Journal of Proceedings

Missoula City Council Meeting

| August 12, 2019, 7:00 pm  City Council Chambers  140 W. Pine Street, Missoula , MT |
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| Members Present: | Stacie Anderson, Mirtha Becerra, Michelle Cares, John DiBari, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Bryan von Lossberg, Heidi West |
| Members Absent: | Julie Armstrong, Jesse Ramos |
| 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 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. The following members of the Missoula Board of County Commissioners were also present:   Commissioner Strohmaier and Commissioner Vero.

# **2. APPROVAL OF THE MINUTES**

## **2.1 Minutes from the July 15, 2019 meeting**

The minutes were approved as submitted.

## **2.2 Minutes from the August 5, 2019 meeting**

The minutes were approved as submitted.

# **3. SCHEDULE OF COMMITTEE MEETINGS**

## **3.1 Schedule of Committee Meetings for the week of August 12, 2019**

The following committee meetings were announced:

| Meeting Type | Start Time | End Time | Location |
| --- | --- | --- | --- |
| Budget Committee of the Whole | 8:45 AM | 12:15 PM | City Council Chambers |
| Public Works Committee | 12:45 PM | 1:00 PM | City Council Chambers |
| Land Use and Planning Committee | 1:05 PM | 4:05 PM | City Council Chambers |

# **4. PUBLIC COMMENT**

Kandi Matthew-Jenkins 1211 Cooper Street, continued to read from the Soviet Art of Brainwashing Psychopolitics: The Art of Mental Healing as read into the Congressional record on Un-American Activities between the years of 1936 and 1939. “It must be carefully hidden that the incidence of insanity has increased only since thee "scientific practices" were applied. Great remarks must be made of the "the pace of modern living" and other myths as the cause of the increased neurosis in the world. It is nothing to us what causes it if anything does. It is everything to us that no evidence of any kind shall be tolerated afoot to permit the public tendency toward the church its way. If given their heads, if left to themselves to decide, independent of officialdom, where they would place their deranged loved ones the public would choose religious sanitariums and would avoid as if plagued places where "scientific practices" prevail. Given any slightest encouragement, public support would swing on an instant all mental healing into the hands of the churches. And there are Churches waiting to receive it, clever churches. That terrible monster, the Roman Catholic Church, still dominates mental healing heavily throughout the Christian world and their well-schooled priests are always at work to turn the public their way. Among Fundamentalist and Pentecostal groups, healing campaigns are conducted, which, because of their results, win many to the cult of Christianity.”

John Jenkins, 1211 Cooper Street, said he read an article last week on Mike Adams’ website, August 6, 2019. The one thing that nearly every mass shooting has in common and it isn’t guns. Originally published in Natural News, the following is a republishing of an important article written by Dan Roberts from amaland.com that reveals the truth about mass shootings and that bureaucrats and law-makers are choosing to sweep under the rug the truth about mass shootings psychiatric drugs. If you want to know the real reason why mass shootings are taking place, this is the “inconvenient truth” the media won’t cover. “Nearly every mass shooting incident in the past 20 years and multiple other instances of suicide and isolated shootings all share one thing in common and it isn’t the weapons used. The overwhelming evidence points to the single largest common factor in all these instances is the fact that all the perpetrators were either actively taking powerful psychiatric drugs or had been at some point in the immediate past before they committed their crimes. Multiple credible scientific studies going back more than a decade as well as internal documents from certain pharmaceutical companies that suppress the information that showed SSRI drugs selected serotonin reuptake inhibitors have well known but unreported side effects, including but not limited to suicide and other violent behavior. One need only Google relevant key words or phrases to see for themselves. [www.ssristories.com](http://www.ssristories.com) is one popular site that has documented over 4,500 “mainstream media” reported cases from around the world of aberrant or violent behavior by those taking these powerful drugs. The following list of mass shootings perpetrators and the drugs they were taking or had been taking shortly before their horrid actions was compiled and published to Facebook by John Noveske, founder and owner of Noveske Rifle Works just days before he was mysteriously killed in a single-car accident. Is there a link between Noveske’s death and his “outing” of information, numerous, desperate disparate parties would prefer to suppress for a variety of reasons? I leave that to the individual reader to decide but there is most certainly a documented history of people who “knew too much” or were considered a “threat,” dying under extraordinary suspicious circumstances. From Kathryn Smith, a Tennessee DMV worker who was somehow involved with several 911 hijackers obtaining Tennessee driver’s licenses and was later found burnt to death in her car. To Pulitzer Prize winning journalist Gary Webb who exposed a CIA operation in the ‘80s that resulted in the flooding of LA streets with crack cocaine and was later found dead from two gunshot wounds to the head, what was officially ruled as a “suicide.” To Frank Polson, a senior researcher microbiologist who was working on the CIA’s mind-control research program MK-Ultra.”

Bob Moore said he received emails on who was running for City Council in Missoula. All these people were asked several questions but the first question was, “Do you support the use of tax increment financing as a tool for economic development job growth and expanding the city’s tax base?” Mr. Moore said the question is completely wrong, with the wrong meaning to it. It’s not increasing the tax base but is putting money into the hands of the developers. Gwen Jones answered, “Yes, I support the tax increment TIF in our community.” Amber Schaefer is running in Ward 1. Her answer was, “There are instances where tax increment finance can be good for a tool for our city.” He said those are incorrect answers. Elizabeth Weaver, Ward 1, said, “Tax increment financing can be a very useful tool for development in blighting neighborhoods and districts.” You don’t even have to be in the urban area to get the funding, just have to know the right people to get a shopping center declared to be blighted and then you can give the owners $10 million so he can sell his shopping center for $50 million. Heidi West said, “Yes.” Mirtha Becerra said, “Yes.” Dakota Hileman in Ward 3 said, “For the most part yes.” Drew Iverson said, “No because it doesn’t support schools or hospitals.” It does support the wealth of the Stockman Bank and the dentists, shopping centers. Alan Ault said, “No because TIF really doesn’t adequately do any of those things and the only people who really benefit are multimillionaire developers.” Mr. Moore said that’s not quite true. Owners of the coffee shop.

# **5. CONSENT AGENDA**

## **5.1 Claims- August 13, 2019**

Approve claims in the amount of $1,625,329.45 for checks dated August 13, 2019.

**Vote result: Approved**

## **5.2 Ordinance Amending MMC Chapter 6.07.1605 Animal Control Impoundment Costs**

[First reading and preliminary adoption] Set a public hearing on August 26, 2019 and preliminarily adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Title 6, Chapter 6.07 entitled “Animal Ordinance” to clarify that following an Animal Welfare Hearing the Municipal Court has the authority to order the surrender of animals in cases of abuse or neglect or where the owner is not able or willing to provide for the necessary care of the animal.

**Vote result: Approved**

## **5.3 Agreement with Montana Dept. of Transportation for Sanitary Sewer Manhole Adjustment on the I-90 Ramps – Grant Creek Road Project**

Approve and authorize the Mayor to sign an agreement with the Montana Department of Transportation for sanitary sewer manhole adjustment as part of the I-90 Ramps – Grant Creek Road Project at no cost to the City.

**Vote result: Approved**

## **5.4 HVAC Maintenance Fiscal Year 2020 To 2024**

Approve and authorize the Mayor to sign a HVAC maintenance contract with Johnson Controls in the amount of $111,981.00 for fiscal year 2020 with 3% increase each year through 2024.

**Vote result: Approved**

## **5.5 Higgins Ave. Bridge Rehabilitation—Hip Strip Plaza & West Stair Feasibility Studies and Design Modifications Project**

Approve and authorize the Mayor to sign a professional services agreement with HDR Engineering, Inc. for the Higgins Ave. Bridge Rehabilitation—Hip Strip Plaza & West Stair Feasibility Studies and Design Modifications Project at a cost not to exceed $39,625.60.

**Vote result: Approved**

## **5.6 Resolution levying street lighting district assessments for 2019**

Set a public hearing on August 26, 2019 on a resolution of the Missoula City Council levying and assessing a special assessment and tax on the lots, pieces and parcels of land situated within all special lighting districts of the City of Missoula, Montana, in the amount of $361,837.12 to defray the cost of street lighting in special lighting districts during the fiscal year 2020.

**Vote result: Approved**

Mayor Engen said, thank you, Ms. Rehbein. Questions or comments from Councilmembers? Seeing none, anyone in the audience care to comment on consent agenda items? Seeing none, we’ll have a roll call vote.

| AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Cares, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West |
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| ABSENT: (2): Alderperson Armstrong, and Alderperson Ramos |

**Vote result: Approved (10 to 0)**

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

# None

# **7. SPECIAL PRESENTATIONS**

# None

# **8. PUBLIC HEARINGS**

## **8.1 Bluebird-North Hills Open Space Acquisition**

**Moved by:** Alderperson Jones

Adopt a resolution to expend up to $450,000 of the City’s portion of the 2006 Open Space Bond funds to purchase 124-acres of open space land in the North Hills to protect scenic open space and wildlife habitat and provide a new public access trailhead and recreational trail.

| AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Cares, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West |
| --- |
| ABSENT: (2): Alderperson Armstrong, and Alderperson Ramos |

**Vote result: Approved (10 to 0)**

Commissioner Vero moved to concur with the City Council and also approve the expenditure of up to $450,000 of the City's portion of the 2006 Open Space Bond funds to purchase 124 acres of open space land for the Bluebird – North Hills open space project, based on findings that the project qualifies for funding, that the City has referred a recommendation of approval, that the project meets the purposes of the open space bond, and that the project has not been determined unlawful. This is contingent on receipt of the signed City Approval Resolution.  Commissioner Strohmaier seconded the motion.  The motion passed unanimously.

Donna Gaukler, Director of Missoula Parks and Recreation, said, we’re here with a very exciting project for you. I’m going to generally turn the presentation over to our partners at Five Valleys Land Trust with Pelah Hoyt. I do want to provide a little bit of background information. We are asking City Council and the Board of County Commissioners, following the hearing and should they be satisfied with the results of that hearing, to consider adopting a resolution allowing us to go forward with the acquisition of what’s called “The Bluebird’s North Hills Property.” This would be coming out of the 2006 Open Space Bond a total of up to $450,000, leaving just over about $100,000 left in the 2006 bond on the City’s share. As the Open Space Advisory Committee has reviewed this project, the Conservation Lands Advisory Committee to the Park Board, related to management has reviewed the project and so far, we’ve got full consensus of the group that this is an important parcel. It meets our goals of the 2006 Open Space Update as well as comparts with the pending 2019 Park Recreation Open Space and Trails Plan Open Space chapter and all the mapping we’ve done with that. We, also believe that this acquisition is important to a geographic and distribution of lands as well as meeting the needs of assuring that all citizens have access. And with that, what I’d like to do is turn it over to Pelah and she is here with Five Valleys Land Trust, one of our long-term, wonderful partners in the world of open space and then I’ll be back to just touch briefly on management and the existing conditions and then Kylie Paul will be here to share with you some of the County information.

Mayor Engen said, Ms. Hoyt.

Pelah Hoyt, Lands Director for Five Valleys Land Trust, said, I will share some information about the Blue Bird Property and if you want to crane your necks, it is pictured on the photo right here. This is in the north hills, just above the Grant Creek exit and the property itself is this property right here, you can see above the houses. And it’ll provide an opportunity to open up a new trailhead in a part of town that is currently underserved by the open space system. And here’s a photo, looking from the property at the part of town that would be served by this project, so we’ve got kind of the Scott Street, North Reserve area here and this is the area west of Reserve where there’s been significant residential growth. Here’s a map version of the photo. And so, the project is right here and this area here shows the Scott Street/North Reserve area and this is the area west of Reserve. And this area has seen significant residential development in recent years and it’s been identified as an area that can accommodate more residential growth as part of the community’s effort to address the affordable housing challenges in our area. And so this would serve these residential areas but also the workforce along Reserve Street would provide that access close to where they work. And just kind of zooming in a little bit, this project involves kind of two components. Here in orange right here is the Snowbowl parking lot that’s owned by the Morris family and the Morris family granted a public easement across their property as well as space for a public parking area. And I just want to recognize the Morris family and their generosity in helping to ensure that the public could get to this property. And then the property outlined in yellow there, that’s 124 acres and Five Valleys Land Trust acquired that as an interim owner and this proposal includes both that fee ownership in yellow and the public access and parking area on the Snowbowl parking lot. And then right next to it in green is property that Allied Waste granted a conservation easement on back in 2009 with the help of open space bond funds. Five Valleys Land Trust holds that easement and when Allied Waste granted that easement, they granted public access across the property. We didn’t know how the public would get to it but we knew that we wanted to preserve that opportunity in the future and so this will allow us to finally open up public access on the Allied Waste property as well. It’s now owned by Republic Services and that property is 320 acres in size and so there would be over 400 acres of newly accessible open space as part of this project. And on the Allied Waste property that we’re Five Valleys Land Trust, Republic Services and City Parks and Recreation staff are in the early stages of talking through the details of what that access might look like. It’s going to take us a few years to do that but once we have a proposal together, we will bring that forward to the City Council for your consideration. And this map here shows how the property is located in a city and county open space cornerstone. And this project meets three of the different conservation values for which this cornerstone was created. And the one that will perhaps have the most direct benefit on Missoula area citizens is the public access that can be provided there. So, this would provide the opportunity for a new trailhead to a part of town that doesn’t have one and it will mean that people who live in places kind of west of Reserve Street also have good places to live where they can get outside, get some exercise, connect with each other in the natural world. And it’s open spaces like this that help improve people’s mental health and physical health and they bring people together and help create community. And for this family pictured here upon the property, they are a long-time Missoula family and they refer to being out in places like this as nature therapy because it does so much to improve their lives. The property is also a part of the North Hills which provide the scenic backdrop for Missoula and protecting those scenic values is important for our economy and also for preserving beauty in the world. And then the property also provides plant and wildlife habitat and we’ve been pleasantly surprised by that because this is a, you know, a typical kind of front country sort of property with a long history of use but it is used by elk in the winter, not as much as some of the other properties in the North Hills but it does get used by them. And there’s also some intact grassland habitat on the property, including a nice population of Missoula Flocks which is an endemic and rare species of conservation concern here in the Missoula valley. I’m going to turn it over to Donna now to talk a little bit more about management considerations.

Kylie Paul said, hi there, Kylie Paul, Missoula County, Community and Planning Services, Parks Trails Open Lands Program and the Natural Resource Specialist. I want to speak on a bit of the Commissioners’ component of this. So, in May, the Board of County Commissioners determined that this project is indeed a qualified open space project and adopted a reimbursement resolution which qualifies the project for funding through the open space bond. And the City County Interlocal Agreement related to the 2006 Open Space Bond states that the Board of County Commissioners shall approve a qualified open space project recommended by the City Council unless the project has substantially changed in scope and no longer meets the purposes of the open space bond fund or evidence presented raises questions about the lawfulness of the project and the Board determines the project to be unlawful. Staff finds that the project does indeed meets the purposes of the 2006 Open Space Bond, as Donna and Pelah already described, but specifically protecting wildlife habitat, providing open space in scenic landscape, managing for growth, providing recreational trails and paying non-personnel-related transaction costs and other project related costs. Today the Commissioners, pending the City Council vote, will take action at this meeting and then at a later meeting we’ll sign a County approval resolution pending receipt of the signed City approval resolution provided that you do that. And County staff does recommend that the County Commissioners do approve this project today. Thank you.

Donna Gaukler, Parks & Recreation Department, said, thanks, Pelah. Morgan’s not here so I’m filling in as Conservation Land Manager for a moment. There are some existing conditions on-site. There is a portion of a gravel pit that we’re aware of and have reviewed any of the risks that could be associated and feel that they, at best, they’re minimal. In fact, some of the important plant life is actually growing in that area at this time. There is a communication facility on-site that we will be looking to relocate, hopefully, to another site or at least lower, so it does not impact the view shed- or the experience to the user. There is a minor slump to the west that was part of a prior construction project and we would just simply avoid that area as it relates to creating a trail network. And then there is a pretty extensive existing road network that we would be looking to reclaim and/or use as much as we can for trail system. From our experiences with these open spaces that are very near urban populations, they get pretty heavy use so the use of network roads for trail systems can be pretty effective. One of the things that we’ll be doing because this is a new open space system that hasn’t had a lot of prior use is that it provides Morgan and the Conservation Lands Advisory Committee, which is advisory to the Park Board, which is advisory to you and the Mayor, on management of all public lands. It falls under Parks and Recreation. They go through a process of assessing all the environmental and resource assets, the potential for recreation, development of a recreation plan. We include public process through that whole thing and then come forward to Park Board with a management strategy, taking into consideration the Conservation Lands Management Plan that’s been adopted by City Council as well as how can we best use our existing budget and the new conservation stewardship mill levy to provide the greatest benefit for conservation, preservation as well as recreation in trying to achieve all the goals we try to do with every one of these parcels. And so, we feel very confident, from a staff, Park Board and Conservation Lands Advisory Committee, that this is a wonderful parcel and while it’s not perfect and pristine in every way, it certainly fits well into our overall open space program and Conservation Land Management Plan.

Mayor Engen said, thank you, Ms. Gaukler. Ms. Hoyt.

Pelah Hoyt, Lands Director for Five Valleys Land Trust, said, alright and onto the budget, we respectfully request $450,000 in 2006 Open Space Bond Funds. This property appraised for $660,000 and so the donated value would be $210,000. And this just includes the value of the property that Five Valleys owns. It does not include the value of the donation that the Morris family made across the Snowbowl parking lot just because we didn’t want to spend the money to have that appraised so this is the low end of the fair market value of what this project is worth. And we have just heard very enthusiastic support for this project. I’d like to call your attention to the letters of support that should be in your packets. There is one from Homeword, from WGM, from the Grant Creek Neighborhood Council, from the Canyon Creek Village Homeowners Association, from the Grant Creek Trails Association and one that just came in today also from the Rocky Mountain Elk Foundation. And we’ve also had a lot of help along the way. I’d like to recognize the incredible City staff who have helped us evaluate how this might fit into City goals and also the Conservation Fund who loaned us the money to acquire this property. We were in competition with another buyer so we had to move quickly and we chose to move quickly because in this community we recognize that access to natural areas is critical infrastructure and it’s consistent with our values here in Missoula where we are aiming to have a thriving city and a thriving economy, where we also take care of the natural world and where people have access to the natural world regardless of what part of town they live in or how much money they have. Thank you.

Mayor Engen said, thank you. Are we all reported? Fantastic. With that, I will open the public hearing. Anyone care to comment on this acquisition? Mr. Lindler.

Bert Lindler said, I’m here speaking on behalf of the Grant Creek Neighborhood Council which voted unanimously by voice to support this acquisition for the Grant Creek Neighborhood Council includes not only the residences in Grant Creek but businesses on North Reserve and residences to the west of North Reserve including the Canyon Creek and Windsor Park Neighborhoods, which are under served with parks. So, I can’t think of a more worthwhile acquisition and I’m hoping to leave tonight a very happy open space advocate seeing this new piece added to Missoula’s wonderful open space lands. Thank you.

Mayor Engen said, thank you, sir. Mr. Beardsley.

Wendell Beardsley said, Bert tells me the County portion of the Grant Creek Neighborhood Council of which I’m a member of the Leadership Team, but primarily I’m here to represent the Grant Creek Trails Association. We are equally enthusiastic, as Bert indicated, about this opportunity. It’s a fantastic thing that’s been dropped on us recently thanks to Kylie and Tom. Great work on their part. This is a really important connection with our Grant Creek Trail which, as many of you know, has kind of been landlocked, our migration route out of Grant Creek is hindered by I-90. This is going to be a wonderful connection. We look forward to it expanding perhaps clear over to the Rattlesnake at some point and so on. So, we urge your support. We thank you. This is terrific. Thanks.

Mayor Engen said, thank you, sir. Anyone else this evening? Ms. McMilin.

Heather McMilin said, I’m the Housing Development Director for Homeword. I’m here tonight to reiterate our support for the Bluebird North Hills acquisition. We’re thrilled to see the project presented and knowing the City and the County plan for a lot of growth in the area of North Reserve, both commercial and residential, we think that providing this new trailhead with the access to hundreds of acres of open space will help balance between the land conservation and the development and growth that the area is going to feel and also ensure anybody living in that area will have a really nice place to live like safe, affordable homes, close access to naturals area and trail promotion, they promote social equity and improve the lives of Missoula’s workers, seniors and veterans and children. And I also point out that once we build on it, we can’t take it back so I highly support this so thank you very much.

Mayor Engen said, thank you, ma’am. Anyone else this evening? Alright, seeing none, I will close the public hearing and I should have let the Commissioner open the public hearing as well. I apologize for that.

Dave Strohmaier, County Commissioner, said, I think you heard my echo in my head, so yeah.

Mayor Engen said, fair enough. Questions from Councilmembers? I have one. So, Five Valleys already owns this. Why should you guys have it taken care of? I think that’s good. I’m teasing you, Ms. Hoyt. You don’t have to respond to that.

Pelah Hoyt, Lands Director for Five Valleys Land Trust, said, may I respond to that?

Mayor Engen said, why, yes you may.

Pelah Hoyt, Lands Director for Five Valleys Land Trust, said, I would just like to point out that we did take out a loan to acquire this from the conservation fund.

Mayor Engen said, fair enough.

Pelah Hoyt, Lands Director for Five Valleys Land Trust, said, and that our aim is always to do more good work to benefit this community so we’ll be turning around and trying to get more good work done.

Mayor Engen said, we’ll see if we can make this refi work for you. Ms. Anderson?

Alderperson Anderson said, I think my question probably would be easiest answered by Ms. Gaukler and it’s a simple one. I see in your presentation you mentioned that we are expending City’s portion of the open space bond funds, leaving a remaining about $100,000. Is there a reason why this is all just coming out of the City’s portion? If you could expand upon that, I’d appreciate it.

Donna Gaukler, Parks & Recreation Department, said, yes, absolutely. Per the Interlocal agreement related to the 2006 Open Space Bond, the $10 million was split equally $5 million and $5 million with the Missoula Planning Region which this is well within being the responsibility of the City and the rest of the Planning Region’s responsibility of the County. It isn’t preventing us from doing joint projects but this one very much fits with City urban planning.

Mayor Engen said, Ms. Harp?

Alderperson Harp said, Donna, you can stay up there. I know I asked this question in committee and maybe Pelah or Kylie might want to respond as well but I think it’s worthwhile repeating the question. Why the immediacy of making this transaction? What were we facing when you made the decision to purchase this particular piece of land? Can you give us that context please?

Donna Gaukler, Parks & Recreation Department, said, Pelah may be able to give you more of the specifics but with almost every single open space project is very opportunistic, and certain lands can be available for multiple uses and when those opportunities come about and they fall within the cornerstones and they help us meet multiple goals as described by the Growth Policy, open space plans and all of our surveys, it’s really important that we have partners like Five Valleys Land Trust to jump in and be able to essentially take a risk on protecting lands that may not otherwise be protected while we go through our governance process and public process. And so, it’s just one of the very important values of having partners like Five Valleys and some of the others that we work with.

Mayor Engen said, further questions? Ms. Harp?

Alderperson Harp said, so, if we didn’t purchase the land, what was going to happen to it?

Pelah Hoyt, Lands Director for Five Valleys Land Trust, said, when Five Valleys Land Trust acquired this property it was on the market and we were in competition with another buyer who planned to put one residence on the property and we talked with them about the possibility of having a residence and public access and it was our assessment that we would lose this public access opportunity if we did not go forward and acquire the entire property.

Mayor Engen said, further questions? Seeing none, this happens in Conservation. Ms. Jones.

Alderperson Jones said, that would be me. I would like to make a recommended motion that we adopt a resolution to expend up to $450,000 of the City’s portion of the 2006 Open Space Bond funds to purchase 124 acres of open space land in the North Hills to protect scenic open space and wildlife habitat and provide a new public access trailhead and recreational trail, and I would like to speak to that.

Mayor Engen said, Ms. Jones.

Alderperson Jones said, I think we’ve had some great comments tonight and I think there is a lot of support for this in our community. I just wanted to draw attention to a couple of points that I think are really important. First of all, this is in an area that is completely on the other side of Missoula from a prior acquisition which was the Barmeyer property. Tons of people are using that Barmeyer property and going up and hiking up there, seeing the beautiful views so I really like that we are able to spread the acquisitions around the parameter of Missoula so that all of the different neighborhoods can have access, and not only Grant Creek but all of the residential areas west of North Reserve, east of North Reserve, this is just going to be a huge boom I think, so I’m really, really pleased about that. The other thing I wanted to address was the fact that, as previously mentioned by Ms. Hoyt, there was a possibility that 124 acres right next to Missoula would be privately purchased with one house built on it, and that would have been inaccessible to the public. To me, having this area accessible to the public and having it be open space so that all residents can hike up there, take a look at it, see the beautiful views is a much higher and better use of the land so I’m really pleased that this is such a great scenario to expend all of that and to expend these funds on. And I just wanted to say thank you to the conservation groups and Five Valleys, to the City and open space, City and County open space staff, the Morris family and the landowner for collaborating on this vision and making this happen. And it’s going to be a wonderful thing, I think, for Missoulians and for our future generations. So, I’m very much in support of it and thank you.

Mayor Engen said, further discussion? Ms. Merritt?

Alderperson Merritt said, I’ll be supporting this motion very happily and I do want to thank the Five Valleys Land Trust for having that long-term vision as Pelah mentioned, the easement on the property that they hold was obtained in 2009 with an idea that eventually some day we would get to the point of being able to have public access to that. And I think we see that in a number of projects that happen in the city and outside of the city where it takes someone with that long-term vision to say, I know it’s not all going to happen right away but if we are able to put the pieces together, it will happen eventually, and this is a great example of this and I’m excited that we’re going to be able to have this new piece of open space available to our community. Thanks for everybody who’s put in a lot of work on this.

Mayor Engen said, Mr. Hess.

Alderperson Hess said, thank you, Mayor Engen. I’m very much in support of this. I want to thank the Grant Creek Trails Association and the Grant Creek Neighborhood for their tireless work on this. I want to thank Five Valleys, the whole team there, and folks at the City and County. Elizabeth Erickson is in the audience and when she worked at the City worked very hard on this and this project and many others would not have happened without her involvement. This is a real gem that will be a cornerstone in the North Hills for generations to come. I’m looking at the map, the area map, and there are a lot of hash-marked areas that indicate either ownership or conservation easements and we’re very much nearing a point where there’s the possibility of having a continuous trail from this area through the North Hills to the Orange Street Trailhead, and that’s a very exciting scenario for public access, for recreation as well as for habitat protection and other important objectives. So, I’ve said it many times that open space acquisitions are some of the most meaningful, rewarding, important work that we do on this Council and I want to really thank the people who made it happen and express my enthusiasm.

Mayor Engen said, further discussion? Ms. Becerra.

Alderperson Becerra said, as we look around, you can see quite a bit of open space and I think that’s no accident and I think we have to be thankful to the City Councils before us and all the different agencies that together had the vision to set aside that land as we continue to grow. And I think we all know where development is going. It’s going to go to the west of Reserve Street to that portion of the community that right now is lacking open space, and so I think this is a really great opportunity to connect our neighborhoods and to provide the future generations that same gratitude that I feel when I look around and see open space. So, I would like to thank everyone who worked so hard and tirelessly to have this before us tonight and great job. Thank you.

Mayor Engen said, further discussion? Ms. Harp?

Alderperson Harp said, I, too, am in full support of this. I think as we look at that map where it shows the North Hills and the Allied Waste conservation easement, I think what that speaks to is that we have some pretty miraculous partnerships that go on both from the governmental sector, the nonprofit sector but also our private sector. And to look at that particular block and think the only way that you could access it is either by sight or by helicopter pretty much leaves it untouchable for the most of us. And so, to be able to have acquired this piece of property with the amount of effort it takes all of these folks to make it happen, we are indebted to you for generations to come so thank you.

Mayor Engen said, further discussion? Ms. Becerra?

Alderperson Becerra said, I forgot to acknowledge that this is all possible thanks to our County Commissioners as well so I thank you for having the vision to set aside some money for something like this.

Mayor Engen said, probably a good move to get them to vote for it. Seeing no further discussion, we’ve had a public hearing, we’ll have a roll call vote.

10 Ayes, 2 absent

Mayor Engen said, and the motion carries. Mr. Strohmaier?

Commissioner Strohmaier said, so, Commissioner Vero, do you have any questions or would you like to make a motion?

Commissioner Vero said, I would like to make an enthusiastic motion. I move that we concur with the City Council and adopt a resolution to approve the expenditure of up to $450,000 of the City’s portion of the 2006 Open Space Bond funds to purchase 124 acres of open space land for the Bluebird North Hills Open Space Project contingent on receipt of the signed City approval resolution.

Commissioner Strohmaier said, I will second that. And I would just say it’s great to see the 2006 Open Space Bond monies come full circle. Mayor Engen and I were sitting at this very table or maybe it was over at St. Pat’s at the time, I can’t remember, when we were first contemplating the use of monies from the 2006 Open Space Bond, and it’s done tremendous work for the city of Missoula and Missoula County residents. I should also say this is a great project and that this will have a direct bearing on future deliberations about some of the County’s recently acquired parcels to the north of this, yet to be determined but I think this speaks to the importance of the open space values and the conservation values in the North Hills, east of Grant Creek. So, any further discussion? Okay. All in favor.

Vero and Strohmaier voted aye

Commissioner Strohmaier said, okay, it’s a done deal.

Mayor Engen said, thank you, Commissioners. Thank you, everyone. Thank you, Commissioners. You’re welcome to stay. I understand if you go.

## **8.2 Ordinances amending Chapter 10.42 and 12.40 Missoula Municipal Code to permit electrically assisted bicycles on commuter trails and public right-of-way**

**Moved by:** Alderperson Hess

[Second and final reading] Adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Title 10, Chapter 10.42 entitled “Bicycles”, to permit and regulate the use of electrically assisted bicycles within the City and on an ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, Chapter 12.40 entitled “City Parks” to allow certain electrically assisted bicycles to use primary commuter trails within the City.

| AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Cares, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West |
| --- |
| NAYS: (1): Alderperson DiBari |
| ABSENT: (2): Alderperson Armstrong, and Alderperson Ramos |

**Vote result: Approved (9 to 1)**

Ben Weiss, Bicycle Pedestrian Program Manager for the City, said, I’m just going to provide a brief introduction. I think we’ve talked about this issue quite a bit in committees and in previous public hearings but just a quick note for everyone, scooters are not on the table at all tonight or they’re not up for discussion. They are on the table and that’s where they’ll sit for a while. So, we’re talking about electric bikes. This was an ordinance that was brought to the Council to, well, acknowledge some changes made in the state law in 2015 that authorized electric bikes as bikes, up to 20 miles an hour and to recognize that we’re seeing more and more of them around town. We did Bike Valet at the Fair for Bike to the Fair Day on Friday and there were quite a few e-bikes that were brought there, and you just see them more and more. We heard testimony of previous public hearing and at committee meetings from representatives from the bike industry in town that are saying that they’re selling more and more of them. And so, we wanted to provide some guidance to make it safe, predictable and easy for people to understand where electric bikes should be used. And so, what we are proposing in 10.42 is to authorize the use of Class 1 and Class 2 e-bikes wherever bicycles may be ridden and limiting them in public right-of-way. And then in Ordinance 12.40, which is the Parks ordinance, limiting the use of electric bikes, Class 1 and Class 2, to our commuter trail network which our primary commuter network, which Donna had given a presentation previously, that showed the map of basically it’s the Milwaukee Trail, Kim Williams, Ron’s River Trail, the Bitterroot Trail, Northside Greenway and I believe Grant Creek Trail as well. And so, I guess I’ll leave it at that for now. It’s a pretty straightforward ordinance that we’ve at the first reading and in committee and I’ll open it up to any questions or…

Mayor Engen said, thank you, Mr. Weiss. With that, I will open the public hearing. Anyone care to comment on this ordinance change? Mr. Best.

Ross Best said, I oppose the proposed ordinance. I’m glad to see that you’re dealing with this ordinance separately from the other ordinance having to do with electric bicycles in the park, excuse me, I may be confused here. Are you dealing only with the proposed ordinance, forgive me. Are you taking comment at the moment on one proposed ordinance or two?

Mayor Engen said, we’ll take comment on both.

Ross Best said, alright, so they are both before you.

Mayor Engen said, yes, sir.

Ross Best said, I’d like to suggest that it’s unhelpful to have two ordinances combined in the referral and on the agendas. I understand that you have the ability to combine things for public hearing but I think it may defeat the purpose of giving proper notice to the public. There may be confusion about what’s happening and that kind of confusion did in fact show up at the Bicycle Pedestrian Advisory Board meeting when after dealing with the general ordinance, the Chair tried to adjourn the meeting without realizing that the ordinance dealing with the parks had not been discussed by the Board and acted upon. So, I oppose the use of electric bicycles on sidewalks. From the late 1980s until 2015 the City had an ordinance that appeared to ban bicycles on the sidewalks. The problem was that that provision was not enforceable because no signs had been posted. A lot of people in Missoula went around on the assumption that that ordinance was in effect when it was not. I think that’s an ordinance that should still be in effect and that the City should take what steps are necessary to make it enforceable. And especially when the category of bicycles is being expanded to include electrically assisted bicycles, I think it’s unreasonable that bicycles should be allowed on sidewalks. It is reasonable to make exceptions for young children. It’s reasonable to make exceptions for persons with disability who need assistance from electric bicycles. But as the general principle, for a very long time the City appeared to have an ordinance that was intended to protect the rights of pedestrians on sidewalks but the City government never took the steps to make it legally effective and never took the steps to enforce it. A similar situation has occurred in the downtown area with the failure of the City to post signs to bring into effect the prohibition of bicycles on the sidewalks in the downtown area. Some people have the impression that electric bicycles, under this proposed ordinance, would be banned in the downtown area, but the way it’s written it only says that they’d be banned if there are signs posted. Even if signs were posted, there’s no reason to believe that City government would be willing to enforce such a prohibition because historically the City has not been willing to take seriously pedestrian rights on sidewalks. So, as has been said many times, you had no choice about allowing electric bikes on the streets but you do have a choice about whether to allow them on the sidewalks. And if you do allow them on the sidewalks, there’s still questions about what kind of enforcement there will be. Current law requires bicyclists to yield to pedestrians and to signal audibly before passing pedestrians from behind on sidewalks if they’re allowed to use sidewalks but only the smallest percentage of bicyclists consistently do that. Those of us with hearing disabilities often have trouble hearing whatever is actually provided. And, as the newest member of the Bicycle Pedestrian Advisory Board, Chris Siller, has pointed out, there are problems for people with hearing loss. Part of the problem is that electric bicycles generally are not going to make sufficient noise for them to be audible as they’re coming near and passing a pedestrian. The two most controversial aspects of the proposals that originally came before you were the scooters and the rental program. Both of those have been put on the table for the time being. I was pleased that my initial argument that you should not be experimenting, that you should not be early adopters has ended up being the position that’s been adopted at least implicitly but I think the same argument applies with electric bicycles on sidewalks or on trails. I don’t use the commuter trails as commuter trails. I don’t use the commuter trails much at all. But I know that there are people who do use them who have expressed their opposition to the authorization of electric bikes on the commuter trails.

Mayor Engen said, we’re closing in on seven minutes, Mr. Best.

Ross Best said, thank you. The Bicycle Pedestrian Advisory Board when they considered these proposals last week didn’t even want restrictions. The restrictions on electric bicycles that are currently before you. I think you need to be aware the Pedestrian Advisory Board, the staff member, the City administration generally really has an unconscious bias against the welfare of pedestrians. It was very gratifying to hear the new member, Chris Siller, speaking up and the interest of pedestrians with hearing loss. Other than that, the Advisory Board is dominated by bicycling and ultimately automobile values and interests. I’m not sure I’ve heard the discussion of what penalties there would be for violation of provisions of these ordinances. It would be helpful to know about that. Thank you.

Mayor Engen said, thank you, Mr. Best. Anyone else this evening? Yes, ma’am. And if you would move that microphone. Thank you.

Jessica Goodburn said, I support both of these ordinances. E-bikes provide a practical alternative to cars. They can carry larger loads and help get up otherwise difficult hills. They take up much less space than cars do in the public right-of-way. And allowing them on our streets is a step in the right direction for building a more active transportation network. Where I’m most swayed by arguments against e-bikes is conversations with pedestrians, particularly those who have their own mobility and sensory concerns. In my perfect world pedestrians and cyclists would not be the ones having to grapple with these issues, would not be the ones having to grapple with sharing space and we would instead be looking at how we could incorporate protected bike lanes onto our streets so that cyclists would feel they had a safe place and that would leave the sidewalks to pedestrians. One thing that cyclists and pedestrians have in common is that they are both moving through space with little to no bodily protection so anyone who has ridden a bike really should be able to identify with a pedestrian who says that they felt unsafe when something has passed them. We’ve all had cars come past us quickly, maybe rev their engines so I think that cyclists identify with that and as a pedestrian, I felt that as well with cars more than bikes. While bikes are often grouped with vehicles on the road, bikes and pedestrians are both more aware of their surroundings so they’re connected to the weather, they feel the wind rushing passed them. There’s more cognitive awareness and they’re more able to change course when needed. And I think that they’re natural allies and I believe capable of sharing space on the trails even if they shouldn’t have to as much as they do. Just like there are careless drivers, there are bound to be inconsiderate cyclists, but I believe the majority of cyclists do care about pedestrians and are themselves pedestrians. We’re all pedestrians sometimes. Everyone on the shared path is moving at varied speeds and with various sensory needs. And I think there’s a lot of room to be sensitive to that and hopefully we can change culture, but I do think that cyclists on e-bikes are also capable of adjusting their behavior to share the space.

Mayor Engen said, thank you. And you may have said it but we didn’t get it on the record, if I could trouble you for your name please.

Jessica Goodburn said, Jessica Goodburn.

Mayor Engen said, thank you. Anyone else this evening? Mr. Moore.

Bob Moore said, thank you, sir. I keep reading these minutes over and over and I’m sitting here saying, what is that? Would you tell me what a commuter trail is and give me an example of one of one of them? What is a commuter trail?

Mayor Engen said, we’re happy to answer that question.

Bob Moore said, when?

Mayor Engen said, when the public hearing is over.

Bob Moore said, it would be good to know what it is before it’s over? I respectfully request that you tell us what a primary commuter trail within the city is.

Mayor Engen said, we’ll be happy to have Ms. Gaukler explain that after the public hearing.

Bob Moore said, after the public hearing. Oh, okay. So, you want money afterwards. That doesn’t help me. I’m opposed to it and I think it’s an unnecessary risk. I’ve seen them in other places and this hoping that everybody would be nice doesn’t work. Thank you.

Mayor Engen said, thank you, sir. Anyone else this evening? Alright, with that, I will close the public hearing. Are there questions from Council? Ms. Cares.

Alderperson Cares said, I’m hoping that staff can review two questions asked during the public hearing. What are the violations and what is a primary commuter trail?

Ben Weiss, Bicycle Pedestrian Program Manager for the City, said sure. I did, in the introduction, identify the primary commuter trail network as being the Milwaukee Trail, Kim Williams Trail, Bitterroot Trail, Ron’s River Trail, Northside Greenway and Grant Creek Trails. They are paved. They are either currently lit or there are plans for them to be lit at night. They are plowed and the primary management goal is a transportation purpose and so those are the…did I get all of the criteria right there, Donna? Oh, the Rux Trail too but thank you. Behind, well, connecting downtown at the end of Pine Street to the Van Buren/Broadway intersection. And so that’s the location of the commuter trails. As for the second question about penalties, I’ll have to defer to the City Attorney on that one.

Mayor Engen said, Mr. Nugent.

City Attorney Nugent said, the penalties would be elsewhere in the chapter and since Ben is only amending part of that chapter and typically in recent years the City Council has only imposed fines and said no incarceration for violations, the amendment says that it is amended or newly adopted. If the general penalty was not amended recently, it would probably be up to $500 fine or up to six months in jail, if that hasn’t been amended. Like I say, in recent decades the City Council has been saying there’s no incarceration for ordinance violation.

Mayor Engen said, further questions? Mr. DiBari?

Alderperson DiBari said, I have two questions, I think. The first one is for Mr. Weiss. I’m wondering, because it’s not attached, if you could give us a summary of what the deliberations were at the Bicycle Pedestrian Advisory Board regarding these ordinance changes.

Ben Weiss, Bicycle Pedestrian Program Manager, said sure. I was looking at Ms. Goodburn as she is a member of the Bicycle Pedestrian Advisory Board. But the deliberation among Bike/Ped Board was pretty interesting. They voted 7 to 1, all eight members were present. They voted 7 to 1 in support of the ordinance change and they additionally asked for removal, if you’re looking at the ordinances in front of you on your screens, they largely supported removal of Item C saying that it was redundant and that is covered by Items A and B. And so the provision by using an e-bike by your own power and not with the motor downtown, that that is largely covered and that it was going to be difficult to enforce and educate people about and it was going to be largely covered under Items A and B in that ordinance. And then while they did not adopt the letter yet, they have a draft letter that they’re working on that is going to ask staff and Council to consider some additional regulation in the future, potentially to, following Mr. Nugent’s suggestion, to look at a speed limit on sidewalks downtown as opposed to whether or not you have your electric power on. Their take was that speed is the determining factor of safety and the interaction between bicycles and pedestrians, not whether or not you’re using your motor.

Mayor Engen said, thank you, Mr. Weiss. Mr. DiBari?

Alderperson DiBari said, I’m going to pass on my second question. Thanks.

Mayor Engen said, further questions? Ms. Merritt?

Alderperson Merritt said, Ben, maybe you could really quickly reiterate for us, for the record this evening, the type of electric assist on the bikes that we’re talking about. I’ve still talked to people who are very confused about whether or not the types of bikes that we’re allowing to be on the primary commuter trails need to be pedaled in order for the electric assist to be working.

Ben Weiss, Bicycle Pedestrian Program Manager, said, yeah, so the bikes that we’re talking about, Council recently back in June, adopted an ordinance to define what the e-bikes are so they are currently separated into three classes: Class 1, Class 2 and Class 3. What we are talking about here is allowing Class 1 and Class 2 in these places where bicycles are. Class 1 and Class both top out at a speed of 20 miles an hour with the electric assist. Class 1 only provides the assist while you’re pedaling. Class 2 can provide assist with a throttle. Class 3, which we’re not including in this ordinance, is a pedal-assist but it goes up to 28 miles an hour with the electric motor.

Mayor Engen said, further questions? Seeing none, Mr. Hess.

Alderperson Hess said, thank you, Mayor Engen. I move that on second and final reading the Council adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Title 10, Chapter 10.42 entitled “Bicycles” to permit and regulate the use of electrically assisted bicycles within the city and on an ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, Chapter 12.40 entitled “City Parks” to allow certain electrically assisted bicycles to use primary commuter trails within the city. I’d like to speak to the motion.

Mayor Engen said, Mr. Hess.

Alderperson Hess said, I want to encourage my colleagues to support this, these ordinance amendments tonight. Ben Weiss and staff have been researching this issue and looking for best practices for many months, closing in on a year now, that was in part or that was a companion effort along with an effort to research bike and scooter share systems. And this is a really, I think a really important step to bring our regulations into alignment with state law. I think a lot of great ideas have come out of the process that warrant further discussion. I think there’s a lot of merit to the idea of simplifying the idea of sidewalk riding and making that uniform and making that not only uniformly enforceable but providing uniform expectations to the public, so I support the Bicycle Pedestrian Advisory Board in that recommendation and I look forward to future discussions. I, also, think that there’s opportunities, as Mr. Best has previously pointed out, to simplify our definitions of the Central Business District, which right now is a rather arcane text-based description. And so, I think there’s some opportunities within Title 10 and elsewhere to continue to refine this but for now I’m compelled by some relatively by actually a lot of testimony from parents. We’ve heard from parents of young children who use e-bikes to maintain their active commute with their young children in tow. We’ve heard from people who are unable, due to age or disability, to access their destination with a traditional pedal bike and an e-bike allows a significant portion of our population to remain active, which is a major community goal of ours. We have very significant goals surrounding climate and very significant goals surrounding mode split and the electric bicycle is a very reasonable way to help promote achieving those goals. So, I think this is a good step. I think there’s more work to be done and that work can be done after this ordinance is on the books.

Mayor Engen said, further discussion? Ms. Anderson?

Alderperson Anderson said, I will be supporting this motion tonight and I want to thank staff and my fellow Councilmembers for the kind of deliberate discussion that we undertook about this. I think it kind of at times seemed fairly meandering but I think that we were trying to be responsive to the community who at first glance had a hard time with the idea of adopting scooters and so we have separated these out. And I think that the ordinances that we are adopting tonight are very clear in their goals and their definitions and I agree with everything that Councilmember has said about the fact that these e-bikes are people who have gone out and purchased them and want to use them as a transportation device and we should encourage that for all the reasons you previously stated that I won’t reiterate. So, I will be supporting this tonight and encourage my fellow Councilmembers to do so as well.

Mayor Engen said, Ms. Harp?

Alderperson Harp said, well, I thank everybody for their public comments on this. To Mr. Best, I too suffered from some hearing loss. I call it more a creative hearing but what I find when I’m walking along a trail is that my ears face forward and that’s really difficult to hear anybody coming up from behind. And so, when I cycle on the commuter trails or on the streets, I do my very best to alert the pedestrian that I’m coming on their left. And when I pass them I oftentimes, I don’t know if they have a hearing loss or not but many times they have something in their ears so it makes it difficult and even if I rang my bell, they wouldn’t be able to hear me. So, what we’re talking about is behavior. And I think we all can use a little dose of common sense and civility and do our very best to make the best of what we have, whether it’s on the street, it’s on a trail, it’s on a sidewalk. And I totally agree that bikes do not belong on a sidewalk, and that’s what these ordinances really does kind of outline. What’s hard is the implementation of making sure that behavior is safe. And so, we know a lot of folks in our community who are of low income, can’t afford a car, and so their primary mode of transportation is by bicycling. And to think that we would penalize them by $500 or six months in jail just seems over the top. So, we have to figure out how we’re going to get along. And to Ms. Goodburn, I really appreciate your comments. Those were really spot on. And so, thank you all for your comments and that we move forward and that’s what we have to do. So, thank you for bringing it up and keeping us accountable. I appreciate that.

Mayor Engen said, further discussion? Mr. DiBari?

Alderperson DiBari said, I want to thank staff and the committee and Council for their thoughtful conversation around this. As you all know, I’ve been consistent in my opposition to the portion of these ordinances that allow motorized vehicles on shared use paths and so I’m going to continue to voice that opposition to that portion of these ordinances and as a result likely not support them. I do appreciate the fact that we have very ambitious mode split goals and I think this certainly helps get us some way towards achieving those goals but, as I’ve said numerous times during our committee meetings, what it’s really going to take is a recommitment of resources from spending hundreds of thousands of dollars maintaining our automobile-oriented network and putting that money into the infrastructure that’s going to really support bicycle and pedestrian facilities that I think we are going to need in order to reach those goals. So, as I said, because of the fact that we are, through these ordinances, combining motorized vehicles with non-motorized vehicles on shared use paths, I will not support it.

Mayor Engen said, further discussion? Seeing none, we’ve had a public hearing, we’ll have a roll call vote.

City Clerk Rehbein said, just to clarify, this vote is on both motions, or both ordinances, the one amending Chapter 10.42 as well as the one that is amending Chapter 12.40.

9 ayes, 1 nay, 2 absent

Mayor Engen said, and the ordinances are approved.

## **8.3 Resolution to Adopt the Pedestrian Facilities Master Plan**

**Moved by:** Alderperson Hess

Adopt a resolution to adopt the Pedestrian Facilities Master Plan for the purpose of pursuing a complete, connected and safe network of facilities for pedestrians in the Missoula Urban Area.

| AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Cares, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West |
| --- |
| ABSENT: (2): Alderperson Armstrong, and Alderperson Ramos |

**Vote result: Approved (10 to 0)**

| Tara Osendorf, Transportation Planner with Metropolitan Planning Organization, said, tonight I am bringing a resolution to adopt the Pedestrian Facilities Master Plan. So, just a little bit of background on the plan. We’ve been working on it for, gosh, close to two years now and it was adopted by our Transportation Policy Coordinating Committee in January, so tonight I’ll just kind of highlight some of the main components and hopefully take some final questions before adoption. So, just to emphasize some of the goals of the plan, here’s what’s kind of included in the introduction section. The plan reinforces our long-range transportation plan goals and also acknowledges that pedestrian facilities are critical to achieving other city goals outlined in the Growth Policy and the density and infill outcomes of Focus Inward. The plan also addresses economic growth and infrastructure necessary for the success of housing goals especially with respect to our current affordable housing needs. So, the Priority Pedestrian Needs Analysis was kind of the main piece of our plan. It was a data-driven approach and we came to these criteria and values through a series of public meetings and working closely with our Steering Committee. The previous sidewalk plan only addressed physical attractor data which was primarily only focused along major arterials and collectors. So, the goal of this plan was to better incorporate demographic-based and specific location-based community characteristics into the decision. So, that analysis created our Priority Pedestrian Needs Map. The infrastructure ended up being prioritized in areas slated for higher density, infill and continued development. We also found that there was a lot of need focused around areas with the most services and most health disparities which we saw as a success based on our goals. Overall, the outputs from our data-driven approach seems to match our long-range goals and other anticipated changes in land use moving forward. So, just to kind of take a look at that map real quick, the darker areas are what were seen as the higher priority areas for pedestrian facilities and then all of the black lines there are what are missing sidewalks currently, acknowledging that just because we’re calling them missing in this analysis doesn’t necessarily mean that that is the right approach in every single neighborhood. So, our other area needs, given that the MPO serves the entire urban area, not just the city, we wanted to make sure to address areas that may potentially become part of the city in the future and use a forward-thinking strategy as development occurs, as well as discuss infrastructure needs and differences and types of pedestrian solutions for our different neighborhood characteristics. And then an example of this is a planned discussed of Mullan, west of Reserve, and their need for complete streets. It ensures sidewalk facilities happen in the right way during development rather than having the conversation as an afterthought. So, next our ADA Transition Plan. ADA is the American with Disabilities Act is established to ensure access to the built environment for people with disabilities. It’s a federally required plan. A lot of other communities, like ourselves, have chosen to include the ADA Transition Plan into our Pedestrian Facilities Plan just because it makes a lot of sense to have those discussions in the same place. So, a couple of the requirements of the plan is a schedule and cost summary as well as to discuss barriers and methods of removal for those barriers. So, as you can see, we’ve got a scheduled implementation looking at 30 years for installing missing ADA facilities and upgrading existing ramps just in our highest priority category so, again, those darker areas on the map included in the Priority Analysis. And then, finally, the costs that are on the list here are based on what we’ve spent in the past five years while trying to better prioritize ADA connectivity and getting an idea of spending needs to improve the network moving forward. Addressing those barriers and methods for removal, we’ve got a couple of strategies and specific action steps to work on that. We wanted to focus around user experience versus just using minimum design standards. These projects are a lot more than just funding an infrastructure but really acknowledging individual community needs and extra challenges. So, one recommendation that came out of this, just for an example, is talking about walking audits for planning staff and engineers within Development Services to get a better understanding of ADA needs and better infrastructure design around Missoula. So, this is just an example of some of the ADA data that we do have and that we’re moving forward with, past the plan. It shows which corners have partial, no ADA facilities or no sidewalk at all. Partial just means that it’s not complete on all four corners up to official ADA standards. So, what we’re able to do with this, moving forward, is to actually look at ADA connectivity and use it for further mapping projects. Just one example here that we have on our website, staff has been working with some of this data to establish better networks, which I guess it looks like we can’t log in. But what this will basically end up being is a map that connects users that may be in a wheelchair to a route that they can use, making sure that they always have a ramp available at the end of each corner. And so, finally, this is just a couple of examples. There’s a lot more to implementation than just this but a few of our strategies and action steps are shown up here on this slide. One of our main ones is the effort to increase data management efforts and just doing a better job at collecting and maintaining data, working with Public Works, working with GIS to create better active management systems. So, the staff recommendation is to adopt the resolution, adopting the Pedestrian Facilities Master Plan. And, with that, thank you.  Mayor Engen said, thank you, Ms. Osendorf. With that, I will open the public hearing. Anyone care to comment on the proposed plan?  Ross Best said, I generally support the provisions of this proposal. I have concerns about how some of its contents are understood and I have concerns about the priorities of the City when it comes to implementing this Master Plan. Infrastructure costs a lot of money. The infrastructure you’re talking about is important. It certainly is necessary. We are talking about addressing the needs of the physically disabled. But the fundamental need for the average pedestrian, the basic problem is that in the crosswalk, a significant percentage of drivers are not going to respect the pedestrian’s right-of-way. So, there are several references in the proposal, proposed Master Plan to enforcement but the reality is there just isn’t much enforcement of the pedestrian right-of-way in Missoula. We learned earlier this year that in the previous decade the number of pedestrian fatalities in the country had grown by slightly more than 50% but there’s no sense of urgency visible in the city of Missoula in that regard. The level of violations in crosswalks, that is drivers coming into the crosswalk when they’re not supposed to be there with the pedestrian, is in my judgment as a pedestrian, at a record high. I looked at the webpage of City press releases that have been issued in recent years. I saw press releases had been issued in 2010, ’11, ’12, ’13 and ’15 announcing enforcement actions. Now I don’t think those enforcement actions were adequate and I was disappointed to see no press releases reinforcing the efforts by announcing the results of the efforts but the thing that really stands out is nothing in the last four years. So, I want to suggest that before you approve this Master Plan there should be an understanding that there is going to be more meaningful enforcement. And even by the standards the City has established for itself in the past, no announced enforcement actions in the last four years, if this list of press releases is complete? That’s unacceptable. So, there needs to be a discussion of why we can’t have a prominent, vigorous enforcement action sometime in the next few months. Thank you.  Mayor Engen said, thank you, sir. Anyone else this evening? Yes, ma’am.  Kandi Matthew-Jenkins said, it’s been my experience since the cell phone age and I use Pine Street more often to go downtown than other streets. From attorneys and people at the District Courts and lawyers going to and from their offices and such like that or even the municipal facilities, I have noticed when I’m driving that these people don’t care to look. They look at this…they cross the street and that’s happened very many times so I think in addition to what Ross is saying, somehow you need to teach these legal beagles and municipal workers, because that’s where the downtown is with the departments and everything like that, need to teach your people to look both ways and not just step out in the street. And I am serious about this. They just step out in the street with their cell phone in hand and walk. I’ve seen it probably 100 times if not more. They just step out. They don’t look either way. And then I, as a driver, am going to be blamed for their behavior. And I know that people get injured because they’re on Facebook or Google or talking just as a happenstance walking into poles or walking into corners or walking into the traffic. So, I think the behaviors of the downtowners needs to change and not the drivers so much.  Mayor Engen said, anyone else this evening? Alright, with that, I will close the public hearing. Are there questions from Councilmembers? Ms. Cares?  Alderperson Cares said, I was hoping that staff would comment on pedestrian and crossing of patrols. I was able to find an article on Fox from 2018 about a Missoula City Police Department patrol effort regarding enforcing pedestrian crossing laws so that’s promising and really Mr. Best’s concerns but that’s just Google and I am hoping that someone could talk more knowledgably.  Mayor Engen said, questions? Mr. Weiss?  Ben Weiss, Bicycle Pedestrian Program Manager for the City, said, thanks. I don’t want to speak on behalf of PD but seeing no one representing the department here, I’ll try a little bit. I work pretty closely with Sgt. Greg Amundsen on traffic enforcement and pedestrian enforcement. And my understanding is that he does a round at least once a year, if not more often, and that he’s taken to not wanting to advertise when he’s going to be out doing such enforcement that he feels like it’s giving a heads-up to people when he wants to kind of catch them behaving the way that they might normally be behaving. So, I think part of the lack of press release is an intentional move to not give the public a heads-up that they’re going to be adding extra enforcement.  Mayor Engen said, additional questions? Sorry, Mr. Hess.  Alderperson Hess said, thanks. Maybe Tara or Aaron or Ben, enforcement is a pillar among others, education, encouragement, engineering, there are many other pieces. How do you recommend and how does this plan complement that we balance those needs moving forward?  Aaron Wilson, Transportation Planning Manager, said, I think we see this plan as encompassing all of those. You can’t just approach safety, in particular, through just providing infrastructure. It will take a really long time to provide all of that so we try to address it from a number of different angles and this plan, I think, supports that. Looking at adding infrastructure, identifying where the most dangerous intersections are for pedestrians and trying to prioritize those first and then having recommendations for enforcement and behavior and then supporting those through other programs like Missoula In Motion or the Bike Ped office or the Bicycle Ambassadors are often out there, not just interacting with cyclists but with pedestrians as well. So, trying to address all of those at whatever capacity we can. So, and I think this plan tries to take that view that’s comprehensive. Yeah.  Mayor Engen said, further questions? Seeing none, Mr. Hess.  Alderperson Hess said, thanks. I move that we adopt a resolution to adopt the Pedestrian Facilities Master Plan for the purpose of pursuing a complete, connected and safe network of facilities for pedestrians in the Missoula urban area. I’d like to speak to that motion.  Mayor Engen said, Mr. Hess.  Alderperson Hess said, again, this is a year’s long effort by staff in a very comprehensive manner summarize the state of our pedestrian environment and the needs that we have moving forward. I’m particularly happy that this plan comes in to complement our Long-Range Transportation Plan, our Bicycle Facilities Master Plan and now we have this plan for pedestrians. That’s on top of work with other modes that Mountain Line does for transit and other plans as well. So, we are amassing a very complimentary and very comprehensive suite of planning documents that will guide us moving forward that will help us move toward those mode split goals. I think this plan does a really nice job of balancing just the needs of basic connectivity and basic function in our pedestrian system with having a robust ADA transition plan that allows all users to access our network in an equitable manner. So, I commend staff for all the work on it and I thank the members of the public that have been very involved over the development of this plan and encourage everyone to support it.  Mayor Engen said, further discussion? Ms. Merritt?  Alderperson Merritt said, I want to take the opportunity to thank staff as well for all the hard work that went into this. I was able to participate in some of the public meetings that they had and they did a great job. It seems like there were a very good number of members of the public who were involved and able to give input. There were different types of meetings. We had some good interaction at some of them and I think that this has led to a very strong plan they put together and I am happy to support it.  Mayor Engen said, Ms. West?  Alderperson West said, I also would like to thank everyone who worked on this plan. It’s felt a bit different than any of the other plans that we’ve seen in front of us and I think that there’s a really exciting holistic approach to this plan. It looks at why things are needed and where they’re needed and also with the long-term benefits of pedestrian infrastructure for our community, it discusses equity and access, focus on barriers to vulnerable populations and also looks at the long-term health outcomes of our community overall and I fully support it.  Mayor Engen said, further discussion? Seeing none, we’ve had a public hearing, we’ll have a roll call vote.  10 Ayes, 2 Absent  Mayor Engen said, and the resolution is adopted. |
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## **8.4 Adaptive Reuse Overlay (/AR), Amendment to Missoula City Zoning Ordinance, Title 20**

**Moved by:** Alderperson DiBari

[Second and final reading] Adopt an ordinance amending Missoula Municipal Code, the City Zoning Ordinance, to incorporate new section 20.25.035 /AR Adaptive Reuse Overlay.

| AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Cares, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West |
| --- |
| ABSENT: (2): Alderperson Armstrong, and Alderperson Ramos |

**Vote result: Approved (10 to 0)**

| Emy Scherrer, Historic Preservation Officer in Development Services, said, this is the proposal of the creation of a new zoning overlay which would promote the adaptive reuse of historically significant buildings. And I’m hoping that will work. I don’t know what to do. Should I just continue or (computer issue)  Mayor Engen said, Marty, can you lend a hand please? So, my dream is one day we’ll have a computer that works.  Emy Scherrer, Historic Preservation Officer in Development Services, said, mine as well.  Mayor Engen said, and a projector.  Emy Scherrer, Historic Preservation Officer in Development Services, said, okay. So, what is this? This is a new overlay and it’s for historically significant buildings not usually zoned for adaptive reuse such as churches or schools or corner stores to be adapted into a new use which zoning or land use wouldn’t normally allow under existing code. So, a good example of that would be taking a historic school and turning that into housing or turning it into a hotel, taking a church and turning it into a corner market or something along those lines. Since this is a consideration of a text amendment, which would be a new subsection 20.25.035 to our overlay Chapter 25. It identifies and defines criteria for an existing building to be eligible for the overlay and identifies the process for reviewing adaptive reuse projects and also identifies possible incentives for adaptive reuse. We wrote this based on a lot of other cities’ ordinances that have adaptive reuse and based on the National Trust for Historic Preservation’s Model Adaptive Reuse Ordinance. So, this proposal is consistent with the Growth Policy in many ways related to livability, community design, promoting sustainability through reuse of existing buildings. The Historic Preservation Comprehensive Plan also calls to encourage the integration of preservation and policy making through zoning tools such as this. And the ongoing update of the Downtown Master Plan also encourages the development of adaptive reuse tools. Specifically, it would aid in historic preservation, housing, focusing inward, sustainability in our zero-waste initiative and economic development. And also, these changes help to incentivize reuse through a different process than what we’re typically used to such as rezoning requests, which can be difficult to support, and sometimes impossible to accomplish. So, this is another tool for our toolkit. It’s adding our existing list of overlays that we already have in place. Basically, how it works would be the same as we already do for rezoning and for overlays. You have the adaptive reuse general framework. An applicant would come to us interested in applying their property for this. The HPC and HPO would determine whether the project would be eligible as a historically significant building, which I’ll go into detail. Then the applicant would submit the rezoning application, not unlike any other rezoning which would put an overlay on top of the base zone. Then the zoning case planner would take it to City Council and it would ultimately lay with City Council for the decision to the rezone. And then the further design review would be with the HPC because it would fall under the historic preservation permit guidelines, so the HPC is already doing that with all of our historically significant buildings and they would continue to do that for adaptive reuse projects. So, we wrote this based on a blend of our conditional use, rezoning, neighborhood character overlays. We’re not straying outside the processes that we already use. It’s about particularity and that’s what overlays really are is for particular instances or circumstances, such as pedestrian overlays, neighborhood character overlays, historic preservation, boulevard character overlays. It’s just a layer on top to address this particularity of the specific parcel or building. So, the purpose generally is under the guidance of these regulations and historic preservation review as to again whether it would be a historically significant building or not, whether additional uses may be allowed on properties that would not ordinarily allow them. So, getting into the actual language of the overlay. So, definitions, adaptive reuse is the process of reusing an existing building or portion of a building for process or purpose other than which it was originally built or designed for, currently used for or if no change of uses occurring for the benefit of the substantial rehabilitation. Historically, significant building is any building eligible for inclusion on the National Register of Historic Places as defined in 36CFR60.4 which is the federal regulations. Any building that is included in Missoula’s inventory of historic resources, which is our local inventory, which is outlined in Chapter 20.30.030 which is the historic preservation chapter or any construing building in a National Register Historic District. And we have that outlined in our current code so we wouldn’t be straying from that original code. So, selection criteria would have to be a parcel which contains a building which meets the definition of historically significant building. And, again, I’ll go into that. And it must be for an adaptive reuse purpose which brings us back to that definition of adaptive reuse. The Historic Preservation Commission and the Historic Preservation Officer are the ones who determine whether a project qualifies to whether it is deemed historically significant, using our existing criteria for historic resources. And it would have to be in conformance with what we’re proposing which is the objectives so 20.25.035??(82) and that’s the implication that there is a project actually taking place that wouldn’t be this just ambiguous project in the future, we have a plan and are moving forward with that. And I want to reiterate that an application to establish this can only be initiated by the property owner so it would be voluntarily initiated. It would be for the incentives for the owner to do what they would wish to do to preserve this building. And the reason we want to have this implication that there is a project taking place is so that zoning staff and City Council can be able to actually evaluate whether the associated project merits a break from the base zoning and whether it would be contextually appropriate within the surrounding neighborhood. So, all of that would be evaluated. And then any AR district, like any other overlay, would be established in our existing law for review and approval procedures in zoning amendments which is 20.85.040. So, taking a step out of the AR proposed language, this is what is already written in our City Code and this is the designation criteria for historic resource. It’s the exact same designation criteria for the National Register listing, the federal criteria. So, it’s under A, B, C or D and you can evaluate to one of those criterion, whether it’s associated with events that have made a significant contribution to the broad patterns of history, whether it’s associated with the lives of persons significant in our past, distinctive characteristics of construction, type, master, artistic values or essentially architecture. And then a yield or likely to yield information important in prehistory or history which usually has to do with sacred sites. So, review criteria related to that. With any historic preservation project, requirements will vary from one context to another and will be assessed on a district-by-district basis. So, for example, you know, a bungalow house wishing to become a coffee shop is going to be reviewed far different than a major commercial building wishing to become a hotel or something along those lines. And it’ll be reviewed as it relates to public health, safety and general welfare as well as its contribution to the preservation of the historic building. Impacts to surrounding area. Same as any request for a zoning change or overlay as light traffic, parking, landscape, operating hours, neighborhood character and generally whether the proposed overlay district is contextually appropriate within the surrounding neighborhood. And then applicants must demonstrate a commitment to the preservation and welfare of the building that they’re wishing to adaptively reuse. So, the case planner will go through this process and will evaluate this, then bring it to Council, present that and make a recommended motion which wouldn’t stray from the regular process. So, like I mentioned, in establishing an AR district, the City Council is the one authorized to adopt the district’s specific development and design standards to guide redevelopment within the subject AR district, and they will be…you all will be provided this application materials. So, continuing on, if the redevelopment standards have been approved, any additional modification or alteration must comply with those standards that are approved by Council. Any modification beyond the parameters of those standards would have to get further approval. And then the recommendation to establish this district would be accompanied by a report which would contain a description of proposed use, site plan, explanation of how it meets the selection criteria, which I went over, any recommended district specific development and design standards because everything is going to be case-by-case, especially if it’s in a residential neighborhood, an explanation of the planning and zoning implications related to the AR designation and documentation that the HPC and our HPO have deemed this as a historically significant building under those federal and local standards that we have established. And unlike a straight rezone, these can be conditioned, just why it’s an overlay so Council and staff has a little more authority there. So, applicability. This would not be required to amend the existing underlying land use and base zoning so if you had a historic school that was OP3, which is usually parkland, you wouldn’t have to rezone that base. You’d just put this overlay on top of it. Again, it’ll be contingent upon the designation of the building as being historically significant. Once it is created this is kind of the check and balance of this is that buildings within an AR district will be subject to the historic preservation permit process which is outlined in 20.85.085 and it’ll be added to Missoula’s inventory of historic resources. So, basically, what that means is that any further alteration will be…have to be approved by the HPC using the Secretary of Interior Standards, and that goes in perpetuity. And, again, this is applicant-driven so this is voluntary. It would be added to our local inventory thus it would be subject to alteration standards and demolition standards under historic preservation. So, if, you know, somehow it was deemed not historically significant anymore, it would lose its status of having that overlay. I don’t know, if there was a fire or if someone illegally, you know, changed the building without telling the City or something like that, that’s when it would lose its status. So, going back to that check and balances and incentives, it’s now on the Register. It has to go under the Secretary of Interior Standards for any alterations but with the AR overlay, regardless of the underlying zoning, the Council may approve a mix of use types for the qualified building and it may exceed maximum density on then the underlying zoning or up to as is allowable by building code. Building code, we put this just as kind of an addition. They already do review for this but it’s just a good reminder that historic buildings will be reviewed under 34.09 of the International Building Code, which is the International Historic Building Code. Fire Code, which we consulted with and building folks that it would be reviewed with NFPA which is the code for fire protection of historic structures. Expedited review. So, it would be subject to expedited review throughout the City’s plan review process. And then administrative fees associated with the adoption of the AR district would be reduced by half. So, we’re giving people who want to take these old buildings, they want to turn them into a new use and we’re giving them some incentive as long as they follow our local preservation law. So, what it would look like, a zoning map, is that it would be /AR so /Adaptive Reuse and then -, the project. So, just like a neighborhood character, hyphen, University District or something along those lines. So, a little background on how we got to this point. We’ve been working on it with the HPC since April and we’ve gone to two HPC meetings and reviews. In May, we updated the LUP Committee about what we’re doing with this project and we also conducted agency and interested party review and interagency. We receive three public comments and they are attached to the staff report and they’re all in support of this. And then, let’s see, we presented to Planning Board July 2 and then presented to LUP on July 10, and Planning Board and LUP did not have any amendments and did unanimously vote to continue it forward to here. Which brings us to the recommended motion which is to adopt an ordinance amending Missoula Municipal Code, the City Zoning Ordinance, to incorporate a new Section 20.25.035/AR Adaptive Reuse Overlay. Thank you.  Mayor Engen said, thank you, Ms. Scherrer. With that, I will open the public hearing. Anyone care to comment this evening? Seeing no takers, I will close the public hearing. I have one quick question, Emy. What does expedited review look like?  Emy Scherrer, Historic Preservation Officer in Development Services, said, so, we have that with our visibility.  Mayor Engen said, visibility, yeah.  Emy Scherrer, Historic Preservation Officer said, yes and it’s not used often.  Mayor Engen said, right.  Emy Scherrer, Historic Preservation Officer said, and I don’t expect this actually to be implemented very often because we don’t have very many eligible buildings.  Mayor Engen said, right.  Emy Scherrer, Historic Preservation Officer, said, basically, it would just alert the reviewers, permits, text engineering, city building officials that we have this coming in and to kind of keep an eye for it. So, it’s kind of an interagency like, hey, this is actually happening, we should pay attention to it. Does that answer your question?  Mayor Engen said, fantastic. Yeah. Meets a call to the Mayor any day. Questions from Councilmembers? Mr. DiBari?  Alderperson DiBari said, Ms. Scherrer, a quick question. So, you use as an example if there was an old school and it was zoned OP whatever and somebody bought it and proposed putting a restaurant in there. Obviously, the base zoning would not permit a restaurant but by virtue of the fact that it would go through this public process and City Council who had had a chance to weigh in and condition it, somebody could go ahead and potentially put a restaurant in that building. Oh, that’s correct, you’re nodding your head.  Emy Scherrer, Historic Preservation Officer said, that is correct.  Alderperson DiBari said, right.  Emy Scherrer, Historic Preservation Officer said, and, like you said, it would go before the public so it would have all the public notice and it would be a public hearing so the public would be alerted if the neighborhood did not want this to happen.  Mayor Engen said, further questions? Seeing none, Mr. DiBari?  Alderperson DiBari said, I think this is the simplest motion I’ve ever had. I move that Council adopt an ordinance amending Missoula Municipal Code, the City Zoning Ordinance, to incorporate new section 20.25.035 /AR Adaptive Reuse Overlay. And may I speak to that?  Mayor Engen said, you may.  Alderperson DiBari said, I want to thank Ms. Scherrer and Ms. Means and the folks at Development Services for working on this and I know it’s a product of a lot of research and good hard work. And as folks have probably been if they’ve been paying attention, know that this is just yet another step in our efforts that were initiated by Ms. Jones and others to make more robust our Historic Preservation Ordinance in our Zoning Code and I appreciate that, so I will be supporting this. Thank you.  Mayor Engen said, Ms. Jones?  Alderperson Jones said, I’m also very supportive of this and I wanted to thank all of the people that have worked so hard on this. I think this is a great example of setting up a positive environment to entice people to come forward and try and preserve some of these great buildings that we have in Missoula. And I see it as a way of really fostering a lot of creativity and creating character in the long-run and I do believe that buildings are meant to be used. They’re meant to be lived in for whoever is here at the time. So, kind of pulling that forward and melding the old with the new is great and it brings up to mind SoHo in New York or South of Market in San Francisco where there’s been some real rejuvenation and old warehouses have been turned into fantastic spaces so I’m curious to see what happens, and I think the whole dynamic of setting this up to be positive and forward thinking and incentivizing property owners to get creative and make it work for the here and now while it’s still preserving the past is a great dynamic so I’m really appreciative of it and very supportive.  Mayor Engen said, Mr. von Lossberg.  Alderperson von Lossberg said, I want to echo my colleagues. Thanks to staff for the work on this and I also wanted to thank the folks that provided public comment and specifically Mr. Pelger, hopefully, I’m pronouncing it right, who worked on the historic Lincoln School in the Rattlesnake. I really found his comments to be on-point and a good articulation of why this is a valuable tool to have in our toolbox so thanks, I’m happy to support this.  Mayor Engen said, Ms. West.  Alderperson West said, so, I’m making my family read the Zero Waste Home right now for bedtime and there are five hours discussed, refuse, reduce, reuse, recycle and rot. It really dubbed the largest impact on our waste foot prints and our carbon footprints on the first three which are the most important, refuse, reduce and reuse. I think the adoptive reuse is the most exciting step in our zero to waste schools and reducing our climate impact by doing exactly that. Reducing waste to the landfill and reusing structures and eliminating the amount of energy we spend by using structures that the energy has already expedited upon the initial construction and I’m glad to see this adopted.  Mayor Engen said, anymore discussion? Seeing none, we’ve had a public hearing and we will have a roll call vote.  Mayor Engen and that ordinance is approved. We saved the best for last and Ms. Rehbein has our staff report this evening. |
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## **8.5 Annual Assessments for Street Maintenance District #1--Downtown**

**Moved by:** Alderperson Harp

Adopt a resolution levying a special assessment and tax on the lots, pieces and parcels of land situated within Street Maintenance District #1 of the City of Missoula, Montana generally located in the downtown area in the amount of $104,622.00 for the purpose of defraying the cost of flushing and removing street rubbish from streets and avenues in the district during the fiscal year 2020.

| AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Cares, Alderperson DiBari, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Bryan von Lossberg, and Alderperson West |
| --- |
| ABSENT: (2): Alderperson Armstrong, and Alderperson Ramos |

**Vote result: Approved (10 to 0)**

City Clerk Rehbein said, hi I’m Marty Rehbein, your Legislative Services Director. I am here to present the assessments for the Street Lights District #1. The Street Light District #1 has existed since 1909 in the downtown area that was originally was a sprinkling district and now provides services such as street sweeping in the downtown. The streets are swept once a week instead of less often, and it also goes to pick up rubbish and recycling bins that are located throughout the town. The City has a contract with the Business Improvement District for those services. The total assessments for this year are projected to be $104,622.00 which is $121.60 more than last year or a .01% increase.

Mayor Engen said that motion is in order, and comments on the motion. I’ll open for comment. Anyone care to comment on sweeping the streets? Seeing none, I will close the public hearing. Any questions from council? Seeing none.

Alderperson Anderson said, I think we should replace the word rubbish where the word trash is written, because it is a nicer sounding word.

Mayor Engen said there was a time where the council referred this as the flushing district, but most council members were high school sophomore’s and we were not able to get through the public hearing because of the flushing district, so we changed the name.

Alderperson Harp, said, we have been supporting this for 100 years and she supports it.

Mayor Engen, said, further discussion, seeing none. I close the public hearing. We will have a roll call vote.

# **9. COMMUNICATIONS FROM THE MAYOR - None**

# **10. GENERAL COMMENTS OF CITY COUNCIL**

Alderperson von Lossberg, said, I think it’s great that we renewed our HVAC contract.

Alderperson Anderson, said, for all of those watching, I’m here to say we will be discussing Hillview Way Crossing in Land Use & Planning, I am bringing snacks and it will be great. Everyone who is interested in having a robust public discussion. She gives a shout out to all the folks at Logjam Presents as I was one of the 10,000 people who attended the Mumford and Sons concert last night. Thank you John DiBari for helping me out with tickets and it was an amazing concert and more amazing than that was the feet that had to have gone on behind the scene’s to make that concert pull off. I was thinking of the workers about 4 pm yesterday afternoon when it was hailing, raining and thunder and lightning and the trees were falling down on my street. People were patient and we had a really great time and the concert was amazing and that reinforces the reason why I love Missoula because we have amazing people.

Alderperson Harp, said, shew wanted to thank the County partners for pulling off another successful county fair. Hopefully most of you handled the rain and hail over there. And if not remember next year and the new Marks Building and there were a number of lego models and there were a lot of young people. There were re-use items on display.

Alderperson Merritt, said I wanted to say Bryan, I’m the one who jinxed it by saying to the facilities director that sometimes it is too cold in here. I apologize.

# **11. COMMITTEE REPORTS**

## **11.1 Administration and Finance committee (AF) report**

### **11.1.1 August 7, 2019 Administration and Finance report**

## **11.2 Budget Committee of the Whole (BCOW) committee report**

### **11.2.1 August 7, 2019 Budget Committee of the Whole report**

## **11.3 Committee of the Whole (COW) committee report**

## **11.4 Land Use and Planning (LUP) committee report**

## **11.5 Parks and Conservation (PC) committee report**

### **11.5.1 August 7, 2019 Parks and Conservation report**

## **11.6 Public Safety and Health (PSH) committee report**

### **11.6.1 August 7, 2019 Public Safety and Health report**

## **11.7 Public Works (PW) committee report**

### **11.7.1 August 7, 2019 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**

## **13.4 Parks and Conservation committee referrals**

## **13.5 Land Use and Planning committee referrals**

## **13.6 Public Safety and Health committee referrals**

## **13.7 Public Works committee referrals**

### **13.7.1 Wastewater Primary Effluent Lift Station Communications Upgrade**

### **13.7.2 2019 Missoula Travel Demand Model Update**

# **14. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS**

## **14.1 Administratively approved agreement report**

### **14.1.1 August 9, 2019 report**

# **15. ADJOURNMENT**

The meeting adjourned at 9:11 p.m.