

**JOURNAL OF PROCEEDINGS
MISSOULA CITY COUNCIL
AUGUST 17, 2009**

CALL TO ORDER AND ROLL CALL

The meeting of the Missoula City Council was called to order by Mayor Engen at 7:00 P.M. in the Council Chambers at 140 West Pine Street. Present were Alderwomen Hellegaard, Marler, Mitchell, Rye, and Walzer and Aldermen Childers, Haines, Hendrickson, Strohmaier, Wiener and Wilkins. Also present were Chief Administrative Officer Bender, City Attorney Nugent, Finance Director Ramharter, Public Information/ Communications Officer Merriam and City Clerk Rehbein. Alderman Jaffe was absent.

APPROVAL OF MINUTES

Minutes of the regular meeting of August 10, 2009 will be available next week.

SCHEDULE COMMITTEE MINUTES

The following meetings were announced:

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| August 19, 2009, 8:00 – 9:00 AM | Public Safety and Health (PSH) |
| August 19, 2009, 9:05 – 10:00 AM | Conservation Committee (Cons) |
| August 19, 2009 10:05 – Noon | Plat, Annexation and Zoning Committee (PAZ) |
| August 19, 2009 1:05 – 1:30 PM | Administration and Finance Committee (A&F) |
| August 19, 2009 1:35 – 2:30 | Public Works (PW) |
| August 17, 2009, After City Council meeting adjourns | Committee of the Whole (COW) |
| August 19, 2009 2:35-3:30 PM | Budget Committee of the Whole (BCOW) |
| No meeting | Urban Wildlife Subcommittee (UWS) |
| No meeting | EIS Peer Review Subcommittee |
| No meeting | Economic Development Subcommittee (EDS) |

PUBLIC COMMENTS

Kandi Matthew-Jenkins discussed the Russell and Broadway intersection Last week either a Missoula City Fire pickup truck or maybe a rural fire pickup truck came around the corner and almost hit two people, and the gentleman driving was talking on his cell phone. There's no way people can get across that intersection in time and that right-hand turn is horrible; those people do not stop. She talked to Chief Muir and a semi-truck driver had committed to a turn after the walk light had turned red and four young people had been goofing around on the other side and had not noticed that the light had turned and wove themselves through the traffic and ran right in front of him. If he hadn't jumped on the brakes they would have been hit because they separated themselves and ran through the traffic. Until that light is changed there isn't quite a two-cycle wait for people to cross and with the encouragement to be a walking community and with people disabilities, etc., it is a bad intersection with that right turn. She doesn't know if that's a state highway or under Missoula's control.

Mayor Engen said, after Ms. Matthew-Jenkins had brought the intersection to their attention before, he hasn't heard back from Public Works yet but he'll check back with them and also the Police Department with possibly changing some patrol work. Also, Mayor Engen welcomed a troop of Boy Scouts that were at the meeting.

CONSENT AGENDA (1 ROLL CALL VOTE)

1. Approve [claims](#) totaling \$1,203,090.47. ([Detailed Claims](#)) ([Chart of Accounts](#)) (A&F) (07/28/09)
2. Approve and authorize the Mayor to sign a professional services agreement with Nicole Noonan, CPA, for FY09 audit preparation assistance for the maximum amount of \$32,500. ([A&F](#))
3. [Resolution 7462](#)--Adopt a resolution to levy a special assessment and tax upon all property situated within the pooled sidewalk, curb, gutter and alley approach bond series 2009A of the City of Missoula,

Montana in the total amount of \$645,000 excluding debt service, to defray the cost of installing sidewalks, curbs, gutters and alley approaches pursuant to Resolution number 7445 awarding the sale of bonds. ([A&F](#))

4. Transfer Bernadine Gantert's membership on the Historic Preservation Commission from the "at large" position to the " Northside/Westside neighborhood representative" for a term commencing immediately and ending December 31, 2011. ([PAZ](#))
5. Approve the proposed plat adjustment for Flynn Ranch Subdivision in accordance with Article 4-7(4)(A) of the Missoula City Subdivision Regulations subject to amended Condition No. 19 as well as approve the floodplain administrator-recommended amendment to condition No. 32. ([PAZ](#))
6. Approve the acceptance of a grant award for the COPS (Community Oriented Policing Services) Hiring Recovery Program (CHRP) award for \$1,092,230. ([PS&H](#))
7. Approve and authorize the Mayor to sign appendix C (addendum 1) with the Montana Department of Transportation for the city of Missoula street maintenance division to perform large scale paving projects on state routes in the amount of \$41,787. ([PW](#))
8. [Resolution 7463](#)--Adopt a resolution to close and vacate certain portions of Miller Creek Road and Lower Miller Creek Road amended per staff recommendations and conditioned on the filing of slope easements as shown on Exhibit A of the resolution, adjusting the northernmost parcel to move the edge of the right-of-way vacation westward. ([PW](#))

[Mayor Engen](#) said, thank you, Ms. Rehbein. Anyone in the audience care to comment on any of the items on the consent agenda this evening? Seeing none, any questions or comments from Council? Seeing none of those, we'll have a roll call vote.

Upon a roll call vote, the vote on the consent agenda was as follows:

AYES: Childers, Haines, Hellegaard, Hendrickson, Marler, Mitchell, Rye, Strohmaier, Walzer, Wiener, Wilkins

NAYS: None

ABSTAIN: None

ABSENT: Jaffe

Motion carried: 11 Ayes, 0 Nays, 0 Abstain, 1 Absent

PUBLIC HEARINGS

- Public hearing on a [resolution](#) fixing the appropriations for the fiscal year 2010 budget, Capital Improvement Program, and Downtown Business Improvement District work plan and budget. ([Final spreadsheet](#)) ([Updated memo](#)) ([BCOW](#))

[Mayor Engen](#) said, you should have a couple of items attached to your agenda this evening including a memo from Mr. Ramharther and some details on how we closed out fiscal year 2009. The short version of that memo is that our staff responding to our request for finding savings within their budgets as we saw fiscal year 2009...as we saw revenues decreasing, we asked for about 3.7% in cuts from departments and it appears that we came close to saving about 4% which was a good piece of business because our revenues were off a little more than we expected as well. The net product of all of that is that our fund balance is about what it was at the end of fiscal year 2008, which was our goal to stay the course and stay afloat, so we were able to do that. You have lots of details about how all that panned out and Mr. Ramharther would be happy to offer explanations for any of those details or answer any questions. Your schedule is to consider this item this evening and I know that you haven't been meeting in Budget Committee of the Whole discussing the item. We have not had a great deal of comment at public hearing on the budget. If you elect to adopt the budget this evening, there are a number of things that happen. One is Brentt and his staff can continue to move forward on closing fiscal year 2009 which allows us to meet some state...some statutory deadlines which we are required to meet. Nonunion employees, some of whom are scheduled in the fiscal year 2010 budget to get salary bumps for longevity are waiting for

those and until the budget is approved they don't get them, so we'd like to be able to get that accounting done and give those folks who have those raises coming their way those raises. Brentt, what else?

Finance Director Ramharter said, I think you hit the high points. Really it's about us being able to kind of proceed on with publication. We know that we won't be setting tax levies until the middle of September. That's a complete known. We would just amend the budget at that point. And I think the other point is I know the clothing allowance I've gotten requests from a lot of police officers curious, you know, they are not entitled to that stipend until we do adopt the budget. It seems like each year now we've been adopting it later, further away from July 1st.

Mayor Engen said, thank you. I did have a conversation with Dan Bucks, the Director of the Montana Department of Revenue probably three weeks ago now. Talked about a number of items but one of the things that we talked about, and he's hearing this from around the state, is as much as we'd like to have that revenue number early, we don't want it to be wrong so we'll take a right, a correct number later rather than a number that has to be revised in the interest of getting it to us earlier because then we start making decisions about, well, facts that aren't facts which is kind of tough to do when you're dealing with numbers and especially these complex numbers and the consequences those numbers have. So, Brentt and I haven't begun our in-house gamble yet to see when that number arrives and I don't know what he's got to bet this year anyway. I might have a leftover Viking from the Fair somewhere but we think...we think end of August I would guess us all a number would happen in September but that's just guess work on my part at this point. The department had committed to doing their best to get something to us before the end of August but I don't know how that's working out considering they're having some other difficulties as well in the wake of the Legislative session, and as their revenues become more complicated in the wake of the recession. So, with that, anyone care to comment on the budget this evening? In the audience? Alright, without objection we will close the public hearing on the budget and BID Work Plan. And, Mr. Childers, what's your pleasure?

Alderman Childers said, well, I would make a motion but I think we ordinarily take questions from the question first.

Mayor Engen said, we certainly can take questions from Council first. That's...

Alderman Childers said, I see one over there.

Alderman Hendrickson said, I want to send the budget back to committee. I'm not ready to vote on it or pass it at this point in time.

Mayor Engen said, okay. Do you have a sense of when you might be?

Alderman Hendrickson said, well, there are a number of items which we had not discussed yet. I've had a referral in the Conservation, it will be six weeks tonight about discussing the...in Parks and Rec, our tree pruning program to see if we can do something there and consolidate privatize. We haven't discussed the Art Museum maintenance contract that somehow got left off the table and the COBs have not been discussed whether the full Council is on board to...

Mayor Engen said, okay. Community Based Organization?

Alderman Hendrickson said, correct. Which I don't have any objections to but we haven't discussed that.

Mayor Engen said, okay.

Alderman Hendrickson said, and I brought this up to Mr. Childers last Wednesday.

Mayor Engen said, okay. Mr. Childers.

Alderman Childers said, so that's not entirely correct but that's alright. I will schedule then a Budget Committee of the Whole meeting this Wednesday, the final meeting of the day for one hour. And we can

look at these issues, I would say again but I haven't gone through all of the minutes yet, so we'll do that. I'm fairly certain there's no time for Conservation to go through the tree pruning question. I know that ordinarily when we do a year's tree pruning, we hire that out to private firms to do it but I don't think we're doing much of that this year. But we'll do that on Wednesday, the final meeting of the day.

Mayor Engen said, okay. Ms. Marler.

Alderwoman Marler said, yeah, I guess I owe an apology to Mr. Hendrickson because I didn't realize that you wanted to talk about the tree pruning in relation specifically to the upcoming budget deadline that we're working with now. I thought it was in the context of an overall discussion of Parks...improving Parks efficiency. I don't see how we can have that discussion and then possibly make huge staff changes in the Urban Forestry Department but I'll certainly get that scheduled. I knew your...I've been planning to schedule that; I'll just schedule that sooner rather than later but I really didn't understand that your intent was to have that in form this year's fiscal budget.

Alderman Hendrickson said, I accept your apology. It's nothing earth shattering but when I brought that up it was in relation to fiscal year 10 budget to see whether or not it would be better to privatize rather than do in-house, which was in regards to...related to fiscal year budget 10. And it may or may not, I don't know but we haven't had that conversation and I asked Parks and Rec for the information for a meeting. Mr. Childers is the one that suggested it go to Conservation rather than to Budget Committee of the Whole, which is why the referral was made to Conservation.

Mayor Engen said, other discussion or questions. Ms. Mitchell.

Alderwoman Mitchell said, early on, when we were discussing the budget in relation to the Parks and Rec, we got the expense side of presentation and I had asked at that time would...I was interested in seeing the revenues and I was told that they would be forthcoming and that never has happened yet either and I just feel like there are a lot of blank spaces right now, at least things that I'm unaware of to go ahead and pass this budget and I think it's a good idea it's going back to committee.

Mayor Engen said, okay. What I would suggest, if Council members still have questions like the ones you mentioned, Ms. Mitchell, please let us know so that we're in a position to answer them. We do have a statutory deadline to get our budget done so...and I need you to help me share the responsibility for getting that done and if there are questions that you need answers to, I'd love to get them for you but unless you ask them it's hard to get them. With that, the item is going back to committee. Mr. Childers has scheduled that meeting.

COMMUNICATIONS FROM MAYOR

- [Firefighter/MDA Day](#)

Mayor Engen proclaimed August 22, 2009 as Firefighter/MDA Day.

GENERAL COMMENTS OF CITY COUNCIL MEMBERS

Alderman Wilkins reminded everybody the students are coming back to town, starting to rent places here in town and the City of Missoula has an excellent residential safety program going on. You can get your residence inspected to make sure it's safe, has fire alarms and smoke detectors and hand rails. It's \$15 to get that done.

Alderman Hendrickson said over the past week he has had interaction with the Building Inspection Division. He thanked them for their diligence, cooperation and help in getting his water heater inspected.

Mayor Engen commented that he's reminded of long time Building Department employee George Benson. Mayor Engen had met a niece of Mr. Benson the other day and George always reminded folks that it's not a hot water heater, if it were already hot, it wouldn't need to be heated so good for Mr. Hendrickson for recognizing that it's just a water heater and he's glad they were able to inspect that water heater.

COMMITTEE REPORTS

Administration and Finance Committee

[August 12, 2009](#)

Conservation Committee

[August 12, 2009](#)

Plat, Annexation and Zoning Committee

[August 12, 2009](#)

Public Safety and Health Committee

[August 12, 2009](#)

Ordinance 3404

- Adopt an [ordinance](#) establishing Missoula Municipal Code Title 9, Chapter 36 entitled Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct, Sections 9.36.010, 9.36.020, 9.36.030, 9.36.040, 9.36.050, 9.36.060, 9.36.070, 9.36.080 and 9.36.090.

Alderman Strohmaier said, Mayor Engen, I move that we adopt an ordinance establishing Missoula Municipal Code Title 9, Chapter 36 entitled “Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct”, Sections 9.36.010, 9.36.020, 9.36.030, 9.36.040, 9.36.050, 9.36.060, 9.36.070, 9.36.080 and 9.36.090, and I’d like to speak to the motion.

Mayor Engen said, Mr. Strohmaier.

Alderman Strohmaier said, okay. This motion also includes a couple of amendments that were made in committee including striking the word “alarming” in Section 9.36.020(C) and also amending the language in Section 9.36.050 J. There’s been a good bit of discussion on this proposed ordinance. I think it’s something where reasonable people can probably disagree. I do not think it’s nearly as draconian as some have painted this. This ordinance, as we’ve discussed in numerous committee meetings and during the public hearing, comes out of hearing from public comment and citizen concerns about behavior that they’ve witnessed from folks panhandling in downtown Missoula. What this does is circumscribe the time and the place and the manner in which folks can panhandle. It does not...because this would be blanketed unconstitutional, it does not outlaw panhandling in Missoula. But it does put some sideboards on it and I think that’s entirely appropriate. This is a generous community of Missoula and by no means are these ordinances that we’re discussing tonight, this one in particular, the regular version of the aggressive solicitation ordinance meant to dampen people’s generosity. It is meant to say that certain behaviors that prey upon people’s vulnerability are just not acceptable and as part of this overall program of addressing behavior in downtown Missoula related to solicitation the panhandling working group I think has recognized from the very start that this is part of a broader social issue and concern that it’s not a matter of criminalizing homelessness or poverty, it is a matter of understanding certain behaviors in the broader community context and to address some of those broader issues we’re also discussing infrastructure needs. Do we have enough restrooms in downtown Missoula? Other issues such as directing funds to where they can most beneficially be used such as real change, not spare change. So there’s a broader context in which these ordinances should be seen. This is by no means a silver bullet but it’s one step, it’s one method to address undesirable behavior and with that I will cut it off.

Mayor Engen said, alright, we have a motion on the floor. Discussion on the motion.

Alderwoman Walzer said, I have a question that kind of involves with unintended consequences. In the section that’s entitled Soliciting from Certain Places, (b) motor vehicles in parking lots, it says that no person shall solicit from any operator or occupant of a motor vehicle while such vehicles are located on any street or highway for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting donations or the sale of goods or services. So I observed two things this past weekend and I want to see if each of those would be allowed or prohibited. On Russell

southbound just before the bridge there was a person standing on the sidewalk with a sign talking about the Conlin's Furniture going-out-of-business sale. And so I was wondering if that would be considered...it's soliciting sale of goods or services to me was talking people to go to Conlin's Furniture close-out sale. Would that be allowed or forbidden under this ordinance? And I'm not sure if it's the attorney or the Police Department might be able to answer that question.

Mayor Engen said, it falls under the sign ordinance. No, I'm kidding. I don't know. Chief?

Police Chief Muir said, actually we had a minor discussion about this in committee. Mr. Wiener gave a what-if question with regard to people holding signs, offering discounts at Jiffy Lube. I think I saw the same person or someone else doing it as well and unless there is a specific provision in the sign ordinance that does permit that, I believe hand-held signs being proffered in the way that they are in that manner that you're discussing would be prohibited under this. And from a perspective of traffic safety and overall safety, I think that's probably a good thing that we do preclude that. So, again, unless there is something in the sign ordinance that specifically permits that form of signage being held by individuals I would say that it's going to be prohibited.

Mayor Engen said, Mr. Millar, do you know off the top of your head, is there a provision in the sign ordinance?

Roger Millar, OPG, said, we have a provision in the sign ordinance for sandwich, you know, board signs and that thing but to the best of my knowledge there's nothing there.

Mayor Engen said, it's probably off-site signage, I'm guessing. Right?

Roger Millar said, which would be prohibited.

Mayor Engen said, right. Other questions?

[inaudible]

Mayor Engen said, Chief?

Police Chief Muir said, yes, the interpretation of the rule would be that what is prohibited under state law right now is solicitation from the roadway. This would be solicitation of vehicles operating on a roadway. So, what it does...it does paint it in a different light and so it would prohibit that the same conduct for either a business or an individual acting on their own behalf.

Alderman Hendrickson said, Chief, just to clarify something from you, thank you.

Mayor Engen said, is there further discussion on the motion?

Alderman Wiener said, could I get a comment about whether this would prohibit playing music with an open case after dark.

Police Chief Muir said, no, Mr. Wiener, it would not either after dark or otherwise. That, in and of itself, is a tacit solicitation. It's simply, you know, it is not a specific request and as long as an individual is not making a specific solicitation that would not be covered.

Mayor Engen said, okay. Further discussion?

Alderwoman Walzer said, I think the last thing on this that I'm concerned about with this...the ordinance, the main ordinance, is the 20 feet distance from many, many areas to me seems to be excessive. Twenty feet from a bus stop, 20 feet from any vendor's location, from a pay telephone, I guess I failed to ask in committee where that 20 feet came from. Was that something that's tried and true in other cities or was that something that came out of discussion?

Keithi Worthington, City Attorney Office, said, because I discussed in committee that I didn't try and reinvent the wheel I looked at various places and the six feet and the 20 feet were standards that I took from a variety of locations. I was just looking at my notes. I know Billings has that, Spokane has that, Seattle has that so that specific distance was not discussed. That was just something that I took from other ordinances.

Mayor Engen said, and for the record that's staff attorney Keithi Worthington. Further discussion on the motion? Ms. Walzer.

Alderwoman Walzer said, I think I'd like to amend the ordinance to delete the section I was first discussing which is Soliciting in Certain Places (B) Motor Vehicles in Parking Lots (1) no person shall solicit any operator or occupant of the motor vehicle while such vehicle is located on any street or highway for the purpose of performing or offering to perform service connection with such vehicle or otherwise soliciting donations for the sale of goods or services. So I'd like to delete that.

Mayor Engen said, we have a motion to amend. Is there discussion on the motion?

Alderwoman Rye said, I'll support the motion and I think the point of this ordinance is regarding aggressive solicitation and regarding the complaints that were heard downtown. I don't know that I've ever heard any sort of complaint about people holding signs on medians, on Brooks Street or on corners on Reserve, and I think it's okay for folks to do that. It's certainly not aggressive and in fact you can't even be contacted if you're in your car unlike downtown where folks can, you know, walk up to you and talk to you personally so I'll support the amendment to take this out and hopefully return to just the aggressive part of the solicitation.

Mayor Engen said, further discussion on the motion to amend?

Alderman Wilkins said, I need a clarification on that, Ms. Walzer, on what...on your amendment and then I'd like to speak to it.

Alderwoman Walzer said, yes, it's just, if you're looking at the draft ordinance, it is only 9.36.050 (e)(1). So the idea is that a person that is trying to get someone to come to their car wash, their high school car wash or their church car wash or to come in for an oil change because now they're not busy or a person who is asking for change to get to...to fix their car to get a ride out of town. All of those actions will not be forbidden.

Alderman Wilkins said, okay. Well, I guess I was thinking more of a...I've had complaints and actually this happened to a member in my family but it's not quite what you're talking about and that's when they pulled in a parking lot and somebody would come banging on the window and wanting, you know, wanting something and scaring the heck out of them. I don't want that happening. I think what you're talking about is like the oil places that are standing there with their sign to come on in and get your oil changed. As long as they're on their own property and not in the right-of-way I don't have a problem with that. I don't have a problem with, you know, Sentinel High School or whatever organization, doing car washes has a sign. So I don't know if we need to make the definition a little bit more clearer on that but I do have a problem pulling into a parking lot, or like Starbucks, what happened to member of my family and somebody banging on the window and scaring the heebies out of them and more or less, you know, because they were trying to get money or something like that. So I want something in there clear that that's not going to happen but the car wash thing I guess is alright in my book.

Alderwoman Walzer said, may I clarify?

Mayor Engen said, Ms. Walzer.

Alderwoman Walzer said, there is a separate item that prohibits...number two prohibits solicitation in parking lots...public or private parking lots or structures and that is not in this motion. So, your instance that you were discussing would not be a part of this motion to delete.

Alderman Wilkins said, and I have a quick follow-up. So can somebody answer the question for me, does number one...does the number one, does it...don't let you have car washes or the guy at Jiffy Lube or...

Mayor Engen said, Chief.

Police Chief Muir said, (b)(1) would prohibit an individual holding signs to solicit business. It would not prohibit sandwich boards. It would not prohibit signs affixed to objects but it would prohibit an individual waving a sign. Okay, which again is part of the whole distracted process there. There were two primary reasons for inclusion of this. One is the issue regarding traffic safety. Okay, which is the exact same reason that the state has a statute about them doing such activity in the right-of-way because it's a...so even under state code, a Sentinel cheerleader would not be able to stand out on the sidewalk and do that. That's solicitation within the right-of-way. And it would permit an individual on private property, such as the Jiffy Lube situation that we're talking about, on their own property to be able to do that. As we discussed previously, it's quite possible that the other form of signage that's being displayed, as Ms. Walzer pointed out, is probably prohibited as off-premise signage within the sign ordinance, as we speak. But one of the reasons that this was included in this particular way is that there is a little hiccup with enforcement of solicitation within the roadway. Folks who are actively soliciting money from drivers have a cautious approach to the way they do this. They stand off the road, outside of the right-of-way and then when they get an individual who will engage them and put their hand out the window, they run out, they look to see if there's a police officer; they run out in the street, grab the money and come back. That's why this was adopted, or we're asking you to adopt this, excuse me, in order to make the actual act of soliciting it, itself, the prohibited conduct as opposed to...because if we're not there when they run out into the street, back and forth, which is what many of you see is an individual passively sitting there asking for money but then they run out into traffic to collect it because the drivers don't get out of the car and walk over to the sidewalk and give them the money. So that's what we're trying to prevent is that sort of activity.

Alderman Wilkins said, so if you're car wash people are on their own private property and they have a sign like this, they can do that as long as they don't run out onto the sidewalk, the right-of-way or the...

Police Chief Muir said, not with the way this is worded. If we could certainly you could make some form of an amendment to it that if an individual...if a business or a person with the permission of the business is on private property that they could do so. My reluctance to get too deep in this is the fact that the safety hazard is still the same to a great degree. The only thing that you're changing is that those individuals when they're trying to solicit business are trying to get the car to pull off into their business as opposed to someone who's standing out at the street soliciting just change, for example, where they're actually hoping to get that individual to make some sort of a commitment to them and then they'll run out and grab the money from them.

Alderman Wilkins said, okay. Keithi, is there some way to word that...that's so the car wash people can go ahead as long as they don't get out in the right-of-way and stop the person that's got the sign that's running to the car when the window comes down, and grabbing the dollar bill or is there a way to word that? I'm not sure how I would attempt that. But I don't think I can support the amendment unless there was a difference in there.

Keithi Worthington said, I suppose you could make a very limited exception so that no...the difficulty is, is public right-of-way is broad; it covers sidewalks and streets. You could define it as prohibiting anyone from entering into the streets or approaching a vehicle on the roadway to take that monetary solicitation. If you limit it solely to monetary, that might cover it but I'm not certain...you're going to get into interpretation or perception concerns there.

Mayor Engen said, Mr. Childers on the motion to amend.

Alderman Childers said, I think the Mayor was right to start with, I think it's a sign ordinance piece. So if Conlin's is at the corner of Brooks and Reserve with a sign, they're off premises and this is actually violating the sign ordinance I suppose and if they're on their same property waving a sign about...they're still violating the sign ordinance because they don't have a permit for that sign. I'm actually torn on this because the people that hold those signs get paid to do it and they don't get paid a whole lot, I don't think,

and it's a way for some folks to make some money without holding out their hand. So I'm still thinking on it. I understand the part about we don't want people to stand by the road, to run out and grab money. I understand that part. The car wash thing, even the Conlin's, which by the way has 30 more days extension for their going-out-of-business sale, I hear, even that seems like maybe it does some good for somebody, so I'm thinking.

Mayor Engen said, so, as you continue to think, I'm going to just suggest as a practical matter without putting words in the Police Chief's mouth, that as a practical matter when it comes to enforcing this ordinance there are two things that are going to come into play largely. And the first is one you're all very familiar with: complaints. We're probably going to respond most often to somebody telling us that somebody is behaving in a way that violates this ordinance. And I can almost guarantee that barring a complaint, our folks aren't going to spend a great deal of time after boys and girls clubs who are washing cars, Jiffy Lube folks, Jiffy Lube is getting a lot of free advertising tonight, or others. And I might suggest that you have a look at the sign ordinance actually, as Ed says, because you do have some off-premise signs. So, you know, the old saying, how perfect is the enemy of the good, there would be certainly opportunities to tweak this ordinance but I'm a little concerned if you get too hung up on this one. Our system is going to demonstrate some judgment here and I think you need to sort of take that into account as a practical matter as you consider the ordinance. Further discussion on the motion to amend. Mr. Hendrickson. Sorry, Ms. Marler, I had you in order. My apologies.

Alderwoman Marler said, sorry, I'll take it. Thanks. I'm going to..I hadn't really thought about this until Pam brought it up but I'm going to support this amendment and I think that she makes a good point about the different kinds of people that it would affect and I'm not overly swayed by Mr. Muir's argument that it's dangerous for people...that there's a lot of people dangerously running out into traffic to collect change or food or whatever people are holding out the window. Some people I know who often hold out food out the window for people who are soliciting for money. I'm not comfortable with having a rule on the books that we are going into it knowing that it's only going to be used on certain kinds of people and not other kinds of people, and I kind of hear that discussion coming up, and that makes me really uncomfortable. And I think that the situation that Mr. Wilkins was describing that, you know, if you're in your car and somebody comes up and starts banging on your window and asking for money, that's already...that's a huge violation of other parts of the ordinance. The whole ordinance is about aggressive panhandling and...or aggressive solicitation, excuse me. So if somebody were to come up and ask you for money in a way that's like almost physically touching you or freaking you out, they're in violation of other parts of the ordinance so I don't think that this section (B)(1) really covers that. So, I appreciate the amendment and I'll vote for it.

Mayor Engen said, Mr. Hendrickson on the amendment.

Alderman Hendrickson said, I want to support the amendment. I don't want to bar charitable organizations whether it be a church related group or a school related group, a car wash or a pep band or...I mean a car, you know, for one of the...or raising money for a trip or whatever the case might be. But then again I do hear the Chief's concerns also and that is of concern to me. I would like to offer up an amendment...well, I better ask Mr. Nugent first. The Chief voiced that possibly we could say that the organization or the people soliciting, whether it be Vaseline oil, Jiffy Lube...I'll give everybody a plug in town, Midas or any other place that changes oil or a school or church organization has to get permission from the property owner, whether it be business and/or private, you know. Is that...can we do that constitutionally without repercussion?

City Attorney Nugent said, I think they would have permission from the property owner or they wouldn't be there.

Alderman Hendrickson said, well, I'm thinking the same thing but I just want to make sure if we write that into our ordinance, is that going to be challengeable or will it give the police a tool in which they can use?

City Attorney Nugent said, I think it facilitates trying to create an exception and as I was pointing out to the Mayor what the actual language states, it's focusing on the location of the vehicle not the location of the person holding the sign, but the Chief doesn't have that in front of him I don't believe. So, it may need a little more tweaking than what Pam has indicated or I'd have to hear Pam's proposal again I think but note

that (B)(1), those of you that have (B)(1) on your screens that it's the location of the vehicle and not whether the person is on their own private property...

Alderman Hendrickson said, that's true. It does say that.

City Attorney Nugent said, but I think you can establish some exceptions especially I think what the Chief is primarily focused on is trying to get the people who are running out and taking the money right there on the spot. And I'd also...and that might interact with the definition of solicit back in the preceding page refers to that the money or object to be transferred at the time and place...at that time and place so that might shed some light on some of the issues about off-premise signs but I think Ed has a good point about the off-premise signs and it's a dilemma for the off-premise sign for like advertising something going on at a totally different location.

Mayor Engen said, so if you all are heading down the path of making these exceptions, what I might suggest is a couple of filters that might clear the decks, if you can do it if you've got a business license or if you can demonstrate somehow in a really easy way that you're a 501(C)(3) or whatever nonprofit organization. If you're recognized for...as a business or for tax purposes as a nonprofit you can do the thing.

Alderman Hendrickson said, but that wouldn't cover the pep band or the cheerleaders or...

Mayor Engen said, the pep band's got to be nonprofit.

Alderman Hendrickson said, well, I understand that but I doubt if there are 501 (C)(3)

Mayor Engen said, school organization. How's that?

Alderman Hendrickson said, well, okay. And I would like to do something along that line to, you know...and that's fine so can we deal with that within the ordinance or does that have to be dealt within the sign ordinance and the zoning rewrite?

City Attorney Nugent said, I think you have to make it clear that you intend to exclude them from this as well. The sign ordinance is a separate issue that might be related in many instances but I think you have to address this provision that Pam is proposing an amendment to.

Alderman Hendrickson said, so, Mr. Nugent, can I thrust upon you, or Mr. Mayor, forwarding...

Mayor Engen said, if it starts with me, I thrust upon you, I get a little worried.

Alderman Hendrickson said, the burden of coming up with an amendment or substitute motion...

Mayor Engen said, well, there are a couple of ways we can approach this. Ms. Walzer, are you amenable to...no?

Alderwoman Walzer said, no, I continue to see that short of deleting this paragraph, Ms. Marler had expressed my feelings exacting that I think it's allowing actions of some individuals and not others within our community and I think the safety issues that have been discussed as far as traffic issues are no less important when it's a band trying to get people to come into their car wash or a homeless person just sitting in the grass, so I'm not going to accept that as a friendly amendment.

Mayor Engen said, alright. So, Mr. Hendrickson, you need to make a motion to amend or offer a substitute.

Alderman Hendrickson said, a motion to amend. Well, a substitute motion then.

Mayor Engen said, okay, a substitute motion. Okay, and that would be...

Alderman Hendrickson said, to allow nonprofits, whether it's school organizations, church anything that falls under those guidelines and they must have the property owner, whether it be business and/or private permission.

Mayor Engen said, you got that, Counselor?

Alderman Hendrickson said, is that...should I add anything, Mr. Nugent or can that cover it?

Mayor Engen said, alright, so Counselor is suggesting something like this, and I'm going to...I'll take a whack at it. No persons with the exception of nonprofits, licensed businesses and school organizations with the permission of the property owner shall solicit from any operator and then the rest.

Alderman Hendrickson said, that's acceptable to me. Thank you.

Mayor Engen said, alright. That's the substitute motion that's before you, ladies and gentlemen.

Alderman Hendrickson said, thank you, Mr. Nugent.

Alderman Strohmaier said, I don't think I'll support that although I think I would Pam's original motion. I think Stacy's exactly right that this particular paragraph was on the periphery of what we were looking at when we started crafting an ordinance to address citizen concerns. I don't think...the only thing of real substances would be lost if we just lose this paragraph. I worry that we're starting to get into an arena of additional potential unintended consequences by crafting some language like this on the floor right now that's quite a bit different than what was originally intended so I would as soon go back to Pam's motion and I won't support John's.

Mayor Engen said, further discussion on the substitute motion. Mr. Childers.

Alderman Childers said, I think I will oppose that. I think if we get back to the original motion, I will oppose that because Mr. Nugent has made it clear that the definition of solicit here means asking for stuff at the time that you're asking for it. If you want to have somebody hold a sign somewhere, that's not asking for money at that time so the car wash kids are fine. However, there is the sign issue that needs to be addressed and I think we need address it somewhere else so I would not support this motion or the motion that's substituted.

Alderwoman Marler said, I agree with what Dave was saying. I just don't think that we can have rules that apply to some people and not to other people. I'm not getting completely at what I'm trying to say but that's the gist of it. I won't be able to support Mr. Hendrickson's motion but I will support the original amendment proposed by Pam Walzer.

Alderman Wilkins said, well, I'm not going to support either motion. I think we need to deal with this under the sign ordinance and I think we're talking about really two different things because the car wash person or the person hauling the sign for a business is not going to a car and collecting money from them, and that's the difference here. So, I'm not going to support either one of them. I think we need to put a referral into the sign ordinance. The people that are holding the business closing has been a problem throughout Missoula and we probably need to deal with that somehow but that needs to be under the sign ordinance. I think the way it's written here it's serving the purpose that we need it and I don't think it's going to do undue hardship to other people and I'd like to call the question on the motion.

Mayor Engen said, we have a motion to end debate on the substitute motion. Would anyone in the audience care to comment on that motion? Alright. with that, those in favor of ending debate on the motion, please say aye. Those opposed... motion carries.

MOTION

Alderman Wilkins made a motion to end debate.

Upon a voice vote the motion passed.

Mayor Engen said, debate's over and we've asked for public comment. We'll have a...why don't we try a voice vote on Mr. Hendrickson's substitute motion.

SUBSTITUTE MOTION

Alderman Hendrickson made a substitute motion to add: No persons with the exception of nonprofits, licensed businesses and school organizations with the permission of the property owner shall solicit from any operator.

Upon a voice vote the substitute motion failed.

Mayor Engen said, motion fails. Ms. Walzer? Do you want to take a shot at your amendment again?

Alderwoman Walzer said, I would like to simply delete 9.36.050 (B)(1).

Mayor Engen said, Ms. Walzer's motion is in order. Discussion on that motion.

Alderman Hendrickson said, I originally was going to support Ms. Walzer's motion but I am not now. Mr. Wilkins convinced me that, yes, this will not eliminate from the people coming up to the car and so on, which is what we're trying to eliminate. Mr. Strohmaier changing this on the floor tonight is no different than the big change that we had on the cell phone ban when it came out of committee and it changed dramatically so this is what we do on a weekly basis is change things on the floor. I've seen subdivisions be rewritten so I'm not going to support the motion. I think we've had enough discussion and let's move on and, Jack, I invoke your name, I'm calling for the question.

Mayor Engen said, alright, we have a motion to end debate on Ms. Walzer's motion to amend. Anyone care to comment on the motion to amend in the audience? Yes, ma'am. Kate, would you make sure your microphone is on for me please.

Kate Ybarra said, I came in a little late so...

Mayor Engen said, no worries.

Kate Ybarra said, ...if what I'm saying isn't germane, you can disregard it. It seems to me that one solution of some of the language in the ordinance that is germane to what you're talking about might be if we had the word aggressive throughout so it was clear that we're talking about just aggressive soliciting, the section of solicitation in certain places doesn't spell that out, it just says soliciting.

Mayor Engen said, thank you, Ms. Ybarra. Anyone else care to comment? Alright, with that, those in favor of ending debate on the motion to amend say aye. Opposed?

MOTION

Alderman Hendrickson made a motion to call for the question.

Upon a voice vote the motion carried.

Mayor Engen said, motion carries. We'll have a voice vote on the...we can have a roll call on the motion to amend.

AMENDMENT

Alderwoman Walzer made a motion to delete 9.36.050 (B)(1).

Upon a roll call vote, the vote on the amendment was as follows:

AYES: Marler, Rye, Strohmaier, Walzer, Wiener

NAYS: Childers, Haines, Hellegaard, Hendrickson, Mitchell, Wilkins

ABSTAIN: None

ABSENT: Jaffe

Motion failed: 5 Ayes, 6 Nays, 0 Abstain, 1 Absent

Mayor Engen said, motion fails. We're back to the main motion. Is there further discussion on the main motion?

Alderwoman Mitchell said, I was just wondering, it seemed as if what we're trying to discourage is someone from approaching occupants of a vehicle and asking them for money. We're not trying to tell the kids they can't have a car wash. We're not trying to tell the guy he can't sell sunglasses or produce from Flathead Lake or whatever. So, I'm just wondering...I'm going to toss this out here, if this were to say: no person shall solicit from any operator or occupant of a motor vehicle while such vehicle is located on any street or highway for the purpose of soliciting money or soliciting donations, period. I'm asking, maybe Mr. Nugent could tell us how that could be interpreted, if that could cover what we're trying to address here and what we're trying to address is the guy walking out into the street trying to collect money from people in a car while it's parked on the highway.

City Attorney Nugent said, I think if you wanted to narrow it that way I'd need to look at the state law. There is a state law about this with respect to soliciting from the vehicles and we couldn't do something that's inconsistent with what the state statute says and I don't have that state statute with me. I was just looking to see if I can find anything that references it. But when it comes to traffic regulation, we can't have anything inconsistent with the state traffic regulations so...I need a moment to see if I can find the state statute in Title 61 at the Motor Vehicle Traffic Regulation.

Mayor Engen said, Ms. Worthington, do you have a thought here? No, but you have a stack of paper. Mr. Nugent's taught you well.

Keithi Worthington said, don't ever look at my desk. I was looking for a copy of that. I believe I might have a copy of that. I don't think it would be contradictory to the state statute. I'm not certain if it will cover the concerns. I was talking to the Chief to narrow it that way, you'd have to basically catch them in the act but I don't believe that actual proposal would be contrary to what the current state statute says.

Mayor Engen said, thank you. Further discussion on the motion.

Alderwoman Rye said, I was...I've been thinking about this all weekend. I'm not a member of Public Safety and Health but I have watched the progression on this particular ordinance as it's kind of wound its way through and the other half of this ordinance, the sister part of this ordinance, is still in committee. And the part that kind of doesn't sit well with me is kind of this...the parts below B which say, not from here, not from here, not from here and I thought that the original intent of this, that I kept hearing about and all of the complaints that were about aggressive panhandling or solicitation and not necessarily panhandling in general. And I kind of...when I look at this, what ends up happening is that most of downtown parking lots, all kinds of other places, are off limits to a lot of solicitation. I think this has a lot of unintended consequences in addition to Girl Scout cookies, signatures, Jiffy Lubes, car washes and a whole host of other things and I realize that the intent is not for certain groups of people but for others and it makes me very uncomfortable as well as Marilyn and some other folks here that it's an unspoken agreement almost. So, as I heard about this coming up before it got to committee it was my understanding that this was really about aggressive panhandling and not about simple solicitation. I think we've all been asked for money and it's solicitation. I mean it's the same thing as buying Girls Scouts or being asked by Girl Scouts or

anything else. If you have a child in the public school system or any school system, parents are very aggressive about getting you to buy something, wrapping paper, cookies, there are all kinds of things that go on at...and, you know, my family just washes our hands of it. We just don't even ask, we write a check but nonetheless, solicitation is different than aggressive solicitation. And so I could not think of it until Ms. Ybarra brought it up but I think aggressive is a great way of putting it, so I'd like to make an amendment that we put aggressive in front of solicit in the ordinance to specify that's what we mean. And the space thing doesn't bother me. I mean, I think we're...the point of this ordinance is the courteous part. Somewhere in the beginning that kind of struck me as odd that we have to really spell out in the ordinance that we want people to be courteous about solicitation, any kind of solicitation but that's fine. And so if people are courteous about it, then I don't have a problem if they're, you know, 16 feet from an ATM or a bank rather than 20. And again I just kind of feel like this ordinance can be used for different groups of people differently and so I'd like to put aggressive in the ordinance in front of the word solicit.

Mayor Engen said, there's a motion to amend on the floor. Is there discussion on the motion?

Alderman Wiener said, I think it might meet your intent to just strike Section 5 which is soliciting in certain places because you still have Section 4 that says, no person shall solicit in an aggressive manner in any public place, so that's a blanket prohibition on aggressive solicitation and then Section 5 is the one that lines out different places. I would support that amendment and I think that I can't vote for the ordinance without the amendment passing because I am disconcerted by how this is going to be applied. And I don't wish to attribute bad motives to anyone who's been involved in this process but throughout there's been a wink and a nod about...well, we know who this is going to apply to and who it's not going to apply to. And we have contorted ourselves on various occasions to attempt to exempt people who we don't want this to apply to but still have it apply to the people that we do want to describe to because we were describing it in terms of behavior rather than other characteristics. So, if we are going to characterize behavior with aggressive solicitation, I can support it. I'll support the amendment...ordinance thus amendment amended.

Alderman Wilkins said, well, you know we've had people working on this all summer long and if you look under 9.36.030 Definitions, aggressive manner shall mean, it talks about all the stuff that you guys were just talking about, approaching and speaking to a person, following a person before, during or after soliciting, read it al. So, I think that covers what we're trying to get at and I think we keep tinkering with this and I don't see the reason to tinker with this. I'm not going to support the amendment and I'm calling the question on the amendment. I think aggressive panhandling shall mean under A, and you read those down and that's what the document says and I agree with that.

Mayor Engen said, alright, so the question here is Ms. Rye's motion to amend which is to add aggressive in front of solicit throughout the ordinance. Right?

Alderwoman Rye said, yes, but I thought Jason had a question for me if I was willing to amend my own amendment and so I haven't gotten a chance to ask him...

Mayor Engen said, oh, I'm sorry. I didn't hear the question. I heard a suggestion.

Alderman Wiener said, if it's in order, I'd suggest as a friendly amendment that we strike Section 5 which prohibits any kind of solicitation in certain locations.

Alderwoman Rye said, okay, so done. So the word aggressive does not appear on except as is in Section 5 is deleted.

Mayor Engen said, I'm sorry, I was distracted for a moment. You're accepting that? Okay. Alright. So the motion before you is to add aggressive in front of solicit everywhere...oh, no, just to remove Section 5?

Alderwoman Rye said, just to remove Section 5.

Mayor Engen said, okay. Alright. Unfortunate that the question has been called. Oh, it's a point of a vote. What would you like to clarify?

Alderman Hendrickson said, I think Mr. Wilkins called for the question not knowing Mr. Wiener had a friendly amendment to Ms. Rye's amendment or motion and I want to know if he still wants to call for the question or would he withdraw that and wants to have discussion.

Mayor Engen said, at this point he could withdraw the motion.

Alderman Hendrickson said, and he says no. Okay.

Mayor Engen said, alright, so the question before you is to end debate on the motion to amend which removes Section 5. Anyone in the audience care to comment on that item?

MOTION

Alderman Wiener made a motion to end debate.

Upon a voice vote the motion failed.

Mayor Engen said, alright, we're back in the saddle which I think is a good thing because my quick interpretation is that removing Section 5 pretty much removes most of the work that folks have done over the course of a year. Mr. Strohmaier, on the motion.

Alderman Strohmaier said, yeah, I don't think I will support the concept of removing Section 5. The ordinance is really two-fold. It's one...and maybe we're dealing with a function of the title of the ordinance not being as all encompassing as it ought to be but certainly we have aggressive behavior while soliciting and we also have soliciting in certain places. That is what is the meat of this ordinance, certain places or times. The idea I think that motivated the working group to include this language was one, yes, Stacy there actually was concern from, as a result of hearing from folks about solicitation occurring in certain places, not just aggressive solicitation per se and the reason for that is people are most vulnerable when they're approaching an ATM machine with their wallet out ready to make a transaction. It might not strictly fit within the definition of aggressive here but folks have felt some degree of intimidation by encountering folks at that particular location. The same could be said about entrances to buildings and the affect that that has both on the part of business owners and also on the part of those patrons who are visiting certain businesses, if there's someone right there at the entrance wanting to make a transaction as you're ready to enter the business, so yes indeed I think this is constituted a good chunk of the discussion of the working group and I think this would for better or for worse, depending on where you're coming down on the position, this would take out a significant chunk of the work that was accomplished.

Mayor Engen said, further discussion on the motion to amend.

Alderman Hendrickson said, I agree with Mr. Strohmaier, I had to say if you take out Section 5 it rips out basically the guts of the ordinance and many of the concerns of the citizens in Missoula expressed and also business owners. I think it's a way of controlling. I don't see any heavy handedness coming down on the part of our police officers in any way. It's just a way for us to control certain situations. And I'll support the ordinance but I will not submit the...submit...will not support the amendment and I'll try calling for the question this time. I call for the question.

Mayor Engen said, we have another motion to end debate. Anyone in the audience care to comment before we vote on the motion to amend debate or to end debate rather?

Kate Ybarra said, I just wanted to mention again, I think what's problematic is this melding of soliciting and aggressive soliciting and I do feel, and I've given a lot of thought to this and talked to a lot of people, the one solution might be to add the word aggressive throughout the document.

Mayor Engen said, thank you, Ms. Ybarra. Anyone else care to comment. With that, we'll have a voice vote on the motion to end debate.

MOTION

Alderman Hendrickson called for the question.

Upon a voice vote it was unclear if motion passed or not.

Mayor Engen said, we better count, Ms. Rehbein.

Upon a roll call vote, the vote on the motion was as follows:

AYES: Hellegaard, Hendrickson, Wilkins

NAYS: Childers, Haines, Marler, Mitchell, Rye, Strohmaier, Walzer, Wiener,

ABSTAIN: None

ABSENT: Jaffe

Motion failed: 3 Ayes, 8 Nays, 0 Abstain, 1 Absent

Mayor Engen said, it's funny when we called them off, the numbers seemed to change in my head but I could be completely wrong about that. We'll go ahead and continue debate on the motion to amend. I had Ms. Marler and Mr. Wiener, Ms. Mitchell.

Alderwoman Marler said, thanks, usually I don't like dragging out this kind of work on the floor but I think this is really important what we're talking about, not that other things we talk aren't important but still I think that we might be making some decisions here that aren't clear and I think that the two best resolutions would be either to strike most of Section 5. I would be agreeable to keeping in the part about banks and ATMs because people do feel...there's a difference in perception when you've just gotten cash out of your bank and you would feel more vulnerable so we could either get rid of all of Section 5, except for A or we could add aggressive solicit, aggressively in front of solicit. Otherwise, we're making it illegal for people to collect signatures within six feet of a building or kids to set up Girl Scout cookies outside of their mom's friend's store. There's all kinds of things that we would be prohibiting that we don't really want to and I don't think that we mean to. So, I can't really ask...Stacy, would you consider changing your amendment to leave (5)(A) in there about banks and ATMs?

Alderwoman Rye said, sure.

Alderwoman Marler said, okay. With that change I can completely support this and I would urge other people to do it too. And if it doesn't pass without that in there, we're really doing a lot of things that are not...that haven't been the focus of the discussion in the community about what is acceptable behavior. I think that everyone has a right to free speech and you even have a right to beg for money as long as you're not doing it in a way that's completely unacceptable. We have to be able to say as a community what's acceptable, what isn't, aggressive panhandling or aggressive solicitation is not acceptable but a lot of other kinds of solicitation are acceptable. And I just don't see that the rest of it adds to solving the problem that's been identified unless we go one of these two ways. And I'll stop talking there. Thanks.

Mayor Engen said, alright, Ms. Rye has accepted an amendment to her motion. That's what we're considering at this time and I have in order Mr. Wiener, Ms. Mitchell and Mr. Wilkins.

Alderman Wiener said, so to respect to the work of the working group, it's just not our job to ratify every work product that comes in front of us. We have to weigh it against a lot of factors and, you know, if the guts of this ordinance is to push solicitation out of a variety of areas, then I'm opposed to the guts of the

ordinance. If the guts of the ordinance is to say you may not behave thusly, including, you know, continuing to solicit when people tell you no, using profane and abusive language, using violent and threatening gestures, then yeah I can say we're not...that behavior is acceptable under no circumstances, and I think that's what this amendment does.

Alderwoman Mitchell said, I think that with C in there, no person shall solicit within six feet of an entrance to a building, and we've seen a lot of the Scouts selling cookies or whatever they sell by door-ways of stores. This needs more scrutiny. I think if we remove C and did as I suggested earlier, trying to get the panhandlers from soliciting money from passing vehicles, that would help me support this better. Pay phones, we addressed that one time and I'm not so sure young people even know what a pay phone is anymore. So, maybe we're passing something that...putting things in here that don't need to be in here but I think some of these things do need to be in here, banks and ATMs especially. My sister-in-law was solicited as she left an ATM only the person soliciting also had a gun so...well, that's illegal, we know that but some of these things I think need to be in here but we need to...I hate to have to just pass this tonight when we're not going to...we're starting to get into some really important discussion about it.

Alderman Wilkins said, well, I think we're nitpicking. I think I said that in committee. Okay, I'm going to just not talk about number one and number 2 under this but number C: C) no person shall solicit within six feet of an entrance to a building. I think that's the business owners we're talking about that and I think they're the ones that are worried so maybe you should go talk to the guy that works at Worden Market. He might give you an ear full on that one. No person shall solicit within 20 feet of an outdoor patio or sidewalk café. I think you can go next door and ask them about that. I think they would be in agreement with that. No person shall solicit after dark which means one-half hour after sunset until one-half hour before sunrise. I think a person's fear factor comes up after dark so I agree with that. No person shall solicit within 20 feet of a vendor's location. Well, the vendors, the City's charging him a permit and so he's probably upset and I think, Ms. Walzer, you deal with vendors I think once in awhile and I think you would probably be happy if somebody was at least 20 feet away from you before they were soliciting. The pay telephone, I don't even know where there's a pay telephone in downtown Missoula so that one I'd probably let go. No person shall solicit within 20 of an exit of any public toilet. Well, all you that have little kids and they got to go to the bathroom, you don't want to be solicited on your way to the bathroom or coming out of the bathroom, I don't think so. I wouldn't either. I think we've talked about no person shall solicit on private or rental property after having been asked to leave. That's pretty simple. It's your property and you asked him to leave and he's there...still there. Well then this ordinance covers that. So, again, I think we're nitpicking. I think, yes you're right, the working group, we don't always go with working groups and, Lord, I know that after trying to do a rental safety program in this town and all the stuff I got out of that. But I think they worked really hard on this, I think they've discussed all these issues and I think we need to pass this. I think the prime thing is we need people to be able to come downtown, feel safe, do their shopping, get in their cars, go back home. The City makes money out of the parking meters when people come downtown. We make money out of the business license when people come downtown. And we're in an economic crisis right now where businesses are closing left and right and we're doing something here to try to help the business maintain in the downtown Missoula. And you can look at any town in Montana and I still say we have the best downtown and if we don't protect it in this sort of fashion that we have to protect it was, and it's a shame that we have to do this but we have to do it. And we just keep nitpicking and picking at little parts in this and you're going to get all the amendments in and then the thing is not going to be worth a hill of beans when we're done. So I think they've done a good job. I've went through this. Maybe we could use aggressive more often in certain areas than this but I am very fine the way it is and I think we need to pass this and get on with it.

Mayor Engen said, and if we could kind of stick to the amendment for the time being.

Alderman Haines said, the feedback I get from many business people and people who are customers of our downtown businesses, C comes into play in my mind very strongly. No person shall solicit within the six feet of the entrance to a building. Business people tell me that their customers are intimidated by having people out there. Now you could argue whether it's soliciting or they're not soliciting, but the fact that they're there and they are...have been soliciting elsewhere and have been seen doing it, you have to assume when they're in that area that they could do some soliciting, I don't want to get into that kind of an argument, but it's scaring people away from businesses. How you say six feet, that's roughly from Mr.

Wilkins to Mr. Childers. That's not too wide an area to say having six feet on each side of the door. I think we're trying to say to people who come downtown, you have a right to walk into a building entrance, whether it's for business or you're going to buy something or whatever without feeling intimidated and that's the problem now that I hear from business people and from people that come downtown to shop is they're afraid to go through that barrier to get into a building or into a business. That's why I just think we're gutting some of the important parts of this effort if we were to take C out of there.

Alderman Childers said, so for you Boy Scouts in the audience, which side do you come down on this? That's why you're here is to figure out how to make a decision and that's what we're trying to do and we have businesses that we very much want to stay in business and we want them to stay downtown and we want them to want to stay downtown and we have people who are living on the street. And those people living on the street sometimes need to go after other people that they think have money and get some money from them one way or another, generally in a gentle fashion. These folks are good at it but what we're trying to do is to control situations more than people. The situations we're trying to create are those in which a business can prosper, a situation where people throughout town would be happy to come downtown and shop or do business or set up businesses. We also want to have a situation where people who don't have a place to live can go where they want freely, do what they want freely, within certain parameters and that's where the juggling act comes in. So, I think that having the locations in here works. I think it's unnecessary to put aggressive in front of every solicit because it's just...it's...I don't know, there's a lot of situations where I'd just as soon not be solicited so I guess I will oppose the amendment and eventually probably support the ordinance, and I'll try calling the question.

Mayor Engen said, I'm sorry, Mr. Childers, you just called for the question?

Alderman Childers said, yes.

Mayor Engen said, alright, anyone in the audience care to comment on the motion?

Rod Austin, Downtown Business Improvement District, said, I want to reiterate what Mr. Haines is talking about. This part of the ordinance was discussed from the get-go. It was probably one of the things that helped us get into the whole discussion about aggressive panhandling and it was driven by complaints from businesses and customers and the idea of feeling threatened. And some of those locations, you know, maybe it's not aggressive but...and some of the locations like at a café, you're vulnerable there. You don't have a place...you're walking down the sidewalk, somebody comes up to you and they're right on top of you and it's that type of attitude and behavior that we're trying to get a handle on. Thank you.

Mayor Engen said, anyone else in the audience care to comment on the motion to amend? With that, those in favor of ending debate, please say aye. Those opposed.

MOTION

Alderman Childers made a motion to end debate.

Upon a voice vote the motion passed.

Mayor Engen said, it carried that time. Debate on the motion to amend is over. We'll have a roll call vote on the motion to amend.

AMENDMENT

MOTION

Alderwoman Rye made a motion to strike everything in Section 5 except for (5)(A).

Upon a roll call vote, the vote on the motion was as follows:

AYES: Marler, Rye, Walzer, Wiener

NAYS: Childers, Haines, Hellegaard, Hendrickson,
Mitchell, Strohmaier, Wilkins

ABSTAIN: None

ABSENT: Jaffe

Motion failed: 4 Ayes, 7 Nays, 0 Abstain, 1 Absent

Mayor Engen said, and we're back to the...that motion failed, we're back to the main motion.

Alderman Wilkins said, I am going to support the main motion and I'd like to call the question.

Mayor Engen said, anyone in the audience care to comment on the motion?

Kate Ybarra said, again I think the problem here is mixing together soliciting in places and aggressive soliciting. We don't want people to be followed, threatened, etcetera but it's going to be very difficult to uniformly implement an ordinance that says that you cannot solicit, for example, six feet from the entrance to a building. I am fearful that it will not be uniformly applied and I don't think that is a direction Missoula wants to go. One suggestion might be that someone makes another amendment and that amendment could be to strike out of 9.36.050...well, I'll tell you what I think you should leave in there. Someone can make an amendment to leave A, to leave B(1), to leave I. Those are the resident...you've been asked to leave a residential property, to stay there. A bus...you're on a bus, that's an enclosed space and ATMs. That would be another suggestion I would have. I think that we should be very cautious how we move forward here. Already I feel like just discussion of this ordinance has actually just shifted the problem to the outlying areas of downtown so I think we really should think about that too.

Mayor Engen said, thank you, Ms. Ybarra. Anyone else care to comment? Seeing none, why don't we try a voice vote on the motion to end debate.

MOTION

Alderman Wilkins made a motion to end debate on the motion.

Upon a voice vote the motion failed.

Mayor Engen said, I think debate is not over. I think the motion fails.

Alderman Haines said, could we have a division on that please?

Mayor Engen said, we can do a show of hands.

Upon a hand vote the motion passed.

Mayor Engen said, with that, ladies and gentlemen, we've got the main motion before us. We'll have a roll call vote.

ORDINANCE 3404

MOTION

Alderman Strohmaier made a motion to adopt an ordinance establishing Missoula Municipal Code Title 9, Chapter 36 entitled Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct, Sections 9.36.010, 9.36.020, 9.36.030, 9.36.040, 9.36.050, 9.36.060, 9.36.070, 9.36.080 and 9.36.090.

Upon a roll call vote, the vote on the Ordinance was as follows:

AYES: Childers, Haines, Hellegaard, Hendrickson, Mitchell, Strohmaier, Wilkins

NAYS: Marler, Rye, Walzer, Wiener

ABSTAIN: None

ABSENT: Jaffe

Ordinance failed: 4 Ayes, 7 Nays, 0 Abstain, 1 Absent

Mayor Engen said, motion carries. And it's déjà vu all over again.

- **Deny** Adopt an [emergency ordinance](#) establishing Missoula Municipal Code Title 9, Chapter 36 entitled Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct, Sections 9.36.010, 9.36.020, 9.36.030, 9.36.040, 9.36.050, 9.36.060, 9.36.070, 9.36.080 and 9.36.090. (Affirmative vote of 2/3 of members elected is required to pass this ordinance)

Alderman Strohmaier said, Mayor Engen, I move that we adopt an emergency ordinance establishing Missoula Municipal Code Title 9, Chapter 36 entitled Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct, Sections 9.36.010 through .090 and as part of my motion I would like to also include two amendments to mirror the regular ordinance and that is to delete the word "alarming" from 9.36.020, paragraph C and also to include the new language that's in Section 9.36.050, paragraph J Exemptions, and that should now read: Exemption validly obtained, special events permit may provide an exemption to the provisions of this section. A special events permit may be obtained pursuant to Title 12, Chapter 58 of the Missoula Municipal Code, and I'd like to speak to the motion. So sometime back when we were working on this ordinance, I think the intent was that this would roll out sometime in the spring to address what I think is correctly perceived as summer being the main time of year when acts of aggressive solicitation or solicitation in some of these areas that we're proposing that it be prohibited from occurs. Obviously it took longer to draft the ordinance. It took longer to get it through committee and to this point tonight than we had thought. My suggestion was that we have a companion, emergency...inner emergency ordinance that would take effect immediately to at least try to have some impact from these ordinances during the summer months, hence, the ordinance that we have before us right now. And I would urge folks to support it and there we go.

Mayor Engen said, thank you, Mr. Strohmaier. I'll remind Council that because this is an emergency ordinance it's going to take at least eight votes to get it done so I'm not sure if I'd spend a great deal of time on debate if my prognostication skills are correct. With that, I have in order Ms. Walzer, Mr. Hendrickson and Mr. Wilkins.

Alderwoman Walzer said, we'll have to consider that thought but I'd like to offer an amendment that is based on something...a suggestion from Chief Muir and that was something that I'd hoped to have in committee but it got cut off, and that's to amend the penalty section and because this is an emergency and he suggested that a possibility that we can use the 30 days of this to...as education. And so I'd like to amend penalty to say instead of having a fine to have it say a person convicted of a violation of this chapter shall be guilty of a misdemeanor but no fine shall be assessed, and the remainder of the penalty section be deleted.

Mayor Engen said, and there's a motion to amend. Mr. Strohmaier, on the motion.

Alderman Strohmaier said, okay, and we did discuss this in committee. A question I guess I would have for Jim Nugent is, does that essentially render the emergency ordinance moot? Is there...if we're simply writing warnings during the first 30 days, how does that differ from not having an emergency ordinance at all?

City Attorney Nugent said, I think if you'll recall in committee Police Chief Mark Muir indicated that this would give them a tool to be able to utilize to tell the people that this is in effect and that they no longer can be so many feet within the bank ATM, for example, so Chief Muir's the one who suggested this and he thought that he still would have a tool to work with to be able to tell these people that they've got to move along. However, it won't have any teeth in it.

Mayor Engen said, on the motion.

Alderman Strohmaier said I would go ahead and accept that as a friendly amendment.

Mayor Engen said, alright. So that is the motion before the body as amended. Discussion on the motion, I have Mr. Hendrickson, Mr. Wilkins, Mr. Haines and Ms. Rye.

Alderman Hendrickson said, we did discuss this in committee at the suggestion of Police Chief and I will support the...I guess it's the motion...okay, the motion to use the 30-day period as an educational time to educate citizens.

AMENDMENT

Alderwoman Walzer made a motion to amend the penalty section to say a person convicted of a violation of this section shall be guilty of a misdemeanor but no fine shall be assessed, and the remainder of the penalty section be deleted and also to use the 30-day period to use to educate citizens.

Alderman Wilkins said, and I'll support the amendment to the motion too but I want to clarify the amendment to make sure it's just for the 30 days and it doesn't go over that. I think the way it was...

Mayor Engen said, that's the deal.

Alderman Wilkins said, was said that it might go longer.

City Attorney Nugent said, John makes a good point. The emergency ordinances are good for 90 days and then you'll have two ordinances that conflict with each other.

Alderman Wilkins said, so for the first 30 days is that...Okay.

Mayor Engen said, is that what's before you?

Alderman Wilkins said, I guess the attorney is saying I have to amend the amendment.

Mayor Engen said, Mr. Strohmaier can accept it.

Alderman Wilkins said, okay.

Mayor Engen said, alright for 30 days, that's what's before you.

Alderman Haines said, one aspect to this that I would like everybody on Council to consider. We've been talking here and there and to send some of the wording here about aggressively soliciting and I think that that term aggressively is probably...can be defined mostly in the eyes of whoever feels they're being aggressively panhandled. The point is, I've talked to a lot of people and particularly women that say, I don't care whether they solicit from me or not. If I have to even be anywhere near those people, and you can say this is bias and it's not fair or any words you want, but they're going to vote and shop and spend money with their feet. And what they're saying is, if I have to run a gauntlet of these people and I don't

want to try to define these people, this is what some of the citizens are telling me again, particularly women, they are saying, I am not going downtown. And that was what worries me because our businesses are not going to survive with people coming down to shop, to spend money, look in the stores and do that kind of thing if they're afraid for whatever reason. You can say they have no reason to be afraid but they are afraid and they're going to vote for that with their feet and they're not going to come down here. So you better think long and hard about it. We've got enough vacancies on Main Street and Broadway and whatnot now, we don't need any more.

Alderwoman Rye said, I can't support the emergency ordinance for a variety of reasons but not the least of which is I've never ever been aggressively panhandled downtown. I've lived downtown. I've worked downtown. I've never had anyone ever complain to me about panhandling downtown. I asked my bank today, which is smack dab in the middle of downtown, if the tellers had a problem with panhandling and/or any sort of solicitation. Nope. All of them said no. So I just...I think it's kind of a war shack task. I'm just not seeing the problem that other folks have I guess. And I would greatly hesitate to call it a gauntlet of solicitation because I just don't think there is one. And you know part of this says I have the right to be annoyed by certain folks I guess and...or I don't...somehow annoy is in the definition of harass. And I am not...it's not my right to not be annoyed by folks or things. I think every business downtown is soliciting my business and the public streets are the public streets; they're right-of-way. They're where we all get to be. And whether or not folks live a certain way or not and I'm hugely annoyed by patchouli in particular. It doesn't mean I get to call the police. So I can't support this for a variety of reasons. It should be far narrower in its definitions and it's not.

Mayor Engen said, further discussion on the motion. Seeing none, anyone in the audience...I'm sorry, Ms. Mitchell.

Alderwoman Mitchell said, from what I've heard from testimony last week and the emails I've gotten, although some of us individually may not have a problem with being solicited, when people have to go out the back door of their businesses to avoid these people, when people have to ask people to leave their door stop in the morning before they can open their business, I think it is an emergency. And I can't think of a better way to educate people that are practicing bad behavior than for someone on our Police Department to walk up and say, you know an ordinance went into effect and this is no longer allowed. And they can have a conversation and they can get some education right then. I doubt that anybody would be in handcuffs and down filling out paperwork right then. I think the education is going to start as soon as this thing has some teeth and I will support it.

Alderwoman Marler said, I can't support it. It was...I can't support it. I don't think that people realize what all kinds of behaviors we just made illegal with the previous one and I am extremely upset that we cut off debate before we could talk about those. And I don't like it when people get into little antidotes but I'm going to share a short antidote. I've been talking about this issue a lot with a good friend of mine who owns a business on Higgins and he has described to me a lot of the problem behaviors that he sees as a downtown business owner and I completely agree there's a problem that you need to feel safe when you come downtown. All the things that are listed under the unacceptable behavior I'm all about that. I really wished we'd had more time to work on it to get it to something that I can support because I feel like we're almost there. The same friend of mine who owns a downtown business is...he's a coach and he sometimes has kids doing fundraiser stuff in front his shop. Sometimes he has local authors who have written books on certain subjects with tables in front of his store trying to sell his books. This is a community person who likes things...certain kinds of solicitation are fine. I don't think that everybody wants every kind of solicitation banished from downtown and I think even people who are voting for this ordinance don't want that. They just want certain kinds of people to not be able to do certain kinds of things and I have a real problem with that. And, therefore, I just can't vote for this and I'm just really, really upset that we couldn't just work on it a little bit more so that I could support it, so I could go to my friend who's a business owner, who I want to help and all of downtown and say, yeah, we passed that, we passed that for all of the unacceptable behavior. There are so many unacceptable behaviors listed here that we really...;that I'm glad did get passed but the rest of it we just make things illegal that were really good community things but we'll just, you know, when they're good community things, we'll just turn an eye even though they're illegal. And this is just really problematic to me and I can't support the emergency

ordinance either, and I just really wish we could have worked it out a little bit more. Thank you for indulging my comments.

Alderwoman Walzer said, I'm not in favor of the emergency ordinance except for the...very glad that Mr. Strohmaier accepted my friendly amendment for the penalty. The ordinance is going into effect in 30 days. I would like the community who's going to be affected by this know what's going to happen and give the police the tools to without a fine to do their public outreach and to let people know whether or not it is a homeless person sitting there asking for some change a little too close to a building, to a door or whether or not it's illegal to set up a Girl Scout cookie stand in the wrong place. So only because this is giving the police a one month educational opportunity, I'll vote for this. I'm not sure when that's going to pass. I'm against this whole section we tried to get out but the ordinance is going into affect anyway. So, I'll support the emergency to allow this educational opportunity.

Mayor Engen said, further discussion on the motion.

Alderwoman Hellegaard said, you know I sat here tonight and we vilified the Girl Scots and we've vilified shop owners and my understanding of both of these ordinances is they address aggressive behavior, period. I think we need to give our cops the credit for having brains to be able to distinguish between what's threatening and aggressive solicitation as opposed to somebody selling books in front of a store. I think they're smart enough to distinguish the difference and I'm going to support this ordinance as well.

Alderman Wiener said, with due respect, I just don't think those comments betray an understanding of the thing that we just passed. We just said that it is illegal to solicit which means asking for money or objects of value with the intention that the money or object be transferred at that time and that place, etc. And we ban that under all circumstances in all manners in that whole list of things that are in Section 5. So to say that this applies only to aggressive action is not true. All I have to do to somebody is say, no and if they ask me again that's aggressive solicitation. But they can't even ask me once whether it's a book or a dime or my eternal salvation.

Alderman Childers said, and the Boy Scouts wanted to see how we work. Yeah, we don't want the Boy Scouts to come to try whatever Boy Scouts sell. Popcorn? Good, Lord, yes, my old teeth won't take any more popcorn. We don't want him to do that within six feet of the door of a store. They can do that six feet away. They can do that 6-1/2 feet away any direction, you know, by the parking meters they can do that. That hasn't stopped. We have some time of day stuff, that's new, that might be excessive. We'll see I think as we go on. Six months from now the ordinance can come back and be reconsidered and tinkered with. I disagree with folks I guess who I often agree with but I don't see that this is an undue imposition on anyone's rights all the time. Rights are a balancing act. Some people get a little more sometimes and some people get a little more other times. It's not just aggressive stuff. It's the Girl Scout with the thin mint cookies that I love coming after me two feet from a doorway. Don't do that. Wait until I get six feet away. So, you know, really this is the same ordinance that we already discussed a whole lot. I appreciate the 30-day free trial. I think that will be helpful to let the folks who need to know just kind of how it will apply to them and let them learn and I don't expect to see a lot of people being arrested and fined for this at any rate, but you never know. So, I won't try to call the question because I complained about that the other day but I hope somebody does soon and we can stop talking about this.

Mayor Engen said, I have Ms. Hellegaard and Mr. Wilkins.

Alderwoman Hellegaard said, well, I agree with Ed believe it or not. He is right. We are not banning solicitation all throughout town. People can still solicit need for money and if I want to give it to them I'm more than welcome to do that. If I say no I'm more than welcome to walk away from them and they're just not allowed to follow me and continue to ask me. And I call for the question, Ed.

Mayor Engen said, alright. We have a motion to end debate. Anyone in the audience care to comment on the emergency ordinance?

Kate Ybarra said, I thought I was done giving public comment but freedom of speech carries with it some freedom to listen, I think Bob Marley said that. And I'm up here because Mr. Haines' comments

epitomized why I've been speaking out against the ordinance. I'm a woman. I'm a citizen of the plant and a citizen of Missoula. I'm not afraid to go downtown and I don't like it when we start talking about these people. I find that very offensive. They're people. Police Chief Muir was very eloquent at the last public hearing and he gave us a lot of information about policing and how it has a lot to do with allaying people's fears. I really understood what he was saying and I supported what he was saying. I think there are certain areas where people feel threatened. I have honestly done a lot of research on this and again I've lived here my whole life. I feel like I have a good sense of how people feel. But what I feel fearful of is language that implies an us and them type situation. I also feel fearful that we are making decisions and I'm not clear we have numbers. I want to know how many unduplicated complaints from how many unduplicated people were received. The bid numbers, I heard them. I don't know if they're unduplicated. I don't think they are. The homeless count each year that the ?? of care does in Missoula gets usually 500 unduplicated single homeless individuals. That's an annual survey. I think that as we move forward let's be careful again with the language we're using and also I would like to request that if the panhandling working group is going to continue to meet that they post their meetings and the meetings are open to the public so that the next ordinance that's born out of a working group has been open to the public for comment. Thank you.

Mayor Engen said, thank you, Ms. Ybarra. Mr. Austin.

Rod Austin, Downtown Business Improvement District, said, there are lots of women that are not afraid to come downtown but there are lots of them that are. I actually got up here to comment on the fact that relative to the emergency ordinance there will be an education process going on by two people that don't write tickets and that's the Downtown Ambassadors. They're patrolling the streets on a regular basis. They will be talking to folks about those distances and helping them, and guiding them in the right way and I would be surprised if, quite frankly, there will more than a few tickets ever written because of this ordinance.

Mayor Engen said, anyone else care to comment? Alright, on the motion to end debate.

MOTION

Alderwoman Hellegaard made a motion to end debate.

Upon a voice vote the motion passed.

Mayor Engen said, debate is over. We'll have a roll call vote on the emergency ordinance as amended.

ORDINANCE 3405

MOTION

Alderman Strohmaier made a motion to adopt an emergency ordinance, as amended, establishing Missoula Municipal Code Title 9, Chapter 36 entitled Solicitation and Aggressive Solicitation as Acts of Disorderly Conduct, Sections 9.36.010, 9.36.020, 9.36.030, 9.36.040, 9.36.050, 9.36.060, 9.36.070, 9.36.080 and 9.36.090.

Upon a roll call vote, the vote on Ordinance 3405, as amended, was as follows:

AYES: Childers, Haines, Hellegaard, Hendrickson,
Mitchell, Strohmaier, Wilkins, Walzer

NAYS: Marler, Rye, Wiener

ABSTAIN: None

ABSENT: Jaffe

Ordinance 3405 passed: 4 Ayes, 7 Nays, 0 Abstain, 1 Absent

Mayor Engen said, and the emergency ordinance stands approved.

Public Works

[August 12, 2009](#)

NEW BUSINESS (INCLUDING, BUT NOT LIMITED TO, REPORTS) - None

ITEMS TO BE REFERRED

Administration & Finance Committee

- Claims-Consent Agenda (Brentt Ramharter)
- Award contract for professional services for a Section 457 deferred compensation consultant. ([memo](#)) – regular agenda (Brentt Ramharter)

Conservation Committee:

- Consider Greenhouse Gas and Energy Conservation Plan amendments including, but not limited to, the following provisions: to increase the number of members on the team from six to eight, to provide for alternate members on the team, and to clarify the appointment process for members. ([memo](#)) (Marty Rehbein)
- Resolution approving change order number 1 for White Pine Park. ([memo](#)) – regular agenda (Alan White)
- Resolution approving change order number 2 for Pineview Park. ([memo](#)) – regular agenda (Alan White)
- Resolution approving change order number 3 for Pineview Park ([memo](#)) – regular agenda (Alan White)

Public Safety and Health Committee

- Approve and authorize the Mayor to sign a contract for services with Emergency Response Training Institute (ERTI) in the amount of \$34,981.20 which is being funded by a grant to provide a Hazardous Materials Technician certification course @ Missoula Fire Department. ([memo](#)) – regular agenda (Mike Painter)

Plat, Annexation and Zoning Committee

- Remove Clark Fork Terrace No. 1 annexation, zoning, rezoning and subdivision from the table, suspend the council rules, and set a public hearing on September 21, 2009, for the Clark Fork Terrace No. 1. ([memo](#)) – regular agenda (Tim Worley)
- Consider granting a request for a 6-month extension for the execution of the annexation development agreement for Chickasaw Place Subdivision ([memo](#)).—Regular Agenda (Carla Krause)

Public Works Committee

- [Resolution](#) of support for a Transportation Investment Generating Economic Recovery (TIGER) Grant Application for new trails, sidewalks, street improvements, and grade separated trail structures throughout the community totaling over \$19 million. If approved. ([memo](#)) – regular agenda (Steve King)

MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS - None

ADJOURNMENT

Mayor Engen thanked the council members and the staff for their service.

The meeting adjourned at 9:03 P.M.

ATTEST:

APPROVED:

Martha L. Rehbein
City Clerk

John Engen
Mayor

(SEAL)

Respectfully submitted by,

Nikki Rogers, Deputy City Clerk