

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, September 14, 2011 10:30 AM – 12:00 PM
Council Chambers, 140 West Pine Street, Missoula, Montana

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

Members Not Present: Cynthia Wolken

Other Present: Mark Muir, Chris Loundsbury, Jim Nugent, Jim Carlson, Marty Rehbein

I. ADMINISTRATIVE BUSINESS

1. Approve minutes from [August 31, 2011](#). Minutes approved unanimously.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

1. Pre-Disaster Mitigation Plan update ([memo](#))—Regular Agenda (Pam Walzer) (Referred to committee: 09/12/11)

MOTION: The committee recommends that the council adopt a resolution of intent to consider adoption and to set a joint public hearing with the Board of County Commissioners on October 24th

Chris Loundsbury provided an overview of updates to the Pre-Disaster Mitigation Plan. He provided a [handout](#) to the committee.

Lyn Hellegaard asked if the mitigation plan involved transit providers who work with people with disabilities.

Chris Loundsbury responded that the issue Lynn raised falls under the Emergency Operations Plan. He stated that there is a special committee that meets quarterly, and they have addressed her concerns..

Lynn Hellegaard moved to recommend that the adopt a resolution of intent to consider adoption and to set a joint public hearing with the Board of County Commissioners on October 24th

Ed Childers asked if the East Fork stream gauge that Chris Loundsbury mentioned was for the East Fork of the Bitterroot River.

Chris Loundsbury responded that it was. He clarified.

The committee approved the motion unanimously.

2. Confirmation of Police Officers Ben Freudenberg, Nathan Mattix, Todd Horton, Randy Long. ([memo](#))—Regular Agenda (Mark Muir) (Referred to committee: 09/12/11)

MOTION: The committee recommends that the mayor confirm Police Officers Ben Freudenberg, Nathan Mattix, Todd Horton, Randy Long.

Mark Muir provided basic biographies for each officer to be confirmed.

Jon Wilkins moved to recommend that the mayor confirm Police Officers Ben Freudenberg, Nathan Mattix, Todd Horton, Randy Long.

Ed Childers commented on the high quality of the police officer candidates.

Mark Muir agreed. He also provided some historical perspective.

The committee approved the motion unanimously.

3. Authorize to sign the award documents for the Edward Byrne Memorial Justice Assistance Grant (JAG VIII). ([memo](#))—Regular Agenda (Mark Muir) (Referred to committee: 09/12/11)

MOTION: The committee recommends that the council set a public hearing regarding the authorization to sign the award documents for the Edward Byrne Memorial Justice Assistance Grant (JAG VIII) for October 3.

Mark Muir provided an overview of the JAG grant, and intended purchases to be made with the funding.

Renee Mitchell asked if the scheduling software to be purchased with the grant was a one time purchase.

Mark Muir replied that it would be a one time purchase with the exception of upgrades.

Renee Mitchell feels that the scheduling software purchase makes good sense.

Jon Wilkins moved to set a public hearing regarding the authorization to sign the award documents for the Edward Byrne Memorial Justice Assistance Grant (JAG VIII) for October 3.

Renee Mitchell asked why the city would spend \$31,000 of the grant money on an unmarked vehicle, rather than purchasing a less expensive vehicle.

Mark Muir feels that a vehicle that meets the demands of police work is the most appropriate use of the funding, and that grant restrictions prevent the purchase of any type of sport utility vehicle, although that was considered.

The committee approved the motion unanimously.

Bob Jaffe asked Chief Muir about the increase in DUI tickets, but a significant drop in no insurance tickets.

Mark Muir explained the new State system that allows an officer to confirm whether or not a driver's insurance is current in the field. Officers will ultimately issue a decreasing number of 'no proof of insurance' citations due to this new ability.

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)

Dave Strohmaier provided an overview of the status of the proposed changes to the Animal Ordinance.

Pam Walzer would like the beekeeping section of the ordinance considered separately from the rest of the ordinance. She would like to see a separate public hearing for beekeeping. She would also like to see consideration in the ordinance for the keeping of goats.

Jon Wilkins agrees with Pam regarding the separate consideration of the beekeeping section of the ordinance.

Bob Jaffe asked how the rest of the ordinance would move forward.

Pam Walzer stated that beekeeping is currently unregulated under the existing ordinance.

Bob Jaffe asked about pigs and goats.

Jim Carlson discussed pigs and goats. He agrees with Pam regarding the separate consideration of the beekeeping section of the ordinance.

Dave Strohmaier asked about the timing of beekeeping consideration.

Jim Carlson would like to see that issue addressed before the next beekeeping season.

Pam Walzer moved to remove the beekeeping section from the draft (Part 11).

Dick Haines discussed the types of bee and wasps common to this area.

Pam Walzer discussed the honeybee. She informed the committee about a bee presentation at Natural History Center at 7:00 this evening.

The committee approved the motion unanimously.

Jim Carlson discussed goats and a 1980 salmonella incident involving goat milk. He discussed keeping pigs.

Marty Rehbein discussed the various versions of the draft ordinance. She discussed the animal definitions.

Jim Carlson discussed the livestock section of the ordinance.

Marty Rehbein listed the animals included in the livestock definition.

Pam would like to see Bison hybrids included in the livestock definition.

Ed Childers would like to see more generic terms being used rather than an exhaustive list.

Jim Carlson further discussed the livestock section of the ordinance.

Pam Walzer asked for clarification regarding acreage requirements.

Jim Carlson clarified.

Marty Rehbein provided additional clarification.

Jim Nugent concurs with Pam regarding the confusion in the wording of the acreage requirements as defined in the ordinance.

Jon Wilkins asked about a citizen who has a goose, and if it is legal to keep or not.

Marty Rehbein stated that under the current and proposed ordinance, a goose is not permitted.

Jim Carlson indicated that since enforcement is based on complaints, there may not be an issue if the neighbors accept the presence of the goose.

Ed Childers asked if outbuildings are considered in the acreage requirements.

Jim Carlson clarified that the acreage definition is total parcel size.

Lynn Hellegaard asked about acreage requirements for chickens

Jim Carlson clarified.

Pam Walzer proposed the text for acreage requirements.

Jim Carlson continued with his overview of livestock.

Dick Haines asked about predator proof livestock structures.

Jim Carlson clarified. He described electrified fences.

Jim Carlson continued with his overview of livestock regarding chickens.

Pam Walzer asked about enforcement timeframes.

Jim Carlson described the enforcement process. He stated that due process needs to be followed.

Pam Walzer noted a grammatical error in the proposed ordinance.

Marty Rehbein described the fines that may be levied under the ordinance.

Bob Jaffe is not in favor of fines that cannot be reduced or waived by the court,

Jim Carlson stated that mandatory fines were instituted as a result of the judicial branch not levying or waiving fines.

Ed Childers feels that mandatory fines are needed to promote compliance with the ordinance.

Marty Rehbein discussed invoicing for fines, and using the collection process to recover unpaid fines.

Pam Walzer would like the court to have flexibility, but fines can help with enforcement.

Jim Carlson noted that fines collected are applied to the City General Fund.

Bob Jaffe feels that the mandatory fines violate the concept of having three branches of government by disenfranchising the Judicial Branch. He moved to strike the mandatory fines language from the ordinance.

Jim Nugent noted that many fines that are sent to collections are not collectible.

Jon Wilkins will not support striking the mandatory fines language from the ordinance.

Jim Carlson noted that the mandatory are legal under State statute.

Motion to strike the mandatory fines language from the ordinance failed. Jaffe and Walzer voted 'yea'.

Pam Walzer asked for clarification of a reference in the proposed ordinance.

Marty Rehbein will check the reference.

Jim Nugent discussed the reference.

Pam Walzer discussed cleaning up the fine language.

Marty Rehbein reviewed the section in question.

Dave Strohmaier decided not set a Public hearing yet in order to determine budgetary impacts.

Lyn Hellegaard would like to know what the cost will be to enforce the ordinance. She noted that the City does not have the resources to enforce many of the ordinances currently on the books.

Jim Carlson stated that the proposed changes will not have a large budget impact. He discussed increasing the efficiency of Animal Control.

Jim Nugent pointed out some cross reference errors in the proposed ordinance.

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)
5. Authorize the Mayor to sign a purchase agreement with Physio Control for three replacement defibrillators. ([memo](#))—Regular Agenda (Jason Diehl) (Referred to committee: 09/12/11)

V. ADJOURNMENT

The meeting adjourned at 12:00 PM. Submitted by Gregg Schonbachler.