

**ADMINISTRATION AND FINANCE COMMITTEE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
February 24, 2010 11:05am**

Members present: Stacy Rye, Chair; Ed Childers; Renee Mitchell; Pam Walzer; Jason Wiener; Dick Haines; Lyn Hellegaard; Roy Houseman; Dave Strohmaier; Jon Wilkins; Bob Jaffe.

Others present: Brentt Ramharter, Marty Rehbein, Jim Nugent, John Hendrickson, Rod Austin, Dee Andersen, Jamee Greer, Jessica Thayer, Niki Zupanic, Caitlin Mallory, Andrew Bedunah, Irina Cates, Jeanette Zentgraf.

I. Administrative Business

A. Approve committee minutes dated: [February 17, 2010](#)-approved as submitted.

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

II. Consent Agenda

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

Motion: The committee recommends the City Council approve [claims](#) totaling \$292,085.40 ([Detailed claims](#)) 03/02/10

B. Resolution of intention extending the duration of the Missoula Downtown Business Improvement District for a period of ten (10) years. ([memo](#)) –Regular Agenda (Marty Rehbein) (Referred to committee: 02/22/10)**REMOVE FROM AGENDA**

Motion: The committee recommends the City Council adopt a resolution of intention extending the duration of the Missoula Downtown Business Improvement District for a period of 10 years and set a public hearing on the matter on March 22, 2010.

Marty Rehbein, City Clerk, explained that five years ago the City Council established a Downtown Business Improvement District (BID) for a period of five years. The BID board of trustees has submitted a petition to extend the duration of the district for another ten years. In order to extend the district, a petition must be signed by property owners representing 60% of the total area of the district, and it requires that the boundaries of the district comply with applicable zoning regulations and may not be primarily zoned for residential purposes. She said they have the statutory threshold and will continue to gather signatures. The next steps in the legal process are as follows:

- Adopt a resolution of intention and set a public hearing
- Mail out notice to property owners in the district
- Observe a 15 day protest period
- Determine if there is an adequate statutory protest
- Conduct a public hearing on the matter

She added that the BID has proposed to slightly expand the district and those properties are included in the map provided in the packet.

Jason Wiener moved to set the public hearing, and commented that the BID is an asset to our community.

Stacy Rye asked how many cities in Montana have BID's.

Rod Austin, Downtown Business Improvement District, said most of the cities have one; Kalispell is the last large city to put one in place.

Jon Wilkins asked if the March 22, Council meeting has too many public hearings already.

Ms. Rehbein said there are 2 or 3 that night; however, the district expires on April 5, 2010. March 29 is the fifth Monday of the month and there are no meetings that night, so we have no other options.

Upon a voice vote the motion to set a public hearing for March 22, 2010 carried unanimously.

- C. Consider an ordinance amending Missoula Municipal Code Title 9 to add Chapter 9.64 entitled "Illegal Discrimination" generally prohibiting discriminatory practices in the areas of employment, public accommodations and housing on the basis of race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or gender expression, and amending section 2.94.030 entitled "Percent for Art Programs established:", Section 5.82.080 entitled "Non-discrimination", Section 9.12.010 entitled "Housing Discrimination declared unlawful" and Section 12.58.100 entitled "Exceptions." ([memo](#))—Regular Agenda (Stacy Rye and Dave Strohmaier) (Referred to committee: 02/22/10)

REMOVE FROM AGENDA

Motion: The committee recommends the Missoula City Council set a public hearing on April 12, 2010 on an ordinance of the Missoula City Council, amending Missoula Municipal Code Title 9 Public Peace, Morals and Welfare to add chapter 9.64 entitled "Illegal Discrimination" generally prohibiting discriminatory practices in the areas of employment, public accommodations and housing on the basis of race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or gender expression; and amending section 2.94.030 entitled "Percent for Art Program Established", section 5.82.080 entitled "Nondiscrimination", section 9.12.010 entitled "Housing Discrimination Declared Unlawful" and section 12.58.100 entitled "Exceptions"

Stacy Rye began the discussion by explaining how important a non-discrimination ordinance is for our community and state. She said currently in our municipal code we have a list of protected classes including race, color, religion, and gender. We are now proposing to add sexual orientation, gender expression and gender identity in four areas; public accommodation; housing; employment; and public art. She said she was shocked when she went through the Missoulian archives looking for articles pertaining to this issue and saw so much violence reported. For example a young man in 2007 was beaten badly on the streets of Missoula because he was perceived to be gay. Or the two women who were harassed and threatened because they were holding hands as they walked passed the library. She stated it is enormously important to add this to the existing code and requested to set a public hearing.

Dave Strohmaier who co-sponsored this referral with Ms. Rye said for some time his colleagues, and constituents have discussed this issue and expressed the need for something to be done to address fairness and equality for everyone in our community. He began collaborating with Ms. Rye, The City Attorneys Office, Montana Human Rights Network and The ACLU to amend the Missoula Municipal Code. Ultimately our goal he said is to get legislation out of Helena that would be very similar to this for the entire state. Short of that it will take cities and municipalities to step up to the plate and take an active leadership role. The City of Missoula as the second largest city in the state is poised and ready to play that role of leadership.

Ms. Rye wanted to point out that there is a huge difference between turning someone down for a rental because they are not credit worthy, and turning them down because of their sexual orientation or gender expression.

Jamee Greer, Montana Human Rights Network, said he has spoken to several Council members about this ordinance and would like to explain why the Human Rights Network is involved and answer any questions. The Network originally did a poll to see what city in Montana would be the most enthusiastic to see this come forward. By and large Missoula was number one on this list. Missoula is a very open and welcoming community and our citizens want to make sure equal rights and equal protections are available to everyone. Currently in Montana however, there are no legal protections for members of the Lesbian Gay Bi-Sexual Transgendered (LGBT) Community for housing and employment. You can be denied simply for your sexual orientation or gender identity. One of the things we will be doing before the public hearing is meeting with the LGBT community and gathering and documenting their stories of the discrimination here in Missoula He said as they gather these stories they would forward them to Council to review.

Niki Zupanic, Public Policy Director, ACLU of Montana, thanked everyone for the work they have done to bring this forward. She said the existing ordinance already had several sections of City Municipal Code that did deal with non-discrimination in a number of areas. The most significant thing was the City already had on the books a non-discrimination ordinance relating to housing. What we are proposing in this ordinance is to expand the areas that are covered under the non-discrimination provisions of the City code and to make those provisions comprehensive. To apply not to just the same classes that are protected under state law, but to go a step further and to recognize the need to protect the LGBT community here in Missoula as well.

Dick Haines said he does support this and expressed interest in adding veterans to the protected classes.

Ms. Zupanic said she would be happy to look into that further.

Jon Wilkins added that veterans in our society do face discrimination

Jim Nugent said it's not currently in the state statute.

Mr. Haines said whether or not it's in the state or federal statute he would still like it included.

Dave Strohmaier moved to set the public hearing.

Rene Mitchell asked Mr. Greer which Council members he had *not* spoken to and how had he communicated with the Council members he did contact.

Mr. Greer said Mr. Haines, Ms. Hellegaard and Ms. Mitchell. He said there has been email telephone conversations and in person discussions.

Ms. Mitchell said she didn't want Mr. Greer to be misleading when he says he had spoken to most of the Council on this issue. She then asked about definitions number 8 and number 12.

Ms. Zupanic explained that in regards to the definitions used, they came from several other ordinances she was working on from other localities, in particular Kalamazoo Michigan who recently passed a similar ordinance. She said she also used the Montana Human Rights Act so none of the language used is new.

Ms. Mitchell responded that in her experience there are those that don't follow the norm they realize they are different so their perceptions on how others treat them is based on how they feel. She said she needs more information on this.

Mr. Wilkins commented on what Mr. Haines brought up about Veterans being discriminated against. In his experience when he came back from Nam he was called names and told watch his back or someone will beat you up. Today people can come home and wear their uniform with pride and he supports this ordinance. Discrimination is wrong whatever it is-He is proud to think Missoula would step up and take the leadership role.

Marilyn Marler said although she is not a voting member of this committee she is in strong support of this non-discriminating ordinance.

Lynn Hellegaard said she also feels veterans should be included.

Public Comment:

Jeanette Zentgraf, Concerned Women of America, commented that the Council needs to think very seriously about what they are doing here in regards to this ordinance. She said she and her organization have been collecting data and statistics in regards to anti-discrimination ordinances all over the country. She said many court cases have resulted. The cases that have come up have cost citizens a fortune. In one example a professional photographer named Elaine from New Mexico, a Christian woman whose community passed a similar hate crimes law. Elaine did not want to photograph a lesbian couple's commitment ceremony. A complaint was filed through the New Mexico's Human Rights Commission and she was found guilty of discrimination and fined \$3,000. It was not good for her business and it broke her heart. During the trial Elaine said she

chose to limit her photography for the God glorifying act of marriage between a man and a woman, because she believes in the bible. And no words in the bible could enable her to believe that god approves in a lesbian commitment ceremony. I would suggest before you go though with this that you thoroughly examine the number of cases that are produced because homosexuals go to the Human Rights Commissions in their states and demand satisfaction. I would say from what I have studied over the years it's not the Christians who posing these accusations or actually suing anyone. She thanked everyone for their time.

Ms. Rye asked that Mr. Nugent, Ms. Zupanic and Mr. Greer to add veterans to the definition as well.

Ed Childers said he doesn't like the definition of discrimination and has offered to help change it. He called the question

Upon a voice vote the call for the question passed with Mitchell voting nay.

Upon a voice vote the motion to set a public hearing carried unanimously.

III. Regular Agenda

- A. Review of financial reports on City website ([memo](#)).—Regular Agenda (Brentt Ramharter) (Referred to committee: 02/22/10) **REMOVE FROM AGENDA**

Brentt Ramharter, Finance Director, gave a quick presentation of the Finance Department's section of the City web site. He highlighted the following sections:

- FY10 Budget
- FY10 CIP
- CAFR
- Budget Reports
- Treasurer's Reports
- Mayors Reports
- Impact Fee Reports

- B. Authorize the Mayor to sign a grant application to the Economic Development Administration, in conjunction with the Montana Sustainable Building Center (MSBC) ([memo](#)).—Regular Agenda (Ellen Buchanan) (Referred to committee: 02/22/10) **This Item was not discussed –Held in Committee**

IV. Held in committee

- A. An ordinance amending the municipal code as it relates to bike licensing. ([A&F](#)) (Returned from council floor: 12/15/08)
- B. Implications of establishing maintenance districts. ([memo](#)) – Regular Agenda (Bob Jaffe) (Referred to committee: 05/11/09)
- C. Review the FY 2010-14 CIP projects in committee ([memo](#)).—Regular Agenda (Brentt Ramharter) (Referred to committee: 03/23/09)
- D. Clarify position of council member who also serves on the board of a non-profit agency that has dealings with the city. ([memo](#)) – Regular Agenda (Ed Childers) (Referred to committee: 07/20/2009)
- E. [Resolution](#) of the Missoula City Council establishing a tourism business improvement district consisting of non-contiguous lands within the City of Missoula for the purpose of aiding tourism, promotion and marketing within the district. ([Exhibit A](#)) ([Exhibit B](#)) ([memo](#)) ([A&F](#)) (Returned from Council floor: 10/05/09)

IV. Adjournment

The meeting was adjourned at 12:05pm

Respectfully submitted,

Dee Andersen
Administrative Secretary

