

Journal of Proceedings
Missoula City Council Meeting

February 10, 2020, 7:00 pm
City Council Chambers
140 W. Pine Street, Missoula , MT

Members Present: Stacie Anderson, Mirtha Becerra, John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Bryan von Lossberg

Administration Present: Ginny Merriam, Communications Director, Jim Nugent, City Attorney, Marty Rehbein

Administration Absent: Mayor John Engen, Dale Bickell, Chief Administrative Officer

1. CALL TO ORDER AND ROLL CALL

The meeting of the Missoula City Council was called to order by Mayor John Engen at 7:00 PM in the City Council Chambers at 140 West Pine Street

2. APPROVAL OF THE MINUTES

2.1 Minutes for January 27, 2020

The minutes were approved as submitted.

2.2 Minutes for February 3, 2020

Page 11, change emphasis to empathize

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee Schedule for the weeks of February 12, 2020 and February 19, 2020

Public Works Committee, February 12, 10:05 – 10:25 a.m.

Public Safety & Health Committee, February 12, 10:30 – Noon

Land Use & Planning Committee, February 19, 10:25 – 10:55 a.m.

Committee of the Whole, February 19, 11:00 – Noon

4. PUBLIC COMMENT

Phil said last week a man had threatened the Council. He's not defending a threat because it's reprehensible and unforgiveable but that man needs help. That man had rejoined the service after getting out because he wanted to try and feel good about himself and, in an accident, a log fell on his head and he didn't get medical care. He had hallucinations of the people he killed in Infrared when he was in the Air Force. Obviously, this man was very traumatized and, Phil hopes he gets help instead of trying to ruin his life more than he's already done because he made sacrifices for this country and he's a local hero. He hopes there is a way that he can get help.

Acting Mayor Jones thanked Phil and said she believes those efforts are being made.

Megan Bailey said she noticed that the City of Missoula received \$600,000 from the Department of Public Health and Human Services for some projects. The Corrections facilities is going to get a mental health provider. Partnership Health Center is also going to get part of the award and Western Montana Mental Health Center is also going to get a piece of that award. As a mental health provider, she has a lot of experience in both state and federal contracts and she never saw that go out for public bid, which is disturbing to her, especially if you look at what just happened in Helena with that same network and their breach of contract. She got in touch with someone at the City of Missoula and they got back to her very quickly and it appears as though the threshold for being considered as a recipient of an award of that nature has to do with whether or not you existed a decade ago and if you attend community forums. Her group has never been invited to attend any of these forums. She doesn't even know where they're at or what's going on. She's connected with several other networks in town who also should have been allowed to put in for a bid and none of us have any idea of what's going on or how this one particular network became a recipient of this award. Also, she said we are going to create a clinic inside of the Food Bank and she thinks that's great. Nationally, that's on par with trends and it's a good idea. She understands that the federally qualified health center (Partnership Health Center) is going to be the recipient of that, but she wanted to know what that wasn't put out to bid. We have two federally qualified health centers in this community. The other one being the Missoula Urban Indian Health Center. She does a lot of work in Indian country and she's curious as to why that wasn't put out for bid and why the Missoula Urban Indian Health Center wasn't given an opportunity to also competitively put in for that sort of an opportunity. She wants some clarity around our bidding process, how different players in our community are recipients of these awards and also to look at what types of networks and their history in our state who are receiving those awards and what they are doing in our other communities.

Rembrandt Miller said this will be the last time he'll be addressing the City Council. He congratulated them for successfully silenced an activist and in doing so have sent a chilling message to this community. Brandon was not arrested, no injuries were reported, no charges were filed, no restraining orders were issued, and no temporary orders of protection were announced. Bryant has no criminal record and was honorably discharged from active duty. City Attorney Nugent knows all of this but somehow allowed this story to spin out of control anyway. You've put people's lives in danger by doing what you've done. He's wondering how he's going to be silenced for his part in showing up to these meetings and opposing these TIF giveaways. Even though he can't help but wonder these things, his family is not so thrilled about the idea of finding out what kind of political retributions might be in store for him. After all, last weeks'

fearmongering has created a much greater danger for many of the people he knows and loves who are being threatened now as a result of this blatant character assassination, one that took place the same day as two international publications went live via the drone war. He wonders if the military industrial complex has any roots here in the zoo that could have contributed at all to this fearmongering against one of the nation's most prominent anti-war whistle blowers. He and others are being targeted because you've chosen to present a cartoonish version of events. However, it works out, he suggests against misconstruing the contents of his comments these past few months the way you've done with Sgt. Bryant. This was all about TIF. Out of concern for his family's safety and reputation as well as his own, he's taking his leave of acting as a community liaison for your greater constituency at these meetings. It's worthless information anyway because it's coming from non-millionaires who don't share your ideologies so why even bother voicing it, because this is apparently how we respond to citizen criticisms of political differences in Missoula, Montana, but shutting down the conversation altogether because you'd rather rule without enduring the ignorant suggestions of we pesky indentured servants. He cautions strongly against additional smears of other TIF activists who probably won't go away as easily. Their fault was appealing to ethics, something that's talked a lot about in this room but as evidenced by the present state of our city and the underhanded tactics in dealing with activists, something we all could learn a lot more about, perhaps this was not the robust conversation that some had imagined. As one had observed and said last week, you've got to play the hand you were dealt not the one you wished you had.

Matt Wordell, Ward 1, said his friend Brandon was banned from these proceedings for comments made some time ago. What his friend had said was pretty awful and he understands the Council's reaction and behaved predictably. Brandon was turned into a killer by his country. They send him out to do our dirty work. He came home broken. What are we doing for him? We're told as kids to stand up, fight for your country and do what's right. Every time Brandon stands up, what does he get? How would you feel?

Brian West, Ward 6, said as we've all seen, there can be a lot of acrimony and emotion in this room. He wanted to point out some of the common ground that members of the Council and Council leadership actually have with those who are opposing them. Those of us who still cling to the foolish luxury of hope think that some people feel they've been put in a position of feeling afraid of the citizenry and will maybe use that empathy to understand how afraid the citizenry really is and that's why some act genuinely crazy. The article in the *Missoulian* and the *Missoula Current*, reported by Martin Kidston, refers to Staff Sgt. Brandon Bryant as someone who claims to have been in the military. Supposedly Martin Kidston claims to be a journalist. Mr. West said he thinks a journalist might have looked into the fact to see if he was in the military because saying he claims to be in the military seems like a fairly inflammatory statement but that's part and parcel of journalism in Missoula. We're lucky that we have two newspapers. One is a failing joke of a newspaper that transparently sandwiches articles that serve its advertisers between those advertisements and the other is the *Missoula Current*. He congratulated some of the Council on their courage and accomplishments over the following weeks. In the realm of jokes, he encouraged them on the accomplishment of limiting the First Amendment rights of disabled American veteran to participate in the democratic process. That takes serious guts. Councilwoman Anderson's amendment on the 4th Street project, the community actually appreciated that and, for once, felt heard. For the most part, Council is doing a very good job. Part of the function of contentious citizen comment is that Council are more able to do their job as regulators when there is contentious public comment so you can point to them as the bad guys

and then the developers who expect so much from you and offer so little are less able to take issue with them not bowing to their needs. We recognize that we all live in an absolutely absurd economic system predicated on economic fantasies but somehow it works. Those who are able to keep the machine running, it's a neat trick. If any of us were able to do it and in a position where we were required to, we'd probably want to as well. Congratulations for real and for jokes.

Megan Bailey spoke again on behalf of veterans. The veteran's community, their heart went out to the gentleman last week and recognize the service he gave to our community. We have a litany of mental health resources in our community and encouraged anyone to seek those out if they're having a hard time.

Dan said Brandon Bryant is a friend of his and very important to him. He's also a friend to Dan's 9-year-old daughter. All of the mistakes that were made can be corrected and there's no reason for anyone to be afraid here in this town. He'd like to see some build-up on love and not fear. Can we not heal and move on productively? He asked if we can charge more for building permits. He's not saying don't do the impact fees but they should pay more to build here.

Acting Mayor Jones said we don't do a question-and-answer time here but she recommended he email his City Councilmembers and maybe have a discussion regarding that policy decision.

5. CONSENT AGENDA

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson von Lossberg

Vote result: Approved (11 to 0)

5.2 Bid Award for the 3rd Street Water Main Replacement Project

Award the bid for construction services on the 3rd Street water main replacement project to Western Excavating for an amount not to exceed \$515,742.00 and authorize the return of bid bonds.

Vote result: Approved

5.3 Relationship Violence Services Agreement

Authorize the Mayor to sign an agreement with Missoula County for Crime Victim Advocate services and Healthy Relationship services during Fiscal Year 2020 in the amount of \$171,214.00.

Vote result: Approved

5.4 Montana Board of Crime Control Victims of Crime Act Grant Award (Victim Witness Assistant Project)

Authorize the Mayor to sign the Fiscal Year 2020 – Fiscal Year 2021 Montana Board of Crime Control Victims of Crime Act grant award (18-V01-92395) in the amount of \$96,441.00 for the Victim Witness Assistant Project.

Vote result: Approved

5.1 Claims - February 11, 2020

Approve claims (accounts payable) in the amount of \$544,721.02 for checks dated February 11, 2020.

Acting Mayor Jones said, thank you. Is there any public comment on the consent agenda which I'm sorry, I did not preface it by saying the consent agenda are items which are voted unanimously out of committee and are put on the consent agenda to save time? So, having gone through the items, is there any public comment on the consent agenda? Seeing none, is there any Council comment or questions? Mr. Ramos?

Alderperson Ramos said, thank you, Madam President. I had a question and it's a claims number for \$35,159.79. It's a reimbursement for damage from the concert to Professional Baseball LLC Big Sky. I'm just basically curious, I know in the contract Nick Checota says that his company, Logjam, is going to cover that but I'm just kind of wondering two things. I'm guessing, \$10,000 of that is probably some sort of deposit...not deposit but a deductible. There we go. Some sort of deductible.

Acting Mayor Jones said, okay. Do you want to speak to it, Jim? I can speak to it but you know a little more than I.

City Attorney Nugent said, the \$10,000 is deductible. The rest of the money is from the MMIA for our property insurance. There was a claim made against our property insurance. They paid the \$25,000 and some odd dollars and then the City had to pay the deductible, which is always the first \$10,000 so that totals \$35,000.

Alderperson Ramos said, follow-up?

Acting Mayor Jones said, sure. And just to provide more context, this was, I believe, from the concert this summer at the Osprey Stadium where the rain deluge hit and it compromise the field and then the baseball wasn't able to play for a couple of games and, several games, and so anyway.

Alderson Ramos said, okay.

Acting Mayor Jones said, there was a business interruption basically and per the contract this is how it plays out and there's some insurance coverage so it's one of those things you wish didn't happen but it happened, so this is the course it takes then. Did you have other questions?

Alderson Ramos said, yeah. So, is that different than the Mumford and Sons Concert that happened to happen during that rain, and kind of wrecked the field a little bit from that?

Acting Mayor Jones said, that's the event that I'm referring to.

Alderson Ramos said, okay, perfect. Can we divide the question please?

Acting Mayor Jones said, okay.

Alderson Ramos said, 5.1 separate.

Acting Mayor Jones said, okay.

Alderson Ramos said, thank you.

Acting Mayor Jones said, 5.1 claims, you want divided? Is that...

Alderson Ramos said, ah, yes, just because of the Checota agreement.

Acting Mayor Jones said, okay. Is there any other questions or comments on the consent agenda? Ms. Vasecka?

Alderson Vasecka said, I would just like to agree with Mr. Ramos on that one. I don't think that the City should have to pay for the concern that in the contract it says that Logjam should pay for everything out of pocket for them and I don't think that a city should pay the deductible so I'm going to vote no on that as well.

Acting Mayor Jones said, okay. Any other comments or questions? Seeing none, we'll have a roll call vote on 5.1 and then following that, Marty, on 5.2 through 5.4.

Upon a roll call vote the motion passed with 8 Ayes, 3 Nays, 1 Absent

City Clerk Rehbein said, and now I'll move to the rest of the consent agenda.

Upon a roll call vote the motion passed with 11 Ayes, 1 Absent

Acting Mayor Jones said, thank you.

AYES: (8): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, and Alderperson West

NAYS: (3): Alderperson Contos, Alderperson Ramos, and Alderperson Vasecka

ABSENT: (1): Alderperson von Lossberg

Vote result: Approved (8 to 3)

6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM

None

7. SPECIAL PRESENTATIONS

7.1 Proclamation - Superhero of Kindness Week

Acting Mayor Jones proclaimed February 11 through February 27, 2020 as Superhero of Kindness Week.

[Superhero children handed out flowers to the City Council and staff]

7.2 Proclamation - League of Women Voters 100th Anniversary Day

Acting Mayor Jones proclaimed February 14, 2020 as League of Women Voters 100th Anniversary Day.

7.3 Proclamation - Murdered and Missing Indigenous Women Awareness Day

Jen Harrington said that in 2017 there were 5,646 Native women who were reported missing in the United States. Native Americans are 6.7% of Montana's population yet between 2016 and 2018 they made up 26% of the state's missing cases. Nick Martin wrote an article on January 22, 2020 that stated: "After you read enough about it you realize that this murdered and missing indigenous women's crisis is about patterns and a

refusal to do what's necessary to stop them. Patterns of violent men and extractive industries breezing through land they do not own to take lives that do not belong to them. Patterns of tribal sovereignty being undermined and jurisdictional borders being crossed. Patterns of police dismissing concerned mothers and fathers and aunties and grandparents with the excuse that "runaways always come back." Patterns of coroners dodging paperwork and scrawling "other" next to the line titled "Race" and "accidental death" next to "Cause of Death." Patterns of government officials, top to bottom, ignoring practical, sovereignty-first reforms and instead hoarding the kind of power that keeps the crisis alive." The third leading cause of death among American Indian women is murder. According to a study by the Urban Indian Health Institute in 2016, the states with the highest number of MMIWG cases were Arizona with 54, Alaska with 52, California with 40 and Montana with 42. The MMIWG epidemic deeply impacts urban American Indian and Alaskan Native communities and the dialogue must shift to include them. Any policy addressing MMIWG that does not account for the violence that urban Native communities experience will not adequately address this issue. Savanna's Act, a federal bill aimed at collecting data on the new MMIWG cases, though it is named after Savanna LaFontaine Greywind, who was murdered in Fargo, North Dakota, presently is solely asking federal law enforcement to track and report data. Because cases occurring in urban areas are not in federal jurisdiction, that means that missing and murdered urban Native women and girls, including Savanna herself, would not have been included in the data that the bill aims to collect. Gaps such as these allow violence to urban Native women and girls to continue. Tribal nations must have the ability to advocate for their citizens living in urban areas when they go missing or are killed. This is a courtesy extended to all other sovereign nations when a citizen is killed while living or traveling outside the nation of which they are a citizen a nation is notified of their death and able to advocate for their citizen's case and family. This basic respect must be afforded to tribal nations as well so that they are fully able to practice their inherent sovereignty by advocating for the health and safety of their citizens regardless of where they reside. Today, on the Montana Missing Persons Clearinghouse, there are 147 missing persons; 43 of those are indigenous people comprising 29%. There are also 44 missing children, 16 of which are Native American, making up 36%. Again, the Native American population of Montana is 6.7%.

Ilene McGardner said she's European American and her ancestors are from Germany and Scotland and if something were to happen to her there are systems that would go into place. She has escaped abusive relationships because of those systems that are in place. There is no reason those systems should not work for her sisters that their ancestors are from here.

Amber Schaeffer said thank you on behalf of the Missoula Native community for the proclamation. If you consider yourself a Montanan, then Native American history is part of your history and part of all our history. Our current well-being is the same as everyone else's and our future is also the same. If we can do everything, we can to make sure that, as traditionally many of us come from maternal societies, keeping our sisters, daughters, mothers, aunties and grandmother's safe is of utmost importance, so this just means a lot.

Hilty, said she's from Ward 1. Two weeks ago, her 15-year-old cousin went missing for 32 hours. Thank God, she was found. In 2013, when my aunt went missing, her mom couldn't breathe for 48 hours and thank God, she was found. Last week her niece asked if her if her cousin was still missing and she said yes. Then her niece asked are people still looking for her and she said yes. The niece said she doesn't like them disappearing and that no one cares, and she said I know. She thanked the City for the proclamation.

Sean Crawford said he's in Ward 6. He thanked the City for the proclamation. Even though the proclamation applies to a small percentage of this community and the state of Montana, by helping us we help increase understanding and we help each other because there are other women, girls, aunties, grandmothers and mothers who also disappear and from the greater community, if we are willing to help each other through understanding, respect and true heart-felt energetic help, to help the families and help find these people, we help each other and we all benefit.

Joseph Grady thanked the Council for the wisdom of this proclamation. It is only a sliver of the recognition of the indignities that have happened to indigenous people on these lands. We have to begin moving beyond just land acknowledgments and language and words. What we need is action in Indian country and restore of dignity to our people and so this begins in our house of education, in places like this, outside of these halls and on our streets and so hopefully moving forward we can work closer together to build that recognition and to work on solutions that are far-reaching and effective.

8. PUBLIC HEARINGS

None

9. COMMUNICATIONS FROM THE MAYOR

None

10. GENERAL COMMENTS OF CITY COUNCIL

Alderperson Anderson thanked everyone for coming down tonight and for their comments. Tonight, we wore red to honor the murdered and missing indigenous women and girls and we also wore red tonight because February is Health Awareness Month and heart disease is the number one leading cause of death in women in this country. In 2017, it killed 219,578 women which equates to one in five female deaths is accounted to heart disease. When she was 21 and in college, her roommate, who was only 20, got diagnosed with heart disease and thankfully because of the emphasis on study and research and modern medicine, she's living a happy, healthy and productive life but it's important to continue to raise awareness about this disease.

Alderperson Vasecka thanked everyone for coming here tonight and she thanked the little girl and little boy for the flowers. As of this afternoon there was still a need for about 80 election judges. She was an election judge for a few years and found it very rewarding and a good way to meet people in your neighborhood, so she highly encourages anyone who is able to, to check it out. The training schedule is on the Missoula County Elections Office website or you can call them at 406-258-4751 or stop by their new location at 140 North Russell, on the corner of Wyoming Street and Russell Street.

11. COMMITTEE REPORTS

11.1 Administration and Finance committee (AF) report

11.1.1 February 5, 2020 Administration and Finance report

11.2 Budget Committee of the Whole (BCOW) committee report

11.3 Committee of the Whole (COW) committee report

11.4 Land Use and Planning Appointments (LUPA) Subcommittee report

11.5 Land Use and Planning (LUP) committee report

11.5.1 February 5, 2020 Land Use and Planning report

11.6 Parks and Conservation (PC) committee report

11.7 Public Safety and Health (PSH) committee report

11.8 Public Works (PW) committee report

11.8.1 February 5, 2020 Public Works report

12. NEW BUSINESS

13. ITEMS TO BE REFERRED

13.1 Administration and Finance committee referrals

13.2 Budget Committee of the Whole referrals

13.3 Committee of the Whole referrals

13.3.1 Joint City/County resolution establishing a Food Policy Advisory Board

13.4 Land Use and Planning Appointments Subcommittee referrals

13.5 Land Use and Planning committee referrals

13.5.1 River Road and Reserve Street Residential Storage Warehouse Conditional Use

13.6 Parks and Conservation committee referrals

13.7 Public Safety and Health committee referrals

13.7.1 Relationship Violence Services (RVS) Quarterly Update

13.7.2 Confirmation of Police Officers Bennett, Bloomdahl and McDonald

13.7.3 Fire Department Update

13.8 Public Works committee referrals

13.8.1 An Ordinance Amending Missoula Municipal Code Chapter 13.27 to Update Storm Water Regulations

14. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

14.1 Administratively approved agreement report

15. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Martha L. Rehbein, CMC, City Clerk

John Engen, Mayor

Kelly Elam, Deputy City Clerk