

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 2, 2015
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, November 2, 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 City Clerk Debbie Havens 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 October 5 & 19, 2015 were approved as submitted.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Exclusive Right-of-Way Use Agreement to renew a Right-of-Way (ROW) Use agreement for an existing open-air patio and seating area for the Sapphire Lodge.
- C. Acceptance of a grant for the purchase of five (5) body cameras and one (1) radar sign for the Helena Police Department (HPD).
- D. Northwestern Energy Utility Easement at Bill Roberts Municipal Golf Course.
- E. Resolution of intention to amend the rules and fees charged for disposal of garbage and refuse at the City of Helena Transfer Station by amending Resolution No. 20170. **Res# 20221**
- F. Reimbursement Agreement for Curbside Recycling Collection.

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

Commissioner Haladay requested consent agenda Items C and F be removed for further discussion.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

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

- C. Acceptance of a grant for the purchase of five (5) body cameras and one radar sign.

Commissioner Haladay referred to the disadvantages of the grant and purchase as listed in the staff report; specifically the large amounts of video data that must be stored, and privacy concerns. He asked for more information on the measures in place to support storage for the videos. HPD Captain Curt Stinson explained the Department has

already purchased several body cameras using a prior grant and those cameras operate similar to the HPD's mobile video systems installed in patrol cars. As part of operating those systems, an additional server system has been purchased to store those videos. The five new body cameras will utilize the storage system already in place; this will entail adding memory to the existing systems.

Commissioner Haladay asked for more information on managing and retaining the video data. Captain Stinson explained the HPD's current procedure; evidentiary videos are kept indefinitely, all other video is kept for 90-days and then deleted. Staff is reviewing the appropriate retention period for the videos.

Commissioner Haladay, referenced privacy issues, and asked if there is a procedure in place to make sure the HPD is respecting the privacy of individuals that ought not have been recorded. Captain Stinson explained HPD staff currently has a privacy policy in draft form. He commented recording are allowed anywhere that there is not a specific concern for privacy, such as a hospital or restroom. The recordings take place in areas where an officer has a right to be.

Commissioner Haladay asked if individuals will know the Officers have and are using body cameras. Captain Stinson indicated no formal notice or verbal warnings are given; however, the cameras are very evident on the body of the Officer. Commissioner Haladay asked if the cameras utilize a buffer system. Captain Stinson stated yes, explaining the cameras do not actually start a video file until turned on by the officer. Should they forget, the video automatically records a pre-event time period. It was noted the cameras do not provide audio, only video.

Commissioner Haladay noted the ACLU has recommended several policies on the use of body cameras. Captain Stinson explained the language he used to draft the privacy policy was taken from the International Association of Chiefs of Police.

Commissioner Haque-Hausrath asked if there is potential to order cameras that would have both audio and video. Captain Stinson stated he does not believe so, however; he could not answer with complete certainty.

Commissioner Haque-Hausrath asked if the 24-hour recordings have an audio feature. Captain Stinson stated no.

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved approval for the acceptance of a grant for the purchase of five (5) body cameras and one (1) radar sign. Commissioner Ellison seconded the motion. All voted aye, motion carried.

F. REIMBURSEMENT AGREEMENT FOR CURBSIDE RECYCLING COLLECTION

Motion

Commissioner Haladay moved approval of item F on the consent agenda. Commissioner Haque-Hausrath seconded the motion.

Discussion

Commissioner Haque-Hausrath noted the way the curbside recycling agreement is written; it seems like even with 1,000 customers, the first 1,000 would still get reimbursed at \$4.00 and be charged \$10.95/mo. When this agreement was negotiated, the Commission and

City staff intended the reimbursement for all customers to be \$9.95/mo., once there were more than 1,000 customers.

Amendment

Commissioner Haque-Hausrath moved to strike “beyond the first” and replace it with “once there are more than” in Section II of the Agreement. Commissioner Haladay seconded the motion.

Commissioner Haque-Hausrath again stated there is agreement between Helena Recycling and the City to support her amendment, since it was the intent of everyone who negotiated the contract.

Public Comment

Mayor Smith called for public comment, none was received.

Vote

All voted aye, motion carried.

Commissioner Haladay introduced the following amendment and explained the rationale behind its proposed inclusion.

Amendment

Commissioner Haladay moved approval of the following amendment: Section 3 TERM OF AGREEMENT: This Agreement is effective upon execution by both parties and shall be in full force through January 2, 2018, unless previously terminated as herein provided. At the end of the term, if a monthly recycling option is available to qualified residential subscribers, this Agreement is automatically extended each year until 2022, unless either party is notified in writing and within 90 days of the end of the applicable agreement term of its intention not to extend the term for the next calendar year. If no monthly recycling option is available on January 2, 2018, the Commission must affirmatively approve of any extension of this Agreement beyond January 2, 2018. Commissioner Haque-Hausrath seconded the motion. Motion carried 4-1 with Mayor Smith voting no.

Comment

Mayor Smith stated he was under the impression the option to provide monthly pick-up would be evaluated after one-year.

Public comment

Mayor Smith asked for public comment.

John Hilton, Helena Recycling; noted he had read Commissioner Haladay's proposed motion prior to the meeting and is fine with the verbiage. He requested the ability to amend his contract with City customers should monthly service be offered. He also requested no cost be associated with monthly service at this time.

Discussion

Commissioner Ellison asked if Commissioner Elsaesser's proposed amendment differs from Commissioner Haladay's amendment. Commissioner Elsaesser noted Commissioner Haladay's amendment is an appropriate measure for the future of the program, and explained the language he would support for inclusion under Section II of the contract.

Commissioner Ellison thanked the Commission members for their amendments, indicating they address several concerns he had voiced about the agreement at a recent Administrative Meeting.

Mayor Smith stated he is not prepared to support either Commissioner Haladay or Elsaesser's amendments. This is a contract that was negotiated and agreed upon in good faith by both parties and he does not feel it is appropriate to amend it now.

Amendment

Commissioner Elsaesser moved approval for the following amendment under Section 2: ~~strike any specific cost...If Helena Recycling provides a once-a-month option, then add the following language: “a reimbursement rate, not to exceed the cost of the above rate, set for bimonthly collection, and not to exceed the actual cost to the customer.”~~ Commissioner Ellison seconded the motion.

Commissioner Elsaesser asked Attorney Jodoin to provide an opinion on whether the proposed amendment is reasonable. Attorney Jodoin agreed and stated the language would serve as a good bookmark if and when monthly service starts to occur in the future.

Commissioner Haque-Hausrath proposed a friendly amendment stating “the reimbursement rate should be less than the bi-weekly rate”. Commissioner Elsaesser stated the fee is not going to cost more and listed several reasons why it will not. He resisted the friendly amendment proposed by Commissioner Haque-Hausrath; however, he agreed with the sentiment and thanked her for her dedication to negotiating the contract.

Commissioner Ellison commented he is comfortable with Commissioner Elsaesser’s amendment.

Public comment

Mayor Smith called for public comment.

John Hilton, Helena Recycling; requested clarification on the amendment proposed by Commissioner Elsaesser.

Commissioner Elsaesser explained his amendment adds a placeholder that allows once per month collection, without setting a price.

Commissioner Haque-Hausrath stated this initial contract provides an outline for what will be a good pilot program for the service. After completion of this initial 2-year contract, a re-evaluation of the service will be conducted in order to decide whether it can be offered as a citywide program. She noted a separate piece of this program will be coming before the Commission before the end of the year that will delineate the financial support that the City will provide so the customer is aware of their cost.

Commissioner Ellison indicated he believes in the concept of this program and would vote in support of the agreement; however, he does not believe it should be subsidized by all City ratepayers, regardless of whether or not they utilize it.

Vote

Motion carried 4-1 Smith voted no.

Commissioner Haladay provided very detailed comment in support of the recycling program being funded by all city residents instead of solely by users of the service and gave several examples of city services paid for by all but utilized at different levels. He also discussed each of the possible funding sources, followed by numerous options, including combinations of options, that he sees as available for the City to use to fund the program.

He thanked Mayor Smith for indulging his thorough line of questioning and comment related to funding the program and summarized he felt it was necessary to show just how many essential

services the City provides funding for, regardless of under or over utilization.

Commissioner Elsaesser thanked Commissioner Haladay for his comments and discussed several obstacles the Commission had faced in past attempts to create and implement a recycling program.

Mayor Smith announced due to the "13th hour" amendments brought forward tonight by Commissioners Elsaesser, Haladay and Haque-Hausrath he would not vote in support the agreement. He pointed out there was Commission consensus for approval of the agreement- sans tonight's last-minute amendments- two weeks ago; it is inappropriate for Commission members to become so involved in negotiating a contract, let alone provide last-minute amendments, to which even the contractor was not fully educated on.

Motion

Commissioner Haladay moved approval of item F on the consent agenda, as amended. Commissioner Haque-Hausrath seconded the motion. Motion carried 4-1 with Mayor Smith voting no.

Bid Awards**BID AWARDS:**

A. Cannon Street Sewer Main Extension, Project No. 15-15

Staff Report

City Engineer Ryan Leland reported seven residents from Phase 1 of the Westside Project have approached the City to be annexed and connect to City sewer. Several of the seven residents have failing septic systems. The City is proposing to try a small scaled version of the proposed plan for installation of City infrastructure for the whole Westside. The idea being to install the infrastructure and bring forward a cost reimbursement proposal.

The project area consists of 23 residents along Cannon Street, Linden Street and Choteau Street, which include the seven county properties with some failing septic drain fields and no room for replacement drain fields. This leaves the homeowners with failed septic systems only one option, to extend the sanitary sewer main.

The proposed project consists of 1943 linear feet (LF) of 8" SDR 35 sewer main and 23 sewer services. The cost for this project is planned to be paid for by the City of Helena out of SRF Westside funding and set up on a reimbursement schedule that will recover the cost for the project as residents hook up to sewer and fully annex into the City of Helena. The reimbursement mechanism and the details for how it works will be presented at a later meeting in November 2015.

The City received 6 bids for the Cannon Street Sewer Main Extension. The apparent low bidder for the project was H & H Earthworks Inc. of Belgrade, Montana with a quote of \$316,446.00. Engineer Leland recommended approval of the proposed bid award as it will enhance public safety by extending main to provide sanitary sewer collection where sanitary sewer drain fields are failing.

Discussion

Commissioner Elsaesser asked if the property owners would be able to connect at the same time construction occurs. Engineer Leland stated yes, commenting the project includes stub-outs, which go to the edge of the property line. Commissioner Elsaesser asked if there is a set timeline for paving these streets. Engineer Leland stated they would be paved as soon as possible; there is no formal schedule.

Commissioner Haladay commented seven residents have asked for service; however, the staff report states 23 properties. Engineer

Leland explained there are seven properties that desire connection; the additional properties will be required to connect if there are any issues.

Commissioner Haladay asked for more information on water service in the area. Engineer Leland stated there are existing water pipes in the ground, ready and available for those who want to connect to city water. Commissioner Haladay stated taking advantage of that situation means the streets will not need to be opened to install water service connections. Engineer Leland agreed.

Commissioner Elsaesser asked will the residents have to open the streets to connect to water. Engineer Leland noted if the property is not connected during the initial construction, those property owners would have to dig to run their service line from the stub out to the house.

Public comment

Mayor Smith asked for public comment.

Nancy Cormier, speaking on behalf of the seven residents, spoke in support of staff's recommendation to award the bid to H & H Earthworks, Inc.

Motion

Commissioner Ellison moved to award the Cannon Street Sewer Main Extension- Project No. 15-15, to the lowest responsible bidder, H & H Earthworks, Inc. in the amount of \$316,446.

Commissioner Haladay seconded the motion. All voted aye, motion carried.

- B. Professional Services Agreement for the Quiet Zone Phase II, Design and Project Management

Staff Report

Engineer Leland reported this project is a continuation of the Quiet Zone, Phase I. During this phase the consultant will include facilitation of the remainder of the quiet zone process, provide design and bidding services, and provide construction engineering/management. The crossings that were evaluated were Carter Drive, Roberts Street, Montana Avenue, National Avenue, Benton Avenue and Joslyn Street.

KLJ Inc. is the City's original consultant for the quiet zone. They prepared the Quiet Zone Study and Preliminary Engineering Report (PER) for the quiet zone. Staff is proposing a contract with KLJ for design and project management for all intersections. The contract is for \$74,800.

Engineer Leland noted the proposed contract would complete the design of the quiet zone for all of the intersections and further refine the cost of a quiet zone; however, staff is not providing a recommendation on whether or not to move forward with the agreement for Phase II of the project.

Discussion

Commissioner Haque-Hausrath asked if the Commission will have the discretion to install way-side horns at National and Roberts without needing additional approval from the Montana Department of Transportation (MDT) or Burlington Northern Santa Fe/Montana Rail Link (MRL). Engineer Leland concurred; however, it will put the City of Helena on a timeline for "risk review".

Commissioner Haque-Hausrath asked Manager Alles how much funding in total has been set aside for the quiet zone. Manager Alles explained there have been funds set aside from the protested tax settlement monies, in addition to ADA and trail improvements funding.

He noted that until Ordinance #3213 is finally passed later this evening, the latter two sources can not be used. She requested a detailed report of the funding available be provided to the Commission following tonight's meeting.

Commissioner Haladay asked what entities would have approval authority over the actual design. Engineer Leland explained it depends on the crossing proposed for improvement and the location of the improvements. For example, any changes to existing ROW will need approval from the corresponding entity. Any changes to the existing railway infrastructure will require MRL approval.

Commissioner Haladay asked if the proposed design meets Federal Railroad guidelines, can MDT require additional improvements. Engineer Leland stated MDT has their own requirements, which could hold the projects up. However, staff has worked closely with MDT on what is being proposed so he does not anticipate any issues.

Commissioner Elsaesser asked if another option is developed for Roberts, will the Commission still have the option to review the design. Engineer Leland stated yes, the contract tonight does not require the installation of way-side horns on Roberts.

Public comment

Mayor Smith asked for public comment.

Leroy Beebe, 1620 Townsend Avenue; spoke in opposition to the proposal as he feels there are options that would be much less expensive and gave examples of what had been installed in Sheridan, Wyoming.

Greg Painter, Helena; spoke in support of the quiet zone.

Dale Aschem, Helena; thanked the Commission for moving forward with this project and stated he and his neighbors support it. He commented train traffic has increased over the last few years.

Mark Annas, Helena; commented he has been involved in this proposal for many years and urged the Commission to approve the contract.

Eric Reisenburger, Helena; spoke in support of the quiet zone and requested the Commission to approve the contract.

Motion

Commissioner Haque-Hausrath moved approval of a Professional Services Agreement for the Quiet Zone, Phase II- Design & Project Management to KLJ, Inc. in the amount of \$74,800.
Commissioner Elsaesser seconded the motion.

Discussion

Commissioner Haque-Hausrath addressed the costs of the contract. She spoke in support of the project and encouraged the Commission to move forward.

Commissioner Haladay asked Engineer Leland to comment on the less expensive alternatives that were discussed by Mr. Beebe. Engineer Leland explained Mr. Beebe was referring to what is described as a "flexible guide-post" and they are much less expensive; however, those are used in more urban-type settings and very high maintenance. MDT does not accept those devices; what has been proposed is acceptable to every entity involved in the approval process.

Commissioner Haladay asked if any other options have been presented to the City below what is currently the least costly option. Engineer Leland stated no.

Commissioner Ellison referred to his recurring comments regarding the use of telecom settlement funds being diverted for this

project when they should've been allocated to Police, Fire and Parks Department budgets. He expressed concern over the unknown cost of implementing this project, as the scope and projected costs have continued to increase greatly since it was initially discussed and investigated. Engineer design and project management often accounts for only 10% of a major project; if that is the case here, it could be approximately \$750,000. Both the design and costs are still very much unknown.

He thanked residents on both sides of the issue for providing public testimony. Since the decision was made over the summer to pursue a quiet zone, the Independent Record has solicited several surveys on the issue and the results were overwhelming against the need for a quiet zone. In addition, the majority of emails he has received on the issue were not in favor of the proposal.

Commissioner Ellison stated for these reasons, he would not vote in favor of the Professional Services Agreement for Phase II of the Quiet Zone.

Commissioner Elsaesser stated he would vote in favor of the agreement. In addition to addressing safety issues, he has heard from a diverse group of people who want the Commission to move forward. He added he is comfortable with the use of telecom settlement funds for this project.

Mayor Smith stated the ultimate decision on a quiet zone is the Federal Railroad Administration and there are numerous entities that will become involved when a final recommendation occurs. He pointed out the City is by no means the final authority.

Vote

Motion carried 4-1 with Commissioner Ellison voting no.

Communications**COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS**

Mayor Smith expressed appreciation to all of the candidates running for the two open seats on the City Commission.

Commissioner Ellison reported he attended an award presentation from the Helena Domestic and Sexual Violence Working Group and given out by Attorney General Tim Fox. He discussed the issue of such crimes in the Helena community and the devastation they cause. The following five Helena Police Department (HPD) Officers/Lewis & Clark County Sheriff's Office (LCSO) Deputies were nominated to receive the award: HPD Officers Bryan Fischer, John Kaleczyc and Jonathan Cook, and LCSO Deputies Greg Holmlund and Chris Joyce. Ultimately, Officer and Cook and Deputy Joyce were selected to receive the awards. Commissioner Ellison read several of the comments contained in their nomination letters and thanked the officers for what they do for the victims of these crimes and the Helena community.

Commissioner Haladay reminded everyone to vote by 8:00 p.m. on Tuesday, November 3rd.

Commissioner Elsaesser thanked city staff and NorthWestern Energy for quickly addressing a complaint related to a street light glaring into a Helena citizen's living room; it was a quick and easy process to resolve the issue.

He requested the Commission receive an update on the status of the creation of the TIF District.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin thanked Commissioner Ellison for his comments and reported there have been 88 cases of partner/family member assault since June of this year; this is a huge community problem that needs to be addressed.

Mayor Smith reported he will attend the National Adoption Ceremony on Monday, November 9th in Judge Sherlock's chambers.

Commissioner Haladay asked for an update on filing a Friend of the Court Brief. Attorney Jodoin noted the Montana League of Cities and Towns is very interested in filing the brief and has offered to pay for a private attorney. Mr. Chris Tweeten is interested in assisting the City of Helena and the Montana League of Cities and Towns.

Report of the City Manager

REPORT OF THE CITY MANAGER

Manager Alles noted League of Cities and Towns Executive Director Tim Burton wants to make it a coordinated effort between several large Montana cities regarding filing a Friend of the Court Brief. While he is not sure who will pay for the private attorney; it will be a coordinated effort.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Dick Sloan reported the City Manager and Public Works Director attended the October 29th HCC meeting to provide an update on several items.

Council member Sloan reported the HCC is evaluating options for providing more timely recommendations to the Commission. In order to make this effort successful, the HCC will begin meeting twice a month.

Regular Items

REGULAR ITEMS:

- A. **CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS MUNICIPAL GOLF COURSE – 2016 SEASON**

Staff Report

Parks & Recreation Director Teegarden reported annually city staff and the Golf Advisory Board review the season's expenses, revenues, and trends in comparison to budget projections and the local market. To date the golf course has a net FY15 profit of \$25,166 which includes paying cash for several capital items. By inserting FY15 actual revenue figures into the FY16 adopted budget worksheet there is an estimated \$44,000 balance of revenue over expenditures.

Trends show that the course continues to save money and make money. The estimated revenue per round in FY15 was \$31.09 which includes golf fees, merchandise, concessions and lessons (an increase of \$.23 from FY14).

Based on a review of 2015 revenue reports, course/trend observations, a comparison to the local market and a staff report, the Golf Advisory Board does not recommend an overall fee increase for the 2016 season. Instead they recommend a marginal increase to two service categories (golf simulator and club storage). The golf simulator is in high demand, and the installation of new club lockers will provide improved security and value for customers.

Director Teegarden recommended approval of a Resolution of Intention to establish fees to be charged for the Bill Roberts Golf Course and set a public hearing date for November 23, 2015.

Public comment Mayor Smith called for public comment; none was received.

Motion **Commissioner Ellison moved approval of a resolution of intention to establish fees to be charged for the Bill Roberts Golf Course and set a public hearing date for November 23, 2015.**

Commissioner Haladay seconded the motion. All voted aye, motion carried. **Res# 20222**

B. CONSIDER ACCEPTANCE OF A DEDICATION OF A PARCEL OF REAL PROPERTY FROM ERIC AND ELLEN FEAVER.

Staff Report

Natural Resource Coordinator Brad Langsather reported Eric and Ellen Feaver own Lot 2 in the Swaney Minor Subdivision in the City of Helena. Lot 2 is adjacent to the Mount Helena open space park.

Eric and Ellen Feaver desire to dedicate Lot 2 in the Swaney Minor to the City of Helena for expansion of Mount Helena Open Space Park. The advantage is the City would have full ownership of Lot 2 and full, legal use of the property as a natural open space park.

Coordinator Langsather recommended acceptance of Lot 2 in the Swaney Minor Subdivision in the City of Helena.

Public comment

Mayor Smith called for public comment.

Ellen Feaver, 901 Floweree, reviewed the history of the area and how the previous lots were donated to the City. She recognized and thanked the Prickly Pear Land Trust for the work they do to preserve Helena's open space.

Motion **Commissioner Ellison moved acceptance of Lot 2 in the Swaney Minor Subdivision from Eric and Ellen Feaver.**

Commissioner Haque-Hausrath seconded the motion.

Discussion

Commissioner Ellison thanked the Feaver's for their gracious donations to the City of Helena. Commissioner Haque-Hausrath concurred with Commissioner Ellison's comments and spoke to the importance of protecting open space.

Mayor Smith stated Helena is characterized as having generous citizens; this donation is a perfect example and thanked Mr. and Mrs. Feaver.

Vote

All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

A. CONSIDER FINAL PASSAGE OF ORDINANCE 3213 TO PROVIDE AND PAY FOR STREET IMPROVEMENTS WITHIN THE EXISTING STREET MAINTENANCE DISTRICT NO. 1 BY AMENDING CHAPTER 7 OF TITLE 8 OF THE HELENA CITY CODE.

Staff Report

City Attorney Jodoin reported Section 7-1-8 of the Helena City Code established the existing Street Maintenance District No. 1 that encompasses the entire City. That ordinance was adopted in 2004 pursuant to the authority granted in §7-12-4401, MCA. Because the provisions of city code only include street maintenance, state law does not allow street maintenance district funds to be used on street improvements within the street maintenance district. However, §§7-12-

4405 and 7-12-4428 MCA, specifically authorized the expenditure of street maintenance district funds on street improvements within the district if the city commission adopts an ordinance for that specific purpose.

The ordinance will specifically authorize street maintenance funds to be used to fund street improvements with Street Maintenance District No. 1.

State law does allow protest by owners of property within the district before final passage of the ordinance. None of the three protest scenarios under section 7-12-4407 that would prevent the commission from acting on final passage of the proposed ordinance have been met.

The ordinance will provide the city with a reliable and independent source of revenue for improving failed streets and installing non-motorized facilities within public rights of way.

Attorney Jodoin recommended approval of final passage of Ordinance No. 3213 providing and paying for street improvements within Street Maintenance District No. 1 by amending Chapter 7 of Title 8 of the Helena City Code.

Discussion

Commissioner Haladay asked for confirmation that the current street maintenance assessment does apply to tax-exempt properties. Manager Alles stated that is correct.

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.

Discussion

Commissioner Elsaesser stated he strongly supports approval of this ordinance; it will alleviate long-standing issues related to authority to use the funds.

Commissioner Haladay spoke in support of final passage of the ordinance and commented the funding collected by the districted is dedicated and spent annually. The Commission is going to have to make the decision to increase rates within the district, which will include tax-exempt property owners.

Motion

Commissioner Elsaesser moved approval for final passage of Ordinance 3213 providing and paying for street improvements within Street Maintenance District No. 1 by amending Chapter 7 of Title 8 of the Helena City Code. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Ord# 3213**

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

The Helena City Commission will meet with the Helena School Board on November 5th.

The next Administrative Meeting is Wednesday, November 18, 2015 and the next Commission Meeting is November 23, 2015.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:15 p.m.

/S/ James E. Smith
Mayor

ATTEST:

/S/ Debbie Havens
Clerk of the Commission