

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**August 3, 2009**  
**6:00 P.M.**

**Time & Place** A regular City Commission meeting was held on Monday, August 3, 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. Acting City Manager David Nielsen, Acting City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present. Others present were Dan Bernhardt representing the Helena Citizens Council.

**Pledge of Allegiance** Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

**Minutes** The minutes of the regular City Commission meeting of July 20, 2009 were approved as submitted.

**Consent Agenda** CONSENT AGENDA:  
A. Claims  
B. Authorize staff to void check numbers 85995, 86828, 86831, 87250, 87252, 88726, 90789, 90797, and 91247  
C. Resolution requesting mail ballots for the City's 2009 election  
D. Final passage of Ordinance No. 3113 pre-zoning property located North of Country Club Avenue and west of Lea Street with a property address of 2510 Country Club Avenue

Acting City Manager David Nielsen recommended approval of the claims and the consent agenda. He referred to item C and noted the Commission could approve pre-paid postage for the election in a separate motion; the postage would cost \$8,800.

**Comment** Commissioner Peura asked to remove item C from the consent agenda for further discussion.

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

**Motion** Commissioner Peura moved approval of items A, B and D on the consent agenda. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

**Item C** C. RESOLUTION REQUESTING MAIL BALLOTS FOR THE CITY'S 2009 ELECTION

**Commission comment** Commissioner Peura spoke in opposition to the proposed resolution because he believes it requires no commitment to the democratic process, provides a greater opportunity for fraud and uninformed voting, and disrupts and cuts short the campaign process.

**Motion** Commissioner Peura moved to deny item C. Commissioner Shropshire seconded the motion.

**Discussion** Commissioner Shropshire commented Commissioner Peura's comments are interesting and reasonable; however, the mail in ballot in the last election resulted in significantly higher turnout. Commissioner Peura spoke of quality versus quantity and stated a higher turnout is no indicator of the quality of the vote. Commissioner Elsaesser agreed with Commissioner Peura's comments but stated he thought the last election went well. Commissioner Cartwright also agreed with Commissioner Peura's comments and spoke about the current culture of society. He noted he would oppose Commissioner Peura's motion very reluctantly. Commissioner Shropshire expressed mixed emotions for the proposal and indicated she would not support the motion as she believes higher voter turnout is preferential. Mayor Smith stated he would not support the motion and spoke of the large increase in voters using absentee ballots.

**Vote** Motion failed 1-4, with Mayor Smith and Commissioners Cartwright, Elsaesser and Shropshire voting no.

**Motion** **Commissioner Elsaesser moved approval of a resolution requesting the Elections Administrator use mail ballots for the city's 2009 general election.** Commissioner Cartwright seconded the motion. Motion carried 4-1, with Commissioner Peura voting no. **Res #19659**

**Motion** **Commissioner Elsaesser moved approval for the city to pay for pre-paid envelopes for return ballots for the city's 2009 election.** Commissioner Shropshire seconded the motion.

**Discussion** Commissioner Cartwright indicated he would not support the motion as there should be some level of civic involvement and dropping off a ballot or putting on stamp is involvement. Commissioner Shropshire indicated she would support the motion as citizens shouldn't have to pay to vote. Commissioner Elsaesser stated he would support the motion as he feels it would encourage voter turnout.

**Vote** Motion failed 2-3, with Mayor Smith and Commissioners Peura and Cartwright voting no.

**Comment** Commissioner Elsaesser asked if it would be possible for the city to request additional drop off locations, such as the Capital Hill Mall or the Lundy Center? Acting Manager Nielsen stated he would discuss the proposal with the Elections Administrator and report back to the Commission; the county runs the election and has to meet certain standards.

**Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Cartwright spoke of comments about the City Commission from valley residents. He reported there will be public comment related to the County Commissioners and growth and development released soon and spoke in support of the recent MOU between the city and county. He added the City Commission is very serious about water quality.

Commissioner Peura referred to a recent article in USA Today that names Helena, MT as the best town for younger retirees.

**Report of the City Attorney**

REPORT OF THE CITY ATTORNEY  
No report was given.

**Report of the City Manager**

REPORT OF THE CITY MANAGER  
No report was given.

**Report from the Helena Citizens Council**

REPORT FROM THE HELENA CITIZENS COUNCIL  
HCC member Dan Bernhardt reported the HCC did not meet in July. He thanked Mayor Smith for providing the "George Hoff Day" proclamation for Mr. Hoff's funeral. Chair Bernhardt gave an overview of what the new HCC VISTA Bonnie O'Niell, has been working on and explained the HCC Secretary Jim Penner, will be her supervisor.

**SLD No. 207**

CONSIDER A RESOLUTION OF INTENTION TO AMEND SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 207.

Staff Report

City Controller Glenn Jorgenson reported the city has received a petition requesting that one additional light be added to the Crystal Springs Subdivision. The light will be located at the corner of Green Meadow Drive and Brookfield Drive. The intent of the light is to provide lighting for entering and exiting the subdivision off of Green Meadow Drive and to enhance safety. A property owner, Mr. Bernie Borowiak, obtained signatures of 43 of 77 property owners requesting the amendment. This represents 55% of the total square foot of property owned within the district.

Northwestern Energy provided the cost of the additional light which will be \$28.90 per month with a yearly cost of \$349.80. This equals \$.0046 per square foot of property. The light will be on a 14 foot fiberglass or metal pole with a 14 foot mounting height and glass enclosed cut-off luminaries with a 100 watt high pressure sodium vapor lamp that matches the lights currently installed.

Mr. Jorgenson recommended approval of the resolution of intent as the addition of one light will make the entrance more visible and safety will be enhanced in the subdivision.

Public comment

Mayor Smith called for public comment, none was received.

**Motion**

**Commissioner Peura moved approval of a resolution of intention amending Special Improvement Lighting District No. 207 and set a public hearing date of September 14, 2009.** Commissioner Cartwright seconded the motion. All voted aye, motion carried. **Res #19660**

**Open Lands Strategy**

CONSIDER ACCEPTANCE OF THE OPEN LANDS FUELS REDUCTION AND RESTORATION STRATEGY.

Staff Report

Parks & Recreation Director Amy Teegarden noted Natural Resources Coordinator Brad Langsather would be providing a portion of the staff report.

While the City of Helena has successfully completed fuel treatment projects in the past, the on-going mountain pine beetle epidemic has resulted in the occurrence of sudden and significant

ponderosa pine tree mortality over extensive portions of Helena's open lands system. The combination of dead trees and high fuel loads presents increasingly complex management challenges of increased risk to public health and safety from wildfire and hazardous trees as well as solid-waste management of woody debris.

Following a thorough examination of the forested portions of these lands, city staff determined that approximately 500 acres of severely infested ponderosa pine stocked timber stands were in immediate need of treatment in an effort to avoid the possible occurrence of crown fires (fire that moves from tree crown to tree crown) in the event of a wildfire ignition. An additional 610 acres of forested lands are susceptible of becoming infested prior to the end of the infestation. In total, nearly 80% of the forest area (ponderosa pine acreage) of Helena open lands could experience heavy mortality.

The Helena Open Lands Management Plan provides overall management goals and implementation opportunities for Helena's open lands. The proposed "Open Lands Fuel Removal and Restoration Strategy" is tiered to the existing plan and outlines proposed treatment activities, estimated costs and a schedule for addressing the high level of beetle killed trees on open lands. The strategy serves as an overall approach, a tool for budget and project planning, and a tool for public communication. The development of the strategy utilized input from the HOLMAC forestry subcommittee, city staff field analysis, and interaction with other city departments. It will result in future proposed projects and funding options that will individually be reviewed by HOLMAC and presented to the Commission for approval.

While the main focus of the strategy is on restoring open lands, attention will also be placed on addressing the solid waste issue that will result from tree removal from both open lands as well as forested private lands within the city limits.

Director Teegarden and Mr. Langsather recommended approval of the strategy as it addresses the immediate risk of public health and safety and adjusts the direction of Helena's open lands fuel activities to restoration activities of the forest.

Commission comment

Commissioner Peura expressed concern for the financing of the strategy and asked for staff's confidence level in securing grant funding next year? Mr. Langstather explained he is fairly confident the city will be awarded the HGMP Grant based on the competition. He noted he is unsure about the Pre-disaster Mitigation Grant until he sees the competition and added staff will be working on additional unidentified grants. Commissioner Peura stated staff needs to work quickly and aggressively to secure funding. He asked for the timeframe to put a GO Bond on the November ballot. Manager Nielsen explained Director Magee is currently looking into various funding strategies and will provide the Commission with financing options to pick from. He noted some options will be time-sensitive and it will be a very complex strategy.

Commissioner Cartwright asked once the needles fall off of the trees, is there still an interest in removing those trees? Mr. Langsather stated once the needles fall off there is a drop in the possibility of fire being carried from crown to crown but the habitat would leave a large amount of fuel on the ground. He spoke of how ponderosa stands evolve and noted they do not do well in intense fires.

Commissioner Shropshire discussed air curtain burning and recommended protection of existing trails be required in project contracts.

Manager Nielsen commented staff has had a lot of internal discussions regarding the strategy and this is a much bigger issue, involving more than just the Parks Department; other departments will be involved and all city resources will be used to go well beyond the strategy.

Public comment

Mayor Smith called for public comment.

Dan Bernhardt, Helena; spoke in support of the strategy.

Marshall Gingery, 2522 Primrose Lane; spoke in support of the strategy but expressed concern that there haven't been any expected outcomes discussed. He also commented on the city's preparedness for a wildfire.

Phil Johnson, 702 2<sup>nd</sup> Street; expressed concerns with the strategy.

Mary Arnold, HOLMAC; spoke in support of the strategy.

Dan Ellison, 2610 Gold Rush Avenue; encouraged the Commission to adopt the strategy.

Comment

Commissioner Cartwright indicated he would support the strategy and addressed Mr. Johnson's concerns. He noted he feels the strategy states the following: the project will be costly, a lot of trees will have to be removed, and there will be a need to use mechanized treatment. Commissioner Peura stated he would vote in support of the strategy and listed the predicted outcomes. He also thanked staff for their work.

Motion

**Commissioner Cartwright moved to accept the Open Lands Fuels Reduction and Restoration Strategy.** Commissioner Peura seconded the motion.

Comment

Commissioner Elsaesser thanked staff for their work; the strategy is a very complete document that deals with a serious issue. Commissioner Shropshire spoke in support of the strategy and the large amount of public comment on the issue. She requested the strategy be posted on the city's website. Mayor Smith expressed support for the plan.

Amendment

**Commissioner Cartwright moved to amend page 2, the 2<sup>nd</sup> paragraph and 2<sup>nd</sup> sentence, to read:**  
**"In addition to exploring Although biomass technology should be explored, city staff at this time recommends the purchase of 1-2 air curtain burners and a tractor/woodchipper that could be utilized to reduce the amount of material being taken to the landfill"**.  
Motion died for lack of a second.

Amendment

**Commissioner Elsaesser moved to amend page 2, 2<sup>nd</sup> paragraph and 2<sup>nd</sup> sentence, to read:**  
**"In addition to exploring biomass technology, city staff may recommends the purchase of 1-2 air curtain burners and a tractor/woodchipper that could be utilized to reduce the amount of material being taken to the landfill"**.

Commissioners Shropshire seconded the motion. Motion carried 3-2 with Mayor Smith and Commissioner Peura voting no.

**Amendment**

**Commissioner Shropshire moved to amend page 1, item 2, paragraph 2 to add the following language after the last sentence: Contract specifications will include required Best Management Practices.**

Commissioner Elsaesser seconded the motion. Motion failed 2-3, with Mayor Smith and Commissioners Peura and Cartwright voting no.

**Amendment**

**Commissioner Shropshire moved to amend page 1, item 2, paragraph 2 to add the following language after the last sentence: Contract specifications will include preserving existing trails.**

Commissioner Elsaesser seconded the motion. Motion failed 2-3, with Mayor Smith and Commissioners Peura and Cartwright voting no.

Discussion was held on all of the amendments listed above.

**Vote on original motion as amended**

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 August 12, 2009 and the next Commission Meeting is August 17, 2009. The City/County Volunteer Picnic will be held August 13, 2009 at Memorial Park.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 8:02 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission