

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
October 31, 2005  
6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, October 31, 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 Cartwright, Oitzinger, Parriman, and Pouliot were present. City Manager Tim Burton, City Attorney David Nielsen and City Clerk Debbie Havens were present. Others present were Joe Ruby representing the Helena Citizens Council and Anne Pichette representing the Youth Advisory Council.

Mayor Smith acknowledged the pumpkin that Helena Police Department (HPD) Officer Corey Livesay carved.

***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 October 17, 2005, were approved as submitted.

***Appointments***

APPOINTMENTS:

- A. Helena International Affairs Council

Mayor Smith asked for Commission concurrence on the following board appointment:

**Helena International Affairs Council** – Reappointment of Pat Murdo-2<sup>nd</sup> term expires October 28, 2008.

***Public comment***

Mayor Smith called for public comment, none was received.

***Motion***

**Commissioner Oitzinger moved approval of the reappointment of Pat Murdo to the HIAC.** Commissioner Pouliot seconded the motion. All voted aye, motion carried.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Acceptance of FY03 US Department of Homeland Security Grant in the amount of \$48,000.
- C. Resolution adopting the revised and restated Interlocal Agreement governing the Montana Municipal Insurance Authority. **Resolution #19286**
- D. Final passage of Ordinance No. 3043 amending City of Helena Ordinance No. 2359, and amending the official zoning map thereof, for a zone change from R-3 (Medium Density Residential) District to B-2 (General Commercial) District for property generally located on the northwest corner of the intersection of North Last Chance Gulch and Columbia Street. **Ordinance #3043**
- E. Final passage of Ordinance No. 3044 amending City of Helena Ordinance No. 2359, amending the official zoning map thereof,

and pre-zoning to B-2 (General Commercial) District for 13.55 Acres; generally located north of Custer Avenue between Washington Street and the I-15 frontage Road with a current property address of 1822 East Custer Avenue. **Ordinance #3044**

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

***Communications  
from Commissioners***

**COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS**

Commissioner Cartwright noted HPD Officer Jay Helbrecht and Police Dog Roy provided their services at the Governor's Summit on Energy in Bozeman. He then spoke about the proposed Montana Public Power Initiative amendment that is coming forward and expressed concerns with the entire proposal.

Commissioner Cartwright encouraged citizens to water their trees before winter. He noted there is a major subdivision proposal coming forward at the November 7<sup>th</sup> Commission Meeting agenda. He added he would like to have additional information on the entire package prior to the meeting; the Commission needs to review all of the issues associated with the proposal.

Commissioner Cartwright noted he had been asked about the "Save the Walking Mall" initiative. He gave an overview of the plans for the 300 Block of Last Chance Gulch and the walking mall improvements. He then spoke on the initiative campaign and the information in the brochures.

Commissioner Parriman congratulated the Capital High girl's soccer team on winning the state title. Mayor Smith asked that a proclamation be prepared for the team.

Commissioner Pouliot stated there have been meetings to discuss the MPPI proposal and the issue of extending services outside the city limits. He noted the public is always welcome at Administrative Meetings. Commissioner Pouliot added he had discussed Commissioner Cartwright's concerns regarding the MPPI proposal at the October 19, 2005 meeting.

Mayor Smith noted the Commission candidates recently had the opportunity to express their opinions on the walking mall initiative during an interview with the Independent Record. Mayor Smith asked Commissioner Cartwright to elaborate regarding the comments received on the walking mall. Commissioner Cartwright noted a letter had been received from Senator Toole that suggested the Commission's position might incite unfavorable situations; also comments had been received regarding civil disobedience.

Commissioner Oitzinger reported over the weekend she made a request to Fish Wildlife & Parks (FWP) to show her areas of town where deer have acted aggressively and caused concern for safety. She invited other Commission members to attend the tour on Tuesday, November 1, 2005 at 11:00 a.m.

Commissioner Oitzinger spoke of the plausibility of doing an initiative regarding lethal means to control the deer population in the city and what ballot would it be placed on. She asked City Manager Burton to comment on the possibility of a special election and the cost of such an election.

Mayor Smith stated he thought the Commission had concurred to address the deer population after January 1, 2006. He noted the Commission could address the timetable of the discussions at an upcoming Administrative Meeting; with consensus the discussions could be accelerated.

City Manager Burton noted the Commission has the authority to call for a special election. He added he would find out more information about the cost and report back to the Commission on Wednesday, November 2, 2005.

Commissioner Cartwright stated he would like to get a schedule for the deer discussions resolved at the Nov. 2<sup>nd</sup> Administrative Meeting.

***Report of the City Attorney***

**REPORT OF THE CITY ATTORNEY**

No report was given.

***Report of the City Manager***

**REPORT OF THE CITY MANAGER**

City Manager Burton noted the applicant for Aspen Trails Ranch Subdivision has requested the application be postponed until November 21<sup>st</sup>. The Commission is formally under ex-parte communications regarding the subdivision.

Commissioner Cartwright asked if the Commission would be considering annexation in addition to the subdivision? City Attorney Neilsen noted ex-parte does not extend to annexation, however, in this instance annexation and the subdivision are intertwined and he cautioned the Commission against ex-parte communications.

A. MMIA Safety Award – City Manager Burton announced the City of Helena is the recipient of the 2005/06 MMIA First & Second Class Cities safety award for Lowest Experience Modification Factor for the General Liability Program with a factor of 0.80.

Manager Burton asked Human Resource Director Salty Payne to speak on the MMIA Safety Award. Director Payne recognized Katherine Swindle, Risk & Benefits Manager for overseeing the city's safety program.

Ms. Swindle presented the plaque to Mayor Smith and the City Commission.

Mayor Smith thanked Director Payne and Ms. Swindle for their work.

***Report from the Helena Citizens Council***

**REPORT FROM THE HELENA CITIZENS COUNCIL**

HCC representative Joe Ruby, 920 Breckenridge, had no report from the HCC.

Discussion was held on the number of HCC members elected to the HCC. Commissioner Parriman asked if there is a grant application available to pay for a staff person to assist the HCC.

Mayor Smith referred to a comment made by a City Commission candidate that the HCC would be receiving assistance from a full-time staff member. City Manager Burton noted the Deputy City Clerk is already assisting the HCC. Commissioner Oitzinger added there had been a suggestion that a VISTA volunteer could assist the HCC.

Commissioner Cartwright referenced the HCC's charter and stated a primary function is to make recommendations to the Commission on budget and future development.

**Nob Hill Drive**

CONSIDER A RESOLUTION OF INTENTION TO CHANGE THE NAMES OF STIRRUP DRIVE IN THE SUNRISE LOOP SUBDIVISION AND SADDLE DRIVE IN THE NOB HILL SUBDIVISION, BOTH IN THE CITY OF HELENA, TO NOB HILL DRIVE.

Staff Report

City/County Address Coordinator John Hinshaw explained Sunrise Loop Subdivision was platted with Stirrup Drive and Nob Hill Subdivision was platted with Saddle Drive. This leaves the city with a short section (approximately 650 feet) of Stirrup Drive between two Saddle Drives. There are no address assignments on either of these new streets at this time so this would be the best time to make the changes.

The proposal is to amend both plats to reflect the street name changes from Stirrup Drive and Saddle Drive to Nob Hill Drive. The Nob Hill subdivider has agreed to pay for the amended plats. The developer proposed Nob Hill Drive and the City Addressing Committee is in favor of this recommendation.

The advantage of this proposal is the address range for the new street would be consistent with existing City address numbering. The street name would be continuous instead of being divided by a short segment of Stirrup Drive. By changing the street name of Saddle Drive at the top of the hill where these two subdivision streets turn and head east is perfect place to change the numbering to match the City's addressing system.

Address Coordinator John Hinshaw recommended approval of the resolution of intention to change the name of Stirrup Drive in Sunrise Loop Subdivision and Saddle Drive in Nob Hill Subdivision and set a public hearing date of November 21, 2005.

Public Comment

Mayor Smith asked for public comment, none was received.

Commission comment

Commissioner Pouliot noted the Commission had discussed this proposal at the last Administrative Meeting. He then spoke against the proposal because there are several examples of the name of a street changing at an odd area throughout Helena.

Commissioner Parriman stated Commissioner Pouliot's position makes sense to him. If this road ever takes a north/south turn there is going to be a problem. It is less confusing to change numbering than change the street name. He noted he would also be voting against the resolution.

Commissioner Cartwright stated there is new development adjacent to Stirrup Drive and asked Mr. Hinshaw if he had received any complaints regarding the street name change? Mr. Hinshaw replied no. Commissioner Cartwright referred to Oak and Belview Street having similar conditions and asked Mr. Hinshaw if he had received complaints about that area? Mr. Hinshaw again stated no. Commissioner Cartwright noted he would rather keep the numbering in sequence and would support the proposal.

Mayor Smith noted staff has predicted that Saddle Drive will eventually turn north/south and would then create a problem with duplicate numbering on Saddle Drive. He asked Mr. Hinshaw if it might

be better to wait to change the name until development begins east of I-15?

Mr. Hinshaw explained the Addressing Committee found there would be more confusion if the numbering were out of sequence rather than if the name of the street changed at the identified curve.

**Motion**

**Commissioner Cartwright moved approval of the resolution of intention to change the name of Stirrup Drive in Sunrise Loop Subdivision and Saddle Drive and in Nob Hill Subdivision to Nob Hill Drive and set a public hearing date of November 21, 2005.**  
Commissioner Oitzinger seconded the motion.

**Discussion**

Commissioner Parriman asked if the resolution of intention were passed tonight, how would the public hearing be advertised? City Manager Burton stated the public hearing would be advertised with the full range of options for the proposed name change. City Attorney Nielsen recommended amending the motion to include the full range of options.

**Amended Motion**

**Commissioner Cartwright moved approval of the resolution of intention to change the name of Stirrup Drive in Sunrise Loop Subdivision to Saddle Drive or Nob Hill Drive and Saddle Drive and in Nob Hill Subdivision to Nob Hill Drive and set a public hearing date of November 21, 2005.** Commissioner Oitzinger seconded the amended motion. All voted aye, motion carried. Motion carried 4-1 with Commissioner Pouliot voting no. **Resolution #19287**

***Non Conforming Use***

CONSIDER A RESOLUTION GRANTING A CHANGE OF NON-CONFORMING USE FROM OFFICE AND MULTIPLE RESIDENCES TO A TRANSITIONAL HOME FOR UP TO 12 PERSONS TO BE LOCATED IN A R-2 (SINGLE-FAMILY RESIDENTIAL) DISTRICT; GENERALLY LOCATED ON THE NORTH SIDE OF LESLIE AVENUE BETWEEN CLEVELAND AND GRANT STREETS WITH A PROPERTY ADDRESS OF 1112 LESLIE AVENUE.

City Manager Burton asked City Attorney Nielsen to outline the process that has been conducted for this proposal, and his two legal opinions relating to cessation of non-conforming uses, and the Fair Housing Act.

City Attorney Nielsen noted the Commission has received additional letters and information after the public hearing held on October 17, 2005. City Attorney Nielsen recommended the additional information be incorporated into the record. He reiterated it is a very difficult situation when the Commission is in ex-parte communications and the public continues to contact Commission members.

Mayor Smith stated the packet of communications would be incorporated into the record. Mayor Smith explained he has been in ex-parte communications with the following persons regarding the change of non-conforming use: Lori Gafni, Tim Kennedy, Henry Burgess, Dorothy Smith and Jeff Barbour. Mayor Smith noted there was not any new information provided to him.

Commissioner Oitzinger asked if an opinion is expressed, is it considered material? City Attorney Nielsen stated an opinion is not new information. Commissioner Oitzinger disclosed that she was at a Hometown Helena presentation and a candidate for the City Commission

had expressed an opinion on the correct way to garner support for this type of facility.

Commissioner Parriman noted the only conversation he had was with a resident of the neighborhood; however, he could not remember the individual's name.

Commissioner Pouliot noted he had not experienced any ex-parte communications. He stated there should be some type of penalty for those who contact the Commission when they are in ex-parte communications.

Commissioner Cartwright stated he too had been contacted by a number of residents prior to being told the Commission was in ex-parte communications. Commissioner Cartwright added he watched a recording of the October 17, 2005 public hearing.

City Attorney David Nielsen referenced his two legal opinions listed below and explained the process for how the Commission needs to proceed with the proposal.

- 1. An established nonconforming use is only considered abandoned when the owner intends to abandon the use, concurrently with an overt act or failure to act by the owner that carries an implication that the owner doesn't claim any continuing right in the nonconforming use. The mere cessation of the use for a time period, without this showing of intent and overt act by the owner for abandonment, is not sufficient to discontinue a nonconforming use.**
  
- 2. The Fair Housing Act and Fair Housing Amendment Act of 1988 are not applicable to the Commission's decision on this land use application as the action will not lead to discrimination against a protected class of persons.**

City Attorney Nielsen referred to Opinion No. 1 and stated staff preliminarily determined the property was a non-conforming use with commercial and multi-family residential. During the October 17, 2005 public hearing, testimony was brought forward that the property had ceased its use and was not a continuing non-conforming use.

City Attorney Nielsen reiterated the proposal under consideration is whether the request for a change of non-conforming use is appropriate; the Commission needs to decide if the change would be equally appropriate or more appropriate to the non-conforming use.

Mayor Smith referred to the 1986 case from New Jersey that was cited in Mr. Nielsen's opinion regarding the cessation of the nonconforming use. City Attorney Nielsen explained there are no Montana cases that apply, he must then search for similar cases nationwide. If the cases announce legal principles that would also apply in the Montana Supreme Court, an analysis is performed to show fair statement of law that the Montana court would also adopt if the same issue were before them.

City Attorney Nielsen stated the public hearing was held and closed at the October 17, 2005; therefore, no public comment would be accepted.

Discussion

Commissioner Pouliot stated the tone of the public testimony at the October 17, 2005 public hearing did not address the non-conforming

use; the opponents instead addressed the integrity of the proponents. He believes the proponents have stepped up to the plate in trying to provide assistance to homeless veterans in the area.

Commissioner Pouliot asked Carroll Jenkins, President of the Montana Veterans Association, if this grant could be used at another location? Mr. Jenkins stated not to his knowledge.

Commissioner Oitzinger asked if there would be any additional veterans, other than residents, receiving services at the proposed location? Mr. Carroll noted the only individuals receiving services would be the residents. The point of contact would be the VA Hospital at Fort Harrison, there would not be potential residents making a direct application for living space at the home.

Mayor Smith concurred the testimony was rather harsh and there were allegations made that were not necessarily correct. He noted that in the future he would limit redundant public testimony.

Commissioner Cartwright stated he too thought there would be non-residents visiting the property for various services. Planner Lucy-Morell-Gengler clarified the change of non-conforming use would be for the residents only and additional uses would not be allowed. Under the application submitted any additional office use would not be permitted. City Attorney Nielsen concurred with staff.

Commissioner Cartwright addressed the tone of the debate and reiterated the question before the Commission tonight is the application for a change of non-conforming use. He noted he was disheartened with the testimony of the proponents and opponents. He believes all neighborhoods need to have the opportunity to help the city at large. The proponents may not have worked well introducing itself to the neighborhood and the opponents have said they are worried about declining property values, drug addicts, and other issues and felt this house would be better in a multi-use zone. He indicated he would support tabling the application until the concerns with the proposal can be worked out.

Mayor Smith noted a tabling motion may be appropriate, but the City Manager would need direction. Commissioner Pouliot asked Mr. Jenkins if there is a deadline to use the grant. Mr. Jenkins stated he was unsure and urged the Commission to act on the application.

Commissioner Parriman stated he grew up in this neighborhood and when the proposal was initially explained to him, he was against it. When the transitional home was initially proposed, there was a lot of negative talk around the community, which was later proven to be misinformation. Now that the correct information has been provided to the Commission, the proposal seems appropriate. The grant being site specific is a big deal, the applicants need an answer from the Commission.

Commissioner Parriman shared a story from the town hall meeting regarding methamphetamine use in Helena. In order to help addicts, they need to be accepted back into the community. At the meeting a grant application was discussed to build a methamphetamine transitional building. Everyone who attended initially wanted the project to move forward. A police chaplain then referred to the proposed transitional home for veterans and the related controversy. The chaplain stated the citizens of Helena can't even consider the veterans home without contention and indicated the same would happen if a methamphetamine treatment were proposed.

Commissioner Parriman then spoke of the Pre-release center

and the Montana Veterans Foundation's current facility on 9<sup>th</sup> Avenue and stated they have been very good neighbors. He does sympathize with the concerns of the neighborhood and added he believes the proponents could have had better neighborhood input prior to bringing the application forward.

Commissioner Oitzinger noted the veterans transitional facility would not rise to the same screening necessity as the pre-release center; she has a good comfort level with the residents of the pre-release center. She does not feel comfortable with what type of screening will be conducted on the veterans who would reside in the proposed facility. Commissioner Oitzinger indicated she would like to see the qualifications of the persons who would be doing the screening at Fort Harrison.

Mayor Smith stated that type of information was not provided and added he would be more comfortable with the proposal if this type of facility was required to obtain a license from the state.

Commissioner Oitzinger stated one criteria the Commission considers with other land use issues is public health and safety. She noted this is a non-conforming use application, and throughout the staff report other land use criteria was referenced. She asked if it is reasonable to have a better understanding of the screening criteria in order to address public health and safety and if this were a different type of application, would public health and safety be relevant?

City Attorney Nielsen stated when staff reviews land use, they have no way to determine what type of residents would live there. The public health and safety question has to be with the facility and not the residents.

Mr. Carroll Jenkins explained Pam Hand, Social Worker with the Veterans Administration, would be conducting the intake. In addition to screening an applicant for residency at the transitional home, she may refer the veteran to other community resources. He added she has a masters degree in Social Work.

Commissioner Cartwright stated the concern with having homeless in the neighborhood because they are a danger is an incorrect assumption. The decision is difficult because no matter what the decision is, there will be neighborhood unrest.

## Motion

**Commissioner Pouliot moved approval of a resolution granting a change of non-conforming use from office and multiple residences to a transitional home for up to 12 persons to be located in a R-2 (Single-Family Residential) District; generally located on the north side of Leslie Avenue between Cleveland and Grant Streets with a property address of 1112 Leslie Avenue.**

Commissioner Oitzinger seconded the motion.

Commissioner Oitzinger stated the Commission is considering the land use of the property and not the residents. In addition there seems to be qualified staff to screen the veterans. Because of this, she indicated she would support the motion. The neighborhood and the Commission need to accept those in need of assistance.

Mayor Smith stated this has not been an easy issue for the Commission to reach a decision on. Mayor Smith then addressed the issue of the non-conforming use of the building. The property right goes with the property and continues to exist and the Commission needs to act on the application.

Mayor Smith stated he believes the screening process will be

adequate. There is no evidence on record that there have been problems with the current transitional home on 9<sup>th</sup> Avenue. Also, there are a number of group homes in the community that are allowed by right and there have not been any big problems reported from those. Mayor Smith noted there all types of people who live throughout the community that may have different addictions or may have a criminal background.

Commissioner Parriman stated he would support the motion. The easy answer would be to go along with the neighborhood, however, he believes in making a decision that benefits the community as a whole.

**Vote**

All voted aye, motion carried **Resolution #19288**

**SLD 212**

CONSIDER A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 212 ALONG THE STREETS AND AVENUES IN PARTS OF THE RAVEN ROCK SUBDIVISION

**Staff Report**

Administrative Services Director Tim Magee reported the property owner has petitioned to have a light district created. There are five properties that will 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 nine units, with underground wiring, fiberglass or metal poles for 14-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 \$6,087 with the estimated cost being \$.00796 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.

Director Magee recommended approval of the resolution of intention to create Special Improvement Lighting District No. 212 and set a public hearing date for November 21, 2005.

**Public Comment**

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Parriman moved approval of the resolution of intention to create Special Improvement Lighting District No. 212 and set a public hearing date for November 21, 2005.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution #19289**

**North Street ROW**

CONSIDER A RESOLUTION OF INTENTION TO VACATE THE REMAINING NORTH STREET RIGHT-OF-WAY NEAR US HIGHWAY 12 AND 18TH STREET.

**Staff Report**

City Engineer Ryan Leland reported Colvin Properties, LLC, has petitioned for the vacation of the remaining North Street right-of-way (ROW) near the intersection of US Highway 12 and 18<sup>th</sup> Street. A portion of the North Street ROW adjacent to the new First Community Bank was vacated in July of 2004. Colvin Properties intends to construct a new Pizza Hut on its property adjacent to the remaining ROW.

North Street is currently platted, but unimproved, and lies

between the MDT frontage road and the adjacent land. Traffic currently uses the frontage road ROW instead of the North Street ROW.

The applicant is requesting the vacation of the remaining North Street ROW. The City has a water main in this ROW and will retain a 20' utility easement for operation and maintenance of the main. The applicant will pay the established fee for the vacated ROW it received.

City Engineer Leland recommended approval of the resolution of intention to vacate the remaining unimproved North Street ROW, and set a public hearing date for November 21, 2005.

Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Parriman moved approval of the resolution of intention to vacate the remaining unimproved North Street ROW, and set a public hearing date for November 21, 2005.** Commissioner Pouliot seconded the motion. All voted aye, motion carried. **Resolution #19290**

**MRWTP**

CONSIDER AWARDING A PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF A NEW CLEARWELL AND PUMP STATION FOR THE MISSOURI RIVER TREATMENT PLANT TO HDR, INC.

Staff Report

Public Works Director John Rundquist reported the Missouri River Water Treatment Plant (MRTP) has a treatment current capacity of 7-million gallons per day (MGD). The recently approved Water Facilities Plan identified one limiting factor for the capacity of the treatment plant, as the clearwell and pumping facilities.

The clearwell storage receives treated water from the filters and provides detention time for chlorine contact. The pump station delivers water to the City's distribution system and in-town reservoirs. In order to meet year 2005 water demands, the facility will be designed to an initial capacity of 13.6 MGD and expandable to meet the water demand projections for year 2045. The present filter capacity is greater than our current clearwell, pumping and pretreatment capacities. This facility upgrade will provide an immediate capacity improvement to approximately 12 MGD.

In July of 2005 the city advertised a RFQ for this project. Three consulting firms responded to the RFQ and all three firms were interviewed. The selection committee based their selection on the proposal and interview scores. Per ordinance, the Commission was invited to participate on the selection committee but respectfully declined.

Director Rundquist recommended awarding the Professional Service Contract for the design and construction management of a new clearwell and pump station at the Missouri River Water Treatment Plant to HDR, Inc.

Commission discussion

Commissioner Parriman noted the recommended motion does not include a monetary amount.

Public Works Director Rundquist explained the contract does not have a not to exceed cost. The motion could include the language "not to exceed the amount of \$617,418".

Commissioner Cartwright asked if the 2025 water demands include all of the anticipated annexations. Director Rundquist noted the demands were taken from TAZ projections. Staff will monitor these projections and the pump station could be expanded to meet any

unanticipated demands.

Commissioner Parriman asked what the total budgeted amount is for this project? Director Rundquist noted the estimated amount is \$3.5 to \$4 million dollars.

Mayor Smith asked for the definition of a Clearwell. Director Rundquist explained the responsibility of the Clearwell, which sanitizes the water.

Public Comment

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Parriman moved approval to award the Professional Service Contract for the design and construction management of a new clearwell and pump station at the Missouri River Water Treatment Plan to HDR, Inc. in an amount not to exceed \$617, 418.00.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Recertify City Tax Levies**

CONSIDER A RESOLUTION TO RECERTIFY THE CITY TAX LEVIES FOR FISCAL YEAR 2006, PRIMARILY DUE TO ERRORS IN THE ORIGINAL CERTIFIED TAXABLE VALUES RECEIVED IN AUGUST FROM THE DEPARTMENT REVENUE

Staff Report

Administrative Services Director Tim Magee reported on August 22, 2005 the City Commission passed Resolution 19271 in accordance with all statutorily required prerequisites, notices and procedures. On October 21, 2005 the Department of Revenue (DOR) provided revised 2005 Certified Taxable Valuation Information. The revised 2005 Certified Taxable Valuation information included a correction of a \$629,024 error in the certified 2005 Taxable Value of Newly Taxable Property, which makes a material difference in the computation of the City tax levy.

The potential lost tax revenue would be \$57,250. The proposal is to amend the annual mill levy resolution in order to correct the mill levy and provide for billing the legally authorized tax revenue, as intended in the original tax levy resolution.

Director Magee recommended approval of the resolution to recertify the city tax levies for fiscal year 2006, primarily due to errors in the original certified taxable values received in August from the Department of Revenue.

Public Comment

Mayor Smith asked for public comments, none was received.

**Motion**

**Commissioner Parriman moved approval of the resolution to recertify the city tax levies for fiscal year 2006.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.  
**Resolution #19291**

**Public Hearings**

PUBLIC HEARINGS:

A. CONSIDER A RESOLUTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS GOLF COURSE FOR THE 2006 SEASON.

Staff Report

Parks & Recreation Director Randy Lilje reported the Golf Advisory Board has analyzed in detail the operations and capital needs of the golf course and developed a long-term plan for continued improvement. Based on its review, the Golf Advisory Board is

recommending the fee structure for the 2006 season. The changes recommended will help continue the high level of maintenance and operation that the golfers have come to expect at Bill Roberts Golf Course and fund the debt service for capital repairs, replacements, and improvements that have been done.

Finally, the Board always considers the golfing market in the Helena area, as well as the region, so that golf at Bill Roberts Golf Course remains affordable to the golfing public while maintaining its high standards.

Director Lilje referred the Commission to the fee schedule and recommended approval of the resolution of intention to establish fees to be charged for the Bill Roberts Golf course for the 2006 Season.

Director Lilje introduced Golf Professional Scott Longnecker. Mayor Smith welcomed Mr. Longnecker to the city and asked him to address the Commission.

Mr. Longnecker stated he likes being in Helena and the Bill Roberts Golf Course is a great course.

Mayor Smith noted the Commission has reviewed this proposal at Administrative Meetings.

**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 for a resolution of to establish fees to be charged for the Bill Roberts Golf Course for the 2006 season and set a public hearing date for October 31, 2005.**  
Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19292**

**Public Communications**

**PUBLIC COMMUNICATIONS**

City Manager Burton noted the sign variance requested by Town Pump has been withdrawn.

**Meetings of Interest**

The next regular Administrative Meeting is November 2, 2005 and the next Commission Meeting is November 7, 2005.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 9:30 p.m.

\_\_\_\_\_  
Mayor James E. Smith

ATTEST:

\_\_\_\_\_  
Clerk of the Commission