

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 16, 2007
6:00 P.M.

- Time & Place*** A regular City Commission meeting was held on Monday, July 16, 2007 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present*** Mayor Pro Tem Oitzinger indicated for the record that Commissioners Cartwright, Peura, and Throssell were present. Mayor Smith was excused. 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 Pro Tem Oitzinger asked those persons present to please stand and join her in the pledge of allegiance.
- Minutes*** The minutes of the regular City Commission meeting of July 2, 2007 were approved as submitted.
- Consent Agenda*** CONSENT AGENDA:
A. Claims
B. Utility Bill Insert - City of Helena Water and Wastewater Rate Hearing
C. FY 2008 New Freedoms Grant for Rocky Mountain Development Council
D. State Contract/Bid for one new 35-passenger bus
E. FY2008 Job access Reverse Commute Operating Grant for HATS
F. FY2008 Section 5311 Operating Grant for HATS
- City Manager Tim Burton recommended approval of the claims and the consent agenda.
- Commissioner Cartwright asked items C through F be removed for further discussion.
- Public Comment*** Mayor Pro Tem Oitzinger asked for public comment on items A and B, none was received.
- Motion*** **Commissioner Cartwright moved approval of items A and B on the consent agenda.** Commissioner Peura seconded the motion. All voted aye, motion carried.
- Item C*** Transit Superintendent Ed Robinson reported under new Montana Department of Transportation (MDT) guidelines, all transit grants must be applied for through the lead transit agency in each community. In Helena the lead transit agency is the Helena Area Transit Service (HATS). RMDC has applied for and received a New Freedoms Grant in the amount of \$46,798.00, to expand their Senior Companion Transportation Program. Under the new state guidelines, reporting of expenses and requests for reimbursements of these funds must pass through the lead transit agency. This process will be completed on a

quarterly basis in conjunction with the quarterly reports already being submitted for HATS own reimbursement.

Item D

The State of Montana Department of Transportation has bid one new 35-passenger bus for the Helena Area Transit Service (HATS) under the Section 5311 Capital Replacement Program. HATS, programs the replacement of new buses each year as they are identified on the Fleet Revolving Schedule. The bus being purchased at this time is a replacement bus Checkpoint route. The cost of the new bus is \$180,351.86. The City's 14% matching share for this acquisition is \$25,249.26. This bus was originally scheduled for delivery in FY2007. Funds have been carried over and the additional costs appropriated for payment in FY2008. No additional buses will be purchased in FY2008.

Item E

The Helena Bus currently operates using a variety of funding sources. The largest of these sources include a General Fund Contribution and two federal grants, a Job Access Reverse Commute Grant and a Section 5311 Operating Grant. The Job Access Reverse Commute Operating Grant is supplemental to the Section 5311 Operating contract for the balance of the funding requested in Fy2008. The Job Access Reverse Commute Contract is for \$143,000.00.

Item F

The Helena Bus currently operates using a variety of funding sources. The largest of these sources include a General Fund Contribution and two federal grants, a Job Access Reverse Commute Grant and a Section 5311 Operating Grant. The Section 5311 Operating Grants is the primary source for transit operations and in FY 2008. In FY2008, the Section 5311 Operating Contract is for \$440,999,64.

Commission comment

Commissioner Cartwright commented the city started it's transit service as mostly as a social service. However, as we grow it is becoming more a transportation alternative.

Commissioner Peura asked if the new bus would accommodate a bike rack? Fleet Manager Ed Robinson stated that bike racks are standard equipment on all new buses.

Public Comment

Mayor Pro Tem Oitzinger asked for public comment on items C through F, none was received.

Motion

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

Bid Award

BID AWARD:

A. 2007 Chip & Seal project, Project No. 07-23

Staff Report

City Engineer Ryan Leland reported the chip and seal project will add a new wear surface and pavement sealer by applying a single application of asphalt material on a prepared asphalt surface, followed by spreading of a 3/8-inch gravel chip layer. There are several weather constraints for applying the sealer and chips, and staff would like to start as close to July 27, 2007, as weather permits.

Staff opened three bids for the project on July 10, 2007. Pavement Maintenance Solutions, Inc. of Columbia Falls, Montana

submitted the lowest bid of \$235,661.92 for the base bid plus additive alternates 1, 2, 4, 5 and 6.

The city's portion of this project is \$216,481.42 and includes the base bid, plus additive alternate 1, 2 and 4. Additive alternates 5 and 6 are for the Salvation Army and Overlook Subdivision respectively. The developers will pay for both of these additive alternates.

Mr. Leland recommended awarding the 2007 Chip & Seal Project to the lowest responsible bidder, Pavement Maintenance Solutions, Inc. of Columbia Falls, Montana.

Public Comment

Mayor Pro Tem Oitzinger asked for public comment, none was received.

Motion

Commissioner Peura moved to award the base bid, plus additive alternates 1, 2, 4, 5 and 6 of the 2007 Chip & Seal Project to the lowest, responsible bidder, Pavement Maintenance Solutions, Inc. for \$235,661.92. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Commissioner Peura asked City Engineer Leland to post the street graphic of the chip & seal projects on the city's web page so the public will know where traffic will be disrupted and they will recognize the progress the city is making in the street maintenance. Engineer Leland stated the information will be posted on the web site and noted the project will begin on July 30th and there will be some inconvenience and safety issues with the loose gravel for anyone riding a motorbike or bicycle.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Peura referred to the proposed GO Bond and asked city staff to provide the Commission with an additional resolution that breaks out the three projects (Centennial Park, Memorial Park, Kindrick Legion Field) into three separate questions so the public can consider all three projects for funding. There was Commission consensus to consider two resolutions.

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. Fort Harrison Fire Update

Manager Burton asked Fire Chief Steve Larson to report on the Fort Harrison fire. Chief Larson reported approximately 573-acres burned which included portions of the shooting range and private property. Most of the rural fire agencies as well as Montana City Fire Department, DNRC, National Guard and Forest Service and Hot Shots responded to the fire. In addition, helicopters from the National Guard and DNRC were used. Other agencies involved included the Lewis & Clark County Sheriff, Helena Police, Helena Fire, and the city bus was used to remove children from the Broadwater Athletic Club.

Chief Larson stated there were several efforts for notification; there was the door-to-door with firefighters and sheriff officers; Disaster & Emergency Services Director Paul Spengler sent out messages to all the local radio and television stations to notify and update citizens of the fire and Police Chief McGee used the Emergency Preparedness System

and left phone messages for those homes with land-lines. In addition DES Coordinator Spengler has an email group of large employers he sends out messages. However, when he went to use it, it did not function.

Chief Larson stated one of the problems the emergency responders had was the on-lookers. Law enforcement had a very difficult time keeping the road clear to allow the fire equipment to move to where they needed to go.

B. Labor Contracts

Manager Burton invited Human Resource Director Salty Payne to report on the status of negotiations of the city's labor contracts.

Director Payne reported on the four labor agreements that expired on June 30, 2007.

The Water Plant Operators represented by the IBEW Local 233, contract is completed and ratified.

The Street, Traffic, Park and Solid Waste employees represented by the Rocky Mountain District of Laborers, Local 1686 contract is completed and ratified.

Parking Commission employees represented by the Rocky Mountain District of Laborers, Local 1686, a final clarification meeting is scheduled and then employees will take a vote.

Firefighters represented by the International Firefighters Union in is in mediation, which is scheduled for July 25th. The next step would be arbitration.

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

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Rebecca Ridenour reported Thursday, July 19, 2007 will be the first day for Martha Eberle, the VISTA volunteer. The HCC quarterly meetings will be held this Thursday, July 19th at 7:00p.m. and gave the schedule. August 22nd is the next HCC meeting.

***Simmons Minor
Subdivision***

CONSIDER THE PRELIMINARY PLAT FOR THE SIMMONS MINOR SUBDIVISION CREATING FIVE LOTS FROM 13.787-ACRES LOCATED IN A CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT, GENERALLY LOCATED SOUTH OF HIGHWAY 12 (EUCLID AVENUE) AND WEST OF BROADWATER AVENUE WITH A PROPERTY ADDRESS OF 2707 BROADWATER AVENUE.

Staff Report

City Planner Lucy Morell-Gengler reported the applicant is requesting preliminary plat review for the Simmons Minor Subdivision creating 5 non-residential lots from 13.787-acres; legally described as Tract B, COS #594623/B, located in a CLM (Commercial Light Manufacturing) District. The preliminary infrastructure plans indicate a 14-inch water main would be located adjacent to Euclid Avenue and sewer mains would be extended in Broadwater Avenue and through lots within the subject property. Primary access to the subdivision will be provided via Broadwater Avenue and Euclid Avenue. No parkland is required for non-residential subdivisions.

The present land use is Montana Sign Works, billboard signs and Montana Lottery. Adjacent land uses to the north is Clausen Distributing, Spring Meadow Resources; to the east is Mini Storage and Fish Wildlife and Parks, Spring Meadow Lake park and wildlife shelter to the south is Highway 12 (Euclid Avenue) and multifamily residential and to the west is manufactured home sales and residential uses.

Ms. Morell-Gengler recommended to conditionally approve the preliminary plat for the Simmons Minor Subdivision creating 5 lots to be located in a CLM (Commercial Light Manufacturing) District, and to adopt the Findings of Fact and the conditions contained therein for property legally described in the Findings of Facts.

Commission comment

Commissioner Throssell referred to Broadwater Avenue as it goes through the Kessler Brewery property and asked is that easement dedicated through there? Ms. Morrell-Gengler stated she looked through the records and about 100 years ago the county established a public way through the Kessler Brewery property, it was not shown in the tax records as being removed from the property; therefore, it is more like an easement than a dedicated right away. It is an easement across there; so to develop that we would have to have the property dedicated to the city or some agreement with the county to have it brought up to standards.

Commissioner Throssell referred to the two ingress/egress points for each lot and asked are they available? Ms. Morrell-Gengler stated the subdivision regulations require two points of ingress/egress for the subdivision and not for each lot. Each lot has access to a right-of-way and the subdivision has two points of access. One access is to Highway 12 and the other is to Williams Street.

Commissioner Throssell referred to the portion of Broadwater Avenue, adjacent to Lot 2 and asked if that portion is proposed to be improved under this subdivision? Ms. Morrell-Gengler stated that section will be dedicated with a 60' wide right-of-way to the city and constructed to city standards.

Commissioner Peura stated given the need for wildlife corridors, is it possible to condition the subdivision to require that there be wildlife corridors with whatever development goes onto these five lots, it sounds like that is not an appropriate condition in this case. Rather that is something we would address through the development as opposed to the platting of these lots in this subdivision. Ms. Morrell-Gengler stated there is a concern that this is a wildlife corridor, though we do not have a definition of corridor, we do not have standards for corridors and we do not have criteria for what establishes a corridor. Staff is in the process of establishing a dialog with Fish, Wildlife & Parks to see if we can clarify some of those issues. Particularly in this area so we can develop criteria, something that isn't arbitrary or capricious, something that is appropriate for an urban area and something that addresses connectivity. Staff will be looking at these issues when the Growth Policy is re-done.

Mayor Pro Tem Oitzinger asked if the final plat will come back before the Commission for approval? Ms. Morell-Gengler stated once the conditions have been met, the final plat would be brought back for approval.

Public comment

Mayor Pro Tem Oitzinger called for public comment.
Greg Wirth, 2969 Airport Road, Northland Engineering and Surveying, representing the applicant, spoke in support of the subdivision and offered to answer any questions.

Motion

Commissioner Cartwright moved to conditionally approve the preliminary plat for the Simmons Minor Subdivision creating five lots to be located in a CLM District, and to adopt the Findings of Fact and the conditions contained therein for property legally

described in the Findings of Fact and the conditions contained therein for property legally described in the Finding of Facts.

Commissioner Peura seconded the motion.

Comment

Commissioner Peura stated there is nothing in this action that addresses the wildlife corridors; however, as the city moves through the growth policy and that property begins to be developed, he asked the applicants that they give consideration of that concept on how the development could allow the movement of wildlife between Spring Meadow Lake and Mount Helena.

Amendment to Motion

Commissioner Throssell moved that other than the existing access onto Highway 12 from Lot 1 that no further access onto Highway 12 be allowed. Commissioner Peura seconded the motion.

Commissioner Peura asked if the additional accesses onto Highway 12 were controlled by MDT and not an issue the city would have authority over and would this amendment be needed. Ms. Morrell-Gengler stated that is correct, this is MDT right-of-way and the property owner must obtain access permits from MDT. They have requested an access permit for Lot 2 and that is in the process with MDT. If a condition is added, Ms. Morrell-Gengler reminded the commission that findings have to be included in the Findings of Facts to support the condition.

Commissioner Throssell stated Highway 12 is a busy highway, people are starting to pick up speed as they get out of town, he does not know what the traffic counts are, but to allow on and off turns on any of these lots along here will only compound the traffic issues. There is ample room for a frontage road the developer could construct; the lots all have access through Broadwater Avenue, there is no need for additional access onto a busy highway. Therefore, for safety reason, he believes access should be restricted onto Highway 12.

Commissioner Peura asked Mayor Pro Tem Oitzinger to allow the applicant's representative to sketch out what their access proposal is to MDT. Prior to making a decision, Commissioner Peura would like to know what the applicant is contemplating and asking MDT for.

Mr. Wirth, 2969 Airport Road, Northland Engineering and Surveying, representing the applicant, stated the applicant has met with MDT and the decision has been made that this falls in the systems impact process with the highway department. The applicant is in the process of preparing a traffic impact study to look at access to the subdivision and the traffic impacts on Highway 12 up to Broadwater Avenue and out to the Williams Street intersection. In addition, the traffic impact study will include traffic in the Overlook Subdivision and the Artisan Park Subdivision. Mr. Wirth stated he has not completed the final analysis; however, the initial approach was to get a separate approach to Lot 2 where there currently is a median opening in Highway 12. One of the issues to the approach is sight with the trees. Mr. Wirth asked that the city commission not put a condition on limiting access onto Highway 12 but to leave the jurisdiction with MDT.

Commissioner Peura asked City Engineer Leland if MDT determines that they want to consider putting an access point on Lot 2; might they consider we would need a stoplight because of the traffic and if a stoplight is required would the developer be required to put that in? City Engineer Leland stated typically the permit process is like a

subdivision application; the applicant goes in to MDT with what they have designed or what they are requesting for the permit. MDT reviews the application, with the help of the traffic impact study; they put conditions on it to mitigate any impacts they have to the approach itself. MDT is looking at this very seriously; they do want to limit the number of accesses onto major arterials and highways. If they do allow it, they would mitigate the impacts.

Commissioner Cartwright asked if the commission approved Commissioner Throssell's amendment, and MDT allows the access, what jurisdiction would control it. City Manager Burton stated the State of Montana controls access on and off of Highway 12; they do ask for comments from the City and they do listen to the comments.

Commissioner Cartwright commented this is something as we are doing our subdivision regulations, but given that our major arteries are all under state control it would certainly be nice if the city could weigh in a more official formal manner on whether we want access points. It sounds like this is outside the commission's ability to condition and he is not sure where to go from here on the vote.

City Manager Burton stated if the commission was inclined to give staff direction that they do not want any more accesses on and off of Highway 12, staff would represent that to MDT. However, at this time, staff does not have the analysis to review. The commission can always condition a subdivision with conditions but that doesn't mean MDT is going to use that condition as part of their analysis; they are going to rely on the process they have in place.

Commissioner Cartwright requested these access questions be discussed at an upcoming Administrative Meeting, Mayor Pro Tem Commissioner Oitzinger concurred. Mayor Pro Tem Oitzinger referred to the requirement if there is an amendment that Findings of Fact be formulated to reflect the intent of the amendment and fairly and unfairly, she has seen this as a dampening of the commission's ability to make amendments. She then stated for example, as what Commissioner Throssell said tonight as reflected in the minutes, does that constitute for this purpose of finding of fact, should the commission pass his amendment? City Attorney Nielsen explained when there are conditions; it is helpful to staff to give direction like Commissioner Throssell has, explaining the reason for the motion. Staff then can use that for the basis and put that in the findings. Mayor Pro Tem Oitzinger asked if she wanted to make an amendment and she had some notion why she wanted to do it but she really didn't want to shoot from the hip, what option would she have, could she get the other commission members to allow her to formulate the finding of fact in more detail and bring it back, would that be possible? City Attorney Nielsen explained that has been done in the past to allow a commission member time to work on the details necessary to have a legally viable condition. The law requires the conditions have to be supported by findings and be supported by the law. We cannot just put them in without some basis on the record.

City Manager Burton stated the statutory 35-day review period for a minor subdivision ends on July 23, 2007. Staff tries leave some time so the commission, if necessary, can table an item to a future date but still be within the statutory timeframe. If it goes right up to the edge of the statutory timeframe, the commission can always ask the applicant if they are willing to extend the timeframe so you have time for further consideration.

Mayor Pro Tem Oitzinger stated she too would like to discuss the access questions at an administrative meeting. City Manager Burton stated he too believes that would be an appropriate agenda item at an administrative meeting.

Commissioner Cartwright asked if it is easier to put a condition on the preliminary plat and remove it at final plat or to put a condition on at final plat? City Attorney Nielsen stated you couldn't add conditions after preliminary plat approval.

City Attorney Nielsen reminded the commission of the July 23rd statutory deadline and it could not be tabled without the consent of the applicant. City Manager Burton stated the commission could approve or deny the amendment; approve or deny the preliminary plat and further give direction to city staff; which is outside this review.

Commissioner Cartwright stated he likes the subdivision; however, he is concerned with the access. Therefore, he will support the amendment.

Commissioner Throssell stated he believes the city controls the subdivision and can put what reasonable and legal conditions the city wants to on it. Whether MDT grants an access permit or not is a separate issue; the city can decide to place, as long as it has a legal reasonable basis to do so, a condition of no access and the fact that MDT does grant access is in-material.

Vote on amendment Motion failed 2-2 with Commissioners Peura and Oitzinger voting no.

Vote on Original Motion Motion failed 2-2 with Commissioners Cartwright and Throssell voting no.

Commissioner Peura asked the applicant if he is agreeable to table the preliminary plat for the Simmons Minor Subdivision to August 6, 2007. After a brief discussion with his engineer, Barry Simmons, applicant; requested the preliminary plat be tabled to the August 6, 2007 city commission meeting.

PPLT Deed Transfer CONSIDER ACCEPTANCE OF DEED TRANSFER FOR LAND FROM THE PRICKLY PEAR LAND TRUST.

Staff Report

Parks & Recreation Director Lilje reported the Prickly Pear Land Trust has proposed to convey to the City of Helena three parcels of land for inclusion as public open space. The properties all fall within the city limits and have been donated to the PPLT for this purpose.

Dr. Ken and Liz Eden, and Eric and Ellen Feaver, all of Helena, each donated a one-acre lot to the PPLT in 2005. The land adjoins Mount Helena City Park on the west side adjacent to Le Grande Cannon Boulevard. In addition, Pam Hackley and Bob Hippman of Castle Valley, Utah, made a gift of family-owned land in 2003. The Quarry Hill lots cover ½ acre. The Little Moab Trail runs through the property to Mount Ascension City Park providing another route to the mountain.

Director Lilje recommended acceptance of the warranty deed transferring the properties from the Prickly Pear Land Trust to the city. In accepting these lands the city accepts responsibility to manage the property in conformance with the policies and procedures outlined in the Helena Open Lands Management Plan adopted by the City Commission

in 2004. He noted these donations add to the open lands at no cost to the city.

Commission comment Commissioner Throssell referred to the Warranty Deed, Subject To restrictions and asked if it had been negotiated with Prickly Pear Land Trust? Parks & Recreation Director Lilje stated yes, the language is meant to be able to state in other terms without tying it to our open lands management plan; but to give it the same conditions we would use incorporating the policies and procedures of the Helena Open Lands Management Plan. Commissioner Throssell asked City Attorney Nielsen is it the practice of the city to accept property with any deed restriction on it? City Attorney Nielsen stated it is not necessarily our practice; we have done it in the past, especially with Prickly Pear Land Trust.

Commissioner Throssell stated he appreciates Prickly Pear's desire to see this property continue to be used as open space. He then asked if anyone fees if these restrictions in any way will limit the city in its sound management of this asset? City Attorney Nielsen stated that he and Parks & Recreation Director Lilje discussed this and both feel these restrictions are acceptable. Attorney Nielsen did comment the original restrictions were more restrictive that what was finally agreed to.

Public comment Mayor Pro Tem Oitzinger called for public comment, none was received.

Motion **Commissioner Peura moved approval to accept the donation of property noted in the Warranty Deed from the Prickly Pear Land Trust described as follows: Lots 1 and 4 of the Swaney Minor Subdivision, being located in the NE ¼ of Section 26, Township 10 North, Range 4 West, M.P.M, Lewis & Clark County, Montana, as shown on the plat filed under Doc. No. 3036912; and Lots 18, 19, 20, 21 and 22 in Block 558 of the Original Townsite in the City of Helena; Lewis & Clark County, Montana, TOGETHER WITH the north 35 feet of closed and vacated First Street lying adjacent to Lots 18, 19, and 20 in said block.** Commissioner Cartwright seconded the motion.

Commission Comment Commissioner Throssell stated he appreciates the work of Prickly Pear Land Trust and the fact these private individuals are donating land to the city. Commissioner Throssell stated he does not know what the city of Helena is going to be like 100 years from now and by accepting this Deed with this language, the commission is saying what the city of Helena is going to be like 100 years from now. Therefore, he will be voting against the motion.

Vote Motion carries 3-1, with Commissioner Throssell voting no.

Public Hearings PUBLIC HEARINGS:
A. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, DESCRIBED IN SECTION 11-2-1 OF THE HELENA CITY CODE AND ADOPTED BY REFERENCE, FOR A ZONE CHANGE FROM CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT TO B-2 (GENERAL COMMERCIAL) DISTRICT FOR PROPERTY LEGALLY DESCRIBED AS LOT 3 & AMENDED LOT 5A OF THE RAVEN ROCK SUBDIVISION, HELENA, MONTANA;

GENERALLY LOCATED NORTH OF ALICE STREET, WEST OF ELAINE STREET, SOUTH OF AND ADJACENT TO SHEPARD WAY.

Staff Report

Zoning Officer Elroy Golemon reported the applicant is requesting a zone change from CLM (Commercial Light Manufacturing) District to B-2 (General Commercial) District to provide consistent zoning with his property located to the north. The property for this proposal is currently vacant and undeveloped.

On June 12, 2007 the Zoning Commission unanimously recommended approval (4:0 vote) of an ordinance amending the Official Zoning Map, described in Section 11-2-1 of the Helena City Code and adopted by reference, for a zone change from CLM District to B-2 District for property legally described as Lot 3 & amended Lot 5A of the Raven Rock Subdivision, Helena, Montana, COS #3081948; generally located north of Alice Street, west of Elaine Street, south of and adjacent to Shepard Way.

Mr. Golemon recommended approval of the zone change as it would provide consistent zoning in the area and is consistent with the 2001 Growth Policy and Zoning Ordinance.

The proposed B-2 (General Commercial) District is intended to provide for development of mixed commercial and retail uses, which is consistent with the existing retail/commercial uses adjacent to the subject property to the north and east. This proposal represents in-fill development and appears to lend support to the existing uses in the area. The proposal also represents an efficient use of land because the development will utilize existing city services such as water, sewer, streets, police, and fire protection. The proposed development must also comply with city regulations and codes. Therefore, the proposed zone change has the potential to help implement the various goals, objectives and policies of the 2001 Growth Policy.

Public Testimony

Mayor Pro Tem Oitzinger 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 Pro Tem Oitzinger closed the public hearing.

Motion

Commissioner Throssell moved approval of first passage of an ordinance amending the Official Zoning Map, described in Section 11-2-1 of the Helena City Code and adopted by reference, for a zone change from CLM District to B-2 District for property legally described in the ordinance. Commissioner Peura seconded the motion.

Comment

Commissioner Cartwright encouraged the developer to water their boulevard trees.

Vote

All voted aye, motion carried. **Ordinance #3088**

Simmons Minor Subdivision

CONSIDER THE PRELIMINARY PLAT FOR THE SIMMONS MINOR SUBDIVISION CREATING FIVE LOTS FROM 13.787-ACRES LOCATED IN A CLM (COMMERCIAL LIGHT MANUFACTURING) DISTRICT, GENERALLY LOCATED SOUTH OF HIGHWAY 12 (EUCLID

AVENUE) AND WEST OF BROADWATER AVENUE WITH A
PROPERTY ADDRESS OF 2707 BROADWATER AVENUE.

Continued from above. Commissioner Peura asked MR. Simmons if he is agreeable to table the application to August 6th. After a brief discussion with his engineer, Barry Simmons, applicant, requested the hearing be continued to the August 6, 2007 city commission meeting.

Motion Commissioner Peura moved to table the preliminary plat for the Simmons Minor subdivision to the August 6, 2007 commission meeting. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Civic Center Fees B. CONSIDER A RESOLUTION INCREASING THE FEES CHARGED BY THE HELENA CIVIC CENTER.

Staff Report Community Facilities Director Gery Carpenter recommended tabling the fee increase, as the resolution was not properly advertised.

Public Testimony Mayor Pro Tem Oitzinger 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 Pro Tem Oitzinger continued the public hearing until August 6, 2007.

Motion Commissioner Cartwright moved to table a resolution to increase the fees charged by the Helena Civic Center to the August 6, 2007 Commission Meeting. Commissioner Peura seconded the motion. All voted aye, motion carried.

Public Communications PUBLIC COMMUNICATIONS
There were no public comments.

Meetings of Interest MEETINGS OF INTEREST
The next Administrative Meeting is August 1, 2007 and the next Commission Meeting is August 6, 2007.

Adjournment There being no further business to come before the Commission, the meeting was adjourned at 7:47p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission

