

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, November 4, 2009 9:30 AM – 10:00 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

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

Members Not Present: John Hendrickson

Others Present: Mike Painter, Ellen Leahy

I. ADMINISTRATIVE BUSINESS

1. Approve minutes from [October 28, 2009](#). Minutes approved unanimously.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

IV. REGULAR AGENDA ITEM

1. Confirm the Mayor's appointment of Fire Captains: Troy Ault, Jeff Brandt & Brad Roe ([memo](#)).—Regular Agenda (Mike Painter) (Referred to committee: 11/02/09) **REMOVE FROM AGENDA**

For Consent:

Motion: The committee recommends the City Council confirm the Mayor's appointment of Troy Ault and Jeff Brandt as Fire Captains for the City of Missoula.

Mike Painter asked the committee to ask the Mayor to confirm these Fire Captains. They have successfully completed their one year probation and have been recommended for confirmation by their Battalion Chiefs, Training Officer and MFD's administration. Mike asked the committee to consider recommending their confirmation.

Jon Wilkins moved to separate the candidates for individual vote. Jon indicated that he could not vote for Brad Roe.

Ed Childers made the motion to move the appointment of Troy Ault and Jeff Brandt as Fire Captains to the council floor. Motion passed unanimously.

For Regular:

Motion: The committee recommends the City Council confirm the Mayor's appointment of Brad Roe as Fire Captains for the City of Missoula.

Ed Childers made the motion to move the appointment of Brad Roe as Fire Captain to the council floor. Ed stated that although Roe's personal behavior regarding a land use issue may have been controversial, he was following the rules that were in place at the time, and Ed would support his confirmation.

Renee Mitchell had concerns that although Roe followed the letter of the law, he did not follow the spirit of the law. Renee feels that Roe's appointment is too controversial. Renee thinks that Roe has demonstrated too much disrespect for his neighbors, and she will not support his confirmation.

Dave Strohmaier reminded the committee that this motion involved an appointment of a Fire leadership position, not a land use decision.

Jon Wilkins expressed concerns that Roe's negative interactions with his neighbors displayed a lack of leadership.

Dick Haines expressed concerns about Roe's leadership.

Jason Wiener asked Mike Painter to describe a Fire Captain's responsibilities.

Mike Painter described the responsibilities, and he stated that he was not comfortable discussing Roe's personal life as Roe has been an exemplary firefighter.

Jason Wiener stated he was uncomfortable about singling out Roe in committee. Concerns about previous confirmations had been discussed prior to committee meeting. Should evaluate the candidate based on his job performance.

Pam Walzer stated that she respects Chief's opinion, and that she would support the confirmation based on that. Issues of a candidate's personality may need to be addressed in the larger context of the City's expectations of employees.

Bob Jaffe stated that Jon Wilkins raised some valid points regarding a candidate's personal actions, although he leans towards the Chief's recommendations. Bob expressed concern about labor law issues that might arise from making considerations based on activities by a candidate outside of his job performance.

Renee Mitchell expressed concern that the candidate lacks full council support and that this could affect the ability of the City residents to respect and trust his leadership in this role.

Jon Wilkins reiterated his concern about the candidate. Jon called the question.

No Public comment.

Vote in favor of calling the question. Motion carries.

Nay: Wilkins, Hellegaard, Haines, Mitchell

2. Health Department Update – Ongoing in Committee. (Ellen Leahy)

Ellen Leahy discussed the spread of the new pandemic flu virus. She described the trajectory of the flu in our area. Since the spike of flu cases that began two weeks ago, availability of the vaccine was only at 7% of the expected supply during the first week, 10% during the second week, and 20% as of now. Ellen reviewed the Health Department weekly update posted on the City website - ([link](#)) on the video screen.

Bob Jaffe asked what Clinic 4 represents on the bar graph. Ellen responded that the clinics have been de-identified in order to secure their cooperation in providing these statistics. Each of the four clinics on the chart serves a different population group, and clinic 4 represents a large outpatient clinic serving a broad range of patients. The two official CDC surveillance sites are the Partnership Health Center, and the Curry Health Center.

Ellen described how the Health Department is communicating with the public via a call center that went on-line in mid-October. Public clinics are available, and the public may contact the call center at 258-INFO for more information.

Jon Wilkins asked if there are plans to treat people in community living situations such as non-profits. Ellen responded that this was in the original plan, but due to vaccination shortages, the plan underwent major revision, and they had to prioritize the highest risk and not go to the second tier. The exception was the University dormitory that met CDC eligibility guidelines using a vaccine that could not be used on the high risk populations. There was a great deal of disease in the dormitories and the vaccine was administered for infection control

purposes. It is unclear when more could be done for institutions until the supply of the vaccine increases.

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 on the MRL herbicide program within the city limits ([memo](#)).—Regular Agenda (Bob Jaffe)
9. An [emergency ordinance](#) and an [ordinance](#) amending Missoula Municipal Code Title 9, entitled Public Peace, Morals and Welfare, Chapter 34 entitled Pedestrian Interference, Sections 9.34.020, 9.34.030, 9.34.040 and 9.34.050. ([memo](#)) ([Updated Memo](#)) ([Updated Ordinance 09/02/09](#)) ([PS&H](#)) (Referred to committee: 07/27/2009)
10. Remove extraterritorial jurisdiction of the garbage ordinance ([memo](#)).—Regular Agenda (Pam Walzer)
11. 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)

V. ADJOURNMENT

The meeting adjourned at 10:03 AM. Submitted by Gregg Schonbachler.