

**Journal of Proceedings**  
**Missoula City Council Meeting**  
**July 19, 2021, 6:00 pm**  
**ZOOM Webinar**

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

Members Absent: Jordan Hess

Administration Present: Mayor John Engen, Jim Nugent, City Attorney, Marty Rehbein

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF THE MINUTES

2.1 June 28, 2021, City Council Meeting Minutes

2.2 July 12, 2021, City Council Meeting Minutes

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee Schedule for the week of July 19, 2021

Parks and Conservation Committee, July 21, 8:35 - 10:00 a.m.

Public Safety and Health Committee, July 21, 10:15 - 10:35 a.m.

Budget Committee of the Whole, July 21, 10:50 - 11:35 p.m.

Administration and Finance Committee, July 21, 11:50 a.m. - 12:05 p.m.

Land Use and Planning Committee, July 21, 12:35 - 2:15 p.m.

Publics Work Committee, July 21, 2:30 - 3:00 p.m.

4. PUBLIC COMMENT

Mayor John Engen This is your opportunity as an attendee to discuss anything that's not elsewhere on our agenda, over the course of about three minutes. And any general public comment tonight? And I don't see any hands raised among our attendees this evening, so we will move on to an epic consent agenda.

5. CONSENT AGENDA

Mayor John Engen Items here were approved by the council committees unanimously to save a little time on Monday. We consider these items all at once. Ms. Rehbein will read the list of consent agenda items aloud so those in the audience will know what we're considering, and we'll take comment on these items before we vote. Ms. Rehbein.

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

ABSENT: (1): Alderperson Hess

Vote result: Approved (11 to 0)

5.1 Accounts Payable (Claims) for checks dated July 20, 2021

Approve accounts payable in the amount of \$2,182,602.60 for checks dated July 20, 2021.

Vote result: Approved

5.2 Appointment to the Bicycle and Pedestrian Advisory Board

Confirm the Mayor's appointment of Cory Simenson to the Bicycle and Pedestrian Advisory Board for a term beginning immediately and expiring on September 30, 2024.

Vote result: Approved

5.3 Reappointments to the Building Code Board of Appeals

Confirm the Mayor's reappointment of Anthony Moretti, as Architect, and David Gray, as Architect/At-Large, to the Building Code Board of Appeals for terms beginning July 1, 2021, and expiring on June 30, 2024

Vote result: Approved

5.4 Mullan BUILD Right-of-Way Agreements Part Two

Motion No. 1: Approve and authorize the Mayor to sign a Right-of-Way Agreement with Shannon R. Luikart for the City to construct public infrastructure for the Mullan BUILD Project. Motion No. 2: Approve and authorize the Mayor to sign a Right-of-Way Agreement with Tollefson Enterprises, LLC for the City to construct public infrastructure for the Mullan BUILD Project.

Vote result: Approved

5.5 Construction Services Agreement with Western Excavating, Knife River, and Paulson Electric for Emergency Repair Services

Approve and authorize the Mayor to sign Construction Services Agreements with Western Excavating, Knife River, and Paulson Electric for emergency repair services for the City of Missoula Utilities in FY22 for a cost not to exceed \$24,999.00.

Vote result: Approved

5.6 Bid Award for Mount Avenue & South 14th St Water Main

Award the bid for construction services on the Mount Avenue & South 14th Street West Water Main Replacement Project to Prospect Construction, Inc. for an amount not to exceed \$738,966.00 and authorizes the return of bid bonds.

Vote result: Approved

5.7 Professional Services Agreement with IMEG for Eaton Street Infrastructure Project

Approve and authorize the Mayor to sign a Professional Services Agreement with IMEG for consulting services on Eaton Street Infrastructure Project from 7th Street to South Ave at the cost not to exceed \$92,965.00.

Vote result: Approved

5.8 Contract – Municipal Court 3-year Maintenance Support contract renewal

(No quorum present) Approve and authorize the Mayor to sign a 3-year maintenance support contract with AVI Systems in the amount of \$41,521.00.

Vote result: Approved

5.9 Reappointment to the Public Art Committee

(No quorum present.) Confirm the Mayor's reappointment of Danielle Vazquez to the Public Art Committee for a term beginning July 1, 2021, and expiring on June 30, 2025.

Vote result: Approved

5.10 Appointment to the Public Art Committee

(No quorum present) Confirm the Mayor's appointment of Tiana Grise to the Public Art Committee for a term beginning immediately and expiring on June 30, 2025.

Vote result: Approved

5.11 Contract for Professional Services with Black Knight Security and Investigation

(No quorum present) Approve and authorize the Mayor to sign the contract with Black Knight Security and Investigations for the provision of scope of services and rates identified.

Vote result: Approved

5.12 Contract Amendment with Allegiance

(No quorum present) Approve and authorize the Mayor to sign the amended administrative services agreement between the City and Allegiance which extends the contract period and rates through December 31, 2022.

Vote result: Approved

- 5.13 Ordinance to Amend Impact Fee Chapter 15.66 of Missoula Municipal Code [First reading and preliminary adoption] (No quorum present) Set a public hearing on July 26,2021, and preliminarily adopt an ordinance of the Missoula City Council amending Missoula Municipal Code Chapter 15.66 entitled “Development Impact Fee Procedures and Requirements” to change references throughout the chapter from “Development Services” to “Community Planning, Development and Innovation,” amend 15.66.020 and 15.66.030 to update the definition to “methodology reports” and provide a method for adoption, and amend 15.66.130 to change the membership requirements for the Impact Fee Advisory Committee to conform with state law.

Vote result: Approved

- 5.14 Annual Assessments for Street Maintenance District #1 - Downtown (No quorum present) Set a public hearing on August 9, 2021, on 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 \$135,543.00 for the purpose of defraying the cost of flushing and removing street rubbish from streets and avenues in the district during the fiscal year 2022.

Vote result: Approved

- 5.15 McNett Flats Final Plat Approval  
Approve the final plat application of the McNett Flats Subdivision

Vote result: Approved

Mayor John Engen Thank you Ms. Rehbein. Any comments or questions from Council Members on the consent agenda this evening? All right seeing none, anyone in the audience care to comment on the consent agenda? And seeing no hands there we will have a roll call vote.

6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM - None.
7. SPECIAL PRESENTATIONS - None.
8. PUBLIC HEARINGS

Mayor John Engen We do have one public hearing. Our own council rule set guidelines for providing comment on a variety of issues in a formal way and following a staff report on each of these, the Council and Mayor will invite comment. During COVID-19, we've been holding these public hearings open for a week and then voting under final consideration the following week unless there is some requirement for final action that is more urgent. Our lone public hearing this evening is on a resolution in support of transgender and LGBTQ+ youth. And our staff report, I'm assuming, is coming from Ms. Jones.

#### 8.1 A Resolution in Support of Transgender and LGBTQ+ Youth

The City Council will hold this public hearing open for one week and will take it up on July 26, 2021, under final consideration.

Aldersperson Jones Yes, thank you. So, we did not have staff, of course, working on this. This was a Council-led initiative so I thought I would take the opportunity to basically, since we're opening the public hearing tonight, take the opportunity to just speak briefly as to why I thought this was important to do and go through some of the information that's in the resolution and then of course happy to answer any questions from other City Councilors. I am going to be holding off comments on this until the closing of the public hearing, which is set for a week from tonight July 26, 2021. So, that's our format that we've set up but tonight we can present it, answer questions, and take public comment. So briefly I thought this was important to do following the actions taken by the 2021 Montana Legislature, specifically there were two bills that were brought up, taken up by the Legislature. One of which was limiting transgender youth participation in interscholastic sports. The second one was limiting medical care to transgender youth for transgender issues. The specifics of the bill and the numbers are spelled out in the resolution, but when this was picked up by the Legislature in January, I heard from constituents, I also heard from legislators who are in Missoula who are very, very unhappy with it, wanting to discuss it. So, we of course are not in the Legislature. We can't, we can't really handle that type of issue, but we can certainly discuss this in City Council, so I thought it was important to bring. And the value that I saw in writing and bringing this resolution was in, first of all, discussing what actually does exist in state and local law, to provide protections for these youth and then a statement of what Missoula as a community does stand for. So first of all, I thought I'd just go through parts of the resolution. I'm not going to read the entire thing but I'm just going to hit some highlights here. Our Montana State Constitution was adopted I think it will be 50 years ago by next year, close to 50 years old. In the inalienable rights section, it states that all persons are born free and have certain inalienable rights. They include the right to enjoying and defending their lives and liberties and seeking their safety, health, and happiness in all lawful ways. In the individual dignity section of our Montana State Constitution, it states that neither the state nor any person, firm, corporation, or institution shall

discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin, or condition or political or religious ideas. Under rules of privacy, under that section, of our Montana State Constitution, it states the right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest. And finally, under the section entitled non-discrimination in education, the Montana State Constitution states no person shall be refused admission to any public educational institution on account of sex, race, creed, religion, political beliefs, or national origin. So, when you look at all of these statements, there's clearly a strong message in our Montana State Constitution that, in my mind, values the autonomy and the privacy and the civil rights of transgender youth. I also wanted to point out that the Missoula County Public Schools in 2003 adopted Policy 3210, which states educational, I'm sorry, equal educational opportunities shall be available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious beliefs, physical and mental handicap or disability, economic or social conditions, sexual orientation, etc. No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits, or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities. I love that statement from our local school district. I think it is strong, it is clear, and it places our youth as the priority which is what I think communities should do. Finally, I also want to note that in 2010, The City of Missoula passed a non-discrimination ordinance, which generally prohibits discriminatory practices in the areas of employment, public accommodations and housing on the basis of many things including sexual orientation. So, there's a lot of documented law out there going in one direction, in my mind, and I felt like it was important to call attention to this. I also thought it was really important to state what the City of Missoula and our community does stand for. So, I thought I would just read the, the last two. Be it further resolved sections of the, I'm sorry, that well two of them that are in the resolution because I think they say it well. Be it further resolved that the Missoula City Council desires to communicate to transgender youth that they are valued members of this community who should be able to engage in any legal extracurricular activities they wish to pursue; and further, the Council wishes to communicate that it is their belief that transgender youth medical treatment decisions are a private matter between the youth, their parents, and their medical provider; and be it further resolved, that Montana's LGBTQ+ youth are entitled to respect, privacy, inclusion, safety, and security. The City of Missoula supports these youth to help them thrive and reach their potential, which in turn enriches all of us and strengthens our community. So those are kind of the high points from the resolution that I thought it would be good to go over. Tonight is, of course, taking public comment and

I'm happy to answer any questions. And Mr. Mayor, I think that Mr. von Lossberg, who was also a co-sponsor, might have some comments in terms of presentation.

Mayor John Engen Mr. von Lossberg.

Alderperson von Lossberg Thank, I think Ms. Jones covered it well. I was just going to highlight some of the language at the end, around the City's Nondiscrimination Ordinance and convey that that's something that we are looking at, at in light of the actions in the most recent legislative session and seeking to improve and, and bolster those protections where we can, but I wanted to thank Ms. Jones for all of her work on this.

Mayor John Engen Thank you Mr. von Lossberg. And Ms. Jones, I will now open the public hearing, with a reminder that the public hearing will remain open for the week until Council considers this final at its next regular meeting. All right, seeing no public comment this evening. Again, this hearing will remain open. Oh, we've got some comment now.

Deena Mansour Hi, can you hear me?

Mayor John Engen We can Deena.

Deena Mansour Ok, great. Thanks for taking public comment. I'm just calling in, in support of this resolution. I think it's critical to reference the Montana Constitution and its support for the individual served by this resolution. I also want to affirm that this is the kind of community that my family, that my children would like to live in. One that is affirming and supportive of trans and transgender individuals. I also just want to point out that gender affirming behavior, by community leaders, is critical to support these youth, that when you see gender affirming behavior, it supports the mental health and well-being of these individuals and if you don't see the support of this issue, you see the challenges of homelessness, of substance abuse, of mental health issues. So critical issues that I think everyone on the Council has been attempting to address. So again I, I support this and thank you for raising it.

Mayor John Engen Thank you. And Spider.

Spider McKnight Hi everybody, this is Spider McKnight calling in. Deena did such a wonderful job of framing the issue, so I want to just also lend my support to it and I, I was thinking back about a few years ago I was standing in front of Council talking about LGBTQ issues and what I said then was, it's amazing to me that I have to stand in front of a group of people with no lived experience to ask them to affirm my lived experience and I believe that's happening again tonight. So, I urge you all to think about the fact that you're legislating for other people and how important it is that you give everybody the respect that they're due. Thank you.

Mayor John Engen Thank you. And Zooey.

Zooey Zephyr Hello everyone, can you hear me?

Mayor John Engen We can, thank you.

Zooey Zephyr My name is Zooey Zephyr, citizen in Ward 4, Missoula. I want to thank City Council for taking this resolution up and give my support for the resolution as well. As a trans woman in this city who testified at the State Legislature and who met with the Governor's office about these issues, I can tell you that these laws are doing a lot of harm to me in my community. And that as we pleaded at this as we pleaded at the state level, our pleas fell on the ears of people who would not listen. And now in addition to the damage that those laws are doing specifically, my community is also facing more harassment and worse harassment, both in the state and, and in Missoula. I have friends who have fled the state of Montana. I have friends who are living homeless in the State of Montana and many of us are wondering if this place is safe for us. Just this week sorry, just this week my best friend got shoved, got called fagot, and got smoke blown in her face, all on a single trip across that beautiful new Higgins Bridge. And we are sitting here, going what do we need? How can we help my community do something? Resolutions like this are the first step to fixing the issue, to undoing the harm, to helping us address the harm that was done to my community. The first said they can't make people who hate me and to hate my community, they can't get rid of the hate in their heart, but it can tell them that Missoula is not going to be a safe place for that hate. It can't undo the things that have been done to me and to my friends, but it can tell them that Missoula is going to work its very hardest to make this city a better and safer place for us. There is a lot of work to be done I know Bryan von Lossberg, you talked about NDO provision work being down in the pipeline and I appreciate your work on that as well as everyone on Council who is working to ensure that my community gets what we want, which is just to feel safe and welcome and seen and human. So, thank you so much and I urge you to support this resolution.

Mayor John Engen Thank you Zooey. Seeing no additional comment, we will keep this public hearing open. I want to thank Ms. Jones, Mr. von Lossberg, and your colleagues for bringing this forward. As Ms. Zephyr suggests, this, this is important and we are not, we're not the state's legislative body but this is an opportunity thanks to you and folks like Zooey and others that discrimination and hatred isn't what Missoula is about. So, thank you again, I really appreciate your efforts. Comments from Council Members, Ms. Merritt.

Aldersperson Merritt Thanks, I'll save my full comments for next week, but I've had just some questions and Gwen, I don't mean to put you on the spot, but could you share with us some of the groups and



maybe the, the variety of individuals that you've worked with, as you have gone through the process of preparing this resolution? So, we can get an idea of the range of people who have been involved.

Aldersperson Jones Sure, I've discussed it with lots of people, as I was kind of chewing over and mulling it over, but I also reached out to specific people. Empower Montana has a youth group that focuses on gender orientation issues, and they were very supportive and helpful. Andy Nelson and I'm going to forget the name of the entity that he works for, if someone can remember it, that would be helpful. I think it's Western Montana Gay Alliance, I forget the name of it. He is local here in Missoula, he was very helpful, spoke with Zooey Zephyr extensively, Spider McKnight, who is a community advocate, yeah as well as a lot of other people who are very supportive, but not necessarily in the LGBTQ+ community. So, my sense and I, as we are getting into this, I'm hearing more and more from people that there's a, they're very grateful for bringing this whether or not they're in that community but if they are a Missoulian, and they are glad that this is being broached and articulated and that it's being brought. So, does that answer your question Julie?

Aldersperson Merritt Yes, thank you so much to you and Bryan for all of your hard work on this.

Mayor John Engen Further questions or comments from Council Members? Ms. Jones.

Aldersperson Jones Yeah thank you. I just wanted to point out that there will also be public comment taken on the night that we close this public hearing, which is July 26, 2021. I think for a lot of people, this is a very personal issue. So, I do think it's also difficult to come give public comment for numerous different reasons. So, I do want you to know that you can email Council, our email address is on the website if, if people are not comfortable speaking in a public forum, but thanks for the comments tonight and I look forward to next, this coming Monday.

Mayor John Engen All right, thank you all. We will, we will keep this public hearing open through next week and move on.

9. FINAL CONSIDERATION - None.

10. COMMUNICATIONS FROM THE MAYOR - None.

11. GENERAL COMMENTS OF CITY COUNCIL

Mayor John Engen We'll start with Ms. Jones.

Aldersperson Jones Thanks. On a completely different topic, I want to remind people to water their trees. We're in an extreme drought, it's very hot, and our urban forest whether, whether it's trees that are in your backyard, front yard, or out on the boulevard, I don't care where it is, but we need every single tree that we have in Missoula and many of the species planted here require much more moisture than we get naturally on a good year. So please give your tree some water, open hose them, water

soaker hose them, whatever it is because the fear is we're going to lose a lot of our trees with this extreme summer. So, it helps keep us cool, and provides a lot of mental health. So please water your trees.

Mayor John Engen And Mr. Ramos.

Aldersperson Ramos Pass, thank you Mr. Mayor.

Mayor John Engen Ms. Merritt.

Aldersperson Merritt Thanks. Maybe a little bit along the lines of what Gwen was just bringing up. I want to remind folks who are recreating on our rivers around our city to please be kind and courteous and clean up after yourselves. No one wants to clean up other people's trash that is left behind and we have a lot of visitors to our fair city at this time of the year and they're probably not going to see this. So please share with those around you, when you're recreating, that they need to treat our rivers and our open spaces with the respect and to but if you pack it in, pack it out please.

Mayor John Engen And Mr. von Lossberg.

Aldersperson von Lossberg Thanks. A week ago, on Monday, I had the honor of facilitating a City Club discussion around climate and the smoke. It was a timely scheduled topic with Amy Cilimburg from Climate Smart, Caroline Lauer who's at the County, and Diana Maneta who's also at the county. Just wanted to urge people, I'm pretty sure City Club archives those presentations. It was very informative from those panelists. One of the things that was mentioned was, that I was thinking about this weekend, was the record for consecutive 90-degree days in the Missoula area. If I'm not mistaken, we broke that record over the weekend. It's a record that data that goes back into the late 1800's, and the particular record I think was in 1904. So interesting times, but please, please have a listen to the, the, the panelists, they had a lot of good information.

Mayor John Engen And Mr. Contos.

Aldersperson Contos I'll pass, Mr. Mayor. Thank you.

Mayor John Engen Ms. Anderson.

Aldersperson Anderson I will pass as well, thank you Mr. Mayor.

Mayor John Engen And Ms. West.

Aldersperson West So the Western Montana Fair is coming up and I just want to remind people that if you plan on participating by, including exhibits in the fair, the deadline is Thursday, July 22, 2021, and then most items, with the exception of, I think culinary items get dropped off this weekend. So, let's get some cool things to the fair.

Mayor John Engen Ms. Harp.

Aldersperson Harp Thanks. Music is back in the State of Montana. Last weekend, I got to go up to Whitefish and listen in on some jam bands, country music, and bluegrass and I'm really happy to report the people watching was absolutely fantastic. We had folks in cowboy hats and go-go boots, baseball hats and cowboy boots, as well as pink sequins and American flag overalls. It just felt really special to be around a lot of folks and I bring it up folks because of the, the resolution that's on the on the docket right now that we're going to talk about next week again. I want you to all to know that these musicians and the crowd of 20,000 people strong were very supportive when they heard the musicians talking about making sure that our communities are inclusive around our LGBTQIA+ community and, and it's just really kind I think kind of speaks to how our, our acceptance of people has really changed in the last number of decades, as we recognize people in our families who struggle. And I was just really proud of the musicians, who after a year of COVID, affecting their occupation at a fundamental level to come out strong and not only be supportive of their community but just sing some really great music. Thanks.

Mayor John Engen Ms. Vasecka.

Aldersperson Vasecka I'll pass, thanks Mr. Mayor.

Mayor John Engen And Ms. Becerra.

Aldersperson Becerra I'll pass, thank you.

Mayor John Engen Ms. Sherrill, you're betting cleanup tonight.

Aldersperson Sherrill Okay, I'm going to pass on cleanup so thank you.

12. COMMITTEE REPORTS - None.

12.1 Administration and Finance committee (AF) report

12.1.1 July 14, 2021, Administration and Finance Committee Report

12.2 Budget Committee of the Whole (BCOW) committee report

12.2.1 July 14, 2021, Budget Committee of the Whole Report

12.3 Committee of the Whole (COW) committee report

12.4 Land Use and Planning (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

12.7.1 July 14, 2021, Public Works Meeting Minutes

13. NEW BUSINESS - None.

- 14. ITEMS TO BE REFERRED - None.
  - 14.1 Administration and Finance committee referrals
    - 14.1.1 Audit contract
  - 14.2 Budget Committee of the Whole referrals
    - 14.2.1 Fiscal Year 2022 Budget - Police Department & American Rescue Plan Act Overview
  - 14.3 Committee of the Whole referrals
  - 14.4 Land Use and Planning committee referrals
    - 14.4.1 Reappointment to the City Board of Adjustment
    - 14.4.2 Comprehensive Code Reform
  - 14.5 Parks and Conservation committee referrals
    - 14.5.1 Interviews for the Energy and Climate Team
  - 14.6 Public Safety and Health committee referrals
    - 14.6.1 Referral-Grant Approval and Memorandum of Understanding for direct purchase of Polaris Ranger
  - 14.7 Public Works committee referrals
    - 14.7.1 Appointment to the Building Code Board of Appeals
    - 14.7.2 Construction Management/General Contractor Agreement with Western Interstate Construction for the 1337 W Broadway Remodel Project

15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

Mayor John Engen Mr. von Lossberg.

Alderperson von Lossberg Thanks. I've this to Marty, but wanted to announce my dedicated colleague, Ms. West, is putting a lot of time into the Housing Oversight Committee and we're going to change up some other assignments. So, for the record, Ms. Anderson will be taking the Employee Benefits Committee; Ms. Sherrill will be taking the Community Forum; and Ms. Becerra will be the council liaison to the Public Art Committee and; all of those are replacing Ms. West's involvement with those committees. So, any questions about that Marty, I'm happy to answer them.

Mayor John Engen Thank you sir.

Council President von Lossberg announced the following appointments:

Stacie Anderson will be on Employee Benefits Committee

Mirtha Becerra will go on Public Arts Committee

Amber Sherrill will take Community Forum

15.1 Administratively approved agreement report

16. ADJOURNMENT

Mayor John Engen All right, with that. As always, I am grateful for your service, and we will be adjourned.

The meeting adjourned at 6:37 p.m.

Martha L. Rehbein, CMC, City Clerk

John Engen, Mayor