

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
September 8, 2008
6:00 P.M.

- Time & Place*** A regular City Commission meeting was held on Monday, September 8, 2008 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 Elsaesser were present. Mayor Smith was excused. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present.
- 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 August 18, 2008 were approved as submitted.
- Consent Agenda*** CONSENT AGENDA:
A. Claims
B. Option to lease to Lewis & Clark Humane Society
C. Change Dakota Street to one-way northbound between Broadway and 5th Avenue
- City Manager Tim Burton recommended approval of the claims and the consent agenda.
- Public Comment** Mayor Pro Tem Oitzinger asked for public comment, none was received.
- Motion** **Commissioner Peura moved approval of items A through C on the consent agenda.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
- Bid Award*** BID AWARD:
A. Purchase of two (2) Stirling Bio Power sets for the Methane Co-Generation project at the Wastewater Treatment Facility
- Staff Report** Wastewater Superintendent Don Clark reported the Wastewater Treatment Facility currently uses methane gas in its boiler system to heat the digesters. This saves the city money on natural gas and eliminates the need to "burn off" all the methane produced. The city retained CDM Engineers to design plant upgrades to use Stirling engines to both heat the digesters and produce electricity using excess methane gas. The engineering is complete and bids were solicited to purchase the equipment. One bid was received from the sole supplier of Stirling Engines, T.W. Enterprises of Billings, Montana. NorthWestern Energy has agreed to provide the city a \$100,000 project incentive grant to help with this project. The city has budgeted \$319,884 to complete the project and wastewater treatment staff will install the equipment.
- Superintendent Clark recommended award of the bid to T.W. Enterprises in the amount of \$225,324 and noted the engines will provide a responsible and environmentally friendly way to use the methane gas

instead of wasting it. The energy savings may be as much as \$70,000 per year and the city will recover all costs from this project in just a few years.

Public comment

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

Motion

Commissioner Cartwright moved to award a bid to purchase two (2) Stirling Bio Power units to the lowest responsible bidder, T.W. Enterprises of Billings, Montana for the total price of \$225,324.
Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Peura announced the Advantage Helena Steering Committee has received the draft of the final plan for the Helena Branding Project. He thanked individuals and businesses involved with the plan and noted it would be on the city's website under his page for citizens to view. The plan will be presented to the Commission at a future Administrative Meeting.

Commissioner Cartwright referred to a recent article regarding Butte legislators' invitation to Blue Cross/Blue Shield to locate their new building in Butte. He also commented on other issues surrounding Blue Cross/Blue Shield's move to Helena Regional Airport property.

Commissioner Elsaesser encouraged citizens to pull and dispose of the knapweed or report it to the city or county. He announced the next plastics drive will be held November 7-11, 2008, an electronics recycling event will be held Friday, September 12 and 13, 2008 and Trash for Trees will be held September 27, 2008.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Burton asked Police Chief Troy McGee to update the Commission on the city's deer reduction program. Chief McGee explained the process for dispatching the deer; efforts will begin the week of September 15, 2008 on private property on Helena's upper eastside and should conclude by the end of October. Once the program is completed a report will be provided to the Commission. Commissioner Cartwright commended city staff for their professionalism and sensitivity in dealing with a recent deer issue in his neighborhood.

Manager Burton announced customer service training for City of Helena employees would be held October. There was Commission concurrence to use contingency funds to pay for the training.

Manager Burton reported the city has been trying to figure out a way to help the YWCA keep their building open for the winter, as their boiler needs replacement in order to maintain operations. City Attorney Nielsen and Community Development Director Sharon Haugen have been in discussions with the YWCA Board of Directors to find a solution the issue. Manager Burton asked Director Haugen to brief the Commission on the discussions.

Director Haugen stated roughly \$30,000 of city funding has been identified in the form of old income from a rental rehab program, which was a HUD program. There are caveats to using the funding and staff is

working with the City Attorney's Office, local Community Development Block Grant Manager, HUD and other YWCA's on the matter and due diligence will be performed before the issue is brought forward for Commission review and consideration. Manager Burton noted this project would not affect the Commission priorities within the budget but would require special consideration.

**Report from the
Helena Citizens
Council**

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Coordinator Julie Haehnel gave an overview of current HCC issues. Commissioner Peura noted the council would be working on neighborhood plans in various areas of the city. Mayor Pro Tem Oitzinger expressed pleasure in attending the Helena AmeriCorp/VISTA Reception before tonight's Commission Meeting.

**Public
Communications**

PUBLIC COMMUNICATIONS

The following persons expressed concern for ADA conditions within the City of Helena, specifically the downtown area: Dave Filcher, Helena; Jim Marx, Missoula; and Diana Dowling, 519 North Rodney, Helena. All persons noted they were representing the concerns of and advocating for Maureen Garrity.

Commission comment

Mayor Pro Tem Oitzinger commented the Commission will be working with staff on ADA issues to come together with solutions for the issues discussed tonight. Commissioner Peura stated he has requested estimates from the Public Works Department on the costs of installing and improving existing curb cuts. He asked that a discussion of ADA issues be placed on an upcoming Administrative Meeting agenda. Director Haugen noted an expert on ADA accessibility, Mr. Pat Goings of Denver, Colorado, would be presenting to the ADA Committee on September 19, 2008 at 9:00am in the City Commission Chambers and invited the Commission members to attend.

**Helena City Code
Section 5-2-33**

CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTION 5-2-33 OF THE HELENA CITY CODE – DEFINITION OF DANGEROUS DOG.

Staff Report

Police Chief Troy McGee reported the current Animal Control chapter in the Helena City Code defines a dangerous dog as "any dog that . . . has inflicted severe injury on a human being . . ." Currently, the definition of severe injury includes language that a person must have a disfiguring laceration requiring sutures or cosmetic surgery. Physicians do not use sutures for most dog bites. Instead, they use steri-strips that allow the bites to drain and help avoid infection. Under the current City Code, if sutures are not used, injuries suffered as a result of a dog bite are not considered severe and the dog is not classified as dangerous.

Chief McGee recommended the code be amended to comport with current medical practice. The revised language would allow the definition of severe injury to be broader and allow the Animal Control Officer to designate a dog dangerous if it inflicts injuries that physicians no longer treat with sutures.

Public comment

Mayor Pro Tem Oitzinger called for public comment.
Mary Grant, PO Box 5444, Helena MT 59604; spoke in support of the code amendment.

Motion **Commissioner Peura moved approval for first passage of an ordinance amending Section 5-2-33 of the Helena City Code and set a public hearing date of September 22, 2008.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
Ordinance #3102

SLD No. 218 CONSIDER A RESOLUTION OF INTENTION TO ASSESS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 218 ALONG THE STREETS AND AVENUES IN PARTS OF WILLOWS SUBDIVISION.

Staff Report Administrative Services Director Tim Magee reported the Commission must levy and assess an annual charge for Special Improvement Lighting District (SLD) No. 218 in order for the charge to be placed on the upcoming tax bills. Lighting district assessments are based upon the anticipated cost of electric utility bills and administrative services. Director Magee displayed the different forms of light fixtures available for use in the City of Helena.

Director Magee recommended approval of the proposed resolution of intention as it would allow for public input on the proposed annual changes.

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

Commission comment Commissioner Cartwright stated he would not support the resolution on the basis of the assessment.

Motion **Commissioner Puera moved approval of a resolution of intention to levy an assessment upon all property in SLD No. 218 to defray the cost of maintaining improvements in said district for fiscal year 2009 and set a public hearing date of October 6, 2008.** Commissioner Elsaesser seconded the motion. Motion carried 3-1 with Commissioner Cartwright voting no. **Resolution #19599**

SLD No. 219 CONSIDER A RESOLUTION OF INTENTION TO ASSESS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 219 ALONG THE STREETS AND AVENUES IN PARTS OF ASPEN PARK AT MOUNTAIN VIEW MEADOWS SUBDIVISION PHASE A.

Staff Report Director Magee reported the Commission must levy and assess an annual charge for Special Improvement Lighting District (SLD) No. 219 in order for the charge to be placed on the upcoming tax bills. Lighting district assessments are based upon the anticipated cost of electric utility bills and administrative services.

Director Magee recommended approval of the proposed resolution of intention as it would allow for public input on the proposed annual changes.

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

Motion **Commissioner Peura moved approval of a resolution of intention to levy an assessment upon all property in SLD No. 219 to defray the cost of maintaining improvements in said district for fiscal year 2009 and set a public hearing date of October 6, 2008.**

Commissioner Elsaesser seconded the motion. Motion carried 3-1 with Commissioner Cartwright voting no. **Resolution #19600**

Final Plat CONSIDER THE FINAL PLAT FOR A MINOR SUBDIVISION CREATING 2 LOTS FROM A SINGLE LOT GENERALLY LOCATED AT THE CORNER OF 8TH AVENUE AND N. BEATTIE STREET.

Staff Report City Planner Lucy Morell-Gengler reported on August 4, 2008, the City Commission gave preliminary plat approval for the minor subdivision of Lot 8, Block 605, Hoback and Cannon Addition, Helena, Montana; generally located south of Eighth Avenue and east of the Beattie Street.

The preliminary plat approval was subject to one condition:

The final plat for this subdivision must be tied to the City coordinate system and provided to the City on acceptable digital formats for archival and mapping purposes.

Ms. Morell-Gengler noted the digital format will be provided when the final plat is ready for filing with the County Clerk and Recorder.

The proposed subdivision would create 2 lots from a single lot located in the R-3 Residential District. Lot 8-A contains 4,493 square feet and measures 50 feet wide along Eighth Avenue and 89.22 feet wide along Beattie Street. Lot 8-B contains 2,537 square feet and measures 51.20 feet wide along Beattie Street. Each lot currently contains a single-family residence. Both lots comply with the zoning requirements of the R-3 District.

Ms. Morell-Gengler recommended approval of the final plat as it would allow two existing single dwelling units to be located on separate lots which would allow them to be individually sold, thereby potentially meeting a need for affordable housing.

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

Motion **Commissioner Elsaesser moved approval of the final plat for a minor subdivision creating two lots (Lots 8-A and 8-B), Block 605, (Lots 8-A and 8-B), Block 605, Hoback and Cannon Addition.**

Commissioner Cartwright seconded the motion.

Comment Commissioner Cartwright noted this residential area pays as much or more per square foot in property taxes than other districts in town. Commissioner Peura commented this proposal is a benefit of recent zoning changes.

Vote All voted aye, motion carried.

Annexation CONSIDER A RESOLUTION ANNEXING A PORTION OF LOT 3 OF THE BARBEAU VILLA SITES INTO THE CITY OF HELENA, MONTANA GENERALLY LOCATED NORTH OF CUSTER AVENUE AND EAST OF CANBY WAY.

Staff Report

City Planner Lucy Morell-Gengler reported Mary L. Kropp, William A. Kropp and Vicki A. Horton are proposing to complete the annexation of south 126 feet of Lot 3 of the Barbeau Villa Sites as shown on the Warranty Deed recorded in Book M9, Page 4071 of the Book of Deeds; all in Lewis and Clark County, Montana.

On December 03, 2007, the Helena City Commission adopted a Resolution of Intention (#19531) to Annex a portion of Lot 3 of the Barbeau Villa Sites, all in Lewis and Clark County, into the City of Helena, Montana.

The applicants have completed the conditions for annexation that included the following:

1. Infrastructure: The property owner shall install all infrastructure improvements required by the City, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements. The applicants Mary L. Kropp, William A. Kropp and Vicki A. Horton signed a Development Agreement on December 03, 2007 that defines the responsibility for installation or deferment of the improvements.

2. Review of New Construction: The property owner shall submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning, and all other Code requirements, including building and fire codes, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City. No new construction has been proposed at this time.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation. The taxes and assessments are current as of August 29, 2008.

4. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service. The property owner has completed the conditions for annexation.

Ms. Morell-Gengler recommended approval of the proposed resolution as annexation of the private property is consistent with city policy and consistent with the policy of annexing properties served by city infrastructure.

Public comment

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

- Motion** Commissioner Cartwright moved approval for a resolution annexing property located in Lewis & Clark County, Montana, legally described in the resolution and as shown on Exhibit "A" attached to the resolution. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19601**
- Annexation** CONSIDER TWO ACTIONS FOR THE SAME PROPERTY GENERALLY LOCATED EAST OF GREEN MEADOW DRIVE AND NORTH OF CRYSTAL SPRINGS SUBDIVISION:
- A. RESOLUTION ANNEXING A PORTION OF LOT 6, COS #501240/E, LEWIS AND CLARK COUNTY, MONTANA INCLUDING THE ADJACENT BENTON AVENUE RIGHT-OF-WAY; AND
- B. ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR THE EXTENSION OF BENTON AVENUE
- Staff Report** City Planner Lucy Morell-Gengler reported the owner of this property, Our Redeemer's Lutheran Church represented by Mark Barry, Council President, has requested annexation for approximately 1.54 acres into the City of Helena. The property is currently located adjacent to existing City limits and existing right-of-way (ROW). This annexation would facilitate the northward extension of Benton Avenue and would create a link between the City and the Stone Meadows subdivision. The property is described as Lot 6B shown on the attached preliminary Certificate of Survey for the creation of right of way. The property has been pre-zoned R-3 (Residential) District (Ordinance # 2933). The annexation would include the adjacent portion of Tract R-1 shown on COS #3151528 which was previously dedicated to the City as right-of-way for Benton Avenue.
- Ms. Morell-Gengler recommended approval of the annexation and dedication as it would facilitate the northern extension of Benton Avenue.
- Annexation** CONSIDER A RESOLUTION ANNEXING TRACT 8-A-1 AS SHOWN ON COS #3149282, LEWIS AND CLARK COUNTY, MONTANA, ALSO KNOWN AS THE STONE MEADOWS SUBDIVISION PHASE I, AND THE FULL WIDTH OF THE ADJACENT GREEN MEADOW DRIVE RIGHT-OF-WAY INTO THE CITY OF HELENA. PROPERTY IS GENERALLY LOCATED EAST OF GREEN MEADOW DRIVE AND NORTH OF CRYSTAL SPRINGS SUBDIVISION.
- Final Plat** CONSIDER A FINAL PLAT FOR THE STONE MEADOWS SUBDIVISION PHASE I CREATING 108 LOTS GENERALLY LOCATED EAST OF GREEN MEADOW DRIVE AND NORTH OF CRYSTAL SPRINGS SUBDIVISION.
- Staff Report** Ms. Morell-Gengler reported the owner of this property, Justin Joyner representing Joyner Enterprises, Inc., has requested annexation for approximately 38.52 acres into the City of Helena. The property is not currently located adjacent to existing City limits; the annexation of the Benton Avenue right-of-way south of the subject property would create a contiguous link with the City. The property owners of this section of future Benton Avenue right-of-way have also requested annexation to provide this link to the City.

The Resolution of Intention to Annex (Resolution #19430) established conditions for annexation as an intermediate step toward the finalization of annexation. These conditions have been met for this phase of the Stone Meadows subdivision.

The property was pre-zoned (Ordinance # 3075) so that 31 lots will be zoned R-3 (Residential) District; 73 lots will be zoned R-4 (Residential) District; and two open space lots, one utility lot and one lot for the existing cemetery will be zoned PLI (Public Lands and Institutions) District.

Regarding the final plat, on December 18, 2006, the Helena City Commission gave conditional preliminary plat approval for the Stone Meadows major subdivision creating 163 residential lots, 2 open space/park lots, and a lot for the existing cemetery from 60.08 acres. The property was simultaneously pre-zoned R-3 (Residential), R-4 (Residential), and PLI (Public Lands and Institutions) Districts. The applicant is requesting approval of the final plat for the first phase of the development creating 104 residential lots, two open space/park lots, one utility lot and one lot for the existing cemetery.

The approval of the preliminary plat was subject to the conditions stated in the Findings of Fact which have been completed for this phase. For reference, a list of the original subdivision conditions and their status is attached to this transmittal memo.

The proposed annexation and subdivision would develop an area that is near the City with urban density residential uses. This annexation and subdivision would reduce sprawl and ease some of the pressure to develop lots in the County with septic systems thereby reducing the potential negative impact on ground water. Annexation allows City standards to be applied to development of this property.

Approving the final plat would allow the sale of the lots, would encourage the development of property in this area and will provide right-of-way for the northward extension of Benton Avenue.

Commission comment Commissioner Cartwright spoke in support of the proposals but expressed concern about more development north of the riparian area. Commissioner Peura thanked the developer for correcting Commission concerns regarding connectivity in the preliminary plat.

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

Motion **Commissioner Peura moved approval for a resolution annexing a portion of Lot 6, COS #501240/E, and the adjacent Benton Avenue ROW, Lewis & Clark County, Montana into the City of Helena, as legally described in the resolution.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.
Resolution #19601

Motion **Commissioner Peura moved to accept the dedication to the City of Helena of Lot 6B for ROW designated on Certificate of Survey of Lot 6.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Motion **Commissioner Peura moved approval for a resolution annexing Tract 8-A-1 shown on COS #3149282, Lewis and Clark County, Montana, also known as the Stone Meadows Subdivision**

Phase I and the full width of the adjacent Green Meadow Drive right-of-way into the City of Helena, as legally described in the attached Resolution of Annexation into the City of Helena. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
Resolution #19603

Motion **Commissioner Peura moved approval for the final plat of the Stone Meadows Subdivision Phase I creating 108 lots and to accept the dedication to the City of Helena for property for public improvements designated thereon.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Res of Intent to Annex CONSIDER A RESOLUTION OF INTENTION TO ANNEX CONTIGUOUS GOVERNMENT PROPERTY BEING PORTIONS OF BENTON AVENUE RIGHT-OF-WAY INTO THE CITY OF HELENA; PROPERTY IS GENERALLY LOCATED EAST OF THE CRYSTAL SPRINGS SUBDIVISION AND NORTH OF WILLOWBROOK DRIVE.

Staff Report Ms. Morell-Gengler reported The City of Helena proposes to annex the following right-of-way to improve efficiency and minimize confusion for emergency providers:
The approximately 225-foot long and 30-foot wide portion of right-of-way shown as Tract R-1, on COS #3151528, Lewis and Clark County, Montana, located north of Willowbrook Drive and east of the Crystal Springs Subdivision.
This right-of-way is adjacent to land that is currently in the City of Helena was dedicated to the City in June 2008 to facilitate the northward extension of Benton Avenue but was not annexed. The annexation of this street right-of-way into the City is intended to assist emergency response personnel in correctly defining the City/County service boundaries for emergency aid, as well as promote uniform development of street section improvements and street maintenance.
In accordance with Montana Law (Section 7-2-4403 MCA), the administrative head of the owner of land referred to in 7-2-4402 or the administrative head of the holder of a beneficial interest in such land shall file with the clerk of the municipality a description of the land, a certification of ownership or of beneficial interest therein, and a statement that the owner of or the holder of the beneficial interest in the land desires to have it annexed. City Manger Burton has submitted a request to have the subject right-of-way annexed to the city.
Annexation of this right-of-way is consistent with city policy, will allow for adequate street maintenance, and will assist emergency providers.

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

Motion **Commissioner Cartwright moved approval for a resolution of intention to annex contiguous government property being portions of Benton Avenue ROW as legally described in the resolution into the City of Helena and set a public hearing date of October 6, 2008.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19604**

Contract Amendment CONSIDER AN AMENDMENT TO THE CENTENNIAL PARK/KINDRICK LEGION FIELD DESIGN/ENGINEERING CONTRACT.

Staff Report

Parks & Recreation Director Amy Teegarden reported in April 2008 a contract for consulting services was awarded to Carl Thusen, ASLA for landscape, architecture and engineering services for Centennial Park and Kindrick Legion Field. Since then, the City has identified additional services to be included in the scope of services; engineered grading plan and coordination with DEQ of matters related to the landfill (methane and groundwater monitoring systems), storm water planning, basketball and tennis courts site locations, expanded parking and road design/construction and green space design (associated with the pending State Armory property lease). Revisions for Kindrik Legion Field include a detailed "prescription" for replacing the infield as well as maintenance recommendations for the outfield.

These additional items equate to a substantial addition to the original scope of work and the technical risk for the consultant. Parks Superintendent Rich Lynd and Director Teegarden discussed the initial proposed revisions with the consultant and several changes were made and costs eliminated as a result. The amendment increases the previous contract amount by \$109,347.30.

Director Teegarden recommended approval of the amendment and explained if the contract is revised the grading work could commence before winter, thus allowing more construction development next spring. If the contract amendment is made, the consultant will:

1. Completed design and engineering requirements for grading plan package (end of September)
2. Helena Sand and Gravel will be able to revise their bid (mid-October)
3. City Commission would consider change order (end of October)
4. Helena Sand and Gravel could resume work (first of November) leaving about a month of construction time before the weather will be at risk of shutting down the project.

Commission comment

Commissioner Peura asked if the increase of the contract would keep the city within budget for the project? Director Teegarden stated yes and noted the design and engineering contract is approximately 10% of the overall budget for the projects.

Public comment

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

Motion

Commissioner Peura moved approval to accept the revised scope of services and amend the contract in the amount of \$109,347.30 with Carl Thusen, ASLA. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

Ten Mile Committee

CONSIDER A RESOLUTION ESTABLISHING A TENMILE WATERSHED COLLABORATIVE COMMITTEE.

Staff Report

Director Teegarden reported staff is proposing to create a committee to collaboratively review the condition of the watershed and

make recommendations for management. The advantage to having this committee would be to build consensus among various stakeholders; increase understanding of complex watershed management actions and succeed in implementing on-the-ground management actions.

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

Motion Commissioner Cartwright moved approval for a resolution establishing a Ten Mile watershed collaborative committee.
Commissioner Peura seconded the motion. All voted aye, motion carried. **Resolution #19605**

Comment Commissioner Peura thanked staff for their work towards the creation of the committee.

Public Hearings PUBLIC HEARINGS:
A. CONSIDER A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 218 ALONG THE STREETS AND AVENUES IN PARTS OF THE WILLOWS SUBDIVISION.

Staff Report Director Magee reported a resolution to create SLD No. 218 was passed by the City Commission on August 18, 2008. The proposed facilities will consist of 10 units, with underground wiring, fiberglass or metal poles for 14-foot mounting heights, and glass enclosed acorn luminaries with 100-watt high-pressure sodium vapor lamps.

The estimated cost of maintenance, electrical energy, and administration for the first year is \$6,904 with the estimated cost being \$.0340 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment.

Director Magee recommended approval of the resolution as it would allow ten lights to be installed in the Willows Subdivision.

Commission comment Commissioner Cartwright indicated he would vote in favor of the resolution but expressed concern because the proposed district will be installing lights that are not dark skies compliant.

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 Cartwright moved approval for a resolution creating Special Improvement Lighting District No. 218.
Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19606**

B. CONSIDER A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 219 ALONG THE STREETS

AND AVENUES IN PARTS OF THE ASPEN PARK AT MOUNTAIN VIEW MEADOWS SUBDIVISION PHASE A.

Staff Report

Director Magee reported a resolution to create SLD No. 219 was passed by the City Commission on August 18, 2008. The proposed facilities will consist of 38 units, with underground wiring, fiberglass or metal poles for 16-foot mounting heights, and Lexington Colonial luminaries with 100-watt high-pressure sodium vapor lamps.

The estimated cost of maintenance, electrical energy, and administration for the first year is \$17,185.40 with the estimated cost being \$.0006 per square foot of property owned, said amount to be paid by the property owners. This amount includes an additional assessment to be charged by the city to establish a cash reserve and recover any costs of the district incurred prior to receipt of the first assessments. Thereafter, the annual assessment will be approximately one-half of the first year's assessment.

Director Magee recommended approval of the resolution as it would allow 38 lights to be installed in the Aspen Park at Mountain View Meadows Subdivision, Phase A.

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 Cartwright moved approval for a resolution creating Special Improvement Lighting District No. 219.
Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Resolution #19607**

Public Communications

PUBLIC COMMUNICATIONS
No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST
The next Administrative Meeting is Wednesday, September 17, 2008 and the next Commission Meeting is Monday, September 22, 2008. A Commission tour of the Upper Tenmile Watershed will be held on Friday, September 12, 2008. The city's ADA Committee will be meeting on Friday, September 19, 2008.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:41p.m.

Mayor James E. Smith

ATTEST:

Clerk of the Commission