

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 23, 2005
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, May 23, 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, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Anne Pitchette representing the Youth Advisory Council and 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, May 9, 2005 were approved as submitted.

Appointment

APPOINTMENT:

- A. Helena Zoning Commission

Mayor Smith asked for Commission consensus on the following appointment:

Helena Zoning Commission – Appointment of Dan Casey to the Helena Zoning Commission

Commissioner Pouliot moved approval for the appointment of Dan Casey to the Helena Zoning Commission. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Consider final passage of Ordinance No. 3029 pre-zoning to R-4 (High Density Residential) District for approximately 9.28 acres, and to B-2 (General Commercial) District for approximately 10.29 acres (19.57 total acres); generally located west of Montana Avenue and north of Ptarmigan Lane.
- C. Consider final passage of Ordinance No. 3030 amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof, from R-1 (Single-Family Residential - Large Lot) to R-2 (Single-Family Residential) District for property generally located west of Harrison Avenue between Chatham and Donaldson Streets.
- D. Consider a curb cut variance at Euclid Avenue and Grant Street with a street address of 1031 Euclid Avenue.

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 Parriman moved approval of items A through D on the consent agenda. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Report of the City Manager

REPORT OF THE CITY MANAGER

Commission Chamber Artwork

City Manager Burton reported the City/County Building Board, with concurrence from both Commissions, asked Mr. Bob Morgan to consider public art for the Commission Chambers and invited Mr. Morgan to speak to the Commission.

Mr. Morgan explained the three pieces of artwork he is designing for the chambers and showed small-scale versions of the pieces. Discovery, commerce and government will be the themes of the artwork.

Mayor Smith expressed his appreciation to Mr. Morgan.

Commissioner Pouliot asked when the work would be started? Mr. Morgan stated he is ready to begin and it should take approximately three months.

Commissioner Oitzinger stated the paintings are splendid.

City Manager Burton stated the City is working with the Historical Society to acquire additional artwork for the chambers. The murals would be placed on the north and south walls and the themes would also be discovery, commerce and government.

Kindrick Legion Field

City Manager Burton reported there have been ongoing problems with balls going outside the fence at Kindrick Legion Field. Screening fence was installed in 2004 to the right side of the field. Staff has been working with the adjacent property owners to reach a monetary agreement to install fencing to the left side.

Parks and Recreation Director Randy Lilje stated staff has received a communication from J. C. Winegartner, the attorney representing the property owners located by the left field wall. They three have offered to pay a total of \$2000 toward the installation of fencing; the Brewers have stated they will contribute \$667, which would leave \$10,333 as the city's cost. Staff is recommending accepting the proposal.

Commissioner Pouliot moved to proceed with installing the left field fencing. Commissioner Oitzinger seconded the motion. Motion carried 4-1, with Commissioner Parriman voting no.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Parriman asked City Manager Burton to explain violation notices being sent to property owners that have rock instead of grass landscaping in their boulevard sidewalks.

City Manager Burton stated people used to use rock for boulevard landscaping. At the direction of a past Commission that issue was studied. At the same time Public Works Director John Rundquist formed a Drought Advisory Committee. One of the recommendations of the council was that different landscaping in the boulevard could be

required, with restrictions, that wouldn't take as much water as Kentucky blue grass and trees. In January 2003, the ordinance was revised to include required vegetative landscaping.

City Manager Burton recently asked the Department of Parks and Recreation to begin enforcing the ordinance. In order to obtain a variance the property owners must submit a landscaping plan to the Parks Department for approval. He explained with so many new lots going in, if violations are not caught now, they could become a situation that might be to great for staff to manage.

Commissioner Parriman asked if any non-conforming properties were grandfathered in? City Manager Burton responded there is no grandfather clause with respect to boulevards filled with only gravel.

Commissioner Parriman asked what the punishment is for non-compliance? City Attorney Nielsen stated the violation fits under the general penalty of a misdemeanor, which is a \$500 fine and up to six months in jail. Also, since the boulevards do not belong to the property owners, they are public right of way; staff could look at making the required improvements and billing the property owner for the work.

Commissioner Pouliot asked if the option to perform the work and bill the property owner is in writing? Mr. Nielsen stated although they do not belong to the property owners, they are required to maintain the areas by ordinance so that could be the enforcing document.

Mayor Smith asked Mr. Nielsen to discuss the ordinance at the next Administrative Meeting.

City Manager Burton stated staff wants to work with the affected property owners and certainly does not want to issue any violations.

Mayor Smith stated an affected property owner has contacted him and he would suggest to them that they prepare and submit a landscaping plan to the Parks Department.

Commissioner Cartwright reported the City/County voicemail system was down today.

Commissioner Pouliot spoke of the nice weather and the many visitors to Frontier Fun Park.

***Report of the City
Attorney***

REPORT OF THE CITY ATTORNEY

A. Last Chance Gulch name change

City Attorney Nielsen reported on May 9, 2005, the City Commission passed a resolution changing the name of Cedar Street to Last Chance Gulch. A petition in opposition to the name change was submitted to the Commission at the meeting. After researching the petition, it is unclear whether all of the signatures belong to the property owner or tenant. He explained that per Montana statute, if 51% of the property owners object, then that shall be supreme. Since then some property owners have wanted to withdraw from the petition, some have wanted to add their names. As of today it's 13 out of 27. Because it is such a tight vote, staff is recommending giving the proponents and opponents time to gather signatures and then reconsider the petition; June 13, 2005 at noon would be the deadline.

City Attorney Nielsen added in preparation for the resolution there were legal ads placed in the Independent Record and a mailing was sent to property owners. The letter stated the city would accept objections to the name change until May 9, 2005.

Commissioner Parriman asked if one person owns multiple properties could they object for all properties? City Attorney Nielsen replied there is just one vote allowed per state statute.

City Manager Burton recommended the Commission set the petition due date by motion.

Public comment

Mayor Smith asked for public comment.

Michele Keeler, 2007 North Oakes, General Manager of Wingate Inn, spoke in support of the name change.

Mike Skinner, owner of Tire-Rama Building and PMI Auto property, spoke in opposition of the name change.

Mayor Smith asked Ms. Keeler if she was supportive of the petition deadline. Ms. Keeler concurred.

After discussion regarding applying the state statute to corporations, joint ownership or partnerships, and limited liability companies, City Manager Burton stated Mr. Nielsen would provide more information at the June 13, 2005, Commission meeting.

Motion

Commissioner Cartwright moved to set noon on June 13, 2005 as the deadline for petitions to be submitted, for or against upholding the Resolution of May 9, 2005 changing the name of Cedar Street to Last Chance Gulch. Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was given.

Public Art

CONSIDER A RECOMMENDATION FOR THE TIF PUBLIC ART PROJECTS.

Staff Report

City Planner Kathy Macefield reported the City Commission approved \$20,000 for public art projects using TIF funds. The Public Art Committee (PAC) recently solicited public art proposals from Montana artists. The PAC was pleased to receive 22 proposals for a total of \$197,575. The proposal budget amounts include all costs associated with the project including, but not limited to: artist's fee, travel, materials, fabrication costs, documentation, insurance, transportation and installation of the work.

The project selection criteria included:

1. Artistic merit as evidenced by the submitted materials;
2. Appropriateness of the concept to the location of the project;
3. Appropriateness of the materials and construction in terms of durability and low maintenance;
4. Professional qualifications;
5. Demonstrated ability to undertake projects of a similar scope.

After evaluating the proposals and conducting interviews, the PAC has recommended the following projects to the City Commission for TIF funding.

- Artist Chip Clawson, "Womens Park Benches, " \$10,000 budget, installed by June 2006

- Artist Rick Casteel, "Grass Lantern Park," \$5,000 budget, installed by August 2005
- Up to \$5,000 for the restoration and installation of the Beauchamp murals in the Commission Chambers.

Both of the selected artists have discussed and satisfactorily addressed maintenance concerns with Parks and Recreation Director Randy Lilje.

Commission comment

Commissioner Cartwright asked for more information on the Beauchamp murals. City Manager Burton stated the murals were originally hung in the Mint Bar and have been in storage with the Montana Historical Society for thirty to forty years.

Commissioner Pouliot reported he saw the murals and they are beautiful.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Pouliot moved approval to allocate TIF funds for \$5,000 for the "Grass Lantern Park" by Rick Casteel, \$10,000 for the Pioneer Park Benches by Chip Clawson, and up to \$5,000 for the Beauchamp murals. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3025 AMENDING SECTION 4-13-4 OF THE HELENA CITY CODE TO CLARIFY EXEMPTIONS TO SMOKING PROHIBITIONS.

Staff Report

City Attorney David Nielsen reported on April 8, 2005, District Court reversed the decision of the City Court that declared Title 4, Chapter 13, Helena City Code, (Ordinance 2911) unconstitutional. Ordinance 2911 prohibits smoking of tobacco products in public places. The District Court decision reinstated Ordinance 2911 and it is fully enforceable. While awaiting the District Court ruling, the 2005 Montana Legislature passed HB 643, which imposes a statewide ban of smoking in public places except for certain types of establishments that are licensed for on-premise consumption of alcoholic beverages. HB 643 will become effective October 1, 2005, and preempts Ordinance 2911. Those licensed establishments are exempt from the smoking prohibition until September 30, 2009. If the city strictly enforces Ordinance 2911, the effect would be a temporary prohibition on smoking in licensed establishments that would later be exempt from the prohibition on October 1, 2005.

The following amendment has been added to Ordinance No. 3025 for final passage under Section 1:

C. _____ Until September 30, 2009, all places of employment or public places to the same extent as exempted under House Bill 643, as enacted by the 2005 Montana Legislature.

Commission comment

Commissioner Parriman referred to the discussion of trigger dates at the May 9, 2005 Commission meeting and asked if they are included? City Attorney Nielsen replied no, the amendment just fine-tunes the ordinance to match the state law. Commissioner Parriman then stated he would support final passage of the ordinance.

Public comment

Mayor Smith called for public comment.
Johnathan Motl, 401 North Last Chance Gulch, spoke in support of the amended ordinance.

Motion

Commissioner Cartwright moved approval of final passage of Ordinance No. 3025, as amended, amending section 4-13-4 of the Helena City Code to clarify exemptions to smoking prohibitions.
Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Ordinance #3025**

Final Plat and Annexation

CONSIDER FINAL PLAT APPROVAL FOR BLOCKS 8, 9, 10, 11, 12, LOTS 5 THROUGH 27 OF BLOCK 13, AND BLOCK 23 OF THE NOB HILL MAJOR SUBDIVISION, PHASE II AND III; GENERALLY LOCATED NORTH OF STIRRUP DRIVE AND EAST OF SADDLE DRIVE.

CONSIDER A RESOLUTION ANNEXING BLOCKS 8, 9, 10, 11, 12, LOTS 5 THROUGH 27 OF BLOCK 13, AND BLOCK 23 OF THE NOB HILL MAJOR SUBDIVISION, PHASE II AND III; GENERALLY LOCATED NORTH OF STIRRUP DRIVE AND EAST OF SADDLE DRIVE.

Staff Report

City Planner Belinda Waters reported the applicant is requesting approval of the final plat and simultaneous final annexation for Phase II and III of the Nob Hill Major Subdivision. On August 16, 2004, the City Commission gave preliminary plat approval subject to the conditions stated in the Findings of Fact.

Phase II consists of Block 23 that is zoned PLI District and contains the stormwater retention basin and associated drainages. Phase III consists of Blocks 8,9,10,11, 12 and Lots 5 through 19 zoned R-2 (Single Family Residential) District and Lots 20 through 27 of Block 13 zoned R-O (Residential Office) District.

The 2001 Growth Policy land use map identifies this property in three classifications: "Open Space", "Residential – Low Density", and "Residential – Medium/High Density". The proposed subdivision would provide mixed in-fill residential and office development and is adjacent to other similar types of city development. The proposed subdivision appears to be generally consistent with the goals and objectives and policies stated in the Growth Policy. The conditions of preliminary plat approval have been satisfied.

Staff recommended approval of the Nob Hill Major Subdivision – Phase II & III – creating blocks 8,9,10,11,12, Lots 5 through 27 of Block 13, and Block 23 of the Nob Hill Major Subdivision; generally located north of Stirrup Drive and east of Saddle Drive.

Regarding annexation, Ms. Waters reported on August 16, 2004 the City Commission established conditions to annexation of the Nob Hill Subdivision and established pre-zoning designations for the properties.

Conditions for annexation included the following:

Taxes and Assessments: Taxes and assessments must be paid and current at the time of tiling the Resolution of Annexation.

Review of new construction: For all construction commenced prior to annexation, the property owner must submit plans for the review by the

City of Helena to ensure compliance with infrastructure, zoning, and all other Code requirements, including building and fire codes, and pay all fees for such review in the same manner and on the same basis as do owners of properties already in the city.

Any residential construction work following passage of this resolution would be undertaken in anticipation of annexation. Therefore, any construction prior to annexation should be completed in conformance with city requirements, including zoning, building, public works, and fire codes. A condition is included to ensure that any further building prior to annexation would be reviewed by the city for conformance with its zoning and infrastructure requirements.

Final Plat: The applicant must present subdivision of final plat for Commission approval.

Completion of Conditions: The property owner must notify city planning in writing upon completion of the conditions for approval of annexation, which must be on or before the date of completion of conditions for subdivision of this property and is subject to the same time limitations. If the conditions are not completed within that time frame, the city is under no obligation to annex the property and may discontinue any city services.

Ms. Waters stated the conditions of annexation have been fulfilled and all procedural and due process requirements have been completed. Annexation of the private property is consistent with city policy, and consistent with the policy of annexing properties served by city infrastructure. Ms. Waters recommended approval of annexation.

Commission comment Commissioner Parriman asked if there are alleys in between the lots? Ms. Waters concurred.

Public comment Mayor Smith called for public comment.
Bob Peccia, representing Nob Hill properties, urged the Commission to approve Phase II & III of the subdivision, and annexation, and thanked city staff and City Manager Burton for their work on the subdivision.

Motion **Commissioner Cartwright moved final plat approval for the Nob Hill Major Subdivision – Phase II & III – creating blocks 8,9,10,11,12, Lots 5 through 27 of Block 13, and Block 23 of the Nob Hill Major Subdivision; generally located north of Stirrup Drive and east of Saddle Drive.** Commissioner Pouliot seconded the motion. All voted aye, motion carried.

Motion **Commissioner Cartwright moved approval of a resolution annexing property and the adjacent 32-foot right-of-way as legally described in the resolution of annexation, into the City of Helena, Montana, for property generally located north of Stirrup Drive and east of Saddle Drive.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution #19218**

Memorandum of Agreement

CONSIDER A MEMORANDUM OF AGREEMENT, I-15 SOUTH HELENA INTERCHANGE AND WEST SIDE FRONTAGE ROAD.

Staff Report

City Manager Burton reported the Memorandum of Agreement (MOA) is between the Montana Department of Transportation, City of Helena, Lewis & Clark County, Jefferson County, Padbury Ranch Properties, LLC and Nob Hill Properties, LLC. The MOA was tabled at the May 9, 2005, City Commission Meeting to await Montana Department of Transportation legal review.

City Manager Burton stated the MOA does not include the financial portion of the agreement; it will be brought forward as "Attachment A" at a later date. This MOA starts the project within Federal Highways, and allows staff to perform plan-in-hand reviews. Staff is recommending approval.

Commission comment

Mayor Smith asked if the majority of the city's financial responsibility will be to pave Colonial Drive and the west frontage road to Montana City? City Manager Burton concurred and stated MDT has worked very well with the City of Helena to work out various financing options. He then gave a summary of the proposed funding sources.

Commissioner Cartwright stated he supports the interchange because it can be supported by existing infrastructure and will improve the whole I-15 corridor. He is worried that CTEP money will be used for basic parts of the design, which should be paid for with other funding.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Parriman moved to approve the Memorandum of Agreement, I-15 South Helena Interchange and West Side Frontage Road between the City of Helena, Lewis and Clark County, Department of Transportation, Jefferson County, Padbury Properties, LLC. and Nob Hill Properties, LLC.

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

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3026 AMENDING ORDINANCE NO. 2963 THAT DESIGNATED AND APPROVED CERTAIN PROJECTS AS URBAN RENEWAL PROJECTS IN THE CONSOLIDATED CENTRAL HELENA URBAN RENEWAL AREA, AND AMENDED ORDINANCE NO. 2559.

Staff Report

Community Facilities Director Carpenter reported the City Commission approved awarding the contract for construction of the Jackson Street Parking Structure in the amount of \$3,164,900 on April 25, 2005. Ordinance #2963 limits the funding of the walking mall and parking improvements to \$4,100,000 and the Jackson Street Parking Structure to \$2,000,000.

Staff is proposing to remove the \$4,100,000 funding cap on the walking mall and parking improvements under Section 2 of Ordinance #2963 and increase the funding cap for the Jackson Street Parking Structure under Section 2a from \$2,000,000 to \$3,797,200. Because certain subprojects have been completed and better predictions for remaining TIF funds are available, the previous funding cap of

\$4,100,000 is no longer accurate. This overall cap is no longer needed since there is only one remaining subproject left- the Jackson Street Parking Structure. Increasing the funding for this subproject allows greater flexibility in allocation of the use of TIF funds and borrowed funds in paying for the project. \$1,100,000 is an advance to the Helena Parking Commission (HPC) for its promised contribution to the project. The HPC will repay the advance to the city with interest. Though the total cost of the parking structure project is projected to be \$3,553,572, raising the funding cap to equal all available TIF funds gives the greatest protection that total funding for the project is available after termination of the TIF district on June 30, 2005. Because the project will not be constructed until after the termination of the TIF district, if some unforeseen complication occurs in construction, the ordinance's funding cap could not be amended after that time to provide additional money. The projects and allocated funding must be authorized by the ordinance prior to termination of the TIF district.

The proposed ordinance would provide the ability for any savings from any project, unexpended contingency, failure of a project to be funded or any other unforeseen complication, to be applied to the Jackson Street Parking Structure. This will provide funding for other area projects through the repayment of these funds by HPC.

Director Carpenter recommended final passage of Ordinance No. 3026 amending Ordinance No. 2963 that designated and approved certain projects as Urban Renewal Projects in the Consolidated Central Helena Urban Renewal Area, and amended Ordinance No. 2559, to increase funding for the Jackson Street Parking Structure to \$3,797,200.

Commission comment Commissioner Cartwright reaffirmed the proposed ordinance is a bookkeeping issue and the schedule and amount of money obligated to all downtown TIF projects will not change. Director Carpenter 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 persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion **Commissioner Pouliot moved approval for final passage of Ordinance No. 3026 amending Ordinance No. 2963 that designated and approved certain projects as Urban Renewal Projects in the Consolidated Central Helena Urban Renewal Area, and amended Ordinance No. 2559, to increase funding for the Jackson Street Parking Structure to \$3,797,200.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Ordinance #3026**

Ordinance CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING ORDINANCE NO. 2804 THAT DESIGNATED AND APPROVED THE GREAT NORTHERN AREA PROJECT AS AN URBAN RENEWAL PROJECT TO AMEND THE TERM OF THE LOAN.

Staff Report City Attorney David Nielsen reported the City Commission passed Ordinance No. 2804 in 1997, approving and designating the Great Northern Area Project as an urban renewal project. The city loaned Artisan, LLP \$880,000 in tax increment funds to purchase land and install infrastructure and improvements thereon. Ordinance No. 2804 stated that the loan carried an interest rate of three percent (3%)

per annum with monthly payments amortized for 15 years. The final payment was due on July 31, 2016. Since the passage of that ordinance, the City Commission has approved agreements to amend the terms of the original loan. The last agreement was to extend the loan term until March 1, 2034 and adjust the payment schedule. This last loan amendment triggers a legal need for an amendment to the ordinance to extend the loan term beyond July 31, 2016. Ordinances may only be amended by the statutory ordinance procedure, so the agreement to amend the loan term is legally insufficient to amend the underlying ordinance that provided the authority for the loan.

City Attorney Nielsen stated amending the ordinance would memorialize the chronology of adjustments and amendments to the original loan provisions and authorizes the extension of the term of the loan. Mr. Nielsen recommended the Commission approve an ordinance amending Ordinance No. 2804 to extend the term of the loan to Artisan, LLP to March 1, 2034 and adjusting the loan payment schedule.

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 for final passage of Ordinance No. 3027 amending Ordinance No. 2804 to extend the term of the loan to Artisan, LLP to March 1, 2034 and adjusting the loan payment schedule. Commissioner Oitzinger seconded the motion. Motion carried 3-2 with Commissioners Parriman and Pouliot voting no. **Ordinance #3027**

C. CONSIDER A SUBDIVISION/PRELIMINARY PLAT CREATING 16 TOWNHOUSE LOTS FROM 8 LOTS IN THE ANDERSON BUSINESS PARK, GENERALLY LOCATED SOUTH OF PTARMIGAN LANE ALONG BOTH SIDES OF EXPEDITION TRAIL, IN THE R-3 DISTRICT.

Staff Report

City Planner Kathy Macefield reported the applicant is proposing subdivision/preliminary plat approval creating 16 townhouse lots from 8 lots located in the R-3 District. Each of the original platted lots would be developed with a duplex-style townhouse, so that one dwelling unit would be located on each new lot. Water and sewer are available in Expedition Trail. Parkland was provided with the original Anderson Business Park Subdivision and no new parkland is proposed. This townhouse development will amend the plat for the Anderson Business Park subdivision.

This proposal was reviewed in accordance with the Montana Subdivision and Platting Act, the Helena Subdivision Regulations, and Chapter 20, Townhouses, of the Helena Zoning Ordinance. These 16 proposed townhouse lots are owned by three property owners who have combined all of their subdivision actions onto a single plat. Therefore, the plat represents a series of minor subdivisions.

Staff recommended the proposed subdivision as it is consistent with the original subdivision proposal to allow duplexes on this block and is consistent with the zoning requirements for the R-3 District and the 2001 Growth Policy.

Commission comment Commissioner Cartwright referred to potential drainage problems in the area. Ms. Macefield stated she spoke with City Engineer Leland and he verified that a stormwater drainage plan is in place and being conformed to. Commissioner Cartwright asked if the footprint of the buildings would be larger than previously expected? Ms. Macefield stated she does not believe that is true, the applicant is conforming to the zoning requirements and building standards are being met.

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 preliminary plat approval for a subdivision amending the plat for Anderson Business Park subdivision and creating 16 townhouse lots from 8 lots, located in the R-3 District, and to adopt the Findings of Fact and the conditions contained therein.** Commissioner Cartwright seconded the motion.

Discussion Commissioner Pouliot stated he would not support the preliminary plat because of concerns regarding the placement of windows.

Vote Motion carried 4-1, with Commissioner Pouliot voting no.

Public Communications PUBLIC COMMUNICATIONS

Mayor Smith reported discussions regarding the rehabilitation of the Missouri River Water Treatment Plant with Senators Baucus and Burns and Representative Rehberg in Washington DC were very positive; the City can reasonably anticipate further appropriations.

Meetings of Interest MEETINGS OF INTEREST

The next Administrative Meeting is June 8, 2005 and the next Commission Meeting is June 13, 2005.

Commissioner Pouliot stated the first Alive at Five of the season will be held this Wednesday, May 25, 2005 at Pioneer Park.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 8:13 p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission