

**ADMINISTRATION AND FINANCE COMMITTEE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
September 23, 2009 9:00am**

Members present: Ed Childers acting as Chair; Marilyn Marler; Renee Mitchell; Pam Walzer; Jason Wiener; Dick Haines; Lyn Hellegaard; John Hendrickson; Jon Wilkins; Bob Jaffe.

Members absent: Stacy Rye; Dave Strohmaier.

Others present: Brentt Ramharter, Dr. Vicki Watson, Dee Krevey.

I. Administrative Business

A. Approve committee minutes dated: [August 26, 2009](#)-approved as submitted.

B. Public Comment on items not listed on the agenda-None

II. Consent Agenda

A. Approve claims (accounts payable). -Consent Agenda (Brentt Ramharter)

Motion: The committee recommends the City Council approve [claims](#) totaling \$601,847.610 (9/29/09) ([Detailed claims](#))

Motion: The committee recommends the City Council approve [claims](#) totaling \$497,502.15 (09/01/09) ([Detailed claims](#)) Already acted on 09/14/09.

Motion: The committee recommends the City Council approve [claims](#) totaling \$676,632.86 (09/15/09) ([Detailed claims](#)) Already acted on 09/14/09.

Motion: The committee recommends the City Council approve [claims](#) totaling \$660,717.23 (09/22/09) ([Detailed claims](#)) Already acted on 09/21/09.

A. Resolution supporting the placement of a historic marker near the site of the first free speech fight on the corner of Higgins Avenue and West Front Street and supporting placement of a historic monument to the event at a suitable site in Missoula ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/14/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council adopt a resolution supporting the placement of a historic marker near the site of the first free speech fight on the corner of Higgins Avenue and West Front Street and supporting placement of a historic monument to the event at a suitable site in Missoula.

Jason Wiener began the discussion and explained a bit of the background on the referral. 100 years ago workers decided to make a stand on the street against an unscrupulous employment agency near the Florence Hotel. At the time there was a law against this and many citizens were arrested. The City Council eventually changed this law and a marker would commemorate this historic event.

Dr. Vicki Watson thanked the committee and explained more details of the story. She said those who were responsible for this event were mainly lumberjacks and miners who were living and working in appalling conditions. They needed to have the right to organize on the street to resist the labor abuses, and found that no one would rent them a hall. Union organizers of the time started in front of the employment agency on the corner of Higgins and Front. There was an ordinance on the books regarding public conduct and using offensive language, and one pertaining to blocking the streets, in fact they still exist, but have been amended. The speakers had arguments in the street and there was heckling and the threat of violence. The Police warned the organizers about their language and conduct but they persisted, and were arrested for disturbing the peace.

The organizers called in more workers and people poured in by the hundreds from all over the state to speak and get arrested. Unofficial policy was set to arrest all people speaking for disturbing the peace and blocking the street. In many cases those arrested were reading the Bill of Rights and The Declaration of Independence. This got national press and began to damage Missoula's image. It was also getting very expensive to arrest 35 people a day, feed and house them and give them all trials, which they requested. In the end it was decided to stop taking action against the protestors and it diffused the situation. Later the public conduct ordinance was amended. The organizers claimed victory and moved on to carry out the same conduct in other cities. Dr. Watson pointed out, that even though they were arrested in Missoula they were treated very well and didn't fare so well in other communities where they were beaten severely. It was an important event to turn the tide for greater freedom of speech and it began in our community. She said Philip Maechling will nominate free speech corner as a historic site and it will be eligible for a historic marker through the Montana Historical Society.

John Wilkins said he highly supported this and asked about the marker.

Dr. Watson said it will be a plaque on the corner and the monument will be a bronze soap box that will depict the scene.

Mr. Wilkins moved to approve the resolution.

Mr. Childers suggested it be placed in the side walk to be able stand on it.

Rene Mitchell said she was not opposed to a marker at that location, but opposes a structure that would block the sidewalk. She said it was just an accident of history that it happened at that corner, and if they choose to place a bronze soap box she suggested placing the monument on the courthouse lawn where it would be out of the way. She added that commemorating this is great, but she would also like to have something to commemorate Rosa Parks. She will not support a monument installed at this corner.

Ed Childers stated that plaque will be on the corner and the bronze monument will be located at a suitable location elsewhere.

Ms. Marler sent an email to show Council what the historic plaque will look like. She pointed out that this resolution is about placing a historical marker at the corner and a statue somewhere suitable and she supported this issue. She thanked Dr. Watson and everyone who brought this forward.

Mr. Wilkins said as a union worker, he himself has organized protests and would not only support a plaque, but wouldn't mind seeing a bronze soapbox at that location as well.

Mr. Childers wanted to also thank our City Clerk, Marty Rehbein for all her work on this historical research.

Pam Walzer also thanked Ms. Rehbein for her diligent work deciphering hand written meeting notes from 100 years ago.

Ms. Mitchell added she wants it clear she is not against a plaque, but opposed to placing a monument obstructing the sidewalk.

Dick Haines commented that the right of free speech is at the very heart of our county and something that is threatened even today. A plaque to commemorate free speech at this location is important and would be testimony to Missoula's view point that you have the right to say what your thinking anytime anyplace as long as its not vulgar or crude.

Mr. Wiener added that it could be placed on a curb extension

Dr. Watson concluded by saying that she has received a lot of positive feedback and citizen participation.

Upon a voice vote the motion passed unanimously

Regular Agenda

- B. Award contract for Master Equipment Leasing Agreement ([memo](#)).—Regular Agenda (Brentt Ramharter) (Referred to committee: 09/21/09) **REMOVE FROM AGENDA**

Motion: The committee recommends the City Council approve and authorize the Mayor to execute an agreement with Wells Fargo Brokerage Services for the Fiscal Year 2009 Master Equipment Lease.

Brentt Ramharter, Finance Director, explained that the Master Lease Agreement was originally awarded to Cal First, but due to the inability to close, the arrangement was terminated and the contract was awarded to Well Fargo Brokerage Services. He said that one advantages of Wells Fargo is that if we choose to pay off the contract early there are no penalties.

John Hendrickson asked how much the annual payments will be.

Mr. Ramharter said they will be over \$200,000 per year.

Mr. Hendrickson asked isn't this more than we budgeted for?

Mr. Ramharter replied that we have the budget spread out in two sections, the Police vehicles are budgeted in the general fund non-departmental. In the CIP we are picking up the five year and 10 year financing. We will make the adjustment next year now that we have the schedules.

Marilyn Marler moved to approve the agreement.

Upon a voice vote, the motion passed with Hellegaard and Hendrickson voting nay.

III. Held in committee

- A. [Resolution](#) revising the City's sewer use fee structure and increasing sanitary sewer rates by 5% per year for four years to support infrastructure improvements required to operate the city's sanitary sewer system. ([A&F](#)) ([Slideshow presentation as a webpage](#)) (Returned from Council floor: 11/03/08)
- B. An ordinance amending the municipal code as it relates to bike licensing. ([A&F](#)) (Returned from council floor: 12/15/08)
- C. Amend City Council Rule 21(a) to clarify quorum requirements ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 04/28/08) (*Tabled in Committee on 02/11/09*)
- D. Implications of establishing maintenance districts. ([memo](#)) – Regular Agenda (Bob Jaffe) (Referred to committee: 05/11/09)
- E. Review the FY 2010-14 CIP projects in committee ([memo](#)).—Regular Agenda (Brentt Ramharter) (Referred to committee: 03/23/09)
- F. Consider the establishment of Parks and Street Maintenance Districts ([memo](#)).—Regular Agenda (Bob Jaffe) (Referred to committee: 05/04/09)
- G. Clarify position of council member who also serves on the board of a non-profit agency that has dealings with the city. ([memo](#)) – Regular Agenda (Ed Childers) (Referred to committee: 07/20/2009)
- H. **[Discussion Date: 09/28/09]** Resolution levying annual assessments for the Business Improvement District. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 08/24/09)

IV. Adjournment

The meeting was adjourned at 9:45am

Respectfully submitted,

Dee Krevey
Administrative Secretary