

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, December 15, 2010 9:35 AM – 10:30 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

Members Present: Dave Strohmaier, Roy Houseman, Bob Jaffe, Lyn Hellegaard, Jon Wilkins, Renee Mitchell, Dick Haines, Ed Childers.

Members Not Present: Pam Walzer

Others Present: Stacy Rye, Don Verrue, Gary Bakke, Lou Ann Crowley

I. ADMINISTRATIVE BUSINESS

1. Approve Minutes from [December 8, 2010](#). Minutes approved unanimously.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

IV. REGULAR AGENDA ITEMS

1. Review implementation of the Missoula Outdoor Lighting Ordinance ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 08/09/10) **HELD IN COMMITTEE**

Dave Strohmaier provided some background on the ordinance.

Don Verrue described the process involved for contending with lighting ordinance infractions. If a violation is reported, a packet with information about the lighting ordinance and a postcard is mailed to the offending residence. When the offender returns the postcard indicating that the situation had been rectified, a City representative will then visit the residence in order to confirm that the violation has been corrected. Another postcard is sent to the complainant to provide confirmation of response by the City. Don provided some statistics related to the ordinance since it passed in 2008. There were about seven complaints in 2008, one complaint in 2009, and one complaint so far in 2010. Don stated that he supports this ordinance. He indicated that the ordinance is 'complaint-driven'. He feels that the decline in the economy and construction has led to a drop off in complaints. He lauded Northwestern Energy for addressing lighting complaints by installing 'full cutoff lighting fixtures'. He described photometric drawings and code requirements. He presented some examples of the challenges that arise when attempting to regulate lighting.

Stacy Rye asked about lighting in the public right-of-way. She specifically asked that if the lights on Stephens Avenue are knocked down, and were not up to the current standards, would they need to be retrofitted with compliant equipment.

Don Verrue replied that if the light is historical, it can be replaced 'as is'. He also thought that City lights were exempt.

Stacy Rye asked for a clarification of the ownership of the lights in question.

Dave Strohmaier was not aware of an exemption from the ordinance.

Gary Bakke praised the lighting ordinance. He clarified that if a single light needs replacement, it is not required to meet the new standards. If a whole series of lights need to be replaced, then the new standards apply.

Stacy Rye commented that the current lights on Stephens are far too bright.

Gary Bakke cited fixtures that Northwestern Energy provides that direct the light to the ground.

Lou Ann Crowley provided some background on the development of the lighting ordinance. She suggested outreach regarding the ordinance. She thinks that the County would consider implementing such an ordinance.

Renee Mitchell asked if the complaints were written or verbal.

Don Verrue replied that a form is filled out for complaints.

Renee Mitchell cited concern for lighting that was 'grandfathered in'.

Ed Childers asked about Northwestern Energy's fixtures.

Don Verrue described Northwestern Energy's fixtures.

Ed Childers asked how the City would go about updating lighting fixtures.

Don Verrue was unsure who is responsible for the lighting on Stephens. He mentioned Parks and Rec.

Dave Strohmaier expressed doubt about that responsibility, and stated that he would follow up with Public Works in order to determine responsibility.

Don Verrue related a positive personal experience with full cutoff fixtures.

Bob Jaffe discussed noncompliant lighting on a specific business on Russell Street. He had contacted Northwestern Energy, but the fixture was 'grandfathered in'. He wondered if the ordinance could be strengthened to gradually phase out older fixtures.

Don Verrue cited obstacles to replacement.

Dave Strohmaier asked for clarification if the ordinance has a provision for lighting that impacts safety issues.

Don Verrue responded that he has not encountered that issue.

Dick Haines asked Don if he could review the lighting ordinance and let the committee know if there was any aspect of the ordinance that could be improved.

Stacy Rye asked about the regulation of sodium vapor lights.

Don Verrue responded by outlining the complaint process. He stated that he should perform a more comprehensive review of the ordinance.

Dick Haines expressed his appreciation for Northwestern Energy's efforts.

Gary Bakke related that he has canvassed local lighting suppliers regarding modern fixtures. He said that the suppliers were aware of the lighting ordinance, and they had the appropriate lighting fixtures in stock. He said that he would bring this issue to the attention of the Chamber of Commerce for their consideration. He described lighting fixtures that were 'sunsetting' via the lighting ordinance.

V. HELD AND ON-GOING AGENDA ITEMS

1. Police Department Update – Ongoing in Committee (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Mike Painter)
3. Health Department Update – Ongoing in Committee. (Ellen Leahy)

4. An [ordinance](#) amending Missoula Municipal Code Chapter 6.09 entitled "Missoula Cat Ordinance" section 6.09.010 through 6.09.090 to amend definitions, to limit the number of cats over the age of four months that a person, family, or household can harbor, keep, or maintain to five and to enact other general amendments. ([PS&H](#)) (Returned from Council floor: 01/12/09)
5. An [ordinance](#) amending Missoula Municipal Code Title 6 entitled "Animals" generally amending Chapter 6.04 entitled "Animals Running at Large" and Chapter 6.08 entitled "Dogs and Pet Shops," increasing the fee when an animal is impounded and establishing a fee for a boarding kennel license. ([PS&H](#)) (Returned from Council floor: 01/12/09)

V. ADJOURNMENT

The meeting adjourned at 10:12 AM. Submitted by Gregg Schonbachler.