

CITY OF HELENA
CITY COMMISSION MEETING
MAY 21, 2001
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, May 21, 2001, at 6:00 p.m., in the Commission Chambers, City-County Building, 316 N. Park Avenue, Helena, Montana.

Members Present Mayor Morrison indicated for the record that Commissioners Netschert, Oitzinger and Smith were present. Commissioner Groepper was excused. City Manager Tim Burton, City Attorney David Nielsen and Clerk of the Commission Debbie Havens were present.
HCC representative was Bill Roberts.

Pledge of Allegiance Mayor Morrison asked those persons present to please stand and join him in the pledge of allegiance.

Minutes The minutes of the regular city commission meeting of April 9, 2001 were approved as submitted.

Proclamation PROCLAMATION
A. Buddy Poppy Day

Mayor Morrison presented the Buddy Poppy Day proclamation to Shirley Pouliot and Helen Dawson.

Appointment APPOINTMENT
A. Civic Center Board

Mayor Morrison asked for commission concurrence for the appointment of Jeannie Pullin to the Civic Center Board. The term will expire March 1, 2004.

Motion Commissioner Smith moved approval of the appointment of Jeannie Pullin to the Civic Center Board, term will expire March 1, 2004.
Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA
A. Claims
B. Use Agreement for alley adjacent to Lot 4, Block 3 of the Parchen Addition, previously closed by Resolution 11593.
C. Request for water bill insert – Solid Waste Division
D. GSA agreement for use of pedestrian mall kiosk
E. Engineering Agreement – Montana Avenue Grade Separation Feasibility Study, Project No. 00-29
F. Utility Agreement with MDT for the North Main Water and Sewer, Project No. 97-7, Phase III

City Manager Tim Burton recommended approval of the claims.

Motion Commissioner Netschert moved approval of the consent agenda, items A-F. Commissioner Smith seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD

A. Warren Street Reconstruction, Project No. 00-15

Staff Report

Public Works Director John Rundquist reported the project will reconstruct Warren Street from 6th Avenue to Lawrence Street including pavement replacement, curbs, sidewalks, 18 ADA ramps and water main replacement. Two bids were opened on May 8, 2001. Dick Anderson Construction of Helena submitted the lowest bid in the amount of \$277,584.90. The total of \$400,000 is budgeted for the project in FY 01.

Mr. Rundquist recommended awarding the Warren Street Reconstruction Project, No. 00-15 to Dick Anderson Construction in the amount of \$277,584.90.

Motion

Commissioner Netschert moved to award the Warren Street Reconstruction, Project No. 00-15 to Dick Anderson Construction in the amount of \$277,584.90. Commissioner Smith seconded the motion. All voted aye, motion carried.

B. Northwest Park Turf Grass Seeding Project

Staff Report

Parks and Recreation Director Randy Lilje reported bids for the turf grass were advertised for two weeks with a bid opening date of May 9, 2001. One bid was submitted from Lawn Rain Plus, the current irrigation contractor, in the amount of \$69,550.

Having reviewed the bid and being satisfied that it meets the requirements as set forth in the bidding documents, Mr. Lilje recommended the bid be awarded to Lawn Rain Plus in the amount of \$69,550.

Commissioner Netschert asked what amount was budgeted for the turf grass. Mr. Lilje stated the budgeted amount was \$59,550. Mr. Lilje explained the entire project is under budget and will cover these extra costs and still be within the budget.

Motion

Commissioner Smith moved to award the Northwest Park turf grass-seeding project to Lawn Rain Plus in the amount of \$69,550. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

A. Knight Street Ambassadors

Lindsay Bayuk of the Knight Street Ambassadors gave the background information on how the group was formed. At the first commission meeting the group attended, introductions were made and the problem of no sidewalks in the area was identified. Also, they presented a list of possible solutions and the recommended action plan on how to resolve the problem.

Katie Ferry reported two neighborhood meetings have been held. The first meeting initiated a lot of discussion. After the residents heard what options are available, 15 residents signed up for the volunteer sidewalk program. City staff Chuck Hanson and Alan Cormany were present and explained the CTEP program and the regulations for sidewalks and boulevards. At the second meeting, city staff again explained the CTEP program. Katherine Harris further explained the CTEP program and noted there may be some CTEP funds available.

Margo Lincoln was also present and talked about the survey on walkability of neighborhoods. The results of the survey are not yet available. The group also discussed putting in sidewalks on just one side of the street.

Sara Doggett explained the first survey handed out was a survey with questions about the general safety and concerns of the residents. A question was also asked about the student's safety. There were only 12 surveys returned. Ms. Doggett asked the commission for their support for future CTEP funds to be used for sidewalks along Knight Street.

Lindsey Bayuk stated she had the opportunity to speak before the transportation committee on a bill for funding of sidewalks and walkways around schools in Montana. Unfortunately, the bill did not pass. The students who walk to school everyday were given a survey and 66 of those were returned. Margo Lincoln also has that survey and will be compiling the data.

George Hoff, HCC representative, stated he has asked the Knight Street Ambassadors to assist in a national survey that will be distributed in conjunction with Walk Your Child To School Day.

Commissioner Smith asked Mr. Hoff for clarification on what other schools will be surveyed? Mr. Hoff stated on October 2 the following schools will be surveyed: Four Georgians, Hawthorne, Central, Jefferson, and CR Anderson. This is a national walk survey and the Knight Street Ambassadors will assist.

Commissioner Smith asked for additional information on the 15 residents who signed up for the city's volunteer sidewalk program. Mr. Hoff noted after the first meeting, 15 residents indicated they were interested in the city's volunteer sidewalk program.

Commissioner Smith asked Ms. Bayuk if the 15 interested residents have been marked on a map. Ms. Bayuk noted the 15 houses are scattered along Knight Street. Commissioner Smith then asked if an official request has been submitted to city staff. Ms. Bayuk stated she does not know if they have made an official request to the city.

Commissioner Oitzinger asked if the survey, scheduled for October, is that in conjunction with the Walk Your Child to School Day. Sara Doggett concurred the survey is in conjunction with a bigger event.

Mayor Morrison asked for clarification on what type of action the Knight Street Ambassadors are asking of the commission. Sara Doggett asked the commission to earmark CTEP funds for the installation of sidewalks along Knight Street.

City Manager Tim Burton explained that staff is currently reconciling the CTEP funds to identify the amount of dollars that are unallocated or could be potentially reallocated toward the priorities of the trails systems and sidewalks. Any recommendation will be presented to the commission during the budget process. There may be additional funding to the on-going city sidewalk program. The public works department is currently identifying city owned property that does not have sidewalks.

Commissioner Smith thanked Alan Cormany, Chuck Hanson, and Mr. Hoff for working with the Knight Street Ambassadors and trying to get new sidewalks installed.

Mayor Morrison asked Lindsay Bayuk what the next step is? Ms. Bayuk asked that city staff keep the project going and further research

additional funding and recontact the residents.

Commissioner Oitzinger noted that CTEP funds require a match and the city's sidewalk program could be used as the match.

Motion

Commissioner Oitzinger moved that City Manager Burton direct city staff to look at other funding for the installation of sidewalks, as recommended by the Knight Street Ambassadors.

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

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

There were no communications from the commission members.

City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen had no items to report on.

City Manager

REPORT OF THE CITY MANAGER

City Manager Burton asked Public Works Director John Rundquist to report on the water situation. Mr. Rundquist gave a report on the city's current water situation. Chessman Reservoir is currently at 19.5', which is about two feet higher than the highest point last spring; the Scott Reservoir is almost full. The farmers/ranchers will begin irrigating this week and it will have an impact on the city's water supplies. In all likelihood, there will be some restrictions implemented. Staff continues to look at all other options for water supplies. In addition, a well will be brought on line for the golf course.

Dial-A-Ride Bus

CONSIDER A RESOLUTION OF INTENTION TO INCREASE ADVERTISING RATES FOR THE HELENA DIAL-A-RIDE BUS.

Staff Report

Shop Superintendent Ed Robinson reported staff has reviewed the existing resolution and Helena Bus files and has been unable to identify any established policies in regard to advertising on the Dial-A-Ride buses. The current charges are \$35.00 per month for signs located on the rear of the buses.

Staff is proposing a resolution to increase rates for advertising spaces located on the rear of the buses to \$50.00 per month and set a rate of \$35.00 for any additional spaces that are determined to be appropriate for advertising.

Commissioner Smith asked if the advertisers had been notified. Mr. Robinson replied that he has been in contact with the current advertisers.

Motion

Commissioner Smith moved approval of a resolution of intention to increase advertising rates for the Helena Dial-A-Ride Bus and set a public hearing date for June 4, 2001. Commissioner Netschert seconded the motion.

All voted aye, motion carried. **Resolution 11625**

Chapter 4, City Code

CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 1 OF THE HELENA CITY CODE, SALE OR DISPOSAL OF SURPLUS PERSONAL PROPERTY.

Staff Report

City Attorney David Nielsen reported the disposal of surplus personal property is governed primarily by §§7-5-4307 and 7-8-101, MCA. Section 7-5-4307, MCA, permits a city to dispose of old supplies and equipment by either selling to the highest responsible bidder after a call for bids or trading the supplies

or equipment in on new supplies or equipment. This is the procedure the city currently follows for most property disposals. When the city wants to give property to another county or other political subdivision, then the procedure is under §7-8-101, MCA, which requires publishing three weekly public notices after passage of a resolution of intention before the city can authorize the transfer of the property. This is cumbersome and unnecessary process that discourages the city from transferring used property to other government entities.

The proposed ordinance supersedes the two applicable statutes governing the disposal of surplus property and creates a new process that retains the requirement for selling property to the highest bidder while simplifying the process for giving property to other governmental agencies. The ordinance also establishes a written procedure for donations of abandoned property to charitable organizations, such as giving the bicycles to a service organization that will repair them and give them to needy children. In such situations, the city manager would request commission approval for the donation and the commission would, by resolution, declare the property to be surplus and authorize the donation.

Mr. Nielsen recommended approval for first passage of an ordinance.

Motion

Commissioner Netschert moved approval for first passage of an ordinance amending Chapter 4 of Title 1 of the Helena City Code, Sale or Disposal of Surplus Personal Property. Commissioner Smith seconded the motion. All voted aye, motion carried. **Ordinance 2909**

Amending Title 2

CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING TITLE 2 OF THE HELENA CITY CODE – RECODIFICATION

Staff Report

City Attorney David Nielsen referred the commission to his memo dated April 30, 2001, outlining the proposed amendments to Title 2 of the Helena City Code. Mr. Nielsen noted that these changes bring the code current, both in legal compliance with modern state law and with existing practices.

Mr. Nielsen recommended approval for first passage of an ordinance revising Title 2 of the Helena City Code.

Commissioner Oitzinger asked for the rationale for the change in 2-8-7: office hours for the city court. She expressed concerns that the office is not open during the lunch hour. She asked if there is some other way people could pay their tickets, if the office is not going to be open. Mr. Nielsen stated that 2-8-7 becomes problematic because it becomes a separation of powers. The city judge is an elected official and does have jurisdiction with the hours. Mr. Nielsen noted the last sentence "Notice of hours must be posted in the Court's office" is statutorily required. Mr. Nielsen stated he couldn't answer the question on how to better serve the citizens and not rearrange the hours.

Mayor Morrison noted with the change in 2-3-11, adding Human Resources Office as a department that 2-7-7 should also be amended to read Human Resources Office. Mr. Nielsen concurred to change 2-7-7 to be consistent with 2-3-11.

Commissioner Netschert noted a misspelling in Section 2-3-11.

Motion

Commissioner Oitzinger moved approval for first passage of an ordinance amending Title 2 of the Helena City Code – Recodification, with the exception of Section 2-8-7 beginning with "Office Hours through notice" and amending 2-7-7 to read Human Resources Office and the misspelling in 2-3-11 Commissioner Smith seconded the motion. All voted aye,

motion carried. **Ordinance 2910**

Motion

Commissioner Oitzinger moved to table, to the call of the city manager, the amendment to 2-8-7. Commissioner Smith seconded the motion.

Commissioner Smith asked Commissioner Oitzinger if it is her intention to have further discussion with the city judge. Commissioner Oitzinger concurred that it is her intention to have further conversations with the judge.

Vote

All voted aye, motion carried.

Planning Board

CONSIDER A REVISED INTERLOCAL AGREEMENT REORGANIZING THE CONSOLIDATED PLANNING BOARD/HELENA ZONING COMMISSION

Staff Report

Kathy Macefield, City Planning, reported the Board of County Commissioners recently took action on the interlocal agreement for the Planning Board. The revised interlocal agreement removes the statement that the Consolidated Planning Board would also serve as the Helena Zoning Commission. Therefore, a separate Helena Zoning Commission needs to be established.

The following Planning Board/Zoning Commission members have indicated their preferences as to which reorganized board they would like to serve on. Planning Board: Chick Canterbury, Dave Cole, Susan Epstein, Richard Kennison (all county residents); Stan Frasier (SCS representative) and Gary Peterson (city resident). Zoning Commission: Carolyn Adams and John Koerth (city residents.) Therefore, three more city residents are needed to serve on the Planning Board and five more city residents for the Helena Zoning Commission.

The Planning Board recommended a Zoning Commission with seven members that considered having one city resident from each of the seven HCC districts; the person does not need to be an elected HCC representative. If a person from each of the HCC district areas could not be found, then an appointment could be made from the community at large.

Ms. Macefield recommended approval for the revised interlocal agreement to establish a separate Helena Zoning Commission and advertise for five additional city residents for the new Zoning Commission, particularly seeking representatives from HCC Districts, 2, 3, 4, 5, and 6 and advertise for three city residents to serve on the Consolidated Planning Board.

Mayor Morrison stated he continues to have concerns with having four city members and five county members on the Planning Board. Ms. Macefield noted the Planning Board has addressed this issue and feel they vote on the issue and not whether they are a city or county residents.

Mayor Morrison asked if a seven member Zoning Commission was too large and asked if five members could be better served. Ms. Macefield again noted the members of the Zoning Commission believe that seven members would be a good number.

Mayor Morrison noted that the Board of Adjustment has an alternate member and maybe the Zoning Commission could look at that. Commissioner Netschert noted he would support a five-member Zoning Commission.

Commissioner Netschert stated he is inclined to table this to further discuss the size of the planning board and zoning commission.

Motion

Commissioner Netschert moved to table, to June 4, 2001, the revised interlocal agreement and ask staff to look at making the planning board and zoning commission, five-member boards instead of the proposed seven.

Commissioner Smith stated the recommendation for the zoning commission is a seven-member board, with a representative from each of the seven HCC districts. How will a five member zoning commission affect the recommendation? Commissioner Netschert stated it is his intent to have staff explore the options and report back.

Mayor Morrison asked that staff also address the recommendation of having the appointments by district.

2nd and Vote

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

Contract MT-CDBG-ED99-01

CONSIDER AN AMENDMENT TO CONTRACT MT-CDBG-ED99-01 BETWEEN THE DEPARTMENT OF COMMERCE AND THE CITY OF HELENA TO EXTEND THE COMPLIANCE DATE FOR SUMMIT MANUFACTURING.

Staff Report

City Planner Belinda Waters reported the amendment to contract MT-CDBG-ED99-01 would extend the compliance date for Summit Manufacturing to meet their hiring and training plan goals from June 30, 2001 to September 30, 2001.

Gateway has requested the city change the language concerning hiring low and moderate-income persons from 19 out of 25 jobs, to at least 51% of the 25 full-time equivalent jobs, which will be filled by low and moderate-income persons. The Department of Commerce stated they prefer that no change is made in the number of LMI's hired for this project.

As of March 31, 2001, 12 new positions have been filled of which 9 are LMI hires. Summit has projected that 10 new positions will be filled by June 30, 2001, and an additional five new hires by September 30, 2001.

Staff recommends approval of amending the contract to extend the compliant date for Summit Manufacturing to meet their hiring and training goals from June 30, 2001 to September 30, 2001.

Staff recommends denial of changing the language concerning hiring low and moderate-income persons from 19 out of 25 jobs to at least 51% of the 25 full-time equivalent jobs which will be filled by low and moderate income persons.

Commissioner Netschert asked if Summit Manufacturing is in agreement to these amendments. Ms. Waters stated they are in agreement, however, they are having some problems filling the positions with low-income people.

Commissioner Smith asked if the September 30, 2001 is a long enough extension. Ms. Waters noted Lynn Robson of Gateway submitted this information. Ms. Robson was in contact with Summit and they are confident that the positions will be filled by September 30, 2001.

Motion

Commissioner Smith moved approval of amending the contract to extend the compliant date for Summit Manufacturing to meet their hiring and training goals from June 30, 2001 to September 30, 2001. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Budget Resolution

CONSIDER A RESOLUTION PROVIDING COMMISSION INTENT AND

DIRECTION FOR THE FISCAL YEAR 2001-2002 ANNUAL BUDGET.

Staff Report

City Manager Burton referred the commission to the draft copy of the resolution and recommended approval. Mr. Burton noted that Mayor Morrison has submitted some amendments that will clean up the language. Commissioner Smith asked if the commission has seen the amendments. The amendments were received this afternoon and the commission members have not seen them. Mr. Burton again noted there are not significant changes, he will make the changes and get a clean copy to each of the commission members.

Mayor Morrison asked what the timeline is for getting this approved? Mr. Burton recommended the commission approve it tonight and he would provide a clean copy of the resolution to each commission member. Commissioner Smith stated he is comfortable with the resolution and would be agreeable to the amendments suggested by Mayor Morrison.

Motion

Commissioner Smith moved approval of a resolution providing commission intent and direction for the Fiscal Year 2001-2001 annual budget, including the amendments submitted by Mayor Morrison.

Commissioner Oitzinger seconded the motion. All voted aye, motion carried.
Resolution 11626

Intercap Revolving

CONSIDER A RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO.

Staff Report

City Manager Tim Burton reported the City/County Building Board has received a \$98,280 bid for an addressable alarm system. The board is in the process of approving and awarding the bid. The City/County Building Inc., is not eligible to participate directly in the Intercap loan program. However, either the city or county can borrow Intercap loan funds on their behalf.

The resolution commits the city's general fund to pay the debt service on the proposed loan. However, it is the intent that the debt service will be paid by the City/County Building Inc. from the rents paid on this building. The proposed term is seven years, and the current interest rate (adjusted each February) is 4.75%. Estimated semi-annual payments are \$8,334 for an annual total of \$16,668.

Mr. Burton recommended approval of a resolution authorizing participation in the Board of Investment of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto.

Motion

Commissioner Smith moved approval of a resolution authorizing participation in the Board of Investment of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto. Commissioner Oitzinger seconded the motion. All voted aye, motion

carried. **Resolution 11627**

**Residential Parking
District**

CONSIDER A RESOLUTION OF INTENTION TO CREATE A TYPE A AND TYPE B RESIDENTIAL PARKING DISTRICTS IN THE GETCHELL STREET NEIGHBORHOOD.

Staff Report

Public Works Director John Rundquist reported the area outlined on the map has been a quiet neighborhood until the past three years with the construction of the Great Northern development. The major short-term parking problems in the area, bounded by Benton Avenue, Getchell Street, Stuart Street and Lyndale Avenue were only related to the events at the Civic Center. With the Great Northern development the parking demand in the area may increase significantly due to increased commercial activity.

The recommendations of the Parking Commission are to place a Type "B" – residents only district on the 800 block of Park between Stuart and Hauser, both sides of the street; on the 900 block of Park, from Hauser to the east-west alley, on both sides of the street; on the 800 block of Getchell Street, between Stuart and Hauser, on the west side only; on the 900 block of Kessler, between Hauser and about 50 feet south of the east – west alley. A Type "A" – two hour residential district is recommended for the 100 block of Stuart Street, between Park and Getchell Street; on the 200 block of Hauser, between Benton and Park, on both sides of the street, excluding the portion of the north side between Benton and the north-south alley in front of Child Care Partnership office; and on the 100 block of Hauser, between Park and Kessler, both sides of the street.

With the creation of these residential parking districts will be a pro-active attempt to mitigate the effects of the Great Northern Development on the adjoining neighborhood.

Mr. Rundquist recommended approval of the resolution of intention to create Type A and Type B residential parking districts for the area bounded by Benton Avenue, Stuart Street, Getchell Street and Lyndale Avenue, and set a public hearing date for June 4, 2001.

Motion

Commissioner Netschert moved approval of a resolution of intention to create Type A and Type B residential parking districts for the area bounded by Benton Avenue, Stuart Street, Getchell Street and Lyndale Avenue, and set a public hearing date for June 4, 2001. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution 11628**

Grade Crossing

CONSIDER A FOUR PARTY GRADE CROSSING AGREEMENT FOR CARTER DRIVE

Staff Report

Public Works Director John Rundquist reported the project would provide needed safety improvements at the Carter Drive railroad crossing. The purpose of the agreement is to delineate the responsibilities of the partnership between Montana Department of Transportation, the City of Helena, Montana Rail Link and Lewis and Clark County.

The four parties have been reviewing the requirements to upgrade the Carter Drive railroad crossing for over a year. The improvements that have been

discussed and that appear in the agreement include warning signal upgrades, new concrete crossing surfaces and new street approaches.

In this partnership agreement the State and MRL will fund the track replacements, signal upgrades, crossing surfaces and provide \$30,000 towards the cost of the new paving and approaches. The city and county will design and fund the balance of the street work.

City and county public works staff has agreed that \$25,000 from each entity would be appropriate based on the estimated construction cost. Since all money for this project would initially be paid for from the City Gas Tax budget and then reimbursed from the participating entities, staff would request the entire project cost be budgeted in the FY 2002 budget.

Mr. Rundquist recommended approval of the four party agreement for the Carter Drive railroad crossing and allocate \$80,000 of City Gas Tax money for this project in FY 2002.

Motion

Commissioner Netschert moved approval of the four party agreement for the Carter Drive railroad crossing and allocate \$80,000 of City Gas Tax money for this project in FY 2002. Commissioner Smith seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS

A. CONSIDER SUBMITTAL OF A RECOMMENDATION TO THE LEWIS AND CLARK BOARD OF COUNTY COMMISSIONERS TO ADOPT A REVISED OUTDOOR CLEAN AIR ORDINANCE.

Staff Report

Joan Bowsher, Division Administrator of the Environmental Health Division, reported the "Lewis and Clark Outdoor Clean Air Ordinance" was first adopted by the Board of County Commissioners in 1986 and amended in 1990. Staff is recommending amending it once again. Ms. Bowsher noted the original ordinance was established to achieve and maintain such levels of air quality as would protect human health and safety in Lewis and Clark County.

Ms. Bowsher stated the ordinance has been successful in providing cleaner air to the citizens of Helena and would recommend the submittal of a recommendation to the Lewis and Clark Board of County Commissioners to adopt a revised Outdoor Clean Air Ordinance.

The revised ordinance includes the following changes: Updated reference to the Administrative Rules of Montana; Allowing for the implementation of the public notification procedure and other prohibitions at any time of the year if a "Poor" episode occurs; Increase in fees for violating the ordinance to more appropriately cover costs during "Poor" episodes; and the format has been changed for clarity.

Commissioner Smith noted the commission does not have a copy of the ordinance. City Manager Burton stated the ordinance was passed out at the last administrative meeting. Commissioner Smith then asked what is the proposed increase in fines? The fines are being proposed to go from \$25.00 to \$50.00 and then increment increases from there. Each category would be increased by \$25.00. Commissioner Netschert asked how often are the fines issued. Ms. Bowsher noted there has not been a "poor air quality day" in Helena for the last four years. Therefore, no fines have been issued.

Commissioner Netschert stated he is concerned with the proposed fines. There will be people who will be using their wood burning stoves to keep their utility bills down. Ms. Bowsher noted if a low-income person needs to burn wood,

they could apply for a low-income variance.

Commissioner Smith asked for clarification on not being allowed to run diesel engines. Ms. Bowsher explained it is the recommendation that when there is a "poor" day, owners of diesel run vehicles, are being asked to run them at two-hour intervals. Ms. Bowsher stated if someone were using diesel engines to create electricity, the Health Department would work with them on an individual basis.

Public Testimony

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

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

Motion

Commissioner Smith moved to submit a recommendation to the Lewis and Clark Board of County Commissioners to adopt a revised Outdoor Clean Air Ordinance. Commissioner Netschert seconded the motion. All voted aye, motion carried.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:30 p.m.

These minutes are a summary of the meeting.

MAYOR

ATTEST:

CLERK OF THE COMMISSION