residential	No Fee	See Fee Table - \$250 Base - \$750 Max Fee	See Fee Table - \$250 Base - \$750 Max Fee	See Fee Table - \$250 Base - \$750 Max Fee
Miscellaneous					
	Historic Demolition	\$200	\$200	\$200	\$200
	Tax Abatement Requests	\$200	\$175	\$175	\$175

* There is an additional \$200 fee charged for the County Survey Review Committee review

Commercial/Non-Residential/Multi-Unit Residential Site Review Fee Table			
Cost	Square Feet	Cost	Square Feet
\$ 250	1,000	\$ 510	27,000
\$ 260	2,000	\$ 520	28,000
\$ 270	3,000	\$ 530	29,000
\$ 280	4,000	\$ 540	30,000
\$ 290	5,000	\$ 550	31,000

\$ 300	6,000	\$ 560	32,000
\$ 310	7,000	\$ 570	33,000
\$ 320	8,000	\$ 580	34,000
\$ 330	9,000	\$ 590	35,000
\$ 340	10,000	\$ 600	36,000
\$ 350	11,000	\$ 610	37,000
\$ 360	12,000	\$ 620	38,000
\$ 370	13,000	\$ 630	39,000
\$ 380	14,000	\$ 640	40,000
\$ 390	15,000	\$ 650	41,000
\$ 400	16,000	\$ 660	42,000
\$ 410	17,000	\$ 670	43,000
\$ 420	18,000	\$ 680	44,000
\$ 430	19,000	\$ 690	45,000
\$ 440	20,000	\$ 700	46,000
\$ 450	21,000	\$ 710	47,000
\$ 460	22,000	\$ 720	48,000
\$ 470	23,000	\$ 730	49,000
\$ 480	24,000	\$ 740	50,000
\$ 490	25,000	\$ 750	51,000
\$ 500	26,000		
\$250 minimum, plus \$10 per 1,000 square feet of gross floor area over 1,000 square feet with a cap/maximum of \$750.			

RECOMMENDED MOTION

Move to Approve the Resolution of Intent to set fees charged and collected by the Planning Division of the Community Development Department, repeal Resolution No. 11093, and to set a public hearing date for August 12th, 2024, at 6:00pm

Documents Attached (Included in the NOVUS Submittal):

Draft Resolution of Intent
Proposed Fee Schedule/Table

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SET FEES TO BE CHARGED FOR VARIOUS LAND USE AND SUBDIVISION REVIEW APPLICATIONS WITHIN THE PLANNING DIVISION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND REPEALING RESOLUTION NO. 11093

WHEREAS, pursuant to the Helena City Code 1-5-9: Fee and Charge Amounts: The specific amount of any fees and charges imposed will be established and adjusted by the City Commission in a manner provided in Title 7, Chapter 5, Part 1 of the Montana Code Annotated;

WHEREAS, various charges for certain land use applications and other planning division processed requests are necessary and reflect the partial cost of providing application processing, review and public noticing and presentation for consideration by the City's various boards and commissions;

WHEREAS, the land use application fees are set to be as equitable as possible while offsetting the impact to the general fund for those services with which the fees are associated;

WHEREAS, the fees referenced herein and shown in Exhibit A will be fully implemented within three (3), with increases occurring on July 1, 2025 and July 1, 2026.

WHEREAS, the current fee schedule for the planning division

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____
of the Community Development Department (Helena Planning Department) was established by Resolution No. 11093 in January 1997 ; and

WHEREAS, it appears to be in the best interest of the City of Helena, and its citizens thereof, that the Helena City Commission hold a public hearing on the implementation of above mentioned fees and as further referenced and shown in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. It is the intention of the City of Helena Commission to repeal Resolution No. 11093 and establish updated fees for various land use applications within the planning division of the Community Development Department as shown in Exhibit A.

Section 2. The Helena City Commission will hold a public hearing on this matter on August 12, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00pm and via Zoom Meeting at webinar ID: <https://us06web.zoom.us/j/89382079922> at which time all interested parties may appear and express their views of approval or disapproval on the proposed fees.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 15th DAY OF JULY, 2024.

ATTEST:

MAYOR

CLERK OF THE COMMISSION

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

Exhibit A - Planning Division Land Use, Subdivision Review, and Miscellaneous Fees w/ Three (3) Year Phased Implementation

Fee Category	Fee Name/Type	Fee at Adoption	Fee on July 1, 2025	Fee on July 1, 2026
Pre-Applications				
	Pre-Application Non-Subdivision Consultation	No Fee	No Fee	No Fee
	Subdivision Pre-Application Consultation	No Fee	No Fee	No Fee
Subdivision				
	Major Subdivision Preliminary Plat	\$475 Base + \$15/Lot	\$550 Base + \$15/Lot	\$625 Base + \$15/Lot
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Land Use/Zoning				
	Annexation	\$650	\$1,000	\$1,350
	Annexation w/Pre-Zone	\$1,025	\$1,475	\$1,925
	Pre-Zone/Zone Change	\$750	\$1,100	\$1,450
	Conditional Use Permit	\$825	\$1,200	\$1,575
	Conditional Use Permit Amendment	\$650	\$875	\$1,100
	Conditional Use Permit Extension	\$550	\$800	\$1,050
	Zoning Variance	\$550	\$750	\$950
	Zoning Ordinance Text Amendment	\$550	\$750	\$950
	Growth Policy/Land Use Map Amendment	\$575	\$975	\$1,150

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

Site Plan Review				
	1 and 2 Residential Units	No Fee	No Fee	No Fee
	Commercial/Non-Residential/Multi-Unit Residential	See Fee Table - \$250 Base - \$750 Max Fee	See Fee Table - \$250 Base - \$750 Max Fee	See Fee Table - \$250 Base - \$750 Max Fee
Miscellaneous				
	Historic Demolition	\$200	\$200	\$200
	Tax Abatement Requests	\$175	\$175	\$175

* There is an additional \$200 fee charged for the County Survey Review Committee review

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\$ 430	19,000	\$ 690	45,000
\$ 440	20,000	\$ 700	46,000
\$ 450	21,000	\$ 710	47,000
\$ 460	22,000	\$ 720	48,000

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____			
\$ 470	23,000	\$ 730	49,000
\$ 480	24,000	\$ 740	50,000
\$ 490	25,000	\$ 750	51,000
\$ 500	26,000		
\$250 minimum, plus \$10 per 1,000 square feet of gross floor area over 1,000 square feet with a cap/maximum of \$750.			

PROPOSED

Exhibit A - Planning Division Land Use, Subdivision Review, and Miscellaneous Fees w/ Three (3) Year Phased Implementation

Fee Category	Fee Name/Type	Fee at Adoption	Fee on July 1, 2025	Fee on July 1, 2026
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Site Review Fee Table**

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\$250 minimum, plus \$10 per 1,000 square feet of gross floor area over 1,000 square feet with a cap/maximum of \$750.

City of Helena, Montana

07-01-2024

To: Tim Burton, City Manager

From: *David Knoepke, Transportation Systems Director
Steve Baiamonte, Administrator/Security Director-Montana Dept.
of Administration*

Subject: Transportation Systems - Capitol Traffic Plan

Present Situation: Currently, the area around the Capitol has two-way traffic and challenging parking situations. Anticipating the opening of the new Montana Heritage Center, General Services and the City have been collaborating on finding ideas to better optimize the traffic flow around the Capitol.

Background Information: There have been many changes to this area over the years. One of the most notable is the construction of the new Montana Heritage Center. Traffic flow and parking have always been a challenge at times for the area. It was with this in mind that General Services continued to look on how to improve the area.

Proposal/Objective: The proposed plan would make 6th Avenue a one-way eastbound and Lockey Avenue essentially one-way westbound. This plan would also convert existing parallel parking into angled parking. A new bike lane would be added to both 6th and Lockey Avenue. In addition, this proposed plan meets the 20' unobstructed width for emergency response.

Advantage: The traffic flow will be more efficient while adding bike lanes.

Notable Energy Impact: N/A

Disadvantage: It may take a bit of time to get used to the new configuration.

Notice of Public Hearing: False

**Staff Recommendation/
Recommended Motion:** Informational Only, we will bring the plan in its entirety to a City Commission meeting for approval.



TECHNICAL MEMORANDUM

TO: Cory Schlauch
Construction Planning Manager
Montana General Services Division

FROM: Shae Talley, P.E.
Project Manager
DOWL

DATE: July 2, 2024

PROJECT: Helena Capitol Square Angle Parking Findings Memo

Project Information

The General Services Division (GSD) proposes to provide angled parking around the Capitol Square to improve the number of available parking spaces. The proposed concept includes two-way traffic on North Sanders Street and Roberts Street; two-way traffic on Lockey Avenue from Montana Avenue to the Capitol parking lot; west bound one-way traffic on Lockey Avenue east of the Capitol parking lot; and east bound one-way traffic on 5th Avenue and East 6th Avenue. The layout can be seen in the attached figure. The project goal is to provide additional parking for vehicles and provide a more pedestrian-friendly, multimodal environment around Capitol Square. Large personal vehicles (light trucks) are considered the design vehicle for the parking spaces.

Design Standards

The City of Helena does not have on-street parking standards. DOWL utilized the City of Missoula's parking standards for the concept layouts. Parallel and angle parking dimensions are detailed on the attached figure. A standard 9-foot angle parking space width was used to provide adequate ingress/egress maneuvering.

Chapter 11 Section 8-11-2 of City of Helena code details parking restrictions including:

- No parking within 15-feet of a fire hydrant.
- No parking within 20-feet of a crosswalk when marked by painted lines and signed.
- No parking within 20-feet of a crosswalk at an intersection.

These offsets are shown on the attached figures for reference.

Appendix D of the International Fire Code details emergency service accessibility road requirements. The code requires a minimum 20-foot road width, which can include a bike lane.

The two-way section of Lockey Avenue between Montana Avenue and the Capitol parking lot requires the lanes to taper from the south side of the roadway to center prior to the pedestrian crossing with bulb outs. A lane taper is also necessary east of the Capitol parking lot where one-way traffic transitions from the south side of the roadway to center prior to the two-way section of roadway. Assuming a 25 mph design speed, a 115-foot taper was calculated per Equation 3-39 of the *2018 AASHTO A Policy on Geometric Design of Highways and Streets* reference manual.

Proposed Concept Findings

The proposed configuration meets the project goal of increasing the parking around the Capitol Square. The existing and proposed parking stall counts on each street are summarized in Table 1 below. Below is a summary of added benefits associated with the proposed concept.

- Improved clockwise traffic flow around the Capitol Square.
- Reduced congestion during times of high traffic such as the legislative session.
- Improved vehicle safety on the one-way streets with reduced conflicting movements (Lockey Ave, 6th St E, and 5th Ave).
- Reduced vehicle speeds on one-way streets due to side friction from the angle parking spaces.
- Improved pedestrian safety on the one-way streets, especially at the crossings.
- Improved bicycle safety on one-way streets by providing a separate bike lane.
- Net parking stall increase of 12 stalls around the Capitol Square (see table below).

Table 1: Existing and Proposed Parking Summary

Street	Existing Number of Stalls	Approx. New Number of Stalls	Stall Type
East 6 th Avenue	57	66	Angle
5th Avenue	25	33	Angle
Lockey Avenue	76	61	Angle
Roberts Street	28	31	Parallel
North Sanders Street	34	34	Parallel
TOTAL	220	225	

Recommendations

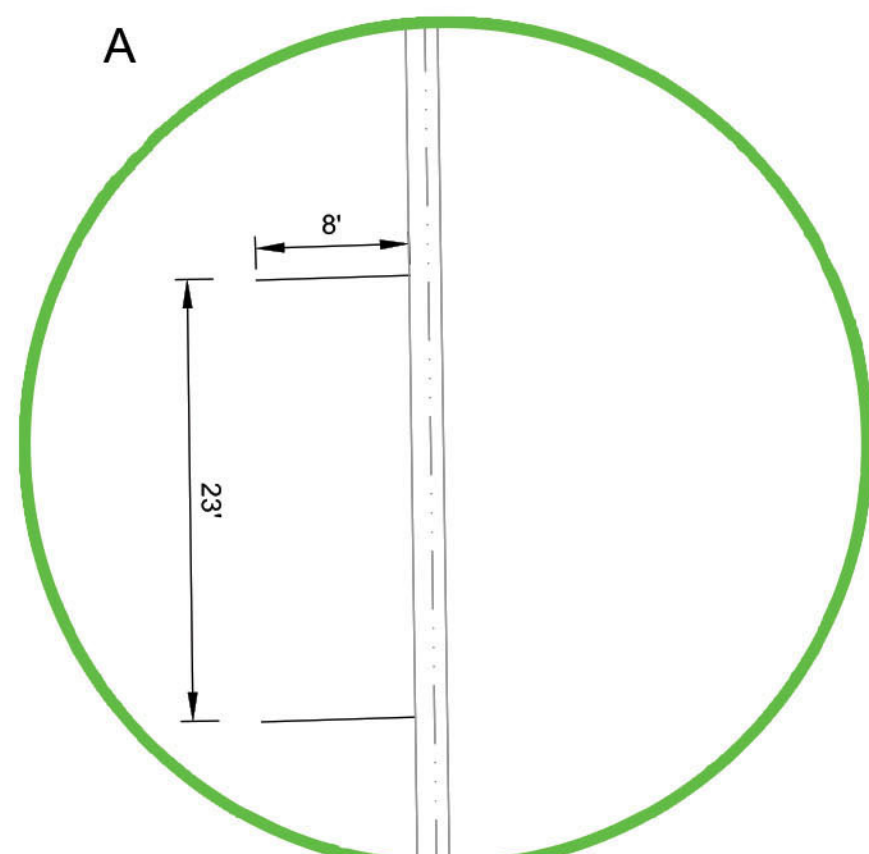
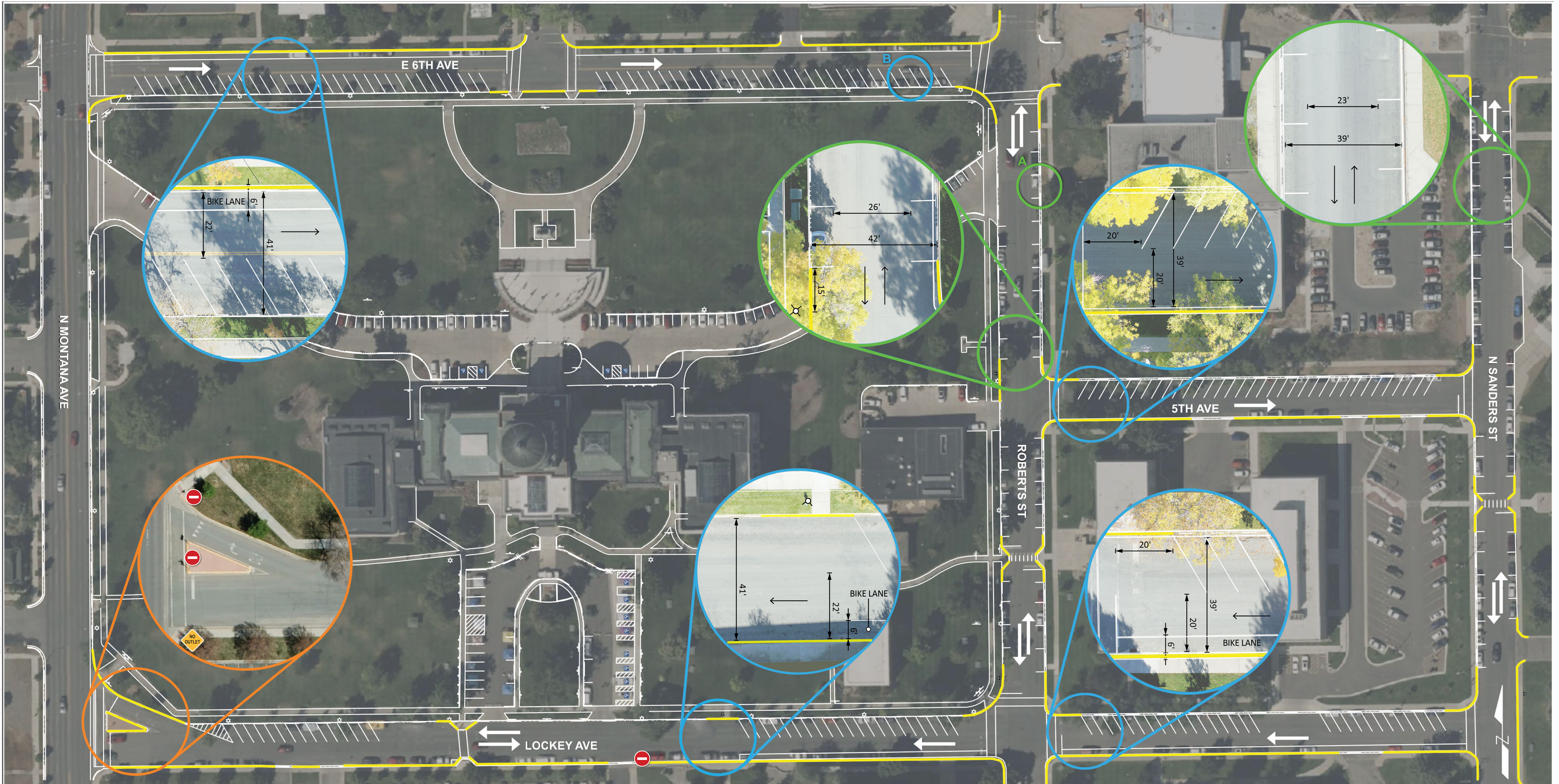
DOWL recommends the following improvements for driver and biker clarity on Lockey Avenue where the street transitions from one-way traffic to two-way traffic. These improvements are for GSD consideration and therefore are not depicted on the attached figure.

- Stripe the centerline along the two-way portion of Lockey Avenue so drivers can better anticipate and navigate the lane shift west of the bulb out pedestrian crossing and it is clear where the two-way section of road ends.
- Strip the edge of travel lane for the one-way lane shift east of the Capitol parking lot and include a stripped median between the travel lane and curbs to depict the unusable area of roadway. The striped medians will create a visual barrier for east bound traffic and provide driver clarity for west bound traffic through the lane shift. Alternatively, the lane shift could be avoided by installing a stop sign for the west bound traffic. This would allow the vehicular and bike traffic to transition through the intersection while no opposing traffic is present. A raised median on the north side of the roadway would be necessary to provide a location for the stop sign installation that is visible by west bound traffic. A stop controlled movement for west bound traffic would accommodate 4-5 additional parking stalls on the north side of the roadway.
- Add a sharrow (shared lane) pavement marking in the west bound lane near the terminus of the bike lane to indicate the bike traffic should transition from the dedicated bike lane on the south side of the roadway to the vehicular travel lane on the north side of the roadway. The bike lane merging should occur in the one-way section of the road to prevent a cross traffic conflict point. Alternatively, the dedicated bike lane on Lockey

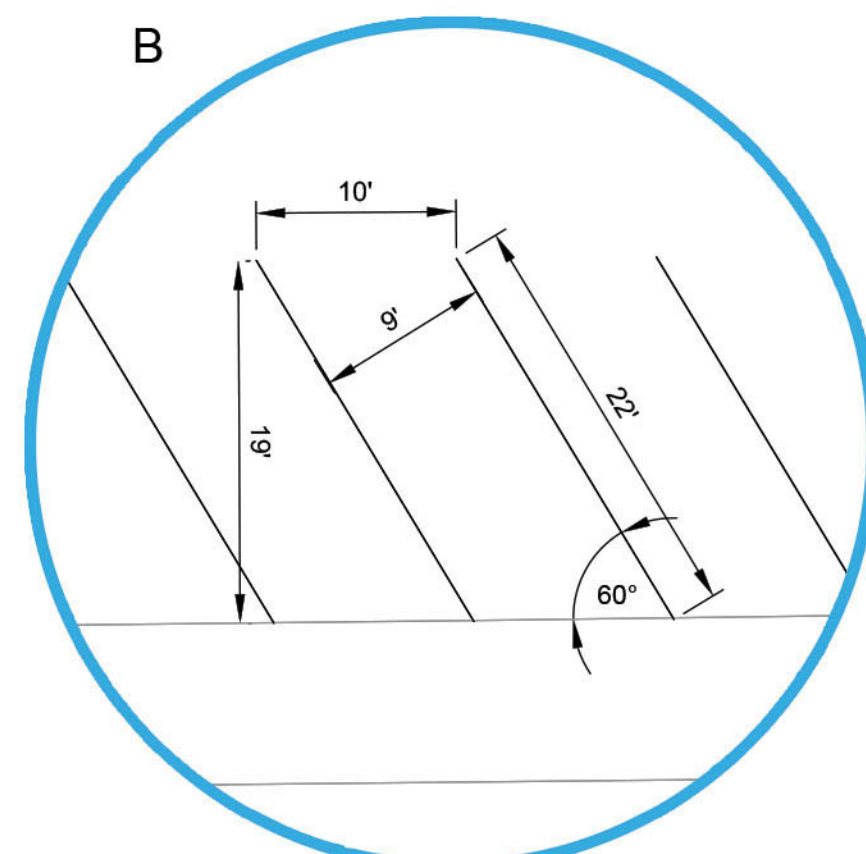
Avenue could be removed and bicycle/vehicular traffic can share lanes for the extent of the project. Consider installing sharrow pavement markings along Locky Avenue should elimination of the Locky Avenue bike lane be the preferred alternative. Implementing stop control for west bound traffic east of the Capitol parking lot as described in the bullet above would address the cross conflict point for bike traffic.

- In addition to the “Do Not Enter” signage, add a right turn pavement marking at the end of the east bound two-way travel lane to indicate traffic should turn right into the public parking lot on the south side of the roadway for Locky Avenue egress. This improvement will direct through traffic away from the Capitol parking lot on the north side of the roadway.

S:\FMR\GSD Project Files - Construction Administration\10 - State Capitol - 1301 East 6th Ave\2022 Capitol Proposed Parking Concept.dwg PLOT DATE 2023-05-25 08:39 SAVED DATE 2023-05-25 08:33 USER: cm0186



PARALLEL PARKING TYPICAL



ANGLE PARKING TYPICAL

STREET PARKING	
STREET	SPACES
E 6TH AVE	66
5TH AVE	33
LOCKEY AVE	61
ROBERTS ST	31
N SANDERS ST	34
TOTAL	225

REVISIONS			
REV	DATE	DESCRIPTION	BY



CAPITOL SQUARE PARKING
HELENA, MONTANA
PROPOSED PARKING
&
TRAFFIC OPERATIONS

PROJECT	4651.1254.00
DATE	07/02/2024
SHEET	
1	

City of Helena, Montana

17 June 2024

To: Honorable Mayor and City Commissioners

From: *Tim Burton, City Manager*
David Knoepke, Transportation Systems Director
Mark Young, Transportation Engineer

Subject: Transportation Systems - Benton Avenue Turn Lanes

Present Situation: The City advertised the Benton Avenue Turn Lanes project in May 2024. There was only one proposal received. Although the Transportation Systems Department hoped to include more alternates, current pricing will only allow the base bid and additive alternate #1 to be completed with the funds budgeted.

On June 17, 2024 the City Commission tabled this item for additional discussion at a future administrative meeting

Background Information: Over the past many years north bound vehicles have driven around left-turning vehicles while they wait for a gap in the southbound traffic. This creates a hazardous situation for both drivers and pedestrians at intersections. The proposed project would provide curbing and turn-lane striping to mitigate this situation.

The curbing will also provide a deterrent to keep errant vehicles from heading toward the new shared-use path next to the golf course.

Proposal/Objective: Present original project and some possible alternatives.

Advantage: Constructing the project will help keep vehicle movements restricted to the travel way.

Notable Energy Impact: N/A

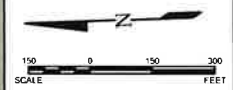
Disadvantage: May lose current bid depending on direction given through the discussion.

Notice of Public Hearing: False

**Staff Recommendation/
Recommended Motion:** *Informational meeting.*



PRELIMINARY
NOT FOR
CONSTRUCTION



PROJECT # 19-005 DRAFTED BY: PHD CHECKED BY: BJK DATE 03/02/2024		SHEET 1 OF 1	
BENTON AVENUE INTERSECTIONS CITY OF HELENA HELENA, MT			
REVISIONS DATE DESCRIPTION #12/24/24		EXHIBIT A	

File 02_2024_12-16-24 17-005-001B BENTON AVENUE INTERSECTIONS 2024 Turn Lanes Only 20K Alignment Exhibit A.dwg

TRIPLE TREE ENGINEERING



June 5, 2024

Mark Young
City of Helena
3001 E. Lyndale Ave
Helena, Montana 59601

RE: 2024 Turn Lanes Only – Bid Recommendation

Dear Mark:

Bids for the Benton Avenue Turn Lanes - 2024 project were opened and read aloud at 2:00 PM local time on May 30, 2024, at the City County Building. One contractor submitted a bid for the project, acknowledging the addendum and including a 10% bid bond as required in the contract documents. Following is a summary of the bid compared to the engineer's opinion of probable construction cost.

	Engineer's Estimate	Helena Sand and Gravel
Base Bid	\$ 264,863.00	\$ 296,376.00
Additive Alternate #1 – North of Meadow Drive East Side Benton Ave.	\$ 163,176.00	\$ 228,279.00
Additive Alternate #2 – South of Oakwood Lane West Side Benton Ave.	\$ 80,442.00	\$ 103,066.35
Additive Alternate #3 – North of Oakwood Lane West Side Benton Ave.	\$ 177,651.00	\$ 272,395.00
Additive Alternate #4 – North of Meadow Drive West Side Benton Ave.	\$ 227,986.00	\$ 323,408.00

A detailed bid tabulation is attached for reference. No mathematical or other such errors were found which would render the bids "unresponsive." The only qualified bidder is Helena Sand and Gravel with a base bid price of \$296,376.00. The engineer's opinion of probable construction cost was prepared with reference to bid prices from the same project bid in 2022 and consideration for inflation. The bidder's base bid price is 12% higher than the engineer's opinion of probable construction cost. The estimates for the alternate bids were prepared using the same basis; and are also higher than the engineer's estimate. The largest discrepancy between the engineer's opinion and bid prices are associated with traffic control. The owner has the option of awarding the base bid only, awarding the base bid plus any combination of alternates, or not awarding any portion of the project.

Triple Tree Engineering has worked with Helena Sand and Gravel on City of Helena and other municipal projects in the past; and has been satisfied with their work. If it is decided to proceed with the project, we recommend award to Helena Sand and Gravel.

Please call me anytime at (406) 461-0692 if you have any questions or need additional information.

Sincerely,

Triple Tree Engineering, Inc.

Brad Koon, PE

Encl: Tabulation of Bids

BASE BID							
SECTION	BID ITEM	TURN LANES	UNIT	ENGINEER OPINION UNIT PRICE	ENGINEER OPINION TOTAL PRICE	HSG UNIT PRICE	HSG TOTAL PRICE
01150	MOBILIZATION	1	LS	\$ 40,000.00	\$ 40,000.00	\$ 28,000.00	\$ 28,000.00
01150	TAXES, BONDS & INSURANCE	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 6,000.00	\$ 6,000.00
01150	GENERAL REQUIREMENTS	1	LS	\$ 18,000.00	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00
01150	SPECIAL CURB INLET	2	EA	\$ 5,000.00	\$ 10,000.00	\$ 5,300.00	\$ 10,600.00
01570	CONSTRUCTION TRAFFIC CONTROL	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 85,000.00	\$ 85,000.00
02112	ASPHALT PAVEMENT REMOVAL	418	SY	\$ 17.00	\$ 7,106.00	\$ 23.00	\$ 9,614.00
02114	EXISTING STREET SIGN TO BE RELOCATED	4	EA	\$ 650.00	\$ 2,600.00	\$ 600.00	\$ 2,400.00
02230	EXCAVATION ABOVE SUBGRADE	152	CY	\$ 40.00	\$ 6,080.00	\$ 38.00	\$ 5,776.00
02230	EMBANKMENT IN PLACE	164	CY	\$ 34.00	\$ 5,576.00	\$ 32.00	\$ 5,248.00
02235	1.5" MINUS CRUSHED BASE COURSE	208	CY	\$ 50.00	\$ 10,400.00	\$ 80.00	\$ 16,640.00
02502	SS-1 ASPHALT TACK COAT	1706	SY	\$ 0.50	\$ 853.00	\$ 1.00	\$ 1,706.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT BASE COURSE. GRADE PG 58-28	853	SY	\$ 25.00	\$ 21,325.00	\$ 31.00	\$ 26,443.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT SURFACE COURSE. GRADE PG 58-28	853	SY	\$ 22.00	\$ 18,766.00	\$ 28.00	\$ 23,884.00
02528	COMBINED CONCRETE CURB & GUTTER	1550	LF	\$ 36.00	\$ 55,800.00	\$ 35.00	\$ 54,250.00
02725	18" CSP (0.064 GA.) CULVERT	12	LF	\$ 236.00	\$ 2,832.00	\$ 230.00	\$ 2,760.00
02910	SEEDING	2350	SY	\$ 1.50	\$ 3,525.00	\$ 1.30	\$ 3,055.00
TOTAL BASE BID PRICE				\$ 264,863.00		\$ 296,376.00	

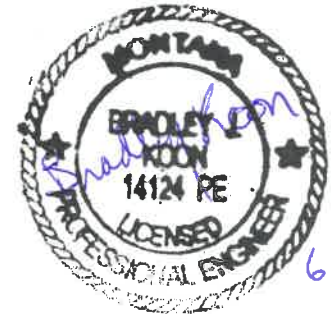
ADDITIVE ALTERNATE #1 - NORTH OF MEADOW DRIVE EAST SIDE							
SECTION	BID ITEM	TURN LANES	UNIT	ENGINEER OPINION UNIT PRICE	ENGINEER OPINION TOTAL PRICE	HSG UNIT PRICE	HSG TOTAL PRICE
01150	MOBILIZATION	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 22,000.00	\$ 22,000.00
01150	SPECIAL CURB INLET	2	EA	\$ 5,000.00	\$ 10,000.00	\$ 5,300.00	\$ 10,600.00
01570	CONSTRUCTION TRAFFIC CONTROL	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 70,000.00	\$ 70,000.00
02112	ASPAHLT PAVEMENT REMOVAL	770	SY	\$ 17.00	\$ 13,090.00	\$ 23.00	\$ 17,710.00
02114	EXISTING STREET SIGN TO BE RELOCATED	1	EA	\$ 650.00	\$ 650.00	\$ 1,100.00	\$ 1,100.00
02230	EXCAVATION ABOVE SUBGRADE	37	CY	\$ 40.00	\$ 1,480.00	\$ 45.00	\$ 1,665.00
02230	EMBANKMENT IN PLACE	157	CY	\$ 34.00	\$ 5,338.00	\$ 54.00	\$ 8,478.00
02235	1.5" MINUS CRUSHED BASE COURSE	132	CY	\$ 50.00	\$ 6,600.00	\$ 90.00	\$ 11,880.00
02502	SS-1 ASPHALT TACK COAT	742	SY	\$ 0.50	\$ 371.00	\$ 1.00	\$ 742.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT BASE COURSE. GRADE PG 58-28	371	SY	\$ 25.00	\$ 9,275.00	\$ 31.00	\$ 11,501.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT SURFACE COURSE. GRADE PG 58-28	371	SY	\$ 22.00	\$ 8,162.00	\$ 28.00	\$ 10,388.00
02528	COMBINED CONCRETE CURB & GUTTER	1585	LF	\$ 36.00	\$ 57,060.00	\$ 35.00	\$ 55,475.00
02529	CONCRETE SIDEWALK (4")	90	SF	\$ 20.00	\$ 1,800.00	\$ 33.00	\$ 2,970.00
02910	SEEDING	2900	SY	\$ 1.50	\$ 4,350.00	\$ 1.30	\$ 3,770.00
TOTAL ALTERNATE #1 BID PRICE				\$ 163,176.00		\$ 228,279.00	

ADDITIVE ALTERNATE #2 - SOUTH OF OAKWOOD LN - WEST SIDE							
SECTION	BID ITEM	TURN LANES	UNIT	ENGINEER OPINION UNIT PRICE	ENGINEER OPINION TOTAL PRICE	HSG UNIT PRICE	HSG TOTAL PRICE
01150	MOBILIZATION	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00
01570	CONSTRUCTION TRAFFIC CONTROL	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 44,000.00	\$ 44,000.00
02112	ASPHALT PAVEMENT REMOVAL	137	SY	\$ 17.00	\$ 2,329.00	\$ 23.00	\$ 3,151.00
02114	EXISTING STREET SIGN TO BE RELOCATED	1	EA	\$ 650.00	\$ 650.00	\$ 600.00	\$ 600.00
02112	CONCRETE CURB & GUTTER REMOVAL	8	LF	\$ 30.00	\$ 240.00	\$ 35.00	\$ 280.00
02112	CONCRETE REMOVAL	5	SY	\$ 100.00	\$ 500.00	\$ 150.00	\$ 750.00
02235	1.5" MINUS CRUSHED BASE COURSE	46	CY	\$ 50.00	\$ 2,300.00	\$ 90.00	\$ 4,140.00
02502	SS-1 ASPHALT TACK COAT	360	SY	\$ 0.50	\$ 180.00	\$ 1.00	\$ 360.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT BASE COURSE. GRADE PG 58-28	180	SY	\$ 25.00	\$ 4,500.00	\$ 31.00	\$ 5,580.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT SURFACE COURSE. GRADE PG 58-28	180	SY	\$ 22.00	\$ 3,960.00	\$ 28.00	\$ 5,040.00
02528	COMBINED CONCRETE CURB & GUTTER	355	LF	\$ 36.00	\$ 12,780.00	\$ 35.00	\$ 12,425.00
02529	CONCRETE SIDEWALK (4")	152	SF	\$ 20.00	\$ 3,040.00	\$ 33.00	\$ 5,016.00
02515	CONCRETE DRIVEWAY APRON (6")	109	SF	\$ 30.00	\$ 3,270.00	\$ 40.00	\$ 4,360.00
02581	REMOVE PAVEMENT MARKINGS	351	LF	\$ 3.00	\$ 1,053.00	\$ 2.85	\$ 1,000.35
02581	WORDS AND SYMBOLS-WHITE PLASTIC	164	SF	\$ 30.00	\$ 4,920.00	\$ 35.00	\$ 5,740.00
02910	SEEDING	480	SY	\$ 1.50	\$ 720.00	\$ 1.30	\$ 624.00
TOTAL ALTERNATE #2 BID PRICE					\$ 80,442.00		\$ 103,066.35

ADDITIVE ALTERNATE #3 - NORTH OF OAKWOOD LN - WEST SIDE							
SECTION	BID ITEM	TURN LANES	UNIT	ENGINEER OPINION UNIT PRICE	ENGINEER OPINION TOTAL PRICE	HSG UNIT PRICE	HSG TOTAL PRICE
01150	MOBILIZATION	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 26,000.00	\$ 26,000.00
01570	CONSTRUCTION TRAFFIC CONTROL	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 76,000.00	\$ 76,000.00
02112	ASPHALT PAVEMENT REMOVAL	455	SY	\$ 17.00	\$ 7,735.00	\$ 23.00	\$ 10,465.00
02114	EXISTING MAILBOX TO BE RELOCATED	7	EA	\$ 750.00	\$ 5,250.00	\$ 500.00	\$ 3,500.00
02235	1.5" MINUS CRUSHED BASE COURSE	150	CY	\$ 50.00	\$ 7,500.00	\$ 90.00	\$ 13,500.00
02502	SS-1 ASPHALT TACK COAT	1200	SY	\$ 0.50	\$ 600.00	\$ 1.00	\$ 1,200.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT BASE COURSE. GRADE PG 58-28	600	SY	\$ 25.00	\$ 15,000.00	\$ 31.00	\$ 18,600.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT SURFACE COURSE. GRADE PG 58-28	600	SY	\$ 22.00	\$ 13,200.00	\$ 28.00	\$ 16,800.00
02528	COMBINED CONCRETE CURB & GUTTER	1091	LF	\$ 36.00	\$ 39,276.00	\$ 35.00	\$ 38,185.00
02529	CONCRETE VALLEY GUTTER	368	SF	\$ 25.00	\$ 9,200.00	\$ 44.00	\$ 16,192.00
02529	CONCRETE SIDEWALK (4")	100	SF	\$ 20.00	\$ 2,000.00	\$ 33.00	\$ 3,300.00
02515	CONCRETE DRIVEWAY APRON (6")	1070	SF	\$ 30.00	\$ 32,100.00	\$ 40.00	\$ 42,800.00
02581	REMOVE PAVEMENT MARKINGS	1180	LF	\$ 3.00	\$ 3,540.00	\$ 2.85	\$ 3,363.00
02581	WORDS AND SYMBOLS-WHITE PLASTIC	60	SF	\$ 30.00	\$ 1,800.00	\$ 35.00	\$ 2,100.00
02910	SEEDING	300	SY	\$ 1.50	\$ 450.00	\$ 1.30	\$ 390.00
TOTAL ALTERNATE #3 BID PRICE					\$ 177,651.00		\$ 272,395.00

ADDITIVE ALTERNATE #4 - NORTH OF MEADOW DRIVE WEST SIDE

SECTION	BID ITEM	TURN LANES	UNIT	ENGINEER OPINION UNIT PRICE	ENGINEER OPINION TOTAL PRICE	HSG UNIT PRICE	HSG TOTAL PRICE
01150	MOBILIZATION	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00	\$ 30,000.00
01150	SPECIAL CURB INLET	3	EA	\$ 5,000.000	\$ 15,000.00	\$ 5,300.00	\$ 15,900.00
01150	TRENCH DRAIN	30	LF	\$ 275.000	\$ 8,250.00	\$ 300.00	\$ 9,000.00
01150	CONC. SWALE SURFACING	9	SY	\$ 100.000	\$ 900.00	\$ 400.00	\$ 3,600.00
01570	CONSTRUCTION TRAFFIC CONTROL	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 73,000.00	\$ 73,000.00
02112	ASPAHLT PAVEMENT REMOVAL	914	SY	\$ 17.00	\$ 15,538.00	\$ 23.00	\$ 21,022.00
02112	CONCRETE REMOVAL	16	SY	\$ 100.00	\$ 1,600.00	\$ 150.00	\$ 2,400.00
02112	CONCRETE CURB & GUTTER REMOVAL	22	LF	\$ 30.00	\$ 660.00	\$ 35.00	\$ 770.00
02230	EXCAVATION ABOVE SUBGRADE	27	CY	\$ 50.00	\$ 1,350.00	\$ 45.00	\$ 1,215.00
02230	EMBANKMENT IN PLACE	206	CY	\$ 34.00	\$ 7,004.00	\$ 100.00	\$ 20,600.00
02235	1.5" MINUS CRUSHED BASE COURSE	152	CY	\$ 50.00	\$ 7,600.00	\$ 90.00	\$ 13,680.00
02502	SS-1 ASPHALT TACK COAT	900	SY	\$ 0.50	\$ 450.00	\$ 1.00	\$ 900.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT BASE COURSE. GRADE PG 58-28	450	SY	\$ 25.00	\$ 11,250.00	\$ 31.00	\$ 13,950.00
02510	2" THICKNESS OF ASPHALT CONCRETE PAVEMENT SURFACE COURSE. GRADE PG 58-28	450	SY	\$ 22.00	\$ 9,900.00	\$ 28.00	\$ 12,600.00
02528	COMBINED CONCRETE CURB & GUTTER	1739	LF	\$ 36.00	\$ 62,604.00	\$ 35.00	\$ 60,865.00
02529	CONCRETE SIDEWALK (4")	82	SF	\$ 20.00	\$ 1,640.00	\$ 33.00	\$ 2,706.00
02515	CONCRETE DRIVEWAY APPROACH (6")	316	SF	\$ 30.00	\$ 9,480.00	\$ 40.00	\$ 12,640.00
02720	48" BASIC MANHOLE	1	EA	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00
02725	18" RCP, CL. 3	192	LF	\$ 130.00	\$ 24,960.00	\$ 100.00	\$ 19,200.00
02910	SEEDING	2200	SY	\$ 1.50	\$ 3,300.00	\$ 1.30	\$ 2,860.00
TOTAL ALTERNATE #4 BID PRICE					\$ 227,986.00		\$ 323,408.00



City of Helena, Montana

07/02/2024

To: Tim Burton, City Manager

From: Ryan Leland, Public Works Director

Subject: McHugh Recycling Bin Removal Transition Plan

Present Situation: The City of Helena in conjunction with Lewis and Clark County manage 7 remote recycling drop off locations throughout the City and County (Not including McHugh Location). The drop off locations have been the most economical per ton for recycling.

Background Information: The City of Helena in conjunction with Lewis and Clark County manage 7 remote recycling drop off locations throughout the City and County (Not including McHugh Location). The drop off locations have been the most economical per ton for recycling.

Proposal/Objective: Staff is proposing a transition plan to remove the McHugh Ave. drop-off location. The plan is to inform the public with a sign and website that the location will be removed in approximately 30 days. The sign will provide all the other existing recycling drop-off locations plus a QR code and phone number for additional information.

Advantage: None noted.

Notable Energy Impact: N/A

Disadvantage: None noted.

Quasi-Judicial Item: False

Notice of Public Hearing: False

**Staff Recommendation/
Recommended Motion:** No motion at this time. Informational only.

Attention!

Recycling will no longer be available at this location starting August 11, 2024.

Thank you for participating in the City of Helena and Lewis and Clark County's recycling program. You can find alternate locations on the map.

If you have questions about recycling, please call the Transfer Station at 406-447-8086.



Want to learn more about Recycling options?

Scan the QR Code with your phone



Or visit
helenamt.gov/recycling/

City of Helena, Montana

7/1/2024

To: Tim Burton, City Manager

From: *Dannai Clayborn, Clerk of the Commission*
David Knoepke, Transportation Systems Director

Subject: Discuss repealing Resolution No. 19549, and dissolving the Non-Motorized Travel Advisory Council (NMTAC) to the City of Helena Commission.

Present Situation: The current establishing resolution was signed in 2008. Over the past 25 years there have been a lot of changes within the community. One being the census tracts surpassed the 50,000 population threshold. Now the City of Helena, Lewis and Clark County and City of East Helena are a Metropolitan Planning Organization (MPO). As an MPO the TCC was dissolved and new committees defined as required of an MPO. This change along with the expansion of the road networks and new technologies creates an opportunity to review this long standing document and to make any appropriate changes.

Background Information: A non-motorized transportation plan was adopted by the Helena City Commission as part of the Greater Helena Area Comprehensive Transportation Plan and in chapter six of the Plan calls for the establishment of a citizen advisory council to advocate for and ensure implementation of the Long-Range Transportation Plan (LRTP). The City Commission established the Non-Motorized Travel Advisory Council to advise generally the City Commission on non-motorized transportation and on the Neighborhood Transportation Program. On February 11, 2008, the Helena City Commission adopted Resolution No. 19549 recognizing that nonmotorized transportation such as bicycling and walking are popular, non-polluting means of personal transportation and recreation activities.

On October 25, 2023, the City of Helena was designated by the Governor as a Metropolitan Planning Organization (MPO) and therefore required to update the LRTP to meet the MPO requirements, creating a need for review and updating of the advisory role of NMTAC relating to the new designation. A New Technical Advisory Committee (TAC) will be formed to advise the entities on matters pertaining to the MPO, including voting membership to advise on non-motorized travel and related interests.

At the May 29, 2024, Administrative Meeting the City Commission discussed options for the future of NMTAC, its advisory role to the Commission and its relevancy with the MPO. It was determined by a majority of the Commission; a redundancy exists with the NMTAC advising on non-motorized issues outside of the TAC. It was determined NMTAC should be dissolved at this time and future discussions on non-motorized travel should be contained within the multi-jurisdictional scope of the MPO.

The resolution to repeal and dissolve NMTAC was brought for consideration by the Commission at the June 27, 2024, Regular Commission meeting. After Commission discussion and public comment, a decision was made to table the item until the next available Administrative meeting agenda. Additional details on how the MPO might meet the needs of the Commission regarding Non-Motorized advisement was requested by members of the Commission. Staff is prepared to share the information requested for continued discussion by the Commission and to receive updated direction as needed.

Proposal/Objective:

Repeal the Resolution No. 19549 and dissolve the Non-Motorized Transportation Council (NMTAC), with respect and the gratitude of the City Staff and City Commission for the years of service to the community.

Advantage:

Dissolving a redundant advisory body, creates efficiencies in the advisory process and alleviates potential for conflicting roles between two advisory boards working on the same issues. Working with a multi-jurisdictional board may prove more effective in the accomplishing the Commission goals.

Notable Energy Impact:

N/A

Disadvantage:

A City specific advisory board on a particular topic will no longer exist.

Notice of Public Hearing:

False

**Staff Recommendation/
Recommended Motion:**

Staff recommends approval of resolution dissolving the Non-Motorized Transportation Advisory Council and repealing Resolution No.19549 and any duties discharged to the Council membership, staff and Commission shall be nullified.

City of Helena, Montana

7/1/2024

To: Tim Burton, City Manager
Mayor and City Commission

From: *Dannai Clayborn, Clerk of the Commission*

Subject: Discuss a resolution establishing a policy for conducting Electronic Meetings as official public meetings for the City.

Present Situation: MCA 2-3-214 has taken effect on July 1, 2024. The new law requires certain entities, including class one municipalities to record the public meetings of the governing body using audio and video. The City has not had an official policy associated with Electronic Meetings and needs to adopt one to clarify the expectations for the public, Staff, Elected Officials, and the board members as to the use of these types of meetings and the technology.

Background Information: During the 2023 Legislative session House Bill 890 was passed. In 2-3-214 (1)(g) the codified language states that entities as defined in the statute shall record all public meetings in an audio and video format, including the governing body of a first-class and second-class city provided for in Title 7, chapter 1, part 41. The City of Helena must comply as a first class city.

The City of Helena has been meeting the basic requirements of the law since beginning the use of online meetings, in 2019. The City Commission has determined that all public meetings for the City of Helena, including those of the boards and committees which represent the City shall also record their meetings in an audio and video format to create the greatest access possible to the local government. A policy will need to be adopted for to create clarity in the use and how the City will comply with all relevant statutes associated with open meeting laws, and the public's right to participate.

Proposal/Objective: Discuss the provisions within the language of the resolution to determine the City's policy and procedures associated with the use of online meetings and the adherence to open meeting laws.

Advantage: Adopting a resolution associated with the use of Electronic Meetings will clarify the use for the public, Staff, and City Officials.

Notable Energy Impact: N/A

Disadvantage: N/A

Notice of Public Hearing: False

Staff Recommendation/Recommended Motion: Discuss the resolution language and determine what provisions require further modification and revisions prior to final adoption.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN ELECTRONIC MEETING POLICY FOR THE CITY OF HELENA AND DESIGNATING THE RECORDING OF THE MEETING AS THE OFFICIAL RECORD OF THE PUBLIC MEETINGS.

WHEREAS, MCA 2-3-214(1)(g) prescribes that the governing board of a first class and second class city as described in Title 7, chapter 1, part 41 are required to record their public meetings in an audio and video format;

WHEREAS, City of Helena entities such as advisory commissions, advisory boards, and other committees desire to continue the use of public participation through electronic means as the method to provide greater convenience and access to the public meetings that inform the governing body;

WHEREAS, the City Commission has determined that in an effort to provide expanded and meaningful access for the citizens, all meetings defined as public meetings in MCA 2-3-202 shall be recorded in audio and video format;

WHEREAS, a member of the City Commission or other entity member/representative may participate by any available means of communication which allows all participating members of the body to simultaneously communicate with each other, and except for a

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meeting that is a properly closed executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, to encourage Commission representative participation and to ensure public transparency for all City public meetings, the participation of the City Commission members or entity representatives by electronic meeting shall only be used in limited circumstances, and with prior notification to the Mayor for City Commission meeting, or the presiding officer for all other City public meetings; and

WHEREAS, the City Commission desires to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

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Section 1. The applicable provisions and definitions included in MCA 2-3-103; 2-3-202; 2-3-203; 2-3-212; 2-3-214 and 7-1-4127 apply to this Resolution, where relevant.

Section 2. This Resolution shall be known as the "Electronic Public Meetings Policy" for the City of Helena and applies to the City Commission and any advisory entity for the City of Helena,

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unless determined to be an independent agency by the establishing documents. These independent entities are encouraged to implement online meetings and video recordings whenever possible to encourage public participation in local government affairs.

Section 3. A quorum of the public body must be present for every meeting, but attendance may be counted through physical presence at the noticed in-person location, in addition to those attending through the noticed electronic meeting identifier. Those present online must be visible to the body and to the public at the time of roll call.

Section 4. The City of Helena shall provide a physical location for members of the public to attend in conjunction with the electronic meeting. The meeting shall be noticed as established in MCA 2-3-103 to include both the physical location and the electronic meeting information. All agendas shall contain both the physical location of the meeting and the electronic meeting information in addition to all other information as required by MCA 2-3-103 and pertaining to MCA 2-3-202.

Section 5. No special vote to convene in an electronic meeting shall be necessary if the public meeting is noticed as outlined in Section 4.

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Section 6. If the presiding officer of the body authorizes a member to participate in a meeting by electronic means of communication, the member so authorized may participate in a meeting by electronic means authorized by the City Commission, which: (i) allows all participating members of the Commission or entity to simultaneously view and communicate with each other; and (ii) other than a meeting that is a properly closed executive session, allows the public to simultaneously attend and observe the meeting.

A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard throughout the item discussion and roll call vote.

Section 7. All votes taken during a meeting must be taken by roll call vote, regardless of the means of participation.

Section 8. Unless the presiding officer determines a meeting is subject to the provision listed in Section 9, subsections (1)-(7); at least two (2) members must be physically present at a meeting at which any member participates by means of electronic

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communication.

Section 9. A member may not attend more than 50% of an entity's annual public meetings by electronic means. Unless any absences exceeding 50% are due to any of the following:

- (1) military service; or
- (2) illness or other medical condition; or
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property; or
- (5) unforeseen employment obligations; or
- (6) any other matter of significance as determined by the presiding officer; or
- (7) with a 2/3 vote of the entity.

Section 10. A member who plans to participate by an electronic means of communication at a meeting must provide written notice of such intent to the presiding officer and the appropriate City staff prior to the start of the meeting. Exceptions to this notice requirement may be granted at the discretion of the Presiding Officer.

Section 11. The Mayor may determine, with the consent of the City Commission, that a non-emergent meeting may be held entirely

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by electronic means if it is determined that holding an in-person meeting of the body shall be an impediment to the conduct of the meeting itself.

Section 12. In the event a quorum is unable to meet due to a declared emergency or other extreme or unforeseen emergent matter, meetings may be conducted by telephone, electronically, or by other means of communication, to provide maximum practical notice. Meetings may be held by telephone, electronically, or by other means of communication if all the following conditions are met:

1. The City Manager or the Mayor determines that meeting in person is not practical or prudent, because of a declaration of emergency or other extreme or unforeseen emergent matter affecting the City;
2. Adequate notice and the opportunity to participate has been provided the public;
2. All members of the City Commission or entity can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation.
3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes,

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unless not feasible due to the determining event.

4. At least one member of the City Commission is present at the regular meeting location, unless not feasible due to conditions associated with the emergency declaration or emergent matter.

Section 13. No member of the City Commission may participate by means of electronic communication in a meeting at which the City Commission is attempting to take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) establish, increase or renew a fee or assessment;
- (4) approve a major subdivision; or
- (5) address a quasi-judicial matter.

Section 14. As stated in MCA 2-3-214(4), a public meeting is not to be disrupted or rescheduled if there is a technological failure of the meeting recording. If the recording is not able to be made available online, the board shall prominently post a notice in the same manner as a notice of a public meeting and shall post a notice at all locations where the meeting recording links are available. The notice must explain the reason the meeting was not recorded and describe the steps taken to remedy the failure prior to the next meeting.

Section 15. A technological failure in an electronic means of communication that disrupts or prevents members not physically

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present or members of the public not physically present from attending and observing the meeting, does not affect the validity of an action taken by the City Commission or entity at the meeting if the members physically present and the members participating by electronic communication without technological failure satisfy voting requirements of the City Commission or entity (i.e., majority vote).

Section 16. At the call of the presiding officer and with the consent of the body, an item may be tabled until the next available agenda if a majority of the body are unable to participate as defined in section six (6) due to technological failure.

Section 17. In compliance with MCA 2-3-214, the City shall record all public meetings of the City Commission and advisory entities in audio and video format and make those recordings available as a link on the City's official website, or any other online format allowable by Montana Code Annotated, and within the stated timeframe relevant to the City's classification provided for in MCA 7-1-41.

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Section 18. As allowed in MCA 2-3-212, the City shall make the video, or if unavailable, the audio recordings, the official record of the public meeting.

Section 19. Written minutes and a recording of all public meetings shall be kept in compliance with MCA 2-3-212. In addition, the minutes of a meeting at which any member participates by electronic means of communication must:

- (i) identify each member who:
 - (A) was physically present at the meeting; and
 - (B) participates in the meeting by electronic means of communication; and
 - (C) was absent; and
- (ii) unless the meeting was in an executive session, identify the members of the public who:
 - (A) offered public comment or testimony by electronic means of communication, if any; and
 - (B) offered public comment or testimony by attending the meeting at the physical location, if any.

Section 20. In the event of technological failure or misuse of the electronic meeting platform by a participating member of the public it may be necessary to mute or remove a member of the

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public from the online meeting. To ensure meaningful public participation the City Commission shall entertain written comment whenever possible through the online meeting platform during the relevant agenda.

Section 21. In the event a technological failure or disruption of the meeting proceedings occur due to a member of the public participating online, an extended written comment period may be established to allow individuals and organizations to submit comments via email, mail, or any other accessible means, through a majority vote of the body. The duration of the extended comment period shall be determined based on the severity and duration of the technological failure; and an item may be tabled to ensure all comments are weighed equally.

Section 22. The Clerk of the Commission shall maintain an index of the attendance for each meeting of the calendar year and identifies which Commission members participated by an electronic means of communication, if any, which members were physically present and which members were absent.

Section 23. The City shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide

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handicapped members of the City Commission, entities, or public
full and equal access to public meetings.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,

MONTANA, THIS ____ DAY OF ____, 20__.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

City of Helena, Montana

July 1, 2024

To: Tim Burton, City Manager

From: Parks Director Doug Smith
Rebecca Dockter, City Attorney
Matthew Petesch, Depute City Attorney

Subject: Consider quitclaiming the City's interest in Lots 1-6 in Block 55 of the Central Addition No. 3 ("Lots 1-6") to D&M Development, LLC ("D&M").

Present Situation: The City likely owns Lots 1-6. To the extent that the City is the owner, it has no desire to retain Lots 1-6 and would like to dispose of it by quitclaiming it to D&M.

Background Information: D&M believed it was the owner of Lots 1-6 and has paid taxes on the property since 2016. Recently, D&M attempted to donate the lots to St. Peter's Health so that St. Pete's could expand its healthcare facilities. D&M was unable to complete the donation, because a title search showed the City as the owner of Lots 1-6. D&M came to the City to determine whether Lots 1-6 were supposed to have been transferred at an earlier date but were omitted in error.

The City came into possession of Lots 1-6 in 1934. By 1953, the City owned Lots 1-6 as well as the adjacent Armory property. In 1953, the Armory property was transferred to the State of Montana. At some point, the State of Montana believed that it had acquired Lots 1-6 as well. In 1999, the City granted an easement over Lots 1-6 to the Montana Department of Transportation.

In 2016, the State of Montana by and through the Department of Administration, transferred Lots 7-17 of Block 55 of the Central Addition No. 3 to D&M. The State created three subsequent correction deeds to correct the property that was to be transferred in the 2016 transfer. The third deed correction, recorded in 2021, adds Lots 1-6 to be transferred from the State to D&M.

The City Attorney's Office reviewed decades of resolutions as well as property records and was unable to find any records referencing the City's intent to transfer Lots 1-6 to the State or any other entity.

The City's historical intent for the Lots 1-6 is complicated by Department of Revenue's records which show that the City has not been considered the owner of the Property since at least 1992.

To the extent that the City has any interest in Lots 1-6, the City has no desire to retain it. The City was unaware of its potential ownership of Lots 1-6 for a decade or more and according to Department Directors for Public Works, Parks, and Transportation, as well as the City Manager's Office, the City has no use for Lots 1-6. The City proposes quitclaiming any and all of the City's interest in Lots 1-6 to D&M so that D&M can donate Lots 1-6 to St. Peter's Health as part of a larger land transaction for their health care facility expansion.

Proposal/Objective: Consider quitclaiming the City's interest in Lots 1-6 in Block 55 of the Central Addition No. 3 ("Lots 1-6") to D&M Development, LLC ("D&M").

Advantage:

The proposed quitclaim to D&M would clear up the chain of title for the property in question.

Notable Energy Impact:

N/A

Disadvantage:

N/A

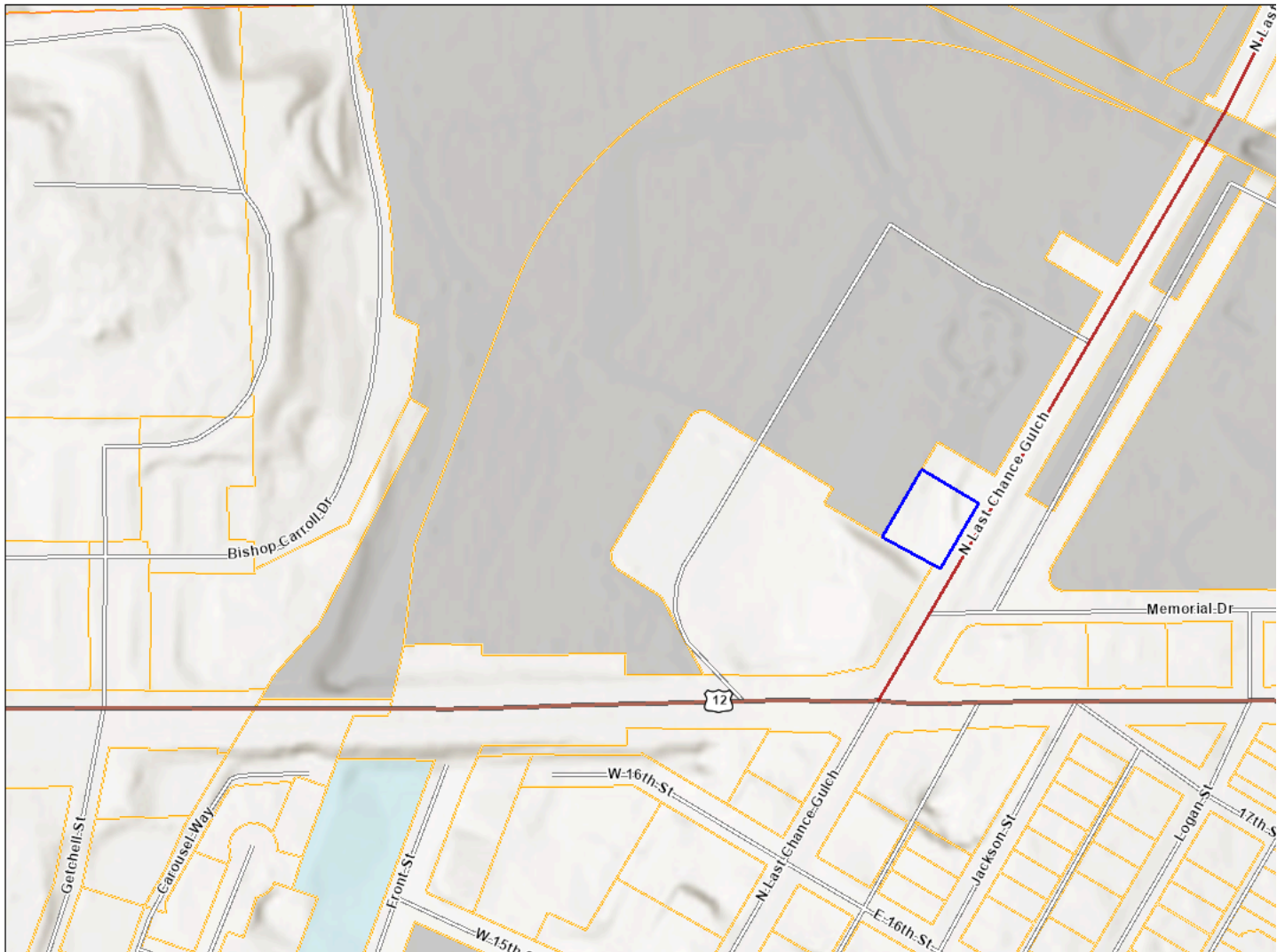
Notice of Public Hearing:

The City is required to provide notice to adjacent landowners within 300 feet of the property and a public hearing to allow for comment prior to a final decision by the City Commission.

**Staff Recommendation/
Recommended Motion:**

Agree to set a public hearing to consider a quitclaim of any and all of the City's interest in Lots 1-6 in Block 55 of the Central Addition No. 3 ("Lots 1-6") to D&M Development, LLC ("D&M").

ArcGIS Web Map



7/1/2024, 9:58:40 AM

After recording return to:

City Attorney's Office
316 North Park Avenue, Room 203
Helena, MT 59623
(406) 457-8595

QUITCLAIM DEED

THIS INDENTURE is made this ____ day of _____, 2024, by and between **CITY OF HELENA**, a municipal corporation and existing under the laws of the State of Montana, 316 North Park Avenue, Helena, Montana, 59623, Grantor, and **D&M DEVELOPMENT, LLC**, 3424 E. U.S. Highway 12, Helena, Montana 59501, Grantee.

Grantor, for value received, does hereby convey, remise, release, and forever quitclaim unto Grantee and its successors and assigns, all of Grantor's interest in the following described real estate situated in Helena, Lewis and Clark County, Montana:

Lots 1-6 in Block 55 of the Central Addition No. 3.

TO HAVE AND TO HOLD, all and singular, the said premises, with any appurtenances, unto the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto executed the foregoing instrument the day and year first above written.

ATTEST:

CITY OF HELENA, MONTANA

By _____
Dannai Clayborn, City Clerk

By _____
Wilmot J. Collins, Mayor

STATE OF MONTANA)
) ss.
COUNTY OF LEWIS & CLARK)

On the ____ day of _____, 20__, before me, a Notary Public for the State of Montana, personally appeared **Wilmot J. Collins and Dannai Clayborn**, the Mayor and City Clerk of the City of Helena, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Print Name: _____
Notary Public for State of Montana
Residing at Helena, Montana
My Commission expires _____

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF HELENA

WHEREAS, Section 1-4-17 of the Helena City Code provides that the City Commission may sell, dispose or lease property owned by the City; and

WHEREAS, the City of Helena owns the parcel of real property described below:

Lots 1-6 in Block 55 of the Central Addition No. 3.

WHEREAS, the State of Montana ("State") believed that it had acquired the property from the City of Helena in 1953;

WHEREAS, the State, by and through the Department of Administration, transferred Lots 7-17 of Block 55 of the Central Addition to D&M Development, LLC (D&M) in 2016;

WHEREAS, the State issued a correction deed that was recorded in 2021, which added Lots 1-6 in Block 55 of the Central Addition No. 3 to be transferred to D&M as part of the 2016 transaction;

WHEREAS, D&M has paid taxes on the property since 2016;

WHEREAS, D&M believed it was the owner of the property and attempted to donate it to St. Peter's Healthcare as part of a larger transaction;

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WHEREAS, St. Peter's Health plans to use the property to expand its healthcare facilities;

WHEREAS, the City of Helena has no present or foreseeable use for the property;

WHEREAS, quitclaiming any and all of the City's interest in the property to D&M will help clean up the chain of title for the property;

WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof to quitclaim the property to D&M;

WHEREAS, a public hearing was held on this matter on the 29th day of July, 2024, at 6:00 p.m. in the Commission Chambers at 316 North Park Avenue, Helena, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, AS FOLLOWS:

Section 1. That notice of the disposal of the above-described property was properly given pursuant to 1-4-17 of the Helena City Code, and the City Manager or the Manager's designee is hereby authorized to quitclaim the above-described property to D&M.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

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MONTANA, THIS 29th DAY OF JULY, 2024.

MAYOR

ATTEST:

CLERK OF THE COMMISSION