

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
November 20, 2017 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, November 20, 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, Haladay and Noonan were present. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Katya Grover were present. Commissioner Farris-Olsen was excused.
- 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 November 6, 2017, were approved as submitted.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. 2018 Utility Bill Inserts.
C. Consider acceptance of a grant from Montana Fish, Wildlife & Parks (MFWP) to assist in the purchase of a permanent vaulted restroom facility to be installed at the Beattie Street Trailhead parking area.
D. Consider a resolution awarding the sale of a limited tax general obligation bond, series 2017 to Valley Bank of Helena; fixing its form and specifications; directing its execution and delivery; and providing for its payment. **Resolution 20414**
- City Manager Alles recommended approval of the claims.
- Public Comment** Mayor Smith asked for public comment, none was received.
- Motion** **Commissioner Ellison moved approval of Items A through D on the consent agenda.** Commissioner Haladay seconded the motion. All voted aye, motion carried.
- Bid Award** BID AWARD:
Rescinding bid award from the October 30th Commission meeting and re-awarding the bid for one (1) new 2018 roll-off container truck with hook lift hoist system for the Solid Waste Division.
- Staff Report** Public Works Assistant Director Phil Hauck reported bids were received and opened on September 27th for one new 2018 roll-off container truck with a hook lift hoist system for the Solid Waste Division. Upon reviewing the bids, there was an oversight by staff regarding extended warranties beneficial to the City. Rocky Mountain Truck Center was deemed the low bidder with a bid of \$175,671.00 but did not meet bid specs on the warranties. The next lowest bidder, I-State Truck Center with a bid of \$176,786.00, met the warranty specs in all categories. Once this oversight was realized, it became apparent that I-State Truck Center was the responsible low bidder that met bid specs. I-State Truck Center has offered to honor their bid price until the end of November.
- Staff recommends the bid award to purchase the new unit at the bid price of \$175,671.00 from Rocky Mountain Truck Center be rescinded and a new bid award granted to I-State Truck Center in the

amount of \$176,786.00.

Re-awarding the bid to I-State Truck Center will ensure the extended warranties specified for this piece of equipment and benefit the City by awarding to the responsible low bidder.

Discussion

Mayor Smith asked whether the original bidder offer to extend its warranty from two to five years. Assistant Director said that five years was listed in the original specifications but the original bidder didn't offer it and so, at this point, it would be unfair to allow Rocky Mountain Truck Center to put in a bid.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Noonan moved rescinding the bid award to Rocky Mountain Truck Center for one new 2018 Freightliner with Stellar 65 hook lift for the bid price of \$175,671.00 and awarding the bid to I-State Truck Center for one new 2018 Freightliner with Stellar 65 hook lift for the bid price of \$176,786. Commissioner Haladay seconded the motion. All voted eye, motion carried.

**Communications
From Commissioners**

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Noonan spoke about ExplorationWorks' contribution to the community and wished them a happy 10th year anniversary.

Commissioner Ellison congratulated Commissioner Haladay on being re-elected a City Commissioner.

Commissioner Ellison also reported Sen. Jon Tester was with the Chamber of Commerce this past Friday at the awards annual retreat, where he offered some comments. Commissioner Ellison summarized them. Sen. Tester spoke about:

- the partisan atmosphere and dysfunction of Washington, DC, and expressed his frustration over that experience;
- the tax reform bill that is currently working its way through the Congress; Sen. Tester expressed his concerns about the lack of transparency in the bill and the rush to get it through;
- the banking bill that he and one of the other Senators were sponsoring (it's a reform of some of the provisions of banking); Sen. Tester thought that it would be particularly helpful to small banks in rural areas, namely, in Montana;
- some ongoing work that Sen. Tester is doing regarding veterans' health and Native American healthcare;
- in response to Commissioner Ellison's question about North Korea, Sen. Tester gave a detailed answer and expressed grave concerns about that.

Commissioner Ellison referred Commissioners' attention to an announcement from Sen. Steve Daines' office and provided contact information for a reception planned for all current and former military officers. The event would be held on campus of the Montana State University in Bozeman on December 21 at 11:00 a.m. Commissioner Ellison said that he would also attend this reception.

Commissioner Noonan said that one of the good things that happened to Carroll College was when the ROTC program came and noted that it was a great program. Commissioner Noonan thanked Commissioner Ellison for letting Commissioners and public know about the reception.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY
City Attorney Jodoin had nothing to report on.

Report of the City Manager

REPORT OF THE CITY MANAGER
Manager Alles informed the Commission that Community Development Department Sharon Haugen and her staff embarked on a program called Solar Smart. In the process, the City explored and improved its rules and regulations regarding instalment of solar panels on residential homes to make them more compatible. As a result, Helena was awarded silver designation through the Solar Smart program. Manager Alles elaborated on the process and said that, at a later date, the staff would do a presentation to the Commission.
Commissioner Haladay thanked Manager Alles and Director Haugen for their work in this matter and for collaborating with the Montana Renewable Energy Association.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL
HCC Chair Spaeth reported next Wednesday the last HCC meeting would take place this year; the next meeting would take place in January and the main agenda item would be reorganization. Mr. Spaeth also congratulated winners of the recent campaign.
Mayor Smith asked Mr. Spaeth to extend thanks and appreciation on behalf of the Commission to the HCC members.

Regular Items

REGULAR ITEMS:
A. CONSIDER A RESOLUTION OF INTENTION TO DISPOSE OF SURPLUS PROPERTY AND AUTHORIZE THE DISPOSAL OF THAT PROPERTY.

Staff Report

Chief of Police Troy McGee reported there is an excessive number of unclaimed/abandoned bicycles at the City of Helena impound lot, resulting in overcrowding of evidence items and space.
Providing bicycles to local programs for the youth of Helena will free up space in the overcrowded impound yard and will also provide a valuable service to the youth in our community.
The bicycles could be sold at auction; however, any revenue that may be generated from such a sale would be minimal and wouldn't cover the cost of the auction. Further, the HPD wouldn't be able to carry on its tradition of donating to local civic groups and various Helena organizations who serve the community.
Chief of Police McGee pointed out that originally the intend was to donate bicycles to multiple organizations but now it was decided to donate all to Capital High.
Chief of Police McGee recommended approval of a resolution of intention to dispose of surplus property (bicycles) and set a public hearing date of December 4, 2017.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved approval of a resolution of intention to dispose of surplus property (bicycles) and set a public hearing date of December 4, 2017. Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution 20415**

B. CONSIDER A WATER SERVICE AREA ENLARGEMENT TO INCLUDE LOTS 5, 6, 7 IN BLOCK P OF THE TOUCHSTONE PUD #9 AS SHOWN ON COS #315510.

Staff Report

City Engineer Ryan Leland reported the owners of Lots 5, 6, and 7 within Block P of the Touchstone PUD #9 as shown on COS #315510 have applied to enlarge the water service area to include their property. The properties are within the corporate boundaries but are not within the water service area. This enlargement is a prerequisite to provide City water to the properties.

City water and sewer mains are located in Strawberry Drive. No water or sewer infrastructure exists within the private Strawberry Court. These properties are at the upper elevation limits of the city's pressure zones, so fire flows and pressure may limit the precise building location on the properties. Elevation 4420' is the max elevation the City can serve.

This matter was previously brought for a public hearing before the Commission on October 16, 2017. The commission tabled the discussion and decision to the call of the City Manager.

The applicant and co-owner of the property, Mike Skinner, is requesting an enlargement of the water service area. The property owners have agreed that water and sewer mains in Strawberry Court will be extended, to current city standards, to the properties. Strawberry Court will be constructed as a private drive to building and fire code requirements for emergency access concurrent with construction of an occupied structure on the property. If more than 5,000 square feet of impervious area is constructed in conjunction with the development of structures or the improvement of the private Strawberry Court, a Stormwater Pollution Prevention Protection and a grading and drainage pan will be required.

The proposal would allow for residential development within the City of Helena.

City Engineer Leland recommended to conditionally approve, table, or deny water service area enlargement to include the Lots 5, 6, 7 in Block P of the Touchstone PUD # 9, as shown on COS #315510, subject to the following conditions which shall be met prior to final acceptance of the infrastructure:

1. Extension of water and sewer mains.
2. Compliance with city stormwater standards.

Discussion

Mayor Smith asked to reiterate about fire flows. Engineer Leland explained that the City could serve only half way up these hills due to elevation and that the elevation levels limit the locations of where the houses could be placed. Regarding the fire flows, special building enhancing techniques may be required in building houses in that area.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved to conditionally approve water service area enlargement to include the Lots 5, 6, 7 in Block P of the Touchstone PUD # 9, as shown on COS #315510, subject to the following conditions which shall be met prior to final acceptance of the infrastructure:

- 1. Extension of water and sewer mains.**
- 2. Compliance with city stormwater standards.**

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

- C. CONSIDER A RESOLUTION OF INTENTION TO REPEAL RESOLUTION NO. 10812 TO TERMINATE A TYPE B RESIDENTIAL PARKING DISTRICT. AND CONSIDER A RESOLUTION OF INTENTION TO AMEND RESOLUTION NO. 20138 THAT AMENDED RESOLUTION NO.20071 WHICH ESTABLISHED A CONSOLIDATED LISTING OF ALL CURRENT RESIDENTIAL PARKING DISTRICTS IN THE CITY OF HELENA.

Staff Report

Parking Director Dave Hewitt reported in accordance with Section 8-14-7 of the Helena City Code, the City Commission has created and designated numerous Residential Parking Districts over time, in each instance by separate resolution. As of January 2014, residents in these districts are expected to purchase permits for on-street parking each year at the annual rate of \$20 (two vehicle limit per property) and pay for guest permits at the rate of \$5 per permit (two permit limit per property) for use by friends, service providers, etc. The income from permit purchases recovers a small portion of the costs for patrolling and enforcing the parking restrictions. The Helena Parking Commission presently manages permit purchases and processes citations for violations of the parking restrictions.

Currently, only two properties are in the Residential Parking District for the 1100 block of 12th Avenue. Both properties have off-street parking and on-street parking is adequate. Neither of the owners wish to purchase vehicle permits or keep the district active.

Termination of this district will provide additional time for Parking Control Officers to concentrate on the core areas of the Parking Commission boundaries.

Parking Director Hewitt recommended approval of a resolution of intention to repeal Resolution No. 10812 to terminate the Type B Residential Parking District in the 1100 block of 12th Avenue and set a public hearing date of December 4, 2017.

Parking Director Hewitt also recommended approval of a resolution of intention to amend Resolution No. 20138 that amended Resolution No. 20071 which established a consolidated listing of all current residential parking districts in the City of Helena and set a public hearing date of December 4, 2017.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Noonan moved approval of a resolution of intention to repeal Resolution No. 10812 to terminate the Type B Residential Parking District in the 1100 block of 12th Avenue and set a public hearing date of December 4, 2017. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20416**

Motion

Commissioner Noonan moved approval of a resolution of intention to amend Resolution No. 20138 that amended Resolution No. 20071 which established a consolidated listing of all current residential parking districts in the City of Helena and set a public hearing date of December 4, 2017. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20417**

- D. CONSIDER A RESOLUTION AUTHORIZING THE CITY OF HELENA TO PARTICIPATE AS A PLAINTIFF IN HOBAUGH, ET AL. VS. STATE OF MONTANA, CAUSE NO CDV-17-06-73 AND APPOINTING THE ACLU.

Staff Report

City Attorney Thomas Jodoin reported the ACLU of Montana representing several transgendered individuals residing in Montana and the cities of Missoula and Bozeman has filed a complaint for declaratory and injunctive relief against the State of Montana to preclude the Montana Secretary of State from placing Initiative 183 ("The Montana Locker Room Privacy Act") on the ballot.

The ACLU of Montana has enquired of the City Attorney whether the City of Helena would be interested in joining the lawsuit as a plaintiff.

Authorizing participation in the lawsuit as a plaintiff represented by the ACLU of Montana would minimize the delay in reaching a decision on the merits and would be a no cost option for the City of Helena.

Some positions taken in the complaint may not be advantageous to the City with respect to its authority to implement non-discrimination ordinances. The variety of plaintiffs in this case may not be conducive to singular representation.

City Attorney Jodoin recommended to deny a resolution authorizing the City of Helena to participate as a plaintiff in *Hobaugh, et al. vs. State of Montana*, Cause No. CDV-17-06-73, and appointing the ACLU of Montana legal director, Alex Rate and his designee, as a special counsel for the City of Helena in that case.

Discussion

Commissioner Haladay said that he understood from his conversations with ACLU that their position was that this case would impact City's ability to implement portions of NDO and that the City's NDO would still go on with regard to sexual orientation because this only targets what would be gender identity, and then, simultaneously, the City's NDO would continue to go on for everyone in private facilities. Commissioner Haladay asked Attorney Jodoin whether his understanding was correct. Attorney Jodoin said that it was correct but that the complaint isn't drafted so narrowly, that it just broadly said that I 183 would violate due process by precluding cities from adopting NDO; it doesn't make the distinction as to city's or county's own facilities vs. the private facilities in town that the ordinance also regulates.

Commissioner Haladay agreed that it might be an overstatement on their part but it was probably drafted in order to gain some standing but said that, either way, the city would have an NDO. Commissioner Haladay asked Attorney Jodoin where the League of Cities and Towns were with their process. Attorney Jodoin replied that the League was still working on researching certain issues as the League has been busy with other matters recently.

Mayor Smith also noted that lately all their attention was consumed by the Special Session at the Capitol.

Commissioner Haladay asked whether there was any further follow up with Bozeman. Attorney Jodoin noted that he tried to reach Bozeman City Attorney Greg Sullivan but was unable to so far.

Public Comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Noonan moved to table a resolution authorizing the City of Helena to participate as a plaintiff in *Hobaugh, et al. vs. State of Montana*, Cause No. CDV-17-06-73, and appointing the ACLU of Montana legal director, Alex Rate and his designee, as a special counsel for the City of Helena in that case.

Commissioner Haladay seconded the motion.

Discussion

Commissioner Noonan explained that he had two reasons to make the motion to table. Firstly, this resolution came to the Commission by Commissioner Farris-Olsen and it would be good if he was present during the final determination. Secondly, tabling it now would allow the City Manager to see where the League of Cities and Towns might be going regarding this case.

Commissioner Ellison said that he would support the motion to table. Commissioner Ellison noted that once some of the pieces fall into place, the City would have either ACLU or the League of Cities and Towns represent Helena.

Mayor Smith said that he would not support the tabling motion because, regardless to what the League decides to do, Attorney Jodoin's concern about representation by ACLU was significant.

Commissioner Haladay noted that he would continue to support the City joining ACLU but the motion to table was reasonable until the full Commission was present, and it also gave the League of Cities and Towns more time to determine what they were going to do. However, Commissioner Haladay encouraged the Commission to ask for this matter to be checked on in one or two meetings.

Commissioner Ellison asked: if the tabling motion were to be tied, what would happen. Mayor Smith replied saying that the motion to table would fail and other motions would need to be made.

Commissioner Haladay added that if the motion to table tied and the following motion tied, according to bylaws, this agenda item would automatically be tabled until the next Commission meeting.

Commissioner Ellison noted that he wanted to have a decision made at the current meeting one way or another and that perhaps tabling would be the best choice in front of the Commission.

Attorney Jodoin emphasized that it was not the intent for discussion and action to go away. Whether the motion would be to table or to deny, it was his intent to bring back a resolution at some point – once he was confident which legal theory was going to be adopted in this case and who would be the representation – for authorization of the Commission to engage in the lawsuit.

Vote

Motion carried 3-1 with Mayor Smith voting no.

Public Hearings**PUBLIC HEARINGS:**

- A. CONSIDER A RESOLUTION TO ESTABLISH FEES TO BE CHARGED FOR THE BILL ROBERTS MUNICIPAL GOLF COURSE (BRGC), 2018 SEASON.

Staff Report

Director of Parks & Recreation Amy Teegarden reported a resolution of intention to hold a public hearing to discuss golf fees for the 2018 season was approved by the City Commission at the November 6, 2017, City Commission meeting.

Based on a review of 2017 revenue reports, golf rounds and the recommendations of the National Golf Foundation (NGF) financial feasibility study, City staff is recommending limited increases for the 2018 season for the "restricted season passes" fee category. Currently restricted season passes have a higher than national average discount. The trend is to have these passes priced approximately \$100 less than unrestricted passes.

The slight proposed increases in "restricted season passes" will better align with the national average and recommendations outlined in NGF report.

Director Teegarden recommended approval of the resolution to establish fees to be charged for the Bill Roberts Municipal Golf Course for the 2018 season.

Public Testimony

Mayor Smith opened the public hearing and called for anyone wishing to address the commission.

There being no persons wishing to address the commission, Mayor Smith closed the public portion of the hearing.

Motion

Commissioner Ellison moved approval of the resolution to establish fees to be charged for the Bill Roberts Municipal Golf Course for the 2018 season. Commissioner Haladay seconded the motion. All voted aye, motion carried. **Resolution 20418**

B. CONSIDER A RESOLUTION TO VACATE A PORTION OF SANDERS STREET RIGHT-OF-WAY AND ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO HELENA SCHOOL DISTRICT PROPERTY.

Staff Report

City Engineer Ryan Leland reported Helena School District #1 has submitted an application at the City of Helena's request to vacate the following streets and alleys adjacent to Bryant School property located on Boulder Avenue and Livingston Avenue to the south. The applicant intends to install a bridge over the vacated right-of-way to allow the students to travel from building to building and allow the construction of the new Bryant School.

The descriptions of the proposed vacation are as shown:

- Proposed vacation of 70-foot Sanders Street right-of-way located between Blocks 31 and 44 of the Northern Pacific Addition and the Conrad-Stanford Addition to Livingston Avenue. Total area to be vacated is **10,107 square feet**, more or less. Adjacent market value square foot price is averaged at \$6.90.
- Proposed vacation of a 20-foot east-west alley right-of-way in Block 44 of the Northern Pacific Addition. Total area to be vacated is **3,717 square feet**, more or less. Adjacent market value square foot price is averaged at \$5.36.

The applicant desires to vacate the rights-of-way described above to provide a travel path between buildings after the construction of the new Bryant School. The total area of the requested vacation for Sanders Street at \$6.87 per square foot equals \$69,738.30. The total area of the requested vacation of the east-west alley at \$5.36 per square foot equals \$19,923.12. The total amounts to \$89,661.42. The final amount will be determined with the survey to amend the plat.

It would be advantageous to have access for students and staff to travel between buildings without going outside. However, a bridge will be constructed over City infrastructure making it difficult and more expensive to replace in the future.

Engineer Leland recommended to conditionally approve, table or deny a resolution to vacate a portion of Sanders Street and an alley located in the Northern Pacific Addition adjacent to Helena School District #1 property.

City staff recommends the following conditions of approval:

- The School District must enter into an agreement with the City to replace both the sewer and storm mains between Livingston Avenue and Boulder Avenue, including relocating Storm Manhole DG-2-22 north out of the proposed school common area.

- The School District must enter into an agreement with the City covering any landscaping/aesthetics feature costs above and beyond a normal street repair due to maintenance/repair of the sewer and/or storm mains in Sanders Street.
- Provide a final plan for parent parking and bus parking.
- Provide final parking/street plan that meets the City of Helena Complete Streets Policy.
- All proposed work within the City of Helena rights-of-way must meet the City of Helena Engineering Standards, City Code, and the applicable State or Federal standards.
- All plans must be approved by the City of Helena prior to construction.

Discussion

Mayor Smith asked what the storm water main was made of. Engineer Leland replied that it was made of concrete.

Mayor Smith asked if concrete meant that it was newer than brick. Engineer Leland concurred.

Public Testimony

Mayor Smith opened the public hearing and called for anyone wishing to address the commission.

Ben Tintingen, Mosaic Architecture, reminded Mayor and Commissioners that he recently gave a presentation to the Commission and offered to answer questions at the current meeting. Mr. Tintingen said that Kalli Kind, administrator at Helena Public Schools, as well as Craig Crawford, principal of Kessler Elementary School, were also available to answer any questions.

Mayor Smith thanked Mr. Tintingen and his colleagues and said that it was a good and informative presentation last Wednesday.

Craig Crawford, principal of Kessler Elementary School, urged full support from the Commission.

Kalli Kind, administrator at Helena Public Schools, talked about increasing the school area, transitioning students from one building to another, and connecting buildings. Ms. Kind said that it would be more than just a bridge; it would help students create a new identity as, with the bridge, the historic railroad train depot would become a unique feature that would be visible from the school.

Ms. Kind pointed out that Helena School District was completely in agreement with all the recommendations except with a point regarding relocating a manhole. Mosaic Architecture came up with a design that the manhole where it is right now would provide all necessary services.

Commissioner Ellison asked Engineer Leland about the manhole cover and whether he was familiar with the proposed design, as well as what thoughts he had about it. Engineer Leland said that he was familiar with the design but without seeing the actual plan he could not say whether it was fully acceptable.

Commissioner Ellison expressed his concern that the staff report had one condition in the report and the school district had a different design.

Manager Alles offered a conceptual amendment to include language regarding relocating the manhole "to a mutually agreeable location".

Mayor Smith agreed with the conceptual amendment.

Commissioner Ellison also said that that wording would satisfy him.

Manager Alles pointed out that within this resolution he didn't include any language that per City's ordinance required a payment for the vacated land; the City chose not to charge the school district for the market value of the street right of way.

Motion

Commissioner Ellison moved to conditionally approve a resolution to vacate a portion of Sanders Street and an alley located in the Northern Pacific Addition adjacent to Helena School District #1 property with the following conditions of approval:

- **The School District must enter into an agreement with the City to replace both the sewer and storm mains between Livingston Avenue and Boulder Avenue, including relocating Storm Manhole DG-2-22 to a mutually agreeable location.**
- **The School District must enter into an agreement with the City covering any landscaping/aesthetics feature costs above and beyond a normal street repair due to maintenance/repair of the sewer and/or storm mains in Sanders Street.**
- **Provide a final plan for parent parking and bus parking.**
- **Provide final parking/street plan that meets the City of Helena Complete Streets Policy.**
- **All proposed work within the City of Helena rights-of-way must meet the City of Helena Engineering Standards, City Code, and the applicable State or Federal standards.**
- **All plans must be approved by the City of Helena prior to construction.**

Commissioner Haladay seconded the motion.

Commissioner Noonan said that he was happy that the Commission could help advance this design for the sake of the students, the neighborhood and the city.

Mayor Smith concurred.

Commissioner Haladay thanked Mr. Leland and the school district for working together and finding a better solution and noted that this was a good example of how City worked cooperatively with other government entities.

Commissioner Ellison concurred with what Commissioner Haladay has said, also pointing out that this was a great design and great architecture, and added that he hoped that the school had a plan for a case if something bad (such as a ruptured water main, for example) happened. Commissioner Ellison said that he was very much supportive of the motion.

Vote

All voted aye, motion carried. **Resolution 20419**

Public Communications

PUBLIC COMMUNICATIONS
No comments received.

Meetings of Interest

MEETINGS OF INTEREST
The Administrative Meeting scheduled for November 29, 2017 and the next Commission Meeting is December 4, 2017.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:05 p.m.

/S/ JAMES E. SMITH
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION