

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**September 22, 2003**  
**6:00 P.M.**

**Time & Place** A regular City Commission meeting was held on Monday, September 22, 2003, 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 Oitzinger, Netschert, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Jacki Pierson were present.

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

**Minutes** The minutes of September 8, 2003 city commission meeting will be approved on October 6, 2003.

**Consent Agenda** CONSENT AGENDA:

- A. Claims
- B. Extension of the banking contract with US Bank for one additional year
- C. Funding agreement with Lewis and Clark County and the Montana State Department of Transportation for the update of the Helena Area Transportation Plan
- D. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the sale of that property (miscellaneous equipment and unclaimed police evidence) **Res. #12037**
- E. Consider a resolution amending Resolution Number 12029 - preliminary levy of special assessments on property within the district of SID No. 417. **Res. #12038**
- F. Second passage of Ordinance 2977 - zone change from PLI (Public Lands and Institutions) to B-2 (General Commercial) District for 16.97 acres.

City Manager Tim Burton recommended approval of the claims.

**Public Comment** Mayor Smith asked for public comment, non-was received.

**Motion** **Commissioner Pouliot moved approval of items A through F on the consent agenda.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

**Bid Awards** BID AWARDS

- A. Missouri River Treatment Plant (MRTP) filters, backwash pump and filter-to-waste
- B. Utility Maintenance Building

**Staff Report** A. Public Works Director John Rundquist reported the city has received a protest from one of the bidders, Swank Construction of Kalispell, MT. The protest relates to conflicting language in the bid documents regarding the method of award. Upon review of this protest by staff, city attorney, and the city manager, and the city's consultant engineer, all agree and recommend that it is in the city's best interest to reject all bids and readvertise the project.

The city's consultant has agreed to bear all costs associated with rebidding the work and has assured us that the work can be completed as scheduled before the peak demand season next summer. He anticipates that this project would again be on the Commission agenda, November 3, 2003.

Mr. Rundquist recommended rejecting all the bids and readvertising the project.

Public Comment

Mayor Smith asked for public comment, non-was received.

Motion

**Commissioner Oitzinger moved to reject all bids on City Project 02-23, Missouri River Treatment Plant Improvements, and readvertise for new bids.** Commissioner Parriman seconded the motion. All voted aye, motion carried.

Staff Report

B. Community Facilities Director Gery Carpenter reported staff proposes to award the base bid plus alternates #1, #2, & #3 to Diamond Construction in the amount of \$896,100.00. The current approved budget is \$884,437. This FY04 budget was set to accomplish the project that was approved by the commission at the first bid award. This included the base bid with no alternates. A combination of better bids and not having the additional expense due to the 3% local preference allows us to propose awarding more alternates of this project. To award option #1, the identified departments would need to transfer savings from other construction projects to cover the \$56,038 that may be needed (\$26,883.00 is a 3% contingency) to begin the project. The amount by division is shown below. These project amendments could be accomplished administratively upon award and would not require a public hearing.

1. Water Utility Maintenance -\$24,575  
(Savings from Main Replacement Program)
  2. Wastewater Utility Maintenance - \$17,630  
(Savings from Airport Lift Station Project)
  3. Storm Water Utility Maintenance - \$13,835  
Savings from Access Ports project
- Total - \$56,040

Mr. Carpenter recommended approval of the award.

Discussion

Commissioner Pouliot asked if in the original proposal were there three alternates or more than three? Mr. Carpenter stated there were only three alternates in the original proposal.

Commissioner Oitzinger asked where this bid stands in relation to the tabled bid? Mr. Carpenter explained this base bid is lower then the original tabled bid by and the previous base bid was \$807,000 and this base bid is 801,000. Commissioner Oitzinger stated she is pleased with outcome and the wait was worth it.

Public Comment

Mayor Smith asked for public comment, non-was received.

Discussion

Commissioner Netschert asked if the first estimate was around \$600,000? Assistant Director of Public Works Phil Hauck explained the original FY03 budget was set at \$812,837. Commissioner Netschert explained he would be rejecting this proposal until something more affordable can be reached. Mr. Hauck explained the first number that was budgeted was \$812,837; however, the

construction or architects fees could have been closer to \$600,000.

Commissioner Parriman explained he had concerns regarding the budgeted amount; however, he will be supporting the recommended motion.

**Motion**

**Commissioner Pouliot moved to award the base bid and alternates #1, #2 & #3 to Diamond Construction in the amount of \$896,100.00.**

Commissioner Oitzinger seconded the motion. Motion carried 4:1 with Commissioner Netschert voting no.

**Communications**

**COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS**

Commissioner Pouliot mentioned he represented the city at the POW/MIA ceremony and read a proclamation.

Commissioner Netschert stated he represented the city at Tyndall Army Air Base in Panama City, Florida. He mentioned people should exercise caution when in the woods because of the wild animals. He asked if the HCTV Director could comment regarding the inappropriate nudity shown on the program. He asked the public for their help with the What Dreams May Become community built playground.

Mayor Smith stated he attended the Annual meeting of Gateway Economic Corporation last week. Gateway awarded City Manager Tim Burton with the Leadership in Economic Development award.

**Public Comment**

Mayor Smith asked for public comment, non-was received.

**Report of the City Attorney**

**REPORT OF THE CITY ATTORNEY**

No report given.

**Public Comment**

Mayor Smith asked for public comment, non-was received.

**Report of the City Manager**

**REPORT OF THE CITY MANAGER**

Mr. Burton invited Fire Chief Steve Larson forward to explain the current fire condition. Chief Larson explained the fire level has been brought down to Level 1 and things are looking good.

Mr. Burton explained starting Wednesday morning through Sunday is when the playground will be built at Memorial Park and gave information on how to get involved.

**Public Comment**

Mayor Smith asked for public comment, non-was received.

**McHugh Drive**

**CONSIDER A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 418 FOR MCHUGH DRIVE; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.  
[TABLED SEPTEMBER 8, 2003]**

**Staff Report**

Public Works Director John Rundquist reported a Resolution of Intention to create Special Improvement District No. 418 was passed by the commission on July 21, 2003 and a Joint Resolution by the Lewis and Clark County Commission on June 24, 2003. The proposed Special Improvement District

contains 6 parcels of land in the County abutting the city and benefiting from the improvements.

Any owner of property liable to be assessed for said work had 15 days after the date of the first publication of the notice of the passage of the Resolution of Intention to protest. This protest period expired at 5:00 p.m. on Friday, August 8, 2003. Within the protest period, one protest by McHugh Land and Livestock, Inc. is to be assessed for 15.08% of the cost of the total proposed work within the District. McHugh Land and Livestock, Inc.'s assessment equals 31.50% of the assessment of those property owners outside the city limits. McHugh Land and Livestock, Inc.'s protest stated that they would not receive a benefit from the improvements because the property is tied up in a long-term gravel lease. However, not only will McHugh Land and Livestock, Inc. benefit by the proposed improvements, they are currently benefiting from McHugh Drive in great proportion to the other surrounding property owners. Per the Washington Asphalt Pavement Association, the damage done to the pavement by one trip of a loaded 18-wheeler is the equivalent of 1,928 trips of a passenger car. The load of an 18-wheeler is similar if not less than that of a gravel truck.

Mr. Rundquist recommended approval of the resolution to create Special Improvement District No. 418 in the city of Helena, Montana.

Discussion Commissioner Oitzinger stated there is no question that trails will be built but a question of whether an individual, participating in the SID, will have to include that cost in his or her payments? Mr. Rundquist concurred. Mr. Burton explained the three motion options available to the commission

Public Comment Mayor Smith asked for public comment.  
**Bill Strunhagen, 25 S. Ewing**, asked that the commission change the north boundary and thanked the commission for their time.

Motion **Commissioner Pouliot moved approval of a resolution relating to Special Improvement District No. 418 for McHugh Drive; creating the district for the purpose of undertaking certain local improvement and financing the costs thereof and incidental thereto through the issuance of Special Improvement Bonds secured by the city's Special Improvement District revolving fund, and as amended to adjust the north boundary of the district southward to the south boundary of McHugh Land and Livestock Tract G of McHugh Minor Subdivision Number 2.** Commissioner Netschert seconded the motion.

Discussion Commissioner Oitzinger stated she would be resisting the motion to adjust the north boundary because what the commission needs to think about is whether the property is benefited by the SID and because of the difficulties with the contract she could move past requiring that particular property from having to contribute to the trail. She explained this property is far closer to the city than expected and commented on her concern regarding the patchwork that is going to happen if the city doesn't move forward with the road as originally planned.

Commissioner Parriman stated he would be resisting the motion to adjust the north boundary because he feels this is a natural progression the city is taking.

Mayor Smith explained he would be supporting the motion to adjust the north boundary.

- Vote Motion carried 3:2 with Commissioner Parriman and Commissioner Oitzinger voting no. **Res. #12032**
- Motion** Commissioner Netschert moved approval of a resolution relating to Special Improvement District No. 418 for McHugh Drive; creating the district for the purpose of undertaking certain local improvement and financing the costs thereof and incidental thereto through the issuance of special improvement bonds secured by the city's special improvement district revolving fund, and as amended to reduce the project scope to include only the street, curb and gutter, and drainage with an allowance that fronting sidewalk or bike path may be included at the property.  
Commissioner Oitzinger seconded the motion.
- Discussion Commissioner Pouliot stated he would be resisting this motion because all of the other property owners have already bought onto this SID that included the trails, except for the McHugh property, which is no longer included in the SID.
- Vote Motion failed 3:2 with Commissioner Pouliot and Commissioner Parriman and Mayor Smith voting no.
- Non-Commercial Signs** CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTIONS 11-23-2 AND 11-23-9 OF THE HELENA ZONING ORDINANCE FOR NON-COMMERCIAL SIGNS [**TABLED SEPTEMBER 8, 2003**]
- Staff Report Community Development Director Michael Barros reported during the last political season, a number of questions were raised about the constitutionality of the City's sign ordinance. Members of the city commission, political organizations, candidates, and others asked for clarification and rationale on the existing sign ordinance, specifically as it relates to political signs.  
The City Attorney reviewed this issue and proposed this amendment to bring the City Code into legal compliance with the 1st Amendment that guarantees "Right of Free Speech." The current Code discriminates against noncommercial signs when compared to commercial signs because the Code is more permissive and generous for commercial signs. Noncommercial speech, sometimes called political speech, is afforded the highest level of legal protection under the 1st Amendment. Commercial speech may be lawfully regulated to a greater extent than noncommercial speech. It is illegal to allow commercial signs in areas that prohibit noncommercial signs; therefore, the City Attorney proposed changes under Section 11-23-2 and 11-23-9 of the Helena Zoning Ordinance as it relates to political signs.  
Mr. Barros recommended adoption of an ordinance amending Sections 11-23-2 and 11-23-9 of the Helena Zoning Ordinance that regulates political signs.
- Public Comment Mayor Smith asked for public comment, non-was received.
- Discussion Commissioner Netschert stated he would be willing to support the approval with a recommended policy, which would be available for people to follow.  
Commissioner Oitzinger explained she would be happy to support a recommended policy; however, she asked Mr. Nielsen if the staff

recommendation is enforceable? Mr. Nielsen concurred. Commissioner Oitzinger asked if it would be enforce? Mr. Nielsen concurred.

**Motion** Commissioner Netschert moved first passage of an ordinance amending Sections 11-23-2 and 11-23-9 of the Helena Zoning Ordinance for non-commercial signs. Commissioner Oitzinger seconded the motion. Motion carried 4-1 with Mayor Smith voting no. **Ord. #2978**

**Motion** Commissioner Netschert moved to adopt a policy that is consistent with the city's current campaign sign. Commissioner Oitzinger seconded the motion.

**Discussion** Commissioner Pouliot stated he would be supporting the motion. Commissioner Parriman would like to see people be respectful and responsible regarding the political signs.

**Vote** All voted aye, motion carried.

**Jackson Street Parking Structure** CONSIDER A RECOMMENDATION FOR ARCHITECTURAL CONSULTING SERVICES ON THE JACKSON STREET PARKING STRUCTURE

**Staff Report** Community Facilities Director Gery Carpenter reported on the rating of the responses on the request for proposals in order of preference on the Jackson Street Parking Structure.  
Mr. Carpenter recommended approval of the proposed rankings and further recommended the city manager be authorized to enter into fee negotiations with the firm of Karhu-Cullen Architects.

**Public Comment** Mayor Smith asked for public comment, non-was received.

**Motion** Commissioner Pouliot moved approval for the proposed rankings and authorized the city manager to enter into fee negotiations with the firm of Karhu-Cullen Architects. Commissioner Parriman seconded the motion. All voted aye, motion carried.

**Lighting Dist. No. 207** CONSIDER A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 207 - CRYSTAL SPRINGS - IN THE CITY OF HELENA, MONTANA

**Staff Report** Accounting Supervisor Brandi Pierson reported the property owners petitioned to have a light district created. There are twenty-five (25) properties that would be included in the light district. A petition was circulated among the affected property owners and all property owners have signed the petition.  
The proposed facilities will consist of seven units, with underground wiring, fiberglass or metal poles for 14 foot mounting heights, and glass enclosed cut-off luminaries with 100-watt high-pressure sodium vapor lamps. The estimated cost of maintenance, electrical energy, and administration for the first year is \$2,875 with the estimated cost being \$.01179 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments.

Thereafter, the annual assessment will be approximately one-half of the first year's assessment.

Ms. Pierson recommended passage of the resolution of intention to create Special Improvement District No. 207 in the city of Helena, Montana.

Public Comment

Mayor Smith asked for public comment, non-was received.

Motion

**Commissioner Parriman moved approval of a resolution of intention to create Special Improvement District No. 207 and set a public hearing for October 20, 2003.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Res. #12039**

**Lighting Dist. No. 208** CONSIDER A RESOLUTION OF INTENTION TO LEVY AN ASSESSMENT UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 208 TO DEFRAY THE COST OF MAINTAINING IMPROVEMENTS IN SAID DISTRICT FOR FISCAL YEAR 2004

**Lighting Dist. No. 209** CONSIDER A RESOLUTION OF INTENTION TO LEVY AN ASSESSMENT UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 209 TO DEFRAY THE COST OF MAINTAINING IMPROVEMENTS IN SAID DISTRICT FOR FISCAL YEAR 2004

Accounting Supervisor Brandi Pierson explained agenda items 13 and 14 are contingent upon approval of the public hearings to create the lighting districts. Ms. Pierson recommended the commission hold the public hearings, 18B and 18C, to create those districts and upon approval of those districts, consider items 13 and 14.

**Crest View Estates**

CONSIDER DRAFT FINDINGS OF FACT AND CONDITIONS CONTAINED THEREIN FOR THE AMENDED PRELIMINARY PLAT FOR CREST VIEW ESTATES SUBDIVISION, PHASE II, CREATING 11 RESIDENTIAL LOTS FROM A 12.04-ACRE TRACT OF LAND FOR PROPERTY LOCATED IN THE R-1 DISTRICT AND LEGALLY DESCRIBED AS THOSE LOTS AND BLOCKS OF THE COURTHOUSE ADDITION AS SPECIFIED IN THE DRAFT FINDINGS OF FACT FOR THE CREST VIEW ESTATES SUBDIVISION AMENDED PRELIMINARY PLAT PHASE II; FOR PROPERTY GENERALLY LOCATED SOUTH OF RHODE ISLAND STREET, SOUTHEAST OF BEATTIE STREET, AND WEST OF CREST VIEW ESTATES PHASE I, HELENA, MONTANA

Staff Report

City Planner Lucy Morell-Gengler reported on January 27, 2003, the preliminary plat for the second phase of the Crest View Estates Subdivision was approved for 17 single-family residential lots. At that time, the applicant requested two variances from the City Subdivision Regulations:

1. A variance from Section 12-4-2 (B) which requires each subdivision with a projected trip generation of more than 200 vehicle trips per day to have a minimum of two public accesses for ingress and egress, and
2. A variance from Section 12-4-2 © which states: "dead-end streets may not exceed 700 feet in total length..."

The city commission denied these two variance requests.

On July 14, 2003 the applicant submitted an amended preliminary plat reducing the number of lots from 17 to 11 residential lots. Included with the

submission was a request for reconsideration of the variances from Section 12-4-2 (C) and Section 12-4-2 (B) to exceed the 700 foot limitation creating a maximum 1,300-foot long dead-end street and to permit a single access for the Crest View Estates Subdivision which is anticipated to generate approximately 239 vehicle trips per day based on the 14 single-family lots in Phase I and II single-family lots in Phase II. An application for a Conditional Use Permit (CUP) to allow 10 condominium units was also submitted.

On September 8, 2003 the city commission approved the amended plat but did not reconsider the denial of the variances and tabled the CUP request. The commission also delayed action on the draft Findings of Fact so that the Findings could be amended to reflect the commission's actions.

Ms. Morell-Gengler recommended adopting the Findings of Fact for the Crest View Estates Subdivision Phase II creating 11 residential lots from 12.04 acres.

Discussion Commissioner Parriman asked regarding the storm water retention ponds? Ms. Morell-Gengler explained two storm detention ponds have been relocated and two have remained the same.

Public Comment Mayor Smith asked for public comment, non-was received.

**Motion** Commissioner Pouliot moved to adopt the amended Findings of Fact and the conditions contained therein for the Crest View Estates Subdivision Phase II amended preliminary plat creating 11 residential lots from a 12.04-acre tract of land for property located in the R-1 District and legally described as those lots and blocks of the Courthouse Addition as specified in the Draft Findings of Fact for the Crest View Estates Subdivision Phase II Amended Preliminary Plat for property generally located south of Rhode Island Street, southeast of Beattie Street, and west of Crest View Estates Subdivision Phase I, Helena, Montana. Commissioner Netschert seconded the motion.

Discussion Commissioner Netschert asked if the applicants were to come back with a proposal, which the commission agreed with, would the Finding's of Fact would be amended to reflect that positive outcome? Mr. Nielsen concurred.

Mayor Smith asked what is to be expected of the applicant and the commission if these Findings of Fact are adopted? Mr. Nielsen explained the action of the commission was to allow an amendment to the preliminary plat approval. Since there are a condition attached there has to be findings adopted which support the conditions. Mr. Nielsen explained there were requests for two variances and since those were turned down the applicants will have to build the subdivision without those variances.

Vote Motion carried 4:1 with Commissioner Oitzinger voting no.

**Red Letter Subdivision** CONSIDER A RESOLUTION ANNEXING TRACT B2 RED LETTER MINOR SUBDIVISION LOCATED IN LEWIS & CLARK COUNTY, MONTANA, INTO THE CITY OF HELENA, MONTANA; GENERALLY LOCATED SOUTH OF GOLD RUSH AVENUE AND CRYSTAL DRIVE

Staff Report City Planner Lucy Morell-Gengler reported on July 8, 2002, the city commission established conditions for annexation of Tract B2, of the Red Letter

Minor Subdivision containing 5.36 acres (Res. 11783), and established rezoning designations for the property (Ord. 2944). On July 8, 2002, the commission also approved a preliminary plat, establishing conditions for the further subdivision of Tract B2 to create the proposed Red Letter Addition, a minor subdivision creating 5 Lots.

Conditions for annexation included the following:

1. The final subdivision plat establishing Tract B2 as described in the resolution must be approved and filed with the County.
2. Taxes and assessments must be paid and current at the time filing the resolution of annexation.
3. The applicant must notify the city community development department in writing upon completion of the subdivision conditions and the conditions for approval of annexation. If the conditions are not complete within one year of the date approval of the resolution of intention, the city is under no obligation to complete the annexation.

Staff confirms that the conditions of annexation have been fulfilled and that all procedural and due process requirements have been completed. Annexation has been requested and is recommended by staff.

Ms. Morell-Gengler recommended approval of the adoption of a resolution of annexation for Tract B2 located south of Gold Rush Avenue and Crystal Drive and final plat approval.

Public Comment

Mayor Smith asked for public comment, non-was received.

**Motion**

**Commissioner Netschert moved approval of a resolution annexing Tract B2 of the Red Letter Minor Subdivision, Located in Lewis & Clark County, Montana, into the city of Helena, Montana.** Commissioner Parriman seconded the motion.

Discussion

Commissioner Pouliot asked if there will be problems with development on the lot with a grade over thirty percent? Ms. Morell-Gengler stated the lot in question is several acres and there is a space on that lot that is developable.

Vote

Motion carried 4:1 with Commissioner Oitzinger voting no. **Res. #12042**

**Red Letter Addition**

CONSIDER FINAL PLAT APPROVAL FOR THE RED LETTER ADDITION CREATING 5 RESIDENTIAL LOTS FROM TRACT B2 OF THE RED LETTER MINOR SUBDIVISION, LOCATED IN A R-1 DISTRICT; GENERALLY LOCATED SOUTH OF GOLD RUSH AVENUE AND CRYSTAL DRIVE

Public Comment

Mayor Smith asked for public comment, non-was received.

**Motion**

**Commissioner Pouliot moved approval for the final plat of the Red Letter Addition creating 5 residential lots from Tract B2 of the Red Letter Minor Subdivision, Lewis and Clark County located in a R-1 District generally located south of Gold Rush Avenue and Crystal Drive.** Commissioner Parriman seconded the motion. Motion carried 4:1 with Commissioner Oitzinger voting no.

**Public Hearings:** PUBLIC HEARINGS  
**Lighting Dist. No. 205** A. CONSIDER A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 205 - 11TH AVENUE - IN THE CITY OF HELENA, MONTANA

Staff Report Accounting Supervisor Brandi Pierson reported a resolution of intention to create Special Lighting District No. 205 was passed by the commission on August 18, 2003. There are eleven properties that would be included in the light district.

The proposed district will consist of thirty units, with underground wiring, cast aluminum poles for 16-foot mounting heights, and acorn style luminaries with 100-watt high-pressure sodium vapor lamps. The estimated cost of maintenance, electrical energy, and administration for the first year is \$17,196.40 with the estimated cost being \$.03737 per square foot of property owned, said amount to be pad by the property owners. That amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment.

Ms. Pierson recommended approval of the resolution to create Special Lighting District No. 205 in the city of Helena, Montana.

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

**Gus Byrom, 703 Red Letter**, thanked the commission for the support from the city staff and recommended approval.

There being no further persons wishing to address the commission, Mayor Smith closed the public hearing.

**Motion** **Commissioner Parriman moved approval of a resolution creating Special Improvement Lighting District No. 205.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Res. #12043**

**Lighting Dist. No. 208** B. CONSIDER A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 208 - PRIMROSE LANE - IN THE CITY OF HELENA, MONTANA

Staff Report Accounting Supervisor Brandi Pierson reported a resolution of intention to create Special Lighting District No. 208 was passed by the commission on August 18, 2003. There will be twelve properties that would be included in the light district.

The proposed facilities will consist of four Colonial style cutoff fixtures with underground wiring, fiberglass or metal round poles for 16 foot mounting heights, and 100-watt high-pressure sodium vapor lamps. The estimated cost of maintenance, electrical energy, and administration for the first year is \$1,695 with the estimated cost being \$.01019 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment.

Ms. Pierson recommended passage of the resolution to create Special Lighting District No. 208 in the city of Helena, Montana.

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 persons wishing to address the commission, Mayor Smith closed the public hearing.

**Motion** Commissioner Netschert moved approval of a resolution creating Special Improvement Lighting District No. 208. Commissioner Parriman seconded the motion. All voted aye, motion carried. **Res. #12044**

**Lighting Dist. No. 209** C. CONSIDER A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 209 - DICK ANDERSON BUSINESS PARK - IN THE CITY OF HELENA, MONTANA

Staff Report Accounting Supervisor Brandi Pierson reported a resolution of intention to create Special Lighting District No. 209 was passed by the commission on August 18, 2003. There are 43 properties that would be included in the light district.  
The proposed facilities will consist of fifty-four (54) units, with underground wiring, cast aluminum poles for 14 foot mounting heights, and glass enclosed cut-off luminaries with 100-watt high-pressure sodium vapor lamps. The estimated cost of maintenance, electrical energy, and administration for the first year is \$27,523 with the estimated cost being \$.01590 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment.  
Ms. Pierson recommended passage of the resolution to create Special Lighting District No. 209 in the city of Helena, Montana

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 persons wishing to address the commission, Mayor Smith closed the public hearing.

**Motion** Commissioner Parriman moved approval of a resolution creating Special Improvement Lighting District No. 209. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Res. #12045**

**Lighting Dist. No. 208** CONSIDER A RESOLUTION OF INTENTION TO LEVY AN ASSESSMENT UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 208 TO DEFRAY THE COST OF MAINTAINING IMPROVEMENTS IN SAID DISTRICT FOR FISCAL YEAR 2004

Staff Report Accounting Supervisor Brandi Pierson reported the city commission must levy and assess an annual charge for Special Lighting District No. 208 in order for the charge to be placed on the upcoming tax bills. Lighting districts assessments are based upon the anticipated cost of electric utility bills and administrative services.

Ms. Pierson recommended passage of the resolution of intention to assess Special Lighting District No. 208 in the city of Helena, Montana and set a public hearing date for October 6, 2003.

Public Comment

Mayor Smith asked for public comment, non-was received.

**Motion**

**Commissioner Netschert moved approval of a resolution of intention to levy an assessment upon all property in Special Improvement Lighting District No. 208 to defray the cost of maintaining improvements in said district for fiscal year 2004 and set a public hearing for October 6, 2003.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res. #12040**

**Lighting Dist. No. 209** CONSIDER A RESOLUTION OF INTENTION TO LEVY AN ASSESSMENT UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 209 TO DEFRAY THE COST OF MAINTAINING IMPROVEMENTS IN SAID DISTRICT FOR FISCAL YEAR 2004

Staff Report

Accounting Supervisor Brandi Pierson reported the city must levy and assess annual charge for Special Improvement District No. 209 in order for the charge to be placed on the upcoming tax bills. Lighting district assessments are based upon the anticipated cost of electric utility bills and administrative services.

Ms. Pierson recommended approval of the resolution of intention to assess Special Improvement District No. 209 in the city of Helena, Montana and set a public hearing date for October 6, 2003

Public Comment

Mayor Smith asked for public comment, non-was received.

**Motion**

**Commissioner Netschert moved approval of a resolution of intention to levy an assessment upon all property in Special Improvement Lighting District No. 209 to defray the cost of maintaining improvements in said district for fiscal year 2004 and set a public hearing date for October 6, 2003.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res. #12041**

**Brady Street**

D. CONSIDER A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 417 - BRADY STREET; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS

Staff Report

Accounting Supervisor Brandi Pierson reported on August 18, 2003, the city commission passed a resolution proposing the preliminary levy of special assessments on property within the Special Improvement District No. 417-Brady Street for the purpose of financing the cost of certain local improvements.

The Bonds are payable primarily from the collection of a special assessment which is a lien against the assessable real property within the District benefited by the Improvements. The special assessments are payable in semiannual installments over a term not exceeding 15 years, each in substantially equal semiannual installments of principal and interest over period of 15 years, at an annual rate equal to the sum of the average rate of interest borne by the then outstanding Bonds, plus one-half of one percent (0.50%) per annum.

Ms. Pierson recommended passage of a resolution relating to Special Improvement District No. 417; final levy of special assessments on property within the district for the purpose of financing the cost of certain local improvements.

Public Testimony

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

**Sharon Tregidga, 1697 Brady Street**, stated she would like to know the costs that property owners will be paying and thanked Commissioner Oitzinger for all her hard work on the project. She explained she has concerns regarding truck traffic.

There being no further persons wishing to address the commission, Mayor Smith closed the public hearing.

Discussion

Commissioner Pouliot stated he received a letter regarding Brady Street being closed and asking if it's closed to just trucks or all vehicles? Mr. Rundquist explained they wanted to get the word out that Brady Street is no longer an outlet for trucks because the bridge on Henderson is too low for truck traffic. Commissioner Pouliot also asked regarding Henderson Street and if it will be redone? Mr. Rundquist explained Henderson Street is a high priority on the Capital Plan for reconstruction. Mr. Burton stated as the city works its way through the Capital Plan, including the street utility, the city has yet to establish the priorities in sequential order.

Motion

**Commissioner Oitzinger moved approval of a resolution relating to Special Improvement District No. 417; Final levy of Special Assessments on property within the district for the purpose of financing the cost of certain local improvements.** Commissioner Netschert seconded the motion. All voted aye, motion carried. **Res. #12046**

Oregon Street

E. CONSIDER A RESOLUTION TO VACATE 52' OF OREGON STREET RIGHT-OF-WAY BETWEEN BLOCKS 101 AND 110 OF THE NORTHERN PACIFIC 2ND ADDITION

Staff Report

City Engineer Ryan Leland reported the proposal is to vacate 52' of the Oregon Street ROW and enlarge the adjacent city owned property. If this vacation is approved, the city commission will be asked to consider donation of this property to the Habitat for Humanity. The existing ROW is not being used to access any of the properties for emergency access any of the properties for emergency access, or for underground utilities. The city will still maintain a 20' easement for the overhead power lines and storm water control. The current city owned property is unbuildable for the proposed improvements. With vacation, the property will be much more attractive for a residential housing development.

Mr. Leland recommended approval of the resolution to vacate 52' of Oregon Street.

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 persons wishing to address the commission, Mayor Smith closed the public hearing.

- Motion** Commissioner Pouliot moved approval of a resolution to vacate 52' of the Oregon Street right-of-way. Commissioner Parriman seconded the motion. All voted aye, motion carried. **Res. #12047**
- Wong Street** F. CONSIDER A RESOLUTION TO CLOSE WONG STREET FROM PARK AVENUE APPROXIMATELY 295' SOUTHEAST TO WHERE IT CURRENTLY ENDS IN THE HELENA TOWNSITE ADDITION
- Staff Report** Public Works Director John Rundquist reported the proposal is to close Wong Street and incorporate it into the Lewis and Clark Library parking lot. Also the Helena Parking Commission will take over the maintenance of Wong Street. With the closure of Wong Street the city will still maintain the right-of-way for utility maintenance and emergency access. The configuration of the parking will still allow for the public to access the parking that connects Wong Street with Broadway from Park Avenue.  
Mr. Rundquist recommended approval for a resolution closing Wong Street.
- 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 persons wishing to address the commission, Mayor Smith closed the public hearing.
- Motion** Commissioner Parriman moved approval of a resolution to close Wong Street. Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Res. #12047**
- Public Communications** PUBLIC COMMUNICATIONS  
No report was given.
- Meetings of Interest** MEETINGS OF INTEREST  
Mayor Smith mentioned the Administrative Meeting on October 1, 2003 was cancelled because of League of Cities and Towns.
- Adjournment** There being no further business to come before the Commission, the meeting was adjourned at 8:00p.m.

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Mayor Smith

ATTEST:

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CLERK OF THE COMMISSION

