

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
April 23, 2007
6:00 P.M.

- Time & Place*** A regular City Commission meeting was held on Monday, April 23, 2007 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, Peura, and Throssell were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Rebecca Ridenour 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 April 9, 2007 were approved as submitted.
- Proclamation*** PROCLAMATION:
A. Arbor Day
- Mayor Smith read the proclamation designating Arbor Day as April 27, 2007 and presented it to Commissioner Throssell. Commissioner Throssell announced Saturday, April 28, 2007, is Trash for Trees in partnership with the SAVE Foundation. He urged anyone needing trees planted in a public place, including boulevard trees, to contact Growing Friends for assistance.
- Appointments*** APPOINTMENTS:
A. Public Art Committee
B. Helena Open Lands Advisory Council (HOLMAC)
C. Fire Service Review Planning Committee
- Mayor Smith asked for Commission concurrence on the following appointments:
- Fire Service Planning Committee** - Appointment of Fred Lubke to the Fire Service Planning Committee. Term will begin upon appointment and expire January 2008.
- HOLMAC** - Appointment of Mary A. Arnold and Sarah Carlson to the Helena Open Lands Management Advisory Committee. The terms will be begin upon appointment and expire on June 30, 2010.
- Public Art Committee** - Appointment of Kelli Butenko as the citizen-at-large representative on the Public Art Committee. The unexpired term will begin upon appointment and expire on December 31, 2009.
- Public comment** Mayor Smith called for public comment, none was received.

Motion

Commissioner Oitzinger moved approval of the appointments to the Fire Service Planning Committee, HOLMAC and the Public Art Committee. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Approval of Junkermeier-Clark-Campanella-Stevens proposal to perform the financial audit for fiscal years 2007 through 2009 for Helena Regional Airport
- C. Consider the installation of 4-way stop signs at the intersection of Lyndale Avenue and Roberts Street
- D. Proposed FY 2008 Helena Area Transit Service (HATS) preliminary budget and Section 5311 Transportation Assistance and New Freedoms Grant applications
- E. Amended plat aggregating the vacated West Main Street right-of-way and Lots 5 through 10, Block 1 of the Original Helena Townsite, Helena, Montana to meet the conditions of Resolution No. 19343. The property is generally located west of West Main Street and south of Reeders Village Drive
- F. Approve the adoption of the official zoning map for the City of Helena with a revision date of April 23, 2007
- G. Resolution of Commission Intent for the FY 2008 Annual Budget **Resolution #19459**

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 Cartwright moved approval of items A through G on the consent agenda. Commissioner Peura seconded the motion. All voted aye, motion carried.

Comment

Commissioner Cartwright stated he is pleased that transportation issues and energy efficiency are included in the resolution, but noted he was particularly pleased that improvements to the city/county website were made a priority in the resolution. Mayor Smith thanked the Commission for their work on the resolution.

Bid Award

BID AWARD:

- A. Malben Tank Interior Re-coating Project

City Engineer Ryan Leland reported this project includes recoating of the interior of the Malben Reservoir. The project was advertised and bids were opened on April 12, 2007. Five contractors submitted bids; Western Industrial, Inc. of Seattle, WA submitted the low bid of \$404,000. Mr. Leland noted \$400,000 is budgeted for this project in the current fiscal year, the balance will be covered by savings in other line items.

Mr. Leland recommended awarding the base bid to the lowest responsible bidder, Western Industrial, Inc. in the amount of \$404,000. He noted recoating the reservoir would add years to the life of the tank before it needs to be replaced at a much higher cost.

Commission comment Commissioner Peura asked for the timeline of the project. Mr. Leland stated the project needs to be completed prior to June 1, 2007 because that is the period of peak water demand; it will be started as soon as possible. Commissioner Peura asked when the outside of the tank can expect to be repainted? Mr. Leland explained the budget did not allow for the exterior to be re-coated at this time. The exterior coating is still in decent shape and will be considered for replacement in a future budget cycle. Mayor Smith asked what kind of material is used to coat the inside of the tank? Mr. Leland stated a polymer that will include zinc to help corrosion.

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

Motion **Commissioner Peura moved to award the bid for recoating the interior of Malben Reservoir to the lowest, responsible bidder, Western Industrial, Inc. for \$404,000.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Oitzinger spoke of attending the HCC District #6 meeting; the railroad quiet zone and Brownsfield Planning were discussed.

Commissioner Throssell reported he attended HCC District #7 meeting; it was well attended and he was encouraged by the neighborhood's participation.

Commissioner Cartwright urged citizens to call 811 for locate service if they will be planting or digging. He also noted the Helena Regional Airport Authority is working toward getting Helena a connection to Denver through United Airlines.

Commissioner Peura encouraged citizens to send a letter of support regarding Frontier and United Airlines service in Helena to kerry@helenaairport.com.

Mayor Smith stated he hopes to attend the next HCC Neighborhood meeting in July.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

A. State of Montana Safety and Health Bureau - City's Safety Program performance

City Manager Burton invited Human Resources Director Salty Payne to speak on the City's Safety Program performance. Director Payne spoke on the safety program and introduced Chris Catlit and Karl Krouse with the State of Montana. Mr. Krause, Safety Specialist with Department of Labor and Industry; gave the history of the city's program and listed the positive changes and accomplishments of the program. Risk Analyst Katherine Swindle was recognized for her work on the program.

City Manager Burton asked Police Chief McGee to report on a test of the emergency call system, occurring Tuesday, April 24, 2007. Chief McGee explained the system and the test.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Rebecca Ridenour reported on the HCC's Neighborhood Meetings held on April 19, 2007. She also updated the Commission on the HCC's VISTA interviews.

Commissioner Peura congratulated the HCC on their successful neighborhood meetings.

Westside Water Tank

CONSIDER A WATER TANK COST SHARING AGREEMENT BETWEEN THE CITY OF HELENA AND BENCHMARK DEVELOPMENT, LLC TO CONSTRUCT A WATER TANK LOCATED ON BLOCKS 12-17 IN THE REBER PUD (TABLED FROM APRIL 9, 2007).

CONSIDER APPROVAL OF THE INSTALLATION OF A RESERVOIR/WATER TANK FOR POTABLE WATER STORAGE UP TO 500,000 GALLONS TO BE LOCATED ON A PARCEL OF LAND GENERALLY LOCATED SOUTH OF GARY COOPER STREET AND MOUNT HELENA DRIVE (TABLED FROM APRIL 9, 2007).

Staff Report

City Manager Burton gave an overview of the proposal. He reported at the end of the public hearing for consideration of the location of the Westside Water Tank, the City Commission tabled the agenda items relating to the Cost Sharing Agreement and the location of an Essential Public Facility. The City Commission had requested that staff provide additional information on four items.

1) Is this the best location for the westside tank or are there other locations within Mt Helena Park or within the Reber Subdivision itself?

The Water Master Plan identified the elevation at which any proposed water storage tank for the westside should be located. Anderson-Montgomery, a local engineering firm, completed a study in 2004 to identify possible locations for the Helena Westside water storage tank. The location proposed by the developer is one of these two sites.

On Thursday, April 12, city staff met with representatives of the Prickly Pear Land Trust and the developer and his representatives to discuss alternative sites for the westside tank. City staff reviewed the information concerning the alternative site and ascertained it did not meet the elevation requirements necessary for the water storage tank. City staff, the developer, and the representatives of Prickly Pear Land Trust also examined the possibility of moving the tank location south, which would place it on Mt. Helena Park property. While this is a possibility there are several concerns relating to that site. There is an ordinance in place declaring MT Helena Park a natural park prohibiting public facilities. These would include the cost /benefits of moving the tank site versus the visual impact of each location, the need to resurvey the park if the boundary lines were located (estimated cost \$8,000 to \$15,000); and any public concerns placing the water tank on park property.

2) What are the development standards in place for the development of the Reber PUD south of Le Grande?

City Commission approved the Final Plat for the Reber Subdivision in September 1980 with a total of 217 housing units. The City Commission contemplated that a water tank and infrastructure would have to be installed at the time of the development of the second phase. All of the internal streets for the subdivision will meet standards to the extent possible. The subdivision, as currently platted, could be developed to the standards in place at the time of its approval. Any further re-subdivision of the property will fall under the Subdivision Regulations and Design standards in place at the time. This would include improvements to Le Grande Cannon Boulevard.

3) Is establishing a Special Improvement District (SID) an alternative for financing the costs of the tank?

State law allows 51% of the property owners within a proposed SID to protest out of the creation of that SID. City staff has reviewed the SID process and its applicability to this project. Staff has determined that an SID for this purpose would be unworkable.

4) What will happen with the remainder of the parcel where the storage tank is to be located?

The developer has been working with the three property owners in the Forest Park Subdivision who are adjacent to the proposed site. They have indicated their interest in purchasing the remainder of the parcel to ensure that the property remains in open space. The developer has indicated that he is amenable to giving these property owners the first right of refusal to purchase the remainder of the site.

City Attorney Nielsen spoke regarding notice requirements for the proposal and stated the location of the tank was the only agenda item that required legal advertising. He noted the erroneous legal description for agenda item #12, the cost sharing agreement, and explained it is not critical to the Commission's decision. He spoke of ex-parte communications and advised the Commission not to base their decision regarding the placement of the tank on any testimony related to the possibility of subdivision of the property in the future.

City Engineer Leland gave a detailed explanation of the current and proposed infrastructure using a power point presentation. Fire Chief Steve Larson addressed the fire flow issues in the area. Along LeGrande Cannon Boulevard there is very limited water pressure in the main transmission line. It can be utilized for domestic use but when there is a large need for a fire flow, it pulls a great amount of water out of the line and significantly drops the pressure and affects a great number of westside residents. In addition, the Forest Estates Subdivision pumps provide both domestic and fire fighting water pressure for the area. Over the years, the pumps have gotten tired along with a silt buildup in the valves. Even with provisions made by the Public Works Department, the residual water pressure is at the very minimum level. Chief Larson reviewed the current requirements for water pressure and reiterated Forest Estates Subdivision is well below the current standards and creates a bad situation. Chief Larson recommended the installation of a gravity system via the proposed water tank.

Commissioner Cartwright asked for the number of undeveloped lots in the area. City Manager Burton noted the lots on a map; there are six or seven annexed, platted lots west of the Forest Estates Subdivision. He also pointed out an area of private property west of the Reber PUD that is in the county. Discussions regarding development of that land are taking place but he is unsure of the status. Commissioner Cartwright agreed with City Manager Burton that this tank would serve existing development and not be used to serve or promote future development of the area.

Commissioner Peura asked for clarifications of the boundary of Mt. Helena Park on a map. Parks and Recreation Director Randy Lilje noted the boundary and pointed out the parkland dedicated with the Reber PUD. Director Lilje also noted the single family and multi-family use lots on the map.

Public comment

Mayor Smith called for public comment.

Jonathan Matthews, 1633 Floweree Street; spoke against the multi-family development in the Reber PUD and expressed concern for increased traffic in the area.

Richard Reese, 1105 LeGrande Cannon Boulevard; spoke in opposition to the development of the Reber PUD.

Tim McCauley, 1620 University Street; expressed concern for the drainage route of the tank as he lives directly below the proposed site.

Boyce Fowler, Floweree and Glendale; expressed concern over the development of the Reber PUD but spoke in support of the installation of the water tank.

Neil Blossom, 1420 LeGrande Cannon Boulevard; expressed concern for traffic in the area due to development of the Reber PUD.

Andy Bauer, Prickly Pear Land Trust, 21 North Last Chance Gulch; urged the developer to reclaim the site properly and asked the Commission to work towards protecting the trail system in the area.

Teresa Klotz, 1511 Knight Street, HCC District 3; expressed her district's concern for the development of the Reber Subdivision.

Discussion

Commissioner Peura referred to unpaved Glendale Street and asked for the funding mechanism for the city and neighborhoods to pave the street. Mr. Leland explained the neighborhood needs to form a Special Improvement District; the city is not in the practice of providing funding in order to bring existing unpaved streets up to city standards. Commissioner Peura asked for information on what will happen to the portion of the lot that will not house the tank. City Engineer Leland explained since the lot is private property a boundary line relocation will be done in order to keep the Ambrose Trail in the city owned portion of the lot. The city would maintain access across that portion of the lot. There is an existing dirt access road, which would be maintained by the city and kept as close to its current condition as possible, but it will need stormwater mitigation and reclamation of the land. Commissioner Peura asked if the Commission can put conditions on the approval of the tank site regarding mitigation? City Attorney Nielsen stated yes, and noted the agreement states the city must review the plans for the tank. Commissioner Peura asked Mr. Bauer if the city conditioned that the developer must work with the Prickly Pear Land Trust (PPLT) to mitigate visual impact and assist with re-vegetation, would the PPLT be comfortable with those conditions? Mr. Bauer stated it would need to be

discussed with the PPLT Board of Directors, but the trust would be happy to help the applicant locate someone with the necessary expertise. City Manager Burton noted reasonable conditions regarding mitigation may be added, as the law applies.

Commissioner Oitzinger asked if the Crane property would resolve the fire flow issues with the Forest Estates Subdivision. Manager Burton stated it would resolve several issues in the Reeder's Village area and beyond related to water pressure and fire flows but would not assist with issues for the Forest Estates Subdivision. City Engineer Leland added the Crane property site would need to be much bigger to allow for a bigger tank to alleviate the issues in the Forest Estates Subdivision. In addition, a tremendous amount of re-piping and the location of a transmission line around Mt. Helena to reach the subdivision would be required, which is not economically feasible. City Manager Burton gave the history of the engineering study by Anderson-Montgomery that recommended the proposed site and discussed the White property. He reiterated the Crane property would be surplus if the proposed site were approved and could be dedicated as parkland. Commissioner Oitzinger spoke about fixing the lift station only. City Manager Burton commented according to the studies that have been done, construction of an adequately sized tank is the only remedy for water pressure and fire flow problems on the westside. The discussion with the Commission when funding was allocated for reconstruction of the lift station, was is this the best use of limited public funds or should we look farther to the city's Water Master Plan that calls for a water tank in the area. The city would spend the same amount of money to fix the lift station for that small neighborhood, reinvest that same amount into a tank that would upsize it by 150,000 gallons, go a long way toward resolving the fire flow issue, and do immediate improvements to the existing developed city on the westside regarding water pressure.

Mayor Smith asked Mr. Leland if any protective measures are in place for the water tank in case of an emergency. Mr. Leland stated the city and the Department of Environmental Quality (DEQ) require the design show where the water would drain in case of catastrophic failure, plus the tank will need to be drained periodically.

Commissioner Cartwright asked if the emergency plan has been submitted yet? Mr. Leland stated the developer may have the plan completed but city staff hasn't received it. He reiterated it would also need to be submitted for DEQ approval and the tank can't be constructed until the plan has been approved by the city and state. Commissioner Cartwright gave an overview of the proposal and circumstances surrounding it. City Attorney Nielsen stated there are underlying documents associated with preliminary and final plat approval and conditions that clearly show the city's obligation to provide a water tank to serve the Reber PUD. Commissioner Cartwright asked if the agreement specifies the location of the tank? City Attorney Nielsen stated no, there was the understanding that a location would be identified with the second phase of the subdivision. Commissioner Cartwright reiterated the city is legally obligated to provide services to the Reber PUD and discussed the proposed locations and options and stated the proposed location does have the lowest impact. Commissioner Cartwright asked if there would be future review, discussion or Commission action related to the Reber PUD? City Attorney Nielsen stated if there is further subdivision or re-zoning.

Commissioner Peura asked where the wording dealing with mitigation of impacts from the tank is located in the agreement? City Attorney Nielsen explained the first paragraph of the agreement states "the owner will not commence construction until the city has reviewed and approved the size, location, design, and specification". That is the portion of the agreement that includes mitigation and reclamation. City Attorney Nielsen recommended placing any conditions regarding reclamation on the approval of installation of the tank.

Motion

Commissioner Peura moved approval for a cost sharing agreement between the City of Helena and Benchmark Development, LLC to construct a 500,000-gallon water reservoir, piping and appurtenances. Commissioner Cartwright seconded the motion.

Friendly Amendment

Commissioner Throssell offered the following friendly amendment to add: **cost sharing agreement, as included in the Commission packet, dated March 30, 2007.** Commissioner Peura accepted the amendment.

Discussion

Commissioner Cartwright asked for an explanation of how Commission direction to city staff regarding certain standards would affect the agreement between the city and the applicant. City Attorney Nielsen stated the city has the right to review the specifications, capacity and site. The siting is part of the zoning; it's not a CUP but close. The Commission has to approve the site and can apply appropriate mitigation measures. Commissioner Cartwright asked what criteria are used to determine reasonable mitigation. City Attorney Nielsen cautioned against adding a condition where compliance would be in the eye of the staff/holder. Manager Burton referred to discussion where the applicant indicated he would perform full reclamation and vegetative screening so that the view of the tank is less visible. The actual footprint also has an aesthetic view. He reiterated the developer has indicated he wants this to be a positive project.

Commissioner Throssell stated he had some concerns about the proposal because of the increase to city ratepayers. He now believes the project will be a net revenue plus to the city, county, schools and tax payers. Citizens concerned with growth and development should look at city's draft plans and proposals on the areas proposed for the expansion of the city's water and sewer system. He encouraged people to view the documents to see where the next issues will arise. He is convinced his concerns for the ratepayers have been answered and this project will be a net positive to community.

Vote

All voted aye, motion carried.

Comment

Commissioner Peura commended the applicant for his work to mitigate impacts of the tank and for working with staff and the PPLT.

Motion

Commissioner Peura moved approval of the installation of a reservoir/water tank for potable water storage up to 500,000 gallons to be located on a parcel of land shown as Tract A-1 as a portion of a tract recorded in the book of Deeds M17, Page 1193 and containing 2.11 acres in Helena, Lewis and Clark County, Montana; generally located south of Gary Cooper Street and Mount Helena

Drive; subject to the condition that the applicant will work with the City Parks Department, staff and PPLT, as available, to mitigate the visual/viewshed and environmental impacts of the tank.

Commissioner Throssell seconded the motion.

Discussion

Commissioner Oitzinger recommended staff follow Alice Stanley's letter stating recommendations for reclamation and mitigation of the property. She also asked staff to work towards protection against seismic issues. Commissioner Peura concurred and asked that a copy of Ms. Stanley's letter be sent to the applicant. Commissioner Cartwright urged the applicant to repeat the re-vegetation process annually until successful. He referred to the staff report on the installation of the tank, which included an alternate motion related to locating the tank on Mount Helena.

Friendly Amendment

Commissioner Cartwright made the following amendment: **Staff may propose a location partly on Mt. Helena Park property if an equal amount of the applicant's property can be exchanged for the intrusion on the park. The city is responsible for surveying the park property to be exchanged for the tank site and the remainder park parcel. The applicant must reclaim and re-vegetate the park property as they would've if it were private property.** Commissioner Peura did not accept the amendment.

Comment

Commissioner Throssell commented as the Commission is planning this community, the amount of time before development needs to be considered; and 27 years out is too far in the future. He noted this is why he votes no on some new subdivisions, if there are too many phases and development involves too much time it can cause these kinds of problems.

Vote

Motion carried 4-1, with Commissioner Cartwright voting no.

**Rescinding
Res. #11603**

CONSIDER A RESOLUTION OF INTENTION TO RESCIND RESOLUTION NO. 11603 AND REOPEN THE EAST/WEST ALLEY BETWEEN BLOCKS 1 AND 2 IN THE STORY ADDITION IN THE CITY OF HELENA.

Staff Report

City Engineer Ryan Leland reported Ms. Jean White lives at 420 North Benton. She supported the closure of the east/west alley between Blocks 1 and 2 in the Storey Addition in 1999 for her neighbors across the alley at 428 North Benton who had small children and used the side door of their house for ingress/egress most of the time. Since the alley runs right next to the house at 428 North Benton, it was considered dangerous for the children. The alley was closed by Commission action and was marked as a dead end. The owners of 428 North Benton allowed Mrs. White and others to drive across their concrete garage approach to the west to access a north/south alley so that they didn't have to back out into traffic on Benton Avenue. This worked for a few years. Then the owners of 428 North Benton sold the property. Mrs. White now has macular degeneration and cannot drive. She would use the HATS bus, but the driver says he can't pick her up at her door, which is part way up the closed alley, because he is not supposed to back out into traffic. The current owners of 428 North Benton say they do not want anyone using their concrete garage approach to access anything.

They rarely if ever use the side door next to the alley for access and they do not have any small children. Because of her age and vision restrictions, and because she has fallen a few times and broken some ribs, she is afraid to try to walk down to the street where the bus could pick her up.

Mr. Leland recommended rescinding Resolution No. 11603 and re-open the east/west alley between Blocks 1 and 2 in the Story Addition, as it would provide a safe and secure means of transportation for the applicant at no cost to the city.

Public comment

Mayor Smith called for public comment.

Jean White, 420 North Benton; urged the Commission to re-open the east/west alley.

Kurt White, 1900 Missoula; spoke in support of the re-opening of the alley.

Motion

Commissioner Throssell moved approval of a resolution of intention to rescind Resolution No. 11603 and re-open the east/west alley between Blocks 1 and 2 in the Story Addition in the City of Helena and set a public hearing date for May 7, 2007. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.
Resolution #19460

Curb Cut Variance

CONSIDER A CURB CUT VARIANCE FOR THE CORNER OF 13TH AND FRONT STREETS.

Staff Report

City Engineer Ryan Leland reported the property at the corner of 13th Street and Front Street currently is a vacant, undeveloped lot with one curb cut onto Front Street. The owner of the property would like to develop three condominiums on the site and is requesting three curb cuts onto 13th Street. These curb cuts would be used to access a two car garage for each of the condos. Each curb cut would be 17-feet 4-inch. Mr. Leland noted he had no recommendation on the variance.

Commission comment

Commissioner Peura asked for the policy goal of the current curb cut ordinance. Mr. Leland explained his research indicates you want to try to cluster curb cuts as closely together as possible to avoid multiple vehicles backing up into the lane of traffic at one time.

Public comment

Mayor Smith called for public comment.

Blair Williams, Sunshine Development, applicant; urged the Commission to approve the curb cut variance.

Comment

Mayor Smith commented on the need for curb cuts around the city.

Motion

Commissioner Peura moved to approve the curb cut variance for the property at the corner of 13th Street and Front Street. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

ROW Vacation

CONSIDER A RESOLUTION OF INTENTION TO VACATE A PORTION OF MISSOULA AVENUE RIGHT-OF-WAY (ROW) ADJACENT TO LOT 4 IN BLOCK 118 AND LOT 1 IN BLOCK 117 OF THE NORTHERN PACIFIC SECOND ADDITION.

Staff Report

City Engineer Leland reported Doyle Davis, owner of D&D RV Storage LLP, has petitioned to vacate the remaining portion of the Missoula Avenue ROW adjacent to Lot 4 in Block 118 and Lot 1 in Block 117 of the Northern Pacific Second Addition. This is the only remaining portion of Missoula Avenue east of the interstate adjacent to owner's property that has not been vacated. A large portion of the Missoula Avenue ROW was vacated for the construction of the interstate and Lewis & Clark County vacated the remaining ROW adjacent to the owner's property, outside the City limits, in 2006.

The vacation would be approximately 1750 square feet of Missoula Avenue ROW. The fee for the vacation is approximately \$1,312.50 and the square foot value for the ROW, as determined by the Montana Department of Revenue, is \$0.75.

Mr. Leland recommended approval of the proposed vacation, as it will allow the owner the use the remaining isolated piece of ROW adjacent to his property.

Commission comment

Mayor Smith asked if this vacation would be permanent. City Engineer Leland stated yes.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Throssell moved approval for a resolution of intention to vacate portions of Missoula Avenue ROW adjacent to Lot 4 in Block 118 and Lot 1 in Block 117 of the Northern Pacific Second Addition and set a public hearing date of May 7, 2007.
Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19461**

Public Communications

PUBLIC COMMUNICATIONS
No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST
The next Administrative Meeting is May 2, 2007 and the next Commission Meeting is May 7, 2007. The City/County Joint Work Session is scheduled for May 3, 2007.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:40p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission

