

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 12, 2002
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 12, 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 Clerk of the Commission Debbie Havens were present.
HCC Representative was Barb Morris.

Pledge of Allegiance Mayor Smith lead those persons present in the pledge of allegiance.

Mayor Smith announced he would move agenda item 10, the resolution establishing a "no build zone" in Memorial Park, to immediately following the Report of the City Manager.

Minutes The minutes of the regular city commission meetings of July 8 and July 22, 2002 were approved as submitted with the following explanation.
City Attorney David Nielsen explained the commission at the July 22, 2002 failed to make a motion approving the Work Plan and Budget for the Business Improvement District for FY 2003.

Motion **Commissioner Pouliot moved approval of a resolution approving the Business Improvement District's Work Plan and Annual Budget for 2003.** Commissioner Netschert seconded the motion. All voted aye, motion carried. **Resolution 11786**

Consent Agenda CONSENT AGENDA
A. Claims
B. Request for utility bill insert - Lewis & Clark Humane Society
C. Request for utility bill insert - Lewis & Clark City-County Health Department
D. Project Cooperation Agreement - Missouri River Treatment Plant Clearwell Pump Station chlorination facilities
E. Resolution of intention to levy assessments for Dust Control Districts #4, #5, #6, #7, #8 and FY2003 **Resolution 11800**
F. Resolution declaring certain city-owned vehicles and equipment to be surplus property and authorizing said property to be sold at public auction **Resolution 11801**

City Manager Tim Burton recommended approval of the claims and the consent agenda, items A - F.

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

Bid Award Bid Award
A. Broadway Reconstruction - Project #01-10

Staff Report City Engineer Chuck Hanson reported this project is the first phase to

repair Broadway from Sanders Street to California Street. This section of road is in poor shape with excessive cracking and potholes that are typically seen in base failure. One bid was received and opened on July 30, 2002. Helena Sand and Gravel submitted the bid in the amount of \$151,332.30. The bid is within the \$213,750 budgeted for the project in FY03. Staff recommends awarding this bid to the lowest responsible bidder Helena Sand and Gravel of Helena. Helena Sand and Gravel has completed numerous projects for the city of comparable scope and complexity. This project will reconstruct three blocks of Broadway, starting at Sanders Street through to Lamborn Street.

Mr. Hanson recommend awarding the Broadway Reconstruction Project, City Project No. 01-10, to the lowest responsible bidder, Helena Sand & Gravel, in the amount of \$151,322.30.

Discussion Commissioner Pouliot asked if staff feels this is a reasonable bid. City Engineer Chuck Hanson stated based on the estimate and the type of work, the bid is reasonable.

Motion **Commissioner Netschert moved to award the Broadway Reconstruction Project, City Project No. 01-10 to the lowest responsible bidder, Helena Sand and Gravel, in the amount of \$151,332.30.**
Commissioner Parriman seconded the motion. All voted aye, motion carried.

Communications COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Pouliot reported he attended the Civic Center Board meeting last week and reminded everyone of the Western Rendezvous of Art being sponsored by the Civic Center Board, August 15-18. Commissioner Pouliot invited the commission and public to take the opportunity to look at the ballroom after the recent remodeling project. He thanked the Civic Center Board and staff for the excellent job they have done.

Commissioner Netschert brought up dogs on leashes and asked that the issue to be put on an upcoming administrative meeting agenda.

Commissioner Netschert spoke on the clean air ordinance and the possible constraints that may be placed on Helena by a future legislature. He recommended the commission address those conditions and some of the effects that could take place in the future.

Commissioner Netschert noted at the August 7, 2002, administrative meeting, Joan Miles noted an enforcement officer had been hired to help enforce the ordinance. The language in the ordinance under enforcement reads as follows: "A person requesting enforcement of this chapter, shall do so by completing and signing a written complaint form by the Lewis and Clark County, City-County Health Department. Commissioner Netschert stated he would ask that the Health Department comply with the ordinance language and require all complaints be in writing.

Mayor Smith asked City Manager Burton to place the issue of leashes on the August 21 administrative meeting agenda. City Manager Burton concurred and commented that HOLMAC is also addressing this issue.

Mayor Smith stated he too would like to discuss the legislative issues that were discussed regarding the clean air ordinance and asked City Manager Burton to bring it back up under his report.

Mayor Smith stated he would like to invite Joan Miles back to an administrative meeting to further discuss the enforcement issues that Commissioner Netschert has concerns with. Mayor Smith stated he recollects

that the enforcement officer is not authorized to issue citations. City Manager Burton noted that the City Attorney would address this issue under his report.

Commissioner Parriman reported that he visited with a local roofing contractor and was told that other cities do not require a permit when they are re-roofing a roof. He asked this issue be researched and be put on a future administrative meeting agenda.

Commissioner Parriman brought up the issue of street grades and the recent amendments to the subdivision regulations. He will be preparing a list of proposed changes and submitting them for consideration.

Commissioner Parriman congratulated the Helena Senators Baseball team for their recent State Title.

Mayor Smith asked that the permit issue and street grade issue be placed on future administrative agendas. City Manager Burton stated he would work with Commissioner Parriman and agenda the items at the appropriate time.

Mayor Smith also congratulated the Helena Senators for their recent victory. Mayor Smith asked that a proclamation be prepared for the Senators and invite them to the next commission meeting. Commissioner Pouliot suggested the Senators might be able to ride on the fire truck. City Manager Burton noted this particular team does not qualify to ride the fire truck, per commission direction.

Commissioner Oitzinger asked the commission to reconsider the budget for the Historic Preservation Officer. The original request was for \$11,000

Motion

Commissioner Oitzinger moved to reconsider the Historic Preservation Officer budget request for FY 2003. Commissioner Pouliot seconded the motion.

Discussion

Commissioner Netschert stated the \$11,000 is more than double of what was proposed for FY 2002. There was no mention that the original amount was only for a half a year. Commissioner Netschert stated his recollection was that this position was originally proposed as a consultant as opposed to a funded government position. Commissioner Netschert suggested that this position might have been able to stay within the original budgeted amounts if it had been an outside consultant position. This is an issue of principal and should remain at the \$5,000.

Commissioner Oitzinger stated she has no recollection that this position would ever be a consultant. She spoke on the importance of having a Historic Preservation Officer for Helena and Lewis and Clark County.

City Manager Burton asked for clarification on the motion. The motion on the floor is to direct the City Manager to find the \$6,000 to fully fund the request for the HPO and then report back to the commission.

Mayor Smith stated he believes that would be the next motion, if the one on the floor were approved. Commissioner Oitzinger stated she believes the amended amount would be \$5,500. Commissioner Parriman asked for the exact amount needed to fully fund the position.

Administrative Services Director Tim Magee stated the total budget amount is \$11,000, there is \$5,000 budget, therefore the amendment would be \$6,000.

Mayor Smith stated he too shares Commissioner Netschert's concern with the quality of information that was originally presented to the commission. After hearing the detailed explanation, he is comfortable to reconsider and add the additional \$6,000.

Vote Motion carried 4-1 with Commissioner Netschert voting no.

Motion Commissioner Oitzinger moved that the City Manager find and transfer \$6,000 to the general fund for the purposes of funding the HRO.
Commissioner Parriman seconded the motion.

Commissioner Oitzinger explained the Historic Preservation Board originally submitted the budget request and inadvertently left out the costs to run the office. She feels strongly that this was a misunderstanding and no deception.

Commissioner Parriman stated he was not on the commission when the original request was considered. He noted the position is important, however, he continues to be concerned with any increase in the budget.

Commissioner Netschert stated he fully supported the position when it was originally presented. However he continues to be concerned with the increase in the budget and with this position becoming a right.

Commissioner Pouliot asked for clarification if State Historical Society would continue funding the \$5,500 for this position. Mayor Smith noted both the State Historical Society and Lewis and Clark County have money budgeted to fund this position. City Manager Burton noted the State Historical Preservation Office funds \$5,500, the County has budgeted \$11,000 and the City has budgeted \$5,000. If the motion were approved, then \$6,000 would be added from the city.

Commissioner Pouliot asked that Mr. Putz attend an administrative meeting on a regular basis to keep the commission updated. The total amount to fund the Historic Preservation Officer at ½ time is \$27,500.

Vote Motion carried 4-1 with Commissioner Netschert voting no.

Mayor Smith reported the 60th Anniversary of the 1st Special Services begins on Thursday, August 15, 2002. There are various events happening throughout the three days. Mayor Smith then invited Mr. Bill Woon to address the commission.

Bill Woon, Chair of the 60th Reunion invited the commission members and the public to the Memorial Service at 10:00 a.m. on August 15th and to attend mass on Saturday, August 17th at 3:00 p.m. Mr. Woon thanked City Manager Burton and city staff for the work they have done at the Veterans Memorial in Memorial Park.

Commissioner Pouliot asked that the members of the First Special Forces stand to be recognized.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney David Nielsen explained the citations being issued on the clean air ordinance are from written complaints. The enforcement officer will be educating the businesses and will follow-up on the anonymous complaints.

Commissioner Netschert noted when the clean air ordinance was approved, the opponents of the ordinance supported the amendment that required a person requesting enforcement, they shall do so by completing and signing a written complaint from provided by the Lewis and Clark City-County Health Department.

City Attorney David Nielsen explained anonymous complaints are being followed up for educational information. There are no citations being issued because of an anonymous complaint.

Commissioner Oitzinger stated on the face of things the intent was certainly not that the posting requirements would be ignored. If a Health Department employee goes into a business and there is not a sign on the wall, then the business owner needs to be informed that the signage is missing.

Commissioner Netschert stated it is his recollection that the only time any business would expect a visit was if there was a written complaint.

Further discussion was held on the intent of enforcement and anonymous complaints. Mayor Smith stated this issue would be back before the commission for further comments. Mayor Smith asked City Clerk Debbie Havens to copy the minutes from the past meetings where this issue was discussed. Commissioner Netschert concurred with the request.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Tim Burton assured the commission that with any city staff involvement relative to the enforcement and educational activities that are taking place relative to the ordinance, staff is complying with the intent and the written letter of the ordinance.

City Manager Burton then reported on the proposed legislation regarding the financial ramifications of private businesses due to the clean air ordinance. He spoke on the facts versus the rumors regarding the loss of gambling revenue. In order for the commission to have an informed discussion, the data needs to be available. There is a base line of where the revenue has been. Mr. Burton noted there are many factors that may contribute to the loss gambling revenue.

City Manager Burton noted the discussion that needs to take place is the issue of local governments being able to pass local control ordinances.

Mr. Burton noted there are other factors to weigh in when you are looking at the economic impact on Helena; the state is talking about cutting 57 million out of their budget and the effect that will have on Helena in particular, with 6,000 state employees working in Helena.

City Manager Burton reminded the commission that there was a 62% voter turn out and of those there was 71% who voted to approve the ordinance.

Commissioner Parriman noted there may not be a lot of data to support business owners claims that revenues are down, which he believes they are, he continues to be concerned that there are local businesses that will be out of business before the data is available.

City Manager Burton noted there is a lot of interest on this topic throughout Montana. He suggested a review of how the ordinance was implemented and the restrictions of making any amendments at this time.

Mayor Smith asked that this issue be placed on the next administrative meeting agenda.

Commissioner Pouliot asked that the issue of liability regarding the clean air ordinance also be discussed. Commissioner Pouliot recommended the next administrative meeting begin at 3:00 p.m.

Mayor Smith stated the special session was an emotional week and there were a lot of decisions made without the benefit of full factual information, however, there were a lot of decisions made with the full factual information. The public needs to be aware that the legislature, as a whole, had a lot of good information.

City Manager Burton informed the commission that the City of Helena's Comprehensive Annual Financial Report for the fiscal year ending June 30, 2001, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. This will be the 14th consecutive year the City of Helena has received this award. City Manager Burton thanked the Administrative Services staff for a job well done.

City Manager Burton invited Fire Chief Steve Larson and Firefighter Shawn Logan forward to speak. Fire Chief Larson reported they have been notified by FEMA that the Helena Fire Department is an award winner for a 2002 Fire Grant Act, which is a firefighter safety and equipment act. Fire Chief Larson introduced Lieutenant Shaw Logan and asked him speak on the grant.

Lieutenant Logan stated this is the second year Congress has appropriated funds for fire service. The City of Helena will receive \$32,580 in grant money to purchase thermo-imagers to assist the firefighters. There is a match of 10% required.

On behalf of the commission, Mayor Smith thanked Chief Larson and Mr. Logan for pursuing the grant and congratulated them for receiving it.

Memorial Park

CONSIDER A RESOLUTION ESTABLISHING A "NO BUILD ZONE" IN MEMORIAL PARK.

Staff Report

Director of Parks and Recreation Randy Lilje reported various representatives from veterans' organizations and the Montana National Guard recently met with city staff as well as Commissioner Netschert regarding their concerns over the potential for future development in Memorial Park that may encroach within close proximity of the veteran's memorials within the park. In order to protect them, the resolution would establish a "no build" zone around the memorials.

In light of the "no build" zone, the new resolution remains consistent with all previous resolutions adopted by former city commissioners who created Memorial Park and approved the 1999 Memorial Park Master Plan.

Mr. Lilje recommended approval of a resolution establishing a "No Build Zone" in Memorial Park.

City Manager Burton noted this is not a public hearing, however, there are some veterans in the audience who may want to address this issue.

Commissioner Netschert thanked city staff for getting the resolution prepared in time for the 60th reunion of the 1st Special Services Forces.

The following persons spoke in support of the "No Building Zone": Mark Radcliff, Joe Upshaw, and Bill Woon;

Motion

Commissioner Netschert moved approval of a resolution establishing a "No Build Zone" in Memorial Park. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution 11802**

Commissioner Pouliot asked that all the World War II Veterans stand to be recognized.

Civic Center

CONSIDER A RESOLUTION OF INTENTION TO INCREASE THE FEES CHARGED BY THE HELENA CIVIC CENTER.

Staff Report

Civic Center Manager Diane Stavnes reported the current fee schedule was adopted prior to the 2000/2001 season. As has been our policy in the past,

prior to the upcoming season, a survey of the other facilities in the state was conducted which showed that some of the rates charged were below other facilities in the surrounding area. The Civic Center Board's Fee committee in conjunction with Civic Center staff reviewed the policy and recommended changes. The Civic Center Board approved the proposed schedule at a recent meeting. The proposed rates are at or below the rates charged by the other facilities in the state. Other changes in the schedule are to outline charges for additional rental items available on site while making the schedule easier for the client to interpret.

The proposal is to increase the building rental rate and establish fees for rental items such as sound systems, and on site equipment. In addition, a revision of the fees charged for the in-house ticketing system is proposed.

1. The flat rate for non-performing (convention) rate use of the entire building would increase from \$750/day to \$825/day. The rate would once again equate to charging the full rate for one room and half rate for the other room. Base rent for either room would change from \$500.00 to \$550.00/day rental rate. Set-up and teardown rates would increase on Monday-Thursday from \$150.00/day to \$200.00/day. Friday-Sunday rates would change from \$200.00/day to \$250.00/day. The first day rate for serving of food, and serving of alcohol has not been changed, but subsequent, consecutive rates have changed from \$25.00/day for additional days of food service to \$50.00/day and rates for additional days of serving alcohol are proposed to increase from \$50.00/day to \$75.00/day.
2. Adjustments to the equipment fees are proposed. Charges for on site equipment are increased for the rental of pipe and drape and for usage of in-house lighting equipment in the auditorium. In addition, rates are established for use of the ballroom surround sound system, for rental of items such as ficus trees, sound snakes, the dance floor, the scrim curtain, art pedestals, art display doors and display lights, music stands and robotic lights.
3. The fees for the in-house ticketing system have been revised from a sliding scale fee to a percentage of gross ticket sales. In addition, a ticket surcharge applies to each ticket sold plus a facility surcharge fee, which is based upon the number of persons attending the event. The costs for use of the Helena auditorium facility will be more comparable to other major venues in Montana that are using this method.

Motion

Commissioner Pouliot moved approval of a resolution of intention to increase the fees charged by the Helena Civic Center and set a public hearing date for August 26, 2002. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution 11803**

Bill Roberts Golf Course

CONSIDER A REQUEST FROM THE BILL ROBERTS GOLF ADVISORY BOARD TO CONDUCT A GOLF COURSE NAMING CONTEST.

Staff Report

Director of Parks and Recreation Randy Lilje apologized to Mrs. Betty Lamb for not contacting her regarding the proposal to conduct a Golf Course naming contest. Mrs. Lamb is the daughter of Bill Roberts.

Mr. Lilje reported Bill Roberts Golf Course is named for the man who worked on the golf course for roughly 40 years as a developer, maintenance

superintendent and golf professional. His picture and brief history is displayed at the clubhouse at the golf course. While the Golf Advisory Board (GAB) in no way intends any disrespect to the memory of Mr. Roberts, it is recommending the City Commission allow the GAB to oversee a process to select a new name for the golf course. The GAB feels that in order to attract more outside golfers, particularly tourists, that a more attractive, aesthetic sounding name (i.e. Fox Ridge or Green Meadows) is needed. When a new name is selected, then a new, attractive logo would be developed which would further aid in selling logoed merchandise at the pro shop. While the course would be renamed, naming the pro shop building after him would retain the name of Bill Roberts.

Discussion

Commissioner Pouliot asked if the GAB has met to revisit the recommendation since becoming aware the family of Bill Roberts is opposed? Mr. Lilje stated the GAB has not met since hearing from Mrs. Lamb. Commissioner Pouliot suggested it might be prudent to take it back to the GAB. He asked if there is a time line in which the GAB would like to begin the contest. Mr. Lilje stated there is no real rush regarding the contest and agreed to take the issue back to the GAB.

Mayor Smith asked Mrs. Lamb if she would like to address the commission. Mrs. Betty Lamb asked that her husband Lloyd Lamb speak on her behalf. Mr. Lloyd Lamb read the letter to the editor from Betty Lamb regarding the renaming of the golf course, a letter from Judy A. Spiro and Joann R. Naify and an email from a Mrs. Anderson, all whom are opposed to any name change to the Bill Roberts Golf Course.

Motion

Commissioner Pouliot moved to table the request from the Bill Roberts Golf Advisory Board to conduct a golf course naming contest and ask the Golf Advisory Board to reconsider the recommendation.

Commissioner Oitzinger seconded the motion

Commissioner Parriman stated he would not support the motion. If the motion doesn't pass, he is prepared to make a motion to deny the request.

Commissioner Netschert stated he is leaning toward leaving "Bill Roberts" in the name of the Golf Course. However, he would like the Golf Advisory Board to be able to move forward in their request and there may be a way to incorporate "Bill Roberts" into any new name.

Vote

Motion carried 3-2 with Commissioner Netschert and Parriman voting no.

Carroll College Bonds

CONSIDER A RESOLUTION RELATING TO A PROJECT ON BEHALF OF CARROLL COLLEGE AND THE ISSUANCE OF REVENUE BONDS TO FINANCE THE COSTS OF A CAMPUS HOUSING PROJECT UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED; GRANTING PRELIMINARY APPROVAL THERETO AND CALLING A PUBLIC HEARING THEREON.

Staff Report

Finance Manager Glenn Jorgenson reported state law authorizes the city to issue IDR Bonds for third parties, including higher educational facilities. IDR Bonds receive the benefit of lower interest rates as they are tax exempt, and are therefore attractive to third parties.

Carroll College is requesting the city issue IDR Bonds on its behalf to build a new residence hall. The college is a non-profit organization and contributes to the economic health of the city.

The City Commission recently passed a resolution establishing fees for the issuance of IDR Bonds. At that time another motion was passed specifically exempting this issuance from the fees.

The proposed resolution provides preliminary approval of the project and the issuance of bonds. This approval is conditional upon the commission finding that the project is in the city's and public's best interest, the project is consistent with the purposes of the law, and the city and Carroll College can reach agreement on the terms or conditions of the bond documents. A public hearing must be held, which is scheduled for September 9, 2002.

Staff recommends preliminary approval of the project and issuance of the bonds be given by the City Commission.

Discussion

Mayor Smith asked for comments from the public.

Lynn Etchart, Carroll College, on behalf of Dr. Thomas Trebon, thanked the commission for their support for the IDR Bonds. Ms. Etchart thanked staff for the work they have done.

Motion

Commissioner Parriman moved approval of a resolution relating to a project on behalf of Carroll College and the issuance of revenue bonds to finance the costs of a campus housing project under Montana Code Annotated, Title 90, Chapter 5, Part 1, as amended; granting preliminary approval thereto and calling a public hearing thereon for September 9, 2002. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution 11804**

Surplus Real Property

CONSIDER A RESOLUTION OF INTENTION TO AUTHORIZE THE SALE OF SURPLUS REAL PROPERTY OWNED BY THE CITY OF HELENA; 14.98 ACRES GENERALLY LOCATED ON THE UPPER EAST SIDE ADJACENT TO THE EXISTING CITY LIMITS AND ON THE SADDLE DRIVE RIGHT OF WAY.

Staff Report

City Attorney David Nielsen reported this property was purchased as a possible site for the east side water tank prior to the Nob Hill property being donated to the city for that site. The Nob Hill property was eventually used as the east side water tank site. The property was purchased with water funds that may only be used for procuring, producing, treating, storing and distributing municipal water. Further, through an agreement with Mrs. Donaldson, the city is prohibited from developing the property. Since the property was not used as the tank site, it would be appropriate to sell it and reimburse the water fund.

This resolution of intention merely sets the public hearing for the disposal of the surplus property. This does not require a decision on how to surplus the property, but merely sets the public hearing.

City Attorney Nielsen recommended approval of a resolution of intention to authorize the sale of surplus property owned by the City of Helena, and set a public hearing date for August 26, 2002.

Discussion

Mayor Smith asked for comments from the public.

Ron Waterman, 33 S. Last Chance Gulch, noted he is not prepared to speak and will hold his comments until the public hearing on August 26, 2002.

Mayor Smith noted he was aware of some movement on the property. However, he will hold questions until the public hearing. City Attorney David Nielsen stated it would be appropriate to hold any comments until the public hearing.

Mark Dietz, 1235 S. Hills Drive, noted that he and his wife Denise and Tom and Amy Kruse have submitted a proposal to potentially purchase the property. He asked prior to the public hearing on August 26, 2002, that they have the opportunity to meet with staff to discuss the details of a proposal.

City Manager Burton recommended the interested parties contact City Attorney Nielsen. Mr. Burton noted a meeting would help refine the offer letter, however, until the commission declares the property surplus, staff does not have the authority to negotiate any type of transaction.

Motion

Commissioner Pouliot moved approval of a resolution of intention to authorize the sale of surplus real property owned by the City of Helena; 14.98 acres generally located on the upper east side adjacent to the existing city limits and on the Saddle Drive right of way and set a public hearing date for August 26, 2002. Commissioner Parriman seconded the motion. Motion carried 4-1 with Commissioner Oitzinger voting no. **Resolution 11805**

**Findings of Fact
Red Letter Subdiv.**

CONSIDER FINDINGS OF FACT FOR THE RED LETTER SUBDIVISION PRELIMINARY PLAT, AS AMENDED BY THE CITY COMMISSION DURING PRELIMINARY PLAT APPROVAL ON JULY 8, 2002; SAID TRACT CONTAINS 5.364 ACRES, MORE OR LESS AND WILL BE KNOWN AS TRACT B2 AS PART OF THE RED LETTER MINOR SUBDIVISION, NW 1/4 OF SECTION 4, T9N, R3W, P.M.M., LEWIS & CLARK COUNTY, MONTANA; GENERALLY LOCATED SOUTH OF GOLD RUSH AVENUE AND CRYSTAL DRIVE.

Staff Report

City Planner Lucy Morell-Gengler reported on Monday, July 8, 2002, the Helena City Commission conditionally approved the Red Letter subdivision/preliminary plat creating 5 residential lots from approximately 5.36 acres in an R-1 (Single-Family Large Lot Residential) District generally located south of Gold Rush Avenue and Crystal Drive. At that meeting the conditions were amended to include a requirement for a public access easement through the subdivision to the adjacent city open space property located to the south of the proposal. The commission changes to the Findings of Fact are represented with double underlining on pages 6 and 9.

Motion

Commissioner Netschert moved approval of the Findings of Fact for the Red Letter Subdivision preliminary plat, as amended by the City Commission during preliminary plat approval on July 8, 2002; said tract contains 5.364 acres, more or less and will be known as Tract B2 as part of the Red Letter Minor Subdivision, NW 1/4 of Section 4, T9N, R3W, P.M.M., Lewis & Clark County, Montana; generally located south of Gold Rush Avenue and Crystal Drive. Commissioner Parriman seconded the motion. All voted aye, motion carried.

Preliminary Plat

CONSIDER A MINOR SUBDIVISION/PRELIMINARY PLAT CREATING THREE LOTS FROM 29.36 ACRES LOCATED IN A B-2 (GENERAL COMMERCIAL) DISTRICT; LEGALLY DESCRIBED AS LOT 1A, DAKOTA SQUARE SUBDIVISION, HELENA, MONTANA; GENERALLY LOCATED AT THE CORNER OF MONTANA AND CUSTER AVENUES.

sewerage system bonds. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution 11806**

Motion **Commissioner Oitzinger moved approval of a resolution relating to City Water System Revenue Bonds; authorizing the issuance of Water System Revenue Bonds to refund certain outstanding Water System Bonds.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution 11807**

Motion **Commissioner Oitzinger moved approval to authorize the City Manager to enter into and Negotiated Sale Underwriting Agreement with D.A. Davidson & Co.** Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Annual Tax Levy CONSIDER A RESOLUTION PROVIDING FOR THE ANNUAL TAX LEVY IN MILLS FOR THE FISCAL YEAR JULY 1, 2002 THROUGH JUNE 30, 2003.

Staff Report Administrative Services Director Tim Magee reported as required by 15-10-203, MCA, the city held a public hearing before passing a resolution to Budget Additional Property Tax Revenue. The City Commission adopted a resolution to budget additional property tax revenue after the public hearing and adopted the final budget. 7-6-4036, MCA now requires the City Commission to fix the tax levy by the 2nd Monday in August or within 45 calendar days after receiving certified taxable values.

This resolution reinstates the city's full mill levy, with a 1.28% increase as previously addressed.

Discussion Commissioner Netschert noted he would vote against the motion to be consistent with his previous votes.

Motion **Commissioner Parriman moved approval of a resolution providing for the annual tax levy in mills for the Fiscal Year July 1, 2002 through June 30, 2003.** Commissioner Oitzinger seconded the motion. Motion carried 4-1 with Commissioner Netschert voting no. **Resolution 11808**

PUBLIC HEARING

Condition Use Permit CONSIDER A RESOLUTION FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A PREVIOUSLY CONSTRUCTED SINGLE-FAMILY RESIDENTIAL STRUCTURE TO BE MOVED INTO THE R-2 DISTRICT; LEGALLY DESCRIBED AS LOT 8, BLOCK 16, BROADWATER SECOND ADDITION, HELENA, MONTANA; GENERALLY LOCATED SOUTH OF PEOSTA AVENUE AND WEST OF LAUREL STREET, WITH A PROPERTY ADDRESS OF 1626 LAUREL STREET.

Staff Report City Planner Kathy Macefield noted the applicant Ken Nelson, is present if you have any questions. Ms. Macefield reported a 500 square foot single-family residence; shed and carport are currently located on the property. The existing residence is non-conforming in size for the R-2 District which requires a dwelling to have a minimum of 1,000 square foot living area.

The existing structures would be removed from the property and the previously constructed 1,000 square foot residence would be moved onto the 6,250 square foot lot.

No variances have been requested. The larger structure could be interpreted as an opportunity to bring the dwelling into conformance with the R-2 zoning requirements. The relocated structure must conform to the same Uniform Building Code and Uniform Fire Code requirements as a newly constructed building. No negative public comment has been received about the proposal.

Ms. Macefield recommended approval of the resolution for a conditional use permit, subject to the following two conditions:

1. All new construction must comply with the Uniform Building Code, Uniform Fire Code and all other applicable zoning and City Codes, including installation of sidewalk.
2. Applicant shall obtain a building permit within one year.

Discussion

Commissioner Pouliot asked how old is the building that is being moved onto the site? Ms. Macefield stated the records show the house was originally built in 1890. Commissioner Pouliot asked if the structure would fit into the existing neighborhood? Ms. Macefield stated the Zoning Commission felt the proposal would fit into the neighborhood.

Mayor Smith stated if the relocated structure would be in conformance with the R-2 zoning requirements, why would a conditional use permit be required. Ms. Macefield explained because the house is not a new structure, the ordinance talks about the R-2 Zone is intended to encourage "newly constructed" structures.

Public Testimony

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

Applicant Ken Nelson, 1224 Poplar, spoke in support of the proposal.

Commissioner Netschert asked Mr. Nelson if he is in concurrence with the conditions? Mr. Nelson concurred.

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

Discussion

Commissioner Pouliot asked Mr. Nelson if he intends to live in the house or rent it? Mr. Nelson stated it would be a rental. Commissioner Pouliot then asked if it would be a single-family rental? Mr. Nelson concurred.

Motion

Commissioner Parriman moved approval of a resolution for a conditional use permit (CUP) to allow a previously constructed single-family residential structure to be moved into the R-2 District; legally described as Lot 8, Block 16, Broadwater Second Addition, Helena, Montana; generally located south of Peosta Avenue and west of Laurel Street with a property address of 1626 Laurel Street, subject to the two conditions outlined above. Commissioner Netschert seconded the motion. All voted aye, motion carried. **Resolution 11809**

Street Maintenance Assessment CONSIDER A RESOLUTION LEVYING AN ASSESSMENT UPON ALL PROPERTY IN STREET MAINTENANCE DISTRICT # 1 AND STREET MAINTENANCE DISTRICT # 2 TO DEFRAY THE COST OF MAINTAINING SERVICES IN SAID SPECIAL STREET IMPROVEMENT DISTRICTS FOR FISCAL YEAR 2003.

Staff Report Administrative Services Director Tim Magee reported each year the City Commission must levy and assess the above annual changes in order for them to be placed on the upcoming tax bills.

The rates and assessment methodology for Street Maintenance Districts are proposed to remain the same. This will provide funding for the Street Maintenance Budget in compliance with State statutes.

Mayor Smith noted that staff would be prepared to discuss the methodology for street maintenance districts sometime in the fall of 2002. Mr. Magee concurred.

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

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

Motion Commissioner Netschert moved approval of a resolution to levy and assess annual charges for the Street Maintenance Districts #1 and #2. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. Resolution 11810.

Public Communications PUBLIC COMMUNICATIONS

There were no public comments.

Meetings of Interest MEETINGS OF INTEREST

The next City Commission meeting will be August 26, 2002 and the next administrative meeting will be August 21, 2002.

Commissioner Parriman noted there was a couple items on this agenda that will result in significant savings to the city of Helena. He thanked City Manager Burton and the entire staff for their efforts in keeping costs down. Mayor Smith concurred with Commissioner Parriman and asked City Manager Burton to convey the commission's appreciation to the entire team for their efforts.

Adjournment There being no further business to come before the commission, the meeting was adjourned at 8:30 p.m. this 12th day of August, 2002.

MAYOR

ATTEST:

CLERK OF THE COMMISSION