

**City of Missoula
Administration and Finance Committee Agenda**

Date: September 16, 2020, 11:15 AM - 11:35 AM

Location: To register to attend and/or comment: <https://ci-missoula-mt.zoom.us/calendar/list>
For agenda and related documents: www.ci.missoula.mt.us/webcasts
Webstream live or on demand at: www.ci.missoula.us/webcasts
Watch live on Spectrum Cable Channel 190

Members: Stacie Anderson, Mirtha Becerra, John P. Contos, Heather Harp, Jordan Hess, Gwen Jones (chair), Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

Join By Computer: Register for the live webinar to listen in and/or comment during the live meeting:
<https://ci-missoula-mt.zoom.us/calendar/list> or <https://missoulapublicmeetings.com>

Join By Phone: Cell phone users: 1-253-215-8782, 1-213-338-8477, 1-267-831-0333; Landline users: 1-888-475-4499, 1-877-853-5257 Webinar ID: 897 1546 1943 Password: 027222

For more ways to watch the meeting and submit public comment, see the Citizen Participation Guide. Issues? Call the City Clerk 406-552-6078.

Pages

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

1.2 Approval of the Minutes

1.2.1 Minutes from the August 26, 2020 meeting

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2. PUBLIC COMMENT

3. COMMITTEE BUSINESS

3.1 Appointment to the Public Art Committee

John Engen

4

Recommended motion:

Confirm the Mayor's appointment of Hailey Kern to the Public Art Committee to fill a vacated term beginning immediately and expiring on June 30, 2022.

Recommended motion:

Approve and authorize the Mayor to sign an Interlocal Agreement with the Missoula County to define roles and responsibilities of the County and the City in the collection, administration, and distribution of revenues from the Local Option Fuel Tax.

4. ADJOURNMENT

Missoula City Council Administration and Finance Committee Minutes

August 26, 2020

1:30 PM

To register to attend and/or comment: <https://ci-missoula-mt.zoom.us/calendar/list>

For agenda and related documents: www.ci.missoula.mt.us/webcasts

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Watch live on Spectrum Cable Channel 190

Members present: Mirtha Becerra, John P. Contos, Heather Harp, Jordan Hess, Gwen Jones (chair), Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

Members absent: Stacie Anderson

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

1.2 Approval of the Minutes

1.2.1 Minutes from the August 5, 2020 meeting

The minutes were approved as submitted.

2. PUBLIC COMMENT

Jones - Public comment.

Matts Larson - He is waiting for a fiscal year 2021 legal fee estimate for the water litigation. Line item??? I have made multiple attempts to contact Dale Bickell, he has not responded. How can we comment on the budget as a whole when we can't look at the budget as a whole. I think it is ridiculous that I cannot get access to the budget.

Jones - we will move on.

3. COMMITTEE BUSINESS

3.1 NIH Grant Exhibit Fabrication Agreement

Jones - We have two separate items pertaining to the National Institute of Health grant. Eran Pehan will be presenting on both at the same time.

Eran Pehan, Director of Office of Housing and Community Development - We have a grant for a climbing structure at the new library. We received a grant to support future health care providers. Holly Truitt is the co-investigator on the project. The project will support the LINK project at the library. We are asking for approval of a contract for the climbing sculpture. The other request is for a service agreement with UM for a research lab that will focus on STEM. We are amending the contract for another year.

Jones - I want to highlight that all of this is grant funded. Any questions? Seeing none.

Moved by: Julie Merritt

Approve and authorize the Mayor to execute a contract with Process Curiosity in an amount not to exceed \$360,000.00 to provide exhibit fabrication services for the National Institute of Health grant funded DNA Tornado climbing structure within the new Missoula Public Library.

AYES: (11): Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (1): Stacie Anderson

Vote results: Approved (11 to 0)

3.2 University of Montana Amendment to Service Agreement

Approve and authorize the Mayor to execute an amendment to the year one service agreement with the University of Montana to extend the contract by one calendar year and increase the contract amount by \$33,774 for a total amount not to exceed \$67,548.00 in order to provide project management and research for the National Institute of Health grant funded program.

AYES: (11): Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, and Heidi West

ABSENT: (1): Stacie Anderson

Vote results: Approved (11 to 0)

3.3 Resolution levying assessments for hazardous vegetation for fiscal year 2021

Jones - Next we have Marty Rehbein here to present on the next two items.

Marty Rehbein, Legislative Services Director/City Clerk - These are for hazardous vegetation removal and sidewalk snow removal. Hazardous vegetation removal is complaint driven. The property owner is notified to rectify the problem, if they don't, a City contractor removes the weeds. A bill is submitted to the property owner, if they don't pay, we place that bill on their taxes. That is what we are asking the Council to approve today allowing us to levy the assessments. The next item is similar but with snow removal. It is complaint driven. The City will notify the property owner to remove their snow, if they don't we contract for the removal then send them a bill. If they don't pay, we add the assessment to their tax bill.

Jones - Questions?

Merritt - I will make the motions.

Ramos - I am against all of these. It is against my personal view of personal property rights. Just because we can doesn't mean we should. With sidewalks, this makes no sense to me since this is right of way.

Becerra - I will be supporting the motion. It is important to recognize that both of these are public safety hazards.

Hess - I agree with Mr. Ramos in part in how we treat our sidewalks, I think they are in the public interest. In the mean time, I think this is an important program to support. I heard of a man who uses a wheelchair who couldn't get to the bus due to snow. I have another constituent that has a weed problem in a county parcel next to them that we cannot enforce. This person lives with a real concern that there could be a grass fire next to them.

Jones - I support this. There are other municipalities who address enforcement differently. As a courteous we take care of our sidewalks. Development Services does work with people extensively.

Jones - These will go on the consent agenda.

Rehbein - We need to put this on the meeting of 09/02 in order to get these on the tax bills.

Moved by: Julie Merritt

Adopt a resolution levying a special assessment and tax upon property for annual weed assessments for fiscal year 2021 to reimburse the city for hazardous vegetation and nuisance weed cut orders in the amount of \$1,187.50 pursuant to section 7-22-4101 Montana Code Annotated and section 8.40.040 Missoula Municipal Code

AYES: (9): Mirtha Becerra, John Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Bryan von Lossberg, and Heidi West

NAYS: (2): Jesse Ramos, and Sandra Vasecka

ABSENT: (1): Stacie Anderson

Vote results: Approved (9 to 2)

3.4 Sidewalk Snow Removal Assessments for fiscal year 2021

(Adopt/Deny) a resolution levying a special assessment and tax upon property for annual sidewalk/snow removal assessments to reimburse the city for removal of snow removal performed in 2020 in the total amount of \$1,360.00 pursuant to sections 12.16.030 and 12.16.040 Missoula Municipal Code.

AYES: (8): Mirtha Becerra, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Bryan von Lossberg, and Heidi West

NAYS: (3): John Contos, Jesse Ramos, and Sandra Vasecka

ABSENT: (1): Stacie Anderson

Vote results: Approved (8 to 3)

4. ADJOURNMENT

1:54 PM



City of Missoula, Montana
Item to be Referred to City Council Committee

Committee: Administration and Finance

Item: Appointment to the Public Art Committee

Date: September 14, 2020

Sponsor(s): John Engen

Prepared by: Heidi Bakula

Ward(s) Affected:

<input type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input type="checkbox"/> Ward 2	<input type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
	<input checked="" type="checkbox"/> N/A

Action Required:
Confirm Mayor's Appointment.

Recommended Motion(s):
I move the City Council:

Confirm the Mayor's appointment of Hailey Kern to the Public Art Committee to fill a vacated term beginning immediately and expiring on June 30, 2022.

Timeline:

Referral to committee:	September 14, 2020
Committee discussion:	September 16, 2020
Council acts to set hearing:	NA
Public Hearing:	NA
Deadline:	NA

Background and Alternatives Explored: None.

Financial Implications: None.

Links to external websites: None.

Application Form--Missoula Public Art Committee

Hailey Kern
Haileykern1@gmail.com

Applicant Background:

Are you a city resident? Yes
How long immediately prior to today's date have you been a city resident? 15 years
In which ward do you reside? 3

Are you a U.S. citizen? Yes
Are you registered to vote? Yes

Current Occupation: Founder, Cancer Support Community of Missoula
Current Employer: Becky Franks, Cancer Support Community of Montana (Bozeman)

Briefly describe your educational background: Some college at the University of Montana

List of community service experience: American Red Cross, Living Art of Montana, Big Brothers Big Sisters, Paxson elementary volunteer, Missoula marathon volunteer, Riverbank Run volunteer, Garden City Harvest, American Heart Association...the list goes on!

What is your interest in serving on this board, commission, or committee? I have a passion for the arts! I adore how universal the arts are- I love the conversations that occur around art, I believe it brings people together and creates conversation even in the hardest of times. I've worked very little with the city but my few experiences have been thought provoking and I appreciate the process. I wouldn't say I'm "qualified" for this position but if you are interested in a person who is Community driven and has a passion for the arts then that makes me qualified!

Do you have any special knowledge, interest, or experience that would qualify you for a position on this board, commission, or committee? I have experience in being a great listener; I have experience in being a thoughtful communicator. I believe those two things would make me a good candidate for this position.

References

Maria Chestnut
(406) 529-4945
Blaine St., Missoula, MT 59802

Melanie Matelich
(406) 239-7626
Paxson Elementary, Missoula, MT 59802



City of Missoula, Montana
Item to be Referred to City Council Committee

Committee: Administration and Finance

Item: Local Option Fuel Tax Interlocal Agreement with Missoula County

Date: September 8, 2020

Sponsor(s): Jeremy Keene

Prepared by: Katie Emery

Ward(s) Affected:

<input type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input type="checkbox"/> Ward 2	<input type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
<input checked="" type="checkbox"/> All Wards	<input type="checkbox"/> N/A

Action Required:

Approve the Local Option Fuel Tax Interlocal Agreement with Missoula County.

Recommended Motion(s):

I move the City Council: Approve and authorize the Mayor to sign an Interlocal Agreement with the Missoula County to define roles and responsibilities of the County and the City in the collection, administration, and distribution of revenues from the Local Option Fuel Tax.

Timeline:

Referral to committee:	September 14, 2020
Committee discussion:	September 16, 2020
Council action (or sets hearing):	September 21, 2020
Public Hearing:	Click or tap here to enter text.
Deadline:	Click or tap here to enter text.

Background and Alternatives Explored:

On June 2, 2020, the citizens of Missoula County voted to adopt a two cent per gallon Local Option Fuel Tax (LOFT). It is estimated that the LOFT will generate \$1.1 million annually, which will be split equally between the City and County.

Financial Implications:

N/A

Links to external websites:

N/A

**LOCAL OPTION FUEL TAX
INTERLOCAL AGREEMENT BETWEEN
CITY OF MISSOULA
AND MISSOULA COUNTY**

This Interlocal Agreement (Agreement) is made and entered into between the City of Missoula (the “City”) and Missoula County (the “County”), both political subdivisions of the State of Montana. The purpose of this agreement is to define roles and responsibilities of the County and the City in the collection, administration, and distribution of revenues from the Local Option Fuel Tax (LOFT).

WHEREAS, Montana state law authorizes the people of a Montana County to impose up to a two (2) cents per gallon motor fuel excise tax, pursuant to Title 7, Chapter 14, Part 3 of the Montana Code Annotated entitled “LOCAL OPTION MOTOR FUEL EXCISE TAX”.

WHEREAS, June 2, 2020 the people of Missoula County pursuant to vote of the Missoula County electorate adopted a two (2) cent per gallon motor fuel excise tax to be imposed within Missoula County;

WHEREAS, it is estimated that the LOFT will generate \$1,100,000 annually.

Based on the foregoing, the parties agree as follows:

- 1. DURATION.** The duration or term of this Agreement shall be indefinite unless terminated pursuant to section 6 of this Agreement.
- 2. ORGANIZATION, COMPOSITION AND NATURE OF ANY SEPARATE LEGAL ENTITY CREATED BY THE CONTRACT.** The parties agree that a separate legal entity is not created by this Agreement. This Agreement does not void or supersede any other existing agreements involving the parties. Both the City and the County are independent units of local government with separate governing bodies.
- 3. PURPOSE OF INTERLOCAL CONTRACT.** The purpose of this Agreement is to clearly define roles and responsibilities of the City and County related to the collection, administration, and distribution of revenues from the LOFT.
- 4. MANNER OF COOPERATIVE UNDERTAKING AND ESTABLISHMENT OF BUDGET.** The parties agree to the following financial considerations:
 - 4.1.** The City is responsible for all City expenses unless otherwise provided for in this Agreement or by operation of law.
 - 4.2.** The County is responsible for all County expenses unless otherwise provided for in this Agreement or by operation of law.
 - 4.3.** The County will create a motor vehicle excise tax account as required by Mont. Code Ann. § 7-14-303(2).
 - 4.4.** Revenue from the County’s LOFT account will be dispersed to the City and County twice a year in accordance with Section 5.

4.5. City payments will be sent to:

City of Missoula Finance Department

435 Ryman St.
Missoula, MT 59802

5. MANAGEMENT AND ADMINISTRATION. The parties are responsible for the following management and administrative activities:

5.1. The Missoula County Treasurer, or his or her designee, will be responsible for collecting and dispersing LOFT revenue.

5.2. As required by Mont. Code Ann. § 7-14-302(2), one percent (1%) of the total revenue generated from the LOFT will be reimbursed or otherwise credited to retail sellers for the cost of complying with the requirements of the Missoula County Treasurer.

5.3. The City and County agree that should the Missoula County Treasurer determine that an administrative fee is needed, they will meet to determine a method for funding that request.

5.4. The City and County agree to split the cost of annual audits.

5.5. The Missoula County Treasurer will establish procedures to provide a refund to a person who has paid the tax but who can substantiate that the motor fuel was purchased for a use other than on the public roads and highways of this state.

5.6. The City and County will split the LOFT revenues equally after reimbursing 1% to the retail sellers and providing refunds to consumers in section 5.5.

6. TERMINATION. This Agreement may be terminated by either party unilaterally by giving notice of termination in writing at least thirty (30) days prior to the date of the intended termination. If for any reason the LOFT is terminated, the Agreement will automatically be terminated. In the event the Agreement is terminated any remaining revenues will equally be dispersed between the City and the County.

7. MANNER OF ACQUIRING, HOLDING AND DISPOSING REAL AND PERSONAL PROPERTY USED IN THE JOINT UNDERTAKING. No personal or real property shall be acquired, held and disposed of by the County or City in fulfillment of this Agreement.

8. RETIREMENT SYSTEM REPORTING. Each party is respectively responsible for any reports or payments of retirement system contributions for its employees.

9. INDEMNIFICATION. The City shall defend, indemnify and hold harmless the County, its employees and agents, from all claims, liabilities, causes of action or judgments, including costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission or willful misconduct of the City, its employees or agents in performance of work or services.

The County shall defend, indemnify and hold harmless the City, its employees and agents, from all claims, liabilities, causes of action or judgments, including costs and attorney fees, asserted by or awarded to third parties as a result of any negligent action or omission or willful misconduct of the County, its employees or agents in performance of work or services.

10. FILING OF INTERLOCAL AGREEMENT. The County shall file this agreement with the Missoula County Clerk and Recorder and with the Secretary of State.

11. AUTHORIZATION TO APPROPRIATE FUNDS. In accordance with Montana Code Annotated Section 7-11-108 the City and the County may appropriate funds for the purpose of performance of this Agreement and provide such personnel or services therefore as may be within its legal power to furnish.

Signed this _____ day of _____, 2020

MISSOULA BOARD OF COUNTY
COMMISSIONERS

CITY OF MISSOULA

BY:

BY:

Josh Slotnick
Chair

John Engen
Its: Mayor

David Strohmaier
Commissioner

ATTEST:

Marty Rehbein, City Clerk

Juanita Vero
Commissioner

ATTEST:

Tyler Gernant, Clerk and Recorder