

Council Action Summary
Missoula City Council Meeting

November 23, 2020, 6:00 pm
ZOOM Webinar

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

Administration Present: Mayor John Engen, Dale Bickell, Chief Administrative Officer, Ginny Merriam, Communications Director, Jim Nugent, City Attorney, Marty Rehbein

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF THE MINUTES

2.1 Minutes from the July 13, 2020 meeting

The minutes were approved as submitted.

2.2 Minutes from the October 26, 2020 meeting

The minutes were approved as submitted.

2.3 Minutes from the November 9, 2020 meeting

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 City Council Committees will not meet the week of November 23, 2020

3.2 Committee Schedule for the week of November 30, 2020

4. PUBLIC COMMENT

5. CONSENT AGENDA

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

5.1 Claims - November 17, 2020

Ratify claims in the amount of \$1,058,430.96 for checks dated November 17, 2020.

Vote result: Approved

5.2 Claims - November 24, 2020

Approve claims in the amount of \$ 1,002,034.88 for checks dated November 24, 2020.

Vote result: Approved

5.3 Resolution on the Mullan Area Neighborhoods Master Plan and Ordinance establishing a form based code to implement the plan.

[First reading and preliminary adoption] Set a public hearing on December 7, 2020 and preliminarily adopt an ordinance of the Missoula City Council establishing Title 21, Chapter 1, Missoula Municipal Code to implement a traditional neighborhood development form based code for the area generally located north of Mullan Road, west of North Reserve Street south of West Broadway and east of the Missoula International Airport.

Vote result: Approved

5.4 Referral – 601 W Broadway Riverfront Trail Development Agreement

Approve and authorize the Mayor to sign the 601 W Broadway Riverfront Trail development agreement with Riverfront LLC.

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

ABSTAIN: (1): Alderperson Merritt

Vote result: Approved (11 to 0)

5.5 Trinity Mullan 2 Lot Minor Subdivision

Approve the variance request to allow a 66-footwide public access easement, 5-foot-wide sidewalks, and no boulevards for Mullan Road adjacent to the subject property.

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

ABSTAIN: (1): Alderperson Merritt

Vote result: Approved (11 to 0)

Approve the variance request to allow 47.5 feet of right-of-way, 29.5-foot paved street width, curb and gutter, curbside sidewalk and parking lane on the south side of the street,

5-foot wide sidewalk and landscaped boulevard on the north side of Maple Street between West Broadway and the subject property, subject to the conditions of approval.

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

ABSTAIN: (1): Alderperson Merritt

Vote result: Approved (11 to 0)

Approve the variance request to allow a 5-foot-wide sidewalk and no bike lane on the southwest side of West Broadway adjacent to the subject property subject to the conditions of approval in the staff report, as amended by Land Use and Planning Committee on November 18, 2020.

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

ABSTAIN: (1): Alderperson Merritt

Vote result: Approved (11 to 0)

Approve the variance request to allow a 6-foot-wide public access easement and 5-foot-wide improved surface for the pedestrian trail between Maple Street and Mullan Road.

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

ABSTAIN: (1): Alderperson Merritt

Vote result: Approved (11 to 0)

Approve the Trinity Mullan 2 Lot Minor Subdivision, based on the findings of fact and subject to the conditions of approval in the staff report, as amended by Land Use and Planning Committee on November 18, 2020.

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

ABSTAIN: (1): Alderperson Merritt

Vote result: Approved (11 to 0)

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

7. SPECIAL PRESENTATIONS

8. PUBLIC HEARINGS

8.1 Trinity Affordable Housing Development Bond Resolution

Moved by: Alderperson Jones

Adopt a resolution relating to a project on behalf of Trinity Apartments, LLLP, and the Issuance of revenue bonds or notes to finance all or a portion of the costs of designing, engineering, and constructing a multifamily rental housing project commonly known as Trinity Apartments and associated costs under Montana Code Annotated, Title 90, Chapter 5, Part 1, as amended; approving the project and authorizing the issuance of bonds or notes therefor.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

8.2 Dean Stone Corridor Open Space Acquisition

The Missoula City Council will hold this public hearing open and will take it up under Final Consideration at the next regular City Council meeting on December 7, 2020

9. FINAL CONSIDERATION

9.1 Referral and Staff Report Hellgate Village East Townhome Exemption Development Conditional Use

Moved by: Alderperson Hess

Approve the townhome exemption development conditional use request for property located east of Flynn Lane on Mary Jane Boulevard and Killarney Way based on the findings of fact in the staff report, subject to the conditions of approval.

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

ABSTAIN: (1): Alderperson Merritt

Vote result: Approved (11 to 0)

9.2 Schmidt Road- Milwaukee Trail to Mullan Road Connector Public Trail Easement Open Space Acquisition

Moved by: Alderperson Sherrill

Adopt a resolution to expend up to \$25,000 of the City's portion of the 2006 Open Space Bond funds to purchase a perpetual public trail easement that will provide a critical connection between the Milwaukee Trail corridor and Mullan Road and Trail.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

9.3 Proposal to regulate tobacco sales and prohibit the sale of flavored tobacco products

Moved by: Alderperson Anderson

[Second and final reading] Adopt an ordinance of the Missoula City Council creating Title 8, Chapter 8.38 Missoula Municipal Code entitled "Restrictions on the Display of Tobacco Products and the Sale of Flavored Electronic Tobacco Products, and on the unlawful transactions consisting of selling or giving tobacco products to youth in violation of state and federal law with amendments to the 13th whereas as shown in the draft attached to the agenda and with changes suggested by the State health department, amend definition in (F) and Section 8.38.040 an amendment to the first paragraph and A in the section and amendments to 8.38.080 penalties section.

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

NAYS: (4): Alderperson Contos, Alderperson Harp, Alderperson Ramos, and Alderperson Vasecka

Vote result: Approved (8 to 4)

10. COMMUNICATIONS FROM THE MAYOR

11. GENERAL COMMENTS OF CITY COUNCIL

12. COMMITTEE REPORTS

12.1 Administration and Finance committee (AF) report

12.2 Budget Committee of the Whole (BCOW) committee report

12.3 Committee of the Whole (COW) committee report

12.3.1 November 18, 2020 Committee of the Whole report

12.3.1.1 LEARN Missoula Contract

Moved by: Alderperson von Lossberg

Approve and authorize the Mayor to sign a contract for services with All Nations Health Center, the fiscal sponsor for LEARN

Missoula, for \$75,000 to conduct a thorough research project and provide a place-based action plan that is created by and centered upon Black, Indigenous and People of Color (BIPOC).

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, Alderperson von Lossberg, and Alderperson West

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

Vote result: Approved (9 to 3)

12.4 Land Use and Planning Appointments (LUPA) Subcommittee report

12.5 Land Use and Planning (LUP) committee report

12.5.1 November 18, 2020 Land Use and Planning report

12.6 Parks and Conservation (PC) committee report

12.7 Public Safety and Health (PSH) committee report

12.7.1 November 18, 2020 Public Safety and Health report

12.8 Public Works (PW) committee report

13. NEW BUSINESS

13.1 Community Development Block Grant COVID Funds (CDBG-CV) Round 3 Allocation

Moved by: Alderperson Jones

Set a public hearing on Monday, December 7, 2020 to consider a Resolution granting approval of the City of Missoula Amended Action Plan for Program Year 2020 and approving and authorizing the Mayor to sign an agreement with The Poverello Center for the provision of Emergency Winter Shelter services funded by the Community Development Block Grant COVID-19 funds.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

13.2 Resolution for 2nd round of amendments to amend the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2021 budget and capital improvement program

Moved by: Alderperson Jones

Set a public hearing on December 7, 2020, on a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2021 budget and capital improvement program.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

13.3 Resolution for year-end close out FY 2020 budget amendments. This resolution amends the fiscal year 2020 budget to appropriate expenditures and budget transfers not identified in the original budget.

Moved by: Alderperson Jones

Set a public hearing on December 7, 2020, on a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2020 budget and capital improvement program.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

13.4 North Riverside Parks and Trails Master Plan

Moved by: Alderperson Sherrill

Adopt the North Riverside Parks and Trails Master Plan including narrative as shown on Exhibit "A."

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

Moved by: Alderperson Sherrill

Adopt a resolution adopting the North Riverside Parks And Trails Master Plans for Caras, East Caras, Bess Reed, Downtown Lions, and Kiwanis Parks, and Ron's River Trail, including the plan narrative per Exhibit "A" and amending the 2019 Downtown Master Plan and the Master Parks and Recreation Plan for the greater Missoula area.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

Vote result: Approved (12 to 0)

14. ITEMS TO BE REFERRED

14.1 Administration and Finance committee referrals

14.1.1 FY21 Community Based Organization Contract – Climate Smart Missoula

14.1.2 FY21 Community Based Organization Contract – Home ReSource

14.1.3 Missoula Aging Services Professional Services Agreement Amendment

14.1.4 Legislative Lobbyist Contract 2021

14.1.5 Resolution to authorize lease and approval of contract for transfer center

14.1.6 City Council meeting schedule for 2021

14.2 Budget Committee of the Whole referrals

14.3 Committee of the Whole referrals

14.3.1 Risk Displacement Ratio – Invest Health Update

14.3.2 Resolution and agreements for the sale and conveyance of the City-owned land commonly known as Parcel A of Lot 3, Scott Street Lots

14.4 Land Use and Planning Appointments Subcommittee referrals

14.5 Land Use and Planning committee referrals

14.5.1 Affordable Housing Development Agreement

14.5.2 Referral – Phased Development Review, Heron's Landing Subdivision, Phase W1

14.6 Parks and Conservation committee referrals

14.7 Public Safety and Health committee referrals

14.8 Public Works committee referrals

14.8.1 Change order for city hall security access point

14.8.2 Referral – Professional Services Agreement Amendment No. 1 for Transportation Engineering Consulting Services

14.8.3 Professional Services Agreement with WGM Group, Inc. for the W. Broadway Water Main Replacement Project

14.8.4 Referral – Professional Services Agreement with ERA Lambros

14.8.5 Mullan BUILD Grant Project Informational Update

15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

15.1 Administratively approved agreement report

16. ADJOURNMENT

The meeting adjourned at 10:35 p.m.