

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
APRIL 23, 2001
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, April 23, 2001, at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Colleen McCarthy indicated for the record that Commissioners Morrison, Netschert, Smith, and Groepper were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Cathy Beck-Jenkins were present.

HCC representative was Bill McCausland.

Pledge of Allegiance

Mayor McCarthy asked those persons present to please stand and join her in the pledge of allegiance.

Minutes

The minutes of the regular city commission meeting of March 19, 2001 were approved as submitted.

Proclamation

ARBOR DAY

Mayor McCarthy presented the Arbor Day proclamation to Paul Cartwright and Bob Rossi of Growing Friends and declared April 27th as National Arbor Day.

Mr. Cartwright thanked the Mayor and explained they would be replacing the Linden trees that were vandalized at Jefferson School on Thursday, April 26 at 12:00 p.m.

SEAN MCCARTHY DAY

Mayor McCarthy presented her son Sean McCarthy with a proclamation declaring May 31st as Sean McCarthy Day and thanked him for sharing her time with the community over the past ten years.

KEVIN MCCARTHY

Mayor McCarthy presented her son Kevin McCarthy with a proclamation declaring June 18th Kevin McCarthy Day and also thanked him for his patience over the last ten years of her service to the community.

Introduction

INTRODUCTION AND CONFIRMATION

Police Chief Troy McGee introduced William "Buck" Herron of the Helena Police Department. Officer Herron completed his probationary period and was promoted from probationary status effective April 5, 2001. Chief McGee gave a brief background history of Officer Herron. He further recommended approval of Officer Herron's confirmation.

Officer Herron addressed the commission and introduced his family. He thanked the police department and the commission for the opportunity to be a police officer.

Motion Commissioner Groepper moved approval of the confirmation of William "Buck" Herron as a police officer of the Helena Police Department. Commissioner Morrison seconded the motion. All voted aye, motion carried.

Appointments GOLF ADVISORY BOARD
Mayor McCarthy asked for concurrence on the appointment of Chuck Hunter to the Golf Advisory Board.

YOUTH ADVISORY COUNCIL
Mayor McCarthy also asked that she be appointed as an adult member of the Youth Advisory Council.

Motion Commissioner Morrison moved to appoint Chuck Hunter to the Golf Advisory Board and to appoint Colleen McCarthy as an adult member to the Helena Youth Advisory Council. Commissioner Groepper seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA
A. Claims
B. Request for water bill inserts – Police Department/Animal Control
C. Request for water bill inserts – Lewis and Clark Library
D. Consider a request for Energy Assistance Funds for Eagles Manor

City Manager Tim Burton recommended approval of the claims.

Commissioner Groepper asked to remove item D for discussion.

Motion Commissioner Morrison moved approval of the consent agenda items A, B, and C. Commissioner Smith seconded the motion. All voted aye, motion carried.

Item D Commissioner Groepper stated the Montana Power Company conducts cost free energy audits and he would like to pursue the issue after an energy audit is complete. Mr. Groepper stated he believed Montana Power would pay for the entire amount of an audit. He further noted he would be willing to make a motion contingent upon Montana Power Company not paying for the audit.

Motion Commissioner Groepper moved conditional approval for a request for Energy Assistance Funds for the Eagles Manor contingent upon finding sources within Montana Power Company to pay for the audit. Commissioner Smith seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Smith thanked Mayor McCarthy for her service over the years and stated he has enjoyed working with her.

Commissioner Groepper also thanked Mayor McCarthy and stated he would like to pursue conversation regarding the election process for the mayor's position and how that process will be handled. He asked for a motion to elect the mayor from the sitting commission on May 7, 2001. If this motion is successful he would also ask for a motion asking the city manager to instruct Human

Resource Manager Salty Payne to open applications for an appointment to the city commission and close those applications by May 3 so the vacancy can be filled immediately.

Motion

Commissioner Groepper moved to elect a mayor from the current sitting commission on May 7, 2001. Commissioner Netschert seconded the motion.

Commissioner Smith stated he had made a commitment months ago to be in Washington D.C. from May 5 through May 9. He agrees with the motion, however, noted he would not be here on May 7 to vote on the matter.

Commissioner Morrison relayed May 7 is the meeting slated for the indoor air ordinance public hearing. He expressed concern that the commission would be short two members for this important hearing. He asked City Manager Burton if the commission can go ahead with the public hearing and Commissioner Smith could listen to the tapes when he returns. He stated he is not anticipating making a ruling on the ordinance at the May 7 meeting with only three members present.

Mr. Burton replied it would be appropriate for Commissioner Smith to listen to the tapes before making a ruling. He stated there is also a memo the commissioners should have received from the city attorney, which speaks to the process of the issue. Typically, on first reading of an ordinance, there is not a public hearing. The other option is to hold the public hearing on the second reading of the ordinance. However, the public has been notified that they would be able to speak at the May 7 commission meeting.

Commissioner Smith didn't believe the commission would act on the indoor air ordinance at the May 7 meeting. He stated he would be more than willing to listen to the tapes of the public hearing when he returns. He did believe the commission would act on an appointment to a successor for the vacancy of Mayor McCarthy's position. He noted he would like to be able to cast his vote on the appointment.

Commissioner Groepper stated the application deadline could be closed a couple of days sooner to allow Commissioner Smith time to review the applications and leave a proxy vote.

Mayor McCarthy stated a proxy vote cannot be left, however, Commissioner Smith could state his support and opinion.

Commissioner Groepper asked if Commissioner Smith could attend and vote during the meeting via telephone.

City Attorney David Nielsen replied he believed it was permissible, however, he would need to confirm that a vote via telephone was legal.

Vote

Motion carried 4-0 with Mayor McCarthy abstaining.

Motion

Commissioner Groepper moved to direct the city manager to request that applications be opened for applicants interested in being appointed to the city commission to complete a vacant term to expire December 31, 2001 and close the application process on May 2, 2001. Commissioner Smith seconded the motion.

Human Resource Manager Salty Payne stated he had sent the commission a memo stating he could open the application process and close on May 3 to be able to appoint a new commissioner by May 7. He noted closing the

application process one day early should not have any adverse impacts. He stated the people that are planning on applying for the position are already contacting him for application information.

Vote

Motion carried 4-0 with Mayor McCarthy abstaining.

Commissioner Netschert expressed his thanks to Mayor McCarthy for her service to the community and stated he has enjoyed working with her.

Mayor McCarthy thanked the commission and referred to a memo she had written highlighting areas of concern to her. She noted such programs as the Youth Advisory Council, the skate park, the Treasures of the State Parade, hiring of a communications consultant and the baseball committee were important issues that should be kept at the top of the priority list.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen referred to his memo regarding the upcoming indoor air ordinance and the process that will be utilized for the public hearing. He noted that normally on ordinances, the public hearing is conducted on the second passage with the exception of zoning issues. He recommended that the public hearing be conducted in the same manner as any other public hearing with staff making a presentation, then opened for public comment. He suggested considering an opponent/proponent hearing to help control time. He stated if there is a fixed time to have testimony for each side, there is more control over the hearing. He also stated since this is a legislative issue, it would not be improper to leave the public record open for written testimony between the public hearing and second passage of the ordinance.

Motion

Commissioner Groepper moved to adopt the procedure as written in the city attorney's memo subject to last minute changes by the mayor.
Commissioner Morrison seconded the motion.

Commissioner Groepper stated he would like to discuss the process and let the public know what that process will be.

Commissioner Morrison relayed he believed there should be a cutoff time for the written testimony to be turned in prior to decision time so the commissioners have a chance to get all of the information and appropriately consider it before action is taken.

Vote

Motion carried 4-0 with Mayor McCarthy abstaining.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Tim Burton thanked Mayor McCarthy for her service and stated it has been a pleasure working with her over the years.

Mr. Burton asked Fire Chief Steve Larson to address the commission and explain the committee's findings on purchasing a new ladder truck for the fire department.

Fire Chief Larson noted a fire fighter committee was formed nearly a year ago to work on specifications for a new ladder truck. He noted this is a very expensive piece of equipment that will serve the community for 15 to 25 years.

He introduced Captain Roy Swanby as the leader of the fire fighter committee and noted George Larson led a citizen committee. After researching the needs and type of equipment, a package is being put together for specifications so the department can possibly award a bid this summer to a manufacturer in the United States to build a new fire truck. He stated the department has spent approximately 150 to 200 hours working through documentation and researching manufacturers and various other fire departments. He relayed Captain Swanby has been instrumental in single handedly building a legally sound document to go out to bid which has consumed approximately another 150 hours of his time. Chief Larson thanked both committees and Captain Swanby for their efforts. He stated a recommendation to the commission will be forthcoming.

Commissioner Netschert expressed concern that a new ladder truck would not fit into the current fire station garage.

Chief Larson replied several options have been looked into. He noted most of the vehicles they are looking at are larger than the current vehicle and more than likely won't fit in the fire station garage. He stated the department is developing two different strategy lines working with Facilities Director Gery Carpenter and an engineer from Morrison Maierle. He stated they are looking at the cost to modify the operation. The other option is to place the vehicle at Station II instead of Station I. He hoped to have a recommendation for the purchase of the vehicle in mid-July and at that time a recommendation will also be made on where the vehicle would be stationed.

Farmers Market

CONSIDER A PROPOSAL FROM HELENA FARMER'S MARKET TO UTILIZE THE 500 BLOCK OF FULLER AVENUE FOR THE SATURDAY FARMER'S MARKET, 2001 SEASON

Staff Report

City Manager Tim Burton reported this is basically a carry over from last year's agreement with the Farmers Market. He noted there were no problems stemming from the Farmer's Market being relocated to Fuller Avenue last year. He stated Jim McHugh from the BID was present to answer any questions.

Commissioner Groepper commented that the change to have the Farmer's Market on Fuller Avenue on Saturdays and the Wednesday Market to follow the Alive at Five series was a good change.

Motion

Commissioner Groepper moved approval of the proposal from Farmer's Market to utilize the 500 Block of Fuller Avenue for the Saturday Market, 2001 season. Commissioner Smith seconded the motion. All voted aye, motion carried.

Helena Brewers

CONSIDER TERMINATION OF THE LEASE AGREEMENT WITH NEVER SAY NEVER, INC. (HELENA BREWERS)

Staff Report

City Attorney David Nielsen reported the Helena Brewers had previously notified the city they would be moving to Provo, Utah and wanted to continue with the lease as far as the payments. After the lease amendment was approved, the Never Say Never, Inc. stated they wanted to terminate the lease. The new agreement terminates the lease so Never Say Never, Inc. has no further potential to request time and space at the ballpark thus inhibiting another team from coming into Helena. Never Say Never, Inc. still acknowledges the obligation to pay the city for the remaining balance for capital improvements incurred in the 1990's as required in the lease agreement. They have agreed to do this by

paying \$18,030.25 for 13 years. First payment has already been received. Mr. Nielsen relayed the new agreement lets the city accelerate the debt if there is a default on the payment and interest can be charged for late payments. Mr. Nielsen recommended approval of the agreement.

Motion

Commissioner Morrison moved to approve the lease agreement with Never Say Never, Inc. to terminate the lease of Kindrick Legion Field and to ensure the city is protected in the future with the loan to the group and will be paid on a timely basis. Commissioner Groepper seconded the motion. All voted aye, motion carried.

Personnel Policies Handbook

CONSIDER A RESOLUTION ADOPTING REVISIONS TO THE CITY OF PERSONNEL POLICIES HANDBOOK

Staff Report

Human Resource Director Salty Payne reported there are some proposed changes for the Personnel Policies Handbook. He stated this is just the beginning of changes for the handbook and within the next twelve months he hopes to have re-written the personnel policies. The policies were last revised in 1994 and it's time to cycle through and clean up some items and help make the process of employment a little quicker. One of the new sections describes violence in the workplace and tells employees what to look and what to do if they are anticipating violence in the workplace. Another is to put a time limit on employee grievances. Currently, there is no time limit so if someone wants to come back in two years with a grievance, theoretically, they are allowed to go through the process. Also, department heads would be allowed to approve in-state travel and meetings. In the past, the city manager had to approve everything. With the changes, the city manager will still be required to approve out of state travel and travel by department heads. The fourth change would be to clarify and allow the final payment on an employee's paycheck to be at the regular pay period following the date of termination. This was a legislative change done in the last legislative session. The language has to be in the policies or the employee must be paid upon termination. The final change is to change the exempt compensatory time from 120 hours to 60 hours. He stated this is a more manageable number to deal with.

Commissioner Groepper asked what happens to compensatory time when an employee leaves.

Mr. Payne replied non-exempt comp time is paid and exempt comp time is not paid. He stated non-exempt persons are those willing to take compensatory time instead of overtime.

Motion

Commissioner Groepper moved to approve a resolution adopting revisions to the city of Helena Personnel Policies Handbook as presented in the memo presented by Human Resource Manager Salty Payne. Commissioner Morrison seconded the motion. All voted aye, motion carried.
Resolution 11620

Commission Salary

CONSIDER FIRST PASSAGE OF AN ORDINANCE INCREASING THE SALARIES OF THE MEMBERS OF THE CITY COMMISSION OF THE CITY OF HELENA AND THE MAYOR OF THE CITY OF HELENA

Staff Report

Human Resource Manager Salty Payne reported a salary survey was conducted among Montana cities as they relate to mayor and commissioners

salaries. He noted the ordinance had been revised with the numbers left blank so the commission could discuss the issue.

Commissioner Morrison stated that after looking at the survey, the city of Helena is on the upper end of salaries and suggested that the current pay scale be continued.

Motion

Commissioner Morrison moved to continue the current salary matrix for the commissioners and the mayor. Commissioner Netschert seconded the motion.

Commissioner Groepper relayed he felt the commissioners were fairly compensated, however, the amount of time the mayor spends on mayoral duties is sometimes excessive and should be fairly compensated. He asked what was necessary in the ordinance to give commissioners the option to not take the health insurance and get the equivalent value in pay.

Mr. Payne replied the commission could put any wording into the ordinance they wish as far as the insurance. The reason the city doesn't do this for all employees is that it creates what is called adverse selection. Employees that have spouses somewhere with better insurance plans can buy the insurance there with what they are paid. He stated healthy people move to other plans and the city would be required to cover those that really need the coverage. By having everyone in the pool, the money is there to cover everyone's needs. He noted this issue had been discussed with Intermountain Administrators and they have always guided the city away from doing this to avoid adverse selection because it has such an impact on the plan.

Commissioner Netschert stated he has always had difficulty with public officials deciding their own pay. He suggested a citizens group be formed to review and establish a pay schedule for commissioners and the mayor.

Commissioner Smith relayed he would also like to hear public input on the issue and stated this would undoubtedly be controversial.

Mayor McCarthy commented that the mayor position could easily be a full time position. She also felt public comment was imperative and concurred with Commissioner Netschert that a citizens advisory committee could be helpful.

Commissioner Groepper inquired if the issue would become moot if action wasn't taken on this issue this evening due to the timeline of this being an election year for the commission and mayor.

Mr. Payne replied the discussion could not be held until the next election two years from now.

Mayor McCarthy suggested the issue be looked at when the next ten-year review is done for local government and charter changes are evaluated.

Vote

Motion fails with Commissioners Morrison and Netschert voting aye, Commissioners Groepper and Smith voting nay and Mayor McCarthy abstaining.

Commissioner Smith stated US West and now Qwest has underwritten the mayor's position for quite some time and felt it would be appropriate to express the city's appreciation to the corporation for allowing the mayor to have the time to do her duties and still pay her salary.

Motion

Commissioner Smith moved to write a letter to Qwest thanking them for their contribution of time to allow the mayor to conduct her mayoral duties. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Mayor McCarthy noted Qwest had set ten hours a week to allow her the time to do her duties. She asked that the letter be directed to Rick Hayes, Vice President of Qwest in this region.

Vote

Motion passes 4-1 with Mayor McCarthy abstaining.

Budget Amendments

CONSIDER A RESOLUTION OF INTENTION TO AMEND RESOLUTION NO. 11560, AS PREVIOUSLY AMENDED, AND FIXING THE ANNUAL APPROPRIATIONS FOR THE CITY OF HELENA, MONTANA IN THE 2000-2001 BUDGET AND SET A PUBLIC HEARING DATE FOR MAY 7, 2001

Staff Report

Shop Superintendent Ed Robinson reported the amendment is a proposal by staff to increase the Helena Bus funds total budget authority by \$4,778.00 to cover increased utility costs of approximately \$1200.00 and an insurance claim of \$3,578.00. The resolution will change the cash carryover of the Helena Bus decreasing it by the amount of \$4,778.00.

Commissioner Groepper asked what the insurance claim was for.

Mr. Robinson replied one of the buses collided with another vehicle and the \$3,578.00 is the deductible.

Commissioner Groepper asked what this would do to the ending cash balance.

City Manager Tim Burton replied they try to keep the cash balance fairly low because it is subsidized by the general fund. The general fund contribution is dependant upon where the cash balance is.

Mr. Robinson replied the ending cash balance would be approximately \$16,000.00

Mr. Burton also noted that instead of inflating the budget, they kept the insurance deductibles low so if necessary they could bring it before the commission to adjust rather than over-inflating the budget. He stated they will have a conversation during this year's budget process on how effective the insurance process was and what changes will be required.

Motion

Commissioner Groepper moved approval of a resolution of intention to amend Resolution 11560, as previously amended and fixing the annual appropriations for the city of Helena, Montana in the 2000-2001 budget and set a public hearing date for May 7, 2001. Commissioner Smith seconded the motion. All voted aye, motion carried. **Resolution No. 11621**

Custer Avenue

CONSIDER A GENERAL PROJECT DEVELOPMENT AND CONSTRUCTION AGREEMENT FOR CUSTER AVENUE (WASHINGTON STREET – EAST)

Staff Report

Public Works Director John Rundquist congratulated Mayor McCarthy on her new position and wished her luck in her future endeavors. Mr. Rundquist referred to the memo regarding the agreement with MDT that outlines the responsibilities for funding and duties of the Custer Avenue project. He noted the financial commitment from the city is \$355,010.00, which is budgeted in the gas tax line item. He noted these costs are fixed matching funds from the federal and

state level and if there is an increase in project costs the city will have to incur the increase. He discussed any increases with Jason Giard of MDT and with Mr. Giard representing a commitment to look at increased state participation if the project costs increases.

Commissioner Morrison asked what kind of control the city has over the project as far as monitoring and ensuring that the contractor is doing the job properly.

Mr. Rundquist stated the city does have the opportunity to monitor the project. The consultant contract is well defined in specific services that will be provided with each phase of the design and the city will be monitoring those costs as they proceed through the scope of services. He noted there are elements of the project dealing with the unknown as far as what is under the ground. There is a risk that there will be unanticipated costs.

Commissioner Morrison asked where the money would come from should those unanticipated costs arise.

Mr. Rundquist replied the city would pay the additional costs above the total amount of \$355,010.00 plus the state and federal contributions. The funding would have to be found in savings, another line item or re-budgeted.

Mr. Burton relayed his suggestion would be to cut the scope of the project to some degree if costs increased. He noted this is the same project the commission approved the consultant contract for approximately one month ago.

Commissioner Groepper asked if this becomes the state's responsibility to maintain once it is built.

Mr. Rundquist replied the state does currently maintain the route, however, the city is looking into an agreement to exchange maintenance services for some of the things they do in town.

Commissioner Groepper asked why the state doesn't pay for the entire project if they maintain the area.

Mr. Burton explained the partnership of government entities involved and stated the large part of the funding is from the state and the urban funds, which have to be allocated into the urban system. He further stated this is the "one time" money that was lobbied for with the Transportation Commission. The justification for the city's participation is the realignment of Washington and the intersection and the improvements to the overpass.

Mr. Rundquist explained the major purpose of the Transportation Coordinating Committee is to allocate where urban funds will go and this was the project targeted by the committee.

Mayor McCarthy relayed she is a city representative to the TCC and the project was chosen mainly due to the safety issues on this particular area of road.

Motion

Commissioner Smith moved approval of a General Project Development and Construction Agreement for Custer Avenue (Washington Street – East) with the Montana Department of Transportation.
Commissioner Netschert seconded the motion.

Commissioner Netschert concurred with Mayor McCarthy on the area being a safety hazard for vehicles, pedestrians or bicyclists. He asked if the project would facilitate the construction of an on/off ramp onto the highway from the overpass.

Mr. Rundquist replied it doesn't preclude an on/off ramp from the highway as there is adequate land and space to do so. However, the I-15 Corridor study should review that option.

Vote Motion passes 4-1 with Commissioner Groepper voting nay.

Lease Formula CONSIDER ESTABLISHING A FORMULA FOR DETERMINING LEASE AMOUNTS FOR USE AGREEMENTS FOR PRIVATE USE OF PUBLIC RIGHT-OF-WAY

Staff Report City Attorney David Nielsen reported the memorandum with the method for determining payments for use agreements was precipitated when the commission considered a request from the owners of the Brewhouse to use part of a closed alley north of the credit union. Since that time, a church wanting to do the same thing in another part of town has made another request. The commission directed staff to generate a methodology or formula to be consistent in all applications for establishing a fee. Mr. Nielsen relayed there will undoubtedly be circumstances that will be unique and unanticipated, however, this is a start and sets forth a formula to advise people of what private right-of-way use would be. He explained the attached memorandum clarifies what the formula consists of.

Commissioner Morrison asked if the minimum annual lease amount of \$50.00 is enough to cover the expenses of setting up and monitoring the program.

Mr. Nielsen replied engineering staff suggested this amount would more than cover the cost.

Commissioner Morrison asked if engineering staff has given any indications of what types of activities they'll engage in regarding these situations.

Mr. Nielsen replied most of the leases are five year leases so for the most part it's a matter of setting the leases up and flagging them.

Public Works Director John Rundquist relayed everyone seemed comfortable with the cost at this point. He stated they were trying to set up a standard process that can be engaged and reviewed in the future.

Commissioner Groepper asked for clarification that the city will lease right-of-of way to a private entity that will pay for the lease and they can keep people off of that property.

Mr. Nielsen explained there are several situations that can arise. In the instance where the alley would be closed, the public would not have access.

Commissioner Groepper expressed concern that the \$50.00 was not enough to compensate for this kind of lease. He expressed concern that these leases would only consider private use especially during non-business hours.

Mr. Nielsen stated every one of the use agreements will come before the commission and will be defined for use.

Commissioner Smith stated the formula was crafted per the commission request and thus far two situations have arisen. He felt it was vital to start the process somewhere.

Motion Commissioner Smith moved to approve the formula for determining the amount of payments by use agreements for right-of-way. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Historic Preservation Grant CONSIDER APPROVAL TO SUBMIT GRANT PROPOSALS FOR THE ANNUAL HISTORIC PRESERVATION GRANT FOR FY 2002

Staff Report

Community Development Director Michael Barros reported that over the past years, the city has designated the senior planner as the joint Helena/Lewis and Clark County Preservation Office and provides funding for 10% of the position's time for preservation projects. A yearly \$1,500.00 Preservation Grant has supplemented the activity. The other option is to provide someone at a half time preservation office with a \$5,500.00 Historic Preservation Grant. He noted Kay Hanson, member of the Historic Preservation Committee, has taken this on as a project. Ms. Hanson has cited numerous important historic preservation projects. In discussing the issue with the city and county managers, both stated concerns that this was adding a position outside of the normal budget process. Both entities have received numerous requests for additional positions within the process, many of which will be denied due to lack of budget money. The cover memo requests the commission to consider submitting two grant requests; one of \$1,500.00 which is the status quo and one for \$5,500.00 which would lead into the half-time position. This is with the understanding that as this goes through the normal budget process it will be weeded out to go with the current position or the half-time position. If the current position is retained, the grant for \$5,500.00 will be withdrawn.

Motion

Commissioner Morrison moved approval to submit two grant proposals for the Annual Historic Preservation Grant for FY 2002.

Commissioner Smith seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS

The following are simultaneous proposal is for property legally described as Lots 1-4, Block 160, Syndicate Addition; generally located in the southeast corner of Laurel and Choteau Streets

- A. CONSIDER A RESOLUTION OF ANNEXATION FOR STREET RIGHT-OF-WAY IN THE VICINITY OF LAUREL AND CHOTEAU STREETS
- B. CONSIDER SECOND PASSAGE OF ORDINANCE NO. 2908 FOR PRE-ZONING TO AN R-2 (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LEGALLY DESCRIBED AS LOTS 1-4, BLOCK 160, SYNDICATE ADDITION, GENERALLY LOCATED IN THE SOUTHEAST CORNER OF LAUREL AND CHOTEAU STREETS
- C. CONSIDER A RESOLUTION TO ANNEX LOTS 1-4, BLOCK 160, SYNDICATE ADDITION, GENERALLY LOCATED IN THE SOUTHEAST CORNER OF LAUREL AND CHOTEAU STREETS

Staff Report

City Planner Hal Fossum reported that item C cannot be considered this evening because the conditions have not been completed. He suggested if the public would like to comment on the item, they be allowed to do so with the caveat that the item is tabled. Mr. Fossum continued by explaining that the city commission passed a resolution of intention to annex street rights-of-way on

March 19, 2001. The annexation action would improve access by city emergency response personnel and help in correctly defining the service boundaries for emergency aid and promotes uniform development of street section improvements and maintenance. With regard to the section of Joslyn Street proposed for annexation, the county has agreed to the following: prepare the base and dispose of the old base; put down a 2 ½ inch thick, 24 foot wide asphalt mat to "typical section #2" of county standards. The work will be completed in the next construction year (Summer 2002); in the meantime, the county will continue to patch the road as necessary. Mr. Fossum stated the following are the road rights-of-way to be annexed:

1. The 66 foot wide right-of-way of Choteau Street, from the existing city limits through the western extent of Lot 23, Block 165, Syndicate Addition.
2. The 60 foot wide right-of-way of Laurel Street, from the northern extent of the alley of Block 165, Syndicate Addition through the southern extent of the alley of Block 160, Syndicate Addition.
3. The 18 foot wide alley right-of-way of Block 165, Syndicate Addition from Laurel Street through the western extent of Lot 23, Block 165, Syndicate Addition.
4. The 18 foot wide alley right-of-way of Block 160, Syndicate Addition, from Laurel Street through the eastern extent of Lot 4, Block 160, Syndicate Addition.
5. The 60 foot right-of-way on Joslyn Street from its intersection with Country Club Avenue north to the existing city limits contingent upon agreement by Lewis and Clark County go complete asphalt pavement of this street segment in conjunction with city paving of Brady Street, to the north.

Commissioner Netschert asked if the portion of Joslyn Street that is up for consideration of annexation, in conjunction with the portion of Country Club Avenue that was previously annexed, would create a wholly surrounded area in the mobile home park.

Mr. Fossum replied the annexation would create a wholly surrounded area east of Joslyn Street and north of Euclid Avenue.

Commissioner Groepper interjected and stated the mobile home park would not be wholly surrounded by city right-of-way as it lies further to the west than the annexed area.

Public Testimony

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

With no persons wishing to address the commission, Mayor McCarthy closed the public hearing.

Motion

Commissioner Morrison moved approval of a resolution of annexation for street rights-of-way in the vicinity of Laurel and Choteau Streets. Commissioner Groepper seconded the motion.

**Public
Communications**

PUBLIC COMMUNICATIONS

William McCausland, 14 North Jackson, addressed the commission and thanked Mayor McCarthy for her service to the community.

Michael Barros, 531 South Oaks, addressed the commission and expressed his gratitude to Mayor McCarthy for her service to the community.

**Meetings of
Interest**

MEETINGS OF INTEREST

Mayor McCarthy reminded the commission of the administrative meeting on May 2 and on May 3, there is a joint city/county work session.

Commissioner Groepper stated the Information Technology budget recommendation will be presented at the joint work session and it would be good to attend since the joint enterprise takes a large portion of the city budget.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

MAYOR

ATTEST:

CLERK OF THE COMMISSION