

**COMMITTEE OF THE WHOLE  
CITY COUNCIL CHAMBERS  
140 WEST PINE STREET  
MISSOULA MONTANA  
MARCH 23, 2011, 2:05 PM**

**Members present:** Ed Childers, President; Dick Haines; Lyn Hellegaard; Bob Jaffe; Renee Mitchell; Dave Strohmaier; Pam Walzer; Jason Wiener; Jon Wilkins and Cynthia Wolken

**Members absent:** Stacy Rye, Marilyn Marler

**Others present:** None

**I. Administrative Business**

Minutes dated [March 16, 2011](#) were approved as amended and minutes dated March 21, 2011 will be approved at a later date.

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

**III. Regular Agenda**

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

Jason Wiener stated he has three bills he would like to mention.

House Bill 180: Cancel same day voter registration

Mr. Wiener stated since same day registration was created in federal elections, Missoula County has seen nearly 3000 residents register on the day of election. He feels this would be in the best interest to oppose this bill. Currently, it is set to watch with the City Clerk's department. He moved to send a letter to the delegation as the bill has passed the House and the Senate committee.

Ed Childers asked Mr. Wiener if he has some language drafted for the letter. Mr. Wiener stated he does not but thinks the one important fact should be the number of residents should be included. The number is 2,779 voters have registered on the same day of the election.

Renee Mitchell stated if Mr. Wiener has any information on how many of the voters were contacted by community organizing groups and recruited to go out and vote. Mr. Wiener stated he has no other information.

Ms. Mitchell stated she will not support the letter. She believes her right to vote comes with the responsibility to be aware of the issues and people for which they are voting. With the elections now with the signs out and other information prior to the election, she feels people really truly want to exercise and are committed to taking it very seriously. They make an effort to vote.

Lyn Hellegaard stated she will not support the letter either. She attended the hearing and spoke in favor of supporting HB180. In testimony, the prior attorney general Brad Johnson spoke about the small percentage of the 2,700 plus was address changes. The voter can vote up to six months on their old address. She feels it is more important to give local officials at least one day to check addresses to make sure people are voting in the correct wards. She also clarified the bill would close voter registration at 5:00 PM the Friday before Election Day.

Pam Walzer stated she has worked as a poll place worker and has seen people come in believing they are registered voters but have discovered their name is not on the books. Excluding students, this is important because especially in Ward 2 people move in and out as they may not be there at the beginning of the election season but by Election Day someone moves in. Should they be voting where they currently live or should they have input on where they used to live?

Cynthia Wolken stated she will support the letter. Same day registration is not the same as late registration. People have the right to vote. There are a lot of structural impediments for people getting to the polls early and voting early. When people are registering to vote on Election Day it doesn't necessarily mean they are generally apathetic or don't really know who they want to vote for or why they are voting for somebody. They should be respectful of that.

Mr. Wiener stated as a polling place manager he has seen the fear, anger, and despair of people who show up expecting to cast a vote and being told they are not in the book. If we do not give these people an outlet all we do is hollow out their belief in the democracy.

Dave Strohmaier stated he will support the letter but cautions going down the path of making any assumptions of any individual on how knowledgeable a voter is when they are casting their ballot.

Bob Jaffe stated he supports the letter. In general he wants people to participate whether they are in the correct venue or not.

Ms. Mitchell stated her support for HB 180 is not to keep people from voting. People have the opportunity to register and check out whether they are on the list to vote. This protects but allows the person to register to vote and to get a paper ballot if they want to. She feels it should be ok to call the elections office to see if they are on the list to vote. She also would like to know what Mr. Wiener's other two concerns are because she feels the committee meeting is being used as a political sound off. She will support bills on her own and does not want to get drawn into political debates.

Mr. Wiener stated the other two issues are SB 306 which would revise the state mining laws in violation of two citizen initiatives to allow and encourage return open-pit mining for the purposes of cyanide leaching. This is in the interest of the city being just down stream from the gold mine on the Upper Blackfoot. The other bill is just a heads up as he has asked the Finance Director to keep an eye on HB 513. This bill would require state and local governments to back any transactions with silver and gold coin at the request of someone who is conducting a transaction. On the fiscal note there are significant local government financial implications. This bill sailed out of the House and Senate committee. When paying for a piece of property that is being claimed with eminent domain they would have to pay for it with gold or silver.

Mr. Jaffe stated on House Bill 180 he feels it is appropriate to take a position on bills that affect the city. He would like to call for the question on the motion.

The motion to end debate passed on a 6 to 4 vote.

The vote on the motion to send a letter to the senate delegation passed with 6 ayes, 3 nays (Hellegaard, Haines, Mitchell) and 1 abstention (Wilkins).

Mr. Childers will draft a letter and name the people who voted in favor will be added to the letter.

Mr. Haines stated he is please to see this letter go out as he knows how this letter will be perceived. He feels it is going to hurt Missoula and realizes people won't understand it. He also asked why the city is paying \$20,000 for a lobbyist when Missoula has the most powerful delegation of any city in the state with the fourteen democrats including some influential senators (Williams, Erickson, Facey, Wazenried and Larsen). He wonders what a lobbyist is doing but sitting around drinking coffee and feels he can not move anyone but the five senators can.

Mr. Wilkins stated he was not for hiring the lobbyist but he has done some things good and some bad. He feels the lobbyist is doing a good job and is working hard.

Mr. Jaffe stated he shares some concern with Mr. Haines and likes what Mr. Wilkins had to say about our lobbyist. He would like to discuss at the close of the session what the lobbyist actually did and the influences he did for the city.

Ms. Walzer stated she has worked with lobbyist and shares what Mr. Haines was saying about the letters to the legislature. There are a lot of people outside of Missoula who hate Missoula but on the other hand the committee did not comment on something that was very important, which was the medical marijuana. She feels this is appropriate whether this goes to just the delegation or to other members. It is important to make a clear statement on what they believe.

Senate Bill 306: Revise the state mining laws to allow and encourage return open pit mining for the purposes of cyanide leaching.

Mr. Wieners stated this bill is to make it feasible to open pit mine in the Upper Blackfoot.

Ms. Hellegaard stated she would like the courtesy from council members to email the bill numbers they would like to discuss in committee so members have time to look them up. She would at least like a days notice.

Ms. Mitchell stated from the beginning of these meetings she supports some initiatives and submits her own email to the delegation. She asked the chair to be excused from the meeting for the rest of the day.

Mr. Childers stated her attendance is not mandatory but keep in mind it is always appropriate to write a minority report if they so desire.

(Discussions continued further in the meeting after HB 344 discussions)

Mr. Wiener asked the council to not take a stand on SB 306 and to watch it.

Mr. Haines stated when he drives to Bozeman they pass the cyanide leach operation at Whitehall he goes back to campaigning against it. The cyanide before it gets to a stream ceases to be cyanide. The cyanide itself is not the threat. If the committee stands against it then stand against it as an environmental impact on air pollution and environmental pollution.

House Bill 344: Prohibit favoritism between for-profit and nonprofit corporation in state contracts

Mr. Wilkins stated he would like to talk about the for-profit corporations coming in to take over the correctional stuff. The city uses community service and SCRAM bracelets. There is a piece of legislation at 3:00 PM today. In talking with Mayor Engen, he stated the city is behind not letting the for-profit corporations come in. The correctional facility in Shelby

is having trouble. A for-profit will generally put the company first and the people second whereas the non-profits put the people first.

Ms. Wolken stated the number is House Bill 344 Prohibit favoritism between for-profit and non-profit corporations. She stated it has passed the House and had their first hearing in the administration committee today.

Mr. Childers asked Mr. Wilkins if would like a letter sent out. Mr. Wilkins responded he doesn't want to speak for any one else but would like the committee to oppose the bill and not send a letter.

Mr. Wiener stated the title of the bill alone makes him want to oppose the bill. He feels people should not be making a profit for locking people up.

Mr. Strohmaier stated we should take a position even though we do not transmit a letter to anyone in Helena. He thinks taking an individual approach on bills is entirely appropriate.

Mr. Wilkins responded it is ok to take a stand and send a letter as an individual and not as the council as a whole. He also feels like legislature laughs at Missoula and he is quite upset at how Missoula is perceived when they send a letter.

The committee voted on the motion with 8 ayes and 2 abstentions with Hellegaard and Mitchell abstaining.

#### **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. Consider a regular and an emergency ordinance to adjust ward boundaries. ([memo](#))—Regular Agenda (Laval Means) (Referred to committee: 02/28/11)

#### **V. Adjournment**

The meeting was adjourned at 2:57 PM.

Respectfully submitted,

*Nikki Rogers*  
Deputy City Clerk