

Journal of Proceedings
Missoula City Council Meeting
June 28, 2021, 6:00 p.m.
ZOOM Webinar

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

Members Absent: Jordan Hess, Julie Merritt, Amber Sherrill

Administration Present: Jim Nugent, City Attorney, Marty Rehbein

Administration Absent: Mayor John Engen

1. CALL TO ORDER AND ROLL CALL

The virtual meeting of the Missoula City Council was called to order by Acting Mayor Bryan von Lossberg at 6:00 PM.

2. APPROVAL OF THE MINUTES

2.1 June 21, 2021, City Council Meeting Minutes

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee Schedule for the week of June 28, 2021

Public Safety & Health Committee, June 30, 11:00 a.m. - 12:10 p.m.

Public Works Committee, June 30, 2:10 - 2:45 p.m.

Committee of the Whole, June 30, 3:00 - 4:00 p.m.

Administration & Finance Committee, July 7, 1:15 - 1:30 p.m.

Budget Committee of the Whole, July 7, 1:45 - 3:00 p.m.

4. PUBLIC COMMENT

President von Lossberg Our next item is public comment on items that are not on the agenda this evening. So, we have several items on the agenda but if anyone wishes to make public comment on any non-agenda item this is the opportunity, the time, so time to do so. I'm checking to see. I don't see any raised hands on that and so we will move on to our next agenda item which is our consent agenda.

5. CONSENT AGENDA

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson Ramos, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSENT: (3): Alderperson Hess, Alderperson Merritt, and Alderperson Sherrill

Vote result: Approved (9 to 0)

5.1 Accounts Payable (Claims) for checks dated June 29, 2021

Approve accounts payable in the amount of \$930,168.56 for checks dated June 29, 2021.

Vote result: Approved

5.2 City Acquisition of the Missoula Federal Building – Resolution Authorizing Application and Acceptance of Building and MOU with Missoula County

Motion 1: Adopt a resolution directing and authorizing the Mayor to apply to the National Park Service and take other steps necessary to receive title to the Missoula Federal Building from the Federal Government, subject to the conditions and covenants in said application, through the Historic Surplus Property Program; and asserting that the City has legal authority, is willing, and is in a position to assume immediate care and maintenance of the property. Motion 2: Approve the proposed Memorandum of Understanding between the City of Missoula and Missoula County regarding acquisition of the Missoula Federal Building.

Vote result: Approved

5.3 Interlocal Agreement with Missoula County for the 2021 Chip Seal Projects

Approve and authorize the Mayor to sign an Interlocal Agreement with Missoula County for the 2021 Chip Seal Projects.

Vote result: Approved

5.4 Professional Services Amendment No. 1 with WGM Group Inc. for the Lower Miller Creek Road Reconstruction Project

Approve and authorize the Mayor to sign a Professional Services Agreement Amendment No. 1 with WGM Group Inc. for the Lower Miller Creek Road Reconstruction Project at a cost not to exceed \$36,405.00.

Vote result: Approved

5.5 Interviews for the Local Emergency Planning Committee

Appoint Sydney Sweitzer to serve as an alternate member and re-appoint Ahri Cornelius as a regular member on the Local Emergency Planning Committee for terms beginning July 1, 2021 and ending on June 30, 2023.

Vote result: Approved

5.6 Resolution calling for the method of City elections and considering whether or not to hold primaries in any offices on the ballot

Adopt a resolution of the Missoula City Council calling for 2021 City municipal government non-partisan elections to be conducted by mail ballot and calling for a primary election on September 14, 2021, for the following offices: Mayor, Ward 1 and Ward 6.

AYES: (6): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Jones, Alderperson von Lossberg, and Alderperson West

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

ABSENT: (3): Alderperson Hess, Alderperson Merritt, and Alderperson Sherrill

Vote result: Approved (6 to 3)

President von Lossberg Great thank you Ms. Rehbein. Let me ask if there are any questions first from council members or I'll take questions or comments and then I'll go to public comment. Ms. Vasecka. Alderperson Vasecka Thanks. I would like to separate 5.6 on and vote on that separately. And may I speak to it as well?

President von Lossberg You may.

Alderperson Vasecka Thank you. So, my colleagues last Wednesday, during last Wednesday's meeting, they mentioned that they are not aware of or concerned about any voter security issues with Missoula elections and I have to voice my great concern over this, and I'll tell you why. I have not always been skeptical of security issues within Missoula elections. When I ran for election in 2019, the voting mechanism was in person, at the polling place, or via absentee ballot where you had to request your ballot be mailed to you. It wouldn't automatically be mailed to you without you requesting it to be done. My election was a very close one. I won by 12 votes. My opponent asked for a recount, which I and others were in attendance for. It was again me winning by those exact same 12 votes. This made me very pleased with the security and the accuracy of Missoula elections because it was in person or absentee ballots only. Then Covid hit and it was all mail in, even if you did not request a ballot, you were still mailed one. So, if you moved and didn't update your voter registration, you would still receive one. If you moved to another county or even another state, you would still receive a ballot at your previous address, even if you just, because if you didn't specifically tell Missoula elections because

different voter rolls don't communicate like that. So, this leads to plenty of concerning discrepancies. In the last election, there were 10,712 ballots that were counted that were mailed to citizens that had not voted since 2014. If you hadn't voted since 2014, that would normally make you an inactive voter. They should not have been mailed a ballot unless they specifically requested one, but they were, and those ballots were counted. That same election, 4,592 other ballots were counted, were missing the affirmation envelopes. You know those envelopes that say your vote will only be counted if that envelope is there and signed, those ones were counted anyways even though the affirmation envelope was not there. Also, there was a nursing home, Hillside Manor, that had 28 affirmation envelope signatures that had the exact same handwriting. These revelations have not had any response nor any answer as to why they happened. So, it would be foolish and frankly untruthful to say that there is no election security issues. It would be irresponsible and naive to be in favor of all mail in voting for this election. Therefore, I cannot support this. I will be voting no, and I urge my colleagues to do the same. Thank you.

President von Lossberg And I can see I'm going to regret not moving this to committee reports. Ms. Anderson.

Aldersperson Anderson Thank you Mr. Chair. I just have to point out to Ms. Vasecka and other that are listening that the 2019 municipal election was an all mail-in election just like the 2020 election. All our municipal elections have been all mail-in for the past several years and the voting fraud claims that you've cited have been investigated numerous times and were found to not be credible. There has been numerous election claims brought by and fully investigated by members of the legislature and have been investigated and by the Missoula County Elections and have found to be that our elections were completely above board, following the laws, as put out and you know, your election that you won by 11 votes/12 votes was an all mail-in election. And so, the fact that that was so close, even after a tally really shows that there is efficacy in all mail elections.

President von Lossberg Ms. Jones.

Aldersperson Jones Thanks. I'll just briefly say that I think our elections officer and our elections office in Missoula does a great job. They follow all of the rules. Th they are incredibly conscientious and as a result, they get accurate results and I for one hot second do not believe there are any issues there and I really do not like having a federal narrative that some people are promoting out there being applied in Missoula. And I know that there are certain legislators who are pursuing it. It's completely ridiculous in my mind and I'm very comfortable with our elections office and I look forward to this election, both the primary and the full election being mail-in. So, thank you.

President von Lossberg Mr. Ramos.

Alderperson Ramos Thank you Mr. President, I will keep it very brief. I am not voting for this simply because I don't think the primaries are necessary, as I stated in committee. There are plenty of countries and cities and states where candidates win without a majority of the vote. They win with a plurality and, and as I stated last time, I think that is all that is needed in Missoula for these elections. So, I will be voting no on that. Thank you, Mr. President.

President von Lossberg Is there any public comment on any of the items on the consent agenda? Not seeing any, I will quickly add I will be supporting all the items on the consent agenda. I concur with some of my colleagues around full confidence in our county elections, administrator, and staff and system, and I find it and I'm not attributing this to Ms. Vasecka, to be clear. I find it repugnant that some other members in the state, as well as across the country have cast doubt without any evidence on the system and then turn around and bemoan the lack of confidence in the system. They should be ashamed. With that, we will have, we're dividing the question on item 5.6. So, we will have a roll call vote on items 5.1 through 5.5.

6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM - None.

7. SPECIAL PRESENTATIONS

President Jones Under special presentations, we do have a proclamation which I'm very proud to read. This is a proclamation in Missoula County.

7.1 Proclamation - Pride Month

WHEREAS, Missoula County acknowledges the lasting impacts of the homophobia and transphobia highlighted by acts of physical, mental, emotional, and institutional violence against lesbian, gay, bisexual, transgender, queer, intersex, asexual, and two-spirit people, and communities both within the United States and internationally; and WHEREAS, Missoula County and the City of Missoula have diverse LGBTQIA+ and 2S communities and are committed to supporting the safety, visibility, dignity, and equality of all our community members; and WHEREAS, on June 24 and June 28, 1969, the New York Police Department conducted a pair of raids on Stonewall Inn, a popular gay bar in Greenwich Village, citing anti LGBTQIA+ and 2S legislation, such as masquerade laws to arrest patrons and workers; and WHEREAS, these raids sparked neighborhood resistance known as the Stonewall Uprising led by transgender and lesbian activists such as Marsha P. Johnson, Sylvia Rivera, Stormé, I apologize if I'm certainly going to mispronounce the name, DeLarverie, Ms. Major, and many other transgender women

of color which served as a catalyst for the movement toward LGBTQIA+ and 2S rights, equality, and equity; and WHEREAS, the courage and bravery of these activists in the face of violence served as a catalyst in the United States for greater movement toward LGBTQIA+ and 2S rights, equality, and equity; and WHEREAS, while advancements have been made in regard to policy change and equitable achievement of LGBTQIA+ and 2S persons throughout the nation, there continues to be discrimination and violence against people in these communities, making it essential for local governments to collectively show support for community members who are impacted; and WHEREAS, June is celebrated as LGBTQIA+ and 2S Pride Month nationwide; and WHEREAS, everyone should be able to live without fear of prejudice, discrimination, violence, and hatred based on gender identity, expression, or sexual orientation. Now THEREFORE, Missoula County and the City of Missoula do hereby declare the month of June 2021 as LGBTQIA+ and 2S Pride Month, signed by the Mayor and the Commissioners. And any mispronunciations are entirely my fault and I apologize.

8. PUBLIC HEARINGS - None.

9. FINAL CONSIDERATION

9.1 Development Review Capacity Plan and Fee Schedule Amendment

Moved by: Alderperson Jones

Adopt a resolution generally increasing fees for services on the Land Use and Planning Fee Schedule by 15% to more closely align with the fees proposed as a result of the 2010 User Fee Study.

AYES: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson von Lossberg, and Alderperson West

NAYS: (2): Alderperson Ramos, and Alderperson Vasecka

ABSENT: (3): Alderperson Hess, Alderperson Merritt, and Alderperson Sherrill

Vote result: Approved (7 to 2)

President von Lossberg We do have a couple of items under final consideration. The first of those is the Development Review Capacity Plan and Fee Schedule Amendment. I will first ask Ms. Pehan if there are any new pieces of information or any update to the staff report that we received last week.

Eran Pehan Evening, Eran Pehan with Community Planning, Development, and Innovation. We have no new updates to the plan to share or no new information since the last hearing but I'm happy to provide any additional information or answer any additional questions that Council may have.

President von Lossberg Okay, thanks. I will, so we open the public hearing and as has been our process during Covid, we've continued these for a week, in most all cases. And so, I will reopen the or continue the hearing that we opened last week. If there's any public comment on this matter, this is the

continuation of that public comment period. And if you're in attendance and would like to provide comment, please go ahead and indicate so. I'm not seeing any, not seeing any additional public comment for the hearing I will close the public hearing and this motion resides in Administration and Finance. So, Ms. Jones.

Aldersperson Jones Thank you. I'd like to make the motion to adopt a resolution generally increasing fees for services on the land use and planning fee schedule by 15%, to more closely align with the fees proposed as a result of the 2010 user fee study and I'd like to speak to that.

President von Lossberg You may.

Aldersperson Jones Great. This has been a month-long process that our department head, Eran Pehan, has headed up. Based on a lot of feedback from developers in town, in the building community, that frankly the Office of Community Planning, Development, and Innovation (CPDI) needed to have a quicker process because it was taking too long, and time is money. So, there was a, there were a lot of discussions and a lot of developer input into this, that yes, they would pay more money for these fees if it meant getting the product quicker through the reviewing city offices so they could get out there and start building. So first of all, I want to say thank you to Eran for heading up this entire discussion. These are difficult boulders to move but they think you're doing it; I really appreciate that. Secondly, thanks to all of the developers and builders who were involved, and we have had public comment back from them and feedback during the entire process. So, I think this is a very collaborative effort. And third, I'd acknowledge that you can never please everyone. I know some people simply see this as, oh my goodness a fee is going up, that's a bad thing, but when it's connected to a certain service level, that's the point of this. We want to have faster service so that people can get these turned around and get building quicker because as we all know Missoula is in a building boom and there's no end in sight at this point and we need places to live for many people here. So, thanks for all of that. I'm in favor of it, appreciate all of the work, and look forward to voting yes on it.

President von Lossberg Thanks Ms. Jones. Mr. Ramos.

Aldersperson Ramos Thank you very much Mr. President. Just wanted to say first of all that I greatly appreciate all of Eran's work. I think she's been a super refreshing change and a very needed change to the department, well the new department. I can't remember the name of it, but everybody knows it. Unfortunately, I'm not going to be able to vote to approve this because I haven't seen any evidence or heard anything that, that has shown or seen anything in the past that shows that more money at something makes anything go faster and makes anything better. I think we've seen that in all areas of, of American government where we throw a bunch of money at the problem, and it doesn't make it any

better. In fact, sometimes it makes it worse. So, I hope I'm wrong on this; I truly do. I just understand the fact that the, of course the developers won't really care if they're paying more money and fees because they're going to be passing that on to the customers. At the end of the day, they're going to be passing it on to the homeowners. I think that instead of having to employ so many people to review all the materials in the development process, we need to work on how much material needs to be reviewed in the first place, to just build at home. I know we've been talking about this since I've been on Council, amending some of the criteria, matching zoning to match the, the growth policy. So many different things that we can do to reduce this burden instead of having more people there to enforce the burdensome regulations in the first place. So, I think that this is addressing a symptom of the disease that is not addressing the disease itself which I think is over regulation, over complication, just an overall process that is designed not intentionally but is destined to take a lot longer. So, I think until we address that root cause, there's no reason to further exasperate the problem by raising the fees which adds to the further cause of the disease itself, which is an overburden some government when it comes to development in in our town. Obviously there's other factors at play but I think that unfortunately this is not going to make anything worse, worse but I certainly appreciate all the time and effort that Eran has done reaching out to developers and talking to them, and I'm glad that some developers agree with this but they're smaller developers that I've spoken to that unfortunately, it's going to be a lot harder for them when they're trying to compete with the bigger developers when you have the economies of scale where they can offer a price lower for home purchases or for home buyers than a smaller developer can. So, it's easier for them to spread out those costs amongst a lot of people when they're doing a lot of volume but these smaller developers it's, it's a lot harder for them to spread out that cost with a smaller group of people. So, I have a lot of concerns about that and just the general economic instability of it doesn't make sense with, with kind of my Austrian view of economics. So respectfully I'm going to be voting no on this, but I do appreciate the effort and the fact that Eran is spending so much time doing everything she can to make a system better, that that she came into that was already really, really bad. So, she's doing a great job and I appreciate that but unfortunately I can't vote yes on this. Thank you.

President von Lossberg Ms. Harp.

Alderpersion Harp Thank you. When Eran Pehan was hired in this particular role to be the director of this department, I was enthusiastic because what she came to the table with was a, a career experience in process. And what she was able to do in this process was dissect it and really figure out where the obstacles are, and there are three. Staffing, the process itself, as well as a zoning code and she had

taken it upon her shoulders to do the very best that she can to, I guess, approach those obstacles head-on and it's, it's been a monumental task for decades and here we have a woman who can actually do this. And she has brought forth recommendations that are both short-term, as well as midterm and I'm hoping there will come a, some longer-term solutions, if I know her. As a person who is an executive director for a non-profit in the housing community I, I face these very same challenges. I don't have enough money to build. I don't have enough staff to build, and I also face code process or code issues in order to build. And so, Eran, I really appreciate from the non-profit sector, and I know my colleagues in the for-profit sector that also are part of one of my teams at Habitat to be able to come forward and produce some ideas that we can, we can, we can try. And I think this is really critical because if there's anything I know about you, you are you are a person who can pivot on a whim and be able to acknowledge that sometimes things don't work, and sometimes they do, and when they do, you go full steam. And when they don't, you correct it and try again. So, I really appreciate the effort that your whole team has put together on this. I can't wait to get started.

President von Lossberg Ms. West.

Alderperson West So I just briefly wanted to say that I fully support this motion. I think that Development Services does a lot more than just building homes. I think there's, I think that's a portion of what they do. They also do deal with commercial buildings and businesses locating and all sorts of things where people interface with our government. And I think having timely customer service experience is important, and at some point we can't just work better or smarter or keep asking the same people to just do more work. I think this will allow us to really increase our capacity so that everyone who comes to this department, for a variety of reasons, can get done with what they need to do faster. I just recently spoke to a small business owner who is relocating to Ward 1, and it's been a really long process, and she would gladly pay more in fees if it means that she gets to open two months earlier, because that saves so much more money for that business owner than, than just paying this upfront increased cost. So, thank you.

President von Lossberg Ms. Becerra.

Alderperson Becerra Thank you. First and foremost, I just want to say that our City Departments and our staff does an excellent job of being thorough and diligent when reviewing projects and using the regulations that we have, which are based on state law. So given what we can do with our regulations, our staff is doing an excellent job. We all know the devastating effects of and deadly consequences of not being thorough when you have to review a project, when you have to review a building, make sure it meets code. Most recently Florida, that, that, that devastating situation is an example of what happens

when you're not diligent at reviewing projects. And so, regulations is one part of the equation, the other one is additional staff, that's going to be able to meet the growing demands of our community. So, you know, I fully support adding a fee that's gonna add more staff, so that we can adequately respond to the growing demand that we have for development in Missoula. So happy to support it.

President von Lossberg Thanks. Not seeing any additional hands up, I plan to support the motion for many of the same reasons articulated. It's a thoughtful proposal on the part of staff working collaboratively with the development community. I don't think that this would stand a chance of passing if it had been done without that collaboration and expressed support at some of the prior meetings. And on a lighter note, Jesse and I aren't running for reelection, and I'll look forward to having a beer in the future, and talking about, as opposed to throwing money at things, in the government, the strategic investments we made in the space program to get to the moon, and to get to Mars faster than anyone else. So, with that, we will have a roll call vote.

9.2 Subdivision Exemption for Family Transfer – Tract 1 of Certificate of Survey 6397 located at the corner of Polk and Poplar in the Rattlesnake Valley

Moved by: Alderperson West

Approve the entitlement request for a family transfer subdivision exemption, in accordance with MCA 76-3-207(b) for a division made outside a platted subdivision, and Missoula City Subdivision Regulations, Article 8, Section 8-040.4(E)(1)(e)iii, based on the materials submitted in the application packet, and subject to the conditions of approval.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson Ramos, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSENT: (3): Alderperson Hess, Alderperson Merritt, and Alderperson Sherrill

Vote result: Approved (9 to 0)

Amendment:

Moved by: Alderperson Vasecka

Remove conditions 1, 2 and 6.

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

NAYS: (6): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Jones, Alderperson von Lossberg, and Alderperson West

ABSENT: (3): Alderperson Hess, Alderperson Merritt, and Alderperson Sherrill

Vote result: Failed (3 to 6)

President von Lossberg Our second item under final consideration this evening is a Subdivision Exemption for Family Transfer – Tract 1 of Certificate of Survey 6397 located at the corner of Polk and Poplar in the Rattlesnake Valley. I want to start by asking Ms. Gluckin if there's any additional or new information from staff?

Emily Gluckin No new information in the past week. We have received additional public comments and issued a memo, and all of those are part of the City Council agenda.

President von Lossberg Thank you. And Emily, I think I just butchered your last name. How do I pronounce it?

Emily Gluckin Gluckin.

President von Lossberg Yeah, I don't know why I'm making it more difficult, more difficult than myself than necessary. I thought I had seen a representative of the project? Oh, and that the representative is in the meeting. How do you pronounce his last name?

Emily Gluckin Inabnit, I believe, but I'll have him correct that.

President von Lossberg Mr. Inabnit, I'm going to, in addition to butchering your last name, I'm trying to unmute you. Let's see if you can do that now. Are you able to unmute yourself and join the meeting? I see you in, among the panelists.

Steve Inabnit Hello, this is this is Steve Inabnit.

President von Lossberg Thank you mister, thank you Steven. We normally have project applicants and sponsors at either committee meeting or during, during the hearing, and I just wanted to give you an opportunity, if you had anything on behalf of the project that you wanted to relay to Council and the public.

Steve Inabnit Well I guess I'd just like to say that there was, you know, based on a couple of public comments that they thought that there was the evasion of the subdivision act, and I can understand. I guess that because I'm a land surveyor and I help clients with subdivisions and exemptions, along with boundary work, and lots of other stuff. I can understand that they might think that I'm looking for a chance or a way to evade the act, but I've been a registered land surveyor for 30 years and I have never done a family transfer in Missoula County or in any other county. If I was wanting to evade, I would have done a family transfer to my parents or a wife, but I haven't done that I'm not invading the act.

President von Lossberg Okay. Anything else you want to share? I didn't mean, I didn't want to cut you off, if I was cutting off.

Steve Inabnit No. I'll answer questions if there's questions.

President von Lossberg Sure. If you could stay on, I want to provide that opportunity. And you actually answered the question I wanted to pose to you so thank you for being here, which was did you intend to evade the subdivision act? And you've answered that question. While we have you unmuted, are there any additional questions for the applicant from members of Council? I'll give you a moment here. Not seeing any. Okay, I'm going to mute you again, but if we get back to some....oh I'm sorry, Ms. Becerra, go ahead.

Alderson Becerra I was just curious to know how long the applicant has owned the property?

President von Lossberg Mr. Inabnit, can you respond to that?

Steve Inabnit Yeah, I believe I bought it in 2015.

Alderson Becerra Okay, thank you.

President von Lossberg Thanks. Not seeing additional questions. So, I'm going to recommence the hearing portion of this. So, if there are any members of the public who would like to provide public comment this would be the time to indicate that you desire to do so, and we will take that public comment before getting into final consideration. Any additional public comment on this item that we opened last week, having committee on Wednesday, and then are taking up under final consideration currently? Not seeing any, this item, are there any additional questions from Council Members? Okay I've got a couple there....Ms. Vasecka.

Alderson Vasecka Thanks. Last week, during committee, I mentioned that there are some amendments that I wanted to make, I just wanted to make sure I got another proper protocol on how to do that. Do I wait until the motion is on the floor to propose that?

President von Lossberg Yeah. Yeah, thanks Ms. Vasecka. Once a motion is on the floor, we can do that.

Alderson Vasecka Okay, thanks.

President von Lossberg Yep. And Ms. Harp.

Alderson Harp Thanks Bryan. Is Jim Nugent present tonight?

President von Lossberg I believe so. Yes, he is.

Alderson Harp Jim, you know, sometimes it seems like over the course of the last few years, when we've done these family transfers, they've gone kind of skated right through and this one for whatever reason caught the eye of some folks in our community. And I'm kind of curious, in the decades of experience that you have as our City Attorney, how many of these family transfers have been found to be evading subdivision?

Jim Nugent The one that comes to mind is up on the west side of the Rattlesnake and there was two families that were kind of put together and they were doing several simultaneously, and we ended up in

litigation, and the district court ruled in the City's favor that the City thought that it was just too much and that there was an evasion going on. That's the only one that comes to mind though, with respect to a family transfer.

Aldersonperson Harp Appreciate that history. Thank you.

President von Lossberg And I'll ask a question. Emily, if the applicant were to not use the family transfer process, my understanding would be that the, they would have a minor subdivision review process available to them, is that correct?

Emily Gluckin That is correct.

President von Lossberg And bear with me for a little bit here. And if they too were to go through that process, is there anything that you would note or that would come to mind specifically in terms of the considerations around like the type of structures and the improvements on and conditions and zoning discussion that we've had that would be materially different than the review we've been going through, as part of this? Was that a clear enough question?

Emily Gluckin I think so and I'll attempt to answer it. Zoning wise, what they're proposing would be permitted and if they were proposing that through a minor subdivision, it would likely be allowed too. I guess it's hard to answer this question without considering other stipulations that might come from subdivision requirements but on the face of zoning at least, if they were proposing that through a different process, it would still be permitted.

President von Lossberg Thanks.

Emily Gluckin Mary turned her camera on so she may be able to answer that a little bit better.

President von Lossberg Yeah, Mary if you needed to chime in, just go ahead and raise your hand. Otherwise, I'm gonna move to Ms. Becerra.

Aldersonperson Becerra I just wanted to expand a little bit on, on your question Bryan. And I wanted to know if under a minor subdivision, there's agency review that would guide some of the conditions of approval placed on, on a subdivision after that review is completed. So just curious to know what happens to agency review under a family transfer? Would fire have to provide comment, police any of those agencies that are instrumental to making sure that this is not a burden on the rest of the community in the immediate neighborhood?

Emily Gluckin Yeah, so through the family transfer process, we send out an agency memo to a pretty large list of city agencies, including fire, police, Parks and Rec, Public Works, City Attorney, pretty much anyone that has any relevant information to the project is contacted. So, they were given about a two-

week period. I send out a memo and then if they have comments, they provide it to me in email and then those get incorporated into conditions, if necessary.

President von Lossberg Thanks. And Mary, I see you, go ahead.

Mary McCrea Thank you. I was just going to say in reviewing it, with my experience with subdivisions, this, this proposal would be approvable as a subdivision, as proposed. And I think the conditions of approval would be very similar to what we're proposing with this.

President von Lossberg Thank you Mary. Are there any additional questions from Council Members? Not seeing any, we've had the opportunity for public comment, that opened last week continued up to this point. So, I will close the public hearing. This item lives in LUP and Mr. Hess is away, so Ms. West, I believe, it is up to you.

Alderperson West So, I would like to make the recommended motion, which is to approve the entitlement request for a family transfer subdivision exemption in accordance with MCA 76-3-207(b) for a division made outside a platted subdivision, and Missoula City Subdivision Regulations, Article 8, Section 8-040.4(E)(1)(e)iii, based on the materials submitted in the application packet, and subject to the condition of approval. And I'd like to speak to it just briefly.

President von Lossberg Go ahead.

Alderperson West So I, I really appreciate the feedback we've gotten from the community around this family transfer. I think there were a lot of really great thoughtful questions asked and I really appreciate the time that was spent by city staff including our attorney's office and Emily and everyone else who worked on creating the memos that addressed a lot of the questions that were raised. I feel like the attorney's office adequately address the concerns around whether or not this was an evasion from going through the subdivision process and I, I, based on that analysis I think that this is an appropriate process and should move forward. I also feel that there is predictability in what is going to happen here for the neighbors, based on the zoning and the growth policy. I think the most that can happen here is three single family homes and regardless of future ownership changes. So, I think while maybe the neighbors aren't thrilled by this change, I think it's predictable and I think there's some, I guess some, knowledge of what the future holds for this site. So, yeah, oh there's my motion.

President von Lossberg Okay. Thank you. That motions in order. And Ms. Vasecka...perfect timing.

Alderperson Vasecka Thank you. I would like to propose to amend the, the motion, to remove a few of the requirements, specifically requirement number one, the no building over 3,260 feet in elevation; number two, the right-of-way improvements; and number six, the requirement of installation of residential fire sprinklers.

President von Lossberg So those amendments are in order. Do you want to speak to those?

Aldersperson Vasecka Yes, especially because this is a family transfer. I, I don't agree with them having so many stipulations and requirement to having just a simple family transfer and you giving your, your son or your daughter some land. I think that the City, while I do appreciate the work that the staff did for this, I feel like the, the City is trying to get, of course they're trying to get as much as they can out of this review but, I, I just disagree with a lot of the requirements, thinking that it's just putting an additional burden on the family to do so.

President von Lossberg Thanks. So, could you repeat, Sandra, the specific items so that people could? And, and I'm hoping Emily and Mary are tracking the specific requirements. I want to make sure that they're clear about the proposed amendment. Could you repeat which ones those were?

Aldersperson Vasecka Yes, it was 1, 2, and 6....1 was the no building of higher than 3,216 feet in elevation. Number 2, the right-of-way improvements; and 6, the requirement of installation of residential fire sprinklers. And that one specifically because they are requiring to put a fire hydrant in nearby. I just don't think, I think they're double dipping and don't really need both.

President von Lossberg Okay. Ms. West, I'm assuming, and I think procedurally, we shouldn't accept, as I don't yeah.... I'm not even gonna ask the question. We'll take these up as their own matter. Ms. Anderson.

Aldersperson Anderson Thank you so much Mr. Chair. I will not be supporting these amendments and I, especially the fire sprinkler one. Even with the new fire hydrant, fire department has said there is not enough water flow if in the un the horrible situation that there is a fire in any one of these houses, that they are concerned that there's not enough water flow and so therefore the need for the sprinkler. I don't think this is double dipping. Nobody makes any money. Our most important purview is health and safety of our community members. Yes, these people may realize the, what they're getting into, but someday they may sell this house to a family who doesn't know all of the details and want to make sure that in the unfortunate event there's ever a fire, everyone in that household is as safe as possible. That is the number one goal of our Fire Department, that is our charge as Council Members, public safety and health and I, if the Fire Department says that they are concerned, then that, I take that very seriously. I also think that there, you know, needs to be improvements, right of way improvements because it's they're not an island them to themselves. They are a part of a community, there's connectivity in our community, and it is appropriate. If they were, they're already getting to come through the process as a family transfer and that is streamlining it. If they were coming through as a subdivision, they would still have to do these improvements. And I think that for the larger community, they shouldn't get special

exemption because they're just doing it within their family. We are needing to connect everybody in our community and so I think those are all appropriate and is not onerous a part of the city to do so. So, I will not be in support of these amendments.

President von Lossberg Thanks. Ms. Harp.

Alderson Harp Thank you. I would support the first removal of the, no building above 3,200 square, or 3,260 feet. That one made sense to me, but to the point that Stacie, has mentioned about the fire sprinklers and the right-of-way improvements. Those I think are, are important because even though this is a family transfer, it won't, it's unlikely to stay within the family, just like any house. There will be subsequent families that move into this, into these homes, and decades ahead and they're gonna wish they had those fire sprinklers or those right-of-way improvements. So, I'm, I somewhat support your, your, your ideas.

President von Lossberg Mary, I see you hand up. Go ahead.

Mary McCrea So the, the requirement and condition number one is to designate it on the amended plot that they will file with their family transfer, at the end, to create these tracts and the reason for it is the zoning requires a no build zone above 3,260 square feet in the Woody PUD. So, by having it on the plat, it'll make it easier and faster to review a building permit because we're not going to have to guess where that topo line is. So that was the reason for the condition.

President von Lossberg Thanks. Ms. West.

Alderson West I, I just had a question for Mary. When was the Woody PUD created?

Mary McCrea So I am guess....I think Tim Worley is the one who took it through, so it was pre-2012. I'm guessing 2011, 2010 maybe.... something like that.

Alderson West Thank you. I'm also not going to support these amendments, including the first one. I think the current owner of the property was aware of that restriction, I would assume, when he purchased it in 2015. As it was part of the existing zoning.

President von Lossberg Thanks. Sandra, go ahead. I'm trying to avoid going twice, but go ahead since you propose the amendments.

Alderson Vasecka Oh thanks. Yeah, so I really wanted to appreciate Mary chiming in on thatand because I know that this amendment's not going to pass anyways. I'm not going to amend my amendment, but I appreciate the follow-up on that. And I do, one thing I do want to point out, is a lot of the discussion on why people aren't supporting my amendment is because of what might happen, that this might not stay in the family, and I don't think that we should make decisions today on what might happen in the future regarding this. So that's all I have to say for this. Thank you.

President von Lossberg Ms. Becerra.

Alderperson Becerra Thank you. I just again want to say that our staff does a thorough job at ensuring that safety and that all the regulations are met, and we do need to think about what might happen in the future. And that's why we need to be prepared for that based on the regulations that we have in place and regardless of whether, if this was going under through a minor subdivision, these would be the conditions that would be put on it regardless. So, it's not just because it's a family transfer doesn't mean that we have to relax our review of, of the proposed development. So, I, I would not be supporting it.

President von Lossberg Thanks. I'm not seeing additional hands. I will take public comment if there's any public comment, simply on the proposed amendments. Is there any public comment on the amendments? Not seeing any, I'm sorry I forgot to weigh in. I'm not going to support them either. As Heidi said, with the original motion, this process provides predictability. These were known constraints. In the case of the elevation issue, long before or before the property was purchased or regardless, it's a known constraint. There, the other improvements are very reasonable things that anybody would be subject to under regular development, whether it was exemption or subdivision, minor subdivision review. And I think Ms. Anderson called it, not an island to itself. So, with that, seeing no additional comment, we'll have a real call vote on the amendments, the amendment package of the three proposed amendments together. Go ahead Marty.

Marty Rehbein I have that as removing conditions number 1, 2, and 6.

President von Lossberg You got it.

President von Lossberg So, the amendment fails. We're back to the main motion. Council comments back on the main motion. Heidi spoke to it when she made it. Ms. Jones.

Alderperson Jones Thanks. I just want to get back to the topic, the, the issue that had cropped up in public comment on this family transfer was whether or not it was an evasion and I wanted to note that I read all of the public comment and all of the documentation on this application. And to me, it's pretty clear this landowner has had this for a period of years. The applicant has not done a family transfer in the past and the applicant does have two, a son and a daughter living in Missoula currently who are adults. So, in my mind, the facts all line up. I, I would acknowledge that based on our process for these family transfers, it may not have been exactly sequential in terms of how it rolled out, but I do know that there was a consult with the City Attorney and there was no findings that indeed this was an evasion of minor subdivision process. So, I think it's, it's fine and I'm in favor of it. I understand that the applicant is a surveyor and is aware of this product, of this of this procedure I guess I should call it. That one can

use to subdivide or through a family transfer situation but that doesn't necessarily mean it's an invasion. So, I didn't find anything else in there that raised any eyebrows for me, and I am fine voting yes for it.

President von Lossberg Any additional comment from Council Members? Not seeing any. So, I'll weigh in here. I agree with the way Ms. West characterized this, when she made the motion, relative specifically to predictability and, and then some of the subsequent discussion around what would most certainly be permitted with very much the same if not identical requirements, were we to go through another process. I, I do want to say and recognize that both Heidi and I received constituent, you know, feedback about the process and the merits. Those were shared with, you know, all members of Council, resulted in some of these the, the memo and some of this discussion. And I guess you know I want to be clear that it's entirely reasonable and I found myself looking at our process and, and recognizing that it seems like we were a little out of sequential order, as Ms. Jones said, in going through that. I, as a part of this hearing, don't, do not find evidence that this is an attempt to evade and I would contrast that I think perhaps with you know a much larger area of land that was within the city limits, you know something that was the size of a major subdivision out in some you know some part of the community we're dealing with a lot of development of this sort of size of that sort of size you know out to the west of town. And when I looked through our regs around evasion and the process of determining review, it seems to speak to me more, to a situation like that where you're seeing, you know, potential for a lot of homes to go in, in an area and, and there being an attempt to, you know, game the system so to speak to forego the necessary review for a subdivision of that size. It's important I think to note here that, as Heidi said, you know there will be two homes associated with the, the, son and daughter part of the family transfer, and a third and I think there might be room for a fourth that was undetermined. These will all comply with the zoning that's consistent with the surrounding community. It, it complies with the PUD and, and then the necessary infrastructure improvements around it. So, I think that's a long-winded way of saying it doesn't rise to a level to me where I'm concerned about you know a 40-unit development that's looking to you know evade subdivision review. And, and regardless I think we've heard accurate assessment by staff that what would be here, whether through the family transfer process or minor subdivision review, would look virtually identical. So, with that, seeing no additional comments from colleagues, we will have a roll call vote on the main motion.

President von Lossberg Is there any objection either from any of my colleagues or from Marty to taking up item 13 New Business first before we get to Council Comments and Mayor Comments? I'm not seeing any, so let's go ahead. I know that Chief White has been on and let's go ahead and move to that, so we'll move to item 13, which is New Business.

10. COMMUNICATIONS FROM THE MAYOR

President von Lossberg I should have indicated at the beginning that the Mayor is otherwise engaged this evening and, and thus my presiding at the meeting. I will simply urge people to stay safe during this unprecedented heatwave. It's not just uncomfortable, it's dangerous. I would have a lot of comments to make about climate change, but I won't put you all through that so please stay safe and with that I'm going to go to Council Comments and take you as I see you across the screen.

11. GENERAL COMMENTS OF CITY COUNCIL

President von Lossberg Ms. Jones.

Aldersperson Jones I'll pass, thank you.

President von Lossberg Ms. Anderson.

Aldersperson Anderson Thank you Mr. Chair. A couple things, speaking of heat waves and the upcoming Fourth of July Holiday, the Missoula County Fire Protection Association is moving our fire danger to high effective tomorrow. So that means, first of all, no outdoor burning season is now closed, no more permits after today, but more importantly that makes it incredibly dangerous for fireworks. Fireworks are not allowed in the city limits but even if you're outside the city limits, think whether or not you actually need to put off those fireworks, if it is worth the cost to animals, the environment, health, safety. We are in a drought, and we are at high, and it fire, or fire levels and it is not even July yet. And so, I just cannot urge people enough to take whatever precautions they need. You know light off those little snake bombs or do the sparklers or whatever but keep it at that and know that hopefully we'll have a cold wet June next year and in 2022, you can have a big old fireworks because it's not worth the cost to our property, to the animals, to our environment. I do not want to have to spend the rest of July hunkered down inside because we are choking on wildfire smoke. So please folks, please I beg of you to take whatever precautions be safe this Fourth of July. We have lots to celebrate but do it in a manner that doesn't have ramifications beyond our you know our of our control. Also, the firework reporting hotline is, will be up tomorrow. That number is 258-4850, but again fireworks are not legal in the city limits and just people, please just take all the precautions you can. Thank you, Mr. von Lossberg, for bringing up the heat. The Poverello Center is asking for donations of water and sunscreen because there are folks in our community who are unhoused and unsheltered, and that they're having to spend a lot of time outside and this is very dangerous weather. So, if you are able to drop off a pallet of water, they would be much appreciated. And then finally I just want to say send my condolences to the community of Surfside, Florida. They are still in desperately trying to find survivors in the rubble of the collapsed building and so I know that there are many families who are praying for a miracle. I am joining

them in those prayers and just really you know it's a tragedy and hopefully something that we can all learn from and hopefully a mistake that will never have to be made again but it is truly a tragedy, and my hearts and prayers go out to them. Thanks so much.

President von Lossberg Ms. Becerra.

Alderson Becerra I just wanted to put out a call for, the temporary safe outdoor shelter is in need of tents. Apparently, tents are in high demand and very short supply due to supply chains across the country and if anyone has tents that could be donated or knows of an agency and organization that might have some of those, that would be greatly appreciated. Thank you.

President von Lossberg Ms. Harp.

Alderson Harp It's a common theme, it is hot and while we take care of our structures and our families, please also make sure to take care of your pets and don't keep them in locked vehicles with the windows up. And also, please take care of our trees and put some water on them please. Thanks.

President von Lossberg Thank you. Mr. Contos.

Alderson Contos I'll pass, thank you.

President von Lossberg Thanks. Ms. West.

Alderson West I'll stick with the it's hot theme and I just want to remind people that if you go use our beautiful river, to please pack out any trash and leave it cleaner than you found it. So, thank you.

President von Lossberg Thank you. Ms. Vasecka.

Alderson Vasecka Thank you. First of all, I want to agree with a lot of what my fellow counselor said. It is hot out there so if you're camping, I mean you have a fire make sure it's always attended and make sure that you fully water it and stir it and if it's cool to the touch it's safe to leave if it's hot to the touch it's unsafe to leave. We don't want to have an unnecessary human-made forest fires out there. Also do take care of your pets; it is Fourth of July weekend so there will be a fireworks. So, if you're concerned about your how your pets might react, call your vets earlier in the week to ask questions rather than Friday evening and so they don't get bombarded. And last of all, it is Independence Day this weekend. It is a very, very important holiday for all of us. On that day, we are not Republicans, we are not Democrats, we are Americans. We all are in this together; we earned our right of freedom from tyranny and oppression, and we are living together in the peace of America today. So please remember that when, when you're with your family even if you disagree on everything, just remember that. We are a family, we are neighbors, we are one nation. And happy Independence Day to everybody.

President von Lossberg Thank you. Mr. Ramos.

Aldersperson Ramos Thank you Mr. President. I was not going to say anything today and then I had the distinct honor of having lunch with the mighty Susan Hay Patrick and she wanted me to remind everybody that tomorrow is the 90th birthday of the United Way - Missoula and that tomorrow they're naming their building after their founders, Bill and Rosemary Gallagher. And they're launching a summer full of 90 ways to live united. United Way does a lot of good work in Missoula on community education and so much more. So, I wanted to give a shout out to them for my, my friend Susan Hay Patrick. And that will be all, thank you Mr. President.

President von Lossberg Thank you.

12. COMMITTEE REPORTS - None

12.1 Administration and Finance committee (AF) report

12.1.1 June 23, 2021, A&F Committee Report

12.2 Budget Committee of the Whole (BCOW) committee report

12.2.1 June 23, 2021, BCOW Committee Report

12.3 Committee of the Whole (COW) committee report

12.3.1 June 23, 2021, COW Committee Report

12.4 Land Use and Planning (LUP) committee report

12.4.1 June 23, 2021, LUP Committee Report

12.5 Parks and Conservation (PC) committee report

12.6 Public Safety and Health (PSH) committee report

12.7 Public Works (PW) committee report

13. NEW BUSINESS

13.1 User agreement for tasers and virtual reality scenarios for the Police Department

Approve and authorize the Mayor to sign an agreement with Axon to enter a five-year agreement for Axon for tasers and virtual reality scenarios for the police department in the amount of \$307,357.30.

AYES: (9): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Contos, Aldersperson Harp, Aldersperson Jones, Aldersperson Ramos, Aldersperson Vasecka, Aldersperson von Lossberg, and Aldersperson West

ABSENT: (3): Aldersperson Hess, Aldersperson Merritt, and Aldersperson Sherrill

Vote result: Approved (9 to 0)

President von Lossberg Chief White, thanks for being with us. The floor is yours.

Chief White Mr. President and Council, thank you. So, tasers are an important intermediate force option tool that the Missoula Police Department has had since 2004. So, this is not something that's new; it's something that's an ongoing item that the Police Department purchases every year. In going through our budget requests for the upcoming budget cycle, we, we reached out to TASER to get a quote because I have 14 tasers that are over 14 years old, I have 18 tasers that are over 10 years old, and both of those platforms have been discontinued by TASER. So, we, we have zero support for them. We can't get cartridges for use in the field; we can't get cartridges to train with; and if anything goes wrong with them, we basically have to shelve them. And we have a remaining inventory of tasers of about 65 tasers that are still functional, about 56 of those, some of them are upwards of five years old, but they're still supported by TASER, and we still have the ability to get cartridges. So, in looking at the future, when we were putting together our budget proposal, we went to TASER and asked for a quote. And the quote was for 65 new tasers and a virtual reality program that will allow our officers to use virtual reality goggles to conduct de-escalation training and training with the tasers. This is something new that we don't have, so it's that is an additional piece and that is included in that overall price. So, you'll see, based on the materials that you received from us that the entire package is \$307,000.00. I know that's a big dollar figure. And we asked TASER to break it down into a five-year buyout. So, we can effectively manage our budget better, so it's not feast or famine. So, it's not the department coming every five years and asking for a very large amount of money; it is something that is incremental. So, the first year is \$25,000.00 and then years 2, 3, 4, and 5 are \$70,000.00. Up until this point, the department has been able to support its TASER program through the use of federal grant dollars. Those federal grant dollars do not cover all of the tasers that we are behind in, and we'd get to a point that we, we would never be able to catch up, based on the cost of the items, and being able to make sure that we have tasers going into the into the future and making sure that all of our patrol officers have tasers. So, the, the ask of Council this evening is to allow us to assign the agreement prior to the budget cycle because it saves us \$30,000.00, if we can sign this contract before July 1, 2021, and going forward, we can discuss the budget items, as we work through the budget. The tasers are ARPA money eligible, so it is something that we can consider, you continuing to use federal dollars for and/or general fund dollars. So that will be in our budget request coming forward.

President von Lossberg Thanks Chief, I've got a queue of questions. Mr. Ramos.

Alderperson Ramos Thank you Mr. President. Chief, I, I just had a quick question about that incremental cost. I think that's a good way to break it out. I know that oftentimes there's a premium paid for kind of

parsing it out like that. Was there a premium amount or did they just straight up allow us to pay it over five years?

Chief White They just straight up allowed us to pay it over five years and allowed, whether we pay cash for it today or we put it out over the course of five years, it's the same price.

Alderson Ramos That is excellent. And I have a comment, but I'll wait for a motion.

President von Lossberg Great, thanks. Ms. Vasecka.

Alderson Vasecka Thank you. That was a great presentation Chief White. What are we going to do with the obsolete tasers? Are we able to sell them to the private market or do we give them to a different community, or do we have to sell them back a TASER or do we just destroy them?

Chief White We get, we get a trade-in value to be determined.

Alderson Vasecka Great, thank you. And I guess I'm not too familiar with the New Business, am I allowed to make the motion, or do we have to wait for Ms. Anderson to do that?

President von Lossberg Yeah, Ms. Anderson will make it since it comes from her committee, so just hang on for a minute. Ms. Harp.

Alderson Harp Thanks Bryan. Chief White, I appreciate you bringing this motion before us. You know, whenever there's a change in technology, it's always, and then you're stuck with the blackberry of the new technology, I'm sure a lot of your staff members are excited to have a new TASER. However, that being said, my question to you is because the technology keeps changing, is there another company that is creating a product that is in competition to the TASER and if so, did you look at that particular product as a, as a possible route to take?

Chief White There unfortunately is not another device out there that would meet the high demands in a law enforcement capacity.

Alderson Harp Thank you.

President von Lossberg Ms. Becerra.

Alderson Becerra Thank you Chief. You mentioned that you have about 50 some tasers that are still able to be used. I'm just curious to how many tasers do we need and does every police officer carry one or do you need a certain number for training operations or why do we need so many tasers?

Chief White So yes, every, every officer will be carrying a taser. The other piece of this is a little bit of an expansion into our detective division. None of our detectives carry tasers now. So, their only force options are their OC spray, their firearm, and that is it. So, in order to give our detectives, who are also out in the community and responding to calls and, and dealing with folks, the opportunity to give them an, an intermediate force option above the OC spray. So, the, this this package will take us to about 125

tasers for the entire department and we're allocated 116 officers at this point in time. You'll see some budget requests in the, in the future regarding our reserve officer program for doing City Council meetings and bailiff duties in the municipal court and we need to outfit those reserve officers as well. President von Lossberg Thanks. And Chief, I know this is in the information, but could you remind me what the, the budget impact is in this current the upcoming fiscal year? Given the spread out over time....

Chief White Yeah, the upcoming budget year is \$24,589.50, to be precise.

President von Lossberg Okay. Out of that total, the 300 and some odd?

Chief White Yes, correct.

President von Lossberg Okay, thanks. Ms. Anderson, I'm guessing, you're gonna make a motion?

Alderson Anderson Yes, I will make a motion, but may I have a quick question first?

President von Lossberg You may.

Alderson Anderson Chief White, could you talk a little bit about the de-escalation training goggles that they are providing? Is that a new thing? It sounds like it from the way you described it, but would like a little bit more information. It doesn't sound like it's a training they have to go to, it's something that they can be doing ongoing here locally, correct?

Chief White Correct. So, we would get 65 virtual reality goggles to go with the 65 new tasers, and they are programmed to allow us to do various de-escalation training in that virtual environment. So, it allows us to program them so officers can learn tactics, you know using voice, using other, other control things besides using a taser so or you know another force option.

Alderson Anderson Great, thank you.

Chief White It also includes suits for our officers to wear, as role players. So, with inert taser cartridges, so that you're not actually getting tased, but it allows us to deploy a taser on onto a person without harming them or causing them to be shocked.

Alderson Anderson Great thank you so much. All right, I will go ahead and make the motion. So, I move that we approve and authorize the Mayor to sign an amendment with the, with Axon to enter into a five-year agreement for Axon for tasers and virtual reality scenarios for the Missoula Police Department in the amount of \$307,357.13.

President von Lossberg And that motion is in order. Do you wish to speak to it at all Ms.?

Alderson Anderson Yeah, I'm happy to support this motion and I appreciate the fact that the Chief highlighting the fact that this didn't come through normal procedures because there was an opportunity to save the City some money. I think that having non-lethal uses of force are an important component

of keeping our community safe, as well as trying to be as mindful of our taxpayer dollars as possible. So, the fact that we're seeing this on new business, I think that it's a thorough presentation and I'm happy to support it and want to make sure that we have all options available to our officers, as they're protecting and serving our community.

President von Lossberg Thank you Ms. Anderson. Mr. Ramos.

Alderperson Ramos Thank you Mr. President. Ordinarily, I don't like voting for things, for additions to the budget when we're about to vote on the budget in the coming months, but in this case, I mean with, with what Chief White said about the cost and I think our first and foremost duty to our citizens is to provide an adequate police force and I think that we've made a lot of great strides as a body towards criminal justice reform, towards de-escalation, and I think this is an excellent and very necessary tool. I also appreciate the, the fiscal responsibility mindset that Chief white has put into this by sparsing it out over the five years and wanted to thank him for that. And I hope these tools are, are put to use and helping our officers be able to do their jobs better in a less lethal way and I think that it'll do just that. So, I'm happy to support the motion tonight and thank you Chief White for a great, great presentation.

President von Lossberg Ms. Harp.

Alderperson Harp I will be supporting the motion. Chief White, I guess my, my one comment to you is that I hope you can incorporate it into the Citizens Law Enforcement Academy. That one is a place that I got to experience, and I think it's one of those things as citizens it's an interesting perspective to be able to put one in one hand and understand the power that comes with that. So please consider that. Thank you.

President von Lossberg Thanks. Any additional Council comment? I want to make sure we take public comment. Is there any public comment on the motion on the floor? If you wish to, this would be the time to indicate you'd like to provide comment. I'm checking the attendees and not seeing any public comment. Seeing no additional comment, we'll have roll call vote.

President von Lossberg So that passes. Thank you, Chief White. Thanks for allowing me to go out of order, we'll go back up to Communications from the Mayor, item 10.

14. ITEMS TO BE REFERRED - None

14.1 Administration and Finance committee referrals

14.1.1 Referral - Resolution Supporting Local Option Marijuana Tax

14.1.2 Agreement for Architectural Services for Municipal Court

14.2 Budget Committee of the Whole referrals

- 14.2.1 Referral – FY 2022 Executive Budget
- 14.3 Committee of the Whole referrals
 - 14.3.1 Referral - Resolution supporting Transgender and LGBTQ+ Youth
- 14.4 Land Use and Planning committee referrals
- 14.5 Parks and Conservation committee referrals
- 14.6 Public Safety and Health committee referrals
 - 14.6.1 Police Department Update
- 14.7 Public Works committee referrals
 - 14.7.1 Referral – Professional Services Agreement with WGM Group for the Russell Commuter Trail Crossing
 - 14.7.2 A Resolution Vacating a (Public) Utility Easement for the Mill Site Subdivision
 - 14.7.3 A Resolution Vacating a (Public) Utility Easement for the Hanson Addition No. 2
- 15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS - None
 - 15.1 Administratively approved agreement report
- 16. ADJOURNMENT

President von Lossberg I thank you for your service. Thank you to those in the public for attendance attending and we will be adjourned.

The meeting adjourned at 7:22 p.m.

Martha L. Rehbein, CMC, City Clerk

John Engen, Mayor