

CONSERVATION COMMITTEE REPORT

January 6, 2010

10:35–11:30 am

140 West Pine Street

Members Present: Marilyn Marler (chair), Pam Walzer, Dave Strohmaier, Bob Jaffe, Dick Haines, Renee Mitchell, Ed Childers, Jon Wilkins, Stacy Rye, Lyn Hellegaard,

Members Absent: Roy Houseman

Others Present: Jim Nugent

I. ADMINISTRATIVE BUSINESS

A. Approve minutes.

Minutes of December 16 and December 21, 2009 were approved as submitted.

II. FINAL CONSIDERATION AGENDA ITEMS

III. CONSENT AGENDA ITEMS –

A. Consider an [ordinance](#) amending Missoula Municipal Code Title 8, entitled "Health and Safety," Chapter 8.28, entitled "Garbage and Rubbish" to provide for special management of garbage in specific areas within the City of Missoula where there is conflict with bears and an [ordinance](#) amending sections 8.28.010, 8.28.030, 8.28.050, 8.28.060 and 8.28.070 Missoula Municipal Code for the purpose of incorporating Missoula County requirements for residential rental units and updating terminology, enforcement authority, and waste container management ([memo](#)).—Regular Agenda (Pam Walzer and Urban Wildlife Subcommittee) (Referred to committee: 09/14/09) **(HELD IN COMMITTEE)**

Motion: The committee recommends the City Council set a public hearing to adopt [ordinance](#) amending Missoula Municipal Code Title 8, entitled "Health and Safety," Chapter 8.28, entitled "Garbage and Rubbish" to provide for special management of garbage in specific areas within the City of Missoula where there is conflict with bears and an [ordinance](#) amending sections 8.28.010, 8.28.030, 8.28.050, 8.28.060 and 8.28.070 Missoula Municipal Code for the purpose of incorporating Missoula County requirements for residential rental units and updating terminology, enforcement authority, and waste container management for February 8, 2010.

Pam – for the purpose of discussion I have combined the two ordinances but the City Attorney has recommended keeping the two documents separate as two ordinances. The General amendments ordinance is how we manage garbage and the other is related to issues involving special management of garbage in bear buffer zone.

Pam reviewed with the committee the changes in the ordinances with the committee. There is also a resolution which identifies the bear buffer zone including a map of the proposed area.

Section: 8.28.010 – Definitions: change in definition of garbage, added definition of Bear Buffer Zone, Bear Resistant Container and Bear Resistant Enclosure.

Update terminology regarding enforcement by the Police and Parking Enforcement Officers. and police officers. The City-County Health Department has the primary responsibility for enforcement of all provisions.

Addition to Commercial containers at the request of Allied Waste (AW) to ensure that commercial garbage containers are placed on a hard level surface to allow for roll-out and/or emptying.

Commercial Garbage Containers – all rental units will be required to provide commercial garbage service. The County did have that requirement and the City did not but this will be changed to reflect the same requirement by both City and County.

Special provisions for the accumulation and storage of garbage within the Bear Buffer Zone. This is a new section with specific requirements for those who live within the designate Bear Buffer Zone.

Human generated waste that attracts bears cannot be accumulated or stored in any manner that allows bears access. However a non bear resistant container containing bear attractants can be placed at the curb after 5 am on the morning of waste pickup. The non-bear resistant container must then be returned into a secured closure by 9 pm the same day. This is an alternative which is at no extra costs to the citizen.

Section C – allows for governmental and commercial, institutional such as the Parks Department or University to develop a waste management plan approved by FWP.

Outdoor trash compactors – allowed but no garbage can be outside of the compactor.

Violations:

There is a one year delay in the implementation of fines which allows an opportunity for an educational process. The minimum fine will be \$25 in the Bear Buffer Zone.

Discussion:

Dave – under the special provisions section is it possible to change the 5 am time to put out garbage as we don't want to create an ordinance which can't be followed. We do not want garbage put out the night before but the early time may be a deterrent to some citizens.

Pam – the subcommittee reviewed collection pick up time and 5 am is the beginning of collection of garbage it seemed appropriate. The previous garbage ordinance allowed for putting garbage out the night before for early morning pickup, but bears know when the garbage is out and raid the cans.

Chad Bauer, Allied Waste - our trucks start the commercial routes at 5 am and for most residential routes, the trucks leave at 6 am to beat traffic, keep out of school zones, and keep employees safe. It would be hard to move the start times. The majority of residential doesn't start until after 6 am which gives an hour opportunity to put out garbage.

Bob – I think we should pick one definition for garbage.

Pam – it was important to separate out waste materials that are food vs. paper waste as it doesn't attract bears.

Bob – garbage is food, refuse is more than food, and we should define a word for non food stuff.

Pam – rubbish or litter is non food, and Garbage is food related and the two combined equal Refuse.

Chad Bauer – the definition comes from city/county health code.

Pam – we could expand rubbish to include furniture, appliances, include private as well as public property.

Jim Nugent – for ease of reading/formatting I would suggest moving all bear related information to the beginning.

Ed –this states that Council could arbitrate a protest and I am not sure how that will work?

Pam – The thought was to use the same process as the Design Review Board and if someone want to protest, they would come before city council.

Ed – I would move to 8.28.28C to state the City-County Health Department will provide arbitration, not City Council.

Bob – maybe it should be the Health Board?

Dave – it makes sense to have Health Department have that role, but who is decision maker, and shouldn't it be Council.

After more discussion Dave made a substitute motion for language that the Health Board can be petitioned and in the event arbitration fails, there can be an appeal to the City Council.

There was no public comment on the motion.
All members present voted in favor of the substituted motion.

Stacy –I move to set public hearing for both ordinances for on Feb 1 and discussion on the Resolution go to committee reports on Feb 1.

Public comment:
Chad Bauer – I would request to push back the public hearing at least a month.

Jim Nugent suggested setting a public hearing could also be done for the Resolution.

The motion was amended to set a public hearing on the Resolution and both Ordinances on Feb 8, 2010. All members present voted in favor of the motion.

Public comment: none.

Continued Discussion:
Lyn – I question the logic of not trying an educational campaign before putting an enforcement ordinance in place.

Marilyn – there has been a lot of effort by advocacy groups on public education who feel education is not working.

Pam – this was discussed in committee to give citizens and Allied Waste a year to get finances and a plan of action together. However if you don't have ordinance, a citizen is not required to do anything which is not working. This gives them a year to change behavior before any fines are in place.

Jon – I am curious as to the cost for bear containers.

Chad – it is \$10 per month per resident to rent with other options to buy for \$225-\$300.

The committee will continue this discussion.

IV. REGULAR AGENDA ITEMS –

V. NON-AGENDA ITEMS

VI. REMOVE FROM AGENDA:

A. Approve and authorize a professional services contract, including design through construction administration, for Project #PR11-09MT, Milwaukee Railroad Path- Missoula Russell to Reserve CTEP #STPE8199(66) ([memo](#)).—Regular Agenda (Dave Shaw) (Referred to committee: 12/14/09)

VII. HELD AND ONGOING AGENDA ITEMS - PER COMMITTEE CHAIR – Marilyn Marler

- A.** Support for City employee cash for Bus Commuters Program ([memo](#)).—Regular Agenda (Ben Schmidt and Nancy Wilson) (Referred to committee: 08/24/09)
- B.** Budget update on aquatics ([memo](#)).—Regular Agenda (Lyn Hellegaard) (Referred to committee: 12/21/09)
- C.** Appointments to the Open Space Advisory Committee. ([memo](#)) –Regular Agenda (Marty Rehbein) (Referred to committee: 01/04/10)
- D.** Appointments to the Greenhouse Gas and Energy Conservation Team. – ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/04/10)

ADJOURNMENT - The meeting adjourned at 11:30 am.