

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**January 8, 2018 - 6:00 P.M.**  
**City Commission Chambers, Room 330**

**Time & Place** A regular City Commission meeting was held on Monday, January 8, 2018 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

**Members Present** Mayor Collins indicated for the record that Commissioners Farris-Olsen, Haladay, Noonan, and O'Loughlin were present. City Manager Ron Alles, City Attorney Thomas Jodoin, City Clerk Debbie Havens, and Deputy City Clerk Katya Grover were present.

**Pledge of Allegiance** Mayor Collins 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 December 18, 2017, were approved as submitted.

**Presentations** PRESENTATIONS:  
A. Introduction of Assistant Fire Chief Mike Chambers.

**Staff Report** Fire Chief Mark Emert introduced the new Assistant Fire Chief, Mike Chambers, to the Commission and said that Assistant Fire Chief Chambers was selected out of about 40 applications submitted from across the country. Assistant Fire Chief Chambers introduced himself. Fire Chief Emert informed the Commission that the Fire Department is going through a promotion process and he expressed hope that the Mayor and Commissioners would be able to attend an in-house promotional ceremony and do the honor of swearing in the staff.

B. Helena Citizens' Council Oath of Office

**Oath of Office** Patricia Christian, Mary Ann George, Flannery Herbert, John Andrew, Tyrel Suzer Hoy, Sumner Sharpe, Tom Woodgerd, Douglas Hunsaker, Terry Ray, Maureen Kiely, William Bovee, Bob Habeck, Denise Roth Barber, and Dick Sloan received the Oath of Office from Mayor Collins.

**Board Appointments** BOARD APPOINTMENTS:  
A. Commission Board Appointments 2018-2019  
Mayor Collins recommended individual City Commissioners be appointed to City boards and committees for 2018-2019 as listed below:

MAYOR PRO TEM  
Andres Haladay

ADA COMPLIANCE COMMITTEE  
Ed Noonan

BOARD OF ADJUSTMENT  
Rob Farris-Olsen

AUDIT COMMITTEE  
Wilmot Collins  
Andres Haladay  
Heather O'Loughlin

BUSINESS IMPROVEMENT DISTRICT/HELENA PARKING  
COMMISSION

Ed Noonan

HELENA CHAMBER OF COMMERCE

Andres Haladay

CITY-COUNTY ADMINISTRATION BUILDING BOARD OF DIRECTORS

Ed Noonan

City Manager – standing member

CITY-COUNTY BOARD OF HEALTH

Wilmot Collins

CITY-COUNTY PARKS BOARD

Heather O'Loughlin

CITY-COUNTY WEED BOARD

No appointment at this time

CIVIC CENTER BOARD

Robert Farris-Olsen

INFORMATION TECHNOLOGY COMMITTEE

Andres Haladay

INFRASTRUCTURE COMMITTEE

No appointment at this time

LEWIS & CLARK COUNTY MENTAL HEALTH ADVISORY  
COMMITTEE

Wilmot Collins

MONTANA BUSINESS ASSISTANCE CONNECTION

Ed Noonan

City Manager – standing member

MONTANA LEAGUE OF CITIES AND TOWNS

Wilmot Collins

NON-MOTORIZED TRAVEL ADVISORY BOARD

Rob Farris-Olsen

PRE-RELEASE COMMITTEE

No appointment at this time

PUBLIC ART COMMITTEE

Andres Haladay

TRANSPORTATION COORDINATING COMMITTEE

Rob Farris-Olsen

Heather O'Loughlin

Public comment

Mayor Collins asked for public comment, none was received.

**Motion** **Commissioner Haladay moved approval of Commission member board appointments for 2018-2019 as outlined above.**  
Commissioner Noonan seconded the motion. All voted aye, motion carried.

B. Tourism Business Improvement District  
Mayor Collins recommended the appointment of Chantelle McDuffie to an unexpired term on the TBID. Term will begin upon appointment and expire April 20, 2019.

Public Comment Mayor Collins asked for public comment, none was received.

**Motion** **Commissioner Farris-Olsen moved approval of the board appointments to Tourism Improvement Board.** Commissioner Haladay seconded the motion. All voted aye, motion carried.

**Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Change orders for the Granite Avenue Water and Sewer main installations, Project No. 14-11.

City Manager Alles recommended approval of the claims.

Public Comment Mayor Collins asked for public comment, none was received.

**Motion** **Commissioner Farris-Olsen moved approval of Items A and B on the consent agenda.** Commissioner Haladay seconded the motion. All voted aye, motion carried.

**Communications From Commissioners** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Haladay welcomed Mayor Collins and Commissioner O'Loughlin.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
City Attorney Jodoin reported there are no major new litigation cases. The City has picked up two complaints in front of the Human Rights Bureau. One was in relation to reporting of a driver, who perhaps had a medical issue; the officer recommended her driver license be reviewed by the State. She has alleged age discrimination by that officer. The Attorney Office has filed an answer with Human Rights Bureau. In another case, a former employee of the City has filed a gender discrimination complaint based on her wages, and the City Attorney Office is working with that person's attorney to potentially resolve that; the Attorney Office will do mediation before staff responds.

Commissioner Haladay asked about the progress with the Locker Room Privacy Act litigation. Attorney Jodoin said that he has been working with Montana League of Cities and Towns Deputy Director Kelly Lynch, who has been doing the majority of work on this. They have spent a lot of time doing research of what they believe is the inability of the referendum ballot initiative process to be more specific to affect local government rules. Attorney Jodoin noted that they came to a conclusion that they need to hire another attorney. Ms. Lynch was going to reach out to a local law firm about a possibility of that firm representing the League and the City. There has been no date set for the State's motion to dismiss; the State's response was due on either last Friday or today. Attorney Jodoin concluded by saying that they are trying to hire a

representative as soon as possible and to determine what to do with the State's motion to dismiss.

***Report of the City Manager***

**REPORT OF THE CITY MANAGER**

Manager Alles reported on two items. Manager Alles provided an update on the snow removal plan that he emailed to Mayor Collins and Commissioners today: the crew started removing snow from downtown yesterday and the City hired a private contractor on Saturday. Manager Alles also reported that Helena received an award from the Helena Tourism Alliance.

Jennifer Davis with the Helena Tourism Alliance reported each year there is about 145 million dollars spent by non-Montana residents in Lewis and Clark County: 26 million on restaurants and bars, 16 million on hotels, 16 million in retail sale, etc. To acknowledge that it takes a full community and partnership of organizations to make Helena attractive for visitors, last year the Alliance created the Visit Helena Tourism Award. As part of the process, the Alliance staff asked their tourism partners for their nominations of who should be acknowledged. A strong theme that emerged from these recommendations was Helena's open space and Helena's trails. Ms. Davis presented the Visit Helena Tourism Award to Parks and Recreation Director Amy Teegarden.

***Report from the Helena Citizens Report***

**REPORT FROM THE HELENA CITIZENS COUNCIL**

No communication was reported.

***Regular Items***

**REGULAR ITEMS:**

- A. CONSIDER A SIDEWALK VARIANCE FOR THE PROPERTY LOCATED 2801 N ROBERTS, CROOKED FURROW BREWING.

**Staff Report**

City Engineer Ryan Leland reported building remodel and site plans for 2801 N Roberts have been submitted to the Building Division for review. The original submittal proposed angled parking along Maple Street which would require that the proposed sidewalk be built outside of the Maple Street right of way and on private property. The applicant has resubmitted a revised plan that does not require a variance since the sidewalk would be located within the right of way and there would be no angled parking along Maple Street. That plan has been reviewed and approved. The applicant would still like to pursue the variance in order to know what options may be available to them. In addition to the sidewalk location variance, the Building remodel and site plans for 2801 N Roberts have been submitted to the Building Division for review. The original submittal proposed angled parking along Maple Street which would in turn require that any future sidewalk be built outside of the Maple Street right of way and on adjacent private property. The applicant has resubmitted a revised plan that removed the angled parking from Maple Street and the sidewalk is shown within the right of way. That plan has been reviewed and approved. The applicant would like to pursue a sidewalk variance to defer the installation of all sidewalks and ADA ramps until such time as the adjacent streets are developed to City Standards.

Engineer Leland recommended to approve, table, or deny a sidewalk variance for the property located 2801 N Roberts. This variance is to allow for the installation of approximately 115' linear ft. of city standard sidewalk on private property to accommodate proposed future angle parking along Maple Street. In addition this variance request

includes the deferment of the installation of any ADA ramps at northeast corner of North Roberts and Maple Street until such time as these streets are brought up to City Standards.

**B. CONSIDER A RESOLUTION PERMITTING ANGLE PARKING FOR A PORTION OF THE NORTH SIDE OF MAPLE STREET ADJACENT TO 2801 NORTH ROBERTS STREET.**

**Staff Report**

Engineer Leland reported the owners of Lots 7 and 8 in the Hershfield Addition, 2801 North Roberts, are redeveloping the property with a brewery. Currently, Pioneer Technical operates on the property. North Roberts and Maple Street adjacent to the property are not paved. Further, curb, gutter, and sidewalks do not exist. Parking is ostensibly parallel but without curb and gutter it is difficult to enforce such a requirement.

8-11-3(C), HCC permits the City Commission to establish angle curbside parking by resolution.

Angle parking will permit more on-street parking spaces than would be accommodated by parallel parking.

Engineer Leland recommended approval of a resolution changing the parking on the north side of Maple Street adjacent to 2801 North Roberts Street from curbside (parallel) parking to angle parking.

**Discussion**

Commissioner Haladay asked to confirm that even if the Commission grants the variance at this time, no curb and gutter is getting installed along the Maple St. or Roberts St. Engineer Leland concurred and said that with the current proposal it would only be sidewalks, even though the Commission could require curb and gutter. Commissioner Haladay asked to confirm that even if Commission denies the variance, the curb and gutter would not be installed at this time. Engineer Leland concurred. Commissioner Haladay asked what would happen with any required boulevard if the sidewalks were ordered at this time. Engineer Leland replied that it would only be sidewalk. Commissioner Haladay asked to elaborate on the following point regarding curb and gutter: one of the requests noted in the packet with meeting materials was that it would be difficult to put the ADA curb ramp sided with any future street elevation. Engineer Leland said that the staff would have to take a longer look at the design of Maple St. to determine how, with getting the crown and elevation, they could come close to putting an ADA ramp, but it would not have curb and gutter. Commissioner Haladay asked to elaborate on why angled parking would not work if the requested variance is not granted. Engineer Leland said that there are two reasons: there is not a lot of room and it is a dirt street. Without paving that street and putting in a sidewalk where it is on right of way, it would be impossible to add angled parking. Commissioner Haladay asked why it would be easier to develop angled parking. Engineer Leland replied that the applicants would have to pave that area and it would be out of the traveled way. If parking is put on the right of way, cars would be sticking out and it would be tough to delineate because the traveled way would move across: it would take the center line and migrate it to where the sewer line is instead of being straight. But if the Commission denies the variance and the applicants would still request the angle parking, Engineer Leland would talk to the property owners and see if that was something they would want to pursue and what it would entail on the City's end to make it work. In this case, Engineer Leland suggested having pavement full width. Commissioner Haladay asked whether City had plans to develop Maple or Roberts in that area. Engineer Leland

concluded but noted that several property owners approached him for possibly applying for SID. Engineer Leland also corrected his original recommendation to the Commission. It should read (with the addition marked in italics): Engineer Leland recommended to approve, table, or deny a sidewalk variance for the property located 2801 N Roberts *until such time as the streets are brought up to city standards.*

Commissioner Haladay asked Attorney Jodoin whether it would be permissible to condition a variance request on a waiver of an SID for the development of Maple Street. Attorney Jodoin said that without knowing more in this situation regarding conditionally granting the sidewalk variance upon a condition of waiving an SID for street improvements, he would tentatively say that it would be permissible.

Commissioner Noonan asked whether under the proposed plan there would be no ADA ramp and if not, whether it would be legitimate. Engineer Leland replied that if the sidewalk variance is granted, no sidewalks or ADA ramp would go in; and it would be legitimate because if there is no sidewalk, there is no requirement for an ADA ramp. However, the directions from the City Code and City standards are such that ADA installations are required, so there are two ADA ramps on the parking lot enabling access into the building.

Commissioner Farris-Olsen asked to confirm that the applicants are asking for two things: to build on private property and to defer installation. Engineer Leland concurred but said that there is a change because the applicants have requested to put no sidewalks in; originally, the applicants wanted to put sidewalks in but they since have asked to have no sidewalks at this time until something comes forward with the construction of the streets. Commissioner Farris-Olsen asked where the applicants would build sidewalks if the Commission denies the variance. Engineer Leland replied that they would build it within one foot of the property line on the ROW.

Public Comment on  
Item A

Mayor Collins asked for public comment.

Susan Bjerke, applicant, said that her and her husband would voluntarily participate in an SID but they don't want to pave part of the street that is yet to be developed and explained that they want to defer installation of the sidewalk. Ms. Bjerke asked to include Lot 6 in the resolution.

Commissioner O'Loughlin asked Ms. Bjerke why they are interested in angle parking. Mr. Bjerke explained that angle parking would allow parking for more vehicles on Maple St. and pointed out that there are two ADA parking spaces.

Dean Bjerke, applicant, explained that it is unrealistic to put ADA access in the corner area as it is a dirt street.

David McKeever, co-owner of Crooked Furrow Brewing, asked to consider the variance and delay installation of ADA ramp until the other two streets are developed.

Tom Woodgert, Helena resident, spoke of the need for the sidewalks in town and asked Commission to require sidewalks to be installed. Mr. Woodgert said that there might be middle ground found regarding installation of sidewalks.

Discussion

Attorney Jodoin clarified that sidewalks, ramp, and gutter are required to be installed by the property owners before they occupy a new building, and the Commission is considering a variance from that requirement; that is not to take away the Commission's ability in the future to order in sidewalk, curb, and gutter.

Commissioner O'Loughlin asked to elaborate on the reason as to why the applicants were no longer looking at installing sidewalk. Engineer Leland explained that it is private property and the applicants asked to delay installation of sidewalk on their property on Roberts or Maple until the streets come up to the City standards.

Ms. Bjerke added further clarification to Commissioner O'Loughlin's question.

Commissioner Farris-Olsen asked if the sidewalks were in order now, whether the sidewalks would need to be torn out when the City re-elevates the street or whether it would be only curb and gutter. Engineer Leland said that it was difficult to determine and it would depend on whether a boulevard was included; if it was the curb side sidewalk and if the elevation of the curb was changed, then the sidewalk would have to be ripped out.

Commissioner Haladay asked whether there were places in town where curb and gutter went into undeveloped dirt streets. Engineer Leland replied that it was the case in some places. Commissioner Haladay asked whether the applicants would have to ask for variance if they wanted to do curb side sidewalk later. Engineer Leland replied that they would as it is city standard to have the boulevard in.

**Motion**

**Commissioner Noonan moved to approve a sidewalk variance for the property located 2801 N Roberts, Crooked Furrow Brewery to defer the installation of all sidewalks, ADA ramps until such time as the adjacent streets are developed to City standards.**

Commissioner Farris-Olsen seconded the motion.

**Motion to amend**

**Commissioner Haladay moved to amend the motion to include a condition that the property owner sign a waiver of a special improvement district for the developments of Maple Street and Robert Street for the development of them to a complete a city street.** Commissioner Farris-Olsen seconded the motion.

Attorney Jodoin emphasized that the Commission is voting on the amendment at this time.

**Vote on amendment**

All voted aye, motion carried.

**Discussion**

Commissioner Haladay said that this variance makes sense; there is no new development in that area that has walkable sidewalks. It would be good if the property owners wanted to develop their part of the street to encourage responsible growth around it, but with the specific circumstances it would make sense to give a variance in this case.

**Vote on the variance as amended**

All voted aye, motion carried.

**Discussion**

Commissioner O'Loughlin asked whether the resolution needed be modified to reflect that Lot 6 was included. Engineer Leland concurred.

Commissioner Haladay asked Attorney Jodoin whether the point about including Lot 6 needs to be included in any motion. Attorney Jodoin replied that the recommended motion referenced the street address and he would simply make a note and add wording regarding including Lot 6 to the resolution.

Public Comment on  
Item B

Mayor Collins called for public comment.

Ms. Bjerke referred to the fourth whereas clause in the resolution is asked to remove it as they have met the needs of the brewery requirements and they have legitimate building permit.

Discussion

Commissioner Haladay asked where that whereas clause came from. Attorney Jodoin replied that it came out of the explanation of the applicants.

Motion

**Commissioner Haladay moved to approve a resolution changing the parking on the north side of Maple Street adjacent to 2801 North Roberts Street from curbside (parallel) parking to angle parking.** Commissioner Noonan seconded the motion. All voted aye, motion carried. **Resolution 20426**

**Public Hearings**

PUBLIC HEARINGS:

- A. CONSIDER FINAL PASSAGE OF ORDINANCE 3236 AMENDING SECTION 4-2-11 OF THE HELENA CITY CODE TO INCREASE LIABILITY INSURANCE REQUIREMENTS FOR THE ISSUANCE OF PERMITS TO CONSUME ALCOHOL IN PUBLIC PLACES.

Staff Report

Attorney Jodoin reported Section 4-2-11 of Helena City Code, which was adopted in April of 1987, prohibits the consumption of alcoholic beverages on public ways, streets, alleys, parks, and other places owned by the city unless a permit to do so is obtained from the city. The applicant for such a permit must provide the city with a liability insurance policy in the amount of \$500,000 for injury to one person and \$1 million for injury to two or more people. The insurance requirement covers claims against the city that it was responsible for injury or damage to a third party due to its permitting of an event where alcohol is consumed in a public place.

Further, the current language requires the city be named on the policy as "coinsureds." That term, as well as the coverage amounts, is out of date. The typical current requirement under city contracts is to require the contractor to provide commercial general liability insurance that names the city as an additional insured. Further, state law limits governmental liability for damages in tort to \$750,000 for each claim and \$1.5 million for each occurrence. Thus, the city should require liability insurance from contractors and permittees in sufficient amounts to cover those limitations. Because general commercial liability insurance is typically offered in \$1 million increments, City Attorney office has required insurance in the amount of \$1 million for each claim and \$2 million aggregate.

The ordinance would also use a consistent term of "alcohol" to cover beer, wine, spirits, or any other intoxicating beverage rather than "liquor or beer."

Finally, the ordinance would require that requests for permits to consume alcohol in public places be submitted to the city at least 30 days prior to the start of the event.

The commission approved first passage on December 18, 2017, and set the public hearing for January 8, 2018.

Increased insurance requirements will provide sufficient coverage for the city in its permitting of alcohol to be consumed in public places. However, the cost to obtain such insurance may be higher to the permittee.

Attorney Jodoin recommended approval of the final passage of Ordinance 3236 amending Section 4-2-11 of the Helena City Code to increase liability insurance requirements for the issuance of alcohol permits to consume alcohol in public places.

Discussion

Commissioner O'Loughlin asked how far in advance an applicant has to submit a request currently. Attorney Jodoin replied that currently, there is no time requirement.

Public Testimony

Mayor Collins opened the public hearing and called for anyone wishing to address the commission. There being no persons wishing to address the commission, the public hearing was closed.

Motion

**Commissioner Noonan moved to approve final passage of Ordinance 3236 amending Section 4-2-11 of the Helena City Code to increase liability insurance requirements for the issuance of alcohol permits to consume alcohol in public places.** Commissioner Haladay seconded the motion. All voted aye, motion carried. **Ordinance 3236**

B. CONSIDER FINAL PASSAGE OF ORDINANCE 3237 AMENDING TITLE 8 OF THE HELENA CITY CODE BY REPEALING CHAPTERS 1, 3, 5, 7 THROUGH 10, 16, 17, AND 19 TO ELIMINATE OFFENSES THAT ARE REDUNDANT WITH OFFENSES CONTAINED IN TITLE 61 OF THE MONTANA CODE ANNOTATED.

Staff Report

Attorney Jodoin reported Title 61 of the Montana Code Annotated (MCA) contains all state laws relating to operation of motor vehicles, including registration, licensing, and insurance requirements, as well as traffic regulations, accident reporting, vehicle equipment regulations, minors, arrest, white canes, and funeral processions.

Title 8, "Traffic Regulations," of Helena City Code contains the same provisions as Title 61, MCA. Specifically:

Chapter 1: Traffic Code, corresponds to Chapter 8 of Title 61, MCA.

Chapter 3: Certificates of Ownership, Registration and Taxation of Motor Vehicles, corresponds to Chapter 3 of Title 61, MCA.

Chapter 5: Drivers' Licenses, corresponds to Chapter 5 of Title 61, MCA.

Chapter 7: Accidents and Accident Reporting, corresponds to Chapter 7 of Title 61, MCA.

Chapter 8: Traffic Regulations, corresponds to Chapter 8 of Title 61, MCA.

Chapter 9: Vehicle Equipment, corresponds to Chapter 9 of Title 61, MCA.

Chapter 10: Minors, corresponds to Chapter 5 of Title 61, MCA.

Chapter 16: Arrests, corresponds to Title 46, MCA.

Chapter 17: White Canes for Blind Persons, corresponds to Chapter 8 of Title 61, MCA.

Chapter 19: Funeral Processions, corresponds to Chapter 8 of Title 61, MCA.

HB133 (Chapter 321, Laws 2017) revised the sentencing for some of the offenses contained in Title 61, MCA. Helena City Code is now inconsistent with state law with respect to these duplicated offenses.

The Helena Police Department has not cited a municipal code violation where a state law applies since at least 1982.

The commission approved first passage on December 18, 2017, and set the public hearing for January 8, 2018.

Redundant and unnecessary City Code provisions will be eliminated, resulting in small cost savings in printing of the Helena City Code, and the Helena City Code will no longer be inconsistent with state law.

Attorney Jodoin recommended approval of the final passage of Ordinance 3237 amending Title 8 of the Helena City Code to eliminate offenses that are redundant with offenses listed in Title 61 of the Montana Code Annotated.

C. CONSIDER FINAL PASSAGE OF ORDINANCE 3238 AMENDING CHAPTER 1 OF TITLE 5 OF THE HELENA CITY CODE TO ELIMINATE OFFENSES THAT ARE REDUNDANT WITH OFFENSES CONTAINED IN TITLE 45 OF THE MONTANA CODE ANNOTATED.

Staff Report

Attorney Jodoin reported Title 45 of Montana Code Annotated (MCA) contains most of the state laws relating to criminal offenses.

Title 5, Chapter 1, "General Offenses" of the Helena City Code provides for many offenses which are already prohibited by Title 45 of the MCA. HB133 (Chapter 321, Laws 2017) revised the sentencing for many of the offenses contained with Titles 45 and 61 of the MCA. Helena City Code is now inconsistent with state law with respect to these duplicated offenses.

The Helena Police Department has not cited a municipal code violation where a state law applies since at least 1982.

The only offenses which are unique to the Helena City Code are those relating to possession of intoxicating beverages, firearms in certain locations, smoking in certain locations, and the sale and lighting of fireworks.

The commission approved first passage on December 18, 2017, and set the public hearing for January 8, 2018.

Redundant and unnecessary city code provisions will be eliminated, resulting in small cost savings in printing the Helena City Code, and the Helena City Code will no longer be inconsistent with state law.

Attorney Jodoin recommended approval of the final passage of Ordinance 3238 amending Chapter 1 of Title 5 of the Helena City Code to eliminate offenses that are redundant with offenses listed in Title 45 of the Montana Code Annotated.

Public Testimony  
On Items B and C

Mayor Collins opened the public hearing and called for anyone wishing to address the commission. There being no persons wishing to address the commission, the public hearing was closed.

Motion

**Commissioner Farris-Olsen moved to approve final passage of Ordinance 3237 amending Title 8 of the Helena City Code to eliminate offenses that are redundant with offenses listed in Title 61 of the Montana Code Annotated.** Commissioner Haladay seconded the motion. All voted aye, motion carried. **Ordinance 3237**

Motion

**Commissioner Haladay moved to approve final passage of Ordinance 3238 amending Chapter 1 of Title 5 of the Helena City Code to eliminate offenses that are redundant with offenses listed in Title 45 of the Montana Code Annotated.** Commissioner Noonan seconded the motion. All voted aye, motion carried. **Ordinance 3238**

**Public  
Communications**

**PUBLIC COMMUNICATIONS**

Carol Anderson, Helena resident, expressed a concern about train whistles being blown in the quiet zone during night time. Manager Alles elaborated on the quiet zone and whistle blowing: explained that the horns are still going on the crossings that are not included in the quiet zone, within the city limits engineers don't have to blow the horn, and in some sections it is at the railroad engineer's discretion whether to blow the horn.

Commissioner Haladay asked to confirm whether the following is correct: if the MRL choses to blow the horns, a citizen can make a complaint to the Transportation Board for the National Railroad Administration, and they can be fined if blowing horns was deemed unnecessary. Attorney Jodoin concurred and advised citizens who want to submit complaints to keep track of as many details as possible. Attorney Jodoin added that it is also his understanding that Montana Public Service Commission accepts complaints from citizens as well.

Commissioner Noonan added that National Avenue is one of the locations where train engineers have discretion whether or not to blow a horn. Manager Alles concurred and listed other such locations: Joslyn Crossing, Benton crossing, Montana Avenue, Roberts Street, and Carter Drive.

Jim Jensen, Helena resident, expressed his disappointment that it took the City a long time to work on snow removal in downtown and that snow, when plowed, is being pushed into private drive ways in residential areas. Mr. Jensen elaborated on how the snow that had not been removed affected the downtown businesses. Mr. Jensen asked the Commission to hold a public meeting on this subject and urged to change the City's culture on snow removal.

**Meetings of  
Interest**

**MEETINGS OF INTEREST**

The Administrative Meeting is scheduled for January 17, 2018, and the next Commission Meeting is January 22, 2018.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 7:17 p.m.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION