

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
May 18, 2015
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, May 18, 2015 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, Haque-Hausrath and Haladay were present. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Dick Sloan representing the Helena Citizens Council.

Pledge of Allegiance

Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

Minutes

The minutes of the regular City Commission meeting of May 4, 2015 were approved as submitted.

Proclamation

PROCLAMATION:

A. Andy Baur Day

Mayor Smith read the proclamation designating May 18, 2015 as "Andy Baur Day" in the City of Helena and thanked him for his service to the community as the former Executive Director of the Prickly Pear Land Trust (PPLT).

Mr. Baur spoke fondly of his career with PPLT and urged the Commission to continue supporting the preservation of Helena's open space and trail system.

Mayor Smith and the Commission members thanked Mr. Baur for his dedication to protecting open space and promoting land conservation in and around Helena.

Board Appointments

BOARD APPOINTMENTS:

A. Civic Center Board, Civil Service Board and Tenmile/South Helena Forest Restoration Collaborative Committee

Civic Center Board Appointment of Bo Turnbow to an unexpired term on the Civic Center Board. Term will begin upon appointment and expire March 1, 2017.

Civil Service Board Reappointment of Dick Meeker to a second term on the Civil Service Board. Term will begin upon appointment and expire May 1, 2018.

Tenmile/South Helena Forest Restoration Committee Appointment of Jeff Chafee as the representative of Montana Wood Products Association, to the Tenmile/South Helena Forest Restoration Collaborative Committee. Term will begin upon appointment.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved approval of the appointments to the Civic Center Board, Civil Service Board and Tenmile/South Helena Forest Restoration Collaborative Committee as listed above. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Acceptance of Montana Department of Transportation Highway Traffic Safety Grant funding.
- C. Resolution of intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station and set a public hearing date.
- D. Final passage of Ordinance No. 3209 pre-zoning to R-2 (Residential) District prior to annexation into the City of Helena for property legally described as Lots 3-6, Block 305 of the Bellevue Addition and adjacent Silverette Street and alley rights-of-way. **Ord #3209**

City Manager Ron Alles recommended approval of the claims and the consent agenda.

Commissioner Elsaesser requested item C be removed for discussion.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Elsaesser moved approval of items A, B and D on the consent agenda. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Item C

- C. RESOLUTION OF INTENTION (ROI) TO SET FEES CHARGED FOR DISPOSAL OF GARBAGE AND REFUSE AT THE CITY OF HELENA TRANSFER STATION AND SET A PUBLIC HEARING DATE.

Commissioner Elsaesser stated the proposed resolution of intent was discussed at the May 13th Administrative Meeting; however, he did not feel the proposal was fully vetted. He provided the Commission with recommended amendments to the ROI, referred to as "Version #3 (Elsaesser Amendments)". A copy of Version #3 is included in the Commission packet as part of the official record.

Manager Alles reported staff had drafted a second version of the resolution of intent, referred to as "Version #2 (staff amendments)", based on what staff had interpreted as direction and/or consensus from the Commission at the May 13th Administrative Meeting. Version #2 was submitted to the Commission for their review and consideration at the start of the Commission Meeting and is included in the Commission packet as part of the official record.

Note: the resolution of intention that was originally included in the Commission packet is referred to as "Version #1".

The Commission held detailed and thorough discussion on ROI Versions #1, #2 and #3.

Motion

Commissioner Elsaesser moved approval of a resolution of intention- Version #3- to set fees charged for disposal of garbage

and refuse at the City of Helena Transfer Station and set a public hearing date of June 15, 2015. Commissioner Haladay seconded the motion.

Discussion

Commissioner Ellison thanked staff for their work on Version #2 and Commissioner Elsaesser for writing Version #3. However, he explained he is completely uncomfortable with voting in support of the motion to approve ROI- Version #3 since it was only submitted for Commission review during tonight's meeting. He recommended adoption of ROI- Version #2, to allow time for amendments to be drafted and fully evaluated by the members of the Commission prior to the public hearing on the resolution that will set the fees for the Transfer Station.

Commissioner Haladay commented he is extremely uncomfortable approving ROI- Version #1, which was initially proposed in the Commission packet, along with ROI- Version #2 which was written by staff based on Commission discussion at the May 13th Admin Meeting. He expressed infuriation over the process used to present and review this proposal and gave his opinion regarding the amount of planning used to create the ROI. Commissioner Haladay then thanked Commissioner Elsaesser for his diligence in preparing Version #3.

Commissioner Elsaesser spoke in support of his amendments to the ROI, noting additional amendments can be offered and made during the hearing for the resolution that will ultimately decide the fees.

Commissioner Ellison commented after evaluating ROI- Version #3, he may find he supports many of Commissioner Elsaesser's amendments; however, he reiterated he could not support its approval tonight since he has not reviewed it whatsoever.

Vote

Motion carried 3-2, with Mayor Smith and Commissioner Ellison voting no. **Res #20162**

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Haque-Hausrath announced the inaugural installation of the Public Art Committee's Parking Meter Project. She discussed existing public art initiatives in Spokane and Boise and recommended a 1% for public art program be created for the City. She gave a brief explanation of how it would be funded, only by existing commercial buildings.

Commissioner Haque-Hausrath also expressed concern for the following issues: vandalism, littering and crime occurring at Memorial Park, and the city's noncompliance with the requirements of the landscaping ordinance at the Civic Center. She asked staff to provide reports on both issues.

Commissioner Haladay concurred with Commissioner Haque-Hausrath's proposal for to public art funding. He announced applications are now or nearly due for MAP21 grant funding and indicated he would like to schedule Commission discussion on which projects the City of Helena should submit applications for. He also commented on issues to be discussed during the forthcoming review of the Parks Department budget scheduled for the next Budget Work Session

Commissioner Elsaesser expressed support for Commissioner Haque-Hausrath's proposal to fund public art and congratulated her on the Public Art Parking Meter Project coming to fruition.

Commissioner Elsaesser briefly addressed items he would like contained and prioritized in the FY2016 budget; he stated he would be proposing their inclusion at upcoming Budget Work Sessions.

Mayor Smith stated he would be attending the USS Helena Change of Command Ceremony in Norfolk, Virginia on June 15th and encouraged members of the Commission to attend as well.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

Attorney Jodoin thanked Mr. Baur for his service to Helena's Open Lands/Trail System.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles stated he has discussed landscaping requirement deficiencies at the Civic Center with Community Facilities Director Gery Carpenter and assured the Commission the property will be brought into compliance. He commented although Growing Friends of Helena had just recently sent a letter to the Commission regarding landscaping issues on the property, he has discussed the issue with the organization several times and their recent correspondence was not the first time this issue was pointed out to City staff.

Manager Alles referred to the MAP21 grant program and clarified applications are not currently being accepted but will be soon. He concurred discussions need to be held with the Commission and staff to identify projects for consideration and acknowledge he would schedule a time to review and discuss the City's options for the program. Commissioner Elsaesser mentioned some of the projects he would support applying for MAP21 funding for.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Dick Sloan reported Administrative Services Director Tim Magee gave a very informative presentation to the Council at their April meeting on the City's budget and budget development process.

Mr. Sloan did not provide detailed comment on the proposed resolution of intention to set Transfer Station fees, but noted the HCC feels the City's goal should be to encourage citizens to recycle and the fee structure needs to be easy to understand.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION GRANTING PRELIMINARY APPROVAL TO THE PROPOSED ISSUANCE OF LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005.

Staff Report

Administrative Services Tim Magee reported the City borrowed \$1,140,000 on August 11, 2005 to fund improvements in the downtown walking mall and build the Jackson Street garage. There is currently \$850,000 of bonds outstanding. Piper Jaffray & Co. (Piper) estimated the City could save approximately \$83,659 in interest over the remaining 10 years by refunding the debt, with a net present value of \$75,231. The City contracted with Piper to act as a placement agent for the City. The City is obtaining bids from banks only and this will save issuance costs as there will be no need for an underwriter.

The bonds are considered "bank qualified" by the IRS meaning the interest is tax exempt for banks. Therefore, Piper has issued a "term sheet" requesting bids from all Montana banking institutions and other

regional banks as they would be able to offer the best rates. The bids were due May 13th and staff is recommending award of the bid to Valley Bank.

State law requires the interest rate of the new bonds be at least one-half of one percent lower than the rate on the outstanding bonds. Our bond council will ensure this requirement is met prior to their approval of the new bonds. The average coupon rate is on the current bonds is 4.6%. The City successfully obtained a new rate of approximately 2%.

Director Magee recommended approval of the proposed resolution.

Public comment

Mayor Smith called for public comment; none was received.

Comment

Commissioner Ellison expressed strong support for the proposal based on the lower interest rate and the opportunity for a local financial institution, Valley Bank, to service the bonds.

Motion

Commissioner Ellison moved approval of a resolution granting preliminary approval to the proposed issuance of limited tax general obligation refunding bonds and authorizing the City Manager and the Administrative Services Director to proceed with the with the issuance of limited tax general obligation refunding bonds in an aggregate principal amount estimated not to exceed \$850,000. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20163**

B. CONSIDER FIRST PASSAGE OF AN ORDINANCE REVISING THE DUTY OF ADJACENT PROPERTY OWNERS TO REMOVE SNOW AND ICE FROM PUBLIC SIDEWALKS AND THE ASSOCIATED ENFORCEMENT PROCEDURE BY AMENDING CHAPTER 7 OF TITLE 8 OF THE HELENA CITY CODE AND SET A PUBLIC HEARING DATE.

Staff Report

City Attorney Thomas Jodoin reported Section 7-8-1 of the Helena City Code requires property owners adjacent to public sidewalks to remove snow and ice within a reasonable amount of time after the deposit of snow. Failure to comply with this requirement subjects the property owners to citation into Helena Municipal Court and, if convicted, a fine of up to \$50.

Enforcement of the above-described requirement is currently accomplished by a code enforcement officer ("CEO") who responds to written complaints. While on scene for a complaint, the CEO investigates nearby sidewalks for compliance. The CEO takes pictures and commences investigation into property ownership. Once ownership is determined, a warning letter is sent to the adjacent property owner that the snow must be removed from the sidewalk. Depending on workload, the CEO will respond back to the property within 5-7 days for re-inspection. If the snow still has not been removed from the sidewalk, the CEO forwards the complaint and investigative materials to the City Attorney who makes the decision whether or not to issue a notice to appear in Helena Municipal Court. Staff in the City Attorney's office confirms property ownership and if a decision is made to cite, arranges to either mail or have a Helena police officer personally serve the notice to appear. Once property owners are cited they are entitled to criminal

due process, including trial by a judge or jury. Trial can occur three to six months after the initial snow fall.

One of the issues is interpretation of the term "reasonable" with respect to the time frame within which snow must be removed from adjacent sidewalks. Historically, that has been roughly 48 hours after snow has stopped falling to accommodate property owners who are away for a weekend. Further, the criminal citation process does not ensure that snow is removed from sidewalks in a timely manner, and it consumes a disproportionate amount of resources considering the maximum penalty.

This ordinance amendment contains two distinct changes to the current code. The first clarifies a specific time-frame within which snow must be removed from sidewalks and the second creates a non-criminal process that ultimately authorizes the City to remove the snow and bill adjacent property owners if the snow is not removed from within prescribed time limits.

Revisions being proposed are as follows:

1. *Property owners in the B-2 and B-3 commercial zoning districts throughout the City will be required to remove snow from sidewalks on adjacent right-of-way by 9:00 a.m. of the next business day, by 12:00 p.m. of the next nonbusiness day, or within four (4) business hours after any snow or ice deposit, whichever period is shorter. Property owners in all other zoning districts, including all residential areas, will have 24 hours from the cessation of snowfall or other cause of the accumulation to remove snow/ice from adjacent sidewalks. The only exception is in circumstances where the director of public works has determined snow or ice cannot be reasonably removed.*

2. *Failure by adjacent property owners to remove snow from public sidewalks by the above described deadlines would result in the City removing the snow and billing the property owners for such costs, plus a civil penalty of \$50. Property owners may appeal the bill to the City Manager. If adjacent property owners don't pay, the City may either commence civil suits to recover costs or the City Commission may levy assessments against the adjacent property owners for such costs. It is anticipated that the City Commission will consider a "consolidated" resolution process that would incorporate all property owners failing to pay any such costs for the preceding winter.*

Attorney Jodoin recommended approval of the ordinance because removing the criminal penalty component and having the City remove snow/ice from public sidewalks and billing adjacent property owners could result in removal in a timelier manner.

Discussion

Commissioner Haque-Hausrath commended Attorney Jodoin for his excellent work on the revisions to the ordinance and spoke in support of the proposed changes.

Commissioner Elsaesser asked if these revisions would apply to trails and sidewalks. Manager Alles stated Section 1. of the ordinance excludes asphalt bicycle/pedestrian paths.

Commissioners Elsaesser and Ellison spoke in support of the proposed ordinance.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Haladay moved approval of first passage of an ordinance revising the duty of adjacent property owners to remove snow and ice from public sidewalks and the associated enforcement procedure by amending Chapter 7 of Title 8 of the Helena City Code, and set a public hearing date of June 15, 2015.

Commissioner Ellison seconded the motion. All voted aye, motion carried. **Ord #3210**

C. CONSIDER A RESOLUTION, AS AMENDED, ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR WATER AND WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY OF HELENA OUTSIDE CITY LIMITS.

Staff Report

Attorney Jodoin reported the City Commission previously considered this resolution on March 9, 2015. After hearing numerous public comments on the subject the City Commission voted 4-1 to table the resolution to the call of the City Manager.

As previously explained and briefly summarized here, a mechanism to require property owners to reimburse the city for water and wastewater infrastructure that has been installed by the city outside its corporate boundaries is necessary to ensure that the city is compensated when properties along such infrastructure connects to those services. Currently no such mechanism exists and the lack thereof creates an impediment to the city developing projects to install water and wastewater infrastructure outside city limits to ensure an orderly and comprehensive extension of that critical infrastructure.

Since the public hearing on March 9, 2015, staff has revised the resolution to allow the city to take a project by project approach to determine the methodology used to calculate the reimbursement cost a property owner will pay to the city for connection to water and wastewater infrastructure installed by the City. The resolution tabled by the commission established a strict square footage basis as the "common denominator" to calculate reimbursement costs. Further, the requirement to connect to city installed water mains has been removed since it will also be determined on a project by project basis.

City staff is recommending the creation of a program requiring property owners who connect to water and wastewater infrastructure installed by the city outside of city limits to pay a proportionate share of the overall costs of the design and installation of such infrastructure and also allow the city flexibility, on a project by project basis, to establish the "common denominator" (square footage, linear feet, use of property, etc.) for purposes of calculating reimbursement costs in a fair and equitable manner. Approval of this resolution does not create a requirement that property owners connect to city installed infrastructure.

Implementation of the proposed program ensures the City Commission has established a clear requirement that property owners connecting to water and wastewater infrastructure installed by the City outside city limits pay a proportional share of the costs of the design and installation of that infrastructure. It also allows the city to develop water and wastewater infrastructure extension in a comprehensive fashion

rather than by individual property owners as they need infrastructure. Attorney Jodoin recommended approval of the resolution, as amended.

Discussion

Thorough discussion was held related to the many different scenarios that could be affected by the proposed program and how the policy would apply under various situations and circumstances.

Commissioners Ellison and Elsaesser spoke in support of the amended resolution.

Public comment

Mayor Smith called for public comment; none was received.

Motion

Commissioner Ellison moved to approve a resolution, as amended, establishing a cost reimbursement program for water and wastewater infrastructure installed by the City of Helena outside city limits. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20164**

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION TO INCREASE POLICE SERVICES (EXTRA WORK) RATE.

Staff Report

Police Chief Troy McGee reported the Helena Police Department (HPD) requires that all organizations/sponsors of events that request extra duty services sign a contract. The majority of the extra work requests are from the Helena School District Athletic Office, the State of Montana, Civic Center, Carroll College, Alive @ Five, and the high schools. The current rate of \$45/hour with a 3-hour minimum has been in place since 2009. The extra work is separated in the budget in Police Fund 215. In FY10 many of the other items that were in Fund 215 were placed in the general police budget so staff could track the extra work revenue and expenditures better. The \$45/hour has proven to be an adequate amount. Some years accumulate a small cash carry over and other years a small negative balance. This varies on the officers' salaries who work different events.

Due to circumstances such as officer pay raises and higher paid supervisors working more of the events over the last few years, a large shortfall is anticipated if the fee is not increased.

Chief McGee recommended a \$10/hour increase (from \$45/hour to \$55/hour) be instituted effective July 1, 2015. This should be sufficient for FY16 and will be reviewed yearly. Letters have been mailed to the main event sponsors letting them know of the possible rate change as well as this public hearing date. Notice of tonight's public hearing was also advertised in the Independent Record on two separate dates.

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 of a resolution to increase the Police Services (Extra Work) Rate. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Res #20165**

B. CONSIDER A RESOLUTION GRANTING A TAX ABATEMENT APPROVING THE TAX BENEFITS APPLICATION OF STONE TREE CLIMBING CENTER, LLC., FOR REMODEL OF AN EXISTING COMMERCIAL BUILDING.

Staff Report

Community Development Director Sharon Haugen reported the owners of the Stone Tree Climbing Center have submitted a request for tax abatement under provisions of state law for remodeling, reconstruction, or expansion of existing buildings or structures (MCA 15-24-1501 et seq.). Under these provisions of MCA 15-24-1501, applicants who add to an existing building or structure so as to increase its taxable value by at least 2.5 percent may qualify for this abatement.

According to the applicant, the remodel was undertaken to provide a unique recreational opportunity for Helena. As stated previously, the remodel will result in a 4,500 sq. ft. bouldering gym (no ropes). There will be climbing walls to suit all abilities. The building has to be completely remodeled to suit this purpose. The owners anticipate 2-3 full-time employees and 8-10 part-time employees. They will be open 7 days a week. The owner stated that it is their belief that this facility will be a benefit to the entire community especially during the winter months when outdoor climbing is not available. The estimated value of the remodel is \$300,000. The exact taxable value of the building will not be calculated by the Department of Revenue until construction has been completed.

The granting of the tax abatement may assist the owners in the financing of a start-up business in the Midtowne/Sixth Ward area, an area targeted by the city for potential infill and redevelopment. The use of this type of tax incentive tool may encourage other businesses to also consider other similar projects. The City's Growth Policy encourages the City to direct community incentive programs and other resources to attract new business and to support efforts to encourage the creation and expansion of small businesses. The remodel of the building will also result in greater energy efficiency as a result of the remodel. The reuse of an existing building promotes infill and redevelopment, which results in a savings of infrastructure costs because it takes advantage of the existing transportation and other city utilities.

Public Testimony

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

Barbara Weatheral, applicant; provided an overview of the amenities to be offered at Stone Tree Climbing Center and urged the Commission to approve the abatement.

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

Comment

Commissioner Ellison congratulated Ms. Weatheral and the additional owners of Stone Tree Climbing Center for starting this business and choosing to move to Helena.

Commissioner Haladay spoke in support of the abatement request as it will result in revitalization of a dilapidated building and reuse of abandoned property. He indicated he would vote in favor of the proposal because it's not for "big business" and will actually benefit the Helena community.

Commissioner Haque-Hausrath commented she has voted against the last two abatement requests because the intent of the

applicant and the reasons behind the abatement applications did not provide a benefit to the City; this abatement will and is a good reuse of existing property.

Commissioner Elsaesser commended the applicants for starting this business in Helena and gave comments in support of the resolution.

Motion

Commissioner Ellison approval of a resolution approving the tax benefits application of Stone Tree Climbing Center, LLC, for remodeling of an existing commercial structure located at 1222 Bozeman Avenue, as amended. Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried. **Res #20166**

C. CONSIDER A RESOLUTION TO VACATE A THREE FOOT STRIP OF THE PLATTED, ALLEY RIGHT-OF-WAY (ROW) BETWEEN LOT 69A IN BLOCK 9 OF THE BEATTIE ADDITION AND LOTS 5-7 IN BLOCK 3 OF THE BASSETT ADDITION; GENERALLY DESCRIBED AS THE ALLEY ROW ADJACENT TO MONTANA EYE CARE.

Staff Report

City Engineer Ryan Leland reported the existing alley has a power pole located 3 ½ ft. inside the alley ROW. The alley's affective width is reduced at the power pole location, potentially causing conflicts with vehicles in the area.

The applicant is proposing to shift the alley 3 ft. to the south. This relocation would locate the power pole closer to the edge of the boundary instead of being offset by 3 ½ ft. All access for the public and utility companies will be maintained.

The proposed vacation would allow for better access in the area of the power pole and would reduce conflicts with vehicles and the power pole. The requesting property owner will be dedicating ROW that would be exchanged to allow for the boundary shift.

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 a resolution to vacate a three foot strip of the platted, alley right-of-way between Lot 69A in Block 9 of the Beattie Addition and Lots 5-7 in Block 3 of the Bassett Addition. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Res #20167**

Public Communications

PUBLIC COMMUNICATIONS

Toni Hausler, representing the Memorial Park Watch Community; explained they are working to clean up the park, playground and Veterans Memorial. She indicated they would like the Commission to revise City Ordinance to help reduce the amount of youth vandalizing and partying in the park.

Eddy White, Secretary/Treasurer of Lewis & Clark Veterans Memorial Foundation; expressed the Foundation's concerns related to vandalism, garbage and safety in the park. He suggested the City add speed bumps in the paved street surrounding the park, add more lighting to the park, install higher quality security cameras, and install gates to

close the road to vehicular traffic between the hours of 10:00 p.m. and 8:00 a.m.

Mayor Smith stated the Commission is very concerned with the same issues relayed by Ms. Hausler and Mr. White tonight. He requested that the issues occurring at Memorial Park be placed on an upcoming Administrative Meeting agenda for discussion.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is June 10, 2015 and the next Commission Meeting is June 15, 2015. Budget Work Sessions will be held May 20, 27 and June 3, 2015.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

/S/ JAMES E. SMITH
Mayor James E. Smith

ATTEST:

/S/ DEBBIE HAVENS
Clerk of the Commission