

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**April 22, 2013**  
**6:00 P.M.**

- Time & Place*** A regular City Commission meeting was held on Monday, April 22, 2013 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 Elsaesser, Ellison, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, City Attorney Jeff Hindoiien and Deputy City Clerk Robyn Brown were present. Others present were Bob Habeck 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 April 8, 2013 were approved as submitted.
- Consent Agenda*** CONSENT AGENDA:  
A. Claims  
B. Acceptance of a grant from the Montana Department of Natural Resources and Conservation (DNRC) to complete 45 acres of forest health restoration work within Helena's recently acquired Open Lands "Community Forest" ownership located on the east face of Mount Ascension  
C. 2013 Helena Open Lands Work Plan  
D. Saddle Drive Trail  
E. Approval of an amended plat showing the alley vacation adjacent to Lots 19-36 in Block 1, of the Court House Addition to the City of Helena
- City Manager Ron Alles recommended approval of the claims and the consent agenda.  
Commissioner Elsaesser requested Item E be removed for discussion.
- Motion*** **Commissioner Elsaesser moved approval of items A through D on the consent agenda.** Commissioner Thweatt seconded the motion. All voted aye, motion carried.
- Item E*** E. APPROVAL OF AN AMENDED PLAT SHOWING THE ALLEY VACATION ADJACENT TO LOTS 19-36 IN BLOCK 1, OF THE COURT HOUSE ADDITION TO THE CITY OF HELENA
- Commissioner Elsaesser asked if the plat was being amended to include vacated right-of-way. Manager Alles concurred.
- Public comment*** Mayor Smith asked for public comment, none was received.
- Motion*** **Commissioner Elsaesser moved approval of item E on the consent agenda.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

- Communications** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Haque-Hausrath introduced her newborn daughter, Coretta.  
Commissioner Elsaesser noted today was Earth Day and spoke to the significance of the designation.
- Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
No report was given.
- Report of the City Manager** REPORT OF THE CITY MANAGER  
A. Presentation of the Fiscal Year 2014 (FY14) Preliminary Budget  
  
City Manager Alles gave a detailed overview of the FY14 preliminary budget. He noted the presentation would be made available on the city's website.  
A copy of the presentation is included in the Commission packet as part of the official record.
- Public comment Mayor Smith asked for public comment, none was received.
- Motion** Commissioner Ellison moved to accept the FY 2014 Preliminary Budget and Comprehensive Capital Improvement Program. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.
- Report from the Helena Citizens Council** REPORT FROM THE HELENA CITIZENS COUNCIL  
HCC member Bob Habeck reported the Council continues to work on recruiting and retaining members. The Council has also been assisting the city by providing comments on the subdivision regulations, HATS transit plan update, bike routes and community gardens.  
He thanked Administrative Services Director Tim Magee for attending a recent monthly meeting to discuss the city budget. He also recognized the work of the new HCC Coordinator, Kelli McLane.
- Regular Items** REGULAR ITEMS:  
A. CONSIDER A RESOLUTION DECLARING TANGIBLE PERSONAL PROPERTY (FIREARMS) OWNED BY THE CITY OF HELENA TO BE SURPLUS PROPERTY AND AUTHORIZING DISPOSAL OF THAT PROPERTY.
- Staff Report Helena Police Department (HPD) Lieutenant Curt Stinson reported the HPD maintains an inventory of semiautomatic rifles for officer use. Many of the rifles are issued and assigned to individual officers; some are used in a checkout pool system in the patrol division. The department began replacing 12-gauge shotguns in the patrol division in about 1999 with AR 15/M16-style semiautomatic rifles, and purchased additional rifles over the course of subsequent years, obtained surplus military rifles through the 1033 surplus program and put rifles into service that were obtained through criminal cases. Department firearms are maintained and repaired by department-trained and certified armorers, and the current inventory of numerous manufacturers and models of rifles makes maintenance difficult and expensive. Many of these rifles – particularly ones issues to tactical team officers- in addition to the original four rifles purchased 14 years ago, show significant wear and tear. The rifles used in the patrol division are moved in and out of

vehicles and the armory hundreds of times a year and suffer extra abuse and wear just by the nature of where they are used.

Lieutenant Curt Stinson proposed selling the 18 rifles and replacing them with 17 new rifles of the same model as the last five purchased by the HPD. Included in the sale would be four "select fire" weapons capable of full-automatic fire, which no longer fit the department's needs.

Owning one common make/model of weapon would simplify repairs and maintenance, as armorers wouldn't have multiple types of weapons to fix and clean with different parts. Also, since a number of the weapons proposed for sale are over 10 years old with significant wear and tear, replacing them will decrease maintenance costs. The proposal would allow the HPD to standardize the issued rifles so officers could easily change from one to another for maintenance and accessories would be interchangeable such as sights, slings, stock, etc. Another advantage to note is the current high demand firearms market, which will increase the trade-in allowance the department expects to get back on each rifle sold.

#### Discussion

Commissioner Elsaesser asked for the process for selling the firearms. Lt. Stinson explained the HPD would locate a federally licensed firearms dealer and the weapons would be traded in towards the purchase of replacement firearms.

Commissioner Thweatt asked how much will be saved by converting to the new firearms. Lt. Stinson stated several hundred dollars for parts and time for the two certified officers that provide the department's in-house armorer service. Most of the complication and current costs come from maintaining the different firearms.

Commissioner Thweatt asked why School Resource Officers need assault rifles. Lt. Stinson stated across the country there have been many incidents in schools and public buildings. These incidents have proven that officers need to be prepared and they have the appropriate equipment assigned to them.

Commissioner Thweatt asked for more information on the budget for the weapons. City Manager Alles explained the costs will be paid as part of the HPD's small tools budget. He added the net effect of the costs is pretty insignificant as there will be savings in some of the department's other line items that will allow for the purchase to happen. He noted if the Commission directed the purchase of new firearms be denied they would not purchase the new weapons. Lt. Stinson explained the firearms would be paid for out of the current budget year and would not carryover into FY2014.

Mayor Smith asked how the department will assure the weapons won't end up in the wrong hands. Lt. Stinson confirmed the department will only use a reputable federally licensed firearms dealer that will follow all of the regulations according to law. They will not be going to a private individual to be resold.

Commissioner Ellison stated he wishes we lived in a world where our Police Department didn't need to have these kinds of weapons but unfortunately that's not possible. He spoke of the importance of the department having standardized weapons and noted he would vote in support of the proposal.

Commissioner Elsaesser stated he trusts the department will follow all of the necessary regulations.

Commissioner Haque-Hausrath stated this proposal was worrisome at first but she is confident the department is taking the necessary steps to ensure the weapons don't end up in the wrong hands.

Public comment Mayor Smith called for public comment; none was received.

**Motion** Commissioner Ellison moved approval of a resolution declaring the firearms listed on "Exhibit A" as surplus property and authorize the sale of that property. In addition, authorize the HPD to use the proceeds from the sale, along with approved budgeted funds for the current year (Fiscal Year 2013) to purchase replacement weapons. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #19997**

**Public Hearings** PUBLIC HEARINGS:  
A. CONSIDER FINAL PASSAGE OF ORDINANCE NO. 3173, AMENDING CHAPTER 3 OF TITLE 3 ADOPTING THE 2011 EDITION OF THE NATIONAL ELECTRIC CODE (NEC) BY THE NATIONAL FIRE PROTECTION ASSOCIATION.

Staff Report Chief Building Official Brandt Salo reported the Building Division for the City of Helena is currently enforcing the 2008 edition of the NEC. Effective January 18<sup>th</sup>, 2013, the State of Montana Building Codes Bureau, within the Department of Labor & Industry, adopted new Administrative Rules implementing the use of 2011 edition of the National Electrical Code (NEC) mandating its adoption by all certified local jurisdictions within 90 days thereafter.

On March 11, 2013 the City Commission approved final passage of the adoption of the NEC code. The proposed code has been available for public review in the office of the City Clerk as required by MCA. The requisite 30-day period will expire on Friday, April 12<sup>th</sup>, 2013. No public comments have been received to date.

Mr. Salo recommended approval of final passage as it will keep the city, a certified jurisdiction, in compliance with the state's directive to adopt the new edition of the NEC code. In addition to keeping the city's certified enforcement program in good standing, updating to the new edition of the code provides builders and the public with the opportunity to make use of the newest technologies, processes and materials that are authorized within the 2011 NEC code.

Public Testimony Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

**Motion** Commissioner Elsaesser moved approval of final passage of Ordinance No. 3173 amending Chapter 3 of Title 3 adopting the 2011 edition of the National Electrical Code (NEC). Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Ord #3173**

**Public Communications** PUBLIC COMMUNICATIONS  
No public communications were given.

***Meetings of  
Interest***

MEETINGS OF INTEREST

The next Administrative Meeting is May 1, 2013 and the next Commission Meeting is May 6, 2013.

***Adjournment***

There being no further business to come before the Commission, the meeting was adjourned at 6:55 p.m.

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Mayor James E. Smith

ATTEST:

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Clerk of the Commission