

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 22, 2016
6:00 P.M.

Time & Place A regular City Commission meeting was held on Monday, August 22, 2016 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 Ellison, Noonan and Farris-Olsen were present. Commissioner Haladay was excused. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Gary Spaeth 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 August 8, 2016 were approved as submitted.

Board Appointment BOARD APPOINTMENT:
A. ADA Compliance Committee

Mayor Smith asked for Commission concurrence for the following appointment:

ADA Compliance Committee – Appointment of Brian Coplin to a first term on the ADA Committee as a citizen representative; term begins upon appointment and will expire September 1, 2018.

Public comment Mayor Smith asked for public comment.
Brian Coplin, proposed appointee; discussed his experience and history working on ADA issues in the Helena community and expressed eagerness to begin serving on the Committee.

Commissioner Ellison moved approval of the appointment to the ADA Compliance Committee as outlined above. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Consent Agenda CONSENT AGENDA:
A. Claims
B. Authorization for staff to void stale dated checks

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 and B on the consent agenda.** Commissioner Noonan seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Mayor Smith reported he had attended the Ride to Remember Commemoration, which honors United States Military Prisoners of War (POWs) and those Missing in Action (MIA) on Saturday, August 20th. He commented it was very well attended and a moving experience.

He also attended "Dog Days" at Memorial Park Pool on Sunday, August 21st, noting it was a very fun event.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin updated the Commission on the ongoing Ten Mile Water Rights case, which is currently before the Montana Supreme Court, reporting the Objector had filed their opening brief. He stated his office will prepare a response to the brief with private counsel hired by the City for assistance in defending the suit.

Report of the City Manager

REPORT OF THE CITY MANAGER

No report was given.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Chair Gary Spaeth provided a summary of agenda for the next monthly meeting of the HCC, being held August 24, 2016.

Regular Items

REGULAR ITEMS:

A. CONSIDER A RESOLUTION OF INTENTION TO ENTER INTO A LAND EXCHANGE AGREEMENT WITH KENNETH AND ELIZABETH EDEN TO EXCHANGE LOT 4 FOR LOT 3 IN THE SWANEY MINOR SUBDIVISION.

Staff Report

City Attorney Jodoin reported the Swaney Minor Subdivision is located south of LeGrande Cannon Boulevard, immediately west of the Forest Estates Subdivision at the end of Mount Helena and Charlie Russell Drives. The Swaney Minor Subdivision is a five-lot subdivision, which was final platted in 2003.

The required legal and physical access, water and wastewater, and stormwater infrastructure needed to serve those five lots were deferred pursuant to a development agreement that placed a lien on the lots. In that agreement, the infrastructure was to be installed prior to any structure being constructed on any of the lots or within 10 years, whichever was sooner. If the infrastructure was not installed within 10 years, the City was authorized to sell the lots and use the proceeds to install the infrastructure. None of the lots have been developed and the 10 years have passed. According to the strict terms of the development agreement and to ensure that all lots have the required infrastructure, the City has the obligation to sell all the lots, including City lots that are currently used as open space.

Lots 1, 2, 4, and 5 in the Swaney Minor Subdivision were either sold or donated to the City and are currently part of the City's open space inventory. Ken and Elizabeth Eden own Lot 3. Lot 4 contains a deed restriction requiring the property to be used for recreational, non-motorized, open spaces purposes.

On September 9, 2015, the Commission gave consensus direction to commence the process to implement this land exchange with the Edens.

Attorney Jodoin noted the exchange of Lot 3 for Lot 4 makes sense logistically, as Lot 3 is currently adjacent to City open space and Lot 4 is immediately adjacent to legal and physical access, water, and wastewater infrastructure.

He added the proposal to exchange Lot 4 for Lot 3 would allow the City to aggregate Lots 1, 2, 3 and 5 into one larger tract and eliminate the need to install infrastructure. Four out of the five lots would be kept in an undeveloped state and provide the City additional open space immediately adjacent to existing open space. Attorney Jodoin recommended approval of the proposal.

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

Discussion Commissioner Ellison thanked Mr. and Mrs. Eden for their enduring support of the Helena community, including Open Space, and thanked them for their willingness to work with the City to bring this proposal to fruition.

Motion Commissioner Farris-Olsen moved approval for a resolution of intention authorizing the City Manager to enter into a land exchange agreement with Kenneth and Elizabeth Eden to exchange Lot 4 for Lot 3 in the Swaney Minor Subdivision, and setting a public hearing date for September 26, 2016. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20281**

B. CONSIDER A RESOLUTION PROVIDING FOR THE ANNUAL TAX LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 (FY2017).

Staff Report Budget Manager Bob Ricker reported the Commission adopted the City's final budget for FY2017 on June 20, 2016.

MCA 7-6-4036 requires the City to fix the tax levy by the later of the 1st Thursday in September, September 1, 2016; or within 30 calendar days after receiving certified taxable values. Certified taxable values were received August 1, 2016, therefore August 31, 2016 is 30 days after receipt of certified taxable values, and the tax levy deadline later, September 1, 2016. Newly taxable property growth was 2.27% last year and is 3.91% this year.

Under MCA 2-9-212, Group Health Insurance tax levies may include annual increases for insurance premiums and are not subject to the general purpose mill levy calculation limitations provided for in MCA 15-10-420. The FY 2017 budget provides for \$1,704,030, or 27.16 mills, to be levied for group health insurance premiums in 2016 for FY 2017, which includes \$121,201 for a premium increase as allowed under MCA 2-9-212.

The FY 2017 budget provides for the full, authorized tax levy to be levied.

Discussion Brief discussion was held on the method for calculating the annual group health insurance tax levies.

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

Motion

Commissioner Noonan moved approval for a resolution providing for the annual tax levy in mills for Fiscal Year beginning July 1, 2016 and ending June 30, 2017 (FY2017). Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20282**

C. CONSIDER AN AMENDED PLAT ELIMINATING THE WOODWARD AVENUE ACCESS RESTRICTION FOR LOT 22 IN THE SUSSEX PARK SUBDIVISION, GENERALLY LOCATED WEST OF SUSSEX COURT AND SOUTH OF WOODWARD AVENUE WITH A PROPERTY ADDRESS OF 560 SUSSEX COURT IN THE CITY OF HELENA, MONTANA.

Staff Report

City Planner Lucy Morell-Gengler reported the City Commission conditionally approved the Sussex Park Subdivision preliminary plat in 2005 requiring an access restriction onto Woodward Street for Lots 9, 13 and 22. The restriction was established to minimize potential conflicts caused by vehicles backing into traffic and to maintain the integrity of Woodward Street as a potential collector street. The property owner is now asking to lift the restriction on Lot 22 to permit driveway access onto Woodward Avenue for a proposed residential unit.

Lack of connectivity, steep grades, and low to moderate residential zoning in the area limit the current and future traffic volumes on this section of Woodward Avenue making it unlikely this street will be upgraded to a collector. Many of the lots adjacent to Woodward Avenue currently have unrestricted access to that street.

The applicant is requesting the access restriction on Lot 22 in the Sussex Park Subdivision be eliminated to permit driveway access onto Woodward Avenue for a proposed residential unit. This property is zoned R-2 (Residential) District.

Eliminating the Woodward Avenue access restriction would allow design flexibility and would be consistent with other lots adjacent to Woodward Avenue.

Public comment

Mayor Smith called for public comment.

Soren Koford, representing the applicants; spoke to the reasons behind the applicant's request and urged the Commission to approve the proposed amended plat.

Motion

Commissioner Ellison moved approval of an amended plat eliminating the Woodward Avenue access restriction for Lot 22 in the Sussex Park Subdivision, generally located west of Sussex Court and South. Commissioner Noonan seconded the motion. All voted aye, motion carried.

D. CONSIDER A CERTIFICATE OF SURVEY DEDICATING PORTIONS OF SANDERS STREET AND JORDAN DRIVE RIGHTS-OF-WAY (ROW).

Staff Report

Senior City Planner Dustin Ramoie reported the applicant has prepared a certificate of survey with a boundary line relocation creating Tract B-1-A-1 and dedicating to the city of Helena right-of-way shown as Tract R-1 (Sanders Street) and Tract R-2 (Jordan Drive). The dedication of right-of-way is being proposed as a way to partially meet condition 1. b) included in Resolution #20245, passed on May 9, 2016.

Acceptance of the dedication of portions of Sanders Street and Jordan Drive rights-of-way will partially meet condition 1.b of Resolution # 20245. Planner Ramoie recommended approval of the proposed Certificate of Survey (COS).

Discussion

Commissioner Ellison asked what would occur if the Commission were to approve the COS being proposed; yet did not approve the related request for annexation. Planner Ramoie stated he anticipates the applicant would not file the COS, were that situation to occur. If it is not filed, it would not exist.

Public comment

Mayor Smith called for public comment.

Greg Wirth, Stahly Engineering, representing the applicant; explained obtainment of the proposed COS is related to a condition for approval contained in the Resolution of Intention to Annex requiring the dedication of a portion of Sanders Street ROW. Mr. Wirth requested the Commission approval COS.

Motion

Commissioner Noonan moved approval for a Certificate of Survey dedicating portions of Sanders Street and Jordan Drive rights-of-way. Commissioner Ellison seconded the motion. All voted aye, motion carried.

E. CONSIDER A RESOLUTION ANNEXING TRACT B-1-A-1, AS SHOWN ON A PROPOSED CERTIFICATE OF SURVEY; LOCATED IN LEWIS AND CLARK COUNTY, MONTANA, AND THE SANDERS STREET RIGHT-OF-WAY ADJACENT THERETO, INTO THE CITY OF HELENA, MONTANA.

Staff Report

Planner Ramoie reported the applicant has not completed the conditions required for annexation and is now requesting the City enter into a deferral agreement for satisfaction of the annexation conditions and annexation of the subject property. The applicant would like to annex the property to attain all city services and to utilize the property with a B-2 (General Commercial) zoning designation. At the May 9th, 2016 City Commission meeting, Resolution #20245 was passed (3-2); which provided the conditions for annexation. He added the subject property was pre-zoned to the B-2 (General Commercial) District by adoption of Ordinance #3220 on May 23, 2016.

Planner Ramoie stated annexation of the subject property will allow for the applicant to start development of the parcel by entering into a deferral agreement with the City deferring the installation of required infrastructure to a later date. Annexation would allow for the subject property to be developed on City infrastructure which is more efficient than individual well and septic.

Annexation of the subject property before any of the required infrastructure has been installed may prove to be problematic at the time the applicant seeks final occupancy for any structure located on Tract B-1-A-1 as outlined in the deferral agreement. Annexation will also allow the applicant to build a road which is partially in the City and partially in Lewis and Clark County but has the potential to carry over 3,000 vehicles per day once the Custer Avenue to North Montana Avenue connection is made via Jordan Drive and Sanders Street, not including the traffic generated from development of the subject property.

He provided a detailed report on the status of each Condition for Approval contained in the Resolution of Intent to annex, noting the items yet to be completed and proposed for inclusion in the Agreement for Satisfaction of Annexation Conditions. Any conditions included in the deferral agreement must be financially guaranteed via letter of credit or similar format and in accordance with City policy. A hard copy of this report is contained in the Commission Meeting packet.

He noted any portion of the staff report that lists a 24-foot wide interim access road width, has now been widened by the applicant to 36 feet.

Planner Ramoie explained the numerous options for approval, tabling or denial of the proposal. He stated, for the record, staff was not providing a recommendation on the proposal.

Discussion

Commissioner Farris-Olsen asked who would be responsible for maintaining the interim access road. Planner Ramoie explained the road will lie in the County, under private ownership as a private road. As such, the private owner will be responsible for all maintenance, including snowplowing.

Manager Alles added the City and County frequently work together to plow the other entity's streets; and stated he would request the same practice apply to the subject access road.

Commissioner Farris-Olsen expressed concern that the issue of maintenance is not included in the agreement. Manager Alles explained the existing and ongoing partnership with Lewis & Clark County is not contained in writing either. The mutual assistance is based on the location of plowing activities, noting that while this road is designated private and extends into the County, the City already plows Sanders Street to Jordan Street under normal operations. Manager Alles stated the subject access road will be different than, as an example, the road Commissioner Farris-Olsen lives on; explaining the latter is basically identified as a 2-mile driveway to his house. The "private" interim road for this development will be different from other private roads, as the City and developer will enter into an access and utility easement agreement providing the City access to the road. He reported it is anticipated that it will be brought up to City standards during Phase II of the development; until then he will work to ensure the interim access road receives appropriate maintenance.

Commissioner Ellison asked for examples of other developments that have utilized a similar type of deferral agreement. Planner Ramoie stated the agreement under consideration tonight, specifically the detailed outline for infrastructure installation and improvements in future phases is unprecedented; he has never seen an agreement of this magnitude or complexity while employed with the City. Additionally, annexations are almost never allowed without at least a portion of the necessary infrastructure installed.

Commissioner Ellison referred to the customary length of time allowed for completion of the conditions for annexation, one year, and set by the City Commission with approval of a resolution of intention to annex property located beyond the City limits and asked if the proposed development will be held to the same time limits as others. Planner Ramoie explained approval of the proposed deferral agreement would reset the timeframe for infrastructure installation in the subdivision; it would satisfy the conditions for annexation set by passage of Resolution #20245- the resolution of intention to annex the subject property.

Commissioner Ellison asked City Attorney Jodoin for his comfort level with the proposed deferral agreement. Attorney Jodoin reported the last agreement such as this was for a project on McHugh Lane 2-3 years ago, although not as lengthy with multi-tiered phasing. In that situation, the applicant chose not to proceed and all of the approvals given have expired.

Attorney Jodoin reviewed the changes to the initial version of the deferral agreement in detail for the Commission. He spoke frankly regarding the interim road, noting there is a risk involved with allowing its construction; the risk being that the developers do not follow through with the requirements set forth in the agreement because their subdivision does not get off the ground. However, should that occur, the City could form an SID to fund the installation of services as required per City Code. He noted a deed restriction has been placed on the property.

Attorney Jodoin commented after thorough review, the option to enter into a deferral agreement with the applicant and allowing construction of the interim road is the only way to guarantee access will reach to this very valuable 5-acre parcel for development within the City limits and to City standards. Without the compromises contained in the agreement, securing development of the property to City standards cannot be guaranteed.

Manager Alles noted he feels very confident using the proposed deferral agreement in order to safeguard the health and safety of the citizens of Helena by ensuring the property is developed to City standards. He stated he feels certain the developer will comply with all requirements contained in the subject agreement. He commented the worst that could happen would be for the City to secure access to the land in a condition that is not in compliance with agreement and City standards. If that were to occur, the City would need to fund improvements required for the parcel. While not ideal for the City to pay for initial upgrades to the property, it would ultimately benefit the City in a much greater manner. Manager Alles indicated he fully supports the proposal and recommends approval of the deferral agreement.

Public comment

Mayor Smith called for public comment.

Greg Wirth, Stahly Engineering, representing the applicant; reviewed the conditions contained in the agreement that display their willingness to work with the City. He indicated the only item that will not be completed date certain is the requirement for the installation of Sanders Street in accordance with the City's Complete Streets Policy and City standards. He summarized the proposed agreement is their attempt to provide as much assurance about their intent to follow through and minimize the City's risk as much as possible. Mr. Wirth urged the Commission to support the resolution of annexation and deferral agreement.

John Amsden, applicant and developer for Trinity Development Partnership, LLC; listed numerous complications associated with the project and numerous aspects of the development that they have been not only amenable to, but more-than-willing to fund. Mr. Amsden stated the only requirement they are not agreeable to at this time is the installation of Sanders Street to a level of total compliance with City standards, as it would be a waste of resources to install sidewalk, curb and gutter during the current phase of the project; all of it will have to be torn out and replaced at the time of final build-out.

Christopher Keeler, Helena; discussed parking on the streets in the new subdivision.

Motion

Commissioner Noonan moved approval of a resolution annexing Tract B-1-A-1, as shown on a proposed Certificate of Survey; located in Lewis and Clark County, Montana, and the Sanders Street right-of-way adjacent thereto, into the City of Helena, Montana. Commissioner Ellison seconded the motion.

Discussion

Commissioner Ellison discussed the history of this development as presented to the Commission during numerous meetings. He voted to approve the resolution of intent to annex the subject property in May because he wanted to see City infrastructure used in that area of town, not additional well and septic systems. He commented it appears the applicant was in attendance at that meeting but did not provide testimony on a shared desire to use City services because they had already moved forward in obtaining a well and septic system for their property already designated for storage units.

He also spoke of testimony previously given by Mr. Amsden indicating his desire to bend over backward to conform with the City's requirements; however, according to the meeting packet distributed the week of August 15th, Mr. Amsden had not yet agreed to and sign an agreement waiving their right to protest the creation of new special districts.

Commissioner Ellison noted it is disturbing to hear the City Attorney and Senior Planner describe the proposed agreement as "unprecedented", and was not able to confirm whether or not he would support the proposal.

Commissioner Noonan agreed with initial concerns over the development; however, he now feels the applicant has displayed integrity and dedication to follow through with the conditions being required by the City, as evident by the development agreement under consideration. He spoke in strong support of the applicant, Diocese of Helena, and commented on their past, current and future contributions to the community, noting the proposed development will only increase their contributions.

Commissioner Farris-Olsen acknowledged the applicant's willingness to work with City staff to find solutions to various issues that would work for both parties. However, he indicated he would not vote in favor of the resolution and deferral agreement for the same reasons he did not support the resolution of intention in May; he feels the development violates the City's Growth Policy and evades subdivision review; both issues are very concerning..

Mayor Smith also spoke to the initial concerns with the development and commented he too was hesitant to approve the project. Following discussions with the developer and additional assurances provided for in the deferral agreement; he now feels comfortable supporting the annexation and related deferral agreement.

Attorney Jodoin clarified for the record, the delay in signing the waiver of right to protest creation of future special districts was caused by his office; the waiver agreement was overlooked by staff while working on the more complex deferral agreement.

Vote

Motion carried 3-1, with Commissioner Farris-Olsen voting no.
Res# 20283

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION PROHIBITING ON-STREET PARKING FOR BOTH SIDES OF SANDERS STREET NORTH OF CUSTER AVENUE.

Staff Report

City Engineer Ryan Leland reported Sanders Street, north of Custer Avenue, is currently designated as a collector with two travel lanes and parking on both sides of the street. Customers from the adjacent businesses, primarily large vehicles or vehicles with trailers, have been observed using on-street parking, because the parking lots do not accommodate these vehicles very well.

Trinity Development Partnership, LLC, who are developing property north of Lowe's, are requesting the removal of all on-street parking on Sanders Street north of Custer then restripe the street with a center turn lane. According to the Trinity Center Phase 1 TIS, development will increase the number of vehicles per day by 2200 from the current volume of 4400 vehicles per day. The center turn lane is proposed by the Trinity Center to mitigate traffic impacts from the development. The center turn lane and parking could be accommodated with the removal of the boulevard along Sander's Street.

Engineer Leland noted Trinity Center may increase traffic capacity by removing on street parking. However, the proposed change does not comply with the complete streets ordinance. Also, by adding an additional 2200 vehicles per day to the existing 4400 vehicles per day, the proposed change would remove current on-street parking used by customers of several businesses.

Engineer Leland stated staff is not providing a recommendation on the proposal.

Discussion

Commissioner Ellison asked if there are any other collector streets in Helena with a "no parking" designation. Engineer Leland explained most of the major streets do allow parking, unless the traffic volume or the amount of ROW necessary for parking made it unfeasible.

Engineer Leland gave the history behind the existing on-street parking in the area; noting Sanders was designed as a local street instead of a collector and the reason for the recommendation to prohibit parking as described in the proposed resolution.

Public Testimony

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

Greg Wirth, Stahly Engineering; spoke in support of the request to designate the subject area "no-parking" and discussed several areas adjacent to, or near the project, that allow on-street parking and it does not provide a benefit to the businesses, instead creates more traffic problems rather than solutions.

Mr. Wirth stated, for the record, they will also be proposing the prohibition of parking on the to-be-constructed most northerly portion of Sanders Street for the same reasons that spurred this request and to provide continuity in the area.

Christopher Keeler, Helena; expressed concern over the elimination of on-street parking on Sanders Street, since it is public ROW and the public should be able to use it any way they want.

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

Comment

Commissioner Farris-Olsen stated while he does not support the related annexation/development; he does agree it makes sense to prohibit the parking as proposed, due to the amount of congestion incurred at the intersection. Regardless of his opinion on the Trinity Development, remedies for congestion and continuity issues in the area must be sought and supported, especially now that additional property in the area has officially been approved for annexation into the City.

Motion

Commissioner Ellison moved approval of a resolution prohibiting on-street parking for both sides of Sanders Street north of Custer Avenue . Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20284**

- B. CONSIDER GRANTING A DEMOLITION PERMIT FOR A SINGLE-FAMILY DWELLING LOCATED AT 21 DIVISION STREET.

Staff Report

Community Development Director Sharon Haugen reported Deidre Smith owns a single-family dwelling at 21 Division Street and has asked permission to demolish the unit. This property is in general disrepair and would be very costly to repair. She intends to replace it with another single-family dwelling.

The property is located in the Central Historic District and is considered a contributing property. Any demolition of any building that is contributing to that district is subject to the demolition review process as outlined in Title 3 Chapter 15 of the Helena City Code. This is a two-step process that requires a review from the Lewis and Clark County Heritage Preservation and Tourism Development Council (HTC) to determine if the property is considered a contributing property and if the proposed demolition would have a negative impact on the historic nature of the district. The HTC and/or the Historic Preservation Officer are required to conduct a pre-application for the applicant prior to the demolition permit application. As part of that review, they are required to hold a public hearing. The Council then makes a recommendation to the Helena City Commission on whether to recommend approval or denial of the demolition permit. The City Commission is also required to hold a public hearing to review the Heritage Council's recommendation and any public comment. No conditions can be placed on the applicant in the granting of the demolition permit. On July 19, 2016 the Heritage Council held their public hearing to consider their recommendation on granting the demolition permit. The HTC voted unanimously to approve the demolition.

Director Haugen recommended approval of the permit, reiterating demolition of the structure, which is beyond repair, will allow for the construction of a new building that will be designed to compliment the other buildings in the historic district and will be a safer structure for the neighborhood.

Public Testimony

Mayor Smith declared the public testimony 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 Noonan moved to grant a demolition permit for the single-family dwelling located at 21 Division Street.

Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.

- C. CONSIDER A RESOLUTION APPROVING THE PROPOSED WORK PLAN AND BUDGET OF THE BUSINESS IMPROVEMENT DISTRICT (BID) FOR FISCAL YEAR 2017.

Staff Report

Budget Manager Bob Ricker reported on August 9, 2016, the City Commission adopted a resolution creating the BID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the BID to submit its budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget. The Commission passed a resolution of intention on July 11, 2016.

The BID recommends and requests the City Commission approve their work plan and budget for fiscal year 2017 as submitted.

Manager Ricker noted state law requires the Commission's approval of the budget and work plan and recommended its approval.

Public Testimony

Mayor Smith declared the public testimony 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 Farris-Olsen moved approval of a resolution approving the work plan and budget for the Business Improvement District for fiscal year 2017. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20285**

- D. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT FOR THE BUSINESS IMPROVEMENT DISTRICT (BID) FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker on August 9, 2016, the City Commission adopted a resolution creating the BID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the BID to submit its budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget. The Commission passed a resolution of intention on July 11, 2016.

The BID is not requesting any change to the assessment methodology. The complete methodology is outlined in the attached Resolution and is in accordance with the prescribed methodologies allowed by state law (7-12-1133, MCA). The BID's proposal is, after receiving public comment, that the City Commission approve the resolution levying an assessment to defray the costs of the budget and work plan for fiscal year 2017 as submitted.

Manager Ricker stated approval of the proposed resolution will allow for the assessment to be placed on the 2016 tax bills of the properties within the district and will fund the BID's operations for fiscal year 2017 and recommended its approval.

Public Testimony Mayor Smith declared the public testimony 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 Noonan moved approval of a resolution levying an assessment for the Business Improvement District for fiscal year 2017.** Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Res #20286**

E. CONSIDER A RESOLUTION APPROVING THE PROPOSED WORK PLAN AND BUDGET OF THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR FISCAL YEAR 2017.

Staff Report Manager Ricker reported on April 20, 2009, the City Commission passed Resolution #19644 which created the TBID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132) requires the TBID to submit its annual budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget. The Commission passed a resolution of intention on July 11, 2016.

The TBID's is requesting the City Commission approve the work plan and budget for fiscal year 2017 as submitted.

Manager Ricker recommended approval of the resolution and pointed out that State law requires the Commission's approval of their budget and work plan.

Discussion Commissioner Ellison commended TBID Director Heidi O'Brien for her inventive work towards increasing tourism for Helena.

Public Testimony Mayor Smith declared the public testimony 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 approved of a resolution approving the proposed work plan and budget of the Tourism business Improvement District for fiscal year 2017.** Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res# 20287**

F. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) FOR FISCAL YEAR 2017.

Staff Report Manager Ricker next reported on the TBID's annual assessment resolution, noting the District is not requesting any change to the assessment methodology for FY2017. The complete methodology was outlined in the attached proposed resolution and is in accordance with the prescribed methodologies allowed by state law (7-12-1133, MCA).

The TBID's is requesting the City Commission approve the resolution levying an assessment to defray the costs of the budget and work plan for fiscal year 2017 as submitted.

Manager Ricker recommended approval of the assessment being proposed for placement on the 2016 tax bills of the properties within the district and will fund the TBID's operations for FY2017.

Public Testimony

Mayor Smith declared the public testimony 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 levying an assessment for the Tourism Business Improvement District for fiscal year 2017. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res# 20288**

G. CONSIDER A RESOLUTION REVISING THE BILLING STRUCTURE AND INCREASING WATER RATES FOR ALL USERS.

Staff Report

Budget Manager Bob Ricker reported each year the City Commission may adjust water rates for services or equipment to users.

In relation, the City's Financial Planning Policy Resolution calls for funding of essential services, including: annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components, and annually reviewing rates to: ensure adequate funding of operations, maintenance, and debt; address and consider funding up to 50% of the annual CCIP schedule of capital project priorities; provide for part or all of the impact of inflation; and make incremental rate changes that are regular and predictable for citizens.

The water rates include recommended rate increases as a result of the City Commission's CCIP review. Also, in order to better provide a more stable funding for the City's water infrastructure and encourage water conservation, the proposed resolution includes a revision to the billing structure to increase the base rates depending on the size of the service meters and adjust the consumption rate (per unit charge) in a tiered structure of usage and by type of property (commercial, multi-family and residential). The Commission passed a resolution of intention outlining these revisions on July 11, 2016.

Manager Ricker recommended approval of the FY2017 water rates and billing structure changes, in order to establish rates to defray the costs of the water operating and capital systems.

Discussion

Mayor asked for confirmation that the main revisions to the billing structure are a change to the base rate, based on the size of a resident's meter. Manager Ricker clarified the total increase being proposed of 7%, results from the combination of both the base rate and billing structure.

Commissioner Farris-Olsen commented it appears the overall rate for a vast majority of residential users will actually go down from their current charges. Manager Ricker concurred.

Public Testimony

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

Bill Joroki, 2699 Shodair; provided his employment background, which involves great deal experience with water related issues. Mr. Joroki spoke in support of the proposed rate increase, noting the value provided to Helena's citizens greatly outweighs the rates charged by the

City. He commended City staff for the safe drinking water they provide on an inadequate funding level and encouraged the Commission to increase the rates at a higher level and do so every year so the community understands.

Christopher Keeler noted many citizens waste a lot of money and water on keeping their lawns green.

Brian Lee, Benton Avenue; spoke against the proposed water rate increase.

Kris Verbanec, Sandpiper Loop; requested more information on the reasoning behind the increases.

Tim Deaderwon, 1731 Cannon, Helena; expressed confusion over why some rates were increased, while some are proposed to be decreased. He commented he feels there is more behind the changes to the City's rates than what the public is being told. Feels there is some sort of secret being hidden by the proposals.

Gary Spaeth, HCC Chair; spoke in support of the increases due to the current state of the City's infrastructure.

Mary Anne George, Helena; spoke in support of the rates proposed for increase in order to provide a safe system for the future of Helena.

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

Comment

Commissioner Ellison commented on very large and costly upgrades and repairs the City's water system necessitates and explained without increasing the rates those repairs cannot happen. While the Commission has typically made very modest increases in the past; safe water is a key element to public safety and an essential service to provide the citizens of Helena. He pointed out the typical household will see an increase of \$2.25 per month, which is more than affordable to ensure safe drinking water for the community.

Commissioner Ellison asked how much the proposed increase is anticipated to cost the Parks Department budget. Parks Department Director Amy Teegarden stated between the Parks Department's 68 different water accounts the base rate change will result in an increased cost of \$4,200 and the consumption rate will be increased by \$10,000; resulting in an increase of approximately \$14,000 for the first year of their 5-year budget billing cycle. She noted the Department's FY2016 budget allocated roughly \$230,000 for water. Commissioner Ellison added the proposed increase doesn't only affect residents; the City itself has to find increased funding for the increase. He indicated he would vote in favor of the increase.

Mayor Smith addressed Ms. Verbanec's comments explaining the critical need to replace the Tenmile Transmission Main, among other projects.

Motion

Commissioner Farris-Olsen moved approval of a resolution revising the billing structure and increasing water rates for all users. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20289**

H. CONSIDER A RESOLUTION SETTING WATER CHARGES FOR ALL CUSTOMERS.

Staff Report

Manager Ricker reported each year the City Commission may adjust water charges for services and/or equipment to customers. As the City's Financial Planning Policy Resolution calls for funding of essential services, including: providing timely annual funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components, and annually reviewing rates to: ensure adequate funding of operations, maintenance, and debt; address capital project priorities; consider the impact of inflation; and make incremental rate changes that are regular and predictable for citizens.

The water services and equipment charges include recommended increases to cover the costs of providing such services to City of Helena Water System customers. The resolution of intention outlining the FY2017 charges was passed on July 11, 2016.

Manager Ricker recommended approval of the resolution to allow for charges to be set to defray the costs of providing water services and equipment to customers.

Public Testimony

Mayor Smith declared the public testimony 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 Noonan moved approval of a resolution setting charges for all customers of the City of Helena Water System. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #20290**

I. CONSIDER A RESOLUTION INCREASING WASTEWATER RATES UP TO 5.89% FOR ALL USERS.

Staff Report

Manager Ricker reported the FY2017 wastewater rates include recommended increases attributable to the City Commission's annual CCIP and rate reviews. The City's Financial Planning Policy Resolution calls for funding of essential services, including: the ability to provide timely funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components, and annually reviewing rates for the purpose of: guaranteed adequate funding of operations, maintenance, and debt; meet capital project priorities; consideration for the impact of inflation; and make incremental rate changes that are regular and predictable for citizens. The Commission passed a resolution of intention outlining said increases on July 11, 2016. Manager Ricker stated a rate increase of up to 5.89% is the amount under deliberation for FY2017.

Approval of the resolution would institute rates so as to defray the costs of the wastewater operating and capital systems.

Public Testimony

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

Bill Joroki, Helena; discussed his experiences working with the State of Alaska on their wastewater rates and ability to borrow money for wastewater system improvements and commended the City for maintaining low costs for said services. He commented his monthly

charge of \$20.43/month for water, wastewater and solid waste service at his home is a bargain.

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

Motion

Commissioner Ellison moved approval of a resolution increasing wastewater rates by 5.89% for fiscal year 2017 for all users of the City of Helena Wastewater System. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Res #20291**

J. CONSIDER A RESOLUTION SETTING WASTEWATER CHARGES FOR ALL CUSTOMERS.

Staff Report

Manager Ricker reported the wastewater services and/or equipment charges for FY2017 include fee increases to supply those services while providing for coverage of the costs to do so for the City's customers. The resolution of intention approved by the Commission on July 11, 2016 identified the increases as indicated in the proposed resolution.

The City's Financial Planning Policy Resolution necessitates funding of essential services, including: planning for timely funding of regularly recurring Comprehensive Capital Improvement Program (CCIP) components and annual review of the rates to ensure adequate funding of operations, maintenance, and debt; addressing capital project priorities; taking the impact of inflation into account; and enacting rate changes incrementally as to keep Helena's citizens informed that they will increase regularly and predictably.

Manager Ricker recommended approval of the resolution so charges can be set to defray the costs of providing wastewater services and equipment to customers.

Public Testimony

Mayor Smith declared the public testimony 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 setting wastewater charges for all customers. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res #20292**

K. CONSIDER A RESOLUTION SPECIFYING THE ASSESSMENT OPTION, AMENDING THE BOUNDARIES AND LEVYING AND ASSESSING THE ANNUAL CHARGE FOR STREET MAINTENANCE DISTRICT #1 FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker stated each year the City Commission must levy and assess an annual charge on the district in order for the charges to be placed on the upcoming tax bills and provide for the maintenance and improvements of the district. The Commission passed a resolution of intention on July 11, 2016.

The fiscal year 2017 annual charge approved by the City Commission will be placed on the calendar year 2016 property tax bills. A rate increase of up to 7.0% for residential, vacant and mobile home

properties and up to 10.6% for commercial properties is under consideration.

Manager Ricker recommended approval of the resolution to allow the City to levy an assessment on all properties within the Street Maintenance District #1 to defray the costs of operations.

Public Testimony

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

Christopher Keeler; complained about the maintenance schedule and priorities for the City's streets.

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

Motion

Commissioner Farris-Olsen moved approval of a resolution specifying the assessment option, amending the boundaries and levying and assessing the annual charge for Street Maintenance District #1 for fiscal year 2017. Commissioner Noonan seconded the motion.

Discussion

Commissioner Ellison stated he would like to see balance between residential and commercial properties in the District and proposed the following friendly amendment:

Friendly Amendment

Commissioner Ellison proposed a 7% increase across the board for all properties in the Street Maintenance District, eliminating the different rates for residential and commercial properties.

Commissioner Farris-Olsen resisted the amendment and discussed his opinion that commercial properties create more use and wear on the streets and the residential properties should not pay the same amount when their use creates much less need for repair.

Commissioner Ellison withdrew his amendment.

Vote

Motion carried 3-1, with Commissioner Ellison voting no.

Resolution #20293

L. CONSIDER A RESOLUTION AMENDING THE BOUNDARIES AND LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE STORM WATER UTILITY DISTRICT FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker stated each year the City Commission must levy an assessment on the Storm Water Utility District in order for the assessment to be placed on the upcoming tax bills and defray the cost to maintain services in the district. The Commission passed a resolution of intention on July 11, 2016.

The annual assessment approved by the City Commission will be placed on the calendar year 2016 tax bills of the properties within the district. The Commission will consider a rate restructuring to differentiate between residential, vacant, mobile home parks and commercial properties. Also, a rate increase of up to 10.0% for residential, vacant and mobile home properties and up to 18.11% for commercial properties will be considered.

Manager Ricker recommended approval of the resolution to allow the City to levy an assessment on all properties within the Storm Water Utility District and defray the costs of operations.

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

Bill Joroki, Helena; spoke in favor of the proposed increase and commended the City's stormwater program.

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

Motion Commissioner Noonan moved approval of a resolution amending the boundaries and levying an assessment upon all property the Storm Water Utility District for fiscal year 2017.

Commissioner Farris-Olsen seconded the motion.

Amendment Commissioner Ellison moved approval for an amendment to the proposed assessment rate for commercial properties to 10%; the same rate being proposed for residential properties.

There being no second; Commissioner Ellison withdrew his amendment.

Comment Mayor Smith spoke to the tremendous expense the City is incurring related to renewal of its stormwater permit, in addition to some major projects scheduled for next spring/summer.

Vote All voted aye, motion carried. **Res# 20294**

M. CONSIDER A RESOLUTION ESTABLISHING CHARGES FOR COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE IN THE CITY OF HELENA, MONTANA, FOR FISCAL YEAR 2017.

Staff Report Manager Ricker reported review of the City's Residential Solid Waste Program has resulted in a recommendation to reduce the assessment by 5%, due mostly to operational changes and an existing well-funded program.

Public Testimony Mayor Smith declared the public testimony 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.

Comment Mayor Smith and Commissioner Ellison commended staff for their work closely monitoring the City's' solid waste program to ensure it remains nearly fully funded.

Motion Commissioner Ellison moved approval of a resolution establishing charges for collection and disposal of residential garbage and refuse in the city of Helena , Montana, for fiscal year 2017. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res. #20295**

N. CONSIDER A RESOLUTION AMENDING THE BOUNDARIES AND LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker stated each year the City Commission must levy and assess an annual charge on the Open Space Maintenance District in order for the charge to be placed on the upcoming tax bills and provide for the operation of the district. For fiscal year 2016 the Commission revised the assessment methodology by reducing the base assessment per property from \$20 down to \$14 but left the impervious area portion of the assessment at \$0.00221 per square foot in excess of 2,222 square feet. This resulted in approximately a \$75,000 reduction of assessment revenue to the district. For fiscal year 2017, the Commission has expressed an interest to increase the assessment to return the district to the former funding level. To accomplish this, an overall increase of up to 27% to both the current base and impervious area rates is being considered. The Commission passed a resolution of intention outlining this increase on July 11, 2016.

The assessment approved by the Commission will be placed on the calendar year 2016 tax bills of the properties within the district and allow for defrayal of the costs of operations. Manager Ricker recommended approval of the resolution.

Public Testimony

Mayor Smith declared the public testimony 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 Farris-Olsen moved approval of a resolution amending the boundaries and levying an assessment upon all property in the Open Space Maintenance District No. 1 for fiscal year 2017. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res. #20296**

- O. CONSIDER A RESOLUTION TO LEVY AN ASSESSMENT UPON ALL PROPERTY IN THE URBAN FOREST MANAGEMENT DISTRICT FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker reported an annual assessment on the Urban Forest Management District must be set in order for the assessment to be placed on the upcoming 2016 tax bills and provide for the operation of the district. The Commission passed a resolution of intention on July 11, 2016. A rate increase of up to 5% is under consideration and would revise the assessment per property from \$20 to \$21.

Manager Ricker recommended approval of the proposed resolution to defray the costs of operation of the district.

Public Testimony

Mayor Smith declared the public testimony 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 levying an assessment upon all property in the Urban Forest Management District for fiscal year 2017. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Res #20297**

- P. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT UPON ALL PROPERTY IN THE LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker stated the City Commission must levy and assess an annual assessment on the Landfill Monitoring and Maintenance District annually in order for the assessment to be placed on the upcoming tax bills and provide funding for the operation of the district. The Commission passed a resolution of intention regarding this on July 11, 2016.

Manager Ricker pointed out no increase to the amount of the annual assessment for fiscal year 2017 is recommended.

Public Testimony

Mayor Smith declared the public testimony 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 Noonan moved approval of a resolution levying an assessment upon all property in the Landfill Monitoring and Maintenance District for fiscal year 2017. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res# 20298**

- Q. CONSIDER A RESOLUTION LEVYING AN ASSESSMENT UPON ALL PROPERTIES IN THE SPECIAL STREET LIGHTING DISTRICTS FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker reported each year the City Commission must levy assessments on the Special Street Lighting Districts in order for the assessments to be placed on the upcoming 2016 tax bills and defray the costs of installing and maintain improvements in the districts. The Commission passed a resolution of intention on July 11, 2016.

Manager Ricker recommended approval of the proposed resolution so the City can levy an assessment on all properties within the Special Street Lighting Districts to defray the costs in those districts.

Public Testimony

Mayor Smith declared the public testimony 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 Farris-Olsen moved approval of a resolution levying an assessment upon all properties in the Special Street Lighting Districts for fiscal year 2017. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res# 20299**

- R. CONSIDER A RESOLUTION LEVYING AND ASSESSING A TAX ON ALL PROPERTIES IN THE SPECIAL IMPROVEMENT DISTRICTS TO DEFRAY THE COST OF MAINTAINING IMPROVEMENTS FOR FISCAL YEAR 2017.

Staff Report

Manager Ricker noted each year the City Commission must levy and assess an annual tax on the Special Improvement Districts in order for the charge to be placed on the upcoming tax bills. The Commission passed a resolution of intention denoting this process on July 11, 2016.

The annual tax approved by the City Commission will be placed on the calendar year 2016 tax bills of the properties within the districts to defray the costs of maintaining improvements. Manager Ricker recommended approval of the resolution.

Public Testimony

Mayor Smith declared the public testimony 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 levying and assessing a tax on all properties in the Special Improvement Districts to defray the cost of maintaining improvements for fiscal year 2017. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Res# 20300**

S. CONSIDER A RESOLUTION LEVYING ASSESSMENTS FOR FISCAL YEAR 2017 FOR SIDEWALK IMPROVEMENTS MADE ADJACENT TO PARTICIPATING PROPERTIES OF THE SIDEWALK PROGRAM.

Staff Report

Manager Ricker stated each year the City Commission must levy assessments on participating properties in order for those assessments to be placed on the upcoming tax bills and recoup the cost of installation of sidewalks, curbs, gutters and alley approaches. The Commission passed a resolution of intention indicating so on July 11, 2016.

Manager Ricker recommended approval of this resolution levying assessments on each participating property to defray the costs thereof for fiscal year 2017. The annual assessments approved by the City Commission will be placed on the calendar year 2016 tax bills of those participating properties.

Public Testimony

Mayor Smith declared the public testimony 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 Noonan moved approval of a resolution levying assessments for fiscal year 2017 for sidewalk improvements made adjacent to participating properties of the Sidewalk Program. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Res. #20301**

T. CONSIDER ACCEPTANCE OF BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDING.

Staff Report

Police Chief Troy McGee reported the Helena Police Department has received funding from the Federal Bureau of Justice Assistance (BJA) for the past 15 years.

The HPD is proposing the grant award be used to supplement a full-time detective's position that has been located at the Lewis and Clark County Attorney's Office. This detective serves as a liaison between the police department, county attorney's office, and the city prosecutor's

office. Having this detective serve in this capacity allows for him to be able to coordinate information and developments from both law enforcement and prosecutors on case investigations. The detective actively works with the prosecution to prepare for trials and attends trials as a law enforcement expert.

Chief McGee noted additional funds have become available on this grant. The commission has previously approved that the HPD may received the \$25,997, however, an additional \$12,506 can be applied for.

He stated this grant helps keep one detective serving in the capacity of the liaison between the Helena Police Department, Lewis and Clark County Attorney's Office, and the City of Helena Prosecution Office. This position ensures tasks are completed in major cases and information shared and presented for prosecution.

Public Testimony

Mayor Smith declared the public testimony 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 to accept JAG Grant funding in the amount of \$38,503. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

Christopher Keeler, Helena; requested the City designate an area for those without permanent homes to live in what is sometimes referred to as a "tent city". Such an area could be regimented to ensure laws are complied with and everyone is in a safe environment.

Meetings of Interest

MEETINGS OF INTEREST

The next Administrative Meeting is September 7, 2016 and the next Commission Meeting is September 12, 2016. The next Joint Work Session will be held September 1, 2016.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:09 p.m.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION