

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**APRIL 22, 2002**  
**6:00 P.M.**

**Time & Place**                     A regular City Commission meeting was held on Monday, April 22, 2002, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

**Members Present**                 Mayor Smith indicated for the record that Commissioners Netschert, Oitzinger, Parriman and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Barb Fairhurst were present. George Hoff of the Helena Citizens Council was also present.

**Pledge of Allegiance**             Boy Scout Troop 228 lead those persons present in the pledge of allegiance. The scouts were in attendance to earn their merit badges in communication and citizenship.

**Minutes**                             The minutes of the regular city commission meeting of April 8, 2002 were approved as submitted.

**Proclamation**                    PROCLAMATIONS  
A.     Arbor Day  
B.     Big Brothers Big Sisters Week

Mayor Smith read the "Arbor Day" proclamation.

Director of Parks and Recreation Randy Lilje thanked the City Commission for recognizing Arbor Day and for their support of the tree program for the City of Helena. Mr. Lilje also thanked "The Growing Friends of Helena" who, for many years have supported not only the city but many other businesses around town in their tree planting programs.

Paul Cartwright of "The Growing Friends of Helena" stated trees are like any other public infrastructure. The community gets the amount of trees it deserves. Mr. Cartwright is glad to have the city doing a proclamation for Arbor Day. Mayor Smith asked how many trees "Growing Friends" has planted in Helena. Mr. Cartwright stated it is around 2,000 trees.

Mayor Smith read the "Big Brothers Big Sisters" proclamation

Teresa Geremia-Chart, Executive Director of Big Brother Big Sisters, thanked the City Commission for recognizing the Big Brothers Big Sisters program. This organization belongs to the community. The Big week is about celebrating all the people in the community who come together to provide safe, free and productive positive mentoring in our community. It involves big brothers, big sisters, big couples, volunteer board members, volunteer families and local businesses who provide products, services and funds as well as their expertise.

**Appointment**                    APPOINTMENTS  
A.     Board of Adjustment  
B.     Library Board

Mayor Smith asked for commission concurrence on the following appointments:

**Board of Adjustment**

Gary Pemble - Unexpired term - will expire October 1, 2002

**Library Board**

Neil J. Parisot - Joint Appointment - Will also have to be approved by the county commission - Unexpired term - will expire January 1, 2005

**Motion**

**Commissioner Netschert moved approval of the appointments to the Board of Adjustment and the Library Board.** Commissioner Parriman seconded the motion. All voted aye, motion carried.

**Consent Agenda**

CONSENT AGENDA

- A. Claims
- B. Adjustment of fee for a change of non-conforming use for Montana Sign Company.
- C. Consider 2nd passage of Ordinance 2935 amending Helena Ordinance 2359 and amending the official zoning map thereof in reference to that property described as Lot 5 in Block 9 of the Flower Garden addition in Helena, Montana.
- D. Consider 2nd passage of Ordinance 2936 rezoning Lots 1-4 in Block 175 of the Wallace's subdivision in the Syndicate Addition prior to annexation into the City of Helena, Montana.
- E. Consider 2nd passage of Ordinance 2937 rezoning a 5.3 acre parcel in the SE1/4NW1/4 and the NE1/4SW1/4 of Section 23, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana, prior to annexation into the City of Helena, Montana.

City Manager Burton recommended approval of the claims and the consent agenda.

**Motion**

**Commissioner Netschert moved approval of the consent agenda, items A - E.** Commissioner Pouliot seconded the motion. All voted aye, motion carried.

**Bid Award**

Bid Award

- A. Hustler rotary mower for Parks Maintenance Division

Director of Parks and Recreation Randy Lilje reported Parks Maintenance currently has a 1991 model mower that is used to mow the parks and also to broom snow and debris off sidewalks. The machine is wearing out and is costing more and more to repair.

An invitation to bid was sent out to six dealers, five of which were Montana companies, and advertised on March 17 and 24, 2002, in the *Independent Record*. We received one response, that being from Adams Tractor Co. of Spokane, Washington for \$22,375 which is under the budgeted amount of \$23,000.

This would keep the park maintenance division equipment fleet up to date, reliable and able to keep up with maintenance demands for mowing and snow removal in the parks and on sidewalks.

**Motion**

**Commissioner Netschert moved approval to award the bid for a Hustler 2002 commercial grade rotary mower to Adams Tractor Co. of Spokane, Washington for \$22,375.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Communications**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Oitzinger stated there have been members of the Youth Advisory Committee present at the last two commission meetings. Tonight, Jason Swant of the Youth Advisory Committee is present. They are doing a great job in the community.

Commissioner Netschert reported he has heard glowing reports of the commission for reinvestigating the protection of the Memorial in Memorial Park. City Manager Tim Burton had a discussion last Wednesday evening regarding this issue and will set up another meeting this week.

Commissioner Pouliot would like to commend Independent Record reporter John Harrington for the coverage the City Commission has been receiving. John does an excellent job in covering all activities and projects associated with the city. Mayor Smith stated the kudos bestowed on John are well deserved.

Mayor Smith stated he has received calls and letters regarding the business at 11th and Rodney and whether a drive through lane is in compliance with their conditional use permit.

**Report of the City Attorney**

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen stated staff has also received calls regarding the business at 11th and Rodney. They have reviewed past minutes and the resolution establishing the conditional use permit (CUP) and a memo was sent to Community Facilities Director Michael Barros and City Manager Tim Burton stating the business is not violating the Resolution for a CUP. The CUP prohibited a drive through sales window. At the business, people are driving and parking and food is being delivered to their vehicle. Mayor Smith asked if there is an exchange of money when the food is picked up. Mr. Nielsen stated there is an exchange; however, there is no drive-through window.

**Report of the City Manager**

REPORT OF THE CITY MANAGER

City Manager Tim Burton invited former commissioner Patty White to the podium to brief the City Commission on HCTV. Ms. White represents the Board of Directors of HCTV. A draft brochure on HCTV was put on the commissioners desks. They are asking permission of the City Commission to use the fire tower as part of their logo. They chose the fire tower because they wanted to communicate they are here for the people of the Helena area. The symbol of the fire tower represents Helena.

Commissioner Pouliot stated the brochure is very well done.

City Manager Tim Burton stated the city does have a patent on the fire tower. This request has been reviewed by the city attorney and he has no concerns with the request to use the logo.

**Motion**

**Commissioner Netschert approved the use of the fire tower logo for HCTV.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Discussion

Ms. White stated this meeting is being filmed and will be broadcast Thursday, April 25 on Channel 11 at 7:00. From there on out, the meetings will be broadcast a day later on Tuesday evenings until there is a direct connection. On Thursday, May 2, there will be an open house for HCTV. It will be from 4:00 - 7:00 and will be broadcast live from the HCTV studios. Official invitations will be sent to the commissioners.

**2002-2003  
Annual Budget**

CONSIDER A RESOLUTION PROVIDING COMMISSION INTENT AND DIRECTION FOR THE FISCAL YEAR 2002-2003 ANNUAL BUDGET.

**Motion**

**Commissioner Pouliot moved to approve the resolution indicating the City Commission's intent to offer direction to the City Manager and staff as they prepare the budget for fiscal year 2002-2003.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution11748**

Discussion

City Manager Tim Burton stated this is the third year the City Commission has adopted a budget resolution of intent. This helps staff put together a preliminary budget for the commission's review. It elevates the level of discussion to a policy level for the commission. This document, even though it's for this particular budget year, will have an effect five years out from now.

**CTEP  
Nominations**

CONSIDER STAFF RECOMMENDATIONS FOR THE SELECTION OF PROJECT(S) FOR 2002-2003 CTEP FUNDING.

Staff Report

Transportation Coordinator Kathy Harris reported city staff recommends the following projects be nominated by the City of Helena for CTEP funding through 2003 funding.

1. **Capitol Steps Repair:** Contribute \$10,000 in City CTEP funds with the requirement that additional funding is secured by 2003 for project construction.
2. **Knight Street Sidewalks:** Provide \$50,000 (1/2 of the requested amount) for assistance in constructing sidewalks along the north side of Knight Street with the requirement that the neighborhood shall complete the SID process by 2003.
3. Allocate all remaining funds (through 2003) to **City Park System and City-Owned Properties: Public Sidewalk Projects.**

CTEP funds provide transportation enhancement and preservation funding which benefit the community by improving historic buildings, providing sidewalk facilities in areas of the city, which have pedestrian needs but no connecting sidewalks.

Discussion

Mayor Smith asked Ms. Harris to discuss the amounts for each project. Ms. Harris reported that for the Capitol Steps Project, the project is estimated to have a cost of up towards \$1,000,000. The city has been asked to contribute \$10,000 toward that project. Additional funds will be sought from other counties and cities as well as the legislature. These efforts will move forward on part of the historic preservation commission and the capitol preservation committee.

The second project, the Knight Street Sidewalks Project, has an initial estimate of approximately \$100,000 - \$110,000. Staff recommends that half of those funds be provided from the city CTEP and the remaining half come from the neighbors that will be benefited by these sidewalks through a creation of a special improvement district. The city owned properties, the Parks Project, is estimated to cost a total of \$570,000 to construct sidewalks throughout the city for the parks. Staff is recommending that the city funds for the next two years be allocated toward that project. If the cost estimates come in low, than the remaining funds go towards the Public Properties Project which has a cost of over \$200,000.

Mayor Smith asked if the total amount being recommended to allocate to the city parks system and other city owned properties is in the amount of \$570,000. Ms. Harris stated the amount would be \$570,000 to the City Owned Parks Project. \$200,000 would go towards the Public Properties Project. When this reviewed occurred, staff did not have the funding allocation that the city will receive from the Department of Transportation, but the funding allocation came in this week.

Discussion

City Manager Tim Burton reiterated Commissioner Parriman's comments from the last administrative meeting regarding Ms. Harris's job performance. Ms. Harris does a great job for the City of Helena. The CTEP program is a very cumbersome, not easily accessed program. Mayor Smith thanked Kathy for all the work she does for the city and reminded people that she works part time for the county and part time for the city and provides a great deal of technical assistance and is an expert resource to both the city and the county.

Motion

**Commissioner Pouliot moved approval to nominate the four projects listed above for city CTEP funds through 2003.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Final Plat  
for Phase II

CONSIDER A FINAL PLAT FOR PHASE II, SEQUENCE 2 OF THE SKELTON ADDITION (BLOCK 5, LOTS 1-9; BLOCK 4, LOTS 15-17 AND BLOCK 6, LOTS 10-18 CONTAINING A TOTAL OF 21 LOTS) CONTAINING 4.723 ACRES IN THE R-3 DISTRICT.

Staff Report

City Planner Kathy Macefield reported the City Commission gave preliminary plat and annexation approval for the Skelton Addition, containing a total of 126 lots located on approximately 80 acres, on June 10, 1996 with 10 conditions to be completed prior to filing the final plat. Final plat for Phase I of the Skelton Addition containing 38 lots and parkland was filed in 1997. The final plat for Phase II, Sequence 1 containing 22 lots was filed in 2001. The final plat for the two remaining sequences in Phase II of this subdivision remain to be filed with Clerk and Recorder.

All of the conditions required for Phase II, Sequence 2 have been satisfied.

The applicant (Skelton Addition, LLP, represented by Dave Crofts) plans to file Phase II in 3 sequences. The water, sewer and street improvements for each sequence will be included in the financial guarantee for each respective sequence.

The 3 sequences for Phase II will allow the applicant to finance the improvements in a manner that responds to market conditions for lot sales and

development.

Discussion

Mayor Smith asked Ms. Macefield to define the term "financial guarantees." Ms. Macefield stated that when a developer is filing a final plat, they have a two options. One option is to install all the improvements themselves and then file the final plat. The second option is to provide a financial guarantee and that can be a letter of credit or it can be a note from the bank. Then, they can file the plat ahead of time even though all the improvements may not be done. This allows them to start selling the lots. Mayor Smith asked if some of these improvements might be sidewalks or curbs. Ms. Macefield replied that in this particular one, it could be paved streets, water and sewer improvements, a fire hydrant, the paved street curb and gutter street identification signs and traffic control signs. Mayor Smith asked if in the motion, that it should be made contingent upon those financial guarantees. Ms. Macefield stated contingent upon or subject to submitting the financial guarantee as stated in condition # 7.

Applicant Dave Crofts, 2778 Spokane Creek Road, East Helena, stated the financial guarantee was his intent before the plat was filed. It covers a large amount of sewer and water line and the building of the road. There is 2000 feet of curb and gutter.

Motion

**Commissioner Netschert moved approval for the final plat of Phase II, Sequence 2 of the Skelton Addition, containing 21 lots in Block 5, Lots 1-9; Block 4, Lots 15-17; and Block 6, Lots 10-18, containing 4,723 acres in the R-3 District. Property is part of a larger tract of land legally described as a 55.388-acre tract of land in the southeast quarter of Section 18, Township 10 North, Range 3 West, comprised of Tract B-1 of Certificate of Survey 517502/B and Tract 1-A of Certificate of Survey 495361/B, subject to the financial guarantees as referenced in condition #7.** Commissioner Pouliot seconded the motion. All voted aye, motion carried.

**Parking on  
Burwood Street**

CONSIDER A RESOLUTION RESTRICTING PARKING ON THE NORTH SIDE OF BURWOOD STREET.

Staff Report

Public Works Director John Rundquist reported Burwood Street, which runs west from the intersection of Custer Avenue and Henderson Street, is used as the north access to Ryan Fields. It is unimproved. During the youth baseball and football seasons, participants and spectators to events being held on adjacent sports fields park on and alongside Burwood Street. Because Burwood Street is not improved and does not have a clearly defined path, it is difficult for motorists to know whether they are parking on or off the street.

The Babe Ruth Association is moving more of the games to the southern fields, which are accessible by a road to the south and have adjacent parking. With the assistance of Babe Ruth and Small Fry Football, a design for additional parking controls has been developed but because of the expense of these controls, this proposal is starting with the least expensive and simplest solution. After installing this parking prohibition, we can monitor the effectiveness and if found insufficient, we can move to add other control measures.

Starting with the initial measure of prohibiting parking on the north side of Burwood Street is the least expensive approach. Since Babe Ruth is moving to other fields not accessible by Burwood Street, between a combination of

prohibiting parking on Burwood Street and the move, the problem of traffic blockage may be resolved. If the proposed measure is found to be inadequate, we can impose additional parking restrictions and traffic control measures until the problem is resolved.

This may deny some patrons of youth sports events accessible parking to the sports fields located on the north, especially motorists who have limited ambulatory abilities and cannot walk to the fields.

#### Discussion

Commissioner Netschert asked if this will restrict parking for any of the residents who reside on the north side of the street. Mr. Rundquist replied there are backyards and fences on the north side of the street.

Commissioner Pouliot asked how much notice has been given to the public about this proposal. Mr. Rundquist stated there has been no notice to the general public via advertisement. This is in response to the residents who have protested in the past. City Attorney David Nielsen reported they did not give public notice, but did work with the Babe Ruth Association and the Small Fry Football. They are the ones that use the field. There are no other uses to the north that would be affected by this.

Commissioner Netschert reported in the memo under disadvantages, it states "this may deny some patrons of youth sports events accessible parking to the sports fields located on the north." Motorists who have limited ambulatory abilities and can't walk to the fields are a concern. Director of Parks and Recreation Randy Lilje stated room is going to be retained on the south side of the street for the handicap people. As a result of the Open Space bond, the Babe Ruth Association has been able to create additional parking within the inside of Ryan Park. They actually are in a better parking position now than they have been previous to the Open Space bond. Their efforts have created a better situation and have enabled the city and the Babe Ruth Association to create a better situation out on Burwood Street by closing the north side and allowing some access for emergency vehicles. The north side is not a good place for handicap parking. Commissioner Netschert stated as long as those who are challenged have adequate parking, he is comfortable with the proposal.

Commissioner Oitzinger asked about the neighbors who were notified and if they supported the change? City Attorney Nielsen reported it was the neighbors who prompted this action because they had a hard time getting to their houses. Commissioner Oitzinger is concerned about the focal point being shifted to the south because of the issues with the Brady Street neighborhood. Mr. Lilje has assured the commission there is additional in-park parking that should obviate any of the problems.

Commissioner Netschert asked if the commission should make this a one-year temporary situation. After that, if all goes well, then it could be made permanent.

Commissioner Parriman stated he has never noticed any spaces in that area for handicap accessible parking. Is it the city's position to provide those handicap spaces or is it up to the Babe Ruth Association. Mr. Lilje stated the park is a county owned park of which the city is a partner in because of the Open Space bond. The Babe Ruth Association was able to secure millings from the highway projects that have been going on in the community. Those driveways and parking lots are now paved and are more accessible than they ever have been in the past. They are not striped yet, but Lewis and Clark County is leaving the development and management up to the Babe Ruth Association. Commissioner Parriman stated the handicap spaces should be provided adjacent

to the fields. It is a congested area with limited parking. Mr. Lilje stated there are a few parking spaces delineated off of the street. Those were retained for people who are challenged in getting to the fields.

City Manager Tim Burton stated there is an ordinance relative to handicap parking. We will ensure through our review, that this park also complies. This is viewed as an incremental step also and it does need to be reviewed in terms of effectiveness. It is important that we regulate traffic and parking on Burwood Street. If Commissioner Netschert would like to revisit this issue prior to the start of next season, it is appropriate to do so.

Commissioner Pouliot stated he concurs that this issue should be revisited next year.

Mayor Smith asked if there are no problems by this time next year, what needs to be done to extend this resolution. City Attorney Nielsen stated there are two ways it could be done. One would be to pass the resolution and then put up a tickler to review it again and if the commission decided to repeal the resolution, that could be done a year from now. The second solution is to put a sunset provision in the resolution that it would automatically expire at the end of the year and then we would have to request the commission pass a resolution reinstating the restriction.

**Motion**

**Commissioner Pouliot moved approval of a resolution prohibiting parking on the north side of Burwood Street. This resolution shall be put in a tickler and one year from now, it will be reviewed for any modifications or for final approval.** Commissioner Parriman seconded the motion. All voted aye, motion carried. **Resolution 11751**

**PUBLIC HEARING**

**TSEP -Harris Street**

CONSIDER A RESOLUTION AUTHORIZING THE CITY OF HELENA TO SUBMIT AN APPLICATION FOR A GRANT TO THE MONTANA TREASURE STATE ENDOWMENT PROGRAM (TSEP) TO FINANCIALLY ASSIST WITH IMPROVEMENTS TO THE HARRIS STREET STORM DRAINAGE SYSTEM.

**Staff Report**

City Engineer Chuck Hanson reported the City of Helena will apply for a TSEP grant to assist with the costs of capitol improvements to the city's Harris Street storm drainage utility system. That facility is in need of improvements and replacement with new piping and/or rehabilitation due to failure of the existing system, possible infiltration of contaminated ground water, and an undersized existing system. Total project cost is estimated at \$1.6 million. Proposed funding sources for the project are: (1) \$500,000 from TSEP; and (2) a combination of state revolving loan funds and city funds in the amount of approximately \$1.1 million.

**Present Situation:** During major storms, the existing Harris Street drain line between Railroad and Phoenix Avenues is not capable of handling all of the storms run-off. This hydraulic restriction causes flooding of the area south of Railroad Avenue - formally known as the 6th Ward. The existing line is also in poor condition with gaping holes, exposed or missing reinforcing steel, unsealed joints, grade and alignment problems, infiltration and ex-filtration of water and numerous obstructions. A significant diesel fuel spill occurred in the rail yard in the mid 1980's, which resulted in considerable volumes of fuel infiltrating into the existing Harris Street line. This fuel continues to leak into the storm drain line

through cracks, holes and unsealed joints. The poor condition of the Harris Street line allows the fuel to migrate offsite, expanding the area of contamination.

In May of 2000, this grant application was submitted to the TSEP Program, but for various reasons the project was not funded. Staff has been working on strengthening the application to assure a more competitive grant application will be submitted for this funding cycle.

The proposed project will provide pipe to handle the 100-year flood event and will be constructed to withstand the contaminated soil conditions at the site.

#### Discussion

Mayor Smith asked if this grant is submitted to the Department of Commerce or the Department of Natural Resources. Mr. Hanson stated it is submitted to the Department of Commerce. Mayor Smith asked how this grant is ranked. Mr. Hanson stated it is ranked by Commerce staff based on their criteria. It then goes to the legislature. Mayor Smith stated this project was high ranked and then during the legislative session, the rank was downgraded. Mr. Hanson stated one of the problems with the stormwater project is the fact that you are dealing with the real impacts on smaller communities that are trying to fund water and sewer systems or they are trying to rebuild bridges. Stormwater is overlooked in these situations. We have new requirements and new laws that are coming down on water quality and stormwater is a big piece of the puzzle in those new requirements.

City Manager Tim Burton stated that Yellowstone County took Helena's spot to replace a bridge and Helena was put down to Yellowstone Counties spot. This is the first time it is happened in the history of the program.

Mayor Smith asked if the technical assistance from Neil Consulting Engineers will improve the application. Mr. Hanson stated the city is working with Neil on trying to meet some of the failed points. We have had more public involvement in this process.

#### Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the commission.

Joe Murphy, 2712 Carmel, Great Falls, is with Neil Consultants. The TCEP application is due May 3. As part of the TCEP guidelines, there are seven statutory requirements that need to be addressed through this process. Statutory priority #1 is to provide assurance that the project solves urgent health and safety problems or meets health and safety standards. One of the items in the interim after the initial grant application was put together was that there was a fairly major environmental issue that was discovered out in the railyard, being lead contamination of the soils. Because of the TCEP guidelines, they don't allow you to introduce new information into the grants after the grants are initially prepared and submitted to the TCEP program. Unfortunately, one of these environmental issues that would allow us to address the urgent health and safety issues was not even known until after the grant application was prepared. There are issues that need to be addressed. The other statutory requirements are to demonstrate financial need, to show the appropriateness of the technical design and to show the adequacy of planning and management of the facility. Helena scored very high on the management and administration of the project the first time around. Other issues are to address the funds from other sources. The city is looking at providing financing for the balance of the project or using internal funds. Neil Consultants is working with city staff to demonstrate the job creation and business expansion as a result of the project. Statutory priority #7 is the need to

show public support of the project and public education. That is the purpose of this public hearing tonight. The pipe is undersized for the 100 year storm flow. The capacity of the existing storm sewer is 170 cubic feet per second and the 100 year storm is 245 cubic feet per second which could result in a fairly major flood of that area. The problems are the undersized capacity and the significant structural degradation of the pipe because of its age. We are prone to flooding and potential catastrophic failure of the line. There are also the environmental issues such as petroleum hydrocarbon contamination that exists within the railyard that has already been proven to be infiltrating into the storm sewer. The potential of having contamination working its way into the storm sewer does allow for the migration of pollutants off site. The implementation of this project would help solve some of the migration of petroleum hydrocarbons. This project will be able to prevent the inflow of the lead during large storm events. There were eight different alternatives that were evaluated as part of the preliminary engineering report. These consisted of rehabbing the existing line and installing parallel 36 inch lines to provide the capacity. Other alternatives looked at different installation methods such as micro tunneling, directional drilling, boring and jacking to install brand new systems and eliminate the existing system from continued use. The selected alternative was alternative #6 and that is to install 500 feet of pipe via micro tunneling and another 350 feet of pipe through an open trench. With adequate funding, the project could move into the design phase. As part of the final design, there will be additional discussions with Montana Rail Link to clarify any open cut issues. If there is a possibility to eliminate the micro tunneling and other innovative installation methods and go with full open cut, that would serve the city's best interest. However, they have certain criteria that may make that fairly difficult to implement.

Commissioner Pouliot stated he supports the project. Who has the responsibility of cleaning up the railyard? Mr. Murphy stated the environmental impacts that are in the yard are primarily the responsibility of the railroad. The majority of the contamination resulted before Montana Rail Link purchased the property from Burlington Northern. It appears that Burlington Northern has the fiscal responsibility to address the contamination, but that does not mean that the city is off the hook. When there are pipe lines installed through these contaminated properties, communities can be drawn into these things by virtue of the fact they have got their utility in this corridor and if contamination can migrate into a storm sewer utility that might be aged to the point where it has structural failures, it can be drawn as a potential liable party.

City Manager Tim Burton stated the lead contamination was discovered many years ago. The Lewis and Clark County Health Department is the lead agency in working with the railroad. They have the situation well defined. The yards have been tested and there is no migration into the residential areas.

Commissioner Oitzinger stated this application should be dealt with as soon as possible.

There being no other persons wishing to address the commission, the public portion of the hearing was closed.

#### Motion

**Commissioner Pouliot moved approval of a resolution to submit a Treasure State Endowment grant application in the amount of \$500,000 to assist with the costs of capital improvements to the city's Harris Street storm drainage utility system.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution 11750**

**Public  
Communications**

**PUBLIC COMMUNICATIONS**

Police Chief Troy McGee thanked the commissioners and other city officials who came to the dispatch center last week and visited with the dispatchers. Vigilante parade is Friday, May 3, 2002. The annual police department picture will be taken at 10:30 that day. A picnic is after the parade at the police station. It is tradition to invite the manager, the mayor and the commissioners for the picture. The mayor is invited to ride in the lead vehicle with the police chief during the parade. Mayor Smith stated he would be happy to ride in the car with Chief McGee during the parade.

Kathy Macefield reported that Saturday, April 27 from 9 a.m. to 4 p.m. is "Trash for Trees" day. It will be held at Northgate Shopping Center. They will be collecting glass, cardboard, tin, tin cans, aluminum and newspaper. The money that is received as a result of all these recyclables goes toward buying trees for the community and giving grants to the community so they can plant trees.

**Meetings of Interest**

The next administrative meeting will be May 1 at 4:00 and the next City Commission meeting will be May 6, at 6:00.

**Adjournment**

There being no further business to come before the commission, the meeting was adjourned at 7:30 p.m. this 22nd day of April, 2002.

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MAYOR

ATTEST:

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CLERK OF THE COMMISSION