

**PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**  
**Wednesday, August 17, 2011 10:35 AM – 11:00 AM**  
**Council Chambers, 140 West Pine Street, Missoula, Montana**

**Members Present:** Dave Strohmaier, Pam Walzer, Cynthia Wolken, Bob Jaffe, Jon Wilkins, Renee Mitchell, Lynn Hellegaard, Dick Haines, Ed Childers

**Members Not Present:**

**Other Present:** Jim Nugent, Ed Franceschina, Jim Carlson, Marty Rehbein, Marilyn Marler

## **I. ADMINISTRATIVE BUSINESS**

1. Approve minutes from [August 10, 2011](#). Minutes approved unanimously.

## **II. PUBLIC COMMENT**

## **III. CONSENT AGENDA ITEMS**

## **IV. REGULAR AGENDA ITEM**

1. Consider an ordinance amending Title 6 Missoula Municipal Code entitled "Animals" repealing Chapters 6.02, 6.04, 6.09, 6.12, 6.16, 6.20 and 6.22, enacting Chapter 6.07 entitled "Animal Ordinance" and renaming Chapter 6.08 entitled "Dogs and Pet Shops" to "Pet Shops, Pet Sales and Boarding Kennels" to generally amend, recodify and update the city's regulations pertaining to animals, increase license fees and increase fines pertaining to violations. ([memo](#))—Regular Agenda (Marty Rehbein) (Referred to committee: 06/27/11) **(HELD IN COMMITTEE)**

Ed Franceschina provided an overview of proposed changes to the animal ordinance regarding feeding wildlife. He discussed the use of public education versus the issuing of citations.

Pam Walzer addressed the issue of fruit trees and fruit windfall in Missoula's bear buffer zones.

Jim Carlson discussed the issue of bears targeting fruit trees for food. He discussed public education regarding the issue.

Pam Walzer asked Jim Carlson if he had any recommendations for managing fruit trees in the bear buffer zone.

Jim Carlson pointed out that the ordinance is not clear about the definition of a fruit tree. He noted that 'ornamental plants' are exempt in the ordinance, but wondered if fruit trees fit that definition.

Marilyn Marler asked if Missoula had an established gleaners group that could harvest ripe fruit.

Pam Walzer replied that Garden City Harvest and the Moon-Randolph homestead provide gleaning services.

Marilyn Marler suggested a press release to inform the general public of the resources available to them. She would like to see more public education regarding this issue. She discussed her interpretation of ornamental vegetation versus windfall fruit.

Jim Carlson suggested possibilities for addressing this issue in the ordinance.

Dave Strohmaier feels that the issue should be addressed through public education rather than by ordinance.

Dick Haines observed that bears do not differentiate between fruit on the tree or fruit on the ground.

Jim Carlson pointed out that the Animal Ordinance does not make use of the bear management area as defined in the garbage ordinance

Jon Wilkins described an encounter with a bear inside the City.

Lynn Hellegaard asked how this could be enforced if further regulations are added to the Animal ordinance.

Dave Strohmaier asked if the ordinance as currently written can provide a basis for enforcement of the removal of windfall or unharvested fruit.

Jim Carlson responded that citations could be issued based on the current ordinance. However, he would like the ordinance to be made clearer.

Pam Walzer recalled a discussion with the past City forester regarding fruit trees on City property in the Rattlesnake.

Dave Strohmaier stated that he would follow up with Parks and Recreation regarding the fruit trees on City property, and he would discuss education the public about this issue with Ginny Merriam.

## **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. Eat Smart Coalition information. ([memo](#))—Regular Agenda (Jason Wiener) (Referred to committee: 07/11/11)

## **V. ADJOURNMENT**

The meeting adjourned at 11:00 AM. Submitted by Gregg Schonbachler.