



City of Helena

CITY OF HELENA
City Commission Meeting
May 19, 2025 - 6:00 PM

City - County Building Room 330 / Zoom Online Meeting; <https://zoom.helenamt.gov/c/36053471/publicmeetings>

1. Call to Order and Roll Call

A. Meeting Rules of Procedure

2. Pledge of Allegiance

3. Minutes

A. 4-30-25 Admin Meeting

4. Proclamations

A. Don't Fry Day Proclamation

B. National Historic Preservation Month

5. Consent Agenda

A. Transportation Systems-A Resolution Declaring Various Vehicles Owned by the City of Helena to be Surplus Personal Property and Authorizing the City Manager to Dispose of that Property

6. Communication/Proposals from Commissioners

7. Report of the City Attorney

8. Report of the City Manager

A. Update on Training Partnership with Carroll College

9. Communications from the Helena Citizens Council

10. Regular Items

A. Consider a Resolution of Intention to Set Fees Charged for Disposal of Garbage and Refuse at the City of Helena Transfer Station and Repeal Resolution 20832

11. Public Hearings

A. Consider an Exclusive Use Permit for Resource Environmental, LLC to install groundwater monitoring wells along Yellowstone Drive

B. Consider an Exclusive Use Permit for Resource Environmental, LLC to install groundwater monitoring wells along "B" Street

12. Public Communications

13. Adjournment

It is the policy of the City Commission to take public comment on any action item. For further information on any of the items mentioned above, please contact the City Clerk's Office at 447-8410 or dmclayborn@helenamt.gov.

To read packet information while attending a City Commission Meeting please use the City/County wireless network

COMM_MEET during the meeting.

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.

Rules of Procedure:

Good evening and welcome to the City of Helena City Commission Meeting. We appreciate your attendance and participation. To ensure our meetings are productive and respectful, we ask everyone to adhere to the following guidelines:

Decorum and Expectations:

- Please maintain respect towards the Commission, presenters, and other participants. All participants are expected to avoid using profanity or hostile language. Inappropriate behavior or continued disruptions may result in action by the Commission.

Zoom Participation Decorum:

- Please keep your microphone muted unless you are speaking to minimize background noise.
- Use the “Raise Hand” feature if you wish to speak and wait to be recognized by the chair.
- If available to you, please ensure your video is on if you are speaking, to maintain transparency and engagement.
- Participants joining by telephone may raise their hand by pressing *9 and mute/unmute themselves using *6.

Public Comment:

- Public comments will be recognized only during designated periods by the presiding officer.
- State your name for the record when recognized to speak.
- **Each speaker will be given two minutes to make their comments. At two minutes, you will be asked to begin wrapping up. Please keep comments respectful, concise, and non-repetitive.**
- Individuals may speak once per agenda item and during the general comment period at the end of the meeting.
- **Comments will first be taken from people present in the room, followed by online participants.**
- Online participants may also use the Q&A feature to submit written comments.
- **If you ask a question during public comment, it will be recorded but you likely will not receive an answer. The purpose of public comment is for you to share your thoughts on a topic, not ask questions to City staff.**
- Members of the Commission may ask clarifying questions during the comment period.
- **All comments will be recorded in the permanent record. Formal statements can be submitted via the General Public Comment form on the City’s website. Comments on public engagement pages and media are public records under MCA 2-6-1003.**

Montana’s Right to Participate and Right to Know Laws:

- In accordance with Montana’s right to participate law (MCA 2-3-103), the public is encouraged to engage in the decision-making process.
- The right to know law (MCA Article II Section 10) ensures that all meetings are open to the public and that records are accessible. We strive to maintain transparency and accountability in all our proceedings.

Public Meetings and Recordings:

- **Please be aware that all public meetings and recordings are considered public records. These records are accessible to the public at any time.**
- **By participating in this meeting, you acknowledge that your comments and participation will be part of the public record.**

Thank you for your cooperation and for contributing to a respectful and effective meeting.



City Commission Administrative Meeting

April 30, 2025 – 4:00 PM

Zoom Link: <https://zoom.helenamt.gov/c/36053471/publicmeetings>

City County Building, 316 N. Park Ave., Room 326

Time & Place

A City Commission Administrative meeting was held Wednesday, April 30, 2025 at 4:00 p.m. physically in the City County Building, Room 326, and via Zoom Hub Link:

<https://zoom.helenamt.gov/c/36053471/publicmeetings>

Call to Work Session, Introductions

(00:04:53) The following responded present:

In Person

City Attorney Dockter
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

Via Zoom

Commission Comments, Questions

(00:05:27) Commissioner Reed discussed Greater Helena Gives Day.

Recommendations from the Helena Citizens Council

(00:05:55) HCC Representative Anne Hausrath provided a Treasurer's Report and discussed recent and upcoming meeting agenda items.

Report of the City Manager

A. Commission Pay

(00:06:25) Manager Burton and Human Resources Director McMahon presented Item A.

(00:11:30) Commissioner Dean asked Manager Burton about budget impacts related to a COLA.

- (00:13:31)** Commissioner Reed asked for clarification of the proposed monthly amounts and discussed pay being a barrier for potential candidates.
- (00:14:17)** Commissioner Logan requested that language from the current ordinance be included in the next meeting packet.

Department Reports

A. Department Budget Presentations: Human Resources

- (00:16:23)** Director McMahon presented Item A.
- (00:29:26)** Commissioner Reed asked Finance Director Danielson about the practice for handling discrepancies between projected and actual budget items.

B. FY26 Budget Presentations: Non-Departmental Budgets

- (00:31:39)** Director Danielson presented Item B.
- (00:35:52)** Commissioner Dean asked Director Danielson about the recommended loan repayment amount.
- (00:36:26)** Commissioner Reed asked Director Danielson about restrictions on artisan loans and about the number of citizens utilizing the program.
- (00:39:32)** Commissioner Shirtliff asked Director Danielson about the interest rate for renewable energy loans.
- (00:40:13)** Commissioner Dean asked Director Danielson about options for rates.
- (00:41:19)** Commissioner Logan asked Director Danielson about the public engagement process for loan programs.
- (00:43:18)** Manager Burton and Commissioner Reed discussed the number of citizens on a waitlist for the Solar Loan Program.
- (00:49:16)** Commissioner Dean asked Director Danielson about the comparison with other municipalities for premiums.
- (00:53:37)** Commissioner Dean asked Director Danielson about funding budgets for the premium increase.
- (00:54:07)** Commissioner Logan asked Director Danielson if there will be additional mills required.

C. FY26 Depart Budget Presentations: Parks, Recreation, Golf, Civic Center, Open Lands & Urban Forestry

- (00:54:48)** Parks, Recreation, and Open Lands Director Smith presented Item C.
- (01:12:24)** Mayor Collins asked Director Smith for clarification of ticket sales.
- (01:16:40)** Commissioner Reed asked Director Danielson and Commissioner Dean about trail maintenance specifics and about general fund transfers.
- (01:19:54)** Commissioner Dean asked Director Danielson about the allocation for Kay's Kids.
- (01:21:45)** Sonda Gaub provided public comment, thanking the Civic Center staff for their work.

D. Department Budget Presentation: Community Facilities

- (01:22:47)** Community Facilities Director Sampson and Facilities Manager Johnston presented Item D.
- (01:34:27)** Commissioner Logan asked Manager Johnston about community partners.
- (01:35:05)** Commissioner Reed thanked Staff and the Helena Public Art Committee for their work.

E. FY26 Budget Presentation - Transportation Systems

- (01:36:20)** Transportation Systems Director Knoepke and Deputy Director Couey presented Item E.
- (01:43:12)** Commissioner Reed asked Director Knoepke about dust abatement efforts.
- (01:46:10)** Commissioner Logan asked Deputy Director Couey about the dollar amount for the 5% increase.
- (01:46:29)** Commissioner Dean discussed the advantages of adding a milling machine for the asphalt overlay program.
- (01:52:38)** Commissioner Logan, Mayor Collins, Commissioner Reed, and Commissioner Dean discussed a roundabout option on 'Mini Malfunction.'
- (02:11:00)** Commissioner Reed asked Deputy Director Couey and Director Knoepke about ride request logistics.



(02:13:23) Commissioner Shirtliff and Commissioner Dean discussed funding options for the roundabout on 'Mini Malfunction.'

Public Comment

(02:15:03) There were no further comments or questions from the Commission and/or public.

Commission Discussion and Direction to the City Manager

Adjournment

(02:15:20) There being no further business before the Commission, the meeting adjourned at 6:16pm.



City of Helena

Proclamation

WHEREAS, more than 5.4 million Americans are diagnosed with skin cancer each year, making it the most common cancer diagnosed in the United States; and

WHEREAS, more than two Americans die every hour from skin cancer; and

WHEREAS, the Office of the U.S. Surgeon General has issued a Call to Action to Prevent Skin Cancer; and

WHEREAS, the National Council on Skin Cancer Prevention has designated the Friday before Memorial Day as "Don't Fry Day" to promote skin cancer awareness and encourage everyone to protect their skin while enjoying the outdoors; and

WHEREAS, the most common types of skin cancer, including melanoma, the deadliest form of skin cancer, are strongly associated with exposure to UV radiation (sunlight and indoor sources); and

WHEREAS, individuals can take steps to reduce their risk of developing skin cancer by being sun-safe. Sun protection helps prevent the harmful effects of UV exposure, including sunburn, skin cancer, premature skin aging, and eye damage.

NOW, THEREFORE, be it resolved that I, Wilmot Collins, Mayor of Helena, Montana, do hereby proclaim May 23rd, 2025, as

"Don't Fry Day"

throughout this city, and I urge all the people of Helena to take cognizance of this event and participate fittingly in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Helena, Montana, to be affixed this 19th day of May, 2025.

Wilmot Collins, Mayor

ATTEST:

Dannai Clayborn, Clerk of the Commission



City of Helena

Proclamation

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, foster local pride and maintaining community character while enhancing livability; and

WHEREAS, preservation work strengthens communities, breathes new life into neighborhoods, supports a healthier planet, and builds a more just and connected society; and

WHEREAS, historic preservation is relevant for communities throughout Montana and across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, Historic places we protect spark joy, inspire wonder, and connect us to our shared history in ways that shape our future; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “Celebrate the Power of Place” is the theme for National Historic Preservation Month 2025.

NOW, THEREFORE, be it resolved that I, Wilmot Collins, Mayor of Helena, Montana, do hereby proclaim May, 2025, as

“National Historic Preservation Month”

throughout this city, and I call upon the people of Helena and Lewis and Clark County to join their fellow citizens across Montana and the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Helena, Montana, to be affixed this 19th day of May, 2025.

Wilmot Collins, Mayor

ATTEST:

Dannai Clayborn, Clerk of the Commission

City of Helena, Montana

20250519

To: Honorable Mayor and City Commissioners

From: Tim Burton, City Manager
David Knoepke, Transportation Systems Director

Subject: Transportation Systems - Approval of a Resolution declaring various vehicles owned by the City of Helena to be surplus property and authorizing the City Manager to dispose of that property.

Present Situation: The vehicles and equipment identified in the resolution are being organized at the City Fleet Maintenance Facility for disposal.

Background Information: All the identified vehicles and equipment have exceeded their operational service or maintenance life. Most of the listed vehicles and equipment have been or could be replaced by newer and more efficient vehicles.

Proposal/Objective: To declare surplus and dispose of by public auction as identified in the attached Resolution. The vehicles and equipment identified to be sold at public auction could generate some revenue for the contributing departments/divisions.

Advantage: Disposing the surplus vehicles and equipment will remove them from the City inventory which will reduce maintenance and insurance costs associated with each vehicle or piece of equipment being disposed.

Notable Energy Impact: Eliminates older fleet vehicles and equipment that are not fuel efficient, past service life, no longer in service, expensive to maintain or no longer in repairable condition.

Disadvantage: None noted at this time.

Notice of Public Hearing: N/A

**Staff Recommendation/
Recommended Motion:** Move to approve a resolution declaring various vehicles owned by the City of Helena to be surplus property and authorizing the City Manager to dispose of that property.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol.

RESOLUTION NO. _____

**A RESOLUTION DECLARING VARIOUS VEHICLES
OWNED BY THE CITY OF HELENA TO BE SURPLUS PERSONAL PROPERTY
AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF THAT PROPERTY**

WHEREAS, the City of Helena owns various used vehicles and
equipment as follows:

UNIT #	DEPARTMENT- DIVISION	YEAR/MAKE/MODEL	VIN/SERIAL NUMBER
309	TRANSPORTATION SYSEMS STREETS	2006 FORD F-250 FLAT BED PICK UP	1FTNF20566ED02352
314	TRANSPORTATION SYSEMS STREETS	2005 FREIGHTLINER 6 YD DUMP TRUCK	1FVAC2CS45DV10196
393	TRANSPORTATION SYSEMS STREETS	2005 ELGIN/EAGLE SWEEPER	49HAADB75DV06702
396	TRANSPORTATION SYSEMS STREETS	2010 Elgin Pelican Sweeper	NP1300D
450	PUBLIC WORKS WATER TREATMENT	1996 GMC ½ TON 4X4 PICK UP	2GTEK19R9T1539488
39	HELENA POLICE DEPARTMENT	2017 FORD INTERCEPTOR	1FM5K8AR2HGE40148
47	HELENA POLICE DEPARTMENT	2021 FORD INTERCEPTOR	1FM5K8AB7MGA43886
70	HELENA POLICE DEPARTMENT	2019 FORD INTERCEPTOR	1FM5K8AR3KGB15662
71	HELENA POLICE DEPARTMENT	2019 FORD INTERCEPTOR	1FM5K8AR3KGB15663

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol.

72	HELENA POLICE DEPARTMENT	2019 FORD INTERCEPTOR	1FM5K8AR3KGB15664
536	PARKS MAINTENANCE	2005 SWEEPER GREEN MACHINE	SA9525HS84F131309
539	HELENA FIRE	1998 RANGE 10 4 WHL. TRAILER	1XLSS1713W101Y291
518	PARKS GOLF COURSE	1983 JOHN DEERE 850 TRACTOR WITH BUCKET	011926CH/1486

WHEREAS, the original value of each individually listed piece of personal property is equal to or greater than \$5,000.00;

WHEREAS, this property is no longer needed for use by the City of Helena at present or in the foreseeable future; and

WHEREAS, for personal property with an original value equal to or greater than \$5,000.00, Section 1-4-18, Helena City Code, requires the commission to direct the City Manager, by resolution, as to the authorized method of disposition of the surplus personal property; and

WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the vehicles and equipment be declared surplus and disposed of by the City Manager.

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

Section 1. The following personal property is hereby declared

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol.

surplus property, and the City Manager is authorized to dispose of the property according to the method described below for each vehicle:

UNIT #	DEPARTMENT-DIVISION	YEAR/MAKE/MODEL	VIN/SERIAL NUMBER	AUTHORIZED DISPOSAL METHOD
309	TRANSPORTATION SYSEMS STREETS	2006 FORD F-250 FLAT BED PICK UP	1FTNF20566ED02352	Auction
314	TRANSPORTATION SYSEMS STREETS	2005 FREIGHTLINER 6 YD DUMP TRUCK	1FVAC2CS45DV10196	Auction
393	TRANSPORTATION SYSEMS STREETS	2005 ELGIN/EAGLE SWEEPER	49HAADB75DV06702	Auction
396	TRANSPORTATION SYSEMS STREETS	2010 Elgin Pelican Sweeper	NP1300D	Auction
450	PUBLIC WORKS WATER TREATMENT	1996 GMC ½ TON 4X4 PICK UP	2GTEK19R9T1539488	Auction
39	HELENA POLICE DEPARTMENT	2017 FORD INTERCEPTOR	1FM5K8AR2HGE40148	Auction
47	HELENA POLICE DEPARTMENT	2021 FORD INTERCEPTOR	1FM5K8AB7MGA43886	Auction
70	HELENA POLICE DEPARTMENT	2019 FORD INTERCEPTOR	1FM5K8AR3KGB15662	Auction
71	HELENA POLICE DEPARTMENT	2019 FORD INTERCEPTOR	1FM5K8AR3KGB15663	Auction
72	HELENA POLICE DEPARTMENT	2019 FORD INTERCEPTOR	1FM5K8AR3KGB15664	Auction

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

				Resol.
536	PARKS MAINTENANCE	2005 SWEEPER GREEN MACHINE	SA9525HS84F131309	Auction
539	HELENA FIRE	1998 RANGE 10 4 WHL. TRAILER	1XLSS1713W101Y291	Auction
518	PARKS GOLF COURSE	1983 JOHN DEERE 850 TRACTOR WITH BUCKET	011926CH/1486	Auction

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF
HELENA, MONTANA, THIS 19th DAY OF MAY, 2025.

ATTEST:

MAYOR

CLERK OF THE COMMISSION

City of Helena, Montana

5/5/2025

To: Mayor Collins and the Helena City Commission

From: City Manager Tim Burton, Fire Chief Jon Campbell, Police Chief Brett Petty

Subject: Update on Fire Training at Carroll College

Present Situation: Training has been completed.

Background Information: Carroll College approached Helena Fire and Police Departments regarding a residential building they purchased and intended to tear down in a campus expansion project.

Proposal/Objective: The Fire Department and the joint Police and Sheriff SWAT team utilized the building for training purposes. This presented a unique opportunity to exercise skills that had the potential to damage a structure.

Advantage: Training opportunity in partnership with Carroll College

Notable Energy Impact: n/a

Disadvantage: n/a

Notice of Public Hearing: n/a

**Staff Recommendation/
Recommended Motion:** n/a



Carroll College's Acquired Structure

178 W. Lyndale Ave



March 25-27

- All 3 shifts FD went through the training
- There was two different scenarios so that each station arrived first and second.
- First scenario started at Station 1 with a staged arrival time

Realistic Training

- Unknown structure to our firefighters
- Had to make decisions based upon their outside findings
- They had to work around furniture and other household items inside and out
- They could do whatever they would like to do inside the structure, including forcing doors, spraying water, and opening the ceiling.





Goals of the training

- Size up the structure with a radio report
- Perform a 360 to identify any hazards
 - Identify two electrical meters and identify that this was a duplex
- Secure a hydrant that was 100' away
- Pull handline(s) and put out the fire
- Search the structure
- Find any hidden fires
- Determine any other priorities
 - Ladder to the second floor
 - Exhaust Fan
 - Medical supplies for the victim
 - Rapid Intervention Team
 - 2nd handline



1st Scenario

- 2nd floor fire
- Smoke coming from the second-floor window
- They had determined which door to enter
- Encountered: Steep set of stairs, force the front door, move around furniture including clothing and sofa.
- They found at least one unconscious victim

2nd Scenario

- Basement fire with smoke coming from the basement window
- Changed the layout of the first floor with OSB
- Had to determine the correct entry point
- Basement was long dark and had multiple rooms that they had to search
- Had to find the fire and extinguish the fire
- Command had to identify how this house was built– balloon frame
- The second arriving crew would find a victim with a search above the fire



In conclusion

- Great partnership with the college
 - Easy access to the building
 - Quick to get into the building for the training
- HPD and Sheriff's Dept. joint SWAT team also utilized the structure for training evolutions.
- These types of structures better prepare the department with realistic conditions.



City of Helena, Montana

05/13/2025

To:

Mayor Collins and the Helena City Commission

From:

Tim Burton, City Manager
Ryan Leland, Public Works Director
Sheila Danielson, Finance Director

Subject:

Consider a Resolution of Intention to Set Fees Charged for Disposal of Garbage and Refuse at the City of Helena Transfer Station and Repeal Resolution 20832

Present Situation:

The City of Helena and Lewis and Clark County jointly analyze and agree each year on a recommended tipping fee for the operation of the City Transfer Station and the Lewis and Clark County Landfill. The sum of these two individual tipping fees make-up the overall tipping fee charged at the Transfer Station. The City of Helena is proposing the Transfer Station tipping fee at \$36.75 per ton. The County is proposing a tipping fee to \$22.00 per ton. Therefore, the Public Works Department is recommending a total tipping fee of \$58.75 per ton (an increase of \$4.00).

Background Information:

N/A

Proposal/Objective:

To hold a public hearing on June 16th, 2025 and after receiving public input, approve a resolution to set fees charged for the disposal of garbage and refuse at the City of Helena Transfer Station for fiscal year 2026.

Advantage:

Passage of this Resolution of Intention will allow for a public hearing which will ultimately allow the department to set rates to be used by the Transfer Station for fiscal year 2026.

Notable Energy Impact:

N/A

Disadvantage:

None Noted

Quasi-Judicial Item:

False

Notice of Public Hearing:

False

**Staff Recommendation/
Recommended Motion:**

Move approval of a resolution of intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station, Repeal Resolution 20826, and set a public hearing date of June 16th, 2025.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SET FEES CHARGED FOR DISPOSAL OF GARBAGE AND REFUSE AT THE CITY OF HELENA TRANSFER STATION AND REPEAL RESOLUTION NO. 20832

WHEREAS, the City of Helena operates the "Transfer Station" to provide sanitary disposal of garbage and refuse, collection of recyclable materials, and diversion of usable material;

WHEREAS, the City pays a tipping fee charged by the County for use of the landfill that needs to be recovered in order to keep up with paying for the costs of doing business;

WHEREAS, the City is authorized to establish such fees as may be necessary to operate its facilities to ensure positive cash flow; and

WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof that Resolution No. 20832 be repealed and a new resolution setting fees be enacted.

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

Section 1. That it is the intention of the Helena City Commission to adopt the following transfer station tipping fees:

A. These tipping fees apply to all Transfer Station customers:

Minimum transaction/tipping fee (Permit):\$0.60/20 lbs.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

Minimum transaction/tipping fee (Non-Permit):\$6.00/200 lbs.

Permit holders that exceed the yearly allowance will be cash customers.

The total Tipping Fee is calculated below:

Transfer Station Tipping Fee	\$36.75
Landfill Tipping Fee	<u>\$22.00</u>
Total Tipping Fee	\$58.75/Ton

The total tipping fee is applied to all garbage, refuse, recyclable materials, and diverted materials at the transfer station. The cost of clean loads of recycled materials are charged to either the City of Helena Residential Fund, other participating districts, or other governmental entities that have a transfer station agreement with the City of Helena, but is not counted as tonnage against permits.

B. Any additional charges or tipping fees can be paid by using any residential permit credit granted by the City of Helena, Scratchgravel, or other participating districts, as shown below:

Appliances with refrigerants: \$0.00 each
(plus tipping fee)

Tires:

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

Passenger and light truck up to 20" inside diameter)	\$0.00 each (plus tipping fee)
---	-----------------------------------

Passenger and light truck on rim (up to 20" inside diameter)	\$0.00 each (plus tipping fee)
---	-----------------------------------

*Oversized tires (over 20" inside diameter, but less than 25")	\$0.00 each (plus tipping fee)
--	-----------------------------------

*Tires with larger than 25" inside diameter, not to exceed 48" outside diameter	\$0.00 each (plus tipping fee)
--	-----------------------------------

Electronic Waste:

All E-waste	\$0.00 each (plus tipping fee)
-------------	-----------------------------------

Household Hazardous Waste:

At least one Household Hazardous Waste collection event will be provided at no charge to small-quantity generator permit holders.

C. The following additional charges apply to all commercial customers, cash customers, or any residential customers that exceed the yearly permit credit:

Appliances with refrigerants: (No limit)	\$15.00 each (plus tipping fee)
--	------------------------------------

Tires:

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

(No limit)

Passenger and light truck (up to 20" inside diameter)	\$5.00 each (plus tipping fee)
--	-----------------------------------

Passenger and light truck tires on rim (up to 20" inside diameter)	\$10.00 each (plus tipping fee)
---	------------------------------------

*Commercial truck tires (off the rim)	\$15.00 each (plus tipping fee)
--	------------------------------------

*Commercial truck tires (on the rim)	\$ 25.00 each (plus tipping fee)
---	-------------------------------------

*Tires larger than a 48" outside diameter are not accepted.

Mattresses/Box Springs: (No limit)	\$10.00 each (plus tipping fee)
--	------------------------------------

Electronic Waste:	Current tipping fee
--------------------------	---------------------

Household Hazardous Waste (HHW): Charges and restrictions may apply to HHW events.

Section 2. The value of a residential permit credit will be based on budget policy and related resolutions set by the governing bodies of the City of Helena, Scratch Gravel Landfill District, and Lewis & Clark County.

Section 3. It is the intention of the Helena City Commission to repeal Resolution No. 20832.

Section 4. A public hearing on this matter will be held on June 16, 2025, at 6:00 P.M in the City Commission Chambers at 316 North Park Avenue, Helena, Montana, so that all interested

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. _____

parties may appear and express their opinions of approval or disapproval.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF
HELENA, MONTANA, THIS 19th DAY OF MAY, 2025.**

MAYOR

ATTEST:

CLERK OF THE COMMISSION

City of Helena, Montana

5-19-2025

To: Mayor Collins and the Helena City Commission

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

Subject: Transportation Systems - Exclusive Use Permit – Resource Environmental, LLC Yellowstone Dr.

Present Situation: Resource Environmental, LLC (RELLC) is requesting an Exclusive Right-of-Way Use permit for the installation of groundwater monitoring wells in the boulevard area along Yellowstone Dr. The well set will have 2 or 3 borings/wells and will be capped with a 7' x 20' concrete pad.

Background Information: RELLC has been working with the Montana Department of Environmental Quality (DEQ) to characterize and remediate groundwater contamination, presumably associated with historic releases from the Phillips 66 Products Terminal (318 East US HWY 12) and the adjacent Yellowstone Pipe Line Pump Station.

Exclusive Right-of-Way Use permits that are granted by the city commission are subject to the conditions outlined in section 7-13-5 of the Helena City Code.

One of these conditions is the permit holder shall pay to the city administrative services department an annual fee for the Right-of-Way use permit of five percent (5%) of the fair market value of the property as determined by the most recent appraisal by the Montana department of revenue for ad valorem property taxation purposes... with a minimum fee per year of \$50. In this case the calculated fee would be \$11.21 per year so the \$50 minimum would apply.

The city commission may place conditions and limitations on the use of the right of way and may by resolution approve, deny, or conditionally approve the requested exclusive right of way permit.

Proposal/Objective: Resource Environmental, LLC is requesting use of 140 sq.ft. of public Right-of-Way along Yellowstone Drive to install groundwater monitoring wells.

Advantage: Monitoring wells will allow the applicant to better define the extents of a groundwater contamination plume in the area and plan for potential mitigation measures.

Notable Energy Impact: N/A

Disadvantage: None.

Notice of Public Hearing: True

Staff Recommendation/Recommended Motion: *Move to approve the Resource Environmental, LLC Exclusive Right-of-Way use permit of 140 sq.ft. along Yellowstone Drive with an annual fee of \$50.00.*



City of Helena
Transportation Systems Department

3001E Lyndale Ave
Helena, MT 59601
Phone: 406-447-8099

Application for Right-of-Way Encroachment or Use Permit

Applicant (please print full name):	
Address:	
City, State, Zip Code:	Phone Number:
Property Owner/User (please print full name):	
Address:	
City, State, Zip Code:	Phone Number:

REQUESTING:

- ☐ 7-13-3 Encroachment Permit
- ☐ 7-13-4 Non-Exclusive Right-of-Way Use Permit – duration of permit may not exceed 5 years (granted by the City Manager)
- ☐ 7-13-5 Exclusive Right-of-Way Use Permit (a private use that does not allow public access through the right-of-way) (granted by the City Commission)

Street address of property:
Legal Description of property:
Type, name, and legal description of Right-of-Way to be utilized (street, sidewalk or alley):
Purpose for Right-of-Way Use (including description of encroachment/use and duration of use):

☐ **Site Plan** (must include drawing of the location and dimensions of the right of way area proposed for the encroachment and the arrangement of objects, fixtures, or portions of structures expected to be located in the right of way.) For further detail information attach additional sheets

☐ **Certificate of Liability Insurance** (for Exclusive Right-of-Way Use Permits only)

NOTE TO APPLICANT

- Owner must provide a signed application, site plan, and any maps for review by the City of Helena Transportation Systems Department.
- **Exclusive Right-of-Way Use:** There is an annual fee of 5% of the market value or a minimum of \$50.00 for all Exclusive Right-of-Way Use permits and must be approved by the City Commission.
- The applicant for an exclusive right of way use permit shall indemnify, defend, and hold the city and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant shall furnish a policy or certificate for comprehensive general liability insurance with the city named as an additional insured. Such certificate of insurance shall be in the amount of one million dollars (\$1,000,000.00) per claim or occurrence.

Printed Name of Owner/User

Signature Owner/User

Date Received **01 APR 2025**

April 1, 2025

Date:

Process By:

Mark T. Young

ATTACHMENT A

LETTER OF REQUEST

April 1, 2025

City of Helena Commissioners

Subject: Request for an Exclusive Right-of-Way Permit for the Installation of Groundwater Monitoring Wells (Yellowstone Drive Well Set)

Resource Environmental, LLC (RELLC) is requesting an Exclusive Right-of-Way Use Permit for the installation of groundwater monitoring wells. Approximate monitoring well locations are shown on Attachment B (Figure 3-2 from the latest Helena Terminals Groundwater Monitoring Report [Trihydro 2025-03]). Specific locations are shown in the attached Site Plan included as Attachment C. RELLC has been working with the Montana Department of Environmental Quality (DEQ) to characterize and remediate groundwater contamination presumably associated with historic releases from the Phillips 66 Products Terminal (318 East US HWY 12) and the adjacent Yellowstone Pipe Line Pump Station. Attachment B (Figure 3-2) shows approximate extents of a groundwater contamination plume as defined by benzene concentrations in groundwater. Groundwater flow is generally to the north/northeast in this area. As shown on the figure, the plume is not fully defined to the west. The plume extent needs to be further refined to guide potential future remediation; the proposed new wells should help to refine plume extents.

The “well set” shown on Attachments B and C represent multiple borings spaced within 6 feet of each other. Up to three screened intervals will be selected in the field, by the field geologist, based on field observations and field screening data. Each screened interval will be completed as a separate well in a separate boring. At the well set location, if contamination is identified in the field, three screened intervals/three wells will be required: a shallow screened interval straddling the water table, a deeper screened interval targeting the area of identified contamination, and a still-deeper interval set below contamination installed to provide vertical delineation of the contamination. If contamination is not identified, the vertical delineation well would not be required; only two wells would be installed.

As requested by City of Helena Public Works/Engineering, the proposed wells would be completed in the “Landscaped BLVD.” portion of the right of way. A “Local Road/Private Road” schematic provided by the City of Helena illustrating the Landscaped BLVD is included as Attachment D. Assuming 3 borings are needed, a 20-ft by 7-ft rectangle has been plotted within the Landscaped BLVD on the Attachment C Site Plan. Each of the three borings would be completed within this rectangle. A survey map provided by the City of Helena is overlain on the Attachment C Site Plan. The rectangle description is provided below, using the survey map “Iron Pins” as reference points.

Yellowstone Drive Well Set Rectangle: The northwestern edge of the “Sidewalk” (which does not yet exist) will be established by locating the survey pins southwest and northeast of the proposed well set location. As shown on the Attachment C Site Plan, the

rectangle representing the well set location will be placed within the Landscaped BLVD, 28 ft northeast of the southwest survey pin.

The required Certificate of Liability Insurance is provided as Attachment E. Pending approval of this application, and prior to well installation, a professional surveyor will locate and mark the area of the rectangles, as described above. The approximate locations of known utilities are shown on the Attachment C Site Plan; the proposed boring locations do not interfere with known utilities. Should currently unidentified utilities or other obstructions prevent well installation within the above-referenced well set rectangles, RELLC will consult with the City of Helena Public Works regarding potential alternate drilling locations. Drilling will not be conducted beyond the surveyed rectangle without City of Helena consent.

Fieldwork is tentatively scheduled to begin in mid-May 2025. Prior to drilling, a public utility locate will be completed, and drilling locations will be potholed with a vacuum truck to a depth of 8 ft below ground surface to confirm utility absence. It is anticipated that well installation will be completed by the end of June 2025.

Should you have any questions, please contact the undersigned at (805) 286-4076, or our local environmental consultation, Grant Price (Trihydro Corporation) at (307) 399-0890 (email at gprice@trihydro.com).

Very truly yours,

RESOURCE ENVIRONMENTAL, LLC



Mr. Greg Vogelpohl
Vice President & General Manager

Attachments

cc: Grant Price, Trihydro

ATTACHMENT B

APPROXIMATE WELL LOCATION MAP



Red dots represents approximate Proposed Well Set Location

EXPLANATION

- WELL USED FOR CONTOURING, FOLLOWED BY BENZENE CONCENTRATION (MG/L)
- WELLS NOT MONITORED
- PRIVATE WATER WELL
- ▼ DECREASING TREND - MANNKENDALL STATISTICAL ANALYSIS
- ▬ SITE BOUNDARY

DISSOLVED-PHASE BENZENE CONTOURS (µg/L); DASHED WHERE INFERRED

- 5
- 50
- 500
- 5000

N

0 300'

NOTES:

- µg/L = MICROGRAM PER LITER.
- ND = NON-DETECT.
- DEQ RBCA RBSL = 5 (µg/L).
- 2023 DATA ARE CONSIDERED FOR CONTOURING PURPOSES WHERE 2024 DATA ARE NOT AVAILABLE.

Trihydro
CORPORATION

1252 Commerce Drive
Laramie, WY 82070
www.trihydro.com
(P) 307/745.7474 (F) 307/745.7729

FIGURE 3-2
OCTOBER 2024
DEEP GROUNDWATER
BENZENE CONCENTRATIONS

HELENA TERMINALS
HELENA, MONTANA

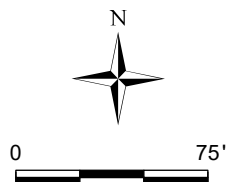
Drawn By: BS	Checked By: GP	Scale: 1" = 300'	Date: 2/4/25	File: Fig3-2_DeepBenzene
--------------	----------------	------------------	--------------	--------------------------

ATTACHMENT C

SITE PLAN

Legend for the proposed street layout:

- ===== CENTER OF STREET
- ACITVE REGIONAL GAS PIPELINE
- CITY UTILITY LINES
- 5' SIDEWALK
- 7' LANDSCAPED BLVD
- 2' CURB AND GUTTER
- 6' PARKING LANE
- 10' TRAVEL LANE
- WELL SET TO BE COMPLETED IN THE 7' X 20' RECTANGLE LOCATED WITHIN THE LANDSCAPED BLVD



1252 Commerce Drive
Laramie, WY 82070
www.trihydro.com
(P) 307/745.7474 (F) 307/745.7729

FIGURE 1

YELLOWSTONE DRIVE PROPOSED BORING AREA

CITY OF HELENA ROW PERMIT

Drawn By: BS

Checked By: GP

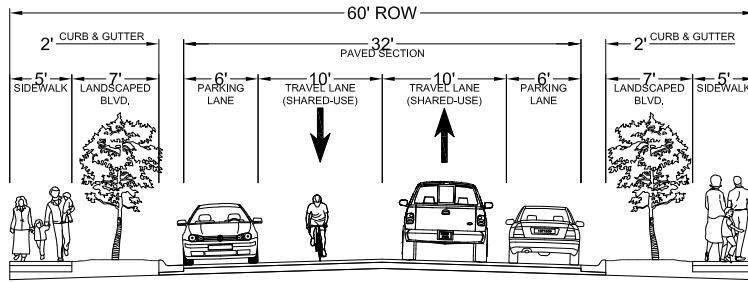
Scale: 1" = 75'

Date: 3/31/25

File: Fig1_Yellowstone

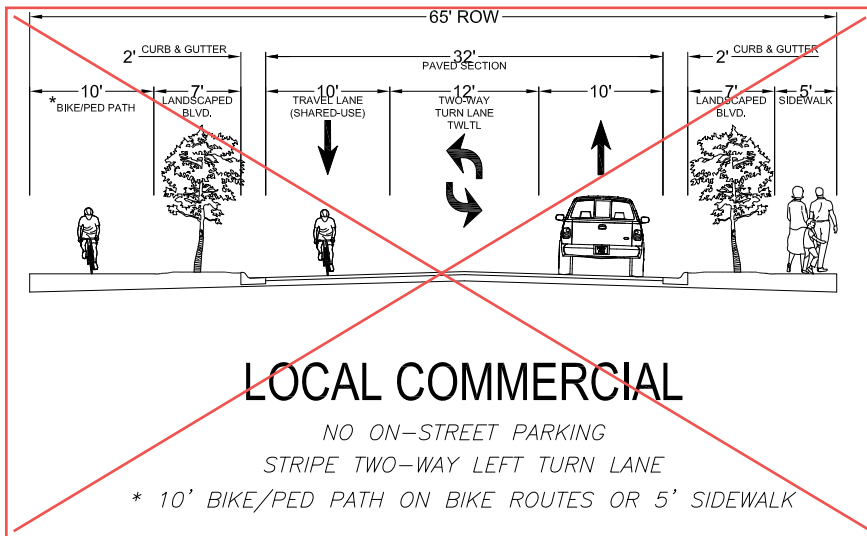
ATTACHMENT D

LOCAL ROAD/PRIVATE ROAD SCHEMATIC



LOCAL ROAD/PRIVATE ROAD (w/On-Street Parking)

(NON-MOTORIZED VEHICLES SHARE THE ROAD)

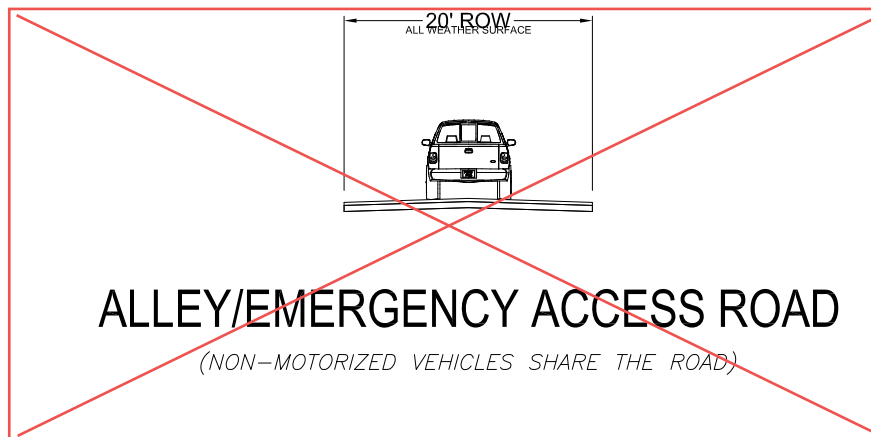


LOCAL COMMERCIAL

NO ON-STREET PARKING

STRIPE TWO-WAY LEFT TURN LANE

* 10' BIKE/PED PATH ON BIKE ROUTES OR 5' SIDEWALK



ALLEY/EMERGENCY ACCESS ROAD

(NON-MOTORIZED VEHICLES SHARE THE ROAD)

CITY OF HELENA
ENGINEERING STANDARDS

REVISED:
11-15-2024

SCALE:
NONE

LOCAL ROAD/PRIVATE ROAD

STANDARD
DRAWING:

5-1

ATTACHMENT E

CERTIFICATE OF LIABILITY INSURANCE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/12/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 2500 City West Boulevard Suite 2400 Houston TX 77042	CONTACT NAME: Kim Andes PHONE (A/C, No, Ext): 713-780-6639 E-MAIL ADDRESS: Kim.Andes@MarshMMA.com	FAX (A/C, No):
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : Benchmark Specialty Insurance Company		17180
INSURER B : Texas Mutual Insurance Company		22945
INSURER C : Louisiana Workers' Compensation Corp.		22350
INSURER D :		
INSURER E :		
INSURER F :		

COVERAGES

CERTIFICATE NUMBER: 1862232790

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> 10,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			MNGRP200091401	1/1/2025	1/1/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Pollution / Prof. \$ 2,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			MNGRP200091401	1/1/2025	1/1/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB DED RETENTION \$	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE		MNGRX200049601	1/1/2025	1/1/2026	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/> N / A		0001152199	1/1/2025	1/1/2026	<input checked="" type="checkbox"/> PER STATUTE E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Workers Compensation - Louisiana			146383A	1/1/2025	1/1/2026	EL Each Accident 1,000,000 EL Policy Limit 1,000,000 EL Each Employee 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The General Liability and Umbrella policies include a Blanket Additional Insured endorsement that provides additional insured status only where such status is required by a written contract or agreement in place. The General Liability and Umbrella policies include a Blanket Waiver of Subrogation endorsement that provides this status only where such status is required by a written contract executed prior to start of operations. The "Primary and Non-contributory" wording is included in the General Liability policy where there is a written contract for the project specified that requires such status. The Excess policy is Follow-Form with primary coverages: General Liability, Contractors Pollution Liability, Professional Liability, and Employers Liability for states: Texas and Louisiana. The General Liability policy includes Contractors Pollution Liability and Professional Services Liability coverages: Each Aggregate Limit \$2,000,000 - Each Claim Limit \$1,000,000 - Each Claim Deductible \$10,000
RE: Right-of-Way Encroachment or Use Permit

CERTIFICATE HOLDER**CANCELLATION**

City of Helena
Transportation Systems Department
3001E Lyndale Ave
Helena MT 59601

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Brett Herrington

© 1988-2015 ACORD CORPORATION. All rights reserved.

Yellowstone Dr. & "B" St. - RoW Use Permits

	Parcel (Address)	Land Area (Acre)	Land Area (SqFt)	2024 Land Value	Value per SqFt
	3143 E. Lyndale Ave.	1.09	47480.4	\$ 113,517.00	
	3161 E. Lyndale Ave.	2.39	104108.4	\$ 208,306.00	\$ 2.00
	3175 E. Lyndale Ave.	1.698	73964.88	\$ 159,924.00	\$ 2.16
(Parcel ID)	05188828103040000	2.002	87207.12	\$ 99,903.00	\$ 1.15
(Parcel ID)	05188828103010000	1.259	54842.04	\$ 49,900.00	\$ 0.91
(Parcel ID)	05188828102030000	1.39	60548.4	\$ 53,869.00	\$ 0.89
	3178 E. Lyndale Ave.	2.765	120443.4	\$ 509,339.00	\$ 4.23
	3195 E. Lyndale Ave.	22.92	998395.2	\$ 107,407.00	\$ 0.11
	3201 Airport Rd.	12.689	552732.84	\$ 757,346.00	\$ 1.37
Average:					\$ 1.60

RoW area of wells (20'*x7'; SqFt): 140

Annual Cost of Exclusive Use Permit (5% of market value): \$	11.21
---	--------------

(Minimum **\$50** annual fee)

Public Hearing Notice: Exclusive Use Permits for Ground Water Monitoring Wells.

PUBLIC HEARING NOTICE

The Helena City Commission will hold a public hearing at 6:00 p.m. on Monday, May 19th, 2025, in the Commission Chambers at 316 N. Park Avenue or <https://zoom.helenamt.gov/j/86962872/may1925regular>, to consider the following:

CONSIDER EXCLUSIVE USE PERMITS FOR RESOURCE ENVIRONMENTAL,

LLC REQUESTING USE OF 140 SQFT OF PUBLIC RIGHT-OF-WAY FOR GROUNDWATER MONITORING WELLS.

Copies of the requested permit are available at the Transportation Engineer's office, 316 N. Park Avenue, room 220, at the Clerk of the Commission office, room 321, City-County Building, or online at: <https://helena.novusagenda.com/agendapublic/>

For further information, please call the City of Helena Transportation Systems Department at 406-447-8099

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:

(406) 447-8490

TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov

316 North Park, Avenue, Room 440, Helena, MT 59623

PLEASE PUBLISH AS LEGAL AD:

THURSDAY, May 1st, 2025 THURSDAY, May 15th, 2025

May 1, 15, 2025 ##### MNAXLP

City of Helena, Montana

5-19-2025

To: Mayor Collins and the Helena City Commission

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

Subject: Transportation Systems - Consider Exclusive Use Permit – Resource Environmental, LLC “B” Street

Present Situation: Resource Environmental, LLC (RELLC) is requesting an Exclusive Right-of-Way Use permit for the installation of groundwater monitoring wells in the boulevard area along “B” Street. The well set will have 2 or 3 borings/wells and will be capped with a 7' x 20' concrete pad.

Background Information: RELLC has been working with the Montana Department of Environmental Quality (DEQ) to characterize and remediate groundwater contamination, presumably associated with historic releases from the Phillips 66 Products Terminal (318 East US HWY 12) and the adjacent Yellowstone Pipe Line Pump Station.

Exclusive Right-of-Way Use permits that are granted by the city commission are subject to the conditions outlined in section 7-13-5 of the Helena City Code.

One of these conditions is the permit holder shall pay to the city administrative services department an annual fee for the Right-of-Way use permit of five percent (5%) of the fair market value of the property as determined by the most recent appraisal by the Montana department of revenue for ad valorem property taxation purposes... with a minimum fee per year of \$50. In this case the calculated fee would be \$11.21 per year so the \$50 minimum would apply.

The city commission may place conditions and limitations on the use of the right of way and may by resolution approve, deny, or conditionally approve the requested exclusive right of way permit.

Proposal/Objective: Resource Environmental, LLC is requesting use of 140 sq.ft. of public Right-of-Way along “B” Street to install groundwater monitoring wells.

Advantage: Monitoring wells will allow the applicant to better define the extents of a groundwater contamination plume in the area and plan for potential mitigation measures.

Notable Energy Impact: N/A

Disadvantage: None.

Notice of Public Hearing: True

Staff Recommendation/Recommended Motion: *Move to approve the Resource Environmental, LLC Exclusive Right-of-Way use permit of 140 sq.ft. along “B” Street for an annual fee of \$50.00.*



City of Helena
Transportation Systems Department

3001E Lyndale Ave
Helena, MT 59601
Phone: 406-447-8099

Application for Right-of-Way Encroachment or Use Permit

Applicant (please print full name):	
Address:	
City, State, Zip Code:	Phone Number:
Property Owner/User (please print full name):	
Address:	
City, State, Zip Code:	Phone Number:

REQUESTING:

- ☐ 7-13-3 Encroachment Permit
- ☐ 7-13-4 Non-Exclusive Right-of-Way Use Permit – duration of permit may not exceed 5 years (granted by the City Manager)
- ☐ 7-13-5 Exclusive Right-of-Way Use Permit (a private use that does not allow public access through the right-of-way) (granted by the City Commission)

Street address of property:
Legal Description of property:
Type, name, and legal description of Right-of-Way to be utilized (street, sidewalk or alley):
Purpose for Right-of-Way Use (including description of encroachment/use and duration of use):


☐ **Site Plan** (must include drawing of the location and dimensions of the right of way area proposed for the encroachment and the arrangement of objects, fixtures, or portions of structures expected to be located in the right of way.) For further detail information attach additional sheets

☐ **Certificate of Liability Insurance** (for Exclusive Right-of-Way Use Permits only)

NOTE TO APPLICANT

- Owner must provide a signed application, site plan, and any maps for review by the City of Helena Transportation Systems Department.
- **Exclusive Right-of-Way Use:** There is an annual fee of 5% of the market value or a minimum of \$50.00 for all Exclusive Right-of-Way Use permits and must be approved by the City Commission.
- The applicant for an exclusive right of way use permit shall indemnify, defend, and hold the city and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant shall furnish a policy or certificate for comprehensive general liability insurance with the city named as an additional insured. Such certificate of insurance shall be in the amount of one million dollars (\$1,000,000.00) per claim or occurrence.

Printed Name of Owner/User

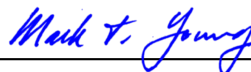

Signature Owner/User

Date Received **01 APR 2025**

April 1, 2025

Date:

Process By:



ATTACHMENT A

LETTER OF REQUEST

April 1, 2025

City of Helena Commissioners

Subject: Request for an Exclusive Right-of-Way Permit for the Installation of Groundwater Monitoring Wells (B Street)

Resource Environmental, LLC (RELLC) is requesting an Exclusive Right-of-Way Use Permit for the installation of groundwater monitoring wells. Approximate monitoring well locations are shown on Attachment B (Figure 3-2 from the latest Helena Terminals Groundwater Monitoring Report [Trihydro 2025-03]). Specific locations are shown in the attached Site Plan included as Attachment C. RELLC has been working with the Montana Department of Environmental Quality (DEQ) to characterize and remediate groundwater contamination presumably associated with historic releases from the Phillips 66 Products Terminal (318 East US HWY 12) and the adjacent Yellowstone Pipe Line Pump Station. Attachment B (Figure 3-2) shows approximate extents of a groundwater contamination plume as defined by benzene concentrations in groundwater. Groundwater flow is generally to the north/northeast in this area. As shown on the figure, the down-gradient-most (northern) unimpacted monitoring wells (CMW-71D, CMW-72D, and CMW-73D) are more than 1,000 feet (ft) from existing contaminated monitoring wells CMW-69D and CMW-70D. The plume extent needs to be further refined to guide potential future remediation; the proposed new wells should help to refine plume extents.

The “well set” shown on Attachments B and C represents multiple borings spaced within 6 feet of each other. Up to three screened intervals will be selected in the field, by the field geologist, based on field observations and field screening data. Each screened interval will be completed as a separate well in a separate boring. At the well set location, if contamination is identified in the field, three screened intervals/three wells will be required: a shallow screened interval straddling the water table, a deeper screened interval targeting the area of identified contamination, and a still-deeper interval set below contamination installed to provide vertical delineation of the contamination. If contamination is not identified, the vertical delineation well would not be required; only two wells would be installed.

As requested by City of Helena Public Works/Engineering, the proposed wells would be completed in the “Landscaped BLVD.” portion of the right of way. A “Local Road/Private Road” schematic provided by the City of Helena illustrating the Landscaped BLVD is included as Attachment D. Assuming 3 borings are needed, a 20-ft by 7-ft rectangle has been plotted within the Landscaped BLVD on the Attachment C Site Plan. Each of the three borings would be completed within this rectangle. A survey map provided by the City of Helena is overlain on the Attachment C Site Plan. The rectangle description is provided below, using the survey map “Iron Pins” and “Block Corner Monuments” as reference points.

B Street Well Set Rectangle: The western edge of the “Sidewalk” (which does not yet exist) will be established by locating the block corner monument south of the proposed well set location and the survey pin north of the well set location, as shown on the Attachment C Site Plan. The rectangle representing the well set location will be placed within the Landscaped BLVD, 6 ft north of the block corner monument.

The required Certificate of Liability Insurance is provided as Attachment E. Pending approval of this application, and prior to well installation, a professional surveyor will locate and mark the area of the rectangle, as described above. The approximate locations of known utilities are shown on the Attachment C Site Plan; the proposed boring locations do not interfere with known utilities. Should currently unidentified utilities or other obstructions prevent well installation within the above-referenced well set rectangle, RELLC will consult with the City of Helena Public Works regarding potential alternate drilling locations. Drilling will not be conducted beyond the surveyed rectangle without City of Helena consent.

Fieldwork is tentatively scheduled to begin in mid-May 2025. Prior to drilling, a public utility locate will be completed, and drilling locations will be potholed with a vacuum truck to a depth of 8 ft below ground surface to confirm utility absence. It is anticipated that well installation will be completed by the end of June 2025.

Should you have any questions, please contact the undersigned at (805) 286-4076, or our local environmental consultation, Grant Price (Trihydro Corporation) at (307) 399-0890 (email at gprice@trihydro.com).

Very truly yours,

RESOURCE ENVIRONMENTAL, LLC



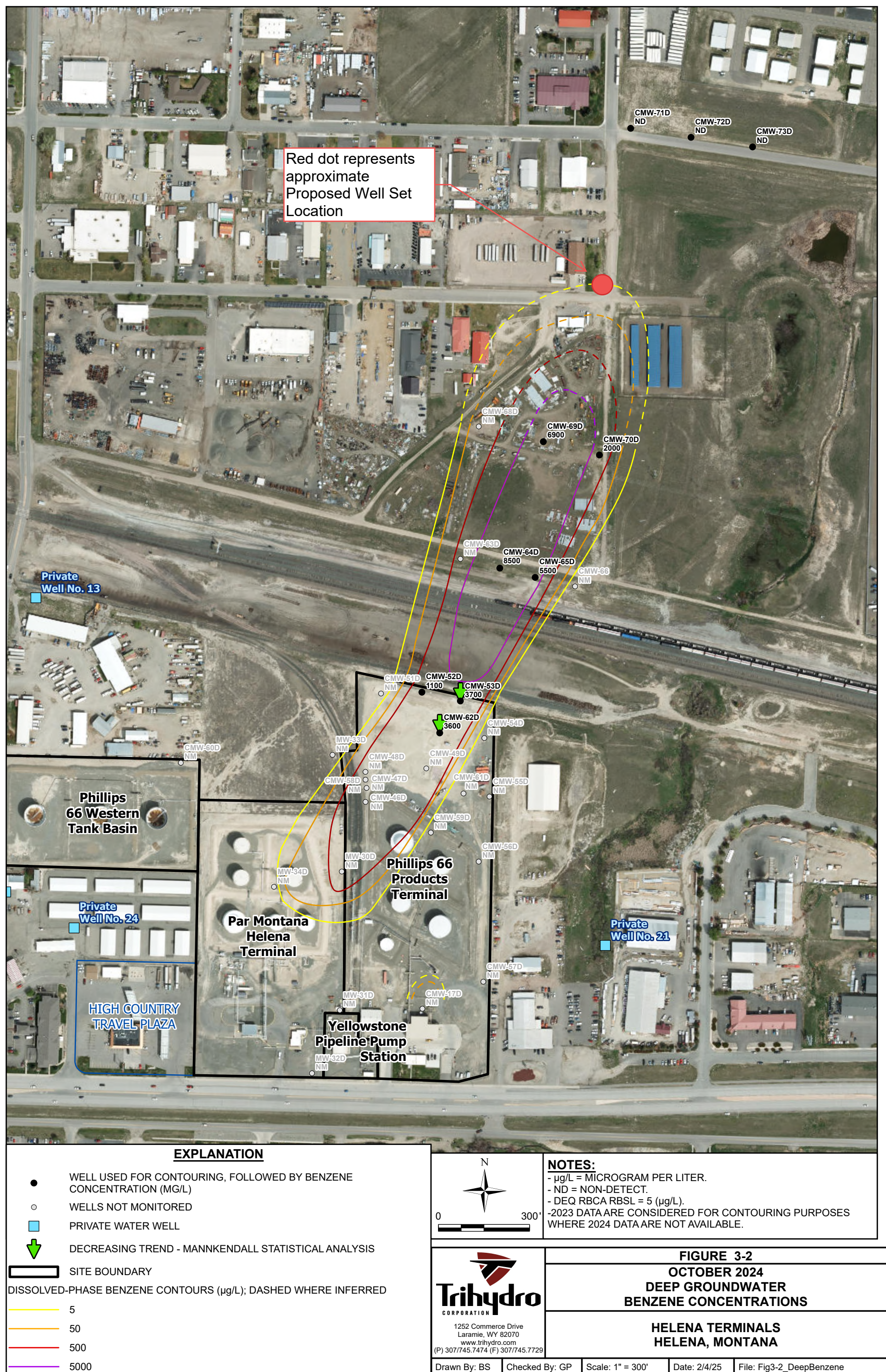
Mr. Greg Vogelpohl
Vice President & General Manager

Attachments

cc: Grant Price, Trihydro

ATTACHMENT B

APPROXIMATE WELL LOCATION MAP

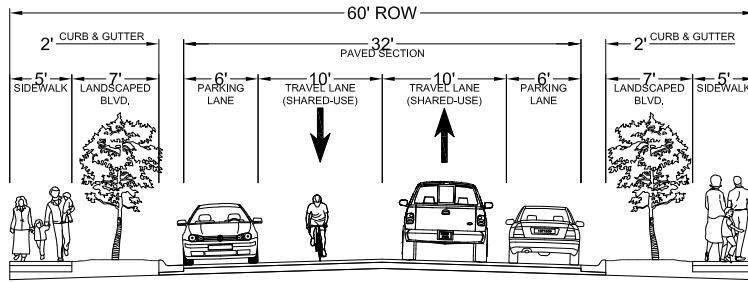


ATTACHMENT C

SITE PLAN

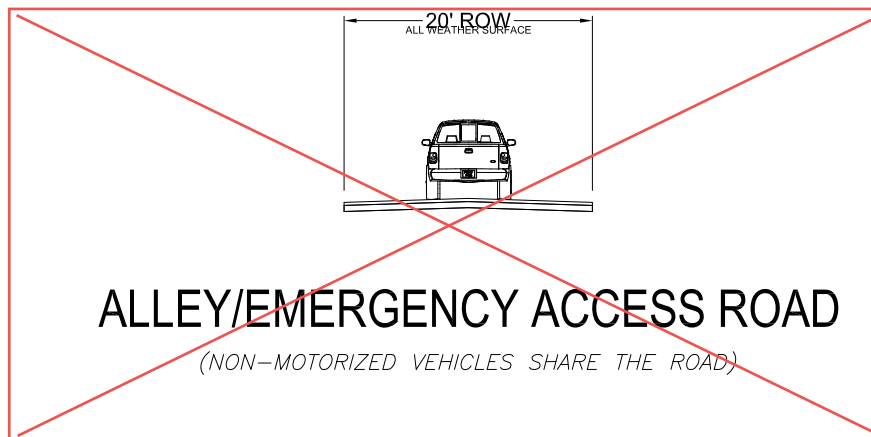
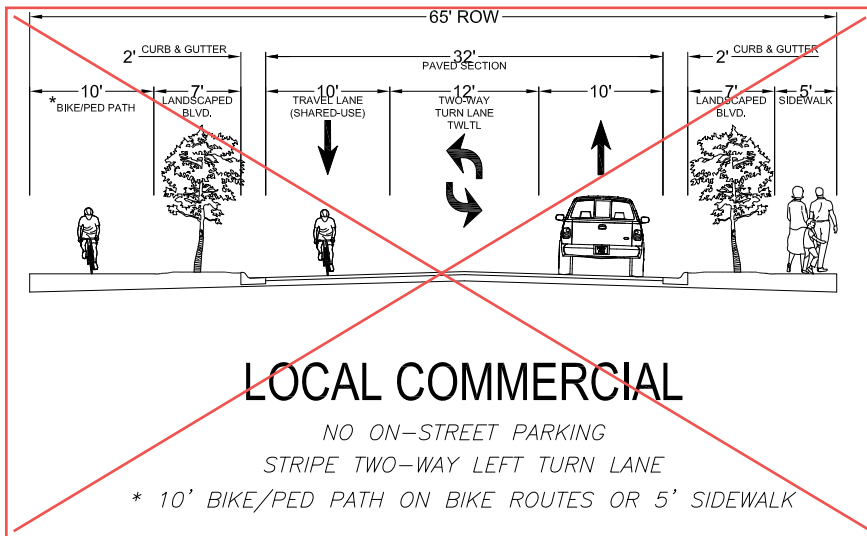
ATTACHMENT D

LOCAL ROAD/PRIVATE ROAD SCHEMATIC



LOCAL ROAD/PRIVATE ROAD (w/On-Street Parking)

(NON-MOTORIZED VEHICLES SHARE THE ROAD)



CITY OF HELENA
ENGINEERING STANDARDS

REVISED:
11-15-2024

SCALE:
NONE

LOCAL ROAD/PRIVATE ROAD

STANDARD
DRAWING:

5-1

ATTACHMENT E

CERTIFICATE OF LIABILITY INSURANCE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/12/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 2500 City West Boulevard Suite 2400 Houston TX 77042	CONTACT NAME: Kim Andes PHONE (A/C, No, Ext): 713-780-6639 E-MAIL ADDRESS: Kim.Andes@MarshMMA.com FAX (A/C, No):
INSURED Resource Environmental, LLC Attn: John M. Englehardt 4700 LA Hwy. 22, #520 Mandeville LA 70471	RESOUENVIR1 INSURER(S) AFFORDING COVERAGE INSURER A: Benchmark Specialty Insurance Company INSURER B: Texas Mutual Insurance Company INSURER C: Louisiana Workers' Compensation Corp. INSURER D: INSURER E: INSURER F:
	NAIC # 17180 22945 22350

COVERAGES**CERTIFICATE NUMBER:** 1862232790**REVISION NUMBER:**


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> 10,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			MNGRP200091401	1/1/2025	1/1/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Pollution / Prof. \$ 2,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			MNGRP200091401	1/1/2025	1/1/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			MNGRX200049601	1/1/2025	1/1/2026	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/>	N / A	0001152199	1/1/2025	1/1/2026	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Workers Compensation - Louisiana			146383A	1/1/2025	1/1/2026	EL Each Accident 1,000,000 EL Policy Limit 1,000,000 EL Each Employee 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The General Liability and Umbrella policies include a Blanket Additional Insured endorsement that provides additional insured status only where such status is required by a written contract or agreement in place. The General Liability and Umbrella policies include a Blanket Waiver of Subrogation endorsement that provides this status only where such status is required by a written contract executed prior to start of operations. The "Primary and Non-contributory" wording is included in the General Liability policy where there is a written contract for the project specified that requires such status. The Excess policy is Follow-Form with primary coverages: General Liability, Contractors Pollution Liability, Professional Liability, and Employers Liability for states: Texas and Louisiana. The General Liability policy includes Contractors Pollution Liability and Professional Services Liability coverages: Each Aggregate Limit \$2,000,000 - Each Claim Limit \$1,000,000 - Each Claim Deductible \$10,000
RE: Right-of-Way Encroachment or Use Permit

CERTIFICATE HOLDER**CANCELLATION**

City of Helena Transportation Systems Department 3001E Lyndale Ave Helena MT 59601	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  Brett Herrington
---	--

© 1988-2015 ACORD CORPORATION. All rights reserved.

Yellowstone Dr. & "B" St. - RoW Use Permits

	Parcel (Address)	Land Area (Acre)	Land Area (SqFt)	2024 Land Value	Value per SqFt
	3143 E. Lyndale Ave.	1.09	47480.4	\$ 113,517.00	
	3161 E. Lyndale Ave.	2.39	104108.4	\$ 208,306.00	\$ 2.00
	3175 E. Lyndale Ave.	1.698	73964.88	\$ 159,924.00	\$ 2.16
(Parcel ID)	05188828103040000	2.002	87207.12	\$ 99,903.00	\$ 1.15
(Parcel ID)	05188828103010000	1.259	54842.04	\$ 49,900.00	\$ 0.91
(Parcel ID)	05188828102030000	1.39	60548.4	\$ 53,869.00	\$ 0.89
	3178 E. Lyndale Ave.	2.765	120443.4	\$ 509,339.00	\$ 4.23
	3195 E. Lyndale Ave.	22.92	998395.2	\$ 107,407.00	\$ 0.11
	3201 Airport Rd.	12.689	552732.84	\$ 757,346.00	\$ 1.37
Average:					\$ 1.60

RoW area of wells (20'*x7'; SqFt): 140

Annual Cost of Exclusive Use Permit (5% of market value): \$	11.21
---	--------------

(Minimum **\$50** annual fee)

Public Hearing Notice: Exclusive Use Permits for Ground Water Monitoring Wells.

PUBLIC HEARING NOTICE

The Helena City Commission will hold a public hearing at 6:00 p.m. on Monday, May 19th, 2025, in the Commission Chambers at 316 N. Park Avenue or <https://zoom.helenamt.gov/j/86962872/may1925regular>, to consider the following:

CONSIDER EXCLUSIVE USE PERMITS FOR RESOURCE ENVIRONMENTAL,

LLC REQUESTING USE OF 140 SQFT OF PUBLIC RIGHT-OF-WAY FOR GROUNDWATER MONITORING WELLS.

Copies of the requested permit are available at the Transportation Engineer's office, 316 N. Park Avenue, room 220, at the Clerk of the Commission office, room 321, City-County Building, or online at: <https://helena.novusagenda.com/agendapublic/>

For further information, please call the City of Helena Transportation Systems Department at 406-447-8099

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:

(406) 447-8490

TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov

316 North Park, Avenue, Room 440, Helena, MT 59623

PLEASE PUBLISH AS LEGAL AD:

THURSDAY, May 1st, 2025 THURSDAY, May 15th, 2025

May 1, 15, 2025 ##### MNAXLP