

**CITY OF HELENA  
REGULAR CITY COMMISSION MEETING  
January 12, 2009  
6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, January 12, 2009 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, Peura, Elsaesser and Shropshire were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. Others present were Winston Greely 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 December 15, 2008 were approved as submitted.

***Appointments***

APPOINTMENTS:

- A. Golf Advisory Board
- B. Helena Housing Authority
- C. Public Art Committee

Mayor Smith asked for Commission concurrence on the following appointments:

Bill Roberts Golf Advisory Board - Steve Messina and Jeff Hiel to the Bill Roberts Golf Advisory Board. Terms will begin upon appointment and expire October 30, 2011.

Helena Housing Authority - Donald C. Robertson – Tenant Representative - Term will begin upon appointment and expire August 2, 2009

Public Art Committee - Reappointment of Vivian Hayes and Karen Strum to the Public Art Committee. Terms will begin upon appointment and expire December 31, 2011. Appointment of Carol Swanson to the Public Art Committee. The unexpired term will begin upon appointment and expire December 31, 2010.

***Public comment***

Mayor Smith asked for public comment, none was received.

***Motion***

**Commissioner Peura moved approval of the appointments to the Golf Advisory Board, Helena Housing Authority and Public Art Committee as outlined above.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

***Consent Agenda***

CONSENT AGENDA:

- A. Claims
- B. Utility Bill Insert – Transfer Station
- C. Dedication of a portion of Broadwater Avenue in the proposed Simmons Minor Subdivision

- D. Donation of property to State of Montana for Custer Interchange
- E. One-year time extension for final plat approval for the Artisan Park Major Subdivision; generally located east of Fort Harrison, south of Country Club Avenue, west of the Archie Bray Foundation, and north of Tenmile Creek
- F. Final passage of Ordinance No. 3106 amending the Official Zoning Map, described in Section 11-1-3 of the Helena City Code and adopted by reference, for a zone change from R-3-T-25 to a B-2 District for 1216 Chestnut Street. **Ord #3106**

City Manager Tim Burton recommended approval of the claims and the consent agenda. He referred to Item D and noted the land donation is valued in excess of \$900,000.

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

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

**Bid Award** BID AWARD:  
A. Water Maintenance Division - 6 cubic yard dump truck

Staff Report Fleet Manager Ed Robinson reported bids were received for one (1) new 6-cubic yard dump truck to replace #446, a 1990 GMC 5-yard dump truck. The low bid meeting specifications was received from Montana Peterbilt. The lowest bidder did not meet specifications for engine and warranty. A summary of the bids was included in the Commission packet. Montana Peterbilt bid a 2010 Peterbilt Model 335 with a Crysteel body at a cost after trade of \$67,512. The FY09 Budget appropriation for this unit is \$70,000.

Mr. Robinson recommended approval of the purchase of the new unit as it will allow the city to continue to upgrade its Water Maintenance fleet providing reliable equipment and reducing maintenance costs.

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

**Motion** **Commissioner Elsaesser moved approval of the bid award to Montana Peterbilt for one (1) new 6-yard dump truck for the bid price of \$67,512.** Commissioner Cartwright seconded the motion. All voted aye, motion carried.

B. State of Montana bid - Police Department patrol vehicles

Staff Report Manager Robinson reported the State of Montana has opened bids for police pursuit vehicles for 2009. The bids included several makes and models. Staff reviewed the bids and selected the Ford Crown Victoria. This unit is the standard unit in the city's police fleet and provides for the transfer of the majority of additional equipment. The unit price of these vehicles is \$25,626.07. Total cost of the four vehicles to be purchased in FY2009 would be \$102,504.28. The budget appropriation for the vehicles and accessories is \$110,240.

Manager Robinson recommended award of the bids for FY2009 police patrol fleet per the State of Montana contract. He noted all vehicles replaced will be declared surplus and sold at auction in October 2009.

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

**Motion** Commissioner Elsaesser moved approval of the bid award for four (4) Police Patrol Interceptors to Bison Ford for a total bid price of \$102,504.28. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

C. State of Montana bid - Administrative and Service Fleet purchases

Staff Report Manager Robinson reported the State of Montana opened bids for administrative and services vehicles in December 2008. The City of Helena included a number of vehicles identified for fleet replacement from all divisions in the bid process. A summary of all departments and divisions with their vehicle requests, budgets and bid prices was included in the Commission packet.

Manager Robinson recommended the purchase of the new vehicles at the bid prices as presented in the bid summary. He noted all vehicles replaced will be declared surplus and sold at auction in October 2009.

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

**Motion** Commissioner Elsaesser moved approval of the bid award to those dealers identified in the bid summary. Commissioner Cartwright seconded the motion. All voted aye, motion carried.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Peura reminded citizens to keeps their sidewalks clear.

Mayor Smith and Commissioners Peura, Elsaesser and Cartwright welcomed Commissioner Shropshire to the Commission. Commissioner Shropshire expressed excitement to begin her term on the Commission.

**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. Priority List for economic stimulus projects for the City of Helena

Manager Burton City Manager Burton reported as a result of a recommendation from Senator Tester, staff has prepared a draft resolution related to the City of Helena's priority list for economic stimulus projects. He referred the commission to the resolution and the following Economic Stimulus Project list in priority order as recommended by staff:

0-6 Months – Ready To Go To Bid

1. Transit Facility
2. Centennial Park Earthwork
3. Trail System Enhancement/Expansion
4. 15<sup>th</sup> Street Parking Garage
5. Airport Gravity Main
6. ADA Ramps

7. Main Replacement Projects
8. Airport Road Reconstruction
9. Red Mountain Flume Reconstruction

6-18 Months – Ready To Go To Bid

1. Pretreatment with Dissolved Air Flotation
2. Woolston Reservoir

City Supported EIS Approved State & Federal Projects Through MDOT

1. MDT I-15 Corridor Improvements
  - a. Custer Interchange
  - b. Washington/Frontage Road Realignment
  - c. Cedar Street Widening
  - d. I-15 Bridge
  - e. Capital Interchange Improvements
  - f. Eastside Loop Road (I-15 to Highway 12 E)
  - g. Montana Avenue Grade Separation/Intersection Improvements

Manager Burton stated there will be a meeting with other cities of Montana on Tuesday, January 13, 2009 at 1:00 p.m. in City/County Building Room 326 to discuss if the stimulus act were approved, how to provide the appropriate level of accountability, the structure of how the funds would move from the federal government to cities and counties around Montana, and fairness issues between small, medium and large communities.

Commissioner Cartwright requested the installation of pedestrian countdown timers to all city-owned traffic lights be included in the list of priorities. Manager Burton stated he believes the countdown timers would be eligible for funding under ADA improvements and concurred to represent Commissioner Cartwright's request.

Commissioner Cartwright spoke of the value in long-term planning, particularly the Transportation Plan.

**Motion**

**Commissioner Elsaesser moved approval of a resolution declaring certain infrastructure projects to be priorities within the City of Helena.** Commissioner Shropshire seconded the motion. All voted aye, motion carried.

**Comment**

Commissioner Peura spoke in support of the resolution and requested it be posted on the city's website. Commissioner Cartwright thanked staff for their work compiling the list of projects.

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

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Winston Greely gave an update on the undeveloped parks project. He reported the HCC's All-District Meeting would be held on March 12, 2009 and noted the HCC will be electing officers at its January Meeting. Mr. Greely announced there are vacancies in Districts 3, 5, 6, and 7.

***Public Hearings***

PUBLIC HEARINGS:

A. FINAL PASSAGE OF ORDINANCE NO. 3105 AMENDING TITLE 7, CHAPTER 8, SECTION 7-8-6 OF THE HELENA CITY CODE - EMERGENCY SNOW ROUTES.

## Staff Report

Assistant Public Works Director Phil Hauck reported the Public Works Department is recommending an ordinance amendment to City Code 7-8-6: Emergency Snow Routes; Establishment; Signs. This section of code includes a listing of all streets designated as emergency snow routes. This action is necessary due to newly constructed streets, annexations, and updates based on established routes.

The proposed changes to the existing ordinance list are as follows:

## East-West Streets:

1. 11<sup>th</sup> Avenue – Fee to California (#20)
2. Brady – Joslyn to Henderson (#21)
3. Valley – Henderson to Custer (#22)
4. Country Club – Joslyn to west city limits (#23)
5. Airport Road – Carter to Washington (#24)
6. Peosta – Benton to Linden (#1)
7. Leslie – Linden to Joslyn (#25)

## North-South Streets:

1. Montana Avenue – 11<sup>th</sup> Avenue to Broadway to Diehl (#10)
2. Saddle Drive – Broadway to Gold Rush Colonial (#15)
3. Allison – Euclid to Allison LeGrande (#17)
4. Colonial – California to Saddle (#18)
5. Joslyn – Euclid to Brady (#19)
6. McHugh – Custer to north city limits (#20)
7. Carter Drive – Highway 12 East to Airport Road (#21)
8. Linden – Peosta to Leslie (#22)

Assistant Director Hauck recommended approval of the proposed amendments as it would provide an updated, mapped system of emergency snow routes to the traveling public.

## 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 approval for final passage of Ordinance No. 3105 amending Title 7, Chapter 8, Section 7-8-6 of the Helena City Code – Emergency Snow Routes.** Commissioner Peura seconded the motion. All voted aye, motion carried. **Ord #3105**

B. CONSIDER WHETHER THE CAIRD MIDTOWN REDEVELOPMENT PROJECT PROPOSED BY ROCKY MOUNTAIN DEVELOPMENT COUNCIL, LOCATED AT 1200 BOULDER AVENUE FOR LOW INCOME RESIDENTS SATISFIES A COMMUNITY HOUSING NEED.

## Staff Report

Community Development Director Sharon Haugen reported Rocky Mountain Development Council (RMDC) would like to purchase the former Caird Foundry to develop low income housing. This multi-phased redevelopment project will result in the construction of a combination of one, two and three bedroom apartments for families at or below the 60% median income for Lewis & Clark County. Part of the financing for this project would come from the proceeds of the sale of Low Income Housing Tax Credits. RMDC would like to apply for the tax

credits this winter. MCA 15-6-221 requires the unit of local government where the proposed project is to be located to give due notice, and hold a public hearing to solicit comment on whether the proposed qualifying low-income rental housing property meets a community housing need. A record of the public hearing will be forwarded to the Board of Housing for consideration in granting the allocation of tax credits.

The Caird Project will take place in two phases. Phase I will entail the acquisition, demolition, and remediation of the existing parcel. This phase will include an Environmental Assessment (EA), which may result in a Phase III remediation effort to remove whatever hazardous materials may be found on the site. The property is currently zoned CLM and RMDC will be requesting a zone change to R-O. The second phase of the project will be the design and construction of a 20 unit, two-story apartment building. Subsequent phases will emphasize underground parking and maximum open space which will be incorporating additional housing units and possibly some light commercial uses.

Director Haugen stated the redevelopment of the former Caird Foundry site will address a community housing need by addressing the need for additional housing units for lower income citizens. There continues to be a demand for these types of units. The site of the project is centrally located to businesses and public services, including transit. It will also result in the redevelopment of an area that is currently underutilized.

#### Discussion

Commissioner Peura asked if there is a deadline to designate the project as addressing a community housing need? Director Haugen stated yes, a decision needs to be made tonight as RMDC would like to apply for tax credits in the current grant cycle. He asked if a motion by the Commission tonight would preclude any flexibility in any site specific changes? Director Haugen stated no, the action before the Commission is to determine if a 20-unit low income housing project would meet a community need; it will not preclude any additional design and is the beginning of many meetings to follow regarding the project. Commissioner Peura asked how this project and potential tax credits impact funding that may or may not be available related to the Stewart Homes renovation? Director Haugen responded the Stewart Homes renovation is a totally different and separate project with a different funding mechanism. Staff is not aware of any tax credit application for the Stewart Homes project so there is no direct competition for the credits at this time or for future projects at Stewart Homes.

Commissioner Cartwright asked if the tax credits could be used at a different location if the Environmental Assessment comes back negative. Director Haugen stated no, and added Lewis & Clark County has a Brownsfield Grant and the Caird site is on the list to do a Phase I assessment.

Commissioner Shropshire asked if the amount of tax credits could increase if it was determined the project warranted more units? Director Haugen stated no as the tax credit application is unit specific. Commissioner Shropshire stated she had been told the application could not include dormitory's and asked what types of housing the tax credits could go to? Director Haugen explained tax credits are designated to very specific types of projects, generally multi-family. There are some provisions that allow credits for home ownership but this application is requesting multi-family tax credits.

Mayor Smith stated the proposal seems very site specific and asked if the Commission would be bound to change the zoning of the

property if the agenda item were approved. Director Haugen explained the Commission would not be bound to any other approvals associated with the project by their decision tonight. The motion is site specific because you must list a specific project with a name and title to apply for tax credits.

Commissioner Shropshire referred to the staff report that stated there are 500 people on the waiting list for housing from the Helena Housing Authority and asked Director Hagen for an estimate of how many units of low income housing the city needs. Director Haugen stated the city is in the process of updating its Growth Policy and doing a Community Needs Assessment; she indicated she would have that information for the Commission at a future date but commented 20 units certainly would not fully address the need.

#### Public Testimony

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

The following persons spoke in support of the project as addressing a community housing need:

Gene Leuwer, RMDC, 1601 Jerome Street; Jeff Miller, RMDC, 210 South Cooke Street; Maureen Rude, 5530 Spur Drive; Michael O'Niell, 621 Hillside, A.W.A.R.E. Montana Home Choice Coalition; and Mark Simonich, 509 3<sup>rd</sup> Street, Montana Association of Realtors.

RMDC Director Leuwer noted during his testimony that in 1998 RMDC worked with the Helena Housing Authority on a 16 unit project ultimately located in the Skelton Subdivision. The site initially proposed was located behind the Circus Theater; in the time between the submission of the tax credit application and the award of the credits, the Housing Authority received funding for a project at the same site. Following negotiations with the State of Montana, RMDC was able to change the location of the site. He explained in that instance the site characteristics were closely related and there was a valid reason to change the location after the proposal was submitted.

The following persons spoke in opposition to the proposed project being located on the Caird site:

Leroy Beebe, 1620 Townsend Avenue; Terry Krantz, 1413 Boulder Avenue; Bonnie Lorang, 1512 Butte Avenue; Rose Casey, 1422 Walnut Street; Shawn Whitewolf, 908 Flowerree; Dr. Daniel Hash, 1300 N. Montana; Naomi Miller, 1106 N. Lamborn; Andy Skinner, PO Box 5447; Ralph Coslitt, 1639 Aspen; M.C. Beeby, 1620 Townsend Avenue; and Bruce Clark, 1411 Cherry Avenue.

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

#### Discussion

Commissioner Peura referred to pictures of a tax credit project in Missoula Mr. Miller passed out to the Commission and asked if the project will be modeled that project. Mr. Miller stated no, he had just wanted to show an example of the creativity that could be a model for the project. RMDC plans to engage the neighborhood in the design in order to honor the historical significance of the site and develop facades and appearances that would complement the neighborhood. Commissioner Peura asked if there is a possibility that some of the units may be owned and not all rental units? Mr. Miller stated it is foreseeable but he would not want to get anyone's hopes up. The economies of developing the project may preclude any individual units. He noted RMDC has built five separate, single family residences in the 6<sup>th</sup> Ward in the past five years. Commissioner Peura asked for more information on the possibility of

mixed uses in the project. Mr. Miller stated the mixed use concept was for one of the buildings that faces Montana Avenue, either light commercial or community space. However, RMDC would have to have a pre-commitment from a commercial or community entity to lease the space as tax credit funds are not typically used to develop commercial property. He commented commercial or community use would have different traffic implications on the area and expressed RMDC's desire to hold as many public meetings as possible to refine the proposal and ultimate development of the parcel. Commissioner Peura noted neighborhood concerns that the project would create an "island" and asked for the feasibility of more connected grid streets and the closure of Lyndale? Mr. Miller stated arrangement of the streets and access through the property is very fluid at this point; RMDC wants traffic calming included in the project. Regarding the closure of Lyndale Avenue, that issue is not in RMDC's purview but they are working with the City of Helena and Montana Department of Transportation to accommodate the best re-work of the intersection possible.

Commissioner Cartwright asked for more information on comments that the project could cost 20 million dollars. Mr. Miller explained it is estimated that all three phases could cost \$ 6-8 million dollars each.

Commissioner Shropshire asked for more information on the EA currently being done. Mr. Miller stated RMDC's offer to purchase the property is contingent on the owner conducting a Phase I EA. There is Brownsfield funding available for the current property owner to perform the assessment but not available for remediation. If RMDC were to step in as a new owner, the grant is structured as such that RMDC could seek money to do a Phase II assessment and then develop a remediation plan, for which there are Brownsfield monies and grants available. Commissioner Shropshire asked if the tax credits would be contingent upon the results of the EA. Mr. Miller stated the application requires the EA be performed in order to ensure that if funding were awarded, the issues with the property are solvable. He explained RMDC's goal is to enter into a buy/sell with the current property owners this week and apply for the tax credits. Even if the credits were awarded, in preliminary discussions with the current owners they have indicated they may not wish to sell the property until 2010. That would result in all of 2009 being spent on developing the site plan and working out a timeline for the remediation. Commissioner Shropshire asked if RMDC can apply for the tax credits without the completion of the EA? Mr. Miller explained RMDC is required to conduct an initial Environmental Survey by the city's Environmental Certifying Officer. He noted it is contemplated that RMDC will do the Phase I and II EA's and remediation and that it is tractable and affordable. If it is not, RMDC has no intention of developing the property as a housing site. He added if a buy/sell is executed by the January 16, 2008 application deadline they will allow time to conduct the EA.

Commissioner Cartwright expressed concern for excessive parking, the design of the proposal and the cost of the development. He indicated he would support the determination of the project meeting a community housing need but commented RMDC has a lot of outreach and repair to do in the community.

Commissioner Shropshire spoke of transparency in city government and noted it is missing in this project. She expressed concern that the requirements of the tax credit application will not be completed before its due date and also with locating residential housing



on a contaminated site that will require remediation. She commented it is risky to approve a community project in an area not zoned residential. Commissioner Shropshire indicated she would not support proposal.

Commissioner Peura spoke of RMDC's success and track record in the community and indicated he would support the proposal as meeting a community need. He expressed concern with the process and lack of notice to the community. He asked for regular updates on the project and noted he expects close collaboration between RMDC and the Midtown Association and area partners. He spoke in support of creating a Tax Increment Finance District for the area.

Commissioner Elsaesser expressed concern with the speed and environmental issues of the proposal but indicated he would be comfortable saying there is a need for such a project.

Mayor Smith noted he would support the motion and asked RMDC to work with the neighborhood.

#### Motion

**Commissioner Peura moved to determine that the Caird Midtown Redevelopment Project proposed by RMDC, located at 1200 Boulder Avenue, will address a community housing need.**

Commissioner Cartwright seconded the motion. Motion carried 4-1, with Commissioner Shropshire voting no.

C. CONSIDER FIRST PASSAGE OF AN ORDINANCE FOR A ZONE CHANGE FROM THE R-2 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO B-2 (GENERAL COMMERCIAL) DISTRICT, FOR LOTS 1 THROUGH 13 IN BLOCK 105, MING ADDITION, HELENA, MONTANA, GENERALLY LOCATED SOUTH OF WILDER AVENUE, EAST OF HENDERSON STREET AND WEST OF ALLISON STREET.

#### Staff Report

City Planner Elroy Golemon reported on December 09, 2008 the Helena Zoning Commission recommended approval for the adoption of an ordinance amending the Official Zoning Map, described in Section 11-1-3 of the Helena City Code and adopted by reference, for a zone change from R-2 (Residential) District to B-2 (General Commercial) District for five developed parcels containing 13 platted lots; generally located south of Wilder Avenue, east of Henderson Street and west of Allison Street.

Following a thorough Powerpoint presentation on the proposal, Planner Goldman recommended approval of the zone change as it is consistent with the 2001 Helena Growth Policy and Zoning Ordinance, and is compatible with the surrounding land uses.

#### Commission comment

Commissioner Cartwright asked if an entire block except one property has been re-zoned in the past? Planner Golemon confirmed it has happened and there are examples on the city's zoning map. Commissioner Cartwright asked if zoning between residential and commercial is supposed to break in an alley and not a street. Planner Golemon explained he is not aware of any opinion to that effect, but it has been past practice.

Commissioner Peura asked for the definition of spot zoning. City Attorney Nielsen explained spot zoning is typically when an area is owned by one owner and is given its own zoning designation that only benefits that one owner. He noted one property owner will not benefit from this proposal because it would expand the contiguous existing zoning. Commissioner Peura referred to zoning criteria number 9, and asked if this zone change would have a detrimental effect on the

surrounding building values? Attorney Nielsen explained the criteria can be considered if it relates to a zone change that would greatly diminish building values. If that's the only criteria there is, it doesn't not necessarily mean that it is a showstopper on the zone change but it can be a consideration.

Public Testimony

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

The following persons spoke in opposition to the proposed zone change: Christine Wike, 1224 Wilder Avenue; Mark Reese, 1209 Wilder Avenue; Rodger Enochson, 1320 Allison Street; Mike Burke, 1314 Leslie Avenue; Janet Fine, 1310 Leslie Avenue; Mary Keeffe, 1315 Leslie Avenue; Susan Gardipee, 1406 Allison Street; and Mark Keeffe, 1315 Leslie Avenue.

The following persons spoke in support of the proposed zone change: Jack Schunke, Morrison-Maierle, representing the applicant; and Lorell Mallard, 1329 Wilder Avenue.

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

Discussion

Commissioner Cartwright asked Attorney Nielsen if when deciding upon a zone change, the Commission is supposed to match criteria to approve it, match criteria to maintain the zone or use their best judgment given the growth plan and zoning regulations. Attorney Nielsen stated there is no presumption that the Commission needs to retain the zoning and then show criteria to change it, or vice versa.

Commissioner Elsaesser expressed concern for how this proposal would impact the residential neighborhood and indicated he would not support the zone change. Commissioner Peura stated he would not support the zone change because it would surrender affordable housing stock, reduce surrounding building values, and change the character of the neighborhood. Mayor Smith noted he would not support the proposal because of concerns for increased traffic in the area.

Motion

**Commissioner Peura moved denial of an ordinance amending the Official Zoning Map described in Section 11-1-3 of the Helena City Code and adopted by reference, for a zone change from R-2 (Residential) District to B-2 (General Commercial) District for five developed parcels containing 13 platted lots as legally described in the staff report.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

D. CONSIDER A RESOLUTION AMENDING RESOLUTION NO. 11562 THAT CREATED A FEE STRUCTURE TO PROVIDE A DEDICATED FIRE UNIT AT SPECIAL EVENTS.

Staff Report

Fire Chief Steve Larson reported the Fire Department is operating under a fee structure to provide a dedicated fire unit at special events that was created on August 14, 2000. The proposed fees would accurately reimburse the city for costs incurred. Chief Larson recommended approval of the resolution. City Manager Burton added since 2000, this fee has been applied only twice.

**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 Peura moved approval of a resolution amending Resolution No. 11562 that created a fee structure to provide a dedicated fire unit at special events.** Commissioner Elsaesser seconded the motion.

**Comment** Commissioner Cartwright recommended amending the fees for apparatus rental to 50% of the proposed amount because of the failing economy and the chance that the fees are already covering capital costs.

**Amendment** **Commissioner Cartwright moved to amend the proposed resolution amending Resolution No. 11562 that created a fee structure to provide a dedicated fire unit at special events for apparatus rental to 50% of the proposed charges.** Commissioner Peura seconded the motion.

**Comment** Mayor Smith and Commissioners Elsaesser and Shropshire noted they would support staff's recommendation and not vote for the amendment.

**Vote on amendment** Motion failed 2-3, with Commissioners Elsaesser, Shropshire and Mayor Smith voting no.

**Vote on resolution** Motion passed 4-1, with Commissioner Cartwright voting no.

**Public Communications** PUBLIC COMMUNICATIONS  
Mr. Clark, 1411 Cherry Avenue; noted pedestrian signs on Cedar Avenue had been removed.

**Meetings of Interest** MEETINGS OF INTEREST  
The next Administrative Meeting is Wednesday, January 21, 2009 and the next Commission Meeting is Monday, January 26, 2009.

**Adjournment** There being no further business to come before the Commission, the meeting was adjourned at 10:32 p.m.

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

ATTEST:

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Clerk of the Commission