

**CITY OF HELENA
REGULAR CITY COMMISSION MEETING
March 28, 2005
6:00 P.M.**

Time & Place A regular City Commission meeting was held on Monday, March 28, 2005 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, Cartwright and Pouliot were present. Commissioner Parriman was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were George Hoff representing the Helena Citizens Council.

Pledge of Allegiance Mayor Smith 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 March 14, 2005 were approved as submitted.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Utility bill insert – Montana Chapter of the Komen Foundation

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

Public Comment Mayor Smith asked for public comment, none was received.

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

Bid Award BID AWARD
A. Lightweight fairway mower - Bill Roberts Golf Course

Staff Report Director of Parks and Recreation Randy Lilje reported the golf course currently has a 1992 model lightweight fairway mower that is at the end of its useful life. Staff wishes to replace the aging mower with a newer model in order to operate and maintain the golf course in peak condition.

Three bids for a lightweight fairway mower were opened on March 10, 2005. Midland Implement of Billings, Montana was the low bidder, bidding a Toro 5400-D Reelmaster lightweight mower at a net cost of 27,623.00. The addition of this mower will keep the golf course fleet up to date and will avoid the inefficiency of repair costs and downtime associated with old equipment.

Director Lilje recommended awarding the bid to Midland Implement Co. of Billings, Montana for a Toro 5400-D Reelmaster lightweight fairway mower in the amount of \$27,623.00.

Public comment Mayor Smith asked for public comment, none was received.

Motion

Commissioner Oitzinger moved to accept the bid from Midland Implement Co. of Billings, Montana for a Toro 5400-D Reelmaster lightweight fairway mower in the amount of \$27,623.00.

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

B. Water meter installation**Staff Report**

Utility Maintenance Superintendent Kevin Hart reported the City of Helena awarded a unit price radio read water meter purchase in December 2004, as the first step in a city-wide water meter conversion program. In February 2005 the city began the second phase of this program and advertised for competitive bids for water meter installation. Invitations to bid were sent to all local plumbing businesses. Three legal advertisements were done; a mandatory pre-bid conference was held on March 8; and bids were opened on March 14, 2005. The bid process included a base bid which consisted of conversion of slightly more than one-half of the residential meters and all larger commercial meters, or a total meter change-out estimated at 5322 meters of sizes ranging from ¾" to 12". An additive alternate was included that would allow the city to increase the number of remaining meters converted by 500 lot increments up the total (4,028 ¾" and 1" meters) remaining. The city received one responsive bid which city staff brings with the recommendation for award to Fry Brothers Plumbing out of Lewistown, Montana.

The proposed bid is slightly above the engineering estimate (1%) but well within the available project funding. Included in the Commission packet was an analysis of the bid and a recommendation for award from Gary Swanson, P.E., Robert Peccia and Associates, the city's consulting engineer for the installation bid package.

The Utility Maintenance Division FY05 budget includes funding for a water meter purchase and installation contract, for a total program amount of \$3,360,000 that will be financed through a State Revolving Fund Loan. An earlier meter purchase contract was awarded to Northwest Pipe, Inc. in the amount of \$1,436,000. The recommended award to Fry Brothers Plumbing is \$1,150,834.

Approximately 9,350 water meters will be converted to the new radio read meter within an 18 month to 2-year period from award. Billing and customer service issues associated with the old system will be addressed. The new system will allow existing staff to be utilized to address other pressing utility operation and maintenance needs as the city continues to grow.

Mr. Hart recommended awarding the base bid and additive alternate 1 (in its entirety) to Fry Brothers Plumbing in the amount of \$1,150,834.00.

Commission comment

Commissioner Cartwright asked if the radio read technology is such that water meters would not be picked up on cellular or cordless phones? Mr. Hart replied with any kind of a radio system there are certain things that will cause interference with signals. To date, staff has not found any problems that can't be resolved.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved to award the base bid and additive alternate 1 for the City of Helena Radio Read Water Meter Installation-2005 to the lowest, responsible bidder, Fry Brothers plumbing in the amount of \$1,150,834.00 and authorize the City Manager to sign the necessary contract documents. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

C. 54-inch Brick Storm Drain Rehabilitation - City Project #05-04

Staff Report

City Engineer Ryan Leland reported the 54" brick storm drain in Hibbard Way from Wong Street to approximately 6th Avenue is in a very deteriorated state and is in need of rehabilitation. The rehabilitation of this section of the 54" brick storm drain is the number one repair and replacement project priority in the City of Helena Stormwater Master Plan. This 54" brick storm drain was originally installed in 1912 with hand placed brick. Approximately 900 lineal feet will be rehabbed with this project.

The project was advertised and bids were opened on March 15, 2005. Three contractors submitted bids; Planned and Engineered Construction of Helena submitted the low bid of \$448,950.00.

Mr. Leland stated a total of \$500,000 has been budgeted for the project and recommended awarding the bid to Planned and Engineered Construction in the amount of \$448,950.00.

Commission comment

Mayor Smith asked for confirmation there would be minimal disruption to Hibbard Way and the adjacent businesses during construction. Mr. Leland concurred and stated the form of rehabilitation that will be used causes little disturbance.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved to award the bid of City Project No. 05-04 to the lowest, responsible bidder, Planned and Engineered Construction in the amount of \$488,950.00. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
No report was given.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY
No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER
No report was given.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL
HCC member George Hoff reported there will be a westside neighborhood meeting on April 4, 2005 at 7:00pm at Kessler School. The HCC and city staff are not involved with the meeting, however, some HCC members have been invited to attend. The purpose of the meeting is to organize the gathering of signatures of property owners that wish to be annexed into the city.

Mr. Hoff asked the Commission to attend the next HCC meeting on Wednesday, March 30, 2005, as the council will be discussing its by-laws.

Ordinance

CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING HELENA CITY CODE 5-2-14, ANIMAL RUNNING AT LARGE.

Staff Report

Director of Parks and Recreation Randy Lilje reported under the current ordinance, dogs not confined within an enclosure or on the owner's property must be kept on a leash anywhere within the city limits. The exception to this is that owners walking dogs within Mount Helena Park are not required to keep them on a leash provided the dog is under control by the owner.

Based on the extensive input given during the open lands management planning process, HOLMAC is recommending that this be extended to the entire Helena Open Lands System across the south hills. The change would read as follows:

"All dogs must be kept under control, either on a leash or within sight and under voice control of their owners or other competent persons when they are within any natural park as defined in Section 7-12-1 of this Code and as designated by the City Commission. Dogs must be kept on a leash within on hundred (100) yards of any trailhead in any natural park."

Director Lilje recommended approval for first passage of an ordinance amending Helena City Code 5-2-14 and set a public hearing date of April 11, 2005.

Commission comment

Commissioner Pouliot asked if dogs will still need to be leashed inside the city limits? Director Lilje stated dogs will be required to be leashed in all areas other than the designated Open Lands System.

Mayor Smith referred to dogs being permitted to run unleashed in Mount Helena Park and asked if it has been a contentious issue? Director Lilje explained the Parks Department has received an occasional complaint, but not a large amount.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved approval for first passage of an ordinance amending Helena City Code 5-2-14 and set a public hearing date of April 11, 2005. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3023**

Resolution of Intention

CONSIDER A RESOLUTION OF INTENTION TO AMEND THE ANNUAL APPROPRIATIONS IN THE BUDGET FOR FISCAL YEAR 2005.

Staff Report

Administrative Services Director Tim Magee reported on June 21, 2004 the City Commission adopted Resolution 19138, granting budget authority at various fund and department appropriation levels. The budget is not a static document, and budget amendments become necessary in light of new or changing circumstances.

As discussed at the February 9, 2005 Administrative Meeting, the budget amendment is summarized as follows:

1. \$32,553 to provide for Firefighters Union settlement costs in the fire Department that were undetermined at the time the City Commission adopted the fiscal year 2005 city budget.

Passage of this budget amendment allows the city to pay negotiated and agreed upon personal service expenses and properly maintain operational service levels.

Director Magee then recommended approval of a resolution of intention to amend the annual appropriation in the budget for fiscal year 2005 and set a public hearing date of April 11, 2005.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval of a resolution of intention to amend the annual appropriation in the budget for fiscal year 2005 and set a public hearing date of April 11, 2005.

Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution #19201**

Easement

CONSIDER A FACADE EASEMENT FOR THE LIVESTOCK BUILDING TO ALLOW RESTORATION OF THE WOMEN'S MURAL.

Staff Report

Community Facilities Director Gery Carpenter reported the Women's Mural is in need of restoration. TIF funds have been approved for this restoration to be completed. A facade easement needs to be in place to ensure the restoration, preservation, protection and ability to maintain the mural.

In order to ensure the restoration is accomplished, staff is recommending the city enter into a facade easement with Regina H. Spall, owner of the Livestock Building, for a period of five (5) years to ensure the city's right to restore, preserve, protect and maintain the Women's Mural in conformity with the existing motif of its original creation.

Commission comment

Commissioner Oitzinger asked how staff arrived at the easement term of five years? Director Carpenter stated staff originally desired a term of ten years, but in working through the process with the building owners the five-year term was mutually agreed upon. Commissioner Oitzinger asked if the easement could be renewed at the end of five years? City Attorney Nielsen stated there would be nothing to prevent a renewal or extension. Commissioner Oitzinger then spoke of her fondness for the mural.

Mayor Smith asked if the blue spruce trees in front of the mural would survive the rehabilitation. Director Carpenter stated the trees are planned to stay.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of a façade easement for the Livestock Building with Regina H. Spall to allow restoration of the Women's Mural. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Final Plat

CONSIDER THE FINAL PLAT FOR LOTS 1 THROUGH 5 OF THE SKYWAY REGIONAL SHOPPING CENTER SUBDIVISION;

GENERALLY LOCATED SOUTH OF CUSTER AVENUE AND WEST OF WASHINGTON STREET.

Staff Report

City Planner Lucy Morell-Gengler reported on January 26, 2004 the City Commission gave conditional preliminary plat approval for Skyway Regional Shopping Center Subdivision subject to the conditions stated in the Findings of Fact. These conditions have been completed, financially guaranteed or are no longer applicable. For reference, a list of the original subdivision conditions and their status was included in the commission packet.

The final plat contains some minor lot line adjustments to accommodate future tenants. In addition, Lot 5 will retain the stormwater detention pond until future improvements have been completed and the stormwater can be diverted to another location. The plat indicates the existing easement for this pond.

The applicant is requesting approval of a minor subdivision/final plat creating 5 non-residential lots from approximately 30 acres to promote the development of the Skyway Regional Shopping Center. The property is located adjacent to the existing Home Depot store and future highway interchange. Approving the final plat would allow the sale of the lots and encourage the development of property in this area as well as facilitate in-fill development and compliance with city regulations.

Commission comment

Commissioner Cartwright asked how soon the lots will be built on? Ms. Morell-Gengler stated one lot is currently under consideration for construction, once the final plat is filed it can be sold and construction can begin.

Mayor Smith asked Mr. Morell-Gengler to explain the Department of Environmental Quality Certificate of Exemption that the applicant received. Ms. Morell-Gengler stated the DEQ reviews subdivisions to ensure there is adequate stormwater drainage and water and sewer. Because this subdivision is within the city limits, city staff reviewed these conditions. By city staff performing this review, the applicant qualifies for an exemption from DEQ review.

Mayor Smith then referred to stormwater drainage issues in the subject area. Ms. Morell-Gengler explained there are plans for a regional stormwater detention pond to accommodate future development of the area. Temporarily, Lot 5 will be used for stormwater drainage.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Pouliot moved approval of the final plat for the Skyway Regional Shopping Center Minor Subdivision creating Lots 1 through 5 from 30.439 acres. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION INCREASING POLICE SERVICES (EXTRA WORK) FEE.

Staff Report

Police Chief Troy McGee reported a number of years ago, the Helena Police Department (HPD) required that all organizations/sponsors of events that requested extra duty services sign a contract which effectively guaranteed reimbursement for services. The

majority of the HPD's extra work is derived from the School District Athletic Office, the State of Montana, the Civic Center, Carroll College and the high school, although requests have expanded to include Helena College of Technology activities and Festival of Trees.

A flat rate is charged for services and the officers working the event are paid their appropriate overtime rate. In some cases, the flat rate exceeds the officer's overtime rate. However, it evens out over the year as some of the officer's overtime salaries are more. The current rate of \$32 per hour with a 3-hour minimum has been in place since July 1, 2003. To date we have been successful in breaking even or accumulating a small nest egg. However, there may be a deficit this year because the rates haven't been increased.

The proposal is for a \$3.00 per hour increase, effective July 1, 2005 for all extra work activities. A letter of intention to raise rates has been mailed to those event sponsors who will be affected most by this change, particularly the school district, Carroll College, and the high schools. This advance notice will give them enough time to increase their budgets accordingly.

By approving the rate increase the HPD training and overtime fund will be able to maintain a break-even or cash carryover level. Rates will be more in line with upcoming FY06 officer salaries and benefits. Raising rates periodically every 2-3 years will result in smaller one-time increases rather than one or two large increases.

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 Cartwright moved approval of a resolution to increase police services fee from \$32 per hour to \$35 per hour, effective July 1, 2005. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution #19202**

B. CONSIDER ACCEPTANCE OF JUSTICE ASSISTANCE GRANT (JAG) FUNDING IN THE AMOUNT OF \$58,591 AND AUTHORIZE THE TRANSFER OF \$29,295 TO THE LEWIS & CLARK COUNTY SHERIFF'S OFFICE.

Staff Report

Police Chief Troy McGee reported the HPD has received funding from the Federal Bureau of Justice Assistance (BJA) for the past seven years that has been used to fund or partially fund one police officer position. During the last three years however, federal funding from BJA has decreased substantially, been reallocated or eliminated because of reprioritization and the war on terror. Subsequently, many federal programs have been dissolved or combined with other programs under one funding source. This is the case with the HPD's block grant that was previously funded by the BJA and the Drug Task Force that was previously funded through the Edward Byrne Memorial Fund (passed through the Montana Board of Crime Control). As a result of the federal government review of funding in 2004, these two programs have now been combined and will be funded through "JAG". There will only be one grant award instead of two and the procedures and guidelines have

changed somewhat on how local city and state governments can distribute and spend their award.

The HPD is proposing that our grant award be used to supplement our portion of the Drug Task Force Program. We were advised earlier this year that federal funding under the Edward Byrne Memorial for our multi-jurisdictional MRDTF would be reduced by 40%. This is a substantial decrease for all seven cities and counties in our task force and will probably result in one or more of the smaller agencies not receiving any federal funding at all. The larger agencies will have to rely on their local government support to make up the difference in funding if the program is going to continue to operate. The MRDTF has been in existence for 7+ years and has had a positive impact on drug possession and trafficking in Montana. The grant award from JAG will allow the HPD to fund salaries and benefits for at least another year without asking the city to increase their contribution from \$21,000 in FY05 to almost \$35,000 for FY06.

The grant award of \$58,519 will be split between the City of Helena and Lewis and Clark County as indicated in the guidelines and past practice. Seven years ago, the City and County, in a joint letter to the Attorney General's office submitted a request to be classified as a "disparate jurisdiction" to ensure that funding was on a more equitable basis. Block grant awards are based on submission of crime statistics resulting from arrests, which more often occur within city jurisdictions, as they are more heavily populated than counties. For this reason, county awards are minimal or non-existent. However, in all fairness, most counties bear more than 50% of the responsibility of incarcerating the arrestees, which entitles them to special considerations and a portion of the city's award. Because of this, the city and county mutually agreed that block grant awards would be split 50/50 – each agency would receive the same amount of funding. This agreement has worked very well in the past and will continue with the approval of the City Commission.

One additional change in the funding guidelines for next year is that no cash match is required, but contributions from local governments are recommended. The city has always contributed, both financially and in-kind to this program so this guideline is not an obstacle.

Police Chief McGee recommended acceptance of the JAG funding in the amount of \$58,591 and authorization of the transfer of \$29,295 to the Lewis and Clark County Sheriff's Office.

Commission comment

Mayor Smith asked if the application process for this grant is a competitive process? Chief McGee responded it is not competitive; the award is based on population and crime statistics.

Mayor Smith referred to the future of the Missouri River Drug Task Force. Chief McGee responded the MRDTF relies on federal grants to run the task force; it will depend on what the federal government decides to award in the coming years.

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 acceptance of Justice Assistance Grant (JAG) funding in the amount of \$58,591 and

authorized the transfer of \$29,295 to the Lewis and Clark County Sheriff's Office. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

C. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3022 AMENDING SECTION 6-2-5 OF THE HELENA CITY CODE TO CLARIFY INSTALLATION OF WATER METERS.

Staff Report

Utilities Superintendent Kevin Hart reported residential meters of ¾" and 1" are now purchased through the city while meters larger than this are purchased individually by developers or their contractors. Fees charged for the meters that the city now sells are set by ordinance and these fees have not been updated since the passage of the ordinance in 1987. Existing customers now subsidize about one-half the price of each new ¾" and 1" meter. Customers requiring larger meters currently pay going market price without benefit of the lower cost possible through larger volume purchase. Also, since large meters are purchased and installed often without direct city involvement there is a potential for delays in establishing timely customer accounts.

Staff proposes to place all meter purchase responsibility on the city as a means to better integrate the technology advances of the new radio read system. This will pass along cost savings from volume purchases to new meter customers, improve establishment of timely utility account setup and billing and provide a mechanism of revising meter fees on a timely basis.

Mr. Hart recommended final passage of Ordinance No. 3022 amending Section 6-2-5 of the Helena City Code to clarify installation of water meters.

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 Oitzinger moved approval for final passage of Ordinance No. 3022 amending Section 6-2-5 of the Helena City Code to clarify installation of water meters, and set applicability date of 30 days from final passage. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3022**

D. CONSIDER A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR INSTALLATION OF NEW WATER METERS.

Staff Report

Utilities Superintendent Kevin Hart noted that staff proposes to place all meter purchase responsibility on the city as a means to better integrate the technology advances of the new radio read system. This will pass along cost savings from volume purchases to new meter customers, improve establishment of timely utility account setup and billing and provide a mechanism of revising meter fees on a timely basis.

The proposed fees are as follows:

Positive Displacement Disc Meters

¾" T-10 Complete	\$ 135.00
1" T-10 Complete	\$ 175.00
1.5" T-10	\$ 200.00
2" T-10	\$ 245.50

For weather proof meters of any above size add \$15.00

Compound Meters

2" Tru/Flo	\$ 914.00
3" Tru/Flo	\$ 962.00
4" Tru/Flo	\$1245.00
6" Tru/Flo	\$1915.00

Larger compound meters, if available, will be actual cost at the time of order.
For weatherproof applications of any above size meters, 2" thru 6", add \$15.00.

High Performance Turbine Meters

2" HP Turbine	\$ 258.00
3" HP Turbine	\$ 480.00
4" HP Turbine	\$ 516.00
6" HP Turbine	\$1023.00
8" HP Turbine	\$1553.00
12" HP Turbine	\$3787.00

For weatherproof applications of any above size meters, add \$15.00.
Turbine meters require use of strainer for warranty performance.

Mr. Hart recommended approval of a resolution to establish fees for the purchase of new water meters and set an applicability date of May 1, 2005.

Commission comment Mayor Smith asked if existing residential customers will be billed for the new meters on their monthly water bill? Mr. Hart explained the subject fees will apply only to new customers or customers with damaged meters.

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 Oitzinger moved approval of a resolution to establish fees for the purchase of new water meters and set an applicability date of May 1, 2005. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19203**

E. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3017 AMENDING CHAPTER 2 OF TITLE 3 OF THE HELENA CITY CODE, INCLUDING ADOPTION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, AND THE INTERNATIONAL EXISTING BUILDING CODE, 2003 EDITIONS.

F. CONSIDER FINAL PASSAGE OF A ORDINANCE NO. 3018 AMENDING CHAPTER 4 OF TITLE 3 (UNIFORM MECHANICAL CODE) OF THE HELENA CITY CODE.

G. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3019 AMENDING CHAPTER 7 OF TITLE 3 (PLUMBING REGULATIONS) OF THE HELENA CITY CODE.

H. CONSIDER FNAL PASSAGE OF ORDINANCE NO. 3020 AMENDING CHAPTER 5 OF TITLE 3 (GAS APPLIANCES AND FIXTURES) OF THE HELENA CITY CODE.

Staff Report

Chief Building Official Brandt Salo reported the current city ordinances reflect the adoption of the 2000 edition of the International Building Code and the International Residential Code, the 1997 Uniform Code for Building Conservation, the 1997 Uniform Mechanical Code, the 1993 Model Energy Code, and the 2000 Uniform Plumbing Code.

To comply with legislative directives through the state Department of Labor and Industry Building Codes Division, staff proposes the city adopt by ordinance these codes to assure the availability to builders, developers and homeowners, of the most current building-related regulations and technological data.

The proposed ordinance will assure that the city, as a certified jurisdiction empowered to enforce codes, is current with the codes in force and effect as adopted by the State of Montana. Adoption continues use of a nationally unified set of codes as assembled and periodically revised by the International Code Council, Inc. which represents the integration of the former three national code bodies – the International Conference of Building Officials (ICBO), along with the Southern Building Code Congress International (SBCCI) and the Building Officials and Code Administrators International (BOCA). Use of automatic fire-sprinkler systems, in lieu of redundant fire resistive construction and rated assemblies allows the design of larger buildings based on their area and height. Energy conservation has achieved renewed stature with the adoption of the IECC.

Mr. Salo recommended final passage of the following ordinances: Ordinance No. 3017 amending Chapter 2 of Title 3 of the Helena City Code, including adoption of the International Building Code, the International Energy Conservation Code, the International Residential Code, and the International Existing Building Code, 2003 Editions; Ordinance No. 3018 amending Chapter 4 of Title 3 (Uniform Mechanical Code) of the Helena City Code; Ordinance No. 3019 amending Chapter 7 of Title 3 (Plumbing Regulations) of the Helena City Code; and Ordinance No. 3020 amending Chapter 5 of Title 3 (Gas Appliances and Fixtures) of the Helena City Code.

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 Oitzinger moved approval for final passage of Ordinance No. 3017 amending Chapter 2 of Title 3 of the Helena City Code, including adoption of the International Building Code, the International Energy Conservation Code, the International

Residential Code, and the International Existing Building Code, 2003 Editions. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3017**

Motion **Commissioner Oitzinger moved approval for final passage of Ordinance No. 3018 amending Chapter 4 of Title 3 (Uniform Mechanical Code) of the Helena City Code.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3018**

Motion **Commissioner Oitzinger moved approval for final passage of Ordinance No. 3019 amending Chapter 7 of Title 3 (Plumbing Regulations) of the Helena City Code.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3019**

Motion **Commissioner Oitzinger moved approval for final passage of Ordinance No. 3020 amending Chapter 5 of Title 3 (Gas Appliances and Fixtures) of the Helena City Code.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3020**

I. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3014 AMENDING CHAPTER 9 (FIRE PREVENTION CODE) OF TITLE 3 OF THE HELENA CITY CODE.

Staff Report Fire Marshal Craig Trapp reported the city is currently using the 1997 Edition of the Uniform Fire Code. This code is no longer being published. The State of Montana has adopted the 2003 Edition of NFPA 1- Uniform Fire Code and local jurisdictions are following suit.

Mr. Trapp stated adoption of these codes will allow the city to be consistent with what the State of Montana and other Montana cities enforce by using a more current code edition. He then recommended approval for final passage of an ordinance amending Chapter 9 of Title 3 (Fire Prevention) of the Helena City Code.

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 Oitzinger moved approval for final passage of Ordinance No. 3014 amending Chapter 9 of Title 3 (Fire Prevention) of the Helena City Code.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3014**

Public Communications PUBLIC COMMUNICATIONS

Meetings of Interest MEETINGS OF INTEREST

The next Administrative Meeting is April 6, 2005 and the next Commission Meeting is April 11, 2005.

Adjournment

There being no further business to come before the Commission,
the meeting was adjourned at 7:02p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission