

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
June 23, 2014
6:00 P.M.

- Time & Place** A regular City Commission meeting was held on Monday, June 23, 2014 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 Elsaesser, Ellison, and Haque-Hausrath were present. Commissioner Haladay was excused. City Manager Ron Alles, City Attorney Jeff Hindoien and Deputy City Clerk Robyn Brown were present.
- 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 June 9, 2014 were approved as submitted.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. Resolution granting a one-year extension of Resolution of Intention to Annex No. 20027 for Tract 2A of COS #3232717; generally located west of McHugh Lane and north of Custer Avenue **Res #20083**
C. Adoption of the updated Official Zoning Map for the City of Helena
D. Resolution granting a one year extension of Resolution No. 20007 conditionally vacating an alley adjacent to Lots 1-2 and 5-17 in Block 26 of the Lockey Addition **Res #20084**
- City Manager Ron Alles recommended approval of the claims and the consent agenda.
- Public comment** Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Ellison moved approval of items A through D on the consent agenda.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- Bid Award** BID AWARD:
A. Guardian Building Ramp Replacement, City Project No. 11-17
- Staff Report** City Engineer Ryan Leland reported the Guardian Building's ramp is deteriorating and in need of replacement. The owner of the Guardian Building requested and received \$35,000 of the City of Helena's CTEP allocation. The property owners have agreed to pay any cost over-runs and the CTEP match for this project.
- The city received four quotes for the project. The apparent low bidder was Abraham Construction of Helena with a quote of \$39,101.90.
- Engineer Leland recommended award of the project to the identified low bidder and noted staff did not identify any disadvantages to this proposal.

- Public comment Mayor Smith asked for public comment, none was received.
- Discussion Commissioner Elsaesser asked for more information on project Alternates 1 & 2. Engineer Leland explained those alternates are for the application of powder coating on the hand rails. The City of Helena is not including those alternates as part of tonight's bid award; however, the applicant can fund those improvements if they desire.
Commissioner Ellison commented in support of the project, noting it is heavily used and in need of improvement. He referred to his term on the Non-Motorized Transportation Council and stated the project was discussed at length and considered a high priority.
- Motion** Commissioner Ellison moved approval of the bid award for the Guardian Building Ramp Replacement, City Project No. 11-17, to Abraham Construction in the amount of \$39,101.90. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.
- Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Elsaesser congratulated Suki Café on opening downtown on 6th Avenue today.
Commissioner Ellison announced he would be out of state through July 4, 2014.
- 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 Alles announced the City of Helena had received its 26th consecutive Certificate of Achievement for Excellence in Financial Reporting (CAFR) from the Government Finance Officers Association. Manager Alles congratulated City Controller Glenn Jorgenson and Accounting Supervisor Liz Hirst on receipt of the award and thanked them for their excellent work on the City's budget.
Mr. Jorgenson and Ms. Hirst commented they are proud of the superior quality of work the Administrative Services Department performs.
Manager Alles referred to the approaching Independence Day/ 4th of July Holiday and reminded the public that the use of fireworks is prohibited within the Helena city limits.
- Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL
No report was given.
- Public Hearings** PUBLIC HEARINGS:
A. CONSIDER A RESOLUTION TO AMEND SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 222 TO ADD FIVE (5) LIGHTS AND TWENTY-FIVE (25) PROPERTIES.
- Staff Report City Controller Glenn Jorgenson reported the City Commission approved the creation of Special Improvement Lighting District No. 222 (SILD) on March 14, 2011 for Antelope Trace and Craftsman Village of Crossroads at Mountain View Meadows Subdivision. The Commission approved an amendment to the original lighting district to include

Antelope Trace Phase 2, consisting of five additional lights, on July 25, 2011.

City staff has received a petition to amend SILD 222 to include Antelope Trace Phase 3 of the Crossroads at Mountain View Meadows Subdivision. The amended district will consist of 5 additional lighting units with underground wiring, fiberglass or metal poles with 16-foot mounting heights, and Lexington Colonial luminaries with 100-watt high-pressure sodium vapor lamps. There will be a total of 74 lights if approved.

The estimated cost of maintenance, electrical energy, and administration for the first year in the amended portion is \$3,733 with the full district being assessed \$30,633. This will result in the estimated cost being \$.0227 per square foot of property owned, said amount to be paid by the property owners.

Staff planned to increase the rate per square foot for the next tax year 3% to cover the estimated increase in electrical costs. The cost per square foot is now expected to remain the same as the prior tax year due to amending the boundary.

Notice was mailed to each property owner within the proposed amended district and also published an ad in the newspaper twice in accordance with State law. Property owners had 15 days to protest and none were received.

Mr. Jorgenson recommended approval of the resolution as it will result in the area having one contiguous lighting district. Staff could've created a new district as opposed to amending the existing one, however, amending the current district will allow the new property owners to help pay for the costs of lights previously installed along the main arterial streets they receive a benefit from, resulting in a lower cost per square foot for entire amended district.

Discussion

Commissioner Elsaesser asked if the 3% increase for electricity is standard practice when amending these districts. Controller Jorgenson clarified the procedure used for estimating the increased electrical costs and confirmed 3% is a suitable increase.

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 Elsaesser moved approval for a resolution amending Res No. 19818 that created SILD No. 222 to alter the boundaries of and add five (5) lights in SILD No. 222 in the City of Helena. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20085**

B. CONSIDER A RESOLUTION GRANTING A TAX ABATEMENT TO PIONEER AEROSTRUCTURES, LLC FOR A NEW AND EXPANDING BUSINESS.

Mayor Smith announced per a request from Commissioner Haladay, the public hearing for the proposed tax abatement will be opened during tonight's meeting and then tabled to a date to be determined by the City Manager so the entire Commission can be

present to render a decision. The public hearing will remain open until the final consideration of the resolution.

Community Development Director Sharon Haugen reported on April 24, 2014 Pioneer Aerostructures, LLC (Pioneer) submitted an application for tax abatement as provided in MCA 15-24-1401. This section of the law allows local governments to grant tax abatements for qualifying improvements or modernized processes for a new or expanding business. Pioneer Aerostructures is requesting that Lewis and Clark County and the City of Helena consider allowing an abatement for the real property taxes associated with the construction of a new 32,000 square foot building and the installation of two large milling machines, a large crane and all of the necessary auxiliary equipment. The total value of the equipment that is under consideration is \$13,500,000.00.

The applicant stated that fifty jobs would be created with this business in the next years. According to the MT Dept. of Labor and Industry, statics are not available for the City and/or Lewis and Clark County regarding the average wage rate for this industry versus the average wage rate for all private non-farm industries. However, statewide the average wage rate in the aerospace and other related manufacturing industry is \$62,972 while the average non-farm private industries wage rate is \$36,496.

The Lewis and Clark County Commission will hold a public hearing to consider the abatement application on June 24, 2014. If either the City or the County grant the abatement, the taxes for the School District will also be abated for this period of time.

Director Haugen recommended approval of the abatement as it would help facilitate the following objectives from the 2011 Helena Growth Policy: a) Foster diversification of the economic base; b) Promote positive partnerships between public and private sectors within the Helena area to encourage a healthy business community; c) Direct community incentive programs and other financial resources to job development, both to retain and expand existing industries and attract new ones; d) Encourage development of jobs that pay salaries and benefits sufficient to support families and contribute to the economy of the community, including providing active assistance to businesses and individuals where appropriate, and e) Work closely with the Helena Regional Airport Authority to facilitate growth in aviation, aeronautical, and light manufacturing businesses related to aviation within the area encompassed by the Airport Master Plan.

Although the construction of the building and the purchase of the equipment will result in an overall net increase for the City of Helena and the other taxing jurisdictions, there will be a decrease in the total revenue realized until the abatement period is completed. The total tax difference over the ten year period if approved by both the City and the County is \$560,737; \$139,778 of which would be abated by the City of Helena.

Public Testimony

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

Tom Hoffman, Pioneer Aerostructures, applicant; gave a PowerPoint presentation detailing their tax abatement application.

Mike Mergenthaler, Vice President of the Helena Chamber of Commerce; urged the Commission to approve the abatement.

Jeff Wadekamper, Director of the Helena Regional Airport; spoke in support of the proposed abatement.

Dr. Chris Shove, Montana Business Assistance Connection Director, 219 East 6th Avenue; discussed Lewis & Clark County's employment demographics and the positive impact the abatement would have on the local economy.

Kory Hofland, Montana Department of Revenue (DOR); provided a spreadsheet created by the DOR showing the fiscal effects of the abatement over a 10-year period (this spreadsheet is included in the Commission packet as part of the official record. The applicant would pay \$1.7 million without the abatement and \$1.2 million with the abatement. Mr. Hofland requested that if the application is approved, the City's resolution authorizing the abatement clearly states the year the abatement should start in.

Kevin VanDyke, Helena; past employee of Summit Aeronautics; commented on his position with Summit Aeronautics; he was in charge of recruiting employees to fill highly technical positions.

Brian Foos, Engineering Manager with Pioneer Aerostructures; commented on the benefits Pioneer will provide to its employees and the community.

Dean Daniel Bingham, Helena College of Technology; discussed the positive partnership Pioneer Aerostructures will have with Helena College.

Howard Skjervem, Northwester Energy 1515 Last Chance Gulch; expressed support for the proposed abatement.

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

Discussion

Mayor Smith asked DOR Representative Mr. Hofland if this proposal qualifies as the type of proposal anticipated by the Department of Revenue when this incentive was made into law. Mr. Hofland gave an overview of the program and benefit to high value businesses.

Commissioner Ellison stated he is very much in support of the proposal, and would like to move forward with rendering a decision on the abatement. However, if it is preferred by the majority of the Commission that all five members be present to discuss the issue before voting on it, he would support tabling the abatement until the soonest possible date.

Commissioner Elsaesser requested confirmation that tabling this proposal would not create problems for any party due to timeframes established by state statute. Manager Alles confirmed it would not breach the statutory timeframe. He added the public hearing will most likely be continued to the July 21st Commission Meeting; as Mr. Hoffman will be out of state for the July 7th Meeting.

Motion

Commissioner Elsaesser moved to table a resolution approving a tax benefits application by Pioneer Aerostructures, LLC for qualifying improvements to the call of the City Manager.

Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

- C. CONSIDER A RESOLUTION TO BUDGET ADDITIONAL PROPERTY TAX REVENUE FOR FISCAL YEAR 2015 (FY2015).

Staff Report

Administrative Services Director Tim Magee reported state statute allows the City to budget additional property tax revenues over the prior year level as specified in 15-10-420, MCA. In accordance with 15-10-203, MCA the city is required to hold a public hearing before budgeting any increase in total property tax revenues. The city intends to budget tax revenue increases as allowed by state law.

Director Magee recommended approval of the resolution as the proposed tax revenue increases are necessary to preserve the present level of services to the community.

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 Ellison moved approval of a resolution to budget additional property tax revenue of 2.19% for FY2015.

Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20086**

D. CONSIDER A RESOLUTION TO ADOPT FINAL BUDGETS, BUDGET AUTHORITIES AND ANNUAL APPROPRIATIONS FOR FY2015.

Staff Report

Director Magee stated the Local Government Budget Act, MCA, Title 7, Chapter 6, Part 4, requires the City to develop and adopt an annual budget. The annual budget development process has encouraged public participation and included: City Manager's presentation of the Preliminary Budget to the City Commission on April 21, 2014; a series of City Commission work sessions in which the entire Preliminary Budget was reviewed; Public Hearing Notices published in accordance with MCA 7-1-4127; and a list of amendments to the Preliminary Budget.

Director Magee recommended the Commission conclude the budget development process by: conducting the public hearing on the Preliminary Budget to receive public input; determining if there are any additional changes to be added to the list of amendments to the Preliminary Budget; and adopt the annual budget resolution for the final budget as amended.

State law requires the Commission's approval of the annual budget. Its approval enhances the city's ability to conduct business in a timely and efficient manner, while maintaining effective budgetary controls.

Manager Alles discussed the budget overall and the high level of service provided by the city.

Manager Alles recommended the Commission consider an amendment to the budget that would allocate 25,000 from the street maintenance funds for improvements (traffic/non-motorized/pedestrian safety, ADA, increased parking) at the Capital Complex. This amendment is titled City Manager Budget amendment and is included in the packet as part of the official record.

Commissioner Haque-Hausrath referred to the new full-time Administrative Assistant Position in the Building Division and asked how it relates with concerns by the building community that fees are getting unsustainably high. Discussion was held on the position, the increase in

construction in the City and the history of layoffs in the department in the past. Manager Alles noted this position enhances the services of the department and is absolutely sustainable.

Public Testimony

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

Elizabeth Andrews, 727 12th Avenue, Helena; thanked the Commission for encouraging public comment and interaction when working through the public transit budget. She recommended the city use in-kind services, provided by her as a consultant, in order to continue East Valley Bus Service five (5) days per week.

Deborah Swingley, MT Council on Developmental Disabilities; also urged the city to use in-kind services, provided by her, to continue the East Valley Bus service five days per week.

Gerald Hutch, 1206 Walnut Street; expressed support for the HATS program.

Bob Maffit, 1500 Garfield Street; thanked the Commission for working to retain and improve the 5311 transit service.

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

Motion

Commissioner Ellison moved approval of a resolution adopting final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2014 and ending June 30, 2015 as amended and setting the salary for municipal judge. Commissioner Haque-Hausrath seconded the motion.

Motion

Commissioner Haque-Hausrath moved approval to accept the pro-bono services offered by Ms. Swingley and Ms. Andrews, restricting their funding to be used to maintain 5 day per week service for the East Valley Bus Route. Commissioner Elsaesser seconded the motion.

Discussion

Commissioner Elsaesser asked Manager Alles for his comments on the proposal for in-kind services. Manager Alles noted staff had just received the proposal at 5:15 p.m. this evening; reasonably he has some questions to ask and research to perform before he would recommend the Commission make a motion to accept the proposal. He commented he was under the impression that new funding needs to be created before in-kind services could be used toward the 5311 program.

Very thorough discussion was held on the proposal for in-kind funding. Commissioner Haque-Hausrath spoke in support of the proposal and noted if the funding is not awarded by MDT there will be no obligation to spend the funding.

Mayor Smith noted the proposal arrived too late in the budget process for him to support it this year. He indicated he would not object to reviewing the proposal during next year's review process.

Commissioner Ellison commented the Commission and staff have been working on and discussing the HATS budget for the past three months. Over that time, Lewis & Clark County and East Helena could've stepped up to the plate and agreed to provide the funding needed to sustain the East Valley Bus service 5 days per week; but they did not.

City Manager Alles explained the options to apply to use this proposal without a formal budget amendment by the Commission. Staff

is absolutely open to seek additional funding sources and City Manager Alles and Superintendent Larson have the authority to seek alternative funding sources at any time without needing a formal amendment. Commissioner Haque-Hausrath concurred and stated she would like to ensure the Manager has the authority to seek any and all funding sources available.

Commissioner Elsaesser thanked Ms. Andrews and Ms. Swingley for their offer.

Vote Motion failed 2-2, with Mayor Smith and Commissioner Ellison voting no.

Amendment **Commissioner Haque-Hausrath moved to amend the budget to show that the 2% increase to residential solid waste from last year (approximately \$70,000) remains set aside as a line item for recycling; to set aside \$100,000 from the Residential Solid Waste for FY2015 for recycling; and postpone use of capital funds at the Transfer Station until the efficiency study is completed, and then all capital improvements must have City Commission approval.** Commissioner Ellison seconded the motion.

Friendly Amendment Commissioner Ellison offered the following friendly amendment: **none of the funds under consideration for recycling be expended on the current blue bag program pending the outcome of the Solid Waste Study, until the Commission can come up with an alternative to existing program.** Commissioner Haque-Hausrath accepted the friendly amendment, adding **to leave the \$60000 for blue bag program set aside for recycling, not be expended on the blue bag program, until the Commission can provide direction on the entire recycling program.**

Mayor Smith stated he could not support the amendment as the “set asides” seem to keep growing.

Commissioner Elsaesser disclosed that he works with many of the recycling companies, public and private.

Vote Motion carried 3-1, with Mayor Smith voting no.

Motion **Commissioner Ellison moved approval of the amendment to appropriate an additional \$25,000 for the “Capital Complex” project in eligible Street Maintenance Funds to be used as project and/or match money.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Mayor Smith spoke about ongoing conversations regarding the expansion of the Historical Society and cautioned staff to keep that project in mind when working on capital improvements at the Capitol Complex.

Amendment **Commissioner Elsaesser moved to amend the budget to appropriate \$25,000 within the Stormwater Utility for a Pilot Program related to stormwater capacity/collection and green infrastructure projects.** Commissioner Haque-Hausrath seconded the motion.

Mayor Smith indicated he has reservations for the amendment as he doesn't feel he has enough knowledge on the project to vote in support of it. Commissioner Ellison indicated he would support the amendment for the reason that Commissioner Elsaesser had lowered the amount proposed to be set aside from the original amendment he planned to propose. He urged progress to be made in the project over the next year.

Vote Motion carried 3-1, with Mayor Smith voting no.

Amendment **Commissioner Elsaesser moved to amend the budget to set aside \$10,000 to cover administrative costs for the Montana Business Assistance Connection (MBAC) to administer water conservation funds to set up a loan program for water conservation loans.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Amendment **Commissioner Elsaesser moved to authorize the City Manager to use Open Space District Maintenance funds for Centennial Trail West.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

Mayor Smith asked if the funds are not used for Centennial Trail in FY2015, will the funds revert to being used for Open Space property. Commissioner Elsaesser explained that is his intention.

Motion **Commissioner Elsaesser moved to amend the budget to dedicate \$10,000 for overtime for snow removal/street plowing.** Commissioner Haque-Hausrath seconded the motion.

Discussion Commissioner Haque-Hausrath spoke in support of setting aside funding as the Commission will be discussing the snow plowing policy later this year and it would be good to have the extra funding available once a decision is made to improve the situation.

Commissioner Ellison indicated he doesn't see a downside to the amendment because of the winter we had last year; however, the City Manager has the authority to remedy the overtime budget if necessary.

Mayor Smith asked if the City exceeded last year's overtime budget. Manager Alles explained the plowing budget had not been exceeded the past two years.

Vote Motion carried 3-1, with Mayor Smith voting no.

Comment Discussion was held on the specific dedication of the gas tax funds. The funding will come back before the Commission in a formal presentation.

Commissioner Elsaesser requested staff investigate the use of solar panels in city parking lot. He noted the proposal would need to be presented to the City/County Building Board.

Amendment **Commissioner Elsaesser moved approve of the list of staff amendments for the FY2015 in Appendix A (various clean-up), beginning on page 65 of the Commission packet.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Comment Commissioner Ellison commended the Administrative Services Department on their work on the FY2015 Budget. Mayor Smith and Commissioner Elsaesser echoed Commissioner Ellison's sentiments.

Motion **Commissioner Ellison moved approval of a resolution adopting final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2014 and ending June 30, 2015, as amended and setting the salary for municipal judge.** Commissioner Haque-Hausrath seconded the motion. Motion carried 3-1 with Commissioner Elsaesser voting no.

- E. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3192 ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE AND REVISIONS TO TITLE 3, CHAPTER 9, OF THE HELENA CITY CODE.

Fire Chief Sean Logan reported the City is currently using the 2009 Edition of the International Fire Code. The state of Montana has adopted the 2012 Edition of the International Fire Code and local jurisdictions are following suit. Historically, the City of Helena has followed suit in adoption to maintain consistency with the State and other Montana communities.

In January 2014, Fire Marshal Trapp began his review of this code. In this review, his goal was to determine what impacts the adoption of this edition might have on the Helena community if the City of Helena were to adopt it. Traditionally, the City of Helena has adopted the code in its entirety and certain appendices. In the City's last adoption, the appendices which were incorporated without amendment into the Helena City Code were;

- B, Fire Flow Requirements
- C, Fire Hydrant Locations and Distribution
- E, Hazard Categories
- F, Hazard Ranking
- I, Fire Protection Systems-Non-Compliant Conditions
- J, Emergency Responder Radio Coverage

When the Fire Marshal completed his review, his recommendations were to adopt the main body of the code in its entirety along with appendices B, C, D, F and I. He determined that Appendix E was more appropriately to be used as reference and not intended for adoption. Appendix J in the 2009 IFC dealt with radio coverage issues that were incorporated into the main body of the 2012 IFC. Appendix J in the 2012 IFC dealt with signage. Signage issues, in his opinion, were adequately addressed in the code and that the City did not need to adopt the signage conventions established in this new appendix.

Fire Marshall Trap also recommended the adoption of Appendix D, Fire Apparatus Access Codes, which had not been previously adopted by our municipality. Much of this appendix deals with road configurations and acceptable turnarounds. In his initial review, it made

sense for the City to adopt the appendix because much of it was reflected in existing development standards recognized by the City of Helena. However, upon review by City Attorney Hindoien's office, it was determined that key elements of the appendix might conflict with existing engineering standards, specifically D103.1 (Access Road Width with a Hydrant) and Section D105 (Aerial Fire Apparatus Access Roads.) As staff discussed these issues, it was thought best that the City Commission amend this appendix out of the final passage of the ordinance being considered for adoption on June 23, 2014.

Fire Chief Logan recommended discussion of the adoption of Appendix D be held prior to the next Fire Code adoption in three (3) years.

Chief Logan recommended approval of Ordinance No. 3192, excluding Appendix D, as our municipality would be consistent with what the State of Montana and other Montana cities enforce in using a more current code edition

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 Haque-Hausrath moved approval for final passage of Ordinance No. 3192 adopting the 2012 edition of the International Fire Code and Revision to Title 3, Chapter 9 of the Helena City Code. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Ord #3192**

Motion

Commissioner Haque-Hausrath moved approval for Staff Amendment No.1, to remove incorporation of Appendix D to the City Helena Fire Code. Commissioner Ellison seconded the motion. All voted aye, motion carried.

F. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3195, AMENDING TITLE 2, CHAPTER 6, PART 3 OF THE HELENA CITY CODE TO HAVE THE CITY OF HELENA BUILDING BOARD OF APPEALS SERVE AS AN APPEALS BOARD FOR THE CITY'S FIRE CODE IN THE SAME MANNER IN WHICH IT PRESENTLY SERVES AS AN APPEAL BOARD FOR THE CITY'S BUILDING, MECHANICAL, ELECTRICAL AND PLUMBING CODES.

City Attorney Jeff Hindoien reported Section 2-6-3 of the Helena City Code establishes a board of appeals to consider appeals from orders, decisions or determinations made by the applicable code official under the uniform building, mechanical, electrical and plumbing codes.

The current fire code (HCC § 3-9-8) makes reference to the Building Board of Appeals, but contemplates a more limited role for the Board of Appeals than it serves with respect to the other uniform codes.

The Commission is presently considering proposed amendments to the fire code that would remove that specialized language. This proposed amendment to Title 2 will replace that language and have the fire code treated in the same fashion as the other uniform codes for purposes of the Building Board of Appeals.

City Attorney Hindoiien explained this is basically a cleanup amendment to comply with the newly adopted fire code and recommended approval of the ordinance.

Motion

Commissioner Ellison moved approval for final passage of Ordinance No. 3195. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Ord #3195**

Public Communications

PUBLIC COMMUNICATIONS
No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST
The next Administrative Meeting is July 2, 2014 and the next Commission Meeting is July 7, 2014.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:27 p.m.

/S/ James E. Smith
Mayor James E. Smith

ATTEST:

/S/ Debbie Havens
Clerk of the Commission