

**PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**  
**Wednesday, January 20, 2010 8:30 AM – 9:00 AM**  
**Council Chambers, 140 West Pine Street, Missoula, Montana**

**Members Present:** Dave Strohmaier, Pam Walzer, Bob Jaffe, Dick Haines, Renee Mitchell, Ed Childers, Roy Houseman

**Members Not Present:** Jon Wilkins, Lyn Hellegaard

**Others Present:** Mark Muir, John Weber, Bob Giordano, Phil Smith, Kevin Slovarp

## **I. ADMINISTRATIVE BUSINESS**

1. Approve Minutes from [January 6, 2009](#) . Minutes approved unanimously.

## **II. PUBLIC COMMENT**

1. Public comment on items not listed on the agenda.

Bob Giordano, representing the Missoula Institute for Sustainable Transport, asked that the City put more effort into maintaining City owned sidewalks and bicycle lanes. He has received many complaints from bicyclist on this issue. He stated that he has met with the superintendent of street maintenance to review this issue and discussed City snow removal policy and procedures.

## **III. CONSENT AGENDA ITEMS**

## **IV. REGULAR AGENDA ITEM**

1. Consider an ordinance of the Missoula City Council amending Missoula Municipal Code Title 10 entitled Vehicles and Traffic, Chapter 42 entitled Bicycles for the purpose of changing the requirements for complying with traffic control devices and removing conflicting registration requirements by amending Sections 10.42.030 and 10.42.040. ([memo](#)).—Regular Agenda (Pam Walzer) (Referred to committee: 09/14/09) **REMOVE FROM AGENDA**

Pam Walzer discussed the issue of bicyclists encountering situations where they are unable to comply with traffic control devices. Many automated traffic lights do not recognize the presence of a bicycle, and therefore do not change to green in order for the bicyclist to legally proceed. Pam discussed Idaho laws that address traffic control devices in regards to bicycles. She also referred to a recent MT Legislature bill addressing this issue that did not make it out of committee. Pam described the various technologies used to trigger changes in the traffic light. According to the City Attorney, the City cannot pass an ordinance that is in conflict with State law. Pam discussed possible options to address the situation including a push to modify State law to allow bicycles to proceed through a red light when the light is not operable.

Ed Childers suggested that the City could pass a resolution that instructs the Police Department to take these situations into account at affected intersections.

Chief of Police Mark Muir indicated that officers already exercise their discretion in these situations. He also described other options for bicyclists. He does not think that the City needs a resolution instructing the PD not to enforce certain laws.

Ed Childers clarified that unresponsive traffic signals should be regarded as non-functioning traffic lights by bicyclists.

Bob Jaffe indicated that he does not believe that this is a major issue.

City Engineer Kevin Slovarp discussed the costs of traffic control modifications and the budgetary constraints involved.

Bob Giordano stated that it is common practice for bicyclists to proceed through stop signs without coming to a complete stop. Proper judgment needs to be exercised.

Pam clarified that she just wants the law to take the needs of bicyclists into consideration. She realizes that this issue needs to be addressed on the State level.

## V. HELD AND ON-GOING AGENDA ITEMS

1. Police Department Update – Ongoing in Committee. (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Mike Painter)
3. Health Department Update – Ongoing in Committee. (Ellen Leahy)
4. An [ordinance](#) amending Chapter 10.42 of the Missoula Municipal Code entitled "Bicycles" that would require minors to wear headgear while bicycling on streets, roadways, sidewalks, alleys and trails; and holding responsible the parent or guardian of a minor found to be in violation of this ordinance. ([Alternative Ordinance](#)) ([PS&H](#)) (Returned from Council floor: 2/26/07)
5. Update on the Police facility project. ([memo](#)) – Regular Agenda (Mark Muir)(Referred to committee: 05/12/08)
6. An [ordinance](#) amending Missoula Municipal Code Chapter 6.09 entitled "Missoula Cat Ordinance" section 6.09.010 through 6.09.090 to amend definitions, to limit the number of cats over the age of four months that a person, family, or household can harbor, keep, or maintain to five and to enact other general amendments. ([PS&H](#)) (Returned from Council floor: 01/12/09)
7. An [ordinance](#) amending Missoula Municipal Code Title 6 entitled "Animals" generally amending Chapter 6.04 entitled "Animals Running at Large" and Chapter 6.08 entitled "Dogs and Pet Shops," increasing the fee when an animal is impounded and establishing a fee for a boarding kennel license. ([PS&H](#)) (Returned from Council floor: 01/12/09)
8. Discussion of DUI in Missoula and our community's response to impaired driving ([memo](#)).— Regular Agenda (Dave Strohmaier) (Referred to committee: 01/11/10)
9. Review Public Safety and Health referrals. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/11/10)

## V. ADJOURNMENT

The meeting adjourned at 9:00 AM. Submitted by Gregg Schonbachler.