

Journal of Proceedings

Missoula City Council

June 5, 2023, 6:00 pm

Council Chambers (in person) or TEAMS (virtually)

Attend in person: City Council Chambers, 140 W Pine, Missoula MT

Members Present: Stacie Anderson, Mirtha Becerra, Daniel Carlino, John P. Contos, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Sierra Farmer

Administration Present: Marty Rehbein, Jordan Hess, Mayor, Jim Nugent, City Attorney

1. CALL TO ORDER AND ROLL CALL

The virtual meeting of the Missoula City Council was called to order by Mayor Jordan Hess at 6:00 PM.

2. APPROVAL OF THE MINUTES

2.1 Minutes from the May 22, 2023 Meeting

The minutes were approved as submitted.

2.2 Minutes from the May 15, 2023 Meeting

The minutes were approved as submitted.

3. PUBLIC COMMENT - NON-AGENDA ITEMS

Mayor Jordan Hess Our next item is public comment on non-agenda items and you're welcome to come up and comment on anything that the city has jurisdiction over that might not be on our agenda tonight. We do just highlight that we have rules, we encourage dissent, we encourage a wide range of viewpoints but we require civility and we require decorum in the presentation. So if you want to give public comment please feel free to come on up. We ask that you keep your comments to three minutes and state your name for the record. Also now our transcriptionists would like everyone to start spelling their last name as well. Ms. Reneau.

Susan Reneau My name is Susan last name Reneau. For the last 30 years I've been the organizer of Memorial Day Services throughout Missoula. In that capacity I have an absolute army of volunteers. In years past we have picked up our wreaths about a week after the services but several years ago we started noticing that the beautiful wreaths like this one were getting damaged and the Ladies of the American Legion Post 68 spent four months making 45 beautiful wreaths. This is one of them. In fact this one I'm going to be giving to a Gold Star mother that lost a marine. So we've taken upon ourselves to show up the day after Memorial Day and pick up the wreaths. On May 31st two of our elderly women from the American Legion came to pick up the wreaths at the Doughboy statue. They were completely surrounded by very drunk, very drugged out homeless people that were encamped at the Doughboy statue where these wreaths had been placed by the VFW and the American Legion the day before. They also were walking away with beautiful planters that had been donated by Benson Farms. The women were terrified. They were being cursed at, they were being screamed at, they were being pulled at, and thankfully there was a police officer that saw what was going on. I have filed a police report. I was over at Western Montana State Veterans Cemetery and received a frantic phone call from one of the

women telling me in real time what was going on. So I have a police report that has been filed with the city police. I also spoke to the Sheriff's Department and as a result of I guess reviewing tapes but also talking to one of the women we determined that it was a sheriff's deputy that saved the women from what was going on. If this was an isolated case that's one thing, but I have gone downtown to pay my taxes which by the way I just did and it was almost three thousand dollars for six months. There are a lot of people in this room that pay taxes. When I go down to the courthouse when other people are doing business at the courthouse. When businesses are trying to have customers come and go they have to step over drunken people on the sidewalk. And now we have people handing out hot dogs and cold water at the Doughboy statue, and as someone who works very, very hard to remind people of the sacrifices that were made by our veterans I find it disrespectful that they are doing this in front of the Doughboy statue. I also think that it's high time that the city council get control of these people who obviously have no control of themselves. In fact I know I'm running out of time.

Mayor Jordan Hess It's a little over three minutes.

Susan Reneau I know that, but one of the women that was accosted said that a woman that had been screaming at her literally was unclothed and was half naked so it's totally unacceptable and I think we need to get control of the situation.

Mayor Jordan Hess Thank you Ms. Reneau. Anyone else tonight?

Kevin Hunt Good evening Mr. Mayor and Council my name is Kevin Hunt, my last name is spelled h-u-n-t and I live in Ward 1. Well to follow up on that we were all you know saddened to see that there was yet another stabbing at the Poverello Center and this just followed right on the heels of one. That was in today's news and I think that's something to keep in mind when we're trying to deal with this Martin Johnson issue because you know one of the considerations is whether there is adequate shelter and safe shelter available for people who don't have shelter. Has it been provided? I would not, I would choose to break the law at this point than go to the Poverello Center because I don't want any violence to happen to me. It's overcrowded and that's just an important consideration. And along those lines, I have copied all of you on an ordinance that I drew up after the committee meeting that was considering the one that's on the agenda for tonight and I went home and I asked myself what should, what would a city do, what would I want to do if I really wanted to get all the departments in sync and I wanted to get a handle on all these aspects including the law enforcement aspect. I wouldn't want to take a little tiny wedge and pass that and one that's hard to interpret to boot and then wait for another little piece, and then wait for another little piece, I would want to make it clear to the department heads and chief of police that the criminal laws and the environmental laws and the health laws and the laws to protect and treat mentally ill people, only a small percentage of whom pose any problem that they can deal with them. Martin Johnson doesn't say you can't do it. Martin Johnson is actually a very narrow, it's a very narrow ruling and a very just ruling, but a very narrow ruling. And so what I am asking be done and I really appreciate, I want to thank the City Attorney who was so kind to respond to me with a very substantive letter that was very positive and the five points he gave me information to look up were the same five points I still had questions in my mind about. It was almost like what an Attorney General does for a citizen in this state and I really appreciate it. But what I would like to ask is that my ordinance in the forum that I last emailed to you which was about two hours ago incorporating the suggestions of Mr. Nugent, I don't care if it's done by suspension of the rules or referral or whatever, there's more documentation in the ordinance that I wrote than is typically submitted with a proposal for referral. So I think if there's enough in there and I would like it to be taken up by the committee of the whole soon. It gives all the authority that's needed to enforce the laws that are being broken that are causing so much problem in this town which by the way I mean it is a small percentage you know it's like 16% on a national level, it's a small percentage of that 16% who present the issues that were discussed early tonight. Which means we undercount the number of homeless people for sure. Anyway I'm sorry I know I've gone over. I appreciate it. Thank you very much.

Mayor Jordan Hess Thank you Mr. Hunt. Other general public comment tonight? Mr. Jacobsen.

Riley Jacobsen Oh thank you. Good evening Mr. Mayor, ladies and gentlemen of the council. I notice that it's like agenda item 10 I'm hoping I can just talk to it now.

Mayor Jordan Hess I'm sorry, we're going to get to it quickly. We don't have anything else before it so we're going to hold off on the ordinance, until we get to that point.

Riley Jacobson Okay. I don't really want to talk about the ordinance. I can sit down and come back. I just have to go to work in 10 minutes.

Mayor Jordan Hess You can talk generally about it.

Riley Jacobson Okay. So how to put this, my name is Riley Jacobson that's j-a-c-o-b-s-e-n. I work at the Poverello Center and also serve on the Affordable Housing Resident Oversight Committee. As someone who was on the Homeless Outreach Team for about a year and a half the situation that we're dealing with has kind of been step one to step two to step three. Step one would have been the Department of Transportation motion to close down the Reserve Street encampment whereas the city did kind of band together and come up with a good solution, that was the authorized camping site. Now then with the closure of the authorized camping site luckily we have the Johnson Street emergency shelter open so most folks were able to go there, however, when Johnson Street closes you were all aware there was nowhere else for anyone to go. There was no authorized camping sites for anyone to camp at other than the Safe Outdoors space which is also very limited in its capacity. And so as a result of that we're seeing more folks flood inward, we're seeing more folks kind of come to where there are services. We ourselves at the Pov can't speak for it. We all are aware that there is an encampment out there. I do believe strongly that there are probably a lot of solutions that are being talked about right now. That there are a lot of really good minds that are devoted to helping find a solvable and workable issue for this because in all reality it's a lack of housing. That's the biggest issue that we're seeing is the lack of affordable housing. We're seeing a lack of overcomeable barriers that allow people to get into housing which results in a larger percentage of our people being on the streets. As someone who has experienced houselessness it is incredibly difficult to get into housing, to get a job when you're looked at as dirty, as grungy, as an addict, as other things when in all reality you're just someone who's down on their luck. You're a community member. To answer a question previously at our last head count there's upwards of 586 people within our community who are experiencing houselessness and that number continues to grow every day as our housing market gets slimmer and slimmer. So I guess not to make a request or even to really touch upon the issue I just simply recognize that to create more barriers to housing is going to make it more difficult for those who are most vulnerable within our community to get into housing. A large percentage who are from Missoula who have lived here their entire lives and due to mental health and addiction issues are now living on the streets. So while I trust in leadership, while I trust in the work that's being done by everyone on the council and everyone in this community and I feel in my heart that there is a good solution, to start issuing tickets for something is going to create a larger barrier for people to overcome which is also going to create a rise in our jail population which is then going to put a further strain on our taxes which is also going to result in people losing their IDs and then entering houselessness again. So just something to take into consideration. I'm sure everyone is thinking through the issue to the best that they can, but personally, I don't want to see more folks enter houselessness with more barriers because ultimately at the end of the day it does make my job harder and that's another thing that I have to overcome. Granted this issue is about folks in our community who are living on the streets. So I trust everyone. I know that there's going to be a great decision that is made but I strongly feel that when we look at our community we need to be making decisions that consider everybody not just folks who are living in homes because ultimately we all live in Missoula even those who are living in tents and they're no different than anyone else they just have more to overcome to integrate back into society. So thank you.

Mayor Jordan Hess Thank you.

Chester Scitz My name is Chester Scitz. I don't know if you want the spelling of the first name or last name.

Mayor Jordan Hess Your last name is fine.

Chester Scitz Then s-c-i-t-z. And also the lack of bathrooms is astounding and beyond that downtown is there's absolutely no life in the people, no uniqueness, and also beyond that I got nothing else.

Mayor Jordan Hess Thank you. Anyone else tonight for your general public comments?

Sue Silverberg Hi my name is Sue Silverberg, I live in Ward 6. It's s-i-l-v-e-r-b-e-r-g. I've lived in Missoula almost 40 years and I'm a mental health counselor. I work with adults primarily with serious mental illness and trauma. And I just want to express my frustration and sadness about what's happening with homelessness in Missoula. I'm not going to speak specifically to the ordinance. I know you guys are all working really hard and I thank you for your hard work. I know it's a complicated issue but folks who are homeless are not disposable. You know the majority of people who are homeless are people with serious mental illness, addiction, which addiction is another mental health issue. There are survivors of abuse, trauma, veterans, and people who are poor. And the fastest growing number are women and children. It's just unconscionable that in a place like Missoula that we have hundreds of people without housing and I see the city doing a lot of things with a lot of money and I know I realize that money sometimes has to get spent in a particular way but I know that we have funding that could be allotted to addressing this issue. We have tons of open spaces in Missoula. We have tons of open housing. We have housing that is not being used all over Missoula. Why can't we create a comfortable safe space? Why couldn't we keep the Johnson Street space open? There's a big outdoor space right behind it. There's a space already made. It has bathrooms. It has showers. It has space for people. I know that that's being looked out for maybe next year but we're having a problem right now and people are you know we have desperate people making desperate acts and I'm sorry Ms. Renault to hear about what happened to you and your friends but you were saying how people were disrespecting a veteran sculpture. Well a lot of homeless people are veterans.

Mayor Jordan Hess I need you to address your comments to the chair.

Sue Silverberg A lot of homeless people are veterans. And again this is an issue I feel like we should be using every extra amount of money and human power to figure this out so that people have a safe place to go. Thank you very much.

Mayor Jordan Hess Thank you, and for general public comment anyone else? Come on up.

Joe Pasdigselv My name is Joe Pasdigselv p-a-s-d-i-g-s-e-l-v. I figured my blood pressure has been too low for too long so I'm here again. And similarly to everybody else so far I wanted to talk about this a little bit, and I think I wrote two versions of what I wanted to say tonight depending on how many people were here. One of them is kind of just a brief history lesson for folks who may not have been around last year. I find the thing that's the most infuriating about this particular moment is this performative alarm that's coming from members of city council as if this crisis just appeared out of nowhere when we have been dealing with this for years. I have personally watched this body ignore every single warning and plea for real solutions for years. So a recap for years the largest encampment was under the Reserve Street Bridge. A couple years ago DOT decided to close it, so the cops and the city harassed those folks out of there, chase them out, but there was the ACS and Johnson Street Shelter. Okay so they moved there. That's about when I started getting involved because you hired a bargain brand Blackwater outfit who I warned you were bad news. You ignored that. You insisted that they were fine. A little while later they turned out they weren't fine. Who could have possibly foreseen that? In the months leading up to the budget last year whether I was in person or I was online I watched week after week professionals who work in care Industries. in health care, in services come and talk to you and plead with you every single week telling you what they needed. Telling you that they needed the shelters to stay open. Warning you that if you close these shelters that there was going to be a problem. They had nowhere else to go and now I'm reading in all the local publications, I'm seeing the statements that are being made by this Council acting as if this was a surprise. You were warned. You knew this was coming. You had the choice to make this less impactful and you refused to

take it. I was in the room when we were doing budgeting into the wee hours of the night. I watched two councilors try and make the argument for a different budget and I watched everyone behind that desk literally scoff, sneer, and roll their eyes at them. It was so frustrating. And now to sit here and pretend that this could not have been foreseen, that there could not have been any other way. And the most infuriating thing is I watched them, I watched you laud how good your programs were and how safe people were now and that has not been the case. People have died in the last few months. Your policy failures have a body count. You need to make budgeting decisions that respect the humanity of the poor. You need to have a little bit of political courage. I don't want to see these statements coming out of this body talking about how there was no other choice. Talking about how your hands were tied. One of the last times I spent here talking to you I was pretty mad and I'm pretty frustrated again but one of the last things that I told you is that I realize you have a hard job. But you wanted this job. There are no easy solutions here but you need to be making these hard calls and you need to understand that if you continue to criminalize homelessness this process doesn't end. I will be back in three more years and it will be the same nonsense again and again and again and the bodies will continue to pile up. I hope that this year and that the amount of public comment that you've been getting and the pushback from the citizens that you've been getting can inspire some real change. I really do.

Mayor Jordan Hess. Thank you. Anyone else in the room tonight?

Travis Mateer Travis Mateer, Missoula resident. I like to think that previous commenter he's going to make me look calm and quiet. For an even further history lesson the Reserve Streets area is an area that's really close to my heart considering that I was successfully involved in managing that area along with the Clark Fork Coalition and the health department for years. We did two collaborative cleanups and it was the year after I left my job as the coordinator of the homeless outreach program that the bad media during that year and during that cleanup scared the Clark Fork Coalition away from doing collaborative cleanups. With no hands or boots on the ground, a couple years of inaction led to tons of trash, created an environmental crisis out there. So yes the Reserve Street area now has been shut down by MDOT and I support that. I support now a fence that's keeping people from turning that area into another no-go zone in which sexual assaults are happening and meth is being dealt. The ACS is another situation in which we need a postmortem analysis to provide objective information so that we can have a clear understanding of why something that was set up with no rules and allowed people to build structures that were inappropriate ended up failing and for good reason, because it provided a serious public risk to the people that were living there and to the people that were working there. I don't like having to support private security at this point having been so critical of Rogers International but I now am having constructive conversations about people who saw the reality on the ground who understand that there's meth dealing happening within the ACS who understand that there's a criminal organized element and that law enforcement needs to be supported. First Responders need to be supported and bureaucrats need to quit spending so much energy okay supporting your TIF tool. You paid a lot of people to go out to Helena okay to protect tax increment financing so that people, so that, we have a lot of passions and I'm going to hold to three minutes. Thank you.

Mayor Jordan Hess Thank you. Anyone else? Mr. Anderlik.

Mark Anderlik Excuse me Mark Anderlik, a-n-d-e-r-l-i-k and I'm resident of Ward 6, I'm pretty sure. Anyway what I want to make a comment is I was at the clearance of the Russell Street Bridge and Kamet. I saw Mayor Hess there and I saw Daniel Carlino there the day before. And I would say that for starters that the police and the Park Department folks were very polite and you know treated people well. However the objection I had was in the actual what happened here making the decision in essence to clear that camp. That's not sustainable and that is I'm going to save my comments about that because I have a lot more passionate comments about that but what I want you to do is to seriously consider Mr. Hunt's ordinance and it's something that's much better written than what you have on the books right now and it would help alleviate kind of the conflict that that you are seemingly finding yourselves into here. And it doesn't solve everything but it actually I think is going to be the next step because housing first is the solution and there is

no other solution. Moving things down the road, moving people out from encampments making you know it does not solve the problem. So please consider Mr. Hunt's ordinance to replace the ones that you're probably going to vote on today. Thank you.

Mayor Jordan Hess Thank you. Mr. Moore.

Bob Moore My name is Bob Moore, m-o-o-r-e. I tell you couldn't hear any more as stronger comments than you've heard now for the last half hour or whatever it's been. As to my recommendation to get rid of the Missoula Redevelopment Agency. They're spending money at y'all's agreement like everything, everything. Millions of dollars to a shopping center, millions of dollars to two hotels, fifty thousand dollars to help a convenience store change his laundromat to a casino by the hotel or whatever you want to call it on Broadway and on and on and on. Even when you got approval to do something you can't use some common sense. I give anybody a thousand dollars to adequately explain to me why you put in four roundabouts at Lambros I guess many of them I can't even keep track of which one they're covering, on and on and on. I saw an article today in Marshall Mountain. It was way back wondering what to do. One of the comments in there is along with this picture Marshall Mountain to have a trail that is one thing this city really needs, it needs another trail. So the city told you or told the powers to be what they thought about the trails when they voted down the one in the Fairgrounds, and on and on and on. Nobody cares. I sit here and look and see you know well half a dozen people have made strong comments about what you're doing. You could care less. I don't know why you sit here and listened to it, because I know that you could care less. I have mentioned it to you about blight. Everybody want to know what blight is. Because blight is whatever the powers that be, the city council wants to get something done. That's what blight is. I told him I have my sidewalk is uneven, I want him to fix it because it's blight and y'all just keep on and on and on. It's disgrace. The MRA should be abandoned probably a half million dollars in salaries right there that could go back to being used in a better fashion. Thank you.

Mayor Jordan Hess Thank you Mr. Moore. Anyone else in the room tonight for general public comment?

Cassie Manion My name is Cassie Manion m-a-n-i-o-n. I work at YWCA Secret Seconds sometimes on Broadway and I just never expected my job at Secret Seconds to involve some of the things it has involved recently and I know that we have a housing problem I know we have a mental health problem. YWCA is raising funds for homeless families but we are getting less and less people willing to walk into our building because of the campsite that technically is not on our property but looks like it surrounds our buildings and I just want everyone to know what a day in our life at Secret Seconds is like. It involves shoveling human waste, vomit, beer cans, picking up hypodermic needles, a bunch of us girls leaving the other day had to be told to stay in the building because we had a gun threat right behind our building. I'm just shocked at what it has turned into and I know a lot of the girls are worried for their safety. We had one not come to work the other day because she was worried after. That two stabbings right next door, a gun threat and we just did not sign up for that. We are working at a retail store you know just trying to make our wages and go home to our families. So I can understand we want to have compassion but at the same time I have to clean up the glass. I have to clean up the alcohol, the huge messes they're leaving. I do that daily. I clean up feces probably twice a week. It's just we need some help over there and I hope people are thinking of us as well. Thank you.

Mayor Jordan Hess Thank you, anyone else tonight? General public comment.

Mr. Clayton Good evening. I hope to be a help to our previous speaker. I have recently been moved off of a camp that I was holding for about a month and a half. What we were trying to do with it was make an intentional camp something that was actually doing something with its time and making some kind of positive difference in the Storm. So we were a food camp. I volunteer for the food bank a couple hours a week. It gives me almost enough food access to feed seven days a week for dinner at least if not a lunch and a breakfast at least for the people that are there helping. Quite often it's for 10 to 15 for lunch and breakfast. It's pretty good. I by no means serve the 60 people that I was quoted in the paper for lunch. That's a full day at this. Some of what I'm

trying to address is what's going on here some also is the way that our last camp was portrayed and the only thing that I've been able to take in is the newspaper article but I'm sure that 100 needles probably were collected there, out of collection boxes that I picked up myself because I walk that site every morning, because I hate needles and I had five boxes there that I got thumbs up from the police about having there, not having Narcan that I don't really want to have to have around my site but it seems to be a necessity. I planted garden beds of that spot that had every intention of being there for the community after we left and we micro-trashed it. Instead all the rocks are flipped back over, the walls were taken down, the stairs were taken down. I've been a professional stone mason for almost 20 years and I tried to do something with the rock that we moved and make it intentional and useful. I was in the process of offering to move back anything the city wanted when I looked over and realized that they had taken the rocks and thrown them down on the garden beds and crushed all the starts. Those don't do anything but put roots in the earth and feed people and if your problem is erosion then roots in the earth is a good thing. It's the first month, month and a half of this decision and there are going to be mistakes, camps are going to flop, big mistakes are going to be made, citations will probably be issued you know. But we can't expect anybody to hit the ground running on a new decision and make it perfect. I think intentional camps would be helpful right out in the open on pathways where they're kept clean and people can use them. Trash camps, food camps, medical camps that would keep infrastructure in our own hands until we couldn't deal with it and make it so that the impact on the city is less and if those camps could toe the line and be clean and do what they say they're trying to do it's an example that other people can see, see the benefit of and maybe learn to live by. That's all I'm trying to do. I have food access. I cooked most of my life. I cook 10 to 18 hours a day right now from the time I get up until I go to bed and try and keep that clean. We just got bounced out of Russell. It has been a mad house down there the last couple of days. We got an easy up yesterday, more Tupperware to put everything in. I'm going to clean that up myself over the next couple days and have it looking the best I can with or without help because it's the example I'm trying to set. I hope that I can help better and if I can't then I'll try and find a different space where I can do the same thing and better it there you know but when we left Russell I was not about to give up serving food free if I feel that there's any positive impact that's going along with it and I'm happy to sit down and talk about solutions or things that I can do in my space to help impact less on the people around us. And if that means sending someone past the front of the YWCA in the morning to make sure there's a cleanup before everybody comes to work I can try and do that you know. I can try and express anything and if I can't get it done I can do it myself. I'm happy to help where I can and I hope that this this decision today helps the general process of where we're going.

Mayor Jordan Hess Thank you can we get your name for the meeting minutes please. Clayton. Thank you anyone else tonight general public comment? Yes.

Barbara Pulley My name is Barbara Pulley p-u-l-l-e-y. I have a simple solution. It's probably a little naive but the Parks Department has spent numerous hours doing cleanup. They've had it problem getting staffing and I really feel like they have the Marshall Mountain as additional responsibility where there's some trails and my suggestion is to have a temporary outdoor shelter for the homeless at Marshall Mountain and for able-bodied people who want to work and build the trails. That would save the Parks Department staffing as well as responsibility. I know it's a little bit in advance of the Marshall Mountain, but it seems like they're building trails already and why don't we put all these able-bodied homeless people that have time on their hands and give them shelter and showers and bathrooms and have a camp up there and it would be out of the neighborhood and it's just a suggestion. Thank you.

Mayor Jordan Hess Thank you, anyone else tonight for general public comment?

Nancy Butz My name is Nancy Butz, it's b-u-t-z. I was here for the committee meeting but I want to talk about something different. I wanted to ask the council as you've considered this park's change which I hope you will support. I want you to also please consider some sort of riparian protection zone. Where temporary structures and unpermitted or unpermitted structures cannot exist and can be removed as well

as any personal belongings that are left behind. I walk the river path on weekdays. I watched as the tents were in the areas that anybody who's lived here for any amount of time knew were going to get washed downriver and you wonder what's going to happen to the people in them. Why those tents weren't removed, literally I walked one day there were tents there the next day those areas were under water. At the very least you have a garbage situation. At the most you have a situation that endangers people's lives. It's not because we have rights that we have responsibilities, it's before we have rights we have responsibilities and it was argued at the committee meeting that the most basic human right is the right to exist. It is. But that does not mean that the person or group of people have a right to exist however, whenever, and wherever they want to exist. For centuries if not longer it has been the arrogance of mankind that we can be wherever, however, and whatever we want. Before we have basic rights it is our basic right we've always thought to manipulate our environment and somehow that supersedes the river's right to flow cleanly and all of the infra systems that depend on that. The ninth circuit did not say that environmental areas couldn't be considered. It is the health and safety of all. This is also an emergency just like the park's situation is. I was actually one of the first people born at Community Hospital when it was the new hospital if that tells you how old I am. Anybody who's lived in Missoula for as long as I have know the decades it took to clean up our river. Homelessness is a huge problem and I don't want to bring that down I don't think it should be illegal to be homeless but we also have a huge responsibility to our river and as I'm walking that path my responsibility is to stay on the path, to not go off the path where I can cause erosion or step on some of our native plants yet there are tents down there right now. I watched a man building a bridge into the river out of pallets and logs. Those pallets have nails. You're just putting that into the water. It doesn't seem that the ninth circuit in any way was saying you could not have a zone where these sorts of structures can't exist because of the health and safety of our rivers. I believe the head of the Parks Department said they cleaned up 70 tons of garbage from one campsite along the river this spring. Wasn't it 120 tons the year before? This is not sustainable for anyone whether you're homeless or not. We need to protect our environment first and I please ask you to consider also doing an emergency zone for the riparian areas in Missoula.

Mayor Jordan Hess Thank you. Okay any other general public comments tonight?

Gwen Nicholson Hello my name is Gwen Nicholson I'm from Ward 1, n-i-c-h-o-l-s-o-n. I'm a lifelong resident of Missoula and as many of you know I'm also a candidate for city council currently. I just want to speak to the sentiments that I've been hearing tonight. I think there's some common ground that can be found. I think everybody here tonight agrees that we all want a safer Missoula. We all want a more friendly city and we all want public spaces where we don't feel threatened, and I think that's a goal that's shared by the housed community and the unhoused community. I also think that there's an understanding shared that we're in a really dire spot and that situation is really, really bad. And that situation is the result of decades worth of policy that has created this entire predicament that we find ourselves in today. And I just want to point out that the longer we go without a real substantive solution the more everybody in our city is going to suffer and that goes for again everybody housed and unhoused alike. We have seen a vicious circle where we chase unhoused people from one place to another and every single time I think we see more strain on emergency services, we see more money gets spent on security that could be going to other places where we all know the budget is tight. We all know that that money could really be spent in some ways that would really help out the entire city as a whole. And it's unfortunate and it leads to more violence and it leads to more suffering and more people getting caught in this trap of violence and addiction and being on the streets. But the fact of the matter is like we can't just wish poor people into the corn field. You know I think that's been tried in the city before and it's led to a lot of pain and it has failed to meaningfully address the issue which is why we're all here today. I think it's just a plain fact that there's really only one long-term solution and that's getting unhoused people into permanent housing and finding ways to prevent people from making it onto the streets in the first place. I really think that's where the city's attention should be. And quite honestly if you don't want to see unhoused people that's the only real solution to invest time in because everything else is going to be a half measure and it's going to be a band-aid and

I think whether or not you know we talk about this emergency thing we're going to wind up here in a few years, a few months, you know we're going to wind up in the same situation again with more human lives made miserable and more of our budget wasted. I think at some point it's going to be very clear to everybody that we need to find a permanent solution and that we can't keep going on this merry-go-round because like I said it's not working for any of us, it's not working for anybody in this community. All right thank you.

Mayor Jordan Hess Thank you, anyone else tonight with general public comment?

Dan I'm Dan. You'll have to excuse my appearance I did just come from work so I'm a little haphazard but it's great to be here. Thank you for having me. First off y'all remember me, you know me I'm the guy who comes around and tells you hey let's not forget but every single person I heard speak tonight and I probably didn't get to hear them all but they all came from a place of love and maybe that'll help you remember every single person who spoke tonight because every single person who spoke tonight had something to say right. So let's not discount them on that fact it'll make it easy. Secondly I just want to get going I know you got a lot of money to spend tonight so I don't want to you know take up your time but a few things. I talked to a lot of people I'm not just here to represent myself. I'm here to like bring you a couple of things from different people that I talked to who couldn't make it tonight. You know first off the preschool graduate he said more Spiderman, but beyond that the serious stuff I find it hard to believe we can't engineer a solution for these folks and create one safe space for them. I see a lot of opportunity out there in West Missoula and you know I used to remember the folks around this little table were pretty good at getting grants that's what I remembered. I find it really hard to believe that we haven't found a way to beat the system and to get the money to get these people a space. For instance like why don't we build them a castle with outlying farms and get some funding for that somehow. We can call them therapy farms or sanctuary or we could get a little more austere make them work farms. There's got to be a solution. All right next I don't see the attorney. I heard a rumor in Missoula that he's retiring and I just think we ought to throw them a party. Also sad that I missed you guys at the Union Club not you know plugging but I heard a bunch of democrats got down, came on down to the Union Club had themselves a good time, wish I would have known you were there. I don't know if you were there Mr. Mayor interim, but you know I heard Zoey Miller was there and that's groovy and I just want to say on top of that you know we should allow people you know who care, who love this place to speak especially if they have very solid input. So I just you know I hope we're not wielding you know two faces when it comes down to just you know what we say we believe and what we're willing to like have the courage to like let people speak. Thank you.

Mayor Jordan Hess Thank you.

Andi Hoelzel Good evening. Andi Hoelzel, Ward 2. I pronouns are they/them. My last name is spelled h-o-e-l-z-e-l. I want to talk about the ordinance later I also want to talk about the Pride Month Proclamation. I love it. I love proclamations it's a lot of words and a lot of nothing else but actually I realized that every time I stopped like really hyper-vigilantly paying attention to what's happening at city council some ridiculous thing starts happening. I recently found out that the people who live across the street from me, well not across the street but across the park from me are now in Ward 1. But I remain in Ward 2, why because council person Sierra Farmer is my neighbor and so there was a special line drawn out for me, not for me I know you don't all care about me that much, but for CR Farmer to remain in Ward 2, what I also understand is that there are approximately three blocks in East Missoula that are no longer part of the city limits despite the fact that those are in case you are wondering and unclear those are poor folks homes but the housing that's relatively new next to the golf course out there now is in the city limits. I'm not sure if I just really was not paying enough attention or if these things weren't really clearly brought forward and we didn't have really open public dialogue about these things because it matters who's in each Ward, who gets represented. It matters who gets to vote and it matters then who's at this table. As far as a whole bunch of the things, sorry one other thing I'm sure I've missed this but I do hope that someone perhaps my Ward representatives can explain to me why it appears that our permanent solution for Missoula's newest destination park which is the one that we had

to combine, raise funds for Councilperson West is very familiar with the raising money for West Side Park seems to have a permanent bathroom solution as a porta potty. I have a lot of questions about that. Because it is actually Missoula's newest destination park. It's a great park it's really great. Kids love the zip lines wild and it bangs against the thing and it makes a big loud noise at the end which makes me nuts but I'm not sure why a porta potty is the permanent solution to that. Whereas all the other Parks have structures. I saw a kid take their bathing suit into the porta potty to change to use the splash deck. She wouldn't have to do that if she were at Bonner Park. And lastly, as far as what I'm hearing a lot of other community members speak about I don't know what the solutions are. I've been coming here for so many years I don't know what the solutions are but I do know that all of us in our own circles could be having conversations with people about whether or not we have safe disposal for needles do we know how to do that? Do you know how to distribute Narcan? Do you understand what it is and what it might feel like and be like to interact with somebody who's in crisis? These are things we can take upon ourselves in the meantime. All of you who might be spending your free time walking out of your Airbnbs, changing the laundry, making sure that it gets vacuumed before the next guest who's paying hundreds of dollars a night to stay and be in Missoula. All of us could be doing those things because clearly sitting here talking about these things and voting on ordinances and asking the police to cite and remove folks is not enough. There are other things that are part of building community that we could all be doing including those of you sitting here. I would love to encourage all of you to engage in those kinds of dialogues as well. To go down to the encampments to meet people, to be in relationship with people to show up at Food Not Bombs Sundays at six o'clock and serve a meal, have conversation find out what people need etc. There's more to this than just passing ordinances.

Mayor Jordan Hess Thank you, anyone else with general public comment in the room? Mr. Larson.

Matts Larson I'm Matts Larson, Ward 3. Thanks for the introduction. I'm glad I came in person to see this. This will definitely go down as one of like the three or four meetings with the most fiery comments area I've heard in a while, but that's neither here nor there. I also wanted to bring to the attention of the crowd mostly the Sleepy Time Inn and some of the more disturbing revelations with that mainly that it was purchased with the goal of non-congregate shelter which I mean it housed about 300 people let's call it maybe 300 nights of stays and cost us about 1.2 million dollars to purchase. It's since been completely torn down because of contamination. So I'd question whether we should have been keeping people there to begin with. But again neither here nor there. It's now being sold for \$860,000 or something around that range and it again it's just disheartening because we as a community are seeing our money just kind of flush down the drain. Like what was the point of that? If any other building was purchased there would have been appraisal, maybe an environmental inspection that would have you know superseded us purchasing this lemon, but instead you know we as a community are fed you know feel good news from The Missoulian about all the salvaged crap from the Sleepy Time Inn that's now going to be sold to someone and it is one of many things that just brings into question the decision-making process of this body. Because we could have probably spent that 1.2 million dollars on actual houses that could actually house people. It's just an interesting fact that you know I find a little disheartening and a little eye-opening but again it's one of these repeated kind of themes that happens here a lot like what happened with The Reed we saw everybody come out from the University District tell you guys not to develop The Reed, not to approve that but it happened anyway and it's just continued. So we really want to see more accountability from our representatives. And less kind of talk and if we're going to have an affordable housing trust fund and if we're going to have zoning regulations we might as well enforce them and not just for the unhoused people but for all the people with illegal Airbnbs like the Mayor's associate, or all the people you know who are not homeless. We need to have a fair system for everyone and I don't think that the city attorney's office not issuing a single fine ever for an Airbnb is fair to our unhoused populace. The whole platform in general is just completely added to the perpetuation of our houseless and housing crisis. But in conclusion I guess I just ask that everyone here do better and maybe have a little bit more due diligence in the things that we're implementing and the

pieces of property that we're deciding to buy because I think that it's almost undebatable that that was a lemon and I don't know how we're supposed to make back the 1.2 million dollars by selling it for \$860 plus all the costs to deconstruct it. But thank you.

Mayor Jordan Hess Thank you sir, anyone else tonight on general public comment?

Tonya Foley-Neuman Hi my name is Tonya Foley Newman, f-o-l-e-y hyphen n-e-u-m-a-n.

First of all I want to say thank you very much just being in the audience how attentive you are to at least listening and paying attention. I find it nice but the one word that came to my mind while I was sitting there was that I feel like you guys are in a very precarious situation and I just looked up like is that the right word I want to use and what precarious means is not securely held or in position, dangerously likely to fall or collapse. And it's unfortunate but I feel like that I've had I had a business in town for 20 years and I got out of it in this last year for numerous reasons but one of them was the location of my business. I did well in the in the space but the homelessness issue became really quite a problem and I spoke many times at different things but I find that perhaps some of the information or the ways that we're dealing with it has perhaps a little bit to do with some of the outside influence that you've had. We've had the United Way being part of our 10 years to end homelessness and that impact actually has gotten worse. It hasn't gotten better. There hasn't been a better thing getting information from a big group like that which I know they are very big into helping each and every one of you and they speak with you all the time and I think their intentions are great but I feel that perhaps you might want to get information from outside of the circle that you perhaps are in individually and even like one of the people said come down and clean because you say that we outside people go down and clean and clean up other people's messes and from what I know I don't think anybody on city council has actually gone down and cleaned. Maybe you have and I just haven't, yeah maybe okay I don't know. Not everybody I'm not saying all, but at the same time I just think that the word that I just kept thinking was precarious situation and I hope that you're able to with the help of your citizens be able to make some changes in our city going forward instead of continuing to oscillate in this space. Thank you.

Mayor Jordan Hess Thank you, anyone else tonight with general public comment? Okay seeing no one in the room anyone online. I have Todd H. And Todd if you would just spell your last name for the record.

Todd Harrell My name is Todd Harrell. Last name is h-a-r-r-e-l-l. Yeah, I've been a Missoula resident for going on seven years now and this has been a situation that I've just seen continue to get worse and worse with absolutely no viable solutions made. I agree with a lot of the other speakers here. We need to like address this problem directly, correct. So I think it was Mr. Larson said about that property that cost 1.2 million getting people housed is the solution to this problem. Getting people the ability for services is the solution to this problem. Getting people trash services. Getting them health services, all types of things like that but number one is getting them housed and the ability to have their basic needs met. If they're not getting their basic needs met this problem continues and spirals and can like, that's how we're getting a lot of these things that are kind of spinning out of control. Yeah, I would just say the I think we have the solutions around us with the ability to create affordable housing in areas that are not food deserts like the west side of town, like over by the airport, things like that. Continually pushing and gentrifying the center of town is not going to help. We need to have affordable housing also like you know a situation that is paid for that allows housing for folks beyond the Pov that is going to just yeah give people the basic needs that they're going to need to survive. Yeah but just looking at a lot of the housing going up currently just it's in town is so unattainable to someone who has moved here, plans to continue to live here, has a pretty good job in town but it's like absolutely ridiculous that like affordability is not being even considered in the actual like city itself and it feels like most folks are getting pushed out and yeah just going to leave it. Thank you.

Mayor Jordan Hess Thank you Mr. Harrell. Anyone else online tonight? Seeing none we can move on. Thank you all for the general public comments and Mr. Carlino now I see your hand.

4. ANNOUNCE COMMITTEE MEETINGS, COMMITTEE MEMBERSHIP APPOINTMENTS AND CHANGES TO COMMITTEE AGENDAS

Aldersperson Carlino I just wanted to suspend the rules to allow for council comments at this point in time.

Mayor Jordan Hess That motion is not technically in order during, we have a period where motions are not in order, however, since this is a motion to suspend the rules I guess I'll take it, and Ms. Rehbein can you give us guidance on that requires a two-thirds majority. It is debatable correct? or non-debatable.

Marty Rehbein Motion to spend the rules is not debatable. And it requires two-thirds vote and I think it's a two-thirds vote of the let me check, I think it's a two-thirds vote. Let me double check. Jim Nugent if you're on and you know off the top of your head _____. I've got it hang on. Two-thirds of those present and voting may suspend any of these rules of Mason's Manual Legislative or Mason's Manual of Legislative Procedure. Two-thirds of those of you here.

Technical audio difficulties.

Mayor Jordan Hess Ms. Sherrill, I'm going to lower your hand because this motion is nondebatable.

Aldersperson Sherrill I'm sorry, my hand is I can't hear, I'm having a hard time hearing you Mayor, I'm not wanting to debate the motion.

Mayor Jordan Hess I'm sorry is that better.

Aldersperson Sherrill A little bit you just started going really, that's a little bit better.

Mayor Jordan Hess Okay so we can have a roll call vote on the Motion to suspend the rules Ms. Rehbein.

Mayor Jordan Hess I'll note that there will be plenty of opportunities for Council comment on these topics. We have next our announcement of our committee meetings. Ms. Rehbein would you announce the committee schedule please.

Marty Rehbein I'd be delighted. Before we get started with the committee schedule though I did want to announce that we do have a delegation from New Zealand that is in town this week and city council members are meeting with this delegation this coming Wednesday from 9:00 to 9:30 right here in council chambers. So it's not a formal meeting of council but there will be a quorum of council so I want to make sure that the folks watching tonight know that that is happening. Let's go through the committee schedule. I'll share my screen.

Housing, Redevelopment and Community Programs Committee, 10:00 a.m. – 11:50 a.m.

Land Use and Planning Committee, 1:10 p.m. – 3:25 p.m.

Budget and Finance Committee, 3:40 p.m. – 5:15 p.m.

Public Safety, Health and Operations Committee, 5:30 p.m. – 5:55 p.m.

Mayor Jordan Hess Thank you Ms. Rehbein. Are there any changes to that schedule?

Seeing none that will stand as presented. Now we can move on to our Consent Agenda and just for folks in the audience items on the consent agenda were generally approved unanimously in city council committees so we save a little time on Monday nights by just taking those up as a package. Ms. Rehbein will read the list aloud and all of the documentation on those items are attached to the agenda online as well and then we will take community comment on the items as a package before we vote as well as council comment. Ms. Rehbein.

Marty Rehbein Tonight's Consent Agenda has seven items. I'll share my screen so folks watching at home and on their computers can follow along.

Moved by: Alderperson Carlino

Alderperson Carlino moved to suspend the rules to move Council comment up to this point in the meeting.

AYES: (1): Alderperson Carlino

NAYS: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Jones, Alderperson Jordan, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, and Alderperson West

ABSTAIN: (1): Alderperson Vasecka

ABSENT: (1): Alderperson Farmer

Vote result: Failed (1 to 9)

5. **CONSENT AGENDA**

Mayor Jordan Hess Thank you Ms. Rehbein. I see your hand, Mr. Carlino. Per our process we go to public comment first so I'll come right back to you. Put it to public comment on the agenda.

Matts Larson Matts Larson, Ward 3, l-a-r-s-o-n, the second claims of 5.3 there's some non-departmental SID claims and then some that are assigned as SIDS. I'm just wondering why that is like there are some that are their own SID department and there are some that are non-departmental, anyway I've just figured that I would point that out. Also there's another non-departmental charge for Witham Smith on that same page. It's obvious if you Google that name it's a finance software so I would suggest that you probably I don't know assess that to the finance department because it's accounting software. Again this is like a reoccurring theme. We constantly have a bunch of non-departmental costs that are I'm sure attributed to departments but for whatever reason they aren't so I was just hoping maybe we could get some clarification on that. And then the multiple dog license. I don't know if you've read this but it seems kind of overreaching like for instance and already we're, we have a housing crisis issue so getting housing for people with dogs is already an issue but like in the instance of people having multiple dogs because of multiple roommates whom is going to be delegated to get this multiple dog license in a household with five dogs let's say and five roommates, whose responsibility is it going to be and why does the Animal Control have to come back to your house a year later. It's written into the ordinance that they're going to be coming back to check on this whole situation even after you've attained the license. So it just seems like kind of a way to be in everybody's business all the time and kind of an unattainable license to get in the first place if you look at the criteria in which you need to apply to get the license. It doesn't seem very realistic for most anyone to be able to get this license. That's it.

Mayor Jordan Hess Thank you, anyone else on the consent agenda. Seeing no one in the room and no one online we can return to Council discussion and questions and whatnot. Mr. Carlino then Ms. Vasecka.

Alderperson Carlino Thanks, yeah just looking at the city claims on here each week. It's just interesting getting the details each week when we're finally voting to approve the different bills that the city's paying because whenever we're looking at the budget you know it's very vague, it says you know \$500,000 for professional services. \$200,000 for office supplies and then we finally get the details here each week and you know it's just interesting because when we looked at the budget it's so big that none of us truly even knew what was in the budget. Yet you all voted for it. And how do you know that we don't have money for shelters if you don't even know what's truly in the budget until we get these claims each week. So I just find that very strange and I think we should all dig into the budget as we go into budget season more this year. And it's also just

great to see a lot of public commenters come out today to speak on non-agenda items and it would be really nice if city council members were able to comment in response to people that come to public comment but I see that.

Mayor Jordan Hess Mr. Carlino we're on the Consent Agenda do you have anything specific to the Consent Agenda items.

Aldersperson Carlino Oh this is, it's all related to the claims and trying to create more public transparency but that's all I really wanted to say is that how do you know that we don't have money for shelters when you didn't even know what was in the budget at the time you voted for it.

Mayor Jordan Hess Ms. Vasecka.

Aldersperson Vasecka Thank you. I agree with a lot of what Mr. Carlino said but I did want to bring up what Mr. Larson said about the gosh what is it 5.4, the ordinance amending laws relating to multiple dog permits. That is a public hearing that we are setting for June 26th, so I would highly recommend you come to that public hearing and say your two cents on that as well as well as everybody else come and if they have any thoughts about that.

Mayor Jordan Hess Thank you Ms. Vasecka. Any other Council comment? Seeing none we can have a roll call vote on the consent agenda.

Mayor Jordan Hess The consent agenda is approved.

AYES: (11): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Carlino, Aldersperson Contos, Aldersperson Jones, Aldersperson Jordan, Aldersperson Nugent, Aldersperson Savage, Aldersperson Sherrill, Aldersperson Vasecka, and Aldersperson West

ABSENT: (1): Aldersperson Farmer

Vote result: Approved (11 to 0)

5.1 Accounts Payable (claims) for checks dated May 30, 2023

Ratify accounts payable in the amount of \$772,259.12 for checks dated May 30, 2023.

Vote result: Approved

5.2 Resolution establishing the Mullan Road Corridor Sewer Project Fee

Set a public hearing on June 26, 2023 to consider a resolution to establish the Mullan Road Corridor Sewer Project Fee effective July 1, 2023.

Vote result: Approved

5.3 Accounts Payable (claims) for checks dated June 6, 2023

Approve accounts payable in the amount of \$ 2,299,783.84 for checks dated June 6, 2023.

Vote result: Approved

5.4 Ordinance amending laws relating to multiple dog permits

[First reading and preliminary adoption] Set a public hearing on June 26, 2023, and preliminarily adopt an ordinance of the Missoula City Council amending Missoula

Municipal Code Chapter 6.07 entitled “Dogs” Sections 6.07.720 and 6.07.730 revising laws relating to the issuance of a multiple dog permit

Vote result: Approved

5.5 Professional Services Agreement with Morrison-Maierle for the Edith Street Water System Improvements

Approve and authorize the Mayor to sign a Professional Services Agreement with Morrison-Maierle for the Edith Street water system improvements at a cost not to exceed \$138,862.

Vote result: Approved

5.6 Remington Flats Subdivision Phases 2 and 3 Final Plat Approval

Approve the Remington Flats Subdivision Phases 2 and 3 Final Plat.

Vote result: Approved

5.7 Staff Report_ Sapphire Place Annexation, Rezoning, Subdivision, & Master Site Plan

Set a public hearing on June 12, 2023 and adopt a resolution of intent to annex the subject property legally described as Tract 2-A of Certificate of Survey No. 6689, located in the NW1/4 of Section 7, Township 13 North, Range 19 West, P.M.M. Missoula County, Montana as shown on Exhibit A, and zone upon annexation to Sxwptqyen Area Form Based Zoning Code transects OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, T4-R Neighborhood General - Restricted, and T5 Mixed-Use Center, and refer this item and the Sapphire Place Subdivision and Master Site Plan to the Land Use and Planning Committee on June 7 and June 21, 2023

Vote result: Approved

6. COMMENTS FROM CITY STAFF, CITY AGENCIES, COMMUNITY FORUM, NEIGHBORHOOD COUNCILS, BOARDS, COMMISSIONS, OR AUTHORITIES

7. SPECIAL PRESENTATIONS AND PROCLAMATIONS

7.1 Proclamation - Pride Month

Mayor Jordan Hess We do have two special presentations in the form of proclamations.

WHEREAS Missoula County and the City of Missoula acknowledge the lasting impacts of the homophobia and transphobia highlighted by acts of physical, mental, emotional, and institutional violence against lesbian, gay, bisexual, transgender, queer, intersex, asexual, and two-spirit people and communities within both the United States and internationally and whereas Missoula County and the City of Missoula have diverse LGBTQIA+ and 2S communities and are committed to supporting the safety, visibility, dignity, and equality of all of our community members and WHEREAS on June 24th and June 28th 1969 the New York Police Department conducted a pair of raids on the Stonewall Inn a popular gay bar in Greenwich Village citing anti- LGBTQIA+ and 2S legislation such as masquerade laws to arrest patrons and workers and WHEREAS these raids sparked neighborhood resistance known as The Stonewall Uprising led by transgender and lesbian activists such as Marcia Pay It No Mine Johnson, Sylvia Rivera, Stormy Delivare, Miss Major and other transgender women of color that served as a

catalyst for the movement toward LGBTQIA+ and 2S rights and equity and WHEREAS the courage and bravery of these activities of these activists in the face of violence served as a rallying call in the United States for greater movement toward LGBTQIA+ and 2S rights equality and equity and WHEREAS while advancements have been made in regard to policy change and more Equitable treatment of LGBTQIA+ and 2S persons throughout the nation there continues to be discrimination and violence against people in these communities making it essential for local governments to collectively take action to support community members who are impacted, and WHEREAS June is celebrated as LGBTQIA+ and 2S pride month Nationwide and WHEREAS all members of our community should be able to live without fear of prejudice, discrimination, violence, and hatred based on gender identity expression or sexual orientation. Now therefore Missoula County and the City of Missoula do hereby proclaim the month of June 2023 as LGBTQIA+ and 2S Pride Month and we invite all citizens to observe this month with programs, ceremonies, and activities throughout the community.

Mayor Jordan Hess And you can find more information about this month's activities and celebrations at Missoula-pride.com. We're grateful to the organizers for all they've done to organize a really rich set of events around Pride this month.

7.2 Proclamation - Sheila MacDonald Stearns Day

Mayor Jordan Hess Secondly, this is a proclamation that is retroactive with regard to a day last week.

WHEREAS Sheila McDonald Stearns stands in the highest echelon of Montana women who broke glass ceilings becoming the first female Montana Rotarian, the first female president of a Montana University system campus and the first female Commissioner of higher education, and WHEREAS Sheila McDonald Stearns elevated the accountability, affordability, and sustainability of the Montana University system for students, legislators, and all Montanans through nearly a decade of service as Montana's Commissioner of higher education, and WHEREAS Sheila McDonald Stearns dedicated her toil and talent specifically to Missoula's University of Montana for many years as Director of Alumni Relations, Vice President for University Relations, and post-retirement as President, and WHEREAS, throughout her life Sheila McDonald Stearns served not only as a role model for women but also as a friend and mentor to women, young leaders, and those battling illness throughout Missoula and Montana, and WHEREAS Sheila McDonald Stearns maintained a special place in her expansive heart for Missoula the place where she met her husband, raised her children, doted on her grandchildren, sang and laughed and mourned with friends, and gloried in all the joys of nature and community that are distinctly her hometown's, now it is my honor now therefore I Jordan Hess, Mayor of the City of Missoula in the state of Montana to hereby recognize the second day of June 2023 as Sheila McDonald Stern's day.

Mayor Jordan Hess And I want to just express my condolences to the McDonald family and the Stearns family. Truly a huge loss in our community.

8. FINAL CONSIDERATION

9. PUBLIC HEARINGS

10. COMMITTEE REPORTS

10.1 Budget and Finance (BF) committee report

10.2 Climate, Conservation and Parks (CCP) committee report

10.2.1 Minutes from the May 24, 2023 Meeting

10.2.2 Emergency ordinance amending Missoula Municipal Code Chapter 12.40 regarding overnight camping in City public spaces

Mayor Jordan Hess We generally recess about every two hours. We got a late start but I think this item might take a little while so let's take five-minute recess and we'll be back in order about seven minutes after, we'll just recess until 8:10.

Mayor Jordan Hess We have two items for committee reports tonight and they are related. The first is the emergency ordinance amending Missoula Municipal Code chapter 12.40 regarding overnight camping in city public spaces. The second is the companion ordinance that is not the emergency ordinance we will take these up as a package and then we'll have a discussion on both and then we will have two votes at the end, so Council members and members of the public can feel free to comment on both and again they're very closely related. Just so everyone's aware for a committee report item we have a staff presentation and then we have questions from Council Members, then we have our motions, then we have public comment, and then we have a parliamentary debate and Council comment. So we'll stick to that order and then lastly we vote at the end of all of that. So I'll start off our staff report and then I'll turn it over to Ms. Gaukler with the Missoula Parks and Recreation Department. I also note that we have Chief McCollier here and Deputy City Attorney Brian Sudbury here. We also have other members of our urban camping policy advisory team online in the virtual meeting. We have Erin Pehan here from Community Planning Development and Innovation and we have our Chief Administrative Officer Dale Bickel so we have lots of resources to get questions answered and talk through the ordinance tonight. I want to start out by framing at the broadest level that nobody in the city is pretending that this is a long-term good solution or that this is a total solution to any of the issues or challenges that we're facing right now. We like cities around the Pacific Northwest, like cities around the country are struggling with folks in our community that are living without shelter. We are seeing an acute increase in those folks living without shelter throughout our community and that is something that's happening in Missoula, it's something that's happening in Billings, it's something that's happening in Bozeman, it's even happening in Great Falls this year which is very unusual for Great Falls. Same with Helena it's very unusual for Helena and it's and folks living unsheltered in public spaces that's something that's occurring in those places as well. We are not alone and we don't mention that to make an excuse. We do mention that to create the context that this is a statewide, a regional and a national problem that is increasingly being put on the backs of cities and towns that simply don't have the resources or competencies to deal with this in the way that we ultimately need to. So we are starting this conversation from a point of knowing that we have a lot of sub-optimal options in front of us. There were some comments during the general public comment section that it should have been well known that this was coming and I think it was well known and I think that the city has prepared in a way that was inadequate but was very much innovative within our state, within our level of resources and something that we can continue to iterate and improve upon. I've said around this issue a number of times a few years ago we didn't have a winter shelter and there were a group of City staff and a few elected officials in a conference room on a cold Friday figuring out how to open up a winter shelter the next day. That was in the form of an emergency operation to keep the Mountain Line Transfer Center open for a warming shelter. Some of you in the audience served food at that, some of you around the table served food at that, it was a community effort to pull together with no resources and prevent people from dying during sub-zero temperatures. The next year we got better. The next year we got better and that's what we do at local government. We figure out how to get better and we figure out how to solve problems even if they're not historically our problem to solve. And that's what we're going to continue to do and I think I probably speak for the majority of the folks around this table if not everyone and saying that this is an issue that we see, this is an

issue that we wish to work on with compassion, this is an issue that we wish to make substantial headway on. And we will. We're here tonight to talk about an ordinance change but we through our urban camping policy advisory team are working on a number of issues to not only improve our response to encampments that present a health and safety risk which is truly what we're talking about here tonight. We're not talking about people simply living unsheltered in the right-of-way. We're talking about people that present health and safety risks. So not only are we talking about that, or behaviors rather that present health and safety risks, not only are we talking about that in our urban camping advisory team, we're also talking about the long-term solutions that we all know we need in order to address houselessness in our community. And that is housing and that is sheltering and we will continue to work diligently on housing. We will continue to work diligently on sheltering and that is something that we will continue to talk about over the coming months and I can say one thing for certain, it is not fully developed yet but expanded sheltering will absolutely be in my executive budget for fiscal year 2024. That is certain to be in there and it's just something that we're working through the details on and that we are working very quickly to figure out. We had some, as was also mentioned in some of the comments we had places where folks were living unsheltered in past years that truly were untenable. The Reserve Street Camp has been mentioned several times and the authorized campsite. The authorized campsite was a failed experiment that didn't work. It was rife with violence, it was rife with human trafficking, it was rife with issues that we as city government cannot in good conscience support. So um so we're in a position where our federal funding has dried up where we lack some of the tools that we need to address this issue in a way that fully meets our needs and that's where we are right now. So the measure before us tonight is really to take a look at the Section 12.40 of Missoula Municipal Code and this is in order to bring our ordinance in compliance with the Boise versus Martin decision and I'll note that right now the ordinance as it reads prohibits urban camping in all public spaces in the city. We are repealing that in order to be able to have a more nuanced and an approach that is in compliance with the Boise decision. So this is about giving us a tool of many. This is not about criminalizing poverty. This is not about criminalizing homelessness. This is about coming into compliance with a 9th Circuit Court of Appeals decision and working through a very challenging situation. This is one facet of many. With that I'll turn it over to Donna Gaukler from our Parks and Recreation Department to run through what we're considering tonight and again we have other staff resources here for questions tonight as well.

Donna Gaukler Thank you Mayor Hess. Donna Gaukler Director of Parks and Recreation. I want to just in some cases repeat what Mayor Hess has said. We're looking at an emergency ordinance and then we are looking at setting a public hearing for the continuance of that ordinance. The emergency ordinance would only last for 90 days. Currently Missoula Municipal Code 12.40 covers city Parks and there are multiple sections within 12.40 and 12.40.10 prohibits camping on all public lands within the city. Many of those lands are not under the purview of the Parks Department and therefore we would be out of compliance with the U.S 9 Circuit Court of Appeals and we are unable to as Mayor Hess said provide more nuanced management of the park system and the public lands beyond the park system. There's been a number of inaccuracies in social media and other locations related to the ordinance. Suggestions that individuals are forcibly removed. I've been with the department since 1991 and I cannot actually recall a forcible removal of anybody other than perhaps two athletes getting in a fight during a sporting event. We do not use force within the system when we do have to remove somebody and by the way I cannot recall a time we've removed anybody for sleeping. When we have had to remove somebody for behavior

because they've been abusive typically to a sports official, to an employee, or to another user of the park system that is done through a process called Trespass and we have police and legal involved and it is done quite frankly quietly, peacefully, and with great respect and dignity. Our goal in those situations is to protect all users of the system. Again this is the park ordinance covers multiple behaviors within Parks. It talks about safe use of trails, speeding on bike paths, removal of vegetation, digging holes, defecation in public places in the Parks. It talks about hindering or impeding individuals' access to the trail system. It doesn't allow for depositing or spilling refuse, leaving behind large amounts of garbage. So the behaviors within 12.40 are really about providing a level of decorum and expectation for all residents of every type of every kind those currently sheltered or unsheltered so that we can have a reasonable expectation for a safe visit to our Parks. Protocols related to the ordinance, as of Friday we will have thousands of kids moving from the school system to the park system. We'll have hundreds of kids in the Parks program alone, sometimes 700 kids per week in camps from before 8:00 till after 5:00, it's a major component of our family's child care opportunities. Many of you in the audience and online know that child care is one of the greatest challenges to our businesses and to our families. These programs not only provided by Parks and Recreation but by multiple providers like the YMCA, the GUTS program, the YWCA, Montana Natural History Center, and many many more participate and take their kids to the Parks. They visit the rivers. They learned about the natural environment. They learned how to move about our community through public transit. They learn how to be citizens and residents of Missoula, and we're not talking about changing the way these kids think or their foundational values, we're teaching them about community and how to engage in this wonderful place we all call Missoula. We believe that everybody can exist within Parks peacefully and have a wonderful time. But in order to do that it is really important that everybody in those Parks recognize that everybody else also has access to this place to a clean and decent and respectful place, and it is in my opinion and to provide examples Parks and Recreation will visit a site multiple times if we have received complaints about an encounter. We bring garbage disposal containers. We ask people to keep their sites clean. In our most recent encampment cleanup it had well over 50 complaints most about obstruction or about visible observation of human waste or needles. At that point we also reach out to our wonderful partners with the homeless outreach team at Poverello and the many other partners who provide incredible services. It helped to ensure that individuals who are unhoused have access to the resources that we can provide. Again this ordinance change is not about solving all of the problems that we face as a society or as we face as a community in Missoula. This is about providing some level of decorum respect for each other and for every user in the park system. We have so many residents that rely on those commuter trails to get to work, to get their groceries. There is a huge number of residents living in Missoula who cannot use a vehicle or cannot go great distances to get around an obstruction in the trail. I mentioned hundreds of kids that we want to make sure have a safe space and aren't running into needles or behaviors that they really shouldn't need to see when they're children. This is about respect, decorum, a sense of equality for all children, adults, housed, unhoused, athletes who get angry when they lose their game and they don't agree with the sports official. The rules around closed Parks have been in place for at least three decades that I am aware of. This is not a new event. All we are doing is removing lands that are not under the purview of the Parks and Recreation Department. If you think about many residents in our community live near Parks. Our most frequent complaints are parties after hours. Those are actually more frequent than the unhoused individual that was observed. Our community has a great amount of compassion and care but our community also has a right all of our community members have a right to be able to use and

access their Parks, open space, trails and trailheads, their picnic shelters during open hours which are 6 a.m. to 11 p.m. The question is why do Parks close at night? We didn't design Parks to be lit up, to be safe, to not have trip hazards, to be able to play on playgrounds, to be able to have parties in the evening. We can't have different sets of rules for everybody. We can work with our partners in the housing and policy work, with our partners inside the city, our partners with police and housing and legal and Public Works to do our very best to maintain your public spaces, To meet your expectations and to respect the investment that the public has made in these spaces. So with that I want to emphasize Parks are really important assets for most residents. We have no intention of trying to chase people around. We don't have the staff or the resources to do that. We do take proactive efforts to make sure that restrooms and Parks are clean and ready for use first thing in the morning when families and kids start to show up. When people start to use the commuter trails. And then we also listen to residents' complaints. As I said I have promised to work with our partners with the housing outreach team and others to help provide the resources and focus that we can to help people live successfully until there are shelter options available. We've done this forever. I was just researching the last significant event that I recall as 2013. The food pantries were empty. We had a significant number of people living unsheltered and we happen to have the Rainbow gathering in the area at the same time. It was a very difficult time I literally emptied our food pantries. So PARX is aware as our the rest of city employees that this is a challenge. The ordinance's primary and sole purpose is to maintain a level of decorum for all people and expectation of behavior so that all of us, all of you can continue to use your Parks trails and open Spaces as intended.

Mayor Jordan Hess Thank you Ms. Gaukler. So our next item is in our order is questions from council members and I have Mr. Carlino followed by Ms. Vasecka.

Alderpersion Carlino Great thank you. I've got a few if that's okay to go through them really quick.

Mayor Jordan Hess Mr. Carlino go ahead.

Alderpersion Carlino Okay thanks. So yeah my first question with Section A in this ordinance is the intention to prevent people from going to the Parks at night time or in the morning time too because it says from 11 p.m. to 6 a.m. nobody should be in the Parks although the sun rises well before 6 a.m. at this time all summer long. So I'm just asking if the intention of that part of it is to stop people from going to the Parks during night time or if the intention is to also stop people from going to the Parks for sunrise and morning time as well.

Mayor Jordan Hess Ms. Gaukler.

Donna Gaukler The hours of closure and opening of the Parks is no change from at least three decades ago and the last time we did an update of the MMC 12.40 Parks Ordinance was in 2019 and we looked at length of the hours. Keep in mind in the winter it's not light until almost nine and it's dark again at 4 30. Six o'clock is when we start to see a real upbeat in uptick in use of Parks and 11 o'clock is when we tend to see a shutdown of park users and lack of lighting for most of the year. There's no intention to prevent or discourage a viewing of sunsets or sunrises. There is rather an intent to land on a time period when Parks are most heavily used and we can staff them and keep them as safe as possible.

Mayor Jordan Hess Mr. Carlino.

Alderson Carlin Thanks. Thanks for the clarification there, and then I guess I just stick with one more question. Where are we expecting people to go after they were removed from their camps?

Mr. Sudbury (assumed) Yeah I'll take that to start. The process when we have done an encampment cleanout is to have the homeless outreach team go in advance and make contact along with other service providers, frequently the Community Care Team is there. We encourage folks to get access to services via, or to become in the coordinated entry system if they're not already and get connected with services that they may be eligible for. We don't have alternative sites that we're sending people to or encouraging them to go to. We fully understand that most people will end up in the system in public right-of-way somewhere and the intent of a cleanup is exclusively to prevent a real entrenchment that is marked by a really large accumulation of hazardous materials, and just really unusual things that we're seeing that really do present health hazards. We encountered 50 pounds of rotting bacon full of maggots. I mean this is one of the types of things that we encounter in these cleanups and we try to compassionately connect the occupants with resources and also mitigate some of those health hazards. We don't have a great answer and something that I think we've been acknowledging all along with regard to where someone might go.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka Thank you. I've had some folks ask me about why we are striking Part B and I was hoping that somebody could elaborate upon that.

Mayor Jordan Hess Ms. Gaukler or Mr. Sudbury?

Donna Gaukler Yes in Section 12.40 part B is the specific reference to all public lands beyond Parks and if you go to 12.40.065 it still talks about camping but only in Parks and so by striking B we're removing reference to all public lands and it's listed later.

Alderson Vasecka All right thank you for the clarification.

Mayor Jordan Hess Ms. Jones and then Ms. Anderson.

Alderson Jones Sure and this might be for the City Attorney. I just wanted to go back a little bit. I've had so many emails where people are saying vote no against this because otherwise we are criminalizing homelessness and I just want some clarification on the record. Currently our code says that there is no camping allowed within city limits so to me that means we are completely out of compliance with the 9th Circuit. By striking that we come into compliance with the 9th Circuit Court ruling and then we are working with more specific scenarios is what we're trying to address with allowing Parks to have some tools to make those areas work for all in our community but it's, some of the emails I've had seem to be turning that upside down and I was wondering if you could speak to that.

Mr. Sudbury Yes I think you accurately characterize it, but right now in that subsection B in 12.40.010 it says effectively as Ms. Gaukler said, effectively you can't sleep anywhere on any city property anywhere within the city limits and be in compliance. Sleeping anywhere on city property at the moment theoretically at least is a Municipal Court citation and as we've talked about that, that broad-based approach to criminalizing sleeping on public property is deemed unconstitutional in the Boise decision so long as there's not enough shelter beds available for everybody in the community. So we've talked for several years I

think as a staff about how do we come into compliance with the Boise decision, what do we do to come into compliance, how do we change the code. We don't have a great solution I think as everybody knows but this has got to be the first step is acknowledging that the provision and the code right now is very clearly unconstitutional after the Boise decision and need to remove it.

Mayor Jordan Hess Ms. Jones.

Alderperson Jones Thank you for that. I just want that really clear on the record that currently we're out of compliance and we're actually going in a much better direction. Secondly Donna if you could just address if we have people who are camping, this is in the future. someone who is camping in a park. This is a park frequented by kids there's going to be camps what is the protocol going to be? How are we going to specifically address this situation to make it to get people to leave and make sure that it's clean and safe for our summer clientele that's going to be coming in in another week?

Donna Gaukler Current protocols and then moving in into the future is truly is about compassion and trying to help people find connections to be helpful. So once the ordinance passes at least the rest of the aspects or pieces of 12.40 apply. We know that people sleep in Parks all the time day and night. But it's the concentration of unhealthy behaviors that causes the challenges. So what we do we'll be doing a few things. We will be working with security and our staff to visit park sites early in the morning that we typically see a lot of kids at. Those tend to be Parks with playgrounds, spray decks, , meetup or destination locations for our camps and many of our daycares also go to those sites and so we will visit those sites early in the morning. Each of our employees including our camp leaders and same for other program providers do send staff out ahead for an initial surveillance of the site. If they need assistance they'll call a manager to ask for assistance. If we need greater assistance than that sometimes we will call police department and I think what most people may not understand is we actually get a super majority. It's 98% of people comply when we tell them that we've got a bunch of kids coming could you move on. Maybe higher. So the situations that we most often hear are similar to those that we hear in national news. The most sensationalized, the most difficult, the most awful and the truth of the matter is most people are very compliant once they understand it's a bunch of kids coming your way, or there is a foot race or whatever that may be and people seem to find a way to move around the Parks. We do engage the homeless outreach team whenever that seems necessary but our employees have developed a pretty positive relationship with many individuals in our community who are unsheltered, who actually are helping pick up garbage and keep Parks clean.

Alderperson Jones Thanks and I have one more good?

Mayor Jordan Hess Okay Ms. Jones.

Alderperson Jones I think you said that maybe Ms. Williams was on the line. I'm not sure if she's still with us or not but Donna you referenced that, well let me back it up, there's going to be some shifting. We don't have enough shelter beds we don't have enough housing and we've got to have some of these areas where currently there's camping cleared because we've got kids camps and kids coming in. So you referenced that staff will work with the organizations that work with our unhoused population but also I'm hoping that with some of the interaction the coordinated entry system will be able to be another intervention point and I was wondering if maybe, is Ms. Williams still with us?

Mayor Jordan Hess I don't believe she was but Ms. Pehan is here.

Alderperson Jones Maybe could to speak to that and acknowledging we don't have enough beds, we don't have enough spaces but starting to get people into the system to connect them with resources is always helpful and Ms. Pehan can you just speak to that a little bit?

Ms. Pehan Yeah absolutely. All of our efforts as Ms. Gaukler stated our done in conjunction with our provider partners, the Poverello Center's homeless outreach team as well as partnership Health Centers Advocates and every one of those interactions is an effort to enroll those individuals into the Missoula coordinated entry system. So upon entry into the Missoula coordinated entry system you are assessed and placed on the list based on your risk and based on prioritization which typically places folks that are unhoused and living outdoors as those at the highest risk and set for placement with the housing resources soon as one becomes available. That housing resource might look like a voucher through the Missoula Housing Authority or it might look like an apartment directly with one of our programs like the Cornerstone or the upcoming Blue Heron program as part of the broader trinity development. What we know though is that we are thousands of vouchers short in our community and hundreds of affordable homes, rental homes short as well and so we're working to try to increase housing stock as quickly as we can and partner to get more access to rental assistance and other services in our community. But there just aren't enough resources for everyone right now which is why as Mayor Hess mentioned, we'll be bringing a proposal to expand emergency winter shelter to a year-round shelter operation so we can continue to meet that basic health and safety need for secure shelter while we work on those longer term housing options.

Mayor Jordan Hess Ms. Anderson put her hand down so I have Ms. Jordan followed by Mr. Carlino.

Alderperson Jordan Did you say I was up next?

Mayor Jordan Hess Yeah.

Alderperson Jordan Yeah I have two questions. My first question is if we are going to really start enforcing closing our city Parks from 11 p.m. to 6 a.m. what's going to happen at 6 a.m. when folks start coming back who have not been able to rest in a city park overnight? I'm anticipating that they're going to be people who will know this ordinance and who are going to come back at 6 a.m. so they can have a safe place to rest during the day and I'm wondering have we considered that and what we're going to do about. It is it that we prefer to have houseless people in our Parks during the day where we can see them or are we just assuming that during the daytime they're not going to come and set up camp and rest for the day?

Mayor Jordan Hess Ms. Gaukler

Donna Gaukler The hours that Parks are open they're generally parked throughout the system

Marty Rehbein Point of order Donna could you please speak up just a little bit maybe closer to the microphone?

Donna Gaukler So generally from 6 to 11 in most Parks there are park employees and there are many many residents using the park system. We don't expect people to all exit at 11 and return at 6. We don't go looking for folks to wake them up and remove them. We never have and again the closure has been in place. The closure is largely about risk management and protecting public assets. Most of the vandalism, graffiti, serious damage to infrastructure happens overnight in the park system. There are all kinds of folks that take naps, sleep in

the Parks throughout the day all the time. That that's regular and particularly in the summer. What we will do though is we will be focusing efforts with our employees in areas where kid camps and day cares are arriving especially first thing in the morning. That doesn't mean somebody couldn't be sleeping on a bench as long as it's not a health safety issue that's more than fine.

Alderson Anderson Great, I have another question.

Mayor Jordan Hess Go head.

Alderson Anderson Thank you. My other question is I've been asking for weeks to attend these city meetings, these city staff meetings where you're talking about urban camping particularly because it affects my Ward and Ward 2 higher than other Wards. I am desperate to be a part of these conversations and I've not been allowed to be a part of these conversations and so now there's a couple ordinances coming forward of which I've had very little input on. I want to know why City Council Members have not been invited to attend these urban camping meetings regularly apart from for Quorum issues because we're the ones who are getting the phone calls, we're the ones who are going to lose our jobs, and we're the ones that need to answer directly to our constituents and we've not been allowed to come and get the information and be a part of the decision-making process and I'd like to know why?

Jarod Yeah and I appreciate the question. The biggest thing is that these meetings have come together very quickly and have largely lacked, and we only recently settled on a predictable time and it's a request that is well taken and we will get that figured out as far as having, you know the urban policy working group is really an administrative work group that's that spun up around a couple of particular issues and we'll formalize that into something more ongoing and will absolutely keep you posted. And thanks.

Alderson Anderson Yeah thanks for that Jarod. I mean you tell me what time and what day and I'll be there. It's that easy. This is really important to me.

Jarod Okay we'll connect and thank you for raising that.

Mayor Jordan Hess Mr. Carlino. Yeah I just wanted to ask one more question for clarification. On the referral it says, yes one this is helping the city come into compliance with Martin V Boise which was five years ago, but two it has two things, one that two it says that it clarifies that Parks and Rec now would have the authority to regulate activities in conducting Parks such as erecting structures. So could you just clarify that this ordinance is not just about coming into compliance with Martin V Boise. This ordinance is a way for the city to help move people who are living homeless from Parks. Could somebody clarify that because there's one and there's two points on the referral and it sounds like there's some disingenuous or confusion about what this actually is about.

Mayor Jordan Hess Mr. Sudbury.

Mr. Sudbury I agree there are two points to this ordinance. The first is coming to compliance. We can't enforce many of the park behavior provisions because we are completely out of compliance and the cases that have come up that have been decided against municipalities in this area the courts will look to the totality of the city's code to see what is prohibited whether they have effectively prohibited camping on all public property. So we can't enforce things like erecting structures for living in city Parks because of this over broad prohibition that we have in in this Title 12.40 Chapter. So the upshot of that would be yes. If there is an encampment that is caught coming into conflict with other user groups, you know kids groups or something like that. or is causing health and safety risks we

would in my opinion be able to enforce those behavior prohibitions, erecting structures, camping overnight in city Parks and that kinds of thing after this ordinance amendment is adopted.

Alderson Carlino Thanks can I do a follow-up?

Mayor Jordan Hess Sure follow up.

Alderson Carlino Yeah so just to clarify the city is proposing this ordinance to help make it easier to remove people who are homeless that are camping at city Parks is that fair to say? By giving more authority to our Parks and Rec/police.

Mr. Sudbury No I don't think that's fair to say. I think the intent is to provide flexibility for situations that are wildly variant. An example of a structure that was unsafe and needed to be dealt with was someone dug underneath, created a tunnel underneath a sidewalk adjacent to the river and that sidewalk panel could have collapsed on that person. It could have collapsed into the river and that's the sort of thing that this is designed for is to really deal with acute health and safety risks. This is this is not about creating that tool broadly as you mentioned.

Mayor Jordan Hess Further questions?

Alderson Carlino Yeah follow up, so could somebody please explain like maybe in detail why Parks and Rec, why we're asked to give more authority to Parks and Rec through this ordinance to remove such structures and things like that? Why is that connected to urban camping and this Martin V Boise compliance?

Mayor Jordan Hess Ms. Sudbury or Ms. Gaukler?

Donna Gaukler Ms. Sudbury and I might try to tag team this one. In Martin V Boise it was specific to not criminalizing sleeping on public lands unless there are sufficient number of beds. What we're trying to do is remove all public lands and speak specifically to Parks and on top of that by becoming compliant with the decision we're also able to enforce the other park rules that we've always enforced and that I believe residents want us to continue to enforce. I mentioned those late night parties I mentioned lawsuits that have failed when individuals, adult individuals who are under the influence broke their leg on a toddler's swing. Those are the things that we're trying to prevent from happening. We are not looking to chase anybody down that is sleepy. We have never done that and the only change to this ordinance is removing all public spaces.

Mr. Sudbury If I could end the tag team portion of that you know there's nothing being added to the code here. We're not giving Parks new authority to do X, Y or Z we're simply you know coming into compliance. This will allow Parks to enforce the code that's on the books.

Mayor Jordan Hess Ms. Anderson first and then Ms. Jones.

Alderson Anderson Thanks so much. So my question is for Mr. Gaukler, there's obviously been sleeping in Parks and camping in Parks up until this point and there will continue to be sleeping and camping in Parks after this point. Please talk us through how a passage of this ordinance will change what you've done and how you interacted with those folks up until this point and how you will interact with those folks moving forward.

Donna Gaukler We'll actually be working more similarly to how we were before the US9 Circuit Court in the Boise Martin decision. So once the ordinance became out of compliance it became much more difficult to institute any of the regulations related to the code. And what we will do is similar to what we've

always done. I can only assume based on observation that there has been people living in parks or other public lands that surround us state, federal, those lands not managed by Parks which are plentiful, public rights of ways. MDT routes other municipal facilities and lands where people may be staying at any given time. The difference is when there is a health and safety issue. At times it is I believe so severe that even the person in that situation is in an unhealthy situation and then there are times when individuals and it's not necessarily even in an unhoused camper so to speak in an urban camper it could be that situation like I mentioned earlier where we've just got inappropriate behaviors in Parks that are negatively impacting others ability to use that park or others ability to live near that park. So ordinance change brings an ordinance that's been in place for some time back into compliance that allows us to work to move people on if that's what's needed or to break up a party in a park that's after hours and to be able to enforce the ordinance without looking as Mr. Sudbury stated comprehensively at the whole ordinance and saying that's all that does is keeps everybody out of all public lands even where we don't have authority to keep people out of.

Alderson Anderson May I have a follow-up? So for Mr. Sudbury, I think Mr. Carlino was corrected in citing that this ordinance does two things. One it clarifies the language currently the ordinance as written says that there is no camping aloud in any public lands, Parks, Riverside beds, in front of the Secret Seconds courthouse lawns. This simply clarifies that there's nothing in Parks. No camping allowed in Parks and, correct?

Mr. Sudbury And so all this does, this actually just deletes the whole section. What happens then is you have to look to later in Chapter 12.40 Section 65 to get to other behaviors that are prohibited. In that section it talks about no camping overnight in Parks so that's where you get to know.

Alderson Anderson Okay thank you because in the second part of that that this ordinance so this ordinance just completely strikes out the language that's currently listed in there that defines no camping in any public spaces that just strikes it all and doesn't say anything. Then what Ms. Gaukler was getting at is that further down in the Parks ordinance 12.40.065 lists out all of the behavior that is currently prohibited in Parks such as open burning and digging surfaces on park properties, defecating, destroying, damaging, misusing, defacing, removing, damaging, misusing or any park property, depositing refuse from private premises in the Parks, trash receptacles, all of those things, there are currently 28 of them specifically called out. This just simply allows, can you explain why it is that this change makes it easier to enforce those things or that they were harder to enforce previous to this ordinance Passage. Mr. Sudbury Well not all of them were hard to enforce. You know no using projectile weapons or things like that, were those things kind of go without saying. Things that are related to erecting sort of permanent structures, or permanent housing, permanent residences, those kinds of things were hard to enforce. Our office is advised that we may find difficulty based on the Boise decision and enforcing some of those where somebody's saying I'm living in this area because of our overbroad code so there are elements of those 28 things that you've sort of identified that are hard to enforce but it's not all. Should that answers the question and then one point of clarification it's not all public land this is just city ordinances. We only have jurisdiction over our so 12.40 clearly talks about city parking lots and streets and alleys and rights away and that kind of thing.

Alderson Anderson Great so my reference to the courthouse lawn was incorrect. Thank you for that clarification. May I have another question? Not to monopolize. I'd like to ask Chief Collier, I know you officially haven't been sworn in as Chief but you've been on the force for a while, could you come up and talk

to us a little bit about how the Missoula Police Department interfaces under the current ordinance and how they will continue to work with Parks if this ordinance is passed and if you can give us any examples where we have cited somebody for camping on Missoula owned property.

Chief Colyer Thank you. We're largely going to be complaint driven to be involved in this. So the complaints can come a number of ways primarily working with the Parks department if they call us and ask us to go along on some type of a cleanup or whatever just from a safety and security standpoint we do that. We respond to complaints about usage in the park like Ms. Gaukler said about usage after hours largely that's noise complaints and disorderly complaints as people are trying to sleep in the neighborhoods and they can't get to sleep because there's something going on in the Parks. Our traditional response on any of this stuff is just to get compliance that's all we want out of this ordinance, it's we would want in our normal enforcement activities and so that leads to the next question about can I think of some time that someone's been cited for this, I can't. I mean it's been a long time since I was close to that type of work I would imagine that we've responded those things and asked people to move along and they've done just that. Does that answer your question about the enforcement?

Aldersperson Anderson It does. Does passage of this ordinance change your guy's ability to cite and do you feel like you'll be citing more folks for sleeping in open spaces.

Chief Colyer Well I can't predict the future but I don't think that citations is going to be a big part of this. I think our role is going to be to ask people to comply with it and move along and go along with the ordinance. You know like Ms. Gaukler said when they contact people and have the same requests they get vast majority of people to comply with them so should we find ourselves in this position from the police department I would expect we'd have a similar type of interaction with people.

Aldersperson Anderson Thank you.

Mayor Jordan Hess Ms. Jones.

Aldersperson Jones Yeah I just had a question to follow up on what I read from earlier and that is I think this is for the City Attorney Ryan. So Martin versus Boise has been in existence for a handful of years now and I've sat through a lot of meetings for the last few years where we have discussed the impact of that case and what we need to be doing as a municipality to be in compliance with that. We have a situation where my understanding in fact I looked at a file in my office a few days ago January 2020 our point in time count for our unhoused population was a little over 300. Then the pandemic hit and now we're probably double that if not more. We have an increased population. The North Reserve Street Bridge area is closed off so we have a more visible population now but for the last few years we have been complying in practice with Martin versus Boise because we've had situations where we have only cleaned up camps when there were safety or health issues but now we've got a higher population and we're running into incompatible overlapping uses so that's why we're taking this action now to come into compliance with Boise versus Martin and have the flexibility to use some tools to carve out certain user groups. And so I just wanted, we have not been ignoring Martin versus Boise for the last five years but we are now taking action regarding it. If you could speak to that.

Mr. Sudbury Yeah I think that's really accurate. We knew that this was an issue and like you said we've had several meetings about it we've talked about different approaches. We've seen what other cities have done that has or hasn't

worked you know that resulted in litigation or not but it wasn't we didn't feel the pressure I guess as we're feeling this year so that you know it's kind of especially with Covid and those types of things it just kind of got back burned. And this year through you know confluence of events we are just kind of overwhelmed. I hear Donna's staff you know weekly updates on these matters and the number of camps that have sprung up in Parks and the number of people. It has gotten a lot bigger this year and you know in retrospect should we have done something sooner to come into compliance with the Boise decision maybe so. Certainly if we had been able to tell the future we would have done that but just dealing with the cards that we have right now and I think you have accurately summarized.

Alderperson Nugent Thank you Mr. Mayor. It seems just kind of following the conversation that the goal of the emergency orders is to do two things as you stated bring us in compliance with some 9th Circuit decisions and give Parks tools primarily to make sure Parks used for summer camps for kids are safe. Obviously there's more to it than that but that's that seems to be the leading conversation. Donna you've indicated that we don't have the staff to monitor every Park we're not kicking people out of Parks at night. Nothing's changing on that front. Do we have any concern that as staff priorities is making sure that the Parks being used for summer camps are safe and clear and clean that we are going to push the problem into other Parks because they're going to figure out where it's okay to be and where it's not okay to be in an informal capacity?

Donna Gaukler There is a potential that we could find some individuals even more dispersed and I think the key part of that is when there is dispersal and the presence of health and environmental hazards are not present we for years have not bothered to do anything about it recognizing a particular individual probably is on hard times and they are looking and I often share with the council, the public, and our employees Parks are living rooms. It's where people hang out. It's where they do all kinds of like things and we do our best to allow that to happen in a safe environment. Sleeping is not an unsafe activity but encampments have become entrenched and when human environmental hazards develop then we've we feel it necessary to act to make sure that the park is as safe as we can maintain it for the children and all the people who are visiting it so we do pay attention to obstructions of use, any behavior by anybody that would prevent somebody else from enjoying that Park at any time.

Alderperson Nugent A quick follow-up. So is it looking for a brief summary for something that doesn't have any brief summaries or answers at all. Is it safe to say that we can expect the Parks to be safer for our summer users but that Missoulians should also expect that there will be people sleeping in Parks all summer because we don't have the capacity to monitor every Park 24 hours a day.

Donna Gaukler I think that is a good assumption. I encourage folks to continue to report when they observe unsafe situations and we will continue to do our best to maintain those areas and I also want to make sure that people understand we're looking at behaviors that are inappropriate for all other users. We're not looking at the particular person engaged in that. We can't do that. We don't do that. I think our staff is pretty skilled at that and we do a lot of training around being sensitive, compassionate and recognizing everybody needs these Parks. This is really about recognizing we've got big issues to solve. I believe that we are working in that direction and for this summer starting as soon as Friday we're going to see an immense number of children in fact visitors of all types, all ages, all abilities and all backgrounds will be visiting those Parks and we are going to do everything we can to keep them as safe as possible for everybody while

recognizing there are 65 Parks out there over 600 acres and the likelihood of somebody sleeping somewhere is very high.

Alderperson Nugent Thanks for those answers I actually got an email from my son's teacher tonight that they have a field trip to one of our water facilities and one of our Parks tomorrow so you know no pressure.

Mayor Jordan Hess Any additional questions from council members. Okay so at this point I would take a motion or two motions actually from Ms. Sherrill since this is in the Conservation, Climate and Parks committee.

Alderperson Sherrill Thanks I'll make them both now if that's okay. I recommend that we adopt an emergency ordinance of the Missoula city council amending chapter 12.40 and sections 12.40.010 to come into compliance with the ninth circuit decision and Martin versus the city of Boise by clarifying that not all City lands are closed to overnight camping or sleeping and declaring an emergency to protect public health safety and Welfare. That's the first one two-thirds of voting members are required. The second one is I recommend that we set a public hearing on June 26, 2023 and preliminarily adopt an emergency ordinance of this Missoula City Council amending Chapter 12.40 Section 12.40.010 to come into compliance with the ninth circuit decision in Martin versus City of Boise by clarifying that not all City lands are closed to overnight camping or sleeping and declaring an emergency to protect public health safety and welfare and when it is appropriate there I would like to speak to that.

Mayor Jordan Hess Thank you and we have public comment on our list next so I'll come back to you after that. So anyone from the public again please keep it respectful and on the topic of the ordinances. We had general comment earlier and please keep it to three minutes. Mr. Mateer.

Travis Mateer I'm sorry, I definitely need to be amplified. I am in support of this emergency 90-day ordinance but I really want to emphasize that I think this community might be set up for disappointment if we're not actually talking about what shelter beds mean to get us out of this crisis and if we're not talking about the other types of housing we're not just talking about people getting into housing we're talking about people that need to be in nursing homes. We're talking about people that need to be in treatment programs. We don't have enough treatment programs. We have an entire state of a million people that really lack critical resources for people with addiction, for people with mental health. I have never been more disappointed in the state of Montana watching the legislative session. We missed such a huge opportunity and that's not your guys' responsibility, that's the state. But now I'm afraid you guys are going to be hoping for federal support from an administration with the president that can barely make it across the stage without falling down. We have a crisis. We have so many interventions that need to be happening. It's not just housing. It's not just shelter beds and it's not just safety in Parks it's safety in the shelters. So when a pregnant woman can be assaulted in a porta-potty at the Johnson Street Shelter I don't know how safe people are going to feel in those actual shelters if that kind of violence is happening within the shelters. We are talking about serious things in Parks. I thank Parks and Rec staff are cleaning up Russell Street. I thank law enforcement. I thank the EMTs. I thank the fire folks for responding to a non-compliant offender in the middle of the river twice, in two days so we really really need all levels of intervention. We need honesty and accountability about what's not working. I'm glad to hear that we are addressing that there's actual human trafficking happening within the authorized camping site before it was closed down. That's good. I'm researching and investigating that kind of stuff as well. So I really hope we look at proper interventions in proper housing models for all the

people that need various emergency interventions, otherwise we're going to be setting up this community for serious disappointment in 90 days when solutions haven't really been thought of long term. Thank you.

Mayor Jordan Hess Thank you, anyone else tonight? Mr. Hunt.

Kevin Hunt The notion that the city couldn't take down illegal and dangerous structures built in public Parks before or after the idea that couldn't be done without this amendment because of the Martin decision is absolutely preposterous. Absolutely preposterous. The other thing is I'm wondering why I really appreciate Mr. Sudbury's expertise but I'm wondering why all has been talked about the Martin case. In the Martin case first of all it was amended in 2019. It was decided in 2018, they went back and changed the decision in 2019. But guess what? Seven months ago there was another decision you in in Johnson versus Grants Pass and that case made crystal clear that Martin did not preclude cities from dealing with absolutely everything that's been discussed that's in Subsection 065. It made that clear. It said you can't, to shorten it, you can't criminalize you know the sleeping or the rudimentary accoutrements thereof meaning blankets things like that. So this isn't necessary. But the bigger problem with it is that because the shelters are becoming dangerous.

Marty Rehbein Point of order Mr. Hunt are you okay? Do you need to sit down.

Kevin Hunt I'm all right now.

Marty Rehbein Okay.

Mayor Jordan Hess Would you like a chair Mr. Hunt.

Kevin Hunt Yes. I would appreciate that. Thank you.

Mayor Jordan Hess Mrs. Hunt you're welcome to you want to sit for a minute and then come back up we can come back.

Kevin Hunt No I'm ready to wrap it up now. I was saying because of the dangers now occurring in both shelters where we have stabbings. We had one homicide, we've had all kinds of things since, people are going to resort to Parks and what's going to happen then? Well you aren't in compliance anymore. To come to compliance you need to give the Parks director an escape clause. The escape clause would say that in situations as I just described, the Parks Director could make an exception, could open a portion of the park up etc., etc. I actually had provided the language. You just put this language in for a paragraph and that will give a much more flexible ordinance that won't do the opposite of what you want, action.

Mayor Jordan Hess Thank you Mr. Hunt. We'll just take a short recess. We'll be back in a moment.

Mayor Jordan Hess Thank you everyone we'll go ahead and resume. Anyone else on the motions tonight? Mr. Anderlik.

Mark Anderlik Mark Anderlik, a-n-d-e-r-l-i-k, Ward 6. I was a neighbor of the Russell Bridge encampment. And I was there I would have to challenge the description of that. It was definitely a forcible removal. People were very polite. The city staff and police were exceptionally polite but it was a removal. Let's not fancy it up with lots of feel-good language okay. And I think that what I've been hearing I was going to speak and I am going to speak to the motion but what I've been hearing is a lot of kind of butt covering. Political talk, nice talk. What happened at the Russell Bridge encampment was outrageous okay. Not in how it looked but what it actually does. Okay so and I know that this is a problem that is

you know doesn't it isn't just here in the city of Missoula it is not just the city council's problem. This is a problem all over the country. I mean this is a failure of a housing market. Complete failure all right. So when you know this change in the ordinance if it's going to allow the Parks department to more easily take down things I think that's just legal parsing okay. I think that the spirit and what Kevin was trying to say, Mr. Hunt was trying to explain in the Johnson decision, Johnson versus Grant's Pass is that the that the city has always been able to take care of bad behavior, and it should right. That's not something that I'm up here going to defend bad behavior but there is no place for people to go all right. Let's be adults and let's just admit that fact that we have a failure of a system and we can talk about all we want about saving the city and liability I think that's important right. You should look at liability, however, let's be adults and think about how we don't repeat the Russell Street Bridge removal, clearance. That's what it was and maybe we do that on an emergency basis, maybe we designate some public place where there's dumpsters and bathrooms and some amount of security okay. You could do that even right now okay or you know within your purview because you know the bottom line is housing is a human right. And the city has violated human rights. You should be asking forgiveness of the people who are homeless and people complain, people complain. Well they don't like ugly things right and maybe people are complaining maybe they ought to become more adults too and we need to face it that this is not just a problem okay. This is a major human rights violation and anything short of trying to get people into housing is a human rights violation. And one last thing I want to say that if it's behavior from the unhoused people that is the problem. And it's always insinuated that yes and obviously there's a great bias against unhoused people. You've been hearing it from your constituents okay. And I would just put this to you as well because Grizz football games does increase the amount of sexual assault in Missoula perhaps you ought to think about banning Grizz football games. Now that's ridiculous okay. But this is serious stuff okay. I know you don't have the resources but I think that if you were to make modifications to this ordinance maybe keep some of the language and try to designate it's kind of simple in a way, maybe not legally, maybe not politically but in terms of humanity people need to go someplace. They need to put their head and rest. We have not been providing this enough. This is a failure of our society. This is a failure of our community and then once we accept that then let's move ahead okay. None of this sort of political and legal parsing over such and such okay. Thank you very much.

Mayor Jordan Hess Thank you.

Chester Scitz Two thoughts actually three thoughts. What temp is it in here, because it's extremely hot. Second thought would be all the mistakes I've urge you to vote no on the ordinance because it's extremely confusing and poorly worded not in terms of grammar but more often extremely confusing because I came here even after and I keep seeing, what sort of pronouns and the person sitting next to you. Thank you because after she was explaining it I still thought that it was about after reading the ordinance again but still around complaining the same thing I still thought that it was about, well my mind, I'm probably going to have to come up soon to speak again but yeah.

Mayor Jordan Hess Thank you. That's Mr. Scitz for the record.

Chloe Runs Behind Well my name is Chloe Runs Behind, r-u-n-s-b-e-h-i-n-d and I guess I was glad to hear a lot of Mr. Anderlik's points on this ordinance specifically. I guess starting off I agree that it's frankly quite ridiculous to say that you are not forcibly removing people from locations when you have police presence, you have city employees waiting to throw away your belongings. If

somebody came to your house, if a bunch of police showed up outside your house, a bunch of like city employees there with trash bags just waiting for the moment that they can come steal your things like would you feel like you were being forced out of your home? Probably yes. Secondly it's interesting to me that those Parks employees and perhaps they weren't allowed to but nobody was helping any of these people move their belongings. If you want people to leave wouldn't you want to help them? If you want to create less waste in Missoula wouldn't you want to allow people to carry their belongings to the next location. I was there with one other person and we were helping these people pack belongings into their cars to take them elsewhere. Meanwhile police and the Parks employees were just one park employee actually helped me so thank you to that person. But still why are you not using your resources? If you want people to move out of locations where they're maybe causing an unsafe condition why are you not using those resources to help them move rather than using your resources to just create more trash? Anyways okay I didn't write a lot of points I kind of wrote down a lot of things because there's been a lot of things coming up in this meeting that I frankly think are silly to say the least but to one issue a statement about prioritizing the safety and the well-being of a queer and trans people in Missoula when we know that almost half 44% of all homeless youth are LGBTQ and I think that that's an important thing to note that not only are you, even with all the language that you use it feels frankly dehumanizing to these people who are experiencing homelessness. The way that you talk about we're just talking we're just dealing with behaviors not people but these people are people they're more than their behaviors and their behaviors that you don't like or that you feel like are unsafe how do you feel when you're hungry? How do you feel if you kept getting pushed around place to place? How would you feel if people kept stealing your things? I would be angry. I would feel violent. I might like do things that you wouldn't like but it's and then another I'm just I'm just going on. Okay another thing is that I think it's become clear in this meeting in the refusal of the statement that this ordinance would criminalize homelessness. It's become clear that you all know that homelessness is already criminalized and you're okay with that. And it's also interesting to me that this ordinance is just coming up now when again this decision was made five years ago and it frankly seems interesting to me that it's coming up now at the beginning of tourism season when maybe a lot of people are in these Airbnbs that are preventing people from actually having housing. They're complaining about, like oh I thought I was coming to Missoula a beautiful city and instead I'm seeing homeless people. Well I don't know think about that. Think about why you're prioritizing the comfort of residents over the actual lives of people who are unhoused, who are I don't know and I guess lastly also just to echo Mr. Anderlik's comment is that from talking to people who are experiencing homelessness in Missoula really what people want is a place where they if they have to be camping a place where they know that they're not going to be removed. A place where they can maybe access water. A place where you know as the season goes on they can build structures that can be heated. If we can't if we aren't investing money in

creating more housing for people then we at least have to let them know that

there's a place for them to live where police aren't going to show up one day and force them out of their homes. We already saw from Mr. Clayton earlier that he's willing to spend his time and his energy on feeding people. He wants to set up a kitchen. He wants people to have food and he wants to get other folks to help him in cleaning things, in cooking, in acquiring medical equipment and it's like it's not that like these people are incapable of taking care of themselves. Again it's just frankly like dehumanizing for the city to think that you all have to make these

decisions for these people who are very capable of building things, of cooking, of taking care of themselves and taking care of their neighbors.

Mayor Jordan Hess So you're a little over five minutes I'll ask you to wrap it up here soon.

Chloe Runs Behind Yeah that's all, thank you.

Mayor Jordan Hess Thank you.

Andi Hoelzel All right Andy Hoelzel, they/them, I live in Ward 2 my last name is spelled h-o-e-l-z-e-l. I really love our Parks. I really love our Parks. I just said earlier how the park across the street from my home is one of our new destination Parks. It's also next to my kids school where I constantly have to get a message about a soft perimeter lock-in because of something happening outside. That happened approximately once every other week throughout the entire school year. There are lots of things that happen all over the city. So many things and there are lots of people who are ultimately forced right now to be camping in urban spaces in our Parks and erecting structures because that's what you would do if you had to live outside for long periods of time, you would erect a structure. You would try to make it as comfortable as possible for you. I'm having trouble, I love Parks and Rec, I love the programming that Parks and Rec does that they offer our community. I love that my child's school is the only community school in the City and they have free Parks and rec after school programs every day for those kids who desperately need it because their families are probably working two or three jobs to maintain their probably not that great housing in this town. But I also want to talk about what children don't need to see. Because I'm so tired of hearing that children don't need to see this behavior they don't need to see that behavior they don't need to see a needle or what if they see a needle. My child my youngest child is nine years old and for a minimum of three or four years she has known what she does if she sees a needle. She comes to her mom or her dad and she says can you dispose of this properly. If we are cleaning up the river if we are out back of our shed where we do in fact find needles, she knows that instead of touching it she comes to one of us and we dispose of it properly. It takes approximately five seconds to have that conversation with a child. I hope everyone in this room everyone listening to this meeting is having that conversation with a child the same way they should be having a conversation with their child about what they do if they come upon a gun right? It's not about let's make sure I have a different feeling about guns but it's not about let's make sure those needles don't exist. Ideally right but it's about let's actually teach our kids what to do. I'm far more concerned with the "decorum" that exists when children have to see people who cannot exist in a shelter in a house who cannot get adequate food and health care that's the conversation I don't want to be having with my child. Is why do we live in a society where that is something you're seeing all the time where every time you go to the park you're seeing somebody who doesn't have a house, who doesn't have enough food, who doesn't have health care, who doesn't have addiction treatment, who doesn't have mental health treatment. That's the conversation we should be scared to have with our kids not the one about the needle or the bad behavior they witnessed. Because that bad behavior is the symptom of all this other stuff. That is not happening. I'm so tired of you telling me of people telling me what my kid can't see. My kid has seen so much stuff and my kid has more compassion in her one stinking finger than I see in this room half the time. It's absolutely maddening. I didn't anticipate losing my cool okay I apologize, actually I don't apologize. I don't apologize because I am this upset all of us should be this upset that this is the world that we live in. I want to say one more thing I want to correct Councilperson Nugent, the statement that you made earlier read like a

bad headline that people always have to fix. The statement was something like we aren't telling Missoulians that they're going to see an uptick in camping in other Parks sorry you said we are telling Missoulians this or urban areas because we don't have adequate Park staff you know to push them to move them out we don't have that. You said that in response to Donna Gaukler's comments about how the park staff are not going to be you know pushing people out all the time. The actual reason that we are telling Missoulians that they're going to see an uptick in camping and other Parks and public spaces should actually be because of the failure of the system to provide housing to people who need it. To every single person in this community. That's the actual reason. So when Missoulians are complaining and saying why are there people in my Parks? Why are they putting up tents? Why are they sleeping here? Let's talk about we don't have adequate housing and we haven't done enough to find people a safe permanent place to exist to simply exist that's the reason why. It's not because we don't have enough Park staff to push them out.

Mayor Jordan Hess And that's five minutes.

Andi Hoelzel Thank you.

Mayor Jordan Hess Mr. Scitz we only go once around. I'm sorry. If anyone else would like to come up and please keep it to three minutes. We really only go once, it's our long-standing practice.

Chester Scitz I know no but still. I did say I was going to come up tonight.

Mayor Jordan Hess I'm sorry that's something that we don't do. We always only go once and out of fairness to everyone else.

Chester Scitz I know I'm going to talk about it.

Mayor Jordan Hess Would anyone else like to come up for a public comment?

Chester Scitz Because I really want somebody else come up for public comment. Mr. Scitz I'd ask you to please comply with our rules. It's a long-standing rule and it's out of fairness for everyone else.

Gwen Nicholson Well hello again Gwen Nicholson Ward 1, n-i-c-h-o-l-s-o-n. I'm going to try and keep this really brief. It been a really interesting evening. It's been a really lively conversation and I hope at the end of the day it's an ultimately productive conversation. I just want to reiterate what I believe I said earlier in the evening. I believe that whether or not this ordinance passes is to a certain extent immaterial which is not to dismiss the work that this Council does which is important and vital and it's not to be glib about the things that people have said today because I think it's all been valuable and really important to be said and to be heard. But at the end of the day I think whether or not everybody votes yes and it passes unanimously we're still going to have far too many people sleeping on the streets getting shuffled from place to place without adequate resources to meet their needs. Whether or not this ordinance were to pass with an unanimous no vote I think we would still have far too many people out on the streets not having their means met and getting shuffled from place to place. One way or the other I don't think that the need for both the unhoused community in Missoula and the house community in Missoula are having their needs met. And there's a fundamental issue here that has brought people out here today and has made this conversation so impassioned and has inspired a lot of this really incredible conversation. As it has been brought up by the folks from Parks you know this has been a known issue. This has been an issue that's been known for more than a decade for multiple decades. I don't think you have to be able to predict the future to know that if meaningful action isn't taken it's only going to get worse

and we're just going to keep coming back to this place and coming back to this place but with more miserable people in worse and worse conditions. I just it makes you wonder to a certain extent just how often we can do it you know. It's sweeping people under the rug is not going to help at the end of the day and it's never been adequate to solving any of these issues that we all care about and that we all know are huge in the city. You know it's never been adequate to meeting the needs of the people it's not adequate in this moment and I don't think there will ever be a point in the future where it's adequate to meeting the needs of the moment. I would argue that the ordinance in its current form I think a very effective argument has been made that the harm reduction choice in voting would be to vote no. I would say that that's probably the one that's going to do the most good here. But like I say I think no matter what the outcome of this vote is there needs to be a much more serious and in-depth conversation going forward about how we can actually fully address this issue once and for all without going in circles and circles and circles and circles like this. Because I think this ordinance represents more of the same and I ultimately think it's going to be throwing good money after bad. I don't think it helps the city to kind of keep coming back to this place. So thank you for your time. Thank you for your patience. Have a good night.

Mayor Jordan Hess Thank you.

Destiny Vaile Hello my name is Destiny Vaile v-a-i-l-e from Ward 1. There is a lot to cover as other people had said but I'll try to cover what I can. A lot has been made about this ordinance bringing the city into compliance with Martin V Boise. It does seem a little bit like business as usual since Martin V Boise which has been for the city to sort of skirt around this ruling. The Parks director has said that there's training regarding Martin V Boise and how these things should be handled. The police chief has made a comment on how like citations is there an echo?

Mayor Jordan Hess You're okay.

Destiny Vaile The police chief has made comment that there won't be any citations however in the last few years it is known that the city did not have a policy regarding Martin V Boise, the police chief the former police chief at my old job gave a statement to us that there was no debriefing on Martin V Boise, there was I've spoken to several police officers who had no idea that Martin V Boise existed and they have continued to tell people to move out of their sites. But what I wanted to get into is basically it does not seem like the wording of this will actually bring the city into compliance with Martin V Boise either in spirit or in the letter of the law. It is stated here in the Johnson V City of Grants Pass that the city has not established any realistically available place within the jurisdiction for voluntarily homeless individuals to sleep so that shows basically there's no realistic place for people as has already been stated in this meeting. There's no realistic place for people to go. There was suggestion of wilderness areas I believe and some I believe actually I can't remember the specifics of it but some sort of on the outskirts of town places where people could camp however that's not safe. There's a bear activity in places that are on the outskirts of town. There's a lack of resources, oh my gosh I'm sorry there's so much to cover here that it is difficult to figure out which parts to pick. I will say again that the language of this is not coming into compliance with Martin V Boise which does say that the threat of prosecution counts as the cruel and unusual punishment people. Don't have to actually be cited there just has to be the possibility that they would be cited and there was speech about the design of this law and how you know we've never done that and so we're not going to do that but that's more just sort of a casual approach it's not like the letter of the law and I think the reason that

people are asking for a no vote on this is because the wording of the ordinance matters. The wording of the ordinance still allows for people to be removed from Parks when there's not any other place for them to go and I think it's still not only is it against the spirit of Martin V Boise but it does not bring the city into compliance. Thanks.

Mayor Jordan Hess Thank you.

Nicole Gomez Hello Mr. Mayor, members of the city council can you hear me okay? I'll make this short. My name is Nicole Gomez that's g-o-m-e-z, I live in Ward 3 and I work with Montana Women Vote as the Director of the Justice Initiative. So the first comment that I'd like to make is about the argument being made that the city has to do this in order to come into compliance. The city isn't out of compliance just for having antiquated code on the books. You're only out of compliance if you enforce it and as far as I understand it and have heard from the council tonight the city has not been imposing criminal sanctions against folks who are sleeping in Parks so although Chapter 12.40 is on the books there needs to be a reasonable probability of enforcement and punishment for the city to be out of compliance which there hasn't been. So there's no pressing need to update the code and this is a false urgency, and therefore and mostly I just want to encourage the council to slow down to hold off on this ordinance and to consider other more effective compassionate and non-punitive options such as an authorized open space accessible to the bus line and furnished with city resources like bathrooms. Options like this that don't criminalize poverty and that truly and immediately respond to the needs of our community and of our unhoused members. Thank you so much.

Mayor Jordan Hess Thank you.

Seeley Davidson Hi I'm Seely Davidson last name spelled d-a-v-i-d-s-o-n. Bear with me I'm hungry as I'm sure we all are I'm like kind of tired so I'm a little shaky. I moved to Missoula last year from Minneapolis. In Minneapolis I worked as a housing caseworker under a forcible removal policy and that's the experience I will speak to today. I understand that this is a very different context and I hear folks' concerns that this is almost exactly how the policy was described there and it slowly became the same violent forcible removal policy that exists in other cities around the US. I would actually personally love to know of any examples that anyone is aware of where a city and forced a policy like this and didn't see higher rates of long-term homelessness. Minneapolis has a policy similar to what's been proposed here that allows the city to forcibly remove houseless people from City public spaces whenever officials decide it's necessary. This policy has resulted in extreme acts of violence against unhoused folks and outreach workers by law enforcement, a statewide increase in overdose-related deaths, ongoing and escalated distrust of city officials and workers by community leaders, organizations, and residents and increase city spending tenfold in order to pay for all of the massive costs required to enforce this policy. Forcible removal is deeply traumatic for everyone involved and Minneapolis has seen large numbers of city workers and housing case workers leave their jobs due to the trauma of those experiences which certainly adds to the exacerbation of long-term homelessness. This has been said in a lot of different ways but I just feel that it's really important for it to be heard so I'm going to say it again. The reality is that the overwhelming majority of us are one big medical bill, one major financial setback, or one family crisis away from losing our housing. When making decisions like this it's significantly important to consider how you'd hope you'd be treated. Consider how you'd want your City to treat your family if you're in a situation where sleeping overnight in a city park was the only option you had. I strongly encourage you to think of your loved ones. I have loved and lost on

house family and friends and I apologize if this is hard to hear but I'll say it because it's true for so many people. I will never understand or forgive the city officials who decided that best practice was for our loved ones to be humiliated, traumatized and made to feel as that they had no control over their lives or support from their city as they were repeatedly forced to leave and find a new place to set up camp only to be forced out again by people who knew they had nowhere to go. I hear you when you say that there are safety and public health risks but the people who are most vulnerable and most at risk are those who are living outside. You have an opportunity here to set yourself apart to take the lead in prioritizing the well-being of your unhoused residents, to witness firsthand the positive long-term impacts of investing in people's health and housing instead of focusing time and dollars on focus and forcing people off city public spaces. Homelessness decreases when cities invest in their people. Put the dollars you'd spend enforcing this policy in public housing and rent and food assistance and job support and harm reduction services and securing long-term and low-cost housing for families and individuals at risk of becoming unhoused. I can understand how this policy may feel necessary to you now. I know you're getting lots of calls and emails. People are very upset but I've seen how it functions when it's implemented. You may think that this is solely a temporary solution easy enough to roll back if it feels necessary later something to address neighborhood complaints while you think of another plan but this will set a ball in motion whose destruction will be quick, long lasting and significantly more difficult and painful to address. Please be people that see the bigger picture preventing homelessness by addressing what causes it. Please be people who understand that forcible removal only perpetuates long-term homelessness and violence against unhoused people. Thank you.

Mayor Jordan Hess Thank you.

Joe Pasdigselv Joe Pasdigselv p-a-s-d-i-g-s-e-l-v. I'm going to start just with the obligatory I love the Parks you've done a fabulous job. After my first comment I went and enjoyed several miles of the trails. That's part of what makes Missoula a wonderful place is the public space, the sense of community like you said it's the living room. It's where we meet, it's where we hang out, it's where we spend time. Another positive thing that I want to highlight the news that shelter space is going to be prioritized in the coming fiscal year is genuinely really good. It is a meaningful step in the medium term to the long-term solutions that get talked about behind that desk all the time which is affordable housing. We all know that. But my issue with this ordinance is that it is missing that middle term, that medium term solution. The problem that we're having right now, the reason I feel it's irresponsible to pass this ordinance in this manner is because of what Mayor Hess admitted to is that we don't have a place where we can send these to. So we are granting authorities to move people but we don't have a place to move them to. You should at minimum table this go back to your offices dig through the couch find the money to fund a new outdoor space, to fund The Crisis Intervention team, to really prioritize a medium-term solution. We have no path to get to the long-term solution as it is right now for the unhoused community. We have a vision of being able to get those people into affordable housing but the process to get there is mired in in lack of funding and lack of prioritization. We are not making adequate uh making adequate gains in terms of those medium-term solutions. We're not prioritizing really making sure that when we pass these expanded powers that they are going towards a real long-term solution that are heading in that direction we want to go. The other thing that I want to really emphasize is that I'm also very uncomfortable with any new passage of an ordinance or any new granting of authorities that are not clearly defined. As it is right now it's very broad and that's been expressed in a couple ways with

questions that it's not clear. At the very least you need to narrow that and make it extremely clear what these authorities are and when people are in violation. So people can know. I appreciate the honesty that when we ask people to move along that they are happy to move along in 98% of the cases because they're people. Most people want to go along to get along. But again if we are talking about granting authorities and specifically if we're talking about sending police officers who are not trained to go and interact with this community that was the whole concede at The Crisis Intervention team then we need to really think about what those authorities that we're granting them are and what the implications could be. That's all I really have to say.

Mayor Jordan Hess Thank you, anyone else on the motions? Okay seeing no one else in the room will go online, anyone online? I have a phone number ending in 2-5-0.

Robert Hensley Hello.

Mayor Jordan Hess Yes hello. Can we get your name for the record please.

Robert Hensley Yeah my name is Robert Hensley h-e-n-s-l-e-y.

Mayor Jordan Hess Great and if you just keep the comments to around three minutes please go right ahead.

Robert Hensley For sure. I just want to tell a story about how when I went to Italy in 2015 this is well before Covid, I witnessed something that was like in the outcome of a city that did not get these laws in order before they passed them. So this was during the refugee crisis and first off nobody wants anyone to be homeless. Nobody is like out there secretly just hoping that this happens right. But what I saw is like in Milan they have these public water fountains and there were homeless camps around each one of these things, and there was like nothing that was done to stop that. I mean these were filthy. These water fountains that were meant for everybody were just full of trash, full of garbage, and I even watched one of these guys arguing with a cop and he slapped them across the face like the guy's cheek shook and he's not even fat like he it was bad. What I'm getting at is that I think that everyone should vote no on this thing because I don't think the laws are all inclusive enough to how bad things can get. These laws are essentially your tool belt. They need to include every possible thing that can go wrong and let's face it like we fast forward a month if this thing passes and Missoula isn't going to turn into some you know Gestapo entity. It's not like we have something to worry about but we need to protect the voters. I'm in Ward 6, familiar with the Reserve encampment. We have to protect the people that actually live in the city. Thank you.

Mayor Jordan Hess Thank you, further online comment. Next up I have Mr. Larson.

Matts Larson Yes Matts Larson, Ward 3. I'm sorry I had to leave I was there earlier but I've just been walking the block and a half from downtown. I saw four unhoused people all were very friendly to me by the way. And it just reiterates to me how big of an issue this is in our community and how many great ideas and great comments we heard tonight from our community members and kind of who I would consider thought leaders at this point because of the lack of action that's been taken by the city council up until this point. You know you had a Joe talked earlier about funding and long-term places where these people could go and unfortunately we bought the lemon that is the Sleepy Time Inn and it's no longer there. But hopefully something else next year can come of this. Hopefully people can participate in the budget process which is so obfuscated from everyone,

everyone in the city. And hopefully we can take from some of our biggest departments such as the Parks department, such as the police department who we've been hearing from so readily today about this problem and about how it shouldn't change much. But you know everybody kind of sees the writing on the wall and we've seen this type of initiative workout before. We saw we saw the city try and ban accessibility to the Parks to people who were Covid positive during the Covid crisis so I mean we're used to kind of ivory tower type legislation when it comes to our Parks as a community. But it's not fair to all in the community when it is legislated in such a manner so I would suggest the caller before me but for very different reasons so vote no on this as well. To rethink our code as well. You may be familiar with Chat GBT if you load our code into Chat GBR there's four constitutional issues that come up. Rights of privacy comes up, equal protections comes up, there's many issues that come up as potential constitutional issues with our current code as written. So there's a lot of work that needs to be done and there's a lot of work that we've follied not doing before. The Mayor was so candid as to admit that earlier but when the Mayor's own associate's Airbnb is reported, there's over nine thousand dollars of code written fines that are just thrown out the window, that are just flushed down the toilet. Oh and that's not just because of whom that person is, that's because of the city's reluctance to prosecute Airbnb tourist homes that are illegal and not within compliance and causing part of this housing crisis. That's the type of stance that we're used to from the city council and it's horribly painful, it horribly painful as the community to witness because it's counterproductive and we need more imagination when it comes to our representatives and the solutions that are being tabled. I think that's become very apparent.

Mayor Jordan Hess Thank you Mr. Larson. I have Christopher Kennedy next.

Christopher Kennedy I'm Chris Kennedy k-e-n-n-e-d-y and I live in Ward 1. I'd like to say that people with mental health challenges who've spent time in jail, with substance abuse disorders can be less articulate and present a less sympathetic image perhaps not so pleasing to the public. Thus we have the city council to protect them. They are disproportionately the subject of police scrutiny and violence already. This ordinance would codify their victimization. There are also those who are one decision or paycheck away from homelessness and things just fell on the wrong side of that razor's edge where so much of our community lives today. They had a home on one side and a tent on the other if they're lucky. Even more luck is required in Missoula to have a stable place for that tent. Some may not see living under a bridge as .stability but as has been mentioned community can be built in encampments with gardens and safe needle disposal boxes. I asked the city council to give consideration to the very humane ordinance adroitly written by Mr. Kevin Hunt. I also ask that the housing first example of Salt Lake City where chronic homelessness was reduced by 90% be considered and I implore that you remember that which Missoula offers to those in need. Missoula itself gets back and returns several fold. Slowing this process has been suggested. I agree with that. Do you really want to vote on ordinance that one of your members was excluded from participating in? What a perverse way...

Mayor Jordan Hess Just for the record Mr. Kennedy's connection appeared have been dropped but I'll readmit him if he comes back here. Okay I see no additional hands up online. Any additional comments in the room? Seeing none we will return to our Council discussion and I have Ms. Jordan followed by Mr. Carlino.

Alderperson Jordan Thank you. I'm happy to cede if Chris backs on, so just let me know. I just wanted to say I'm glad that I've had an extra to think about this ordinance proposal over the last week a bit, because in that time I've been able

to reflect and consider all the various comments from my constituents and the Missoulians in general because we've all been getting calls and emails from a lot of people. My conclusion is that in passing this ordinance we're not trying to solve any problems. This ordinance is like getting a cut on my finger and in response putting a band-aid on my ankle. City staff have had multiple weekly meetings to discuss options of which city councilors have only been invited to one. At the one meeting we were invited to we were told about this ordinance and there wasn't a lot of discussion. I worry about the unintended consequences of this ordinance and that it will increase houseless folks interactions with the police and code enforcement ensuring a higher rate of municipal citations. I also don't understand how barring folks from camping and Parks at night ultimately protects our community. These folks will still be able to spend time in Parks during the day which is when more people are in our Parks. I know that there is one Camp that's been problematic but in general our houseless population is not causing threats to personal safety. When we see tents and RVs we're seeing things that we're not used to seeing but that doesn't mean that there is an imminent safety concern. Tarps, bags, bites, baskets, etc. are not safety concerns. We're trying to solve a nationwide issue at the local level and we simply do not have the capacity to do so effectively at this point. We need to create another year-round shelter and or camp space and I'm really grateful to Ms. Pehan for speaking to that tonight and that we are going to open up a year-round shelter to address this issue. We also need to push our state and federal legislators leaders to provide funding for municipalities to address this at the local level because we simply can't do it. We don't have the capacity and we can't do it without their assistance. Further I think it's time to require program metrics to all our programs so that we can begin to weed out our programs that are not effective with the ultimate result being that we stop funding programs that aren't pulling their weight and reallocate those funds to new and emerging issues such as this. We need accountability from all of our programs so that we can reallocate funds. And we did see this coming last budget cycle. We could have had these conversations 10 months ago but we decided it wasn't a problem because houselessness was not as visible as it is now. I'm frustrated. We need more time to address this. I don't have enough information to make a measured thoughtful and forward-thinking decision and I want to make a motion right now that we send this back to committee for further discussion. Thank you.

Mayor Jordan Hess So that requires that motion is suspending the rules and so that requires a two-thirds majority and the question is non-debatable. So on the motion to refer back to committee we can have a roll call vote.

Mayor Jordan Hess We're back to the main motion.

Alderperson Carlino I'll save my comments for the ordinance in a little bit but if I could propose a couple amendments now. So I'll start with the more simple amendment. So I moved to amend Section A to make it I guess I'll just read the new Section A. Unless otherwise posted or authorized all city owned or city managed public Parks, trails and conservation lands. shall be closed to all but City authorized persons between the hours of 11 p.m. and 5 a.m. each day with the exception of designated primary commuter trails which shall be open to use 24 hours per day. And could I speak to that motion?

Mayor Jordan Hess Mr. Carlino.

Alderperson Carlino I went and saw the of sunrise this morning actually Missoula at the park Silver Park down the street from my house and as we're promoting higher density housing in Missoula people need to have green spaces and places to go and that includes our Park system. The intention seems to be that

the city would like to have all Parks closed during night time so that's what this amendment is attempting to do is to move it back to night time. Not in the morning when it's light as day out by 5:30 a.m. right now especially before 6 a.m. it's light out and people should be able to enjoy the sunlight at our Parks. Should be able to enjoy a morning sunrise at our Parks. If you all want people to live in higher density housing and take away you know to where not everybody would have an option for yards, they need to have the option to go to Parks. I was watching the sunrise this morning at Silver Park because I live in multi-family housing and don't have a yard to like you know necessarily enjoy the sunrise from so I just walk down the street to the park which is great except for according to this current ordinance the Parks are closed until 6 a.m. but it's light as day far before that. 11 p.m. works universally every season of the year it's always dark past 11 p.m. So I'm just trying to ask that at the a.m. time be similar to the p.m. time to actually go with the sun.

Mayor Jordan Hess So that motion is in order. If I may suggest since we have two ordinances before us and the one is the emergency ordinance which is only effective for 90 days and we have a public hearing on the other ordinance if you would be willing to incorporate that just so we have more time to discuss that at the public hearing if you'd be willing to incorporate that in the public hearing for the permanent ordinance I would suggest that but the motion is in order and it's I'll leave it at that.

Alderpersion Carlino Yeah I guess you know especially since the emergency ordinance is the next 90 days which is the time of the year that the sun rises well before 6 a.m. I think it would be appropriate to make this change in both ordinances but for today I guess we'd only be proposing it for the Emergency ordinance until the public hearing is open for the forward one so I'd like to keep it in order if that's okay.

Mayor Jordan Hess Okay so that's in order. Discussion on the proposed amendment. Ms. Vasecka.

Alderpersion Vasecka I think changing it from 6:00 to 5:00 a.m. is a very decent ask and I will be in support of it.

Mayor Jordan Hess Ms. Gaukler does the Parks Department have an opinion on this and recognize that you may not have that on the fly.

Donna Gaukler Interesting enough over the years we've talked about having different hours different times of year from a services standpoint and certainly our ability to clear snow in the winter by 5 a.m. would be really difficult. But in the summer I have no real issues with it. We're aware that there's people especially on the trails by 5:00.

Mayor Jordan Hess Ms. West.

Alderpersion West So I have I think a process question. My understanding is if this emergency ordinance were to be reauthorized in 90 days it has to be reauthorized exactly as written or it completely reverts back and you have to start over on square one. Is that correct?

Mayor Jordan Hess Mr. Sudbury?

Mr. Sudbury We're going to see if Mr. Nugent, Sr. is on the line. I haven't brushed up in my council rules.

Alderpersion West And while we're consulting Mr. Nugent I have a similar question about does the emergency aspect have to apply to, and I appreciate I

agree with the change. Does the emergency aspect have to apply to the emergency. I mean this feels like a non-emergent change.

Alderson West I think Mr. Carlino has identified, made some basis for that by saying there's people that don't have homes and/or yards and access to green space and I think elsewhere in the code we talk about the importance of green space for people's well-being and so it might be a stretch but I think there's the basis is...

Mayor Jordan Hess Okay great and I'll go to Mr. Nugent first and then go to your follow-up Ms. West. Jim?

Jim Nugent Yes, you can amend the ordinance now if you want on a thing like this on the timing. Also if there's another emergency ordinance it can be rewritten to adapt to whatever you want to address at that particular time. When the emergency ordinance expires you're back to square one and you can have a new emergency ordinance and it can be modified to address what you're trying to address at that time. So yes you could do a new emergency ordinance that's not identical to the emergency ordinance you have tonight. And then also I think that it's well within the scope of the city council's deliberations to change the time period to 5 a.m. It's common knowledge obviously that it's daylight at 5 a.m. at this time of year.

Mayor Jordan Hess Thank you Mr. Nugent. Ms. West.

Alderson West Thanks. I was wondering if you'd be willing to maybe take a friendly amendment and have it tied to sunrise versus a time period. I know you spoke to the sunrise in the summer. I walk to work pretty much every day of the year and at 7:15 in the winter I'm walking to work in pitch dark and there is no sun and I hear Donna saying that it would be challenging to have Parks prepared by 5:00 in the winter and in the case that this gets renewed as written I think it would be nice to have it work for all seasons in Montana. So I'm just suggesting that.

Mayor Jordan Hess Mr. Carlino. Well my original amendment on Wednesday was actually just to get rid of this whole thing and not ban people from Parks at all depending on the time of the day and I think I like what you're getting at and if we just made this for the summertime but I mean it does get light before sunrise and then also an amendment like that would actually be taking away more hours away from our community that are allowed at the park because sometimes the sunrise doesn't happen until later in the day. So like it would be adding hours I mean maybe an hour for the summer but then it would be taking hours away from people's park time the rest of the year so I just feel like I prefer just to stick with the 11 to 5 which is universal dark times throughout the entire year as like as a baseline.

Mayor Jordan Hess Okay so Ms. West are you proposing an amendment to the amendment?

Alderson West I was but I don't know.

Mayor Jordan Hess you can state that with the caveat that that is clunky but it is you're purview to make that motion.

Marty Rehbein Point of order Mayor Hess. You need to dispatch the current amendment before taking on another amendment.

Mayor Jordan Hess My apologies, thanks for that. So that is not in order, so back to the amended language. Discussion I have a speaker queued that I'm not

sure if this is related to the amendment or the main motion but we'll go through starting with Ms. Anderson.

Alderson Anderson I'm fine with it. I wish, it been the way 11 to 6 for 30 years and at any point in time this change could have been brought forward. I think we're trying to talk about much more broad-based urgent issues. So I will vote it and let's just hurry up and get back to the topic at hand.

Alderson Nugent Yeah I was going to say something similar. I think the conversation around it with regard how to tie it to sunrise in the summer and not the winter and stuff I think it maybe deserves a little more time than right now.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka I guess I was just going to say if we were going to tie it to sunrise we should do hunting hours and 30 minutes before sunrise, but I guess that's not in order so never mind.

Mayor Jordan Hess On the amendment. Okay we'll take public comment on the amendment if anyone would like to make a public comment. Being none in the room

and then online. Mr. Hunt were you rising to make comment? Okay. Okay so seeing no comment, Mr. Nugent can I ask one clarifying thing.

Alderson Nugent This is just in regard to the emergency amendment so this would be changing the opening time to 5 a.m. for the next 90 days. Okay. Good.

Mayor Jordan Hess So on the amendment as stated we can have a roll call vote. Mr. Rehbein.

Alderson Anderson Point of personal privilege to ask a clarifying question. May I ask a question of the Chair will allow of the Parks Department Director.

Mayor Jordan Hess Sure.

Alderson Anderson Do we have to change all of the park signs if we pass this and is there a financial implication to that?

Donna Gaukler If Council votes to change it I do not foresee us spending the money to change the signs for the emergency ordinance. We would change them if it were the ongoing ordinance.

Mayor Jordan Hess Okay so we'll have answers to that at the time of the public hearing for the permanent ordinance.

Alderson Anderson Thank you for allowing my point of personal privilege and I vote yes.

Mayor Jordan Hess We are back to the main motion and the speaker queue is empty. On the main motion. Ms. Vasecka.

Alderson Vasecka All right so for the main motion for this uh emergency ordinance. It is late and so I'll make it quick. I am very happy that this ordinance is happening. I live very close to the Russell Street bridge and I use it almost daily and I did not go by it for the past few months because I felt very threatened and intimidated and I'm not a very easily threatened and intimidated person. I have a two-year-old son and it was putting his safety at risk and that is where I draw the line. We live in a civilized society and so you have to adhere to civilized rules. Otherwise it would just be chaos and anarchy and I do want folks to know that I know it's not everybody who is not adhering to the rules. I know somebody

who left their bike just talking to them who was a housed person was just talking to them and somebody came out and said hey whose bike is in the trail because you're the person who's given us a bad name. I understand that there's a lot of folks that want to make everything work well. However it is the minority of the folks that are ruining it for all the other ones and unfortunately I have to speak up for the residents that surround that area because of the ones that are not adhering to the rules. So I want to thank the park staff and everyone who did help out with that Russell Street encampment cleanup. I wish I was invited. I was I tried to do it the first time but they wouldn't let me. I always did help out with the Reserve Street cleanups and Kristen and I did do that one time together and it was a lot and it's unsanitary. It's frankly it's scary. I mean it's unsanitary. It's gross material that you're dealing with and so I want to thank all the park staff. I can understand that the morale around the Parks department is probably not very high so I wanted to thank everybody for that. So I will be I will be in support of this ordinance.

Mayor Jordan Hess Mr. Carlino.

Aldersperson Carlino I just had my second and final amendment to make as well and then I'll speak to the ordinance after that. Sorry that it's late but I'm glad that we had public commenters that spoke so passionately to us that kept us here this late. But my second amendment it comes from Mr. Hunt and his ordinance that he sent just some language to switch with and I just am emailing it to the clerk and to Council right now. So I moved to amend that we add Section B stating, notwithstanding the hours of closure of city Parks, trails, and conservation lands provided in Paragraph A of the Subsection the Director of The Parks and Recreation Department or the Mayor are authorized to and shall open one or more Parks or any portions thereof to occupancy during set hours by unhoused persons lacking other safe city-owned city-managed or city approved place at which to sleep, camp or reside at no cost to the person. When such opening is deemed necessary in order to comply with judicial rulings or with any city ordinance declaring an emergency or establishing policies with respect to unhoused persons in the city. And it's a mouthful so I just emailed it over to everybody and the clerk but can I speak to that.

Mayor Jordan Hess Go ahead.

Aldersperson Carlino So essentially what this amendment is asking is to open up one or more Parks or a portion of a park to have somewhere for people to go if the city is trying to forcibly remove people from other Parks so basically the amendment is asking that in this scenario where we don't have enough shelter beds and we're closing down all the park land and forcibly removing people that we open up one or more park areas or a portion thereof. So I sent over the language so you can check out specifically but that's the intention.

Mayor Jordan Hess Thank you Mr. Carlino and on the amendment if we could just do a show of hands on who wants to vote. That would make it easier to manage the queue. So Ms. Vasecka and then Mr. Nugent, I mean Ms. West.

Aldersperson Vasecka I did have a question for Mr. Carlino. How are we going to determine which park and which Ward it will be in and will there be a vote on it or what is your plan on that.

Aldersperson Carlino In this amendment it gives the power to the Parks and rec department and the mayor to come up with that decision but I agree that you know some neighborhoods are having to bear the weight of having all the resources and shelters in those neighborhoods while other neighborhoods have been able to never have any shelters or resources so I think there should be a

fair equitable argument and debate about this. But as far as the amendment goes into the ordinance it's giving that power to the Parks and rec and mayor to decide.

Mayor Jordan Hess Mr. Nugent.

Aldersperson Nugent I guess clarification and then maybe a question is this are you want to do amend this on both the emergency and on the ordinance.

Aldersperson Carlino Yes.

Aldersperson Nugent Okay and by including the word shall is your expectation that the city would always do this every year?

Aldersperson Carlino Yeah it says the Parks and Rec Department or Mayor are authorized to and shall open one or more Parks or any portion thereof to occupancy during set hours for unhoused persons lacking other safe City owned city manager City approved places to sleep. So if I could just go on, so essentially I'm asking the city to dedicate land space to where we can say hey maybe you know we are trying to clear up areas of Parks but here's one space that we as the Parks and rec and mayor dedicated for you all to be able to sleep or multiple spaces for people to be able to sleep. That way we're not just telling people get out of here and then they just go what 100 feet away or you like, then we say here's somewhere you can go is kind of what I'm asking for.

Mayor Jordan Hess Mr. Nugent do you have a follow-up.

Aldersperson Nugent Yeah I guess I have a little bit of concern about the word shall but I agree with your sentiment and I actually support a lot of this concept because I do think that having the flexibility to do that is important. I could foresee situations where this option might not be the best option for us and I would hate to require the city to use resources if we had a different option that was considered better. So I would just ask if you would consider removing the "or shall" part of the amendment.

Mayor Jordan Hess Mr. Carlino?

Aldersperson Carlino I think that makes sense because we could have other resources and things like that in place so I think at least getting this amendment as is but removing the words "and shall" I think would be okay and then it would still be saying in the ordinance that the Parks and rec and mayor have the authority to do this. So I'm open to friendly amending my amendment to what you're saying.

Mayor Jordan Hess So question for Mr. Sudbury or Ms. Gaukler. The Parks and Recreation Director has some authority in the Parks ordinance as written. Is this redundant or does that authority exist.

Mr. Sudbury I think that provision was in Subsection B which was deleted. I don't think there's another section of code that authorizes the Parks director to do that. Obviously the mayor the chief executive could authorize a direct staff not to enforce certain provisions of code such as what they do now. So I think you could do it but strict reading of the code I don't think the authority currently exists.

Mayor Jordan Hess Okay thanks. So I have Ms. West and then Ms. Jones.

Aldersperson West My question is if this I guess this would just override the list of prohibited conduct in Section 12.40.065, because that expressly disallows camping in Parks. I guess how would those two sections of code work together?

Mayor Jordan Hess Mr. Sudbury.

Mr. Sudbury I didn't write this. I would say that the code is written as I'm looking at it says, he shall do this when such opening is necessary in order to comply with rulings or with any City or declaring an emergency exemption policies with respect to his person. It's my opinion that we wouldn't need to do this in order to comply with judicial rulings so respect for Mr. Nugent's comments about the "shall" I don't think it's mandatory at the moment. We could subsequently follow up with a city ordinance declaring emergency or establishing policies that require this. *Unintelligible*

Alderperson West I think my question was in the list of prohibited conduct it does call out that camping isn't well allowed and so this allows camping but it's in a different.

Mr. Sudbury I think you could interpret them together and say that this is more specific and the more specific it tends to override the more general prohibitions.

Alderperson West I have one more question is that okay? I was curious and I think this question is for Donna or may even for Erin, I think she's still on. Obviously we've only had one experience with an authorized campsite in Missoula and it had a considerable operational cost and I would assume that in order to have this be a safe space it would also have some sort of operational cost even if it's just providing bathrooms. So I was wondering if anyone could speak to what the cost would be to operate a site like this whether it's like three months or I heard you say that you want in both the emergency and the permanent ordinance. So maybe a best estimate of like what it would cost for three months and then to operate annually.

Mayor Jordan Hess Mr. Carlino.

Alderperson Carlino Yeah I think that I mean I guess that would obviously just depend on how many resources we have there. The ACs got pretty expensive. But this is something I've heard from a lot of people that are living homeless in Missoula. I had a conversation with somebody that was getting removed from the Russell Street bridge and he talked about how we've got duck ponds, places where ducks can live in Missoula and then he's like why don't we just have somewhere where I can go. He was just asking us. Why are you removing us and that can't even have a freaking duck pond or like a just a little piece of grass to put my stuff? And that's what this is attempting to allow the mayor in Parks and rec to have the authority to dedicate some land space to. Ideally we would have a ton of resources and have a site like that but that would take time and a lot of money but I think for the meantime we should at least have multiple dedicated spots where if we're going to forcibly remove people that we say, you can you know camp at this area for the meantime sort of thing so I think the cost is would totally depend on how many resources we had and things like that but people are just looking for somewhere to be.

Mayor Jordan Hess Ms. Jones.

Alderperson Jones I don't have a question but a comment. I appreciate the intent and I appreciate trying to create a solution but I think the executive branch already has this authority under the mayor and you can direct staff to do any of this. I don't think it's a good idea to have this in our code because it is basically having us create another authorized campsite and we have tried that tool. It really didn't work. It wasn't safe. We need to look at other things that are going to more effectively work in the long run and I'll speak to it in my comments when we vote on the main ordinance, but I'm not in favor of this. I appreciate the initiative

on this but I think we already have the authority and this actually boxes us in to create another authorized campsite and I don't think we want to go down that road again. So I'm not going to vote in favor of it.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka I have to agree with Ms. Jones. My biggest concern is basically what she said. like Rainbow Park, Lafrey Park, Silver Park which like I mentioned earlier which Park are we going to decide and will the camping be allowed like forever, for 14 days, for a month. will it become an actual campsite that children can't play in. So that's my biggest concern and I have to agree with Ms. Jones on this. So I will not be in support.

Mayor Jordan Hess Additional comments on the amendment? Alderson Nugent Well I guess my comment would be that my understanding is Mr. Carlino willingly removed the "shall" part so to me it's just acknowledging that the Mayor and the Director of Parks have the authority to do this should they choose and to me having that authority without having to declare an emergency is a different and I think that it gives flexibility and expediency and things like that. That's just the way I see it.

Mayor Jordan Hess Further discussion.

Alderson Carlino Yeah just to close I guess I'd just say that when we're doing these removals. People are going somewhere. We have to give them somewhere to go. We have nowhere for people to go, let's give them somewhere to go.

Mayor Jordan Hess Anyone else? Ms. West.

Alderson West I still have more questions. The main one being tying into declaring an emergency. I mean we're passing in emergency ordinance right now so does that de facto, like declare an emergency and trigger this or would it have to be a separately declared emergency. I guess I'm not quite understanding.

Alderson Nugent I mean I didn't write the amendment but I will tell you that as I read it all the amendment would suggest is the Mayor and the Director of Parks have the authority to do this should they deem it necessary.

Alderson West If they currently have that authority?

Alderson Nugent If they declare an emergency or I mean I can't speak to that.

Alderson West Okay. Thank you.

Mayor Jordan Hess Ms. Anderson? No. Okay.

Unidentified person Public comment here?

Mayor Jordan Hess We'll do that yep. Okay Ms. Anderson.

Alderson Anderson Sorry this is why it's always nice to have things emailed out ahead of time so that we can ask staff and are not making decisions on the fly. But my question is for Ms. Gaukler in regards to how she interprets this amendment as the Director of Parks. I share the concern of Ms. Jones about that this has the potential of basically taking one of our Parks and repurposing it to an authorized campsite. What is the legal ramifications of if something I mean we have heard about some of the you know concerns that led to the closure of the ACS. There's concerns that this will be a similar situation and the legal liability

that the city would have on this. Is it just simple as like saying everyone can camp here? Do we have to then provide infrastructure? How do you interpret and I apologize to put you on the spot as we're all being put on the spot by this, but I would like to hear your insights on this please.

Mayor Jordan Hess Ms. Gaukler?

Donna Gaukler I think to put in place in the temporary ordinance, the emergency ordinance a directive to open basically a safe outdoor shelter that to get to say within days would be very difficult and we're making a commitment to provide. Once we designate campsites we have to fall into compliance with state and local health codes. We need to fall into compliance with state and federal laws as well as local laws. I think under 12.40.10 B which is being deleted there was a second paragraph that had allowed for temporary safe sleeping for individuals and it wasn't really used when the first safe outdoor site came into place. If I recall correctly that was either by emergency action or a resolution so my recommendation would be to not include it in this emergency ordinance and if that's what the council wants to do we have to come to you with a budget amendment and a location and a plan and meet the other codes. I don't think we can just say here's some public land and whatever happens there happens there. In my experience at least in studying what other cities have been doing this has not worked effectively and the results have been more like the closure of the safe outdoor space.

Mayor Jordan Hess Mr. Carlino.

Alderpersion Carlino Yep thanks everybody for the comments about this amendment. I just will say that if we don't have anywhere for these people to go then you're going to keep getting what we have what we're getting right now. It's not like people just disappear so I mean it's either you know camping in all sorts of different places and trying to remove people and spending all their resources doing that over and over again or providing shelter homes and yes even land and outdoor spaces for people so this is trying to just accomplish. The land somewhere where people can spend their head at night but to not bring this land space to where people could stay is causing a ton of issues that we're already seeing across the city.

Mayor Jordan Hess Ms. Jordan.

Alderpersion Jordan Thank you. My comment is just to reiterate what I said earlier. I think this needs further discussion. We're five hours into a meeting about this issue and granted 45 minutes that was nobody's fault but an hour of that was constituents who came to express their concerns and quite a few of them quite artfully did so. And we are still picking apart issues. This needs more discussion. I wish we could send it back to committee and because I personally don't have enough information I will be abstaining from any further decisions related to this because I haven't been a part of the conversation. I think that the continuation of these questions and amendments is reflective of how we need to include City councilors in these discussions so that we don't spend hours late at night trying to find solutions to problems that we weren't allowed to be a part of. So that's my comment. Thanks.

Mayor Jordan Hess Jim Nugent.

Jim Nugent I was just going to note that it's not a directive. As I understand it it's an authorization and no one is directing, the city council is not directing, they're authorizing and ultimately the city council makes policy. If the city council is not satisfied with the authority that they give to the Mayor and the Parks Director the

city council can always revise the authorization. I'm just concerned that it's an authorization not a directive.

Mayor Jordan Hess Thank you. Mike Nugent.

Alderperson Nugent Again this is one of those it's late at night and maybe this isn't, can somebody clarify for me either Jim or Ryan if the Mayor has the authority to do this right now without an ordinance? Without this language being in there could the Mayor if he so felt that it was an emergency without requiring an act from Council designated a space for people to camp?

Jim Nugent What he'd be vulnerable to would be that the council or citizens could say he doesn't have the authority. So what you do is you create a no man's land so to speak where there's nothing explicitly granting the authority and there's nothing explicitly prohibiting it. The Mayor could attempt to do that in an emergency as you described but ultimately if it came down to being the city council and the Mayor squaring off ultimately the city council would have to address it as the policy makers if they were not happy with what the Mayor did. But I think in the past Mayor Engen for example with the shelter originally he did it because he thought it was an emergency and I think that the Mayor always has that ability to be out front on something for some time until the council takes issue with it and the majority of the council takes that authority away but I think that implicit the Mayor probably could argue that the authority exists but it's a gray area and the parties, the two branches of government could be in disagreement and discord about it and you'd have to resolve that.

Mayor Jordan Hess I don't want any disagreement and discord. I would say that I would not as a matter of speaking I would not do this if I had the authority without council direction and approval. I would certainly bring anything to Council in terms of location. It would require a budget amendment. This would be extraordinarily expensive you know based on our experience with the authorized campsite and I would not do it without the blessing of our provider community, and so those three things would all have a council intersection and you know could be done through a resolution. I have no opinion on the language simply because I wouldn't use it unilaterally. Ms. Anderson then we'll go to public comment. I'm sorry Ms. West as well.

Alderperson Anderson So thank you for those comments because you sparked my question because I think the way that it's written is, the new subsection of the Mayor, the Parks and Rec, the Director of the Parks and Recreation Department or the Mayor so theoretically in this ordinance were to pass or this amendment were to pass we could have a situation where the Director of Parks and Rec could do this unilaterally without either coming to council or involving the Mayor. Now Donna would never do you know we haven't figured out how to make Donna what's the word we can't come up with it late at night but I'm not going to comment. That to me brings up a concern about who ultimately has the authorization in the way that it's currently written. Would Mr. Sudbury or the voice of Mr. Nugent from above like to weigh in on that?

Jim Nugent I'm not above I'm just trying to guide you and I would say that the chief executive is the Mayor and the chief executive managers, administrators, and controls the executive branch so the Mayor could ultimately stop whatever the Parks Director attempted to do because ultimately the bucks stops with the Mayor or the chief executive because the chief executive is the one with the power under the state law.

Unidentified Speaker And I would just suggest the ordinance, throughout the ordinance not the amendment but the Missoula Municipal Code frequently refers

to the City Parks and Recreation Director and that's in there 18 times and that would be the consistent approach.

Mayor Jordan Hess We'll go to public comment at this time, Mr. Hunt.

Kevin Hunt I been itching to get up here because I wrote it, I wrote that Amendment. So thought you might want to ask me a question. Okay there's all kinds of discussion going on about this and very little of it has anything to do with it.

Mayor Jordan Hess Mr. Hunt would you like would you like a chair again?

Kevin Hunt I'm fine okay thank you. This is a matter of English, it's a matter of simple English. Speaking of which the second sentence of the severability clause is still grammatically incomprehensible. You might want to look at that, but all this amendment says is to say there's the situation in which you know the two shelters are either full or are they are dangerous and every other place is filled. This doesn't establish another ACS. It was nothing of the sort it just says that this Parks Director whom I certainly agree with everyone here who's been saying over and over and over again, don't worry about vague language and discretion because this particular individual is very level-headed and I agree with that. So I don't understand now why there would be some concern. As the Mayor just stated there's over a dozen or more I would say references to the Parks Director throughout the code and this language is not unusual. If you want to amend it a order second order amendment this is just going to take out the words "or Mayor" go ahead and do it. What this does it allows your code change to actually do what it promises because on the one hand you're left with the Parks are closed between these nighttime hours when biologically you should be sleeping but we're not going to let you do that. Okay fine. It makes no exception. It just says the Parks and a couple other kinds of lands are closed between these hours and it makes no exception. I provide the safety valve that is the escape clause which takes care of that problem. Because otherwise you do have a Martin Johnson problem. This gets rid of the Martin Johnson problem. So if we're going to debate it could you please debate it according to how it reads not what you imagine it like to. Thank you.

Mayor Jordan Hess Thank you Mr. Hunt.

Mark Anderlik Mark Anderlik again, a-n-d-e-r-l-i-k, Ward 6. I have to say that this is complicated but it isn't that complicated and as council member Carlino has said several times and apparently there's not much listening to that, is that where do people get sent if there is no place to go? Right. So if you are a bookkeeper and you have debits and you have credits right, well what you're talking about here okay is on one side of the ledger you're not addressing the other side of the ledger. Now it's not a perfect solution but it's a step toward preventing really the inhumane and disrespectful clearance that I saw under the Russell Street Bridge. It was it's a human rights violation okay and I'm just going to say that again. This is something that is you know these folks are residents of Missoula. They are Missoula residents. But they have no place to go. This should be an emergency okay, and you know this is not going to solve it finally and as Mr. Hunt had said the language in this is fairly straightforward. I would say that you know if you have questions about this then delay making a decision tonight, study his amendment okay or what he would propose as a substitute to this ordinance and I think it would get us a lot further down the road than trying to Tinker with what is currently proposed. Thank you.

Mayor Jordan Hess Thank you. Mr. Mateer.

Travis Mateer This Travis Mateer, Missoula resident. I know everyone is tired. It's very late. I would not be in support of this amendment. I think people need to be looking at what's happening in Phoenix with the Zone. If you are putting a park and you are starting to have issues with public nuisance you might be enabling this public nuisance like Phoenix is doing with the Zone. Citizens and businesses are now suing the City of Phoenix because of their enabling of a public nuisance and so if you, this is a complicated conversation. It is a frustrating conversation for a lot of people. There are a lot of people that make sacrifices to live in Missoula. Part of those sacrifices is to be able to enjoy the river trail without feeling unsafe okay. I would like to take my daughter to the duck pond myself and not have someone under the influence of meth 50 yards away making me feel unsafe with my little girl. So we're trying to balance use of public spaces for everyone. The stuff that I'm seeing in Parks is criminal. It is dangerous behavior and it needs to be addressed by law enforcement. If you create a specific park for this, you're creating another mess that law enforcement will have to deal with. Cops on the ground are tired of dealing with policy mistakes, policy screw-ups and an authorized camping site that needs to be looked at in terms of postmortem. What went wrong with that before we start making more mistakes. Thank you.

Mayor Jordan Hess Thank you, anyone else in the room? Online I have Mr. Larson first.

Matts Larson Matts Larson, Ward 3. Hi, I know it's late too, I'll try and keep it short. I think it is quite simple and it is just an option that is like one other caller said that a tool in the tool belt. Doesn't necessarily mean it happens right away or even ever hopefully we can figure out a better long-term solution, but I think this amendment might be a good thing to add just from the common sense standpoint of if there's nowhere to put these people you at least can designate some place to put them. Hopefully that you can make safe. This isn't Phoenix, Arizona this is Missoula, Montana and you know we need to look forward to our next budgeting session to deal with these issues because I think we're still going to have a bunch of urban camping tickets like this Missoulian article or Missoula Current article titled is Missoula Municipal Court holding homeless campers accountable. In that article they cited it's from May 25 this year. They cited that we had a hundred urban camping tickets this year and 50 the previous year. So I think we could probably guess that our urban camping tickets are going to go up and the fine for urban camping if you didn't know is two hundred dollars, which I think is a little ridiculous for us to try and collect off of the most disenfranchised category of people. So I think if you're going to emergency amend this code you might want to amend your criminal code too. Or just do away with it completely. I don't know. You need some sort of balanced look at this and you know of course the City Attorney could be getting a bunch of money from illegal Airbnb homes that we can put towards this solution too but they choose not to. So we need to kind of get more creative with our solutions. Maybe take like a few million dollars from some of our largest budgets and actually buy a place that's not a lemon and develop it into long-term housing this year and try to take the same amount of money the next year and make a long-term solution because it's going to save you millions of dollars in all of those subsequent budgets from cleanup, from police calls, from firemen calls from you know over and overweighing the hospital system. That's all that's going to happen this summer and that's all that the city council has signed us up for as a community by inactive legislation and not acting on this earlier. So you're going to reap what you sow here either way. But at least yeah just let me finish I'm sorry, at least you can have an option to create an a solution temporarily with this amendment. Thank you.

Mayor Jordan Hess Thank you. Next I have phone number, previous commenter phone number ending in 250.

Robert Hensley Hello. Thank you. Yeah I've got three things, the first is that I don't believe that anyone that is not a member or at least unable to convene the Mayor basically unelected or at least representing a large body of the constituents should have the ability to create a rotating no-go Zone across the city based essentially just how they feel that day. I think that all the wards and representatives should have input on where these no-go zones go. It's concerning to me that there are a significant amount of sex offenders that have their addresses set as the Poverello Center. We don't actually know where these people are or where they're going and knowing that they don't have a home if the city says it's okay to put them in Ward 6, well they're just going to go there and those people have no knowledge that now this crowd is here so that needs to be like carefully looked at and understood that that's going to be enabled. Thanks.

Mayor Jordan Hess Thank you and can you give us your name one more time please for the record.

Robert Hensley That's Robert Hensley h-e-n-s-l-e-y Ward 6.

Mayor Jordan Hess Thank you, and seeing no additional comment we're back, we've had discussion among Council and we can have a roll call vote on the amendment.

Mayor Jordan Hess And the amendment fails and we're back to the main motion. Discussion on the main motion, seeing no discussion around the main motion. So this is comments on the ordinance. I've got Mr. Carlino and then Ms. Jones and I'll keep a list here.

Alderperson Carlino Yeah gotten lots and lots of comments about homelessness in our community recently. Hundreds if not thousands of comments about this topic and I think almost everybody who sent us those comments wants us to do something about the issue to try and make it better for everybody in our community. And I want to point out that specifically to this ordinance we've gotten far more email comments, public comments, etc. against the ordinance than for it by a large margin so we've seen a lot of public, I mean the public comments have been overly against passing this ordinance and people's comments to the city council in general have been very in favor of us doing more and doing something to help with homelessness and help make sure everybody in our community feels safe. I just think it would be a lot easier if we vote to fund shelters and housing and things like that rather than voting to fund all these moving people around, cleaning things up, everything police, fire, Parks and Rec all of our service providers like they're all having a much tougher time with this current situation because we didn't fund shelters, places for people to stay, campsites, etc. So I guess I don't have too much more to say rather than we need to fund homes not Sweeps, fund shelters, not sweeps.

Mayor Jordan Hess Ms. Jones.

Alderperson Jones So I've had a lot of comment that I've received also pro and con for this ordinance this emergency ordinance. I'm going to vote for it I think it's absolutely the right thing to do to clean up our code to be in compliance with the ninth circuit and secondly I think it is a high priority in our community that we have our Parks safe for kids this summer and that is absolutely a reasonable expectation and we should be focusing on that as a very high priority, but there is a much bigger issue and I appreciate all the comment and folks coming in both

during our committee meeting and during the hearing tonight. Its been to me the much bigger issue is we need to make sure that our Parks function and our commuter trails function this summer we have a much bigger discussion in terms of housing. And I want to point out I think the city of Missoula has been working on housing extensively frankly far more than any other city in Montana. We've got a housing policy. We've got an affordable housing trust fund. We've worked on mental health. We've got a crisis intervention team and training. We have a mobile support team. We've done a lot of work in these areas but we need to do a lot more and although we have laid a good foundation ever since 2020 when the pandemic hit the need has greatly expanded. We were able to use our federal dollars for interventions on this and make some great inroads for the last few years but those federal dollars have dried up. So we are now sitting here with incredibly high housing costs in Missoula, a homeless population that we can't service, and to me it is a federal and state problem. I'm not seeing any help from the state frankly coming in. Federal government I know is focusing on much bigger urban areas right now so at least they are starting to get their arms around it to a degree, but I don't know that help will come. So in the meantime we're going to have to work on it on a local level and to me the big picture is figuring out as we have many affordable housing projects that we're working on and that are coming online. It's never going to solve this and we have people with different needs at different levels and what we need to focus on I think is having a bigger conversation about having a second significant shelter in Missoula and I think we're all thinking that and focusing on that. So to me that is the big picture. I'm far more worried about winter shelter than summer shelter. I'll be honest and that is also a priority for me. A stop gap measure to me that's the short-term or medium intervention is this coming winter with winter shelter and then we have conversations about a permanent shelter that is secondary to the Pov, so I just wanted to articulate that I'm voting for this tonight because we absolutely have to have our Parks function. We have a huge youth population that will be using those Parks. We have to make it work and give our departments the tools that they need to make it work, but these are the bigger conversations that I anticipate as having.

Mayor Jordan Hess Thank you Ms. Jones. Mr. Nugent and then Ms. West.

Alderpersion Nugent Thank you Mr. Mayor. They left but the comment they made earlier about we're still going to see people camping in our Parks even after this ordinance. They're absolutely right. It's because we've failed and it's not just Missoula it's the state, it's the country but we are we are failing in this and the piece that's kind of clear tonight is it's so unfortunate that we're having this conversation without having some sort of solutions tied to it and we're going to start having those conversations but it's a little bit frustrating and I don't blame anyone I just think that this is fast moving but some of the potential conversations we could be having have come out in the answers to the questions some of us asked tonight. And I think that there is there is frustration that we aren't having more of those conversations at the council level. The other thing that's clear is both the people that are for this ordinance and the people that are against this ordinance have almost to a T spoken to things this doesn't do. And you know I don't know if it's setting expectations. I don't know if it's doing something else but very little changes tomorrow in Missoula with this ordinance. It gives a little bit of flexibility to keep kids in summer camps and Parks safe but this is not solving the houseless issue. This is not providing housing to the unhoused. It's also not going to prevent people who don't want to see the Missoulians camping in Parks from seeing that because we don't have that solution out there and I think that it's important that we just continue to acknowledge that. The conversations we need to be having, the conversation we just had around the amendment and the ACS

you know we've never actually had a really good debrief on the lessons learned from that and what went wrong what went right what are we taking away in our long-term solutions. The issues that the employee from the YWCA outlined six hours ago when this meeting started. Those are things that are still unsaid. We haven't talked about how to how to prevent some of that. A couple points that I think that are just worth making last year when we were doing the budget process there was still the crisis service levy potential on the ballot, and then the crisis service levy failed. I think that if there's if there's somewhere where we have fallen short it's that we probably needed to start having those conversations right then about what now and the funding is still a thing. We don't have the money but this didn't sneak up on us and I think that the comments that people have made around that are absolutely true and I think that there's probably a lesson for Council there that we need to be better and we can push some of these conversations forward as well. It doesn't all have to come to us and I just will be part of that moving forward. Thanks.

Mayor Jordan Hess Thank you, Ms. West and then Ms. Vasecka.

Alderpersion West So we're just talking about the first, the emergency ordinance?

Mayor Jordan Hess We are talking about both.

Alderpersion West Okay, not that it really matters but just to clarify. I guess the first thing I want to say that a simple no vote would really result in keeping camping illegal in all public spaces. And I think that's something that's maybe intentionally getting lost in many of the comments. And I think that this moves us towards I think criminalizing homelessness less as a community overall. I recently read a book that had a really great quote and I wish I had time to go back today and find it but it basically said that the quickest way to destroy the vibrancy and vitality of the community is to become hyper focused on a single issue at the expense of everything else in a community and I'm afraid that is maybe where we're going with this. We can't just focus on one thing and maintain a thriving community. We are more than just an expensive place to live and we need to stay more than an expensive place to live. With that I just want to point out that this is not a housing policy. It doesn't pretend to be a housing policy and it's a policy that is directed specifically at parks and trails and our open lands and making sure that they're usable and safe and welcoming to a diversity of user groups and that includes people that are unhoused and housed of all ages and abilities. I think that there was one public comment that said that people need to know what the rules are and while it's not specifically in the motion that's in front of us tonight there is a clearly defined list of prohibited conduct. It can be found in section 12.40.065. I think those rules are um pretty clear-cut. When I told my 12-year-old that he could not buy an airsoft gun because he could not shoot it anywhere in town, there are rules and you can find them. I think they're often clearly posted at our Parks as well. Lastly I just really want to thank all of our staff and especially Donna and Ryan and all the staff that is out there in the field. I think they probably have the hardest job but I really appreciate the way this issue was presented and all the effort that was made to clearly communicate what both the intent and the goals of this proposed change or these proposed changes. there are two, are.

Mayor Jordan Hess Ms. Vasecka and then Ms. Anderson.

Alderpersion Vasecka Thank you. I stand by what I said earlier and I just wanted to say that just because, we did receive a lot of emails of folks that were opposed to this ordinance but I did talk to a lot of folks and got a lot of phone

calls, text messages and I'm just talking to people on the street that were very much in favor of this so I just wanted to put that on the record.

Mayor Jordan Hess Ms. Anderson and then Ms. Savage.

Alderperson Anderson Thanks so much. We used to joke on Council that no one wanted to go after Jordan and now I'm feeling that way about Ms. West. I appreciate her comments and how well and succinct that they were laid out. I will attempt to do my best as well. I think that as we often find on Council the conversation about what's actually directly in front of us gets kind of washed away with the larger context that sometimes these particular issues fall into. I find that a lot with land use and planning issues but this issue it is hard not to talk about the larger systemic issues of the unhoused in our community. But right now we are talking about a Parks ordinance and we are simply removing some language and it was an interesting mental thought process when I would see an email come through and be like vote no on this and don't criminalize houselessness. And I'm like wait a minute, this ordinance is removing the language that criminalized houselessness and so you're asking me to vote no to keep the language that criminalizes houselessness on the books. I think we have and that was a part of a lot of misinformation out there be it intentional or unintentional. I appreciate Ms. Gaukler laying out the facts and in a very calm level-headed manner of what this particular ordinance and language change does and doesn't do. This doesn't give any new powers to Parks. It just you know cleans up some language, allows them to enforce the parts that have been on the books for quite some time and in hopes to balance usage of our parks in the summer when we see the most kind of use by folks families and children and all of the great work that the Parks and Recreation Department does in the summer camp programs. I think that there is intentionality to balance the multiple user cases and there is the realization that parks are being used by all Missoulians housed or unhoused and that we are talking about specific behaviors that are inappropriate not the fact that a behavior of simply not having a place to live is not what we're talking about. We're talking about and I think we are all really intentional about not trying to spend a lot of time talking about it because we don't want to continue to stigmatize houselessness and so by dwelling on some of the things that does come with not having a house, but there are things like human waste and needles and inappropriate behaviors that happened that it is just not appropriate to be around children. It's up to individual parents to you know decide what they want to do and how they want to educate their children but systemically at large we need to provide for a safe environment. We also realize that people don't have a place to go and I don't think that anything that we've heard today gives the impression that Parks and Rec Department and the police department any other staff are running around chasing down individuals who are camping and keeping their place tidy and they're just trying to basically stop the entrenched camping that can lead to larger more systemic problems. So I am supporting this ordinance because I think it's pretty clear on what it does do and what it doesn't do. But I am not oblivious to the much broader conversation that has been brought up today and that many of the comments that constituents and my fellow council members have made about the crisis. I think we all recognize that we are in a crisis level with people in our community not having a safe decent affordable place to live. I look back upon my time on Council about six years in and some of the things that did not exist when I first got here and what do exist now. Things like the affordable housing trust fund, the mobile support unit, the permanent supportive housing that's opening momentarily with the Trinity Project, the over 400 units of permanently affordable housing with the Trinity and the Bellagio. There was no winter shelter when I first started. Now we're looking to expand shelter year round. Is this enough? Absolutely not. Are

we making steps? Yes. Are they fast enough? No, but we are dealing with systemic issues that have been in place for decades and failures at multiple levels of government federal, state, local and we are the ones who are the closest to the problem and there's more of us being asked, rightfully so demanded of us and we are trying to do the best we can with the toolboxes. Can we do better? Absolutely. Is there a silver bullet to this? Absolutely not and I was here having those budget conversations until the wee hours of the night eating way too many jelly beans to keep awake and we were faced with the conversation of not having a crystal ball saying we have X number of dollars left in our shelter that we can put towards shelter. Do we spend it all now or do we hope that Missoulians will pass a crisis service levy? We don't know the answer to that so understanding that more people die in the winter of being unhoused we made the decision at that time to hold what money we had left over to make sure that we could provide winter shelter for the following year. Now yes there will be some who will come and argue the next time they have the ability to come and comment that we could have zeroed out the police department's budget and put it all towards shelter or we could taken insignificant amounts of money from you know other buckets but those were not realistic conversations to be having at two o'clock in the morning when we are adopting a final budget. Will we have substantive hard conversations this year around the budget? Absolutely, and do I look forward to those? Of course but today we are talking about cleaning up some Park language and we will continue to have hard conversations about how to support those in our community who do not have a safe decent and affordable place to live. I look forward to that. If people have ideas and that are substantive other than just do more and be more creative, any one of us around this horseshoe are open to those because we need all the smart minds looking and trying to address this problem. So with that I will just simply say I'll be in support of this ordinance. Thank you.

Mayor Jordan Hess Thank you, Ms. Savage and then Ms. Sherrill.

Alderpersion Savage Thank you and forgive me if I'm completely inarticulate because I've been up a very long time. I just wanted to take a quick second to say that I'm just disappointed that we spent this much time not talking about real comprehensive solutions. We don't have a plan. I think it's clear but we do have an emergency. I agree with what many commenters have said is that we did know this was coming yet we are unprepared. Amending this ordinance feels piecemeal to me. It doesn't feel holistic. I've said to many of you around this horseshoe recently that I'm growing weary of hearing we can't because. And I would like us to be able to try some things. I'd like us to be able to really look at these problems from a holistic way. I agree with Mr. Nugent and I will own my own responsibility in not bringing those things forward. I guess I have been looking to staff frankly to bring solutions to some of these big intractable problems because they do have a lot of knowledge and a lot more expertise than maybe some of us on Council. But we don't have to wait for them to come to us. So I appreciate that and particularly I know that Mr. Nugent has brought a couple referrals for short and long term at least discussion points and something that we could be talking about. I wish we were hearing those this week. I understand why we're not but it seems that these are problems that we should be really spending a lot more time talking about instead of sort of nuances around language. I appreciate Mr. Carlino bringing the amendment for nothing else than raising it to a level of discussion that I think is important. And Mr. Mayor I'm encouraged to hear that there is money being allocated in your upcoming budget and I hope that it comes to us with some you know like a holistic plan for us to consider as well. We're all a part of this. We're all elected to do this and it's up to all of us to come

to a solution for this emergency and crisis that I see before us. Thank you. Mayor Jordan Hess Ms. Sherrill.

Alderperson Sherrill Thanks I'm having some internet problems but I think can you guys hear me okay.

Mayor Jordan Hess Yeah we can.

Alderperson Sherrill You guys have been going in and out a bit for me but I appreciate all the all of my colleagues comments and I appreciate the public comments and the public passion around this. I agree that this is a product of systemic failure nationwide. I don't think there's a whole lot that I can add to what has already been said. I think we need more options and we need more shelter beds is the bottom line. I think we've gotten really off topic of this ordinance specifically tonight but not off topic of the crisis that we're dealing with. So I I'm going to be supporting it. I believe it is a way that we're going to be able to balance the needs of all our different constituents in the community this summer. It is not perfect. It is not everything and I'm looking forward to what the other pieces of this that are going to be coming to us and finding ways to have shelter beds for people. We need shelter beds.

Mayor Jordan Hess Ms. Becerra.

Alderperson Becerra Thank you. I have about 50 pages of comments I hope can wait. The problem with go less is that I think all my fellow council members have said what I wanted to convey tonight but I'll just keep it brief and say that I think this ordinance provides a good balance between providing a safe environment for all Missoula residents both housed and unhoused and bringing us into compliance with the ninth Circuit Court of Appeals. I also want to say that certainly houselessness is a system failure and it's going to take a system reboot for us to begin to fix it but until that happens I think we need to have more conversations about how we go about managing this crisis in in our community and that should be a community conversation and I look forward to those conversations. I have worked on issues related to homelessness for probably 10 years and while we're not solving the issue I think that we have made significant progress at identifying funding sources that we can tap into creating coalitions in our community and relying on those collaborations between many agencies across the community. And also focusing on housing first approach and I think we need to continue to focus on that, finding a place for our un-housed members of the community to rest that night and permanently find a place for them to live. I think it's where we need to be focused and in the meantime how to manage this situation requires all of us having more conversations and I look forward to that. I want to thank staff for answering all the many questions that I sent your way over the last two weeks. I appreciate it and I also want to say that our communication staff has put together a really good Q and A page and it's on our website. It speaks to the need for this ordinance, what the ordinance does and what it doesn't do, so I would encourage you to anyone who wants to learn more about it to seek that information on our website. Thanks.

Mayor Jordan Hess There's no one else in the speaker queue. We've had public comment. I'll just weigh in briefly and then we'll go to a vote. I appreciate the work our staff have done to put this together. As everyone has been saying this is a minor surgical change to our code that will result in very minor operational changes on the ground. This will not result in a massive change in the way anything's done and I think that's an important thing to set expectations about among everyone in the community. As everyone said this remains a large seemingly intractable problem and I like many of you this has been consuming nearly all of my time. I've had dozens of conversations with all of you around the

table, with most of you around the table in one-on-one sessions, in small group sessions around this horseshoe. We have been talking about this ad nauseam and we will continue to do so. So I appreciate the desire to continue to talk about it but I'll just point out that we have been talking about it and we'll keep talking about it. And I think that's really important for the community to know that this is something that we've all been grappling with for a long time and that we'll all continue to work diligently on. When we brought forward the crisis Services levy last year that was our attempt at creating long-term funding source. We are at an age with the way local government is funded in Montana that we are not going to be able to fund new or even continued government services without voter approval and we're going to be seeing that more and more. Just like the school district sees operations levies every single year I think we're going to be starting to see smaller scale levies at the local level and that's just because of the way our property tax system is set up. We can't fund new programs. We're capped at half the rate of inflation and costs increase at an inflationary cost and here we're looking at adding a new cost and those are all examples of ways where we're going to have to go to the voters. So I don't buy the criticism that that there wasn't a long-term plan. The long-term plan failed at the ballot box last year so we're coming back and we're figuring it out and we have been figuring it out since our first debrief meeting about mid-November last year. We're going to continue to work on this and we're going to continue to work on a long-term funding package and I look forward to working on it with all of you and with everyone in the audience. With that we can have a roll call vote on the motions.

Moved by: Alderperson Sherrill

Adopt an emergency ordinance of the Missoula City Council amending Chapter 12.40, Sections 12.40.010, to come into compliance with the Ninth Circuit decision in *Martin v. City of Boise* by clarifying that not all City lands are closed to overnight camping or sleeping and declaring an emergency to protect public health, safety, and welfare. (2/3 vote of all members elected required.)

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Jones, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (1): Alderperson Carlino

ABSTAIN: (1): Alderperson Jordan

ABSENT: (1): Alderperson Farmer

Vote result: Approved (9 to 1)

Moved by: Alderperson Jordan

Return to committee

AYES: (2): Alderperson Carlino, and Alderperson Jordan

NAYS: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Jones, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson Farmer

Vote result: Failed (2 to 9)

Moved by: Alderperson Carlino

Amend emergency ordinance Section A to change the hours parks are closed between 11 p.m. and 5 a.m. as read into the record.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Jones, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSTAIN: (1): Alderperson Jordan

ABSENT: (1): Alderperson Farmer

Vote result: Approved (10 to 0)

Moved by: Alderperson Carlino

Add the following language to the emergency and regular ordinance:

B. Notwithstanding the hours of closure of City parks, trails and conservation lands provided in paragraph A of this subsection, the Director of the Parks & Recreation Department, or the Mayor, are authorized to open one or more parks, or any portion(s) thereof, to occupancy during said hours by unhoused persons lacking other safe City owned, City managed or City approved place at which to sleep, camp or reside at no cost to the person, when such opening is deemed necessary in order to comply with judicial rulings, or with any City Ordinance declaring an emergency or establishing policies with respect to unhoused persons in the City.”

AYES: (3): Alderperson Carlino, Alderperson Nugent, and Alderperson Savage

NAYS: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Jones, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSTAIN: (1): Alderperson Jordan

ABSENT: (1): Alderperson Farmer

Vote result: Failed (3 to 7)

10.2.3 Ordinance amending Missoula Municipal Code Chapter 12.40 regarding overnight camping in City public spaces

Moved by: Alderperson Sherrill

[First reading and preliminary adoption] Set a public hearing on June 26, 2023, and preliminarily adopt an emergency ordinance of the Missoula City Council amending Chapter 12.40, Sections 12.40.010, to come into compliance with the Ninth Circuit decision in *Martin v. City of Boise* by clarifying that not all City lands are closed to overnight camping or sleeping and declaring an emergency to protect public health, safety, and welfare.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Jones, Alderperson Jordan, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson Farmer

Vote result: Approved (11 to 0)

10.3 Committee of the Whole (COW) committee report

10.4 Housing, Redevelopment, and Community Programs (HRCP) committee report

10.4.1 Minutes from the May 24, 2023 Meeting

10.5 Land Use and Planning (LUP) committee report

10.6 Public Safety, Health and Operations (PSHO) committee report

10.6.1 Minutes from the May 24, 2023 Meeting

10.7 Public Works and Mobility (PWM) committee report

10.7.1 Minutes from the May 24, 2023 Meeting

11. NEW BUSINESS

12. COMMUNICATIONS FROM THE MAYOR

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

Mayor Jordan Hess We can begin our general comments this week with Ms. West. Alderperson West I just listen to a comment that was made earlier about our Ward redistricting and related to East Missoula. I trying to figure out what date they were supposed to be annexed, I think it was 2024-2025 as a part of their agreement for sewer service but I think last year we voted to defer that annexation for another 10 years at the request of the community council out in East Missoula and the County Commissioners so that that community could stay eligible for some large federal funding opportunities. The golf course however which is out there has been a part of the city limits of Missoula I'm not sure since when for at least eight years since that's how long I've represented Ward 1 or almost eight years and I assumed that they were annexed as a part of their connection to city sewer so those boundaries have not changed and will likely not change for another 10 years unless the East Missoula Community changes their mind and wants to be annexed sooner.

Mayor Jordan Hess Ms. Anderson.

Alderperson Anderson And also we are legally not allowed to draw out an incumbent in their Ward hence why sometimes you have funny looking lines around particular Council Ward members. Yes I thought of those same comments when those were made so thanks for the clarification Ms. West. I just want to quickly thank staff I don't know if I got a chance to do that in my comments not only for being here and providing substantive context for the work that we do but just when you get hired at Parks and Rec you think you're spending your summer working with kids or being outdoors, and they are having to do a lot more than what is normally asked of them and they are answering the call and working hard and I am continually impressed with the people who choose to work for the city of Missoula all the way from in leadership and Department head positions down to the very entry level. They do it and they represent Missoula well and hopefully we work hard on their behalf as well so they serve Missoula well and I just want to take this opportunity on the record to thank all of them. Mayor Jordan Hess Ms. Jones.

Alderperson Jones I'll pass.

Mayor Jordan Hess Mr. Contos.

Alderperson Contos Pass.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka I just wanted to quickly thank of all the folks that stayed here to take part in the Democratic process thank you. And I want to thank my colleagues that even if we disagree I really enjoy our conversations to help make Missoula a better place. Thanks.

Mayor Jordan Hess Mr. Carlino.

Alderson Carlino Yeah I guess just quick comment I think you know we're seeing like the rise of homelessness across the country and housing prices rise like crazy. People are having a harder time now than any time in recent history to just get their basic needs met and I think this is all a product of a capitalist society and allowing capitalism to control people's basic needs like housing healthcare, food, etc., capitalism controlling people's basic needs will always leave people without getting their basic needs met.

Mayor Jordan Hess Ms. Savage.

Alderson Savage Thank you. I just wanted to say Happy Pride and as a very very tired ally right now I just wanted to say that I love the events lineup that we are seeing for the Missoula Pride and one event in particular I just wanted to plug. It's called After Roe and it's a dance performance from the Lineage Dance Company out of Los Angeles and that'll be here, there are Friday night performances, Saturday night performances, and Sunday performances and I just encourage you all to go. It uses dance in theater to tell stories of abortions looking ahead at a post real world. Thank you.

Mayor Jordan Hess Thank you. Mr. Nugent.

Alderson Nugent Thank you Mr. Mayor. I just want to echo the comments thanking staff, Donna I really appreciated you tonight. You were as always very educational to us all and thorough and calm and all the above and I also want to just say thank you to your staff because I know that you know and I think my colleague Ms. Anderson mentioned this but if I was hired to mow lawns and I was doing what they're doing instead that would be tough on morale and I know that your staff is carrying a large portion of the city's burden on this front and I just want to make sure that they do know that we appreciate them and we see them. So thank you.

Mayor Jordan Hess Ms. Jordan.

Alderson Jordan I'll pass thanks.

Mayor Jordan Hess Ms. Becerra.

Alderson Becerra I've gotten a few emails with constituents' questions about the Sleepy Inn and it was brought up today too and I just wanted to mention that there is an updated Q and A or informational sheet on the MRA's website about the Sleepy Inn, about the funding, the cleaning and the selling of the property for anyone who wants to get informed. Thanks.

Mayor Jordan Hess Thank you Ms. Becerra. Ms. Sherrill.

Alderson Sherrill I'll pass thanks.

Mayor Jordan Hess Okay, Thank you.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS

14.1 Administratively approved agreement report

15. ADJOURNMENT

Mayor Jordan Hess With nothing else on the agenda, I thank you all for your service and we will be adjourned.

The meeting adjourned at 11:44 p.m.

Martha L. Rehbein, CMC, Legislative
Service Director/City Clerk

Jordan Hess, Mayor