

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 21, 2007
6:00 P.M.

- Time & Place*** A regular City Commission meeting was held on Monday, May 21, 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 Marshall Gingery 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 21, 2007 were approved as submitted.
- Proclamation*** PROCLAMATION:
A. Buddy Poppy Day
- Mayor Smith read the proclamation designating May 21-26, 2007 as Buddy Poppy Week and presented it to Mrs. Shirley Pouliot.
- Introductions*** INTRODUCTIONS/PRESENTATIONS
A. NFPA Fire Inspection I Award Certificate to Captain Pat Clinch
B. Keep Montana Green/Fire Safe Montana Community Award
- Fire Chief Steve Larson introduced the NFPA Fire Inspection I Certification. Fire Marshall Craig Trapp gave an overview of the work and study Captain Clinch performed to receive the certification. Mayor Smith presented the certificate to Captain Clinch.
- Prevention and Mitigation Project Manager Pat McKelvey explained and presented the Keep Montana Green/Fire Safe Montana Community Award to Chief Larson and Parks & Recreation Director Randy Lilje.
- Consent Agenda*** CONSENT AGENDA:
A. Claims
B. Trolley System Memorandum of Understanding
C. Memorandum of Understanding for East Valley Bus Service
D. Rocky Mountain Development Council (RMDC) Head Start Bus Service Memorandum of Understanding
E. Final passage of Ordinance No. 3085 amending City of Helena Ordinance No. 2359 and amending the Official Zoning Map thereof in reference to property legally described as Lots 29 and 30, Block 134, Ming Addition, for a zone change from R-O to B-2-T #33 District **Ord #3085**
F. Utility bill insert - Public Water Supply Consumer Confidence Report
G. Easements to the Montana Department of Transportation for the Signal Upgrade Project

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

Commissioner Throssell asked items B, C and D be removed for discussion.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

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

Items B, C and D

Commissioner Throssell asked for the city's financial commitment on each of the contracts. Director Rundquist referred to the contract with the BID for trolley service and explained the city has no financial obligation; the BID pays the match on the grant and the city provides operations. Through fee collection and a donation from the BID, the city's costs are covered. Regarding the East Valley Bus Service, the fees for this service along with the county contribution cover the match required from the grant; there is no city general fund contribution. Regarding the RMDC Head Start service, RMDC pays the grant match amount and the city runs the bus service.

Commissioner Throssell referred to a statement in the contract with RMDC stating the city would purchase a bus to service the Head Start Program. Director Rundquist explained the city purchases buses through the state program, which covers about 86% of the cost of the bus. RMDC will pay for the purchase over a two-year period.

Motion

Commissioner Throssell moved approval of items B, C and D on the consent agenda. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

A. Consider a resolution ordering placement of a referendum concerning financial support of all military forces of the United States on the November 6, 2007 ballot

Commissioner Peura gave the history of the proposed referendum and read the non-binding policy statement of the resolution aloud.

Commissioner Cartwright stated the resolution is much clearer than it was when first proposed but expressed concern for the statement "fund our military forces totally and without conditions in the global war on terror". It would appear to him that would mean all domestic funding, if necessary, should go to the war on terror. While in times of war there needs to be cutbacks, he is a little leery of a total blank check. He spoke of cutbacks to JAG funding, used to fund the Missouri River Drug Task Force, because of the war on terror. Secondly, to say that Congress should totally and without conditions take any action strikes him as not keeping with the constitution's balance between the different branches. He summarized that while the wording is much clearer, its clarity makes him nervous and he does not want to be associated with it.

Commissioner Oitzinger indicated she would probably not support the resolution. She recommended revising the non-binding

policy statement to read: "to fund our United States military forces", to make it absolutely clear we are talking about American soldiers.

Amendment

Commissioner Peura moved to amend the resolution to include "United States" following the word "our" and the end of the second line of the policy statement. Commissioner Oitzinger seconded the motion. Motion carried, 4-1 with Commissioner Cartwright voting no.

Public comment

Mayor Smith called for public comment.
Governor Tim Babcock, 1625 Highland; spoke in support of the resolution.
Ward Shanahan, Helena; spoke in support of the referendum.
Amy Orser, 1019 Middlemas Road; urged the Commission to support the resolution.
Jill DeClancy, 4620 Independence Drive, spoke in support of the resolution.
Barbara Rush, 720 Holter; spoke in support of the urged the Commission to place the proposed referendum on the ballot.

Discussion

Commissioner Oitzinger asked Commissioner Peura if it is his recollection that there was anything in the first resolution that could be construed to be a vote against United States troops? Commissioner Peura stated he doesn't believe so. Commissioner Oitzinger expressed her belief that the first referendum would provide the voters with an opportunity to provide a clear yes or no to the war. She concurred with Commissioner Cartwright's concerns about the wording.

Commissioner Throssell commented he does not believe this issue is appropriate for the Commission to consider, but does believe the proposed referendum should be on the ballot since the first referendum was approved. Commissioner Throssell stated he appreciates Commissioner Peura's efforts and noted he did work on the referendum language to some extent; however, the Commission writing these referendums is inappropriate. He indicated he would vote in favor of the referendum as he did the first one.

Commissioner Cartwright spoke on the war on terror and the Patriot Act. He commented the issues in the referendum are within the electors' jurisdiction. Article 2, Section 8 of the Montana Constitution specifically gives issue and referendum powers to qualified electors of each local government. Montana Code Annotated 7-5-131 gives a long list of the powers of initiative. Local governments have a very short list of issues they have to put to referendum; there is one brief mention that they may do as they wish to offer additional referendums to the voters. If you read through the law, the only reason to put on a referendum at the Commission's initiative instead of the people's initiative would be if the issue speaks directly to the business of the city. While the Commission has discussed how the war in Iraq is drawing funding away from the city, there is nothing in the proposed resolution that impacts city government directly. Commissioner Cartwright indicated he would not support the referendum.

Commissioner Peura commented he strongly disagrees that this issue is far from what local governments should be doing. This is a part of democracy, from the United States Constitution to the Montana Constitution; this is how people express opinions. Certainly, the Commission does not get to make the decision about funding for the Iraq

War or the War on Terror, but it is never far off field for any elected official or any citizen of the United States to make a comment on any public policy on any level of government. The proposed referendum has direct bearing on many of the issues dealt with in Helena; there will be fiscal and public safety ramifications related to the War on Terror. The citizens of Helena should have an opportunity to weigh in on this issue.

Motion

Commissioner Peura moved approval for a resolution ordering placement of a referendum concerning financial support of all military forces of the United States, as amended, on the November 6, 2007 ballot. Commissioner Throssell seconded the motion. Motion carried, 3-2 with Commissioners Oitzinger and Cartwright voting no. **Res #19465**

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. Walker Creek fuel reduction project

City Manager Burton invited Prevention and Mitigation Project Manager Pat McKelvey to explain the Walker Creek fuel reduction project. Mr. McKelvey gave an overview of the project, which was recommended by Wastewater Superintendent Don Clark and performed on Tenmile Creek. Mr. Clark spoke in support of the project.

Mr. McKelvey noted the City of Helena's fire mitigation plan placed in the top three for FEMA funding this year, if awarded it would be a 75% to 25% split.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Marshall Gingery thanked members of city staff for their assistance to the HCC. The next monthly HCC meeting will be held on Wednesday, May 23, 2007 at 7:00pm in Room 326.

Mr. Gingery recommended the war referendum be amended to spell out USA as United States of America.

Firing Range Fee

CONSIDER A RESOLUTION OF INTENTION TO INCREASE THE FEE CHARGED FOR USE OF THE FIRING RANGE AT THE HELENA REGIONAL AIRPORT.

Staff Report

Police Chief Troy McGee reported in the mid 1990's, the Helena Regional Airport handed over control of the firing range to the Helena Police Department (HPD). The city has always used the airport range for firearms qualifications, but now has the opportunity to begin instituting some changes and planning for future improvements. In FY06, the HPD started making plans for improvements, but due to limited funding, progress was slow. The only source of funding was the revenue brought in from other agencies that used the range, which is currently \$5 per shooter per day. This means about \$1,000 per year, but the plans went beyond this financial limit. The other agencies that use the range are Security Armored, VA Police, State Gambling Division, MLEA, ICE and Probation & Parole.

Starting in FY08, the HPD is planning on making major improvements to the range, including installation of electricity, erecting storage structures and mounting permanent targets. The goal is to

transform the range to simulate an actual city-like area to improve firing accuracy and familiarization with hazards, i.e., vehicles, blind corners and buildings, various lighting situations, traffic etc. The cost of these improvements have been requested in the HPD's Projects and Reimbursement Budget (Fund 215) and will be covered with FY08 reimbursements and revenue collected from previous years that has been carried over.

Chief McGee recommended approval of the resolution of intention to increase firing range rates and noted most outside agency users have agreed to continue using the range, especially with the improvements being instituted.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Throssell moved approval for a resolution of intention to increase the fee charged for use of the firing range at the Helena Regional Airport, and set a public hearing date of June 4, 2007. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19466**

ROW Dedication

CONSIDER RIGHT OF WAY DEDICATION FOR A PORTION OF SHODAIR DRIVE LOCATED EAST OF SADDLE DRIVE AND SOUTH OF WINNE AVENUE.

Staff Report

City Planner Lucy Morell-Gengler reported the current plat of the Helena Mall Subdivision indicates a 60-foot wide easement for future road dedication along the southern boundary. The proposed plat would dedicate a portion of that easement as right of way to the city to facilitate construction of that portion of the extension of Shodair Drive and provide access to the adjacent property to the south that is currently being developed. It is anticipated the remainder of Shodair Drive will be dedicated to the city as the area develops.

Ms. Morell-Gengler recommended approval of the ROW dedication as it would provide access to adjacent vacant lots and facilitate the installation of the street to city standards.

Commission comment

Commissioner Cartwright stated the road right now would dead end halfway across the property. Would the easement be turned into roadway at a later time? Ms. Morell-Gengler stated yes. Commissioner Cartwright asked what are the advantages or disadvantages to not dedicating the area in a lump sum now? Ms. Morell-Gengler stated that decision was made by the property owners.

Commissioner Throssell asked for the length of the proposed dedication. Ms. Morell-Gengler stated approximately 890 feet. Commissioner Throssell asked if that length is within the regulations for dead end streets? Ms. Morell-Gengler stated the current regulation for dead end streets is 700 feet but there are two private streets that access onto the dedication, so it is measured from the intersection of the street. Because of the intervening streets, the length is less than 700 feet. Commissioner Throssell referred to the two intersecting private roads and asked if they are located in an already approved subdivision or if the property would be coming forward for review. Ms. Morell-Gengler explained the streets are part of a condominium development and will not require review as they are in compliance with the zoning of the area.

Commissioner Peura asked if the property owner would pay for

the improvements to the roadway? Ms. Morell-Gengler stated yes and noted the improvements have been financially guaranteed via a letter of credit.

Public comment

Mayor Smith called for public comment.
Tim Bury, Morrison-Maierle Engineering, representing the applicant; spoke in support of the ROW dedication.

Motion

Commissioner Cartwright moved approval for the acceptance of the 60-foot wide ROW dedication for Shodair Drive as shown on the Amended Plat of Lot 3D-1 of the Helena Mall Subdivision. Commissioner Peura seconded the motion. All voted aye, motion carried.

Transit Committee

CONSIDER A RESOLUTION ESTABLISHING AN INTERGOVERNMENTAL TRANSIT COMMITTEE TO REVIEW AND MAKE RECOMMENDATIONS TO THE HELENA CITY COMMISSION WITH REGARDS TO THE HELENA AREA TRANSIT SERVICE (HATS) OPERATIONS, DEVELOPMENT AND FUTURE GROWTH.

Staff Report

Assistant Public Works Director Phil Hauck reported HATS is a division of the Public Works Department of the City of Helena. A Transit Manager who reports to the Director of Public Works is responsible for daily operations. The Transit Manager is the primary contact for all other transit providers and users in the Helena Area.

The proposed Intergovernmental Transit Committee's responsibilities would include a review of current operations from a community perspective. They would also consider and make recommendations to the Helena City Commission, Lewis and Clark County Commission and the East Helena City Commission in regards to expansion of services and funding levels necessary to support the expansion of services. The long-term goal of the committee would to determine service levels, service routes and review management and organizational structures to maintain and develop a viable long term quality service to serve the greater Helena community into the future.

Assistant Director Hauck recommended approval of the creation of the committee and noted it would be comprised of representatives of the governing entities, transit service providers and users with a common goal of identifying and solving the community's transit needs.

Commission comment

Commissioner Peura asked if the county has acted on the proposal? Assistant Director Hauck stated no. Commissioner Throssell asked if there is a sunset date for the committee? Assistant Director Hauck stated the committee would be ongoing as the transit plan is updated every five years.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Peura moved approval for a resolution creating an Intergovernmental Transit Service Committee. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res #19467**

No Parking Areas

CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTIONS 8-11-7, NO PARKING AREAS, OF THE HELENA CITY CODE.

Staff Report

Director Rundquist reported Section 8-11-7 of the Helena City Code identifies the Director of the parking and traffic division as the person authorized to determine and designate places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or could cause unusual delay to traffic. The proposed ordinance revisions would accomplish:

1. Authorize the Public Works Director as the individual responsible to determine and designate where stopping, standing, or parking vehicles would create hazardous conditions or unusual traffic delays.
2. Expand the ordinance to include bus and trolley loading zones.

Director Rundquist recommended approval of the ordinance revisions.

Commission comment

There was discussion of amending "and/or" under 8-11-7 B, as it conflicts with procedure. City Attorney Nielsen stated staff would work to clarify the wording for Commission review at the public hearing for final passage of the ordinance.

Public comment

Mayor Smith called for public comment, none was received.

Motion

Commissioner Cartwright moved approval for first passage of an ordinance amending Sections 8-11-7 of the Helena City Code and set a public hearing date of June 4, 2007. Commissioner Oitzinger seconded the motion. All voted aye, motion carried.
Ordinance #3086

Clearwell Bond

CONSIDER A RESOLUTION RELATING TO \$2,750,000 WATER SYSTEM REVENUE BOND (DNRC DRINKING WATER REVOLVING LOAN PROGRAM), SERIES 2007; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

Staff Report

City Controller Glenn Jorgenson reported the City Commission approved the construction of a new pump station and clearwell at the Missouri River Treatment Plant. These projects are being funded through a combination of federal grants, city cash, and revenue bonds. The total cost is anticipated to be approximately \$7.6 million. The Department of Natural Resources (DNRC) provides low interest bonds to help finance these types of projects. The current interest rate is 3.75%.

Mr. Jorgenson recommended the issuance of these bonds for a term of twenty (20) years. He noted this program offers the best interest rates available at this time and best meets the cash flow needs of the water fund.

Commission comment

Commissioner Peura asked for the total payout after 20 years? Mr. Jorgenson stated he would provide that information via email.

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

Motion **Commissioner Peura moved approval of a resolution relating to \$2,750,000 Water System Revenue Bonds (DNRC Drinking Water Revolving Loan Program), Series 2007; authorizing the issuance and fixing the terms and conditions thereof.**
Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Resolution #19468**

Alley Vacation CONSIDER A RESOLUTION OF INTENTION TO VACATE PORTIONS OF AN ALLEY BETWEEN LOTS 2 AND 3 OF BLOCK 539 OF THE ORIGINAL TOWNSITE; LOCATED BETWEEN CHAUCER STREET AND BEATTIE STREET AND CONNECTING 3RD STREET AND STATE STREET.

Staff Report City Engineer Ryan Leland reported Charles and Cynthia Shipley, the owners of 319 Chaucer Street, did a title search on their property and discovered that a 9' alley is platted through their property and part of their house is constructed on the Right-of-Way (ROW).
Mr. and Mrs. Shipley have petitioned to vacate a portion of the alley between Lots 2 and 3 of Block 539 of the Original Helena Townsite. The proposed vacation is approximately 495 square feet of ROW. The fee for the vacation is approximately \$1,405.80; the square foot value for the ROW as determined from the Montana Department of Revenue is \$2.84.
Mr. Leland recommended approval of the vacation, as it would allow the owners to have clear title of their property and clean up useable ROW.

Commission comment Commissioner Cartwright asked if the applicant has been paying taxes on the alley? Mr. Leland stated he believes so. Commissioner Cartwright asked staff to research whether the applicant has paid the taxes and report back to the Commission at the June 4, 2007 Commission Meeting.

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

Motion **Commissioner Throssell moved approval of a resolution of intention to vacate a portion of alley ROW between Lots 2 and 3 in Block 539 of the Original Helena Townsite and set a public hearing date of June 4, 2007.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Resolution #19469**

Sidewalk Variance CONSIDER A VARIANCE FOR THE DELAY OF THE INSTALLATION OF A SIDEWALK ADJACENT TO 1772 UNIVERSITY STREET.

Staff Report Mr. Leland reported the owner of the property at 1772 University Street has recently constructed a house on the lot. As part of the building permits, sidewalks are required. University Street currently does not meet city standards and is a gravel road with no sidewalks. Only a portion of the adjacent property is in the city.
The owner, Sue Hanson, signed a development agreement with the city as part of the annexation agreement to waive the right to protest an SID to bring University Street to city standards. The applicant is requesting a variance to delay the installation of a sidewalk until

University Street is constructed to city standards. The adjacent neighbors signed development agreements in 1998 waiving their right to protest an SID, which has the sidewalk curb and gutter as part of the University Street SID.

Mr. Leland noted the sidewalk may have to be replaced if University Street is ever reconstructed, because no design work has been completed for University Street.

City Manager Burton explained the reason the city has postponed sidewalk installation in the past is because if the street hasn't been designed or constructed the grades may not match; it is very important to have matching grades.

Commission comment Commissioner Oitzinger asked for the status of the SID on the westside. Mr. Leland stated this is a typical issue of the westside; half of the street identified for the SID is located in the county so the residents can protest out of the SID until they need to be annexed into the city. Because of this, the formation of an SID will be far in the future. Manager Burton stated Community Development staff is compiling a report of all of the waivers in the neighborhood and will provide the report to the Commission in a couple of months.

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

Motion **Commissioner Throssell moved approval for a variance to delay the installation of a sidewalk adjacent to 1772 University Street until such time that University Street is reconstructed to city standards.** Commissioner Oitzinger seconded the motion. All voted aye, motion carried.

Public Hearings PUBLIC HEARINGS:

A. CONSIDER ACCEPTANCE OF JUSTICE ASSISTANCE GRANT FUNDING IN THE AMOUNT OF \$54,463 AND AUTHORIZE THE TRANSFER OF \$27,231 TO THE LEWIS & CLARK COUNTY SHERIFF'S OFFICE.

Staff Report Police Chief Troy McGee reported the HPD has received funding from the Federal Bureau of Justice Assistance (BJA) for the past nine years that has been used to fund or partially fund one police officer position. During the last five years however, federal funding from BJA has decreased substantially, been reallocated or eliminated because of reprioritization and the war on terror. Subsequently, many federal programs have been dissolved or combined with other programs under one funding source. This is the case with the HPD's block grant that was previously funded by the BJA and the Drug Task Force that was previously funded through the Edward Byrne Memorial Fund (passed through the Montana Board of Crime Control). As a result of the federal government review of funding in 2006, these two programs have now been combined and will be funded through JAG. There will only be one grant award instead of two and the procedures and guidelines have changed somewhat on how local city and state governments can distribute and spend their award.

The HPD is proposing that our grant award be used to supplement our portion of the Drug Task Force Program that is anticipated to experience additional budget cuts for FY2008. The

MRDTF has been in existence for 8+ years and has had a positive impact on drug possession and trafficking in Montana. The program is definitely worth supporting as city officials have indicated many times.

The grant award of for the City of Helena is \$37,757 and the Lewis & Clark County (LCC) award is \$16,706, which is a combined total of \$54,463 resulting in an increase of almost 45% over the FY07 level. The city and LCC are considered a disparate jurisdiction; therefore the \$54,463 will be split 50/50 between the two as indicated in the guidelines and past practice. Block grant awards for county jurisdictions are very minimal or non-existent. However, in all fairness, most counties bear more than 50% of the responsibility of incarcerating the arrestees, which entitles them to special considerations and a portion of the city's award. Because of this, the city and county mutually agreed that block grant awards would be split 50/50 – each agency would receive the same amount of funding. This agreement has worked very well in the past and will continue with the approval of the City Commission.

As with last year, there is no cash match required, but contributions from local governments are recommended. The city has always contributed, both financially and in-kind to this program, so this guideline is not an obstacle.

Police Chief McGee recommended acceptance of the JAG funding in the amount of \$54,463 and authorization of the transfer of \$27,231 to the Lewis and Clark County Sheriff's Office.

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 acceptance of Justice Assistance Grant (JAG) funding in the amount of \$54,463 and authorized the transfer of \$27,231 to the Lewis and Clark County Sheriff's Office. Commissioner Peura seconded the motion. All voted aye, motion carried.

B. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3081 AMENDING CHAPTER 2 OF TITLE 3 OF THE HELENA CITY CODE AND ADOPTING THE 2006 EDITIONS OF THE INTERNATIONAL BUILDING CODE; THE INTERNATIONAL ENERGY CONSERVATION CODE; THE INTERNATIONAL RESIDENTIAL CODE AND THE INTERNATIONAL EXISTING BUILDING CODE.

C. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3082 AMENDING CHAPTER 4 OF TITLE 3 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE.

D. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3083 AMENDING CHAPTER 5 OF TITLE 3 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FUEL GAS CODE.

E. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3084 AMENDING CHAPTER 7 OF TITLE 3 AND ADOPTING THE 2006 EDITION OF THE UNIFORM PLUMBING CODE.

Staff Report

Chief Building Official Brandt Salo reported on a three-year interval, the adoption of new editions of the 'family' of International Codes Council (ICC) building codes with revisions and amendments are mandated by the state Department of Labor and Industry Building Codes Division in an effort to keep the codes current with available building technology or to address recurrent enforcement issues. As a 'certified' local municipal jurisdiction, staff must and therefore proposes, that the city approve first passage of the proposed ordinances adopting the most recent editions and any miscellaneous revisions and amendments to the above listed codes.

Mr. Salo recommended approval of the ordinances as it would fulfill our responsibility as a certified jurisdiction to adopt building codes in like manner as and concurrent with those adopted by the state of Montana, Department of Labor and Industry, Building Codes Bureau. Approval also continues the use of a nationally recognized and 'uniform' family of building codes authored by the International Code Council, Inc. and affords access to the most current building and safety technology for area residents, builders and designers.

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 Throssell moved approval for final passage of Ordinance No. 3081 amending Chapter 2 of Title 3 of the Helena city code and adopting the 2006 editions of: the International Building Code; the International Residential Code; and the International Existing Building Code. Commissioner Peura seconded the motion. All voted aye, motion carried. **Ordinance #3081**

Motion

Commissioner Throssell moved approval for final passage of Ordinance No. 3082 amending Chapter 4 of Title 3 of the Helena City Code and adopting the 2006 edition of the International Mechanical Code. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3082**

Motion

Commissioner Throssell moved approval for final passage of Ordinance No. 3083 amending Chapter 5 of Title 3 of the Helena City Code and adopting the 2006 edition of the International Fuel Gas Code. Commissioner Peura seconded the motion. All voted aye, motion carried. **Ordinance #3083**

Motion

Commissioner Throssell moved approval for final passage of Ordinance No. 3084 amending Chapter 7 of Title 3 of the Helena City Code and adopting the 2006 edition of the Uniform Plumbing Code. Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Ordinance #3084**

F. CONSIDER A RESOLUTION AUTHORIZING THE CITY OF HELENA TO APPLY FOR A MONTANA DEPARTMENT OF COMMERCE COMMUNITY DEVELOPMENT BLOCK PUBLIC FACILITIES GRANT TO ASSIST THE MONTANA YOUTH HOMES INC., IN THE CONSTRUCTION OF A FACILITY TO REPLACE THE OLD JAN SHAW YOUTH HOME.

Staff Report

Community Development Director Sharon Haugen reported Montana Youth Homes is a private non-profit 501C (3) organization that provides care and assistance for abused, neglected and abandoned children. The current structure has served the program fairly well for many years. Montana Youth Homes, Inc. needs to secure a building site for a replacement for the Jan Shaw Youth Home that is currently located on Carroll College property at 198 W. Lyndale Avenue. With the need to vacate the premises, the program must be moved into another structure. The design of a new facility has been done in accordance with newer specific state licensing requirements will be necessary.

The City of Helena has recently agreed to donate land located near the current Salvation Army facility; legally described as Lots 6, 7, and 8 Block 50 of the Broadwater Second Addition to the City of Helena to Montana Youth Homes as a location for the new proposed site. Montana youth Home, as a n organization has limited resources to pay for the construction of a new facility and has requested that the city consider applying for a CDBG grant on their behalf to help finance the construction.

The purpose of the grant would be to assist in financing the construction of a new facility and needed improvements. The CDBG grant will be matched by the value of the donated City land and through fundraising efforts completed by the Montana Youth Home Board of Directors. If funded, 100% of the grant beneficiaries for this project will be individuals who are considered low to moderate income.

Director Haugen recommended approval of the resolution and stated one of the goals in the City of Helena's Growth Policy Goal is to ensure that all citizens of Helena have the opportunity to enter the social and economic mainstream, and to reach their potential as citizens and individuals and to encourage the community to take aggressive steps to ensure that all young people have access to a broad array of supports to promote healthy adolescent development and help them avoid high risk behaviors that may jeopardize their futures. This project would assist in accomplishing those goals.

Public Testimony

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

Emily McVeigh, 2220 Wilder, Executive Director of MT Youth Homes; spoke in support of the grant application and gave an overview of the program, including improvements that need to be made.

Janice Frisch, 1517 Waukesha; spoke in support of the Jan Shaw Youth Home.

Karen McMillan, Hudson Street; spoke against the relocation of the youth home in her neighborhood.

Michael Pipp, 1126 Hudson Street; spoke in support of the youth home.

John Flynn, 322 Howie; urged the commission to approve the grant submission.

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

Commission comment

Commissioner Oitzinger asked Director Haugen for the distance between the old Jan Shaw Youth Home and the proposed location? Director Haugen stated six to eight blocks. Commissioner Oitzinger indicated she would support the grant application. Commissioner

Throssell stated he understands the concerns of the neighborhood but believes they will be alleviated. Mayor Smith spoke in support of the youth home.

Motion

Commissioner Throssell moved approval of a resolution authorizing the City Of Helena to apply for a Montana Department Of Commerce Community Development Block Public Facilities Development Grant to assist Montana Youth Home's construction of a new facility. Commissioner Oitzinger seconded the motion. All voted aye, motion carried. **Res #19470**

Public Communications

PUBLIC COMMUNICATIONS

Meetings of Interest

MEETINGS OF INTEREST

The next Budget Work Session is Wednesday, May 30, 2007 and the next Commission Meeting is Monday, June 4, 2007. The 2007 season of Alive at five starts Wednesday, May 23, 2007.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:30p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission