

**COMMITTEE OF THE WHOLE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
FEBRUARY 16, 2011, 1:05 – 2:00 PM**

Members present: Ed Childers, President; Stacy Rye, Vice President Dick Haines; Lyn Hellegaard; Bob Jaffe; Marilyn Marler; Renee Mitchell; Dave Strohmaier; Pam Walzer; Jason Wiener; and Jon Wilkins

Members absent: Cynthia Wolken

Others present: John Hendrickson, Paul Bowles

I. Administrative Business

Minutes dated [January 26, 2011 Joint with BCC](#), [January 26, 2011 PM meeting](#), [February 2, 2011](#) were approved as submitted.

II. Public Comment on items not listed on the agenda--None

III. Regular Agenda

A. Appoint a city council member to the Transportation Policy Coordinating Committee. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 02/14/11)

MOTION: The committee recommends the city council appoint Jason Wiener to the Transportation Policy Coordinating Committee.

Mr. Childers stated there are two applicants, Lyn Hellegaard and Jason Wiener, for the position on the Transportation Policy Coordinating Committee.

Ms. Rye stated she has a new job that will take a lot of her time. She has enjoyed her time on the TPCC board and hopes who ever replaces her enjoys their time as well.

Jon Wilkins stated he would like to nominate Lyn Hellegaard for the position. He stated she has been involved with it for years and probably has more knowledge than anyone on the council.

Pam Walzer stated she would like to nominate Jason Wiener to the position. She stated he has put a lot time and energy into researching things for other committees like the EIS Peer Review Subcommittee and Public Works. He will spend enormous amount of time digging into the work TPCC does. He has shown that he has the brain power to take on the details.

Renee Mitchell stated she hopes the vote today is not a reflection of the council's political vent. This is the third time they have elected someone to this capacity and both times Ms. Hellegaard has been passed over as she doesn't have the proper affiliation with the right political party in town. She would like to see someone in the position that could share with the council some of the transportation stuff.

Dick Haines stated the qualifications of these two people are stellar. He stated Mr. Wiener runs one of the best committees on the council. He would like to see Ms. Hellegaard get the job as she speaks about Missoula and transportation needs on a national scale. He thinks if it is kept out of the political realm then she would be the most knowledgeable person for the job.

Ms. Walzer stated the reason she favors Mr. Wiener is his ability to share his decision making process and he shares with council on why he believes in something. The committee is an important committee that shares long range and short range policy making that the council wants to give input into. Ms. Hellegaard works for a transit organization so she has a lot of experience. She also stated she is not sure or comfortable on where Ms. Hellegaard stands on things only by a vote and not a very in depth of her thought processes. She stated she has not found comfort with Ms. Hellegaard but doesn't find comfort in Mr. Wiener as he shares his thoughts.

Mr. Wilkins stated he feels the opposite of Ms. Walzer as Ms. Hellegaard is very qualified and very involved in transit things. She does voice her opinions. He expressed the person appointed is suppose to come back to the whole council and voice the opinions to try and agree on the same thing. He does not see in Mr. Wiener's resume anything about transit issues.

Mr. Wilkins called for the question. The motion was approved unanimously.

	Hellegaard	Wiener
Marler		Wiener
Childers		Wiener
Mitchell	Hellegaard	
Haines	Hellegaard	
Hellegaard	Hellegaard	
Wilkins	Hellegaard	
Jaffe		Wiener
Rye		Wiener
Walzer		Wiener
Wiener		Wiener
Strohmaier		Wiener

The committee voted 7 votes for Wiener and 4 votes for Hellegaard.

Jon Wilkins and Marilyn Marler left at 1:20 PM

B. Administration and Council discuss legislative matters. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 01/24/11)

Dave Strohmaier stated he would like the committee to oppose House Bill 516 which would nullify the illegal discrimination ordinance and prevent other communities around Montana from enacting similar ordinances. He also would like the committee to support House Bill 514 which will insert into the Montana Human Rights Act the same protections they have in our non-discrimination ordinance.

Mr. Wiener asked for a separate vote.

Mr. Strohmaier moved to oppose HB 516 which will nullify the illegal discrimination. The motion passed with 6 ayes, 1 nay with Haines voting no and 2 abstentions with Hellegaard and Mitchell abstaining.

Mr. Strohmaier moved to support HB 514 to add sexual orientation, gender identity, and gender expression to the list of classes in the Human Rights Act. The motion passed with 6 ayes, 0 nays, and 3 abstentions with Haines, Hellegaard, and Mitchell abstaining.

Mr. Childers stated he interprets the committee of the whole making decisions whether to support or oppose legislation. He stated this would be a decision made by the committee

of the whole and not by the whole council. He also asked if anyone had some concern with it not going to the full council.

Renee Mitchell stated she agrees this is an expression of the committee of the whole and not of the council since this is not a council session.

Pam Walzer moved the committee oppose HB 434 which is to revise the comprehensive environmental clean up and responsibility act. There has been a hearing on it on the 14th but the legislature has yet to take executive action on it. She would like to include the committee's decision in the letter.

Ms. Mitchell stated she has not read this bill and until she does she will not say one way or another.

Mr. Childers stated he read an article about Burlington Northern would find this very advantageous in cleaning up where their engines have spilled.

Dick Haines left at 1:29 PM.

Ms. Hellegaard stated she agrees with Ms. Mitchell as she has not read the bill and would find it ill advised to support a bill one way or another on something they have not studied.

Ms. Mitchell stated she needs to read more about this bill.

The motion passed 6 ayes 2 abstentions.

Mr. Strohmaier motioned to support House Joint Resolution 15 which is resolution supporting Amtrak passenger rail services across southern Montana.

Mr. Strohmaier read the following:

"NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 62nd Montana Legislature urge the United States Congress to take tangible steps to secure funding for and develop plans to restore Amtrak's North Coast Hiawatha route between Chicago and Seattle, with service through southern Montana. This should be part of a national essential passenger rail policy that does not sacrifice the passenger rail needs of the rural American West for intercity high speed rail; and

BE IT FURTHER RESOLVED, that Congress should continue to support the Empire Builder, which is a critical transportation component along Montana's Hi-Line.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Montana's Congressional Delegation, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the United States Secretary of Transportation, and the Amtrak Board of Directors."

The motion passed with 6 ayes, 1 nay with Hellegaard voting nay, and 1 abstention with Mitchell abstaining.

Mr. Jaffe asked the committee if they have any legislative issues they would like to bring to the committee to please send out an email to the council before the meeting so they have a chance to study the bill.

IV. Held in committee

1. Mayor's Update – Ongoing in Committee. (Mayor Engen)
2. Updates from Council representatives on the Health Board, Community Forum, Transportation Policy Coordinating Committee, other boards and commissions as necessary. – (Ongoing in Committee)
3. Joint meeting of the Mayor, City Council and County Commission; a facilitated quarterly OPG review as directed in the [Interlocal Agreement](#) (Agenda)—Ongoing (Mayor Engen)
4. Joint meeting between the Missoula City Council and the Missoula County Public Schools' Board of Trustees ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/17/07)
5. Examination of Office Planning and Grants ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 09/08/08)
6. Mayor's budget presentation. ([memo](#)) – Regular Agenda (Ed Childers) (Referred to committee: 02/14/11)

V. Adjournment

The meeting adjourned at 1:36 PM

Respectfully submitted,

Nikki Rogers
Deputy City Clerk