

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**June 8, 2009**  
**6:00 P.M.**

**Time & Place** A regular City Commission meeting was held on Monday, June 8, 2009 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 Cartwright, Peura, Shropshire and Elsaesser were present. City Manager Tim Burton, City Attorney David Nielsen and Deputy City Clerk Robyn Brown were present. There was no representative from the Helena Citizens Council.

**Pledge of Allegiance** Mayor Smith asked members of Boy Scout Troop #208 to lead those persons present in the pledge of allegiance.

**Minutes** The minutes of the regular City Commission meeting of May 18, 2009 were approved as submitted.

**Consent Agenda** CONSENT AGENDA:

- A. Claims
- B. Silverette Street Right-of-Way Dedication
- C. Change Order for the 2008 Volunteer Sidewalk Program
- D. FY2010 Section 5311 Operating Grant
- E. FY2010 Rocky Mountain Development Council New Freedoms Grant
- F. Edward Byrne Memorial Justice Assistance Grant (JAG)
- G. Resolution of intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station for Fiscal Year 2010 **Res #19648**
- H. Resolution of intention to budget additional property tax revenue for fiscal year 2010 **Res #19649**
- I. Update of the Official Zoning Map for the City of Helena reflecting changes approved by City Commission action since June 2008
- J. Amended plats reflecting alley vacations at Central and Lincoln Schools per Resolution #19642

City Manager Tim Burton recommended approval of the claims and the consent agenda and noted the recommended motion for Item E had been revised since distribution of the Commission packet.

**Discussion** Commissioner Elsaesser requested Item G be removed for further discussion.

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

**Motion** **Commissioner Elsaesser moved approval of items A through F and H through J on the consent agenda, including the revised motion for item E.** Commissioner Peura seconded the motion. All voted aye, motion carried.

**Item G** G. Resolution of intention to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station for Fiscal Year 2010

**Discussion** Commissioner Elsaesser spoke of a future report to the Commission regarding the city's recycling program and proposed amending the resolution of intention to increase the tipping fee for purposes of the public hearing, in case the recycling report results in the city charging higher fees. Commissioners Peura, Cartwright and Shropshire spoke in support of the amendment in order to give the Commission options. Mayor Smith indicated he would not support the amendment as he would like to review the report before making any amendments to the fees. Discussion was held on whether or not the city could revise tipping fees more than once a year if the recycling report doesn't result in a decision by June 22, 2009. Manager Burton explained the Commission could revisit the fees. He cautioned the Commission that any changes to the currently proposed rates would need to be coordinated with Lewis & Clark County.

**Motion** Commissioner Elsaesser moved approval of Item G on the consent agenda with an amendment to the total tipping fee in the resolution of intention from \$61.25/ton to \$64.00/ton. Commissioner Peura seconded the motion. Motion carried 4-1, with Mayor Smith voting no.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Cartwright spoke of recent changes to the City of Helena's health insurance and commented on the national discussion on universal health care.

Commissioner Peura commented on the Board of Health's efforts related to universal health care. He also spoke of a letter from a citizen regarding vehicle incursions into Mt. Helena and expressed concern for the issue. Manager Burton explained people trespassing on open space land can incur civil penalties due to violation of the ordinance. Staff is currently working on surveying the property, once that is completed fences and barriers can be installed. He noted that unless the Police Department witnesses the violation, citizens must make formal complaints about the vehicle incursions. City Attorney Nielsen explained the violation would be a misdemeanor offense and gave the penalties that could be assessed. Mayor Smith encouraged citizens to record offenders' license plate numbers.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
No report was given.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
Manager Burton spoke of the Upper Tenmile Collaborative Working Group and reported the group has come to consensus and will soon make a recommendation to the City Commission.

A. Police Chief Troy McGee- Introduction and Presentation

Chief McGee announced promotions received by Captain Roger Johnson and Sergeant Curt Stinson and gave the work and training history of both officers.

Chief McGee gave a thorough report on the second Deer Reduction Pilot Project that occurred in the winter of 2009. This report is included in the Commission packet as part of the official record.

Commissioner Peura commented on statistics in the report related to reports of injured/dead, problem deer and deer causing accidents from 2003-2009 and recommended moving forward with discussions with MT Fish, Wildlife and Parks (FWP) about proceeding with another phase of the project and to re-engage the Urban Wildlife Task Force (UWTF). Chief McGee referred to the statistics and agreed the removal of 200 deer from the city's population has had a positive effect. Commissioner Cartwright commended the Police Department for their work on their project. He indicated he would like further scientific evaluation of how many deer should be culled. Commissioner Shropshire clarified she does not want to set a number of deer to be culled, just recommend continuation of further study of the project. Commissioner Elsaesser thanked the Police Department for their work on the project and spoke in support of moving forward in re-engaging the UWTF and discussions with FWP. Mayor Smith also concurred to move forward with the project.

Public comment

Helen Rietz, 1105 LeGrande Cannon; requested formal pilot programs be conducted of the alternative options to culling. She also asked for a minimum number of deer that will be allowed to live in Helena.

Mark Simonich, 509 3<sup>rd</sup> Street; urged the Commission to move forward with the culling program.

Mayor Smith recommended Ms. Rietz and Mr. Simonich participate on the UWTF, once re-engaged.

Motion

**Commissioner Peura moved to charge staff with engaging FWP to discuss ongoing wildlife management measures in the City of Helena and to move forward to the Commission a resolution for consideration creating an ongoing City Wildlife Advisory Committee.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

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

REPORT FROM THE HELENA CITIZENS COUNCIL  
No HCC report was given.

***LeGrande Cannon Blvd Access***

CONSIDER RESCINDING ACCESS CONTROL (NON-ACCESS EASEMENT) TO LEGRANDE CANNON BOULEVARD.

Staff Report

City Engineer Ryan Leland reported Lot 18A of Block 11 of the Paul Reber PUD has a non-access easement to LeGrande Cannon Boulevard. This will force Lot 18 to get access from Linden Court and not LeGrande Cannon Boulevard. The non-access easement was established as part of an amended plat for the PUD.

In order to reconstruct LeGrande Cannon Boulevard, the City of Helena will need a construction easement on Lot 18A for the fill slope of the road. When the city approached the owner, Mr. Josh Chisholm, to get a construction easement, he requested staff approach the City Commission to rescind the non-access easement on LeGrande Cannon

Boulevard and allow access to Lot 18A. Lot 18A is very steep and may be unable to install a useable access to Linden Court.

Mr. Leland recommended approval of the proposal to allow development of an existing platted lot in the City of Helena by releasing the non-access easement.

Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Peura moved approval to release a non-access easement to LeGrande Cannon Boulevard for Lot 18A of Block 11 in the Paul Reber PUD.** Commissioner Shropshire seconded the motion. All voted aye, motion carried.

**Public Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is June 17, 2009 at 3:30 pm at the Civic Center and the next Commission Meeting is June 22, 2009. There will be a Budget Work Session on June 10, 2009.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 7:28p.m.

---

Mayor James E. Smith

ATTEST:

---

Clerk of the Commission