

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 24, 2017 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, July 24, 2017 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, Farris-Olsen, Haladay, and Noonan were present. City Manager Ron Alles, City Attorney Thomas Jodoin, Deputy City Clerk Katya Grover, and City Clerk Debbie Havens were present.
HCC Representative Gary Spaeth was also present.
- Pledge of Allegiance** Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** The minutes of the regular City Commission meeting of July 10, 2017, and were approved as submitted.
- Board Appointments** BOARD APPOINTMENTS:
A. Helena Housing Authority

Mayor Smith recommended the following appointments:
Reappointment of Sherri Downing to a first full term appointment to the Helena Housing Authority. Term will begin upon appointment and expire August 1, 2022.
Reappointment of Bruce Hodess, resident representative, to the Helena Housing Authority. Term will begin upon appointment and expire August 1, 2019.
- Public Comment Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Haladay moved approval of the board appointments to the Helena Housing Authority as outlined above.**
Commissioner Ellison seconded the motion. All voted aye, motion carried.
- Consent Agenda** CONSENT AGENDA:
A. Claims
City Manager Alles recommended approval of the claims.
B. Ordinance 3229 amending City of Helena Ordinance 2359 and amending the official zoning map for the City of Helena for a zone change from PLI (Public Lands and Institutions) to R-2 (Residential) District for Lots 1-11 of the Intermountain Subdivision, generally located south of Albert and Fee Streets. **Ordinance 3229**
C. Resolution of intention to establish rates for collection and disposal of residential garbage and refuse in the City of Helena, Montana, for fiscal year 2018. **Resolution 20354**
D. Resolution of intention to levy an assessment upon all property in the Urban Forest Management District for fiscal year 2018 and set a public hearing date. **Resolution 20355**
E. Resolution of intention to specify the assessment option, amend the boundaries, and levy and assess the annual charge for Street Maintenance and Improvements District No. 1 for fiscal year 2018. **Resolution 20356**
F. Resolution of intention to adjust water rates for all customers. **Resolution 20357**
G. Resolution of intention to increase wastewater rates for all customers. **Resolution 20358**

- H. Resolution of intention to increase water charges for all customers. **Resolution 20359**
- I. Resolution of intention to increase wastewater charges for all customers. **Resolution 20360**
- J. Resolution of intention to specify the assessment option, levy an assessment upon all property in the Landfill Monitoring and Maintenance District for fiscal year 2018, and set a public hearing date. **Resolution 20361**
- K. Resolution of intention to levy an assessment upon all property in the Special Street Lighting Districts to defray the costs of installing and maintaining improvements for fiscal year 2018 and set a public hearing date. **Resolution 20362**
- L. Resolution of intention to specify the assessment option, amend the boundaries and levy an assessment upon all property in the Storm Water Utility District for fiscal year 2018, and set a public hearing date. **Resolution 20363**
- M. Resolution of intention to levy and assess a tax on all properties in the Special Improvement Districts to defray the cost of maintaining improvements for fiscal year 2018 and set a public hearing date. **Resolution 20364**
- N. Resolution of intention to levy assessments for fiscal year 2018 on all properties under the Residential Energy Efficiency and Renewable Energy Loan Program and set a public hearing date. **Resolution 20365**
- O. Resolution of intention to levy assessments for fiscal year 2018 for improvements made to properties in the Sidewalk Improvement Districts and set a public hearing date. **Resolution 20366**
- P. Resolution of intention to specify the assessment option for the Open Space Maintenance District No. 1 for fiscal year 2018, levy and assess all property within the district, amend the boundaries of the district, and set a public hearing date. **Resolution 20367**
- Q. Resolution of intention to levy an assessment, approve the proposed work plan and budget of the Business Improvement District (BID) for fiscal year 2018, and set a public hearing date. **Resolution 20368**
- R. Resolution of intention to levy an assessment, approve the proposed work plan and budget of the Tourism Business Improvement District (TBID) for fiscal year 2018, and set a public hearing date. **Resolution 20369**
- S. Resolution of intention to levy assessments upon properties to recover the costs for removal of snow and ice from sidewalks on public rights-of-way fronting or abutting said properties for fiscal year 2018 and set a public hearing date. **Resolution 20370**
- T. Resolution of intention to eliminate unnecessary fees, to revise fees for street and alley opening permits and backing and loading permits, set charges for the costs of sidewalk snow removal and extra work services performed by the Helena Police Department, and repeal Resolutions 20003 and 20305. **Resolution 20371**
- U. Resolution declaring a 2009 Harley Davidson motorcycle owned by the City of Helena to be surplus property and authorizing the city manager to exchange the motorcycle for a 2009 Yamaha YXR700 utility ATV. **Resolution 20372**

Discussion

Commissioner Farris-Olsen said that he would like to pull a resolution listed under item "L" off and act on the rest of the consent agenda.

Mayor Smith suggested discussing the resolution listed under item "L" and acting upon the rest of consent agenda afterwards.

Commissioner Farris-Olsen referred to page 44 of the Commission Packet and pointed that this resolution has a 14.58% rate increase for residential properties and a 19.9% rate increase for commercial properties

for FY 2018. Commissioner Farris-Olsen asked if it would be possible to amend the rate for residential properties tonight in the manner that it was discussed at the July 19th Administrative Meeting: to decrease the residential rate to 7% to keep the overall residential increase below \$45 for the year.

Mayor Smith noted that an amendment could be offered this evening as opposed to waiting until August 21st. Mayor Smith asked Commissioner Farris-Olsen to make a motion.

Motion

Commissioner Farris-Olsen moved to amend Section Two of the Resolution of Intention to Specify the Assessment Option for the Storm Water Utility District for Fiscal Year 2018, Levy and Assess All Property in the District, And Amend the Boundaries of the District to change the rate increase for the residential, vacant and mobile home properties from 14.58% to 7%. Commissioner Haladay seconded the motion.

Discussion

Mayor Smith asked Commissioner Farris-Olsen to elaborate on his motion. Commissioner Farris-Olsen stated that if the residential rate is changed to 7%, while maintaining the commercial rate at 19.99%, all the infrastructure projects that were proposed to the City Commission could still be adequately funded. Commissioner Farris-Olsen added that in having these two rates, the City puts the burden on those properties that create the majority of the excess water in the city – the large commercial properties.

Commissioner Haladay asked Commissioner Farris-Olsen whether it was his understanding that if the rate was reduced from 14.58% to 7%, that would leave the amount of money that was recommended by the staff in order to accomplish the infrastructure and debt servicing calls over the next year without needing to adjust the commercial rate. Commissioner Farris-Olsen said that that was his understanding.

Commissioner Haladay noted that having a 7% rate for residential properties and a 19.99% rate for commercial properties would sufficiently fund the storm water fund. Commissioner Haladay also stated that it made sense to continue to split these funds. Commissioner Haladay said that he is comfortable with the motion and that change in the rate for residential properties would relieve the homeowners some burden going from \$80 to \$85 range down to under \$45.

Commissioner Noonan noted that this change would be in line with other choices the Commission made in the last two years to adjust the rate so that home owners pay less and some of the businesses that especially impact the services pay more. Commissioner Noonan said that he would vote in favor of this amendment.

Commissioner Ellison said that a 19% rate for the businesses and a 7% rate for homeowners are disproportionate. Commissioner Ellison expressed his concern about such organizations as the hospital, Carrol College, and the airport that provided very needed and essential services in the community and about the impact that such a disparity in the rates would have on those businesses. Commissioner Ellison noted that it is the nature of these businesses' function that they have a lot of people coming and going from them. Commissioner Ellison said that he would be opposing this motion.

Mayor Smith asked Phil Hauck, Assistant Director of Public Works Department, whether there would be an impact on any projects budgeted for FY 2018 if the rate for the residential properties was changed to 7%. Assistant Director Hauck said that there would not be an impact and that all the projects would be funded as budgeted.

Public comment

Mayor Smith asked for public comment on the amendment, none was received.

whether it was his intention to take that money and give it respectively to those departments within the 440 Fund. Manager Alles said that initially he set it up in such a way that \$1 million would be transferred to the 440 Fund, but he could proportion that to the respective departments based on their savings if that was the will of the Commission. Manager Alles noted that this was where the Commission's discretion would come in: if the Commission had projects, this is how the money was saved over the last 8-year period, by transferring any savings to the 440 Fund. Manager Alles also noted that allocating some of that money to the respective departments helps encourage savings.

Commissioner Haladay agreed that it was a good approach and said that it appears that if that target number, about \$1 million, is put in the 440 Fund, it should cover the expenditures out of that Fund, at least as budgeted for both years. Manager Alles concurred.

Commissioner Haladay requested to see at the upcoming Commission Meeting what the overall net amount of unallocated funds would be after the transfer.

Manager Alles said he would address Commissioner Haladay's request. Manager Alles also noted that last year, when the Commission was looking at the 440 Fund, there was a brief discussion about those unallocated funds. Whether the Commission did it in the near term or as part of the budget work next year, the entire capital cycle would be approached with the Commission's involvement. Commissioner Haladay said that he would prefer to do it in the next couple of months.

Mayor Smith thanked Manager Alles for the updates on the quiet zone; he had a chance to visit most of those intersections in the last week, and work seemed to be progressing well, particularly on Benton Street.

Manager Alles said that the City was about two months away from having a quiet zone as once the improvements were done, there would have to be an inspection with FRA and State of Montana.

Mayor Smith said that the Commission looked forward to that inspection and completion of the effort.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC Chair Spaeth reported that the HCC would not be holding meetings in July. Sumner Sharpe, HCC Vice President, requested that the HCC become involved in working on resolving the problem with increased vacancy rate that is occurring in downtown, Helena, with several major employers leaving. Mr. Spaeth asked those who were involved in working on the solution to let the HCC know so its members could get involved as well. Mr. Spaeth reminded the Commissioners and the public that it was the Stampede Week and encouraged participation in this event. Mr. Spaeth also thanked Commissioner Ellison for expressing his condolences and sympathies for him at the last City Commission meeting.

Mayor Smith said that the City holds a volunteer appreciation night every summer and noted that tickets have been mailed to the HCC members, as well as members of all the boards and task forces as a way to thank all volunteers. Mr. Spaeth added that the pre-rodeo entertainment would start on July 26th and the rodeo event would last from July 27th to the 29th.

Mayor Smith asked City Clerk Debbie Havens to send an invitation to Mr. Spaeth to participate in the meeting with the BID (business improvement district) as there would be a discussion on the downtown. Mayor Smith asked Mr. Spaeth whether he and Mr. Sharpe could attend the meeting. Mr. Spaeth said that both of them would

attend and reiterated the idea that the vacancy rate was a major problem. Mr. Spaeth noted that HCC consists of 28 members and involves 7 neighborhoods, so they have a lot of contacts in different neighborhoods, thus, having a possibility for one-on-one contact with many residents.

Regular Items

REGULAR ITEMS:

- A. CONSIDER FIRST PASSAGE OF AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO BRESNAN COMMUNICATIONS, LLC.

City Attorney Thomas Jodoin provided background information regarding franchise agreements. Pursuant to 7-3-4223, MCA, the City Commission may grant by Ordinance a franchise authority for cable television service infrastructure to place its utilities in the ROW. Such company is not otherwise allowed by law to use ROW. And the provision of cable television is one of those utilities that are not allowed to use ROW by law. The City has one more franchise agreement with Three Rivers Communications. Attorney Jodoin noted that he reviewed the agreement with Three Rivers and the current proposal and found that they were consistent and legally equal. Attorney Jodoin concluded by noting that nothing he and the City Manager would propose tonight would violate the agreement with Three Rivers.

Before starting his report on the franchise fees and the access channels, Manager Alles introduced Mary Roehr, Montana Area Director of Government Relations at Charter Communications. Manager Alles reported Bresnan Communications, LLC, known locally as Charter Communications, provides cable television services within the city of Helena.

The last franchise agreement expired on December 31, 2016. There was an extension until March 31, 2017. Right now, while the City of Helena and Charter Communications are not operating under that agreement, all those requirements have been maintained. This particular agreement is a ten-year agreement that allows for a five-year extension. If the City does not want to extend the agreement, the City would have to notify Charter Communications three years in advance of the expiration of this agreement. Manager Alles pointed out to some differences between the previous and the proposed agreement. While the format has changed considerably, the terms within the agreement are basically the same, with some exceptions. A non-discrimination reference was added. But the 5% franchise fee remained the same and will be paid to the City of Helena.

The contract also calls for a pay channel. The City shares that channel with Lewis & Clark County. The Lewis & Clark County's agreement will expire in two years, but the County is looking to adopt the same agreement that the City has and to keep the County and City on the same cycle so that negotiations are done at the same time. The language in the agreements done by the County and the City will be similar except for the Annexation Clauses; the County does not annex property but the City does. This requires a notification to Charter Communications for what properties those annexations are and a description of them so that the City can collect the franchise fee.

Manager Alles noted that one of the things the City did when it extended the contract, or did a temporary agreement for 2 years, was adding a 35 cent PEG (Public, Education, and Government) fee. The purpose of that money is to pay for PEG equipment at HCTV. The City collected the money and set it aside in the 440 Fund. Currently, the City has approximately \$160,000 in this fund and it is used for HCTV and

their purchase of PEG equipment. HCTV needs to upgrade their equipment for high definition and that money can be used for that purpose. There is a plan to reduce the fee from 35 cents to 15 cents. This decision is based on a capital improvement plan that was received from HCTV. HCTV has a substantial Capital Reserve within their program. The City and County will be main users of that and contributors to that program. Manager Alles emphasized that that 15-cent fee must be used exclusively for their equipment. Charter Communications does have the rights to review the City's books to see that those particular funds are used for that purpose.

Lastly, Manger Alles discussed the high definition channel. HCTV has wanted to convert to high definition. Manager Alles discussed this point with Charter Communications and both parties placed some criteria and standards within the franchise agreement that are achievable. Manager Alles would work with the HCTV and their Board and staff to get their timelines going converting their equipment to high definition. Most of the current equipment is high definition equipment.

Manager Alles recommended approval for first passage of an ordinance granting a non-exclusive franchise to Bresnan Communications, LLC, to provide cable television services within the City of Helena pursuant to the franchise agreement, and setting a public hearing for August 21, 2017.

Discussion

Mayor Smith thanked Manager Alles for his report.

Commissioner Haladay asked for background information regarding where the franchise fee would go. Manager Alles said that last year the City collected approximately \$392,000, and per contract, approximately \$70,000 went to HCTV. The purpose of the franchise fee is for use of City's ROW. All of that money goes into the General Fund.

Commissioner Haladay asked whether, putting aside the amount that the City discretionally chooses to give to HCTV, the remainder of that money was free to be appropriated: to fire, parks, police, general gov't, etc. Manager Alles concurred.

Commissioner Haladay asked what would happen if a franchise agreement was not reached between the local government and a local entity. Attorney Jodoin said that the franchisee, or entity that provides cable to television service that does not have a franchise agreement, would not be able to use the ROW to put their infrastructure in.

Commissioner Haladay asked to confirm that the Favorite Nation Clause only applies to the new market entrance and not to existing contracts. Attorney Jodoin concurred.

Commissioner Haladay noted that otherwise the City would be stuck in the cycle of never being able to change a franchise agreement should the City ever choose because it would be bound to the predecessor. Commissioner Haladay asked how much the PEG fee brought through the 35 cents into the old agreement. Manager Alles said that it was \$28,000 this past year. If the City dropped that to 15 cents and the Lewis & Clark County would add 15 cents, the City would be getting about 60% to 65%. It would bring roughly \$20,000 vs. \$28,000 total between the two entities. Manager Alles pointed out that one of the reasons it was discussed was because that channel belongs to both, the City and Lewis & Clark County. Currently, only City residents are paying the 35-cent fee; this would add 15 cents to the County bill and reduce City's from 35 to 15 cents.

Commissioner Haladay asked whether the City is equipped to internally do an audit. Manager Alles said if the City wanted to audit, it would be likely that someone would be hired to do that. Manager Alles

noted that there is a clause within the agreement that the City could review information but he would want to understand the details first, what it is that the City wanted to audit.

Public Comment

Mayor Smith asked for public comment.

Mary Roehr, Montana Area Director of Government Relations at Charter Communications, introduced two of her colleagues present at the meeting Winston Olsen, Manager of Field Operations, and Melissa Lewis, a Contract Consultant, and thanked the Commission for considering the proposal. Ms. Roehr also thanked Manager Alles for working on the agreement with Charter Communications.

Motion

Commissioner Noonan moved approval for first passage of an ordinance granting a non-exclusive franchise to Bresnan Communications, LLC, to provide cable television services within the City of Helena pursuant to the franchise agreement, and setting a public hearing for August 21, 2017. Commissioner Ellison seconded the motion.

Discussion

Commissioner Haladay referred to the gross revenue section and noted that a number of other contracts include in engrossed revenue the charges made for the franchise fee. Commissioner Haladay asked why the City chose to do that. Manager Alles said that the breakout that the City had gotten in the past and that the City asked for again defined all the revenue. Manager Alles noted that it might be that when the City updated the temporary agreement and did the two year extension, the City started getting the general amount, but he since has asked that that amount be broken out again in terms of what is being collected.

Commissioner Haladay noted that his question specifically went to that engrossed revenue; the contract said that the franchise fee shall not be included in it, which meant that the City explicitly excluded it. Manager Alles clarified that the question was why the City was excluding the franchise fee and the 5% fee. Commissioner Haladay confirmed that that was his question. Manager Alles noted that if it were not excluded, it would be a tax on a tax: the City would be putting 5% in the contract and then be putting 5% in that original 5%. Manager Alles noted that the City has been consistent in the way this kind of contracts has been done.

Commissioner Haladay said that it struck him as fee-on-fee. Commissioner Haladay noted that past practice did not necessarily dictate the future practice, and since the General Fund revenue was involved, it was worth discussion. Manager Alles said that he could do some research if the Commission wanted to do a fee on the fee; however, Manager Alles pointed out that doing so was not his recommendation.

Commissioner Haladay said that when this contract was discussed during the July 19 Administrative meeting, he had a number of questions regarding installation fees, change in service fees, reconnection fees, disconnection fees, late fees, repair calls, etc. Commissioner Haladay noted that the Commissioners were told that those items would be broken out and itemized. Commissioner Haladay said that it would be a simple solution to itemize with the language "included but not limited to" added at front and noted that it would ensure that the City was getting all the money it should be getting for the purposes of the General Fund and operating of the City. Manager Alles said that he could work with Ms. Roehr over the next month to make sure that this language would be included.

Commissioner Haladay asked about bundled services noting that the Commission had discussed it previously. The Commission was informed that even with bundled packages, Charter Communications was breaking it out in a proportional method so as to not devalue the cable operating fee down on the gross revenue. Commissioner Haladay noted that, as with the

previous point, explicit language regarding bundling could be put into the contract stating that the bundled services were treated in the manner that insured that the City was recouping as much money as it was supposed to be for the General Fund purposes. Manager Alles noted that, as he mentioned before, when he spoke to Ms. Roehr about that, she indicated that they were using the retail method of accounting but that he could speak to Ms. Roehr regarding the point Commissioner Haladay brought up prior to the Commission Meeting in a month. Commissioner Haladay said that this was already being done under the contract so no changes were being proposed to the contract or accounting method.

Ms. Roehr said that Charter Communications did not have a problem with including the sources of the revenue in the gross revenue. Ms. Roehr noted that she would work with Manager Alles regarding this point. Ms. Roehr also explained that they use an accounting methodology called "retail rate methodology". And per GAP, that gives the proportionate amount of each of those services, whether it was video, or phone, or internet, and then applies that discount. Ms. Roehr noted that Charter Communications would be happy to modify the contract as to state that they use the retail rate methodology. Commissioner Haladay noted that that would generally work for him. Ms. Roehr also noted that if the Commission wanted to, the language regarding gross revenue complying with GAP also could be included in the contract.

Mayor Smith noted that the Commission should have a discussion and should make sure that the Commission members were comfortable with what had been discussed before requesting that the contract be modified between this meeting and August 21.

Commissioner Noonan said that he wanted to underscore to Ms. Roehr that over the years, there had been a lot of discussion about these rates, but that he became more and more aware of the good things that came out of the partnerships and of what Charter Communications had been able to do for the City. Commissioner Noonan noted that he did not want that to get lost in any of the discussions. Commissioner Noonan thanked Ms. Roehr for her openness to Commissioners' suggestions.

Mayor Smith noted that he was comfortable with the agreement as was presented today but he did not think that the modification that were being discussed would harm the agreement of the relationship.

Commissioner Farris-Olsen asked to confirm whether the City got the franchise fee semi-annually. Manager Alles concurred noting that in the past the City would collect the fees quarterly but that semi-annually worked better. Commissioner Farris-Olsen asked to confirm whether, based on the number of \$392,000 that Manager Alles provided, the City would collect about \$186,000 or \$190,000. Manager Alles said that the number was about \$196,000. Commissioner Farris-Olsen asked Ms. Roehn and Manager Alles what was done with the money when the fee was collected and whether it was put into an interest-bearing account and so profits are generated off it.

Ms. Roehr clarified that the Cable Act said that the franchise fee should be collected and remitted annually, although Charter Communications agreed to pay more frequently.

Commissioner Farris-Olsen asked whether Charter Communications passed on the franchise fee to the consumers in Helena. Ms. Roehr concurred and said that it was explicitly stated on the bill under the taxes and fees section, and it also went to the PEG fee as well.

Commissioner Farris-Olsen said that his question was what happened to that 5% fee that was passed on the consumers: whether it was placed in an interest-bearing account within Charter Communications and generated profits and gross revenue for Charter. Ms. Roehr said that she did not know the answer to that question but would search that and provide a response.

Commissioner Farris-Olsen referred to Manager Alles talking about charging a fee upon a fee and noted that that fee upon a fee was just

collecting an interest that had been generated by Helena consumers and not a fee upon a fee situation. Commissioner Farris-Olsen said that he believed that the City should be entitled to count the franchise fee as part of the gross revenue and that his concern was that there were profits being generated that did not get reinvested into the community.

Mayor Smith noted that that might be another potential amendment to the agreement.

Commissioner Ellison noted that he was completely confident in the agreement that Manager Alles had negotiated with Charter Communications and that he would vote favorably on the motion. Commissioner Ellison also added that he did not have specific objections to the amendments discussed so far but that he would need to see them in writing before deciding whether or not he would support them.

Commissioner Haladay referred to one of the benchmarks set forth in the contract saying that the percent of the HD channels should be 80% or higher and asked Ms. Roehr what the percentage was today. Ms. Roehr said that it was discussed during the negotiations and earlier in the year the figure was about 45%, but at this point it should be higher. Ms. Roehr said that Charter Communications would be happy to go through the channel lineup with the City representatives and discuss this point because the number should be getting close to 80%.

Commissioner Haladay asked whether Ms. Roehr believed that the percentage would reach 80% by the end of the life of the franchise agreement. Ms. Roehr said that even though she could not say when exactly this number would be reached, Charter Communications was adding HD channels to the lineup and the number should not be too far off.

Commissioner Haladay asked whether Switch Digital was already in use by Charter Communications. Ms. Roehr confirmed that it was.

Mayor Smith reminded Commissioners that the Commission had a motion before them, that there might be amendments offered at the August 21, 2017, meeting, but all amendments discussed at the present meeting were conceptual.

Commissioner Haladay said that he could not support this motion as he had too many questions about the franchise agreement and did not feel comfortable with it the way it is written.

Vote

**Motion carried 4-1 with Commissioner Haladay voting no.
Ordinance 3230**

**Public
Communications**

PUBLIC COMMUNICATIONS

No comments received. Commissioner Ellison noted that there were many young people present at the meeting and said that he wanted to acknowledge their presence. Commissioner Ellison and Mayor Smith asked one of them to introduce the group. A representative from the group said that they were from Montana Conservation Corps. Commissioner Ellison asked how many veterans, who participate in Montana Conservation Corps, were present at the Commission Meeting. The representative said that there were four veterans. Commissioner Ellison and Mayor thanked them for their service.

**Meetings of
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is August 2, 2017; and the next Commission Meeting is August 7, 2017.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:10 p.m.

/S/ JAMES E. SMITH
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION