

Journal of Proceedings
Missoula City Council Meeting

November 29, 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, Heidi West

Members Absent: Jordan Hess, Bryan von Lossberg

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 PM.

2. APPROVAL OF THE MINUTES

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee Schedule for the week of November 29, 2021

Administration and Finance Committee, December 1, 9:00 - 10:10 a.m.

Public Works Committee, December 1, 10:25 - 11:05 a.m.

Parks and Conservation Committee, December 1, 11:20 - 11:30 a.m.

Public Safety and Health Committee, December 1, 11:45 - 11:55 a.m.

Mayor John Engen Thank you Ms. Rehbein. Any changes to the committee schedule this evening? All right seeing none, we will move on to the public comment portion of our agenda.

4. PUBLIC COMMENT

Mayor John Engen I am going to take the unusual step with a little indulgence from Council to provide some, some context for what I suspect are some of the comments we'll get tonight. There's been a considerable ado associated with a person who is apparently among the investors in a project that is slated for the old Missoulia property. I have only heard those comments. I try my best to avoid the toxicity of social media, but do read your emails and listen to your voicemails when they come in and just want to provide a little context. First rezoning of that property has been done. That rezoning request came from Lee Enterprises, the owner of the Missoulia and expanded that use. The prior

zoning only allowed for a newspaper to operate at that site and when Council approved the rezoning, it created opportunities for redevelopment. The Council's decision wasn't based on who might be the developer. That was, I think, largely unknown at that time, nor frankly should it have an effect on their decision. Moving forward, the, I can't tell you whether that the transaction is done, whether the, the folks whose or the gentleman whose remarks created upset will complete a project there, but I can tell you that neither I nor the Council get to pick and choose who does development. That's a function of state law and private property rights. I can tell you that as that project moves forward, if there is a public investment in any form, the City, I, and staff with the concurrence of Council would do our best to, to find a public benefit there. If that benefit doesn't exist, we likely wouldn't invest in that but our ability to shape the project, to provide affordability, to affect design beyond what's on the books today in terms of zoning is limited. It is when we start to make an investment that we have, we have an opportunity to negotiate and if we have that opportunity, I promise you that we will do everything we can to consider broad public benefit in the project in exchange for our participation. That participation isn't required nor is it guaranteed and, and it's certainly something that if we don't see the benefit, it's pretty easy to walk away from. So, I hope that provides some context. I certainly hear the upset and appreciate that folks have reached out, but I did think it was important that folks know that despite what you may have read on social media, my magic wand does not allow for me to pick and choose who buys and sells unless we are a property owner and in this case, we're not. My hope is that we can get a project that makes sense for the community, that has community benefit, and provides much needed housing in this community, both at market rate and my hope would be affordable, as well. That affordability would have everything to do again with us bringing something to bear on the project. So, that is the context and with that I am happy to open it up for public comment. I would ask that you limit your comments to 3 minutes, and I just need to open the right window here. And Mr. Larson.

Matt Larson Yes, Matt Larson, Ward 3. Thank you for allowing me to speak. Good to see everyone here today. I'm glad to hear that pretext or framing from the Mayor. Unfortunately, we cannot get out of the deal that we have with Cole Bergquist's other project, The Reed. And this is a classic example of where we did kind of fudge everything here. And I just want to recognize everyone that's on this call, on this ZOOM meeting, as being responsible for this 125-foot monstrosity. And also acknowledged that 65 feet was crazy enough for 750 people from The University District when The Reed was being approved. So, just seeing this all transpire, I, I just hate to say but I, I told you so. And now we're involved with a realtor who has infractions, ethical infractions before and may have acted in this transaction as the realtor. So, yeah we're going to talk to the realty organization of Missoula and of Montana and talk

about ethical violations again with this same realtor. And we're just waiting for engineering firms and local real estate agents to come and have a statement of any kind disavowing the canonization of the, the riverfront and disavowing transphobic comments by developers, by construction companies, by everyone that we deal with in a local, daily, day-to-day basis. And, and there will be representatives from some of these real estate agencies on City Council come the New Year and we just want to see and hear what you guys are doing so that this doesn't happen again, but thank you for allowing me to speak. I'll be speaking on the claims and other stuff later. Thank you.

Mayor John Engen And next I have someone identified as NMS. And if you would please give us your name for the record, I would be grateful. Hello person identified as NMS. All right, we're not hearing you.

Nathan Stephens Hello, can you hear me?

Mayor John Engen Yes, we could hear you. Thank you.

Nathan Stephens You can't hear me?

Mayor John Engen We can now, yes.

Nathan Stephens Okay. My name is Nathan Stephens, s-t-e-p-h-e-n-s. I live in Ward 5. I'm a multi-generational Missoulian, with parents on both sides that have lived here for generations. I think the City Council might be missing the point about people being upset about this. It's really a lack of community control over real estate development, that's precisely what Missoula, Missoula citizens are complaining about. And other cities do that and for some reason Missoula doesn't want to. You know it's, it's really disheartening as someone who grew up here and has seen my brothers and sisters have to move away because of economic and housing issues. To have to deal with developers speaking about my community in this way, you know anti-LGBT, misogynistic comments. I mean this is outrageous what has been said about our community and we're going to allow them to build here? I mean my god what are you allowing to happen in our city? This is, this is wrong; it is absolutely wrong, and you have two people that are on the planning board that allowed this 125 foot monstrosity to happen, that you're going to put, you're putting back up to be voted on tonight. Come on, put some new blood in there. This is wrong and you know it. Do something.

Mayor John Engen Thank you. And Dave Morris please.

Dave Morris Hello, my name is Dave Morris. I'm a resident of Missoula. Thanks to the Council and the Mayor for allowing me to speak. I'm not talking about the Missoulian Building. I want to talk about the 100% clean energy resolution that the Council and the Mayor have supported. And specifically, I hear that there is a budget resolution that includes funding for a clean energy specialist, and I would strongly

urge the Council and the Mayor to approve that part of the budget. It's essential to our response to, to climate change and that's really what I have to say.

Mayor John Engen Thank you very much. And Valan Anthos,

Valan Anthos Can you guys hear me? Hello.

Mayor John Engen Hello, we can hear you.

Valan Anthos Sorry.....

Mayor John Engen You're fine.

Valan Anthos Yeah, my name is Valan Anthos. I'm a resident here. I'm also here to speak about the 100% clean energy resolution that you all passed and just to really here to voice my support and also again in support of the funding and the advisory committee that I think is either already being formed or has formed. And that I think it's very important that there's a lot of community input on that agreement and this resolution is really essential to the health and the values of our community and that it's important we have realistic, tangible, and trackable progress on this resolution, so it's not just an empty, empty resolution. And in particular, I would want to urge the City to ensure that the agreement made with NorthWestern Energy is much stronger than the draft plan and includes a lot more new renewable construction and does not make clean energy an unaffordable niche market here in Missoula. And that's it, thank you very much.

Mayor John Engen Thank you. And any additional general public comment this evening? All right seeing no virtual hands, we will move on to our consent agenda.

5. CONSENT AGENDA

Mayor John Engen Items listed on that consent agenda were approved unanimously in Council committees and we save a little time on Monday evenings by considering these items all at once. Ms. Rehbein will read the list of consent agenda items aloud so that folks participating in the meeting or watching on MCAT will know what we're considering, and we'll take comment before we vote. Ms. Rehbein.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

5.1 Accounts Payable (claims) for checks dated November 23, 2021

Ratify accounts payable in the amount of \$2,075,367.44 for checks dated November 23, 2021.

AYES: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, and Alderperson West

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

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (7 to 3)

5.2 Accounts Payable (claims) for checks dated November 30, 2021

Approve accounts payable in the amount of \$455,145.65 for checks dated November 30, 2021.

AYES: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, and Alderperson West

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

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (7 to 3)

5.3 Appointment to the Parks and Recreation Board

(No quorum present) Confirm the Mayor's appointment of Erynn Castellanos to the Parks and Recreation Board for a term beginning immediately and expiring on April 30, 2023.

Vote result: Approved

5.4 Appointment to the Bicycle and Pedestrian Advisory Board

Confirm the Mayor's appointment of Erin Montgomery to the Bicycle and Pedestrian Advisory Board for a term beginning immediately and expiring on September 30, 2022.

Vote result: Approved

5.5 Bid Award with Prospect Construction Inc, for the Cooper Street Alley Water Main Replacement

Award the bid for Cooper Street Alley Water Main Replacement Project to Prospect Construction, Inc. for an amount not to exceed \$1,013,580.50 and authorize the return of bid bonds.

Vote result: Approved

5.6 Appointment to the Health Board

Appoint Ross Miller for the regular member position to the Health Board beginning January 1, 2022 and ending on March 31, 2025.

Vote result: Approved

5.7 Contract for Applicant Tracking System with NeoGov

Approve and authorize the Mayor to sign a contract with NeoGov for employee recruitment and onboarding in the \$5,000.00 for FY22, \$21,460.80 for FY23, and \$21,460.80 for FY24.

Vote result: Approved

5.8 Contract for FY 2022 Relationship Violence Services

Authorize the Mayor to sign the contract with Missoula County for relationship violence services in the amount of \$184,165.00.

Vote result: Approved

5.9 3719, 3721, 3723 Grant Creek Road Annexation and Zoning Upon Annexation

Adopt a resolution of intention to annex and incorporate within the boundaries of the City of Missoula three tracts located at 3719, 3721, 3723 Grant Creek Road and legally described in Book 1040 Page 253, Book 960 Page 1011, and Book 1040 Page 253 in the NW of the NW of Section 8, Township 13 North, Range 19 West, P.M.M. and zone upon annexation to M1-2 Limited Industrial, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval; set the public hearing for December 6th, 2021; and refer this item to the Land Use & Planning Committee on December 8th, 2021.

Vote result: Approved

5.10 Appointments to the Planning Board

Reappoint Shane Morrissey and Ellie Costello as regular members and Sierra Farmer as an alternate to the Missoula Consolidated Planning Board for the term beginning January 1, 2022 and ending on March 31, 2025.

Vote result: Approved

5.11 Adopt West Broadway Community Master Plan

Set a public hearing on December 6, 2021, to consider an amendment to the Our Missoula City Growth Policy to include the Envision West Broadway Community Master Plan as an amendment to the Downtown Missoula Master Plan and refer this item to the Land Use & Planning Committee on December 8th, 2021

Vote result: Approved

5.12 Resolution Delaying East Missoula Annexation

Adopt a resolution delaying the date of contract sewer petition annexations of properties provided sewer service pursuant to the interlocal agreement with the East Missoula County Sewer District until at least January 1, 2034.

Vote result: Approved

Mayor John Engen Thank you Ms. Rehbein. Questions or comments on the consent agenda from Council members? Seeing none....

Aldersperson Ramos Mr. Mayor...

Mayor John Engen Yes, I'm sorry.

Aldersperson Ramos Oh sorry, I think I had my hand up, I'm not sure but I just want to divide the question and vote on 5.1 and 5.2 separately due to Mountain Water legal bills.

Mayor John Engen We can do that sir.

Aldersperson Ramos Thank you.

Mayor John Engen With that, anyone in the audience care to comment? Mr. Larson.

Matt Larson Yes, Matt Larson, Ward 3. Thank you again for letting me speak. I was wondering about the cart clean expenditure for \$37,000.00 on the first claims items over \$1,000.00. This was not unanimously approved at the committee meeting and it just kind of magically appeared on these claims. It's a large chunk of change and it's totally another example of how we're spending down the road but we, we can use like betting at the, the warming structure on Johnson Street for instance. We don't need this superfluous technology which we heard about from a compound pharmacist at the committee meeting, which was why it was not unanimous and it's a Washington Company. It's a foreign LLC, so we are essentially lied to or at least misled by Chief White who told us that it was a Montana company through and through. It's, in fact, owned by an insurance, insurance CEO guy out of Washington and his son who used to play on the Grizz. You know and then here we are again just getting back to this

common theme of like kickbacks to like just Grizz superstars. And just what, what's going on with this, this UV sanitation technology that we've determined by professionals who called in and took the time to call in like Ms. Tripp did, what, what's going on with that? Why is that being purchased behind our backs and against the whole like structure of City Council and the committees and all that? Why, why is this going on behind the scenes? What, what happened there? Thank you.

Mayor John Engen All right, nothing going on behind the scenes, all out and full public disclosure.....Seeing no additional comments from the audience, we will have a roll call vote on items 5.1 and 5.2.

Aldersperson Anderson Mr. Mayor, I actually had my hand raised.

Mayor John Engen Oh, I'm sorry. Ms. Anderson.

Aldersperson Anderson While Ms. Rehbein gets us ready for our votes. I did want to comment on the, the contract that the Mayor is signing or actually we already did that, it's in claims. It went through committee, it came before the Council, as our due processes. It was in committees on Monday, last Monday night, and it was voted on unanimously by all members of the Council after the questions that were brought up in committee were answered satisfactorily and that is our due process, all above board and just because you miss a Monday night may mean that you're not fully tracking on things. Thanks so much.

Mayor John Engen Ms. Rehbein.

Marty Rehbein So, we'll do the vote on items 5.1 and 5.2 which are the accounts payable.

Mayor John Engen And on the remains on the consent agenda please. Thank you and the consent agenda is approved.

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

7. SPECIAL PRESENTATIONS

Mayor John Engen We do have one special presentation in the form of a proclamation.

7.1 Proclamation - Day With(out) Art

WHEREAS, in 1988, The World Health Organization recognized the first World AIDS Day on December 1st to raise awareness of the AIDS pandemic caused by the spread of HIV infection and to mourn the loss of those who have died from the disease; and WHEREAS, in 1989 in response to the worsening AIDS crisis and coinciding with the World Health Organization's second annual World AIDS Day, visual AIDS organize the first Day With(out) Art; and WHEREAS, annually this day serves as a call for mourning and

action in response to the ongoing HIV and AIDS crisis globally celebrates the lives and achievements of lost colleagues and friends, encourages caring for all people with AIDS, educates diverse publics about HIV infection, and advances the work of finding a cure; and WHEREAS, June 2021 marked the 40th anniversary of the first cases reported in the United States of what would later become known as AIDS, a disease that has killed tens of millions of people today; and WHEREAS, there are currently more than 1.2 million people in the U.S. and more than 38 million worldwide living with HIV; and WHEREAS, the City of Missoula Public Art Committee will once again join visual AIDS in a Day With(out) Art by shrouding some public works of art throughout the town in black sheets with red ribbons to bring attention and action to the ongoing global health crisis. Now, therefore I, John Engen, Mayor of the City of Missoula in the State of Montana, hereby recognize the first day of December 2021 as a Day With(out) Art.

Mayor John Engen And I understand we have a couple of folks with us this evening to talk a little bit about a Day With(out) Art. And Devin.

Devin Carpenter Yes, hello. Thank you. My name is Devin Carpenter, and I am here just as a member of the Missoula community who's working in collaboration with the Western Montana Community Center and various other organizations in town. Andy Nelson is joining us on YouTube today, so I'm not sure if he's able to comment but he is also here and is the main collaborator, but I just wanted to thank you, the public arts committee, the City of Missoula for being so easy to work with to bring this event back to Missoula. I understand it's happened here in the past and so we just felt this year being the 40th anniversary feels like the wrong word but the 40th anniversary of those first cases in the U.S. It's just an important thing to continue bringing recognition and action to the community and we're really excited to be able to partner with the City, as well as some other organizations, the Missoula Art Museum, the Montana Museum of Arts and Culture, the University Center Gallery, the Gay Health Task Force, and I'm sure I missed a couple. We're also doing a film screening of the visual aids. They, they create a series of documentary shorts every year and have been doing that for years and so we'll be showing that on Thursday night, the second, and the Western Montana Community Center will also be hosting a first Friday art gallery showing of archival images of the HIV and AIDS movement here in Missoula, Montana through the years. And so, there's information on all those events on our Facebook page which is a Day With(out) Art Missoula. Thank you very much.

Mayor John Engen Thank you Mr. Carpenter. We appreciate your work here and appreciate the work of everyone involved in this commemoration. Appreciate it very much. We will move on to the public hearing portion of our agenda.

8. PUBLIC HEARINGS

Mayor John Engen State law and our own Council rules set guidelines for inviting community comment in a formal way on a variety of issues. We'll have a staff report this evening and, pardon me, following that, Council and I will invite comment. Council will keep its public hearing open for a week and consider this item after the public hearing is closed at the beginning of the December 6th Council meeting. Our lone public hearing this evening is on an Ordinance amending our municipal code with regard to the establishment of a residency requirement and our staff report comes, this evening, from Ms. Simonson.

Angela Simonson Thank you Mr. Mayor and thank you Council. I'll share my screen here. Thank you. As Mayor Engen said, I'm here this evening to discuss ordinance 2.82 which was established in 2013 requiring city limit residency requirements for certain positions. I want to give you a bit of history of this ordinance; it was passed in 2013. Through my research because I was not with the City at that time, the minutes from that Council meeting, or excuse me those meetings leading up to the passage of this ordinance indicate that there was an interest based on other Montana cities considering it's the same action. And that in fact was true at the time; however, as of November 2021, no major Montana city has such requirements. Comments from one Council person during that time and I quote said 'it just requires that the people that create and enforce city policy actually live under that city policy.' There's fault in that statement, City Council is the policy making body, not necessarily staff. Now the involvement in creation and policy procedures is always in the best interest of the organization and the community and never in the best interest of the employee who may be proposing a policy to be approved by Council. I would say that the employees at all levels within the city are dedicated public servants and they understand the need to be selfless. And the final point, when we look at history, is that this was grant, this ordinance grandfathered in existing staff holding the positions that are listed and all staff hired prior to the ordinance passing. Newly hired staff are as equally dedicated to serving the City as these grandfathered staff are. When looking at my request to repeal and replace this particular ordinance, I'm coming at it from a risk standpoint. There are four areas of risk that have been identified in keeping the ordinance as it is. The first is it centers around recruitment. Recent director level candidates have expressed concern over this requirement, and we need to be able to reduce barriers for attracting and retaining top talent in this very tight market. The next identified risk is

retention. So, we have current qualified staff who cannot apply unless they choose to move up, move into City limits. So, some of those individuals are in deputy positions or assistant chief positions, and we would not be able to even allow them to apply under the current ordinance. The third risk that I identified is regarding diversity and inclusion and this is really important to me. I believe that the City needs to welcome employees with all values or lifestyle choices and by requiring an individual to live within the city limits, we, we are putting barriers around what those lifestyle choices might be or excluding individuals, for example, who may enjoy a rural lifestyle raising livestock and whatnot and we're requiring individuals at this level to make a choice between family values and their career. And finally, the justification or I should say the ordinance of reasons for passing this ordinance of 2013 lack justifiable reasoning. When we look at national research from ICMA, which is the, is an organization of city management association for national, nationwide, excuse me, for municipalities, there are common residency requirements, arguments for requirements. One is the commitment to position; however, through that research there's been no nexus to the level of commitment and residency. The next is that employees who are grant or excuse me employees who are grandfathered under this ordinance continue to live outside the city limits and yet they continue to remain as committed as ever. The next common argument is that when individuals at this level in employment are within the city limits, they better understand issues that the municipality is taking on. Again, there is no nexus to the comprehension of issues and residency. Top-level personnel need to be professionals committed to doing their absolute best to improve the lives of those that they serve. And finally, is response time, that may be true for our first responders, but department heads do not respond to emergencies. Ultimately, the research has indicated that this is a management issue and not a residency issue. We do, we use very thorough screening tools during our hiring process to assess values and commitment to serving the city and if a director were ever hired and not and not able to fulfill those requirements then the Mayor and the CIO have tools to help manage this issue, and that is why I say that it is a management issue and not a residency issue. Residency will not fix issues with competency. The recommended revisions would create an ordinance that included only senior leadership and that would be those who report directly to the Mayor's office. And here on screen, you can see the list of those positions. This would remove positions that currently exist on the list that report to boards, rather than reporting directly to the Mayor's office and it would also remove any staff level positions so rather than being a director, we do have a few positions that that are in management level, and we also have some positions that are missing altogether. So, the new ordinance would include only the senior leadership team and rather than requiring them to live within the city limits, we would require that they live within

a 45-minute drive of city limits. This helps to ensure us that they still have a physical connection to the City of Missoula while giving more choice in their lifestyle or their values. And then it would set an expectation for a reasonable response time, should a last-minute meeting occur or a natural disaster or something like that where the Mayor would need his senior leadership team to be present. So, I am here today asking that after public hearing that Council adopt an ordinance amending MMC 2.82 entitled Establishment of continuous residence requirements for City senior leadership. Thank you.

Mayor John Engen Thank you Ms. Simonson. And with that, I will open the public hearing. Anyone in our attendee list care to comment this evening? Mr. Larson.

Matt Larson Yes, Matt Larson, Ward 3. Thanks for allowing me to speak again. I really was hoping to see Jordan Hess here at this meeting, seeing as how he's the only person on City Council that rents. I think it's it really is the perspective of the governing class and the people like, like this on their ivory towers and, and the people that operate and, and live and work within the City. I just want to remind the City Council, like myself I've had to change my voter registration even to engage the City Council. So, it just, it just, I don't know it just really doesn't rub me the right way when this type of legislation or ordinance comes through. It, it, why, why did we make this in 2013? And what has changed except the housing market here? And you know, you make, you make your bed and you lay in it and that's what's going on with the housing market right now. So, you know and there's been a bunch of people grandfathered in and blah, blah and it's hard to find their successors. I say, you know there's a reason we pass this and we're not like any other cities in Montana. So, we shouldn't look to them and their studies to guide us because we are a unique place, and you know thanks for allowing me to talk bye.

Mayor John Engen And seeing no additional hands up in the attendees.....I will note for the record Mr. Hess was delighted to purchase his own home and I would also tell you that Mr. Hess is committed to renters, as he is homeowners, as we all are. Questions or comments from Council members? All right, seeing none, this public hearing will remain open for the week. And we will move on to items for final consideration.

8.1 Ordinance amending MMC 2.82 entitled “Establishment of continuous residency requirements within the city limits for City department heads and supervisory managers.”

The City Council will hold this public hearing open until the take it up under final consideration on December 6, 2021.

9. FINAL CONSIDERATION

Mayor John Engen Pardon me, these items were all considered by the City Council as a function of a public hearing and this evening, we will take final action on the items before them, and we'll take comment on these items as well. Our first item this evening is on a resolution amending the fiscal year 22 budget and we had a staff report on that last week. And I would entertain a motion Ms. Jones.

Aldersperson Jones Thank you. I would like to make the recommended motion, which is that we adopt a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2021 budget and capital improvement program. And I would like to speak to that, if I may?

Mayor John Engen Ms. Jones.

Aldersperson Jones So, we had an extensive presentation on this in committee and then when we open the public hearing and the great majority of this frankly are budget carry forwards or budget transfers, as we just do housekeeping to keep all of our accounting in order, but the specific thing I wanted to note was the budget amendment for the clean energy specialist. We did allocate money last summer in the budget for more capacity to implement our climate change policies. There was a lot of work spent last spring and summer, but we just didn't quite carry the football over into the end zone and we wanted to have an FTE and it just took a little bit more staff time to really pull it together. So, that's what we're doing now, and I'm thrilled with this. I was glad to hear some public comment earlier, actually in the meeting, regarding support for this. I think it's great. You know we talk a lot about housing and climate change is also just a huge issue. So, I am glad that we are creating some more capacity to really implement our clean energy policies that we have in place. So, I'm very much in favor of this. Thank you.

Mayor John Engen Thank you Ms. Jones. Further discussion on the motion? Seeing none, anyone in the audience care to comment on the motion?

Aldersperson Jones I think Ms. Merritt was trying to comment.

Mayor John Engen I'm sorry Ms. Merritt. For some reason, I am not seeing hands this evening. Yell at me, I'm accustomed....Yes, please, Ms. Merritt.

Aldersperson Merritt Thank you. I am fully in support of, of these budget amendments, especially the amendment to provide the FTE for the climate specialist. This, the discussion about the climate, the need to add capacity to our climate office came up during the budget season and I know Councilman von Lossberg was leading in that discussion and unfortunately he's not here tonight due to some family issues but.... So, I wanted to thank him and Councilwoman Jones for their leadership on making sure that

that we do get that additional capacity. Of course, I think we could probably use a lot more but it's, it is really a good step in the right direction, and I fully support it. Thanks.

Mayor John Engen Thank you. Anyone else? Ms. Anderson.

Aldersperson Anderson Okay, apparently the waiting works. Ms. Merritt brought up an excellent point I want to echo it that it is you know hats off to so many people who worked to bring this to light and to champion for this. And I think we all recognize that climate change is an issue that is not just at the boundaries of the city of Missoula, but what are the steps that we at the City of Missoula can take to address this? And I think that this increased capacity will definitely help with that and it's just one of the many steps that we need to be taking and I'm happy to support it. And I do want to echo thanks to Mr. von Lossberg for really being a constant champion for this issue and for us to get this into the budget this last year. And you know it takes people caring passionately and putting their passion to good use to make things like this happen. So, thank you so much and I'm happy to support it.

Mayor John Engen Thank you Ms. Anderson. Anyone else? All right, seeing no virtual nor real hands in the air, I'll move to the audience. And Mr. Larson.

Matt Larson Yes, Matt Larson, Ward 3. I, I support clean energy too, but I think we should also allocate, at this point, somebody for budget transparency within the City and somebody that can actually provide like a capital assets list of what we own, just like an accounting, a toll, like of what's going on under the hood there. We, we don't even know what we're financing down the road forever and we don't know what the legal fees are gonna be for this court battle, the two court battles regarding the water, water company. And this is just another thing, another tchotchke that you're adding on at the very last minute to this budget. And this is what people don't like I think about their tax bills when it comes to next year, is that we, we can just buy clean energy on the open market and, and there's no real explanation that's been very definitive about like what this specialist actually does and meanwhile we're getting these proposals, requests for proposals on these solar rays that we're not even going to own. And the city is just slowly becoming the biggest landlord, the biggest utility, and the biggest consumer of its own niche power here and that's not a good thing. It's not a good thing for the, the consumer and the taxpayer. So that's all I have to say. I just don't think that we should be approving this because it just wasn't planned for and we, we need to see what's actually being financed down the road forever versus what we actually own here. Thank you.

Mayor John Engen All right, seeing no additional hands raised, we will have a roll call vote. And the motion is approved.

9.1 Resolution for 1st Quarter FY 2022 budget amendments. This resolution amends the fiscal year 2022 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.

Moved by: Alderperson Jones

Adopt a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2021 budget and capital improvement program.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

Mayor John Engen Our next item for final consideration is rezoning on Schilling Street and Dearborn Avenue. And I'm not sure who is taking that on for Mr. Hess this evening.

Alderperson West I am.

Mayor John Engen Thank you Ms. West.

Alderperson West Would you like the motion?

Mayor John Engen Yes, please.

Alderperson West Okay. So, the motion is to adopt an ordinance to rezone 2520 Schilling Street and 2134 Dearborn Avenue, located at the northeast corner of the intersection of Schilling Street legally described as Lots 20-24 of Carline Addition Block 34 and Lots 18B, 6286 square feet of Lots 17, 18 & 19 of Carline Addition #3 Block 34; All located in Section 32, Township 12 North and Range 19 West from RM2.7 Multi-Dwelling to B2-2 Community Business. Do we have any staff updates to this one? I don't think we do....

Mayor John Engen That motion is in order. Is there discussion on the motion? If there is please wave because technology is not my friend. Ms. Anderson.

Alderperson Anderson Thanks so much Mr. Mayor. I will be in support of this. It is in Ward 5, and I've had numerous conversations with constituents who brought up the increase of traffic issues that this development may possibly bring, and we heard from Aaron Wilson who graciously took his time to attend the Land Use and Planning Committee meeting to talk about sort of some of the things. Even though state law does not allow for us to take into consideration traffic mitigation when approving a rezone, I think that we're having long discussions recently about the, what state law allows and doesn't

allow in and around rezoning but it was a good opportunity to hear from the neighbors and I think staff did an excellent job of outreach, attended additional meetings, and talked about some of the long-range plans for traffic mitigation in and around this area. So, we heard from the developer and what his plans were. He hopes to retire all of those things. Also, it cannot be taken into consideration, it is literally a list of up or down things which set out by state law that are, that we can take into consideration. So, this meets all of those. It conforms with zoning, as staff laid out in its thorough presentation which is available online to anyone who's interested in it looking at that. And so, with that, I thank you for your time to allow me to just speak on this and I will be supporting this rezone.

Mayor John Engen Further discussion on the motion? All right, I see no actual hands. Anyone in the audience care to comment? Mr. Larson.

Matt Larson Yes, Matt Larson, Ward 3. This is just another instance that we're going to look back at where the entire character of this whole neighborhood is being ripped up by the Title 20 and revisions that have been done in the last year or so by the City Council. So, you've heard people object to it, and you know you guys are in this game of approving these types of mega, mega developments and, and approving them blindly so it appears as though we'll just keep on keep on going. I know everybody's gonna say we need to add housing stock, but it's through you know sensible expansion of the City an equitable expansion of the City, not just throwing in these huge middlemen projects like the Scott Street division or the Scott Street subdivision and Northside Bellagio Apartments. These are all, you know, they're, they're not built for us the working class the people that make below \$19/hour. That's what the City is building currently is affordable housing. So, I just don't see why we should approve this but I'm sure everybody else will say you know we need to we need to expand, why aren't we expanding into east Missoula and Target Range? Why are we just doing this and changing the character of these classic and you know irreplaceable neighborhoods? And like I said, the riverfront. We, we all saw the, what just happened with the riverfront over the weekend.

Mayor John Engen And we're getting a little far afield Mr. Larson. I have Diane Stensland-Bickers.

Diane Stensland-Bickers Yeah, I'd just like to say I disagree with Matt. I live in this neighborhood. I'm a renter in this neighborhood. I approve of your approval of these plans. I'm looking forward to having more options, as maybe a place to rent in this neighborhood. We need more development like this in this neighborhood. Thank you.

Mayor John Engen Thank you. And seeing no more hands up, we will have a roll call vote. And the rezoning is approved.

9.2 Rezone 2520 Schilling Street and 2134 Dearborn Avenue, located at the northeast corner of the intersection of Schilling Street and Dearborn Avenue, from RM2.7 Multi-Dwelling to B2-2 Community Business.

Moved by: Alderperson West

[Second and final reading] Adopt an ordinance to rezone 2520 Schilling Street and 2134 Dearborn Avenue, located at the northeast corner of the intersection of Schilling Street and legally described as Lots 20-24 of Carline Addition Block 34 and Lots 18B, 6286 square feet of Lots 17, 18 & 19 of Carline Addition #3 Block 34; All located in Section 32, Township 12 North and Range 19 West from RM2.7 Multi-Dwelling to B2-2 Community Business.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

Mayor John Engen Our final items for final consideration this evening are two motions on a recreational marijuana ordinance and Ms. West, you've hit the jackpot again.

Alderperson West Yep, I do, all right. So the first motion is to adopt an ordinance that is dated from the 18th of this month, generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications, and creation of 20.40.083 in Use and Building Specific Standards, to incorporate regulations concerning legislative changes in the cannabis industry. And if I could speak to this?

Mayor John Engen Ms. West.

Alderperson West So first of all, I really want to thank our city staff, especially Ben, Cassie, Spencer, Madson, and Leigh who pulled together this ordinance in probably record time and put a lot of really, a lot of thought and research and intention behind what we're seeing today. I think that this ordinance does a really good job of marrying both the overwhelming support that Missoula County voters had to approve adult youth recreational cannabis and also protect the health and well-being of citizens in our community, and offer predictability and structure to this new industry in, in Missoula. So, I just want to highlight that there is a 50-foot barrier that exists on the state level that creates a buffer between

religious institutions and schools and cannabis businesses, and, and we were tasked with making, you know, this new law which was House Bill 701 that was passed this summer work in our community. And so, this provides a framework that I think brings a lot of good things to you know how we're implementing this. It includes a buffer between businesses, which creates a diverse, maintains a diverse business environment and doesn't allow for the concentration of cannabis related businesses in a single location. It also has a prohibition on just using frosted glazing. I think that this is in line with other expectations spelled out for our community, especially in the design excellence overlay. I think that there are more creative ways that businesses can protect the privacy of their customers while also creating a street frontage that's inviting and friendly to you know a people scale Missoula. And I think that this ordinance does a good job of marrying a light touch with predictability and encourages a diversity of uses within our community that, that really you know supports the long-term health and well-being of our community, both on a people scale and on a neighborhood sustainability level. So, I, I think yeah, I think this ordinance is great.

Mayor John Engen Thank you. Thank you Ms. West. And the hands are working again. And I have Ms. Merritt.

Aldersperson Merritt Thank you. Thanks Heidi. I will be in support of this motion. I also want to say a big thank you to staff. They took a tremendous amount of time researching this and spent time with me to answer my many questions and we, we really appreciate you. Different communities in our state are handling this differently and I, I think that this is a good approach. I, I really support the proposal that staff has put in front of us and, and think it is a good approach for Missoula to take. We, I think that as time goes on, we'll see how this market regulates itself to some degree but I think this is a really good framework to start with. So, thank you all very much.

Mayor John Engen And Ms. Vasecka.

Aldersperson Vasecka Thank you. I also wanted to thank staff. I know that they put a lot of time and effort into this, so thank you for doing that. I did want to propose three different amendments tonight. I was told to hold off on Wednesday and, and propose those tonight. So, would you recommend me doing them one at a time or put them all three out on the table at once?

Mayor John Engen Let's put, why don't you, why don't you offer them all and we'll consider them one at a time.

Aldersperson Vasecka Okay. So, my first one is I want to omit the regulation to limit frosted windows. The second one is I want to omit the buffer all together and I also want to allow home occupation for marijuana growth operations. And should I speak to the first one now?

Mayor John Engen Yes, please.

Aldersperson Vasecka Okay. So, I understand Ms. West's wanting to have a, an inviting business neighborhood appearance for businesses. However, on Wednesday, Ms. Harp laid out a lot of my concerns pretty perfectly because not only patient or on customer privacy. We also would like to have product and business owner privacy and it shouldn't be up to the government to dictate how transparent a business's glass should be, and it also would protect a lot of children downtown and a lot of folks that are not happy with this, with these new operations. With the marijuana growth industry or with adult stores downtown or even gun and ammo shops or even butcher shops, a lot of folks don't, don't want to look at that stuff. So, I think that we should allow to have non-transparent glass in these businesses.

Mayor John Engen Ms. Vasecka's motion to amend is in order. Is there discussion on the motion? And Ms. Sherrill you are in order. Did you want to address the? You do not...

Aldersperson Sherrill I was going to say I; I'll address that. I'm, I, I think that all those amendments take pretty much everything out of this, this ordinance. I won't be supporting any of them. I think the staff put a lot of time and thought and research into this and I won't support any of these amendments. I have another comment but I'm going to take my hand down because it's more generalized.

Mayor John Engen And I actually did that for you because I now have control again. Ms. Anderson, on the motion to amend.

Aldersperson Anderson Thank you so much Mr. Mayor, I will not be supporting the motion to amend. I think Ms. West and her opening remarks laid out a lot of the reasons why. One of the reasons why we had a pretty lengthy discussion about buffers between businesses downtown was because of the increase in frosted glass that we're seeing downtown and just sort of like the you know deadness that it provides to the streetscape. And I think that a lot of businesses can incorporate that, and marijuana will be legal for purchase in Montana come January 1st. So, I think a lot of these privacy concerns it's it is you know, we don't really talk about those and in other you know alcohol and purchasing of other quote-unquote sin products, if you want to put them into that category. And if the owners are I'm concerned about that they can address that inside but I think that we have to take into account the overall effect it has in our community and how downtown is you know we're trying to create an inviting atmosphere and so I will not be in support of omitting this and I also won't be in support of the other two. I think the buffer is important and I definitely do not support home businesses. I don't think I think that they should be, especially growing and cultivating of marijuana is not as simple as some of the you know movies we've all seen maybe got to be. There's gases, there's fertilizer, there's lighting, and all of

that should be in the appropriate space and not in residential neighborhoods. So, I will not be in support of any of these. Thank you so much.

Mayor John Engen And Ms. Harp on the amendment.

Aldersperson Harp I'm going to support Sandy's amendment when it comes down to the prohibition of non-transparent glass. As we alluded to in my comments a couple weeks ago, I want to just elaborate on that particular comment a little bit more and my rationale behind this. The last three years, I think all of you have become very aware of my, my, my efforts to raise awareness around suicide. Why is this even brought up at this point in time? Because there is definitely a connection between people who may use medical marijuana in order to deal with their mental illness, whether it's depression, anxiety, bipolar, or PTSD, or for that matter even menopause. And it has, for so long, been criminalized and has been stigmatized for people who use it as a, for medical purposes and oftentimes, we will use quotation air quotes around medical thinking that that is that people are just using it recreationally. The reason why I worry about make, forcing these businesses to have to use transparent glass is that people who already are stigmatized for their mental health already feel like they can't be themselves and they can't see have the privacy that they need in order to get the care that they require, and it is one very simple thing that can protect them. I know some of you may disagree with that but right now as it stands today there are two different types of pharmacies, one for all the over-the-counter drugs that your doctor can prescribe, as well, and then a separate one for a pharmacy or dispensary for medical marijuana that another type of doctor can provide. And already it is, it's really hard for folks who have mental illness to have to go one more step to have their medical condition exposed to the public. And I know it may not seem like a big thing, but we have for decades created a war on drugs that has incarcerated millions of people and it has caused many families to fall apart because of those drug arrests. Well today, we're talking about the legalization and being able to let folks be able to obtain the drug of their choice for their, for their specific needs. It is imperative to me that we, we, we actually go against the recommendation from staff, which I know they've done a tremendous job of trying to put this all together. So, thank you all for doing that but I want you to understand that with all the folks that I've talked to in the support groups that I, that I meet with where we have kids who struggle. Making them more ashamed of who they are and the facts that they have to face day in and day out, this is one thing that could really actually ease their load, ease their burden, and I would hope that my colleagues can see the sense in that. [inaudible] for so long and now is an opportunity to reverse course. So, I hope that all of you can see the, the rationale behind that. In regards to Sandy's recommendation for omitting the buffer requirements, you know I, I think 500 feet is, is reasonable. Having gone to Oregon

over this last break, I just want everybody to know there are not dispensaries every five feet or anything like that. The market has prevailed and many of them probably have been eliminated just due to the market. Regarding the home occupation for marijuana related uses, I would support that. I think it's an example of where some, we have all sorts of different kind of garden growers, fertilizer and, and the like happens no matter what you type, what kind of product you're trying to grow, and I would support that one as well. Thank you.

Mayor John Engen Thank you Ms. Harp. Ms. West, on the motion to amend.

Aldersperson West I just had a quick process question. Are we discussing all three amendments right now? Or just the first?

Mayor John Engen I, I would prefer that we just discussed the first, but if you want to knock out all three and you can....

Aldersperson West I'm happy to wait. I was just not, unclear based on how the comments are going....Okay, I'll hold.

Aldersperson Harp Sorry about that folks....

Mayor John Engen No, no worries. Ms. Merritt.

Aldersperson Merrit Thanks. I just want to be clear that the, the design excellence overlay that affects the downtown already says that that describes the amount of glazing that needs to be on the windows. And so, if, if we were actually to adopt miss Vasecka's suggestion, we're, we're making an exception for a certain type of business, and I don't think that that is acting in a consistent manner. And so, I won't be supporting the motion. In addition, if we're concerned about kids and the fact that seeing people buying marijuana has on them, we would not allow a marijuana dispensary downtown named Cookies. So, I think that that just wipes off the table any actual concern about children in this. I think there are other options that people can, can provide within the stores in order to continue to provide a certain amount of privacy. You know, liquor stores, bars and restaurants, it's not like you can see every single person who is in the store from the, from the sidewalk. So, there are options other than blocking out those windows and I, I think that we need to be consistent in applying our standards. Thanks.

Mayor John Engen All right, seeing no further discussion on the motion to amend. I will note for the record that I had asked staff to include a provision that allowed me to name all of these businesses, but they rejected that and did not bring that forward. I won't propose that as an amendment this evening. Anyone in the audience care to comment on the motion to amend? All right, seeing no hands up there, we'll have a roll call vote on Ms. Vasecka's first motion to amend.

Marty Rehbein This is about the, allowing the non-print transparent windows correct?

Mayor John Engen Correct.

Mayor John Engen And the amendment fails. Ms. Vasecka, your second amendment.

Aldersperson Vasecka Thank you. So, this is the, the amendment to omit the buffer altogether. Like somebody mentioned earlier, supply and demand, it is poor business practice to put up a shop of any business close to another business of that same type. So, we can let supply and demand in the market help with a crowding problem. I also believe it's not up to the government to decide how many legal businesses can be in a certain area. So that is why I would like to omit that buffer all together.

Mayor John Engen Ms. Vasecka's motion to amend is in order. Is there a discussion on the motion?

Seeing none, anyone in the audience? I'm not getting hands again sorry. [laughs] I've got Ms. Jones.

Aldersperson Jones Okay, I kind of like doing that, that was kind of fun actually. So, regarding the amendment. Thanks for bringing it Sandra and I have been chewing on this a lot and thinking about it all, the last few weeks, as we've been hearing all the information coming in from staff. I have to say my inclination was honestly whether or not we should have a larger buffer not whether we should eliminate the buffer and at this point, however, I'm fine leaving the buffer at 500 and I'm not in favor of eliminating it. I, I did just want to say that the thought process I went through in terms of whether we actually should increase the buffer was looking at the saturation of businesses in our downtown and the hip strip and these commercial corridors. And wanting to create a scenario where we have a diverse business environment and not saturated by this exciting new industry that's coming in, that is riding a big wave right now, but what became apparent was just as no buffer is an issue, I think too big of a buffer is also an issue and frankly could have institutionalized some of the clustering on Higgins, that we're actually trying to dissipate. So, I am not in favor of the amendment. I'm also not in favor of increasing the buffer at all. I think, I think we've got about the best structure set up as possible and we need to let the market play out for a couple of years, see where it's at, and then if we need to address it, but I appreciate you being the amendment. I feel like there was a lot of really good discussion from Council on trying to go through all of this analysis. Thanks.

Mayor John Engen And Ms. West on the amendment.

Aldersperson West Thank you. So, I'm also not going to support this amendment and I, for two reasons. I do think that we're seeing currently with where existing cannabis businesses are located, there is a concentration in certain parts of town, which you know if you are walking around with kids for example on a first Friday means that there are several you know businesses in a row even that aren't are welcoming to everyone and you can't go into and it creates a little bit of a you know a dead zone depending on you know how you're engaging with the built environment. And I think the second reason

is to also prevent you know future, future dead zones. I do think that we're gonna see an increase in this particular business sector and it will correct, which means that we're probably going to see some of these businesses fail and we'll see a different dead zone if we allow them to all be in one place. And so, this way, it spreads, it spreads businesses across our community and also I think removes some of that risk and protects you know the character of the built environment over time. So, thank you.

Mayor John Engen Thank you Ms. West. Now, I don't see any hands raised. Anyone in the audience care to comment on this amendment? Seeing none, we will have a roll call vote on the motion to amend.

Marty Rehbein Okay, this is the motion about omitting the required buffers.

Mayor John Engen And the motion to amend fails. Your third amendment Ms. Vasecka.

Aldersperson Vasecka Thank you. So, this is my final amendment. Thank you for bearing with me everyone. I would like to allow home occupation in Missoula, especially it is very expensive to lease or buy a space to have your commercial business, regardless of what your commercial business is. So, I would like to propose this amendment to allow home occupation to help allow small business ownership. It has also been said that we want residents to be within walking distance to stores. One of the reasons was to reduce carbon emissions and these are probably going to be very popular establishments, whether we like it or not. So, they are going to be frequented by many folks. It's a legal business. We should not hinder such businesses to be in residential areas so that they are within walking distance. Thanks.

Mayor John Engen And that motion to amend is in order. Discussion on the motion? Is anyone waving a hand that I'm not seeing? Ms. West.

Aldersperson West I don't think I raised my virtual hand first, but I'll, I'll go first, I guess. So, I, I actually agree with the sentiment of, of Sandra's amendment. However, we, we spent a really long time talking about this in meetings leading up to what is and isn't allowed in the ordinance. And I, I think that on a state level there isn't enough, I guess, not enough nuance to the permitting that is set up at this point, which means that you know manufacturing for example could be anything from extracting certain chemicals, using a lot of solvents, to you know baking you know, like weed brownies and there's no nuance and both of those things do not belong in a home occupation setting equally because one of them is very dangerous and could pose you know a significant risk to the occupants of the home and neighbors. And I think until maybe there is a finer degree of what gets licensed how, a lot, it's prudent to not allow these at, as home occupations because there's a lot of you know risk for things like mold, fires. As we'll see with the next motion, these are very energy intensive uses and not all homes are set

up to carry the correct electrical load for example. So, I'm not going to support this for the time being, but I hope that in the future there are some things that maybe can be carved out to actually happen in a home that's compatible with you know a residential setting. So, I'll leave it at that.

Mayor John Engen Ms. Merritt.

Aldersperson Merritt Thanks, I appreciate those points that Heidi just brought up, the reasons why that this shouldn't be a home-based business allowed under our zoning ordinance. Normally, our, the types of businesses that we allow as home-based businesses have little potential to impact the neighbors and as, as, as I've seen with a constituent in Ward 6 who, it was, is being impacted by an existing home grow operation. The, the growing up for commercial use doesn't appear to fall in that category of not affecting the neighbors. So, for that reason I won't be in support of this amendment and, and the reasons that Heidi just mentioned. There, there's a time and a place for approval of home-based businesses in residential zoned areas but I don't believe this is one of them.

Mayor John Engen Further discussion? Ms. Harp.

Aldersperson Harp Thank you. I appreciate my colleagues' comments, it's nice to be able to be able to hear those other viewpoints. I'm going to side with Sandy on this. You know the fact that it is, it is legal creates an opportunity for some small businesses that may be doing businesses or may try and provide a business that is different from what we individually may want to see happen. And I can say that happens all the time. There are, we all, we recently approved another dog, dog daycare in an adjacent neighborhood and the neighbor, some neighbors were upset about that and somewhere we were fine with it. And I think that's going to be always going to be what we have to reconcile is that some people are going to be upset and some are going to be fine with things. And I, I, I'm, I agree that this is an opportunity for, for those who want to be able to, be able to be a small business provider and do so on a small scale and take the precautions that they need to, to make sure that they stay safe as well as their surrounding neighbors. I think that's very, very key and we can't just assume that they're going to do something that's going to destroy the character of a neighborhood or ruin an, or ruin a building for that matter.

Mayor John Engen Further discussion on the motion to amend? Ms. Vasecka.

Aldersperson Vasecka Thanks. I just wanted to thank my colleagues for their insight and their point of view on this and if my amendment does fail tonight then I look forward to I'm looking at what we can do about this in the future.

Mayor John Engen Ms. Merritt.

Aldersperson Merritt Thanks, I'd just like to clarify that the difference with the doggy daycare that we approved is that was actually in a location that is already zoned for businesses. What we're talking about here is allowing businesses to operate in residential, in residentially zoned areas and there's a reason why we have residentially zoned areas, because that's what we expect to happen in those places, is people to live there. We have, we do have some exceptions for some home-based businesses. Obviously, those, those are in the ordinance but it's different than the doggy daycare situation and I just wanted to clarify that.

Mayor John Engen Any further discussion? Anyone in the audience care to weigh in on the amendment? Seeing none, we will have a roll call on the motion to amend.

Marty Rehbein Okay, this is on the final amendment from Ms. Vasecka regarding home occupation.

Mayor John Engen And that motion to amend fails. We are back to the main motion before the body, and I have a request for you all this evening. I received a call at about 5:30 p.m. this evening from a local business, a local cannabis business asking that the effective date of the ordinance be moved to the 3rd of January. The effective date will be December 30th, as it stands today. The reason for that request is, as they work through their process for what is, it's the state's tier process. They believe the extra two business days will be critical for them to get through that state process to move forward. I told the constituent that I would be happy to ask Council to, a Council member to propose such an amendment. I spoke briefly with Eran Pehan to help me understand if there were any significant unintended consequences of delaying the implement, the implementation, or the effective date. She did not think that there were. The, the states, the state's clock begins ticking in effect on January 1st, but in reality on the first business day which will be Monday. And so, if any Council member is interested in making that amendment on behalf of the constituent, I would be grateful and happy to discuss.

Aldersperson Sherrill [waving hands]

Mayor John Engen That went well.....

Aldersperson Sherrill No, I, we all have our, we have a bunch of us have our hands up.....I was trying to get your, your attention.....

Mayor John Engen Ms. Sherrill, I heard you so.....

Aldersperson Sherrill Okay, okay good. I would be happy to make that. I think that that is completely reasonable and if it helps them to get all their ducks in a row, I see no reason not to. So, I'm happy to make them and meant to start on January 3rd, for this resolution start on January 3rd.

Mayor John Engen Thank you Ms. Sherrill. Ms. Sherrill's motion to amend is in order. Is there discussion on the motion? And I lost hands, so I need to see them up. Miss, I have Ms. Anderson.

Alderson Anderson Thanks so much. I would, I see Mr. Nugent is on. I don't know if Ms. Pehan is on. I know that there were some, there, what we were under a time crunch to get this in because state law of this or this state law takes effect on January 1st, which I realize is a Saturday. So, I just want to make sure that, I would love some insight into the kind of you know state law and our ordinance, the two-day gap. I realize that those aren't technical working business days but just want to make sure that there isn't any unforeseen consequences. I know you asked this question of Ms. Pehan before, and would just love, on the record, for those of us who were in those conversations to have a tiny bit more insight, just because I know there were some, when we were discussing this ordinance earlier, you know definitely wanting to align with the state implementation so that it was this ordinance could take effect.

Mayor John Engen And, I can, I can try to fill a blank or two. So, in, in this case, the constituent has filed all of their paperwork with the state. They believe that they can move through, and they've got an initial approval at tier one. There are five tiers. They believe that they can make their way through that tier system over the course of the month of December, but those two days, they believe are critical in working with the state to get that done. If, so, so my conversation again with Eran regarding unintended consequences, someone who is not already engaged in the process, as these folks have been, would have an extra two days and it would I, I don't think those two days would make any difference for anyone who is not already in the process of establishing themselves as a medical marijuana grower and provider. Remember the recreational piece doesn't kick in until later. So, so, so folks who are who are squared away with the state on January 1st are in a position to, they're in a position to be recreational providers down the road, which apparently is that is the attractive part of this business for folks. So, again looking, looking for, looking for anything that could happen based on those two days, apart from folks who are already deep in the process, having another couple of days to work with the state seems unlikely that there's a consequence of significance to the public.

Alderson Anderson Can I have a followup?

Mayor John Engen Sure.

Alderson Anderson So, I guess, I, if our ordinance isn't taking an effect on Monday, given that I mean I guess I'm curious what work this constituent thinks that they're going to do with the state over Saturday and Sunday of that holiday weekend to therefore ask for this because, does it, our ordinance not take effect until the end of the day on the Monday the 3rd? Or?

Mayor John Engen You know, the state ain't working on Saturday or Sunday, so there's nothing to be done there. It's the, it's the 2 business days, the Thursday and the Friday, that they're interested in, and I think you could certainly, you could, you could move the date to effective midnight on the 31st, watch

the ball drop and all of that, and I think that would likely work as well. They're, they're interested in that extra two business days at the end of the month.

Alderson Anderson Thank you for that clarification. That was the point I was missing on the first versus the third. Thank you.

Mayor John Engen As well.

Alderson Anderson It's the 30th and the 31st, that they're interested in, not the first and the second?

Mayor John Engen Correct.

Alderson Anderson Thank you.

Alderson West So, I guess along those lines, just because I, I don't know what the ramification, ramifications are changing the effective date. I was wondering, if it's just those two business days they want, I think I personally would feel more comfortable with having this be effective the first which I realized is a Saturday but that would be in line with the effective date of the change of state law just. And I'm happy to defer to staff because I see Cassie turned on her camera, so I don't know if she has something to add but that would make me feel more comfortable because it seems cleaner to have it be effective on the same day.

Mayor John Engen And I, I think that's fine, as well. Ms. Tripard.

Cassie Tripard Oh, I didn't have anything, just in case someone had questions.

Mayor John Engen Okay, thanks Cassie. All right, further discussion on the motion to amend? Ms. Vasecka.

Alderson Vasecka I would be in support of Ms. Sherrill's amendment. Yeah they aren't business days for city employees or a lot of businesses, but they probably are business days for this business. So, any extra time that we could give them to get all their ducks in a row, I would be happy to give them.

Mayor John Engen Further discussion? Ms. Jones.

Alderson Jones Thanks. So, I, I think I am fine if we can have this effective on the first. I know that Jordan Hess, who is the chair of LUP, is not here tonight and he had worked many hours on this and lots of consulting with staff and staff did a huge job on this. And when he left, he said we really need to get this done by the first. So, if we can have it 12:00 a.m., starting on the first of January, so he doesn't have an aneurysm when he comes back from his vacation, I would really appreciate that. If Ms. Sherrill will modify her motion to, her amendment to specify that.

Mayor John Engen Ms. Sherrill.

Alderson Sherrill So, is that, is that a friendly amendment Gwen?

Alderson Jones Yes.

Aldersperson Sherrill Yeah, okay, I'm happy to take that.

Aldersperson Jones Thank you.

Mayor John Engen All right, the motion to amend before the body now is to have the effective date, what 12:01 a.m. January 1? All right, further discussion on the motion to amend? All right, anyone in the audience care to comment? Seeing none, we will have a roll call vote on the motion to amend.

Marty Rehbein Okay, I'm, I've got the motion to amend recorded, as to amend the effective date of the ordinance to 12:01 a.m. on January 1, 2022.

Mayor John Engen All right, my expectation is that Mr. Nugent will be monitoring the situation closely.

Marty Rehbein Yes, he can, he can come down to the office and man the telephone.

Mayor John Engen And the motion to amend is approved. We are now back to the main motion as amended. And discussion on that Ms. Sherrill. Amber, you're muted...

Aldersperson Sherrill Dang it, thank you. I keep raising my hand thinking I can make some comments generally on it and that, it's been a while. But on the motion, in general, I just first want to say that I'm very happy that we're at a point in history that we're finally legalizing something that we have been completely unsuccessful at controlling. And that in the process of trying to has ruined countless lives, which I think my colleague Ms. Harp was alluding to earlier. That being said, I think it's a new thing and I think we need to be thoughtful, as we move forward. I've had colleagues suggest that voters voted for this and that we should not regulate it at all, which we had some discussion around that. I think that's short-sighted but beyond that, you know we're not talking about a toy store here. We're talking about a controlled substance, and I believe that voters expect us to treat it as such. I, I did struggle originally with whether these were the right regulations or not. I really don't want to see our downtown with a liquor store, or a pot shop every block, but I think, I think it could because I think it could undo a lot of pretty incredible economic development that we've done down there. That being said, I do trust the thoughtful research that our team has done and I'm happy about the, the proposed buffers. I'm also, I am a strong proponent of keeping the commercial cultivation operations out of homes and neighborhoods, for the reasons that my colleagues outlined. I've talked to a number of people about this and not one of them wants us to allow it. I think this is, would be a huge disservice to many of the constituents that we represent. I believe that businesses can easily be creative in providing privacy for their clients. One of my biggest concerns about this actually is the energy usage and I just want to say that because it hasn't been brought up tonight that we will be addressing the energy uses of these type of businesses. The plan is to address them in Title 15 so not and, and this, this resolution but that will be coming. I will look forward to the staff having some time to do some research and bring back some

thoughtful regulations there. So, I, I just wanted to thank the staff again. I'm, I feel that this has been vetted very thoroughly. I think we are kind of in a, in a new age and a new era and you know we're, we're, we can, we can pivot if we need to pivot but I think these are strong well thought out plans going forward and I'm, I'm glad we're finally legalizing this for, for all uses, for adults.

Mayor John Engen Further discussion on the motion? Ms. Vasecka.

Aldersperson Vasecka Thanks. Unfortunately, I am going to have to vote no on this tonight. As one of my colleagues mentioned, that my amendments, while they, they did almost take up almost the entirety of the motion in general. If one of them would have passed, I probably would have supported this but unfortunately none of them did and so I have to follow through with my, with my beliefs on this. I think it's too much government control on it, on something that's already controlled so much at the state level and the federal level. So, I will not be supporting this motion tonight.

Mayor John Engen And any additional discussion? I don't see anybody waving at me. Anyone among the attendees here to comment? And seeing no hands there. By the way, the hands for the attendees were working, so participants weren't. So, I'm actually, I'm, I'm confident that we actually don't have hands up there. With that, we will have a roll call vote.

Marty Rehbein And I can see them too. So, if I saw them, I would definitely mention it.

Mayor John Engen And the motion is approved. And our second motion this evening, Ms. West.

Aldersperson West All right, so this was alluded to by Ms. Sherrill already. So, the last motion is to direct city staff to proceed with amendments to Title 5, Missoula Municipal Code, pertaining to business licenses and regulations to incorporate revisions regarding energy consumption for cannabis businesses. And if I could just briefly speak to it?

Mayor John Engen Ms. West.

Aldersperson West I think that we had a really interesting discussion in committees, as did the County, related to the high, high energy use of especially cannabis growing and I really look forward to seeing what City staff brings back. I think a city licensing is a, or a business licensing is a more appropriate space in which to regulate energy consumption. It's, you know, businesses apply for licenses from the City every year. It's a good place to check in and this is a more appropriate place for it than in our zoning code. So, I look forward to seeing what they recommend and hopefully we will get this on you know whatever they recommend and whatever we decide on the books before the next round of business licensing this summer.

Mayor John Engen Further discussion on the motion? Mr. Ramos.

Alderson Ramos Thank you Mr. Mayor. I just wanted to say that I'm not going to be supporting this tonight. I don't think it's the government's job to be regulating business energy consumption, not at all. We don't own the power grid. We don't own the, the generation. We don't own the distribution, that's between the customer and NorthWestern Energy. There's I mean city hall uses a heck of a lot of power too. There's, there's a lot of other businesses that use a lot of power and I think it's ultimately left to the customer. And as we're going towards green energy, the market's starting to, to create more and more opportunities towards green energy. So, I think that us getting in the way of customer and our citizens decisions, whether or not to utilize those businesses, which in turn makes them consume more power is between them the business and then the business and NorthWestern Energy, whoever their energy provider is to determine that. So, I know this is kind of I guess a preeminence move but I'm still gonna be supporting no or voting no on this. Thank you.

Mayor John Engen Ms. Merritt.

Alderson Merritt Thanks. I will be in support of this motion. I'm very glad to see it come forward even though I won't ultimately get a chance to vote on the outcome, if it comes to a public hearing, but I do appreciate the resolution directing staff to continue their hard work on this. I've had some good conversations with folks who are concerned that, that we were not going to make the energy regulation part of our zoning ordinance, but I believe that, that, as Heidi mentioned that the business licensing process is the right place to do it. It's, it's the place where we're going to be able to monitor compliance and it's the place where we'll get every business that's operating out there. If we do this through zoning, we're not going to have either of those things and it would not be effective. If, if we want to, to move the needle on climate change, we have to take action and, and that is what government is for. These are intense energy users that are different than the, you know, buildings that have lights and heating. It's, it's a much more intense use and I look forward to seeing what staff is able to find out, as they work through this process. Thanks.

Mayor John Engen Ms. Becerra.

Alderson Becerra Thank you Mr. Mayor. I too will be supporting this part of the ordinance. And as research shows, we are one of the communities with the most dispensaries and businesses per capita in the country and I think there's every expectation that with this legalization, this industry will grow exponentially. So, I am very happy to see that we will take the right steps to regulate energy consumption. This industry is, is by no means equivalent to bitcoin in terms of energy consumption but it is certainly many, many times over what any regular business, City Hall, City-County courthouse, and

many high density residential consumption is. So very happy that this is before us and happy to support it.

Mayor John Engen Ms. Anderson.

Alderson Anderson Thank you so much Mr. Mayor. I also will be adding my, my support to this. As my other Council members have already commented that this is an incredibly energy intense, high intensity industry. If you ask anybody who works for the energy/power companies, be it NorthWestern, be it a local co-op, they will absolutely be able to tell you who is a grow operation and who it and the difference between somebody who just errantly leaves a lot of lights on in their house. It is that stark of a difference and it is all of our responsibilities, government, individual citizens, to start shifting the paradigm of how we address climate change because what we're doing to this point is not working. And so, we took steps today to expand our capacity around climate initiatives with the budget that we approved, you know, approving FTE in the budget process this year and by continuing to direct staff to look at ways that we can you know curb or try to do our part by where the opportunities that we have control is incredibly important. Just letting regulation and businesses do what they want and that the, you know, no control and the private sector will take care of itself has gotten us to this point, and we have got to do something. Time is running out to change direction on this and so I'm absolutely in support of this. I do think it is our responsibility as a municipal government to be able to contribute to the solutions to this in big and small ways, and just sitting back and letting you know chips fall where they may, is a recipe for disaster and I do not fundamentally believe that that is our job or what the majority of our constituents want from the Missoula City Council. So, thanks so much.

Mayor John Engen And Ms. Vasecka.

Alderson Vasecka I am going to side with my colleague, Mr. Ramos, on this one. I'm going to not be supporting this motion tonight. On top of everything that my colleague stated, I agree with everything that he said but I also wanted to mention there are some public comments a couple of weeks ago about the how fiscally irresponsible it would be for the business to not to be energy, energy efficient, especially in this business because it does use a lot of lights and a lot of energy in that way. So, to, to have that extra layer of regulation of the government is just going to be hindering the businesses even more because it will be in the businesses best interest to consume less energy. So, therefore, I will not be supporting this motion.

Mayor John Engen Any further discussion on the motion? Seeing none, anyone in the audience care to comment? Seeing none, we will have a roll call vote.

Marty Rehbein On the motion to direct staff.

Mayor John Engen And the motion is approved. We have no additional items for final consideration this evening and we'll move on to communications from the Mayor.

9.3 Recreational Marijuana Ordinance – Cassie Tripard, Ben Brewer, Leigh Ratterman, Spencer Starke, and Madson Matthias, City of Missoula

Moved by: Alderperson West

[Second and final reading] Adopt an ordinance (draft dated 11/18/2021) generally amending Title 20, Missoula Municipal Code, the City Zoning Ordinance, to incorporate revisions in the following chapters: 20.10 Business and Commercial Districts, 20.15 Industrial and Manufacturing Districts, 20.45 Accessory Uses and Structures, 20.100 Terminology, and 20.105 Use Classifications, and creation of 20.40.083 in Use and Building Specific Standards, to incorporate regulations concerning legislative changes in the cannabis industry.

AYES: (6): Alderperson Anderson, Alderperson Becerra, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, and Alderperson West

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

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (6 to 4)

Amendment: Moved by: Alderperson Vasecka

Amend the proposed ordinance to: allow non-transparent windows

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

NAYS: (6): Alderperson Anderson, Alderperson Becerra, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, and Alderperson West

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Failed (4 to 6)

Amendment: Moved by: Alderperson Vasecka

Amend the proposed ordinance to: omit the required buffers

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

NAYS: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson Merritt, and Alderperson Sherrill

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Failed (3 to 7)

Amendment: Moved by: Alderperson Vasecka

Amend the ordinance to: allow home occupation

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

NAYS: (6): Alderperson Anderson, Alderperson Becerra, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, and Alderperson West

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Failed (4 to 6)

Amendment: Moved by: Alderperson Sherrill

Amend the effective date of the ordinance to 12:01 a.m. on January 1, 2022.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Jones, Alderperson Merritt, Alderperson Ramos, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (10 to 0)

Moved by: Alderperson West

Direct city staff to proceed with amendments to Title 5, Missoula Municipal Code, pertaining to business licenses and regulations to incorporate revisions regarding energy consumption for cannabis businesses.

AYES: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, and Alderperson West

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

ABSENT: (2): Alderperson Hess, and Alderperson von Lossberg

Vote result: Approved (7 to 3)

10. COMMUNICATIONS FROM THE MAYOR

Mayor John Engen I'd just like to note this evening the passing of Lois Herbig. Ms. Herbig served on the Missoula City Council for 20 years, the last two of which I served with her representing Ward 1. Lois was tenacious, kind, funny and, and would stand up to anybody on anything. She, she was a person from

whom I learned, a person who made a difference in her community, and some of you may have known her, husband Hal who was a lovely man, an orchestra director and they made quite a pair. So, I want to acknowledge Lois's long service to this community and extend my condolences to her family, which I've done in a note, but if anybody happens to be watching this evening or if you remember Lois, please acknowledge a great lady.

11. GENERAL COMMENTS OF CITY COUNCIL

Mayor John Engen We'll move on to general comments from Council members with Mr. Contos starting us out.

Aldersperson Contos Thank you Mr. Mayor, no thanks.

Mayor John Engen Ms. Harp.

Aldersperson Harp I'll pass tonight.

Mayor John Engen Ms. West.

Aldersperson West I'll just follow up on the comments I made, I guess it's two Mondays ago and say that the hula hoop workshop was awesome and next time Parks and Rec hosts one, everyone should go. You're never, hula hooping is for everybody.

Mayor John Engen Ms. Jones.

Aldersperson Jones Thanks. First of all, I'm really glad you mentioned Lois Herbig. I always heard amazing things about her and just this last summer, I ran into some of her relatives in Greenough Park. And I just hope we're all thinking of her, she's made a lot of contributions to Missoula. I did want to take a couple of minutes and just follow up on some of the comments, Mr. Mayor, that you made earlier, at the beginning of the meeting regarding development and land use decisions and the big brouhaha that's happened in the last few days. I wanted to note first of all that the comments made by the developer were reprehensible and certainly don't reflect my values, but it really triggered a much larger discussion. Setting aside the emotion from all of that, it triggered a much larger discussion in our community about affordable housing, about what we can and can't do and I appreciated your comments earlier. I wanted to say that land use decisions that Council must make, this is the most complicated area that we work in, and we do hours and hours of onboarding and then you still continue to learn and it's very complicated and we need a lot of legal advice. So, first of all it's, it's a thing. This is very complicated, and I don't expect the regular public out there to understand it, however, I do think a big part of being on City Council is communicating with constituents and passing along the information when they have questions and educating them as to how things work and reasons why or why not we did something. So, to that end, I know that several City Councilors are working on an op-ed and hopefully that's

published on Wednesday, spelling out our decision space in terms of rezoning a private property and our decision space that frankly we don't have in terms of influencing how development is done on private property by a private developer. It's, it's complicated. We constantly are working through these issues and as the Mayor referenced, a lot of this is dictated by federal law, state law, and our local regulations and we don't have a magic wand to go in and just make something be affordable because we want to do. It, it's much more complicated and that's why we work really, really hard the last few years on Council. A huge amount of energy has gone into affordable housing. We are at the local level with frankly very small tools, and I think the bigger discussion around all of this is that we desperately need state and federal tools and money to come in if we really want to make Missoula more affordable. So, I want people to know that I think, sorry my lights keep going out, I want people to know that Council takes it very seriously and works very hard on this. I have college aged kids who most probably will not return to Missoula because they can't afford to live here. So, just because I'm older doesn't mean I don't get it. I see it through my kids' eyes. I think everyone on Council is very conscientious about it. We work hard on it, but keep in mind we need those federal and state dollars to come in and also if people want to lean in and understand how land use decisions are made, I think Councilors are happy to educate them and have that conversation with them. So, look for the op-ed. It's hard fitting this huge subject into 600 words but it's a start. Thank you.

Mayor John Engen Ms. Merritt.

Aldersperson Merritt Thanks. I'm gonna change the topic and remind folks that this coming Saturday, December 4, 2021, is the reverse parade of lights. In an effort to be respectful of our need to continue to social distance, the floats will be lined up on the street on Higgins Avenue and people are invited to stroll downtown or drive downtown and get a good look at the lights and the, the window decorations, enjoy a cup of cocoa. I am looking forward to that. I understand that the, the tree is already being lit up down by the X's every evening at 6:00 p.m. So, I just encourage people to come down, enjoy the holidays in downtown Missoula. Thanks.

Mayor John Engen Mr. Ramos.

Aldersperson Ramos I will pass, thank you Mr. Mayor.

Mayor John Engen Ms. Becerra.

Aldersperson Becerra Thank you. I just wanted to wish our Jewish members of the community are very happy Hanukkah, today's the second night of Hanukkah. So much peace to everyone.

Mayor John Engen Ms. Sherrill.

Alderson Sherrill Thanks and I want to echo the Mayor's comments and Gwen's comments. I'm not going to belabor that fact, but I, I about I think Gwen said reprehensible comments. I found out about some of the online chatter from my 16-year-old this weekend and you can imagine anyone that actually read it that I was not so thrilled about that. In light of that, I, I just want to remind people that civil discourse, whether you're talking to someone or whether you're online, is going to bring a better outcome for everyone.

Mayor John Engen Ms. Anderson.

Alderson Anderson Thank you so much Mr. Mayor. I also want to echo your comments, Ms. Jones, and Ms. Sherrill. I was supposed, I was trying to be opted for Thanksgiving and I was unsuccessful with that because of the number of folks who've reached out to me up in regards to this. And I share miss Ms. Jones's sentiment that the comments were absolutely reprehensible and do not reflect my values. And having almost been four years on Council, I will say land use decisions are some of the hardest ones we make because of the lack of decision-making box. We in Montana are a property right state and with that comes a whole lot of regulations set forth by the state legislature. So, I know my colleagues and I are working through the numerous comments that we have received over the course of the last several days to get back to those. I appreciate everyone taking the time to reach out to us. I would, however, really appreciate if everyone who took the time to reach out to us at the City Council also reached out to their local state legislator. They need to hear the same comments from you all and have these petitions directed in their direction because so much of the decision-making box that we are able to govern in, here at the local level is decided at the state level. And that's not just us being lack of creativity it is the law and, and we, it, you know, we take it up an oath to uphold it and we do try to when opportunities arise such as the Reed project needing to have a bit of right-of-way to complete their project, as the Mayor said, they needed something from us. So, in exchange, we were able to ask something of them and condition that, not the zoning, but the right of way vacation and ask for affordable housing be a component of that overall project. Where we find those opportunities, we act on them, in a straight up, up down rezone, we can't put any conditions on it. It's not our regulations, that's the state regulations. I have many friends who are state legislators. They do not hear from constituents on land use planning issues like we do and so to help us, help you, please reach out to them and, and voice those concerns and let them know your frustration. And you know, this last legislative session was awful in terms of the republican-led legislature taking away the ability for a community like Missoula to make more decisions based on things happening directly in our community. And we are the local, you know the most accessible form of government but yet you know the ability to condition

affordable housing, taken away. The ability to take into consideration maybe at some point in time we should include in inclusionary zoning in our regulations if we still wanted to, taken away by the legislature. So, this is not me passing the buck; this is me asking you to please take the time to reach out to your state legislators and ask for them to you know share your frustrations and let them know how you feel, some of the things that we are doing because we're legally bound to is affecting the overall community. So, thank you so much.

Mayor John Engen And Ms. Vasecka.

Aldersperson Vasecka Thanks, I wanted to join Ms. Becerra in wishing everyone a happy Hanukkah. And I wanted to remind folks that local businesses were hit really hard last year and this year, and especially with the supply chain issues for a lot of big box stores it provides a great opportunity to shop local for all of your Hanukkah and Christmas and other holiday shopping needs. So, please try to support your community and your neighbors this holiday season. Thanks.

Mayor John Engen Thank you all.

12. COMMITTEE REPORTS - None.

12.1 Administration and Finance committee (AF) report

12.1.1 Minutes from the November 17, 2021, Meeting

12.2 Committee of the Whole (COW) committee report

12.3 Land Use and Planning (LUP) committee report

12.3.1 Minutes from the November 17, 2021, Meeting

12.4 Parks and Conservation (PC) committee report

12.4.1 Minutes from the November 17, 2021, Meeting

12.5 Public Safety and Health (PSH) committee report

12.5.1 Minutes from the November 17, 2021, Meeting

12.6 Public Works (PW) committee report

12.6.1 Minutes from the November 17, 2021, Meeting

13. NEW BUSINESS - None.

14. ITEMS TO BE REFERRED

Mayor John Engen Are there any additional items to be referred? Ms. Harp.

Aldersperson Harp Not, not a referral, but just, I was just reminded of a recent, sorry a recent magazine that showed up in my mailbox. It's called *Common Ground* and it's all covers addressing the housing shortage. Each of our colleagues around this table received a copy of it. If you as a public, member of the public are interested in, in reading this very informative magazines from the National Association of

Realtors, I'm sure that our Missoula organization of realtors has copies at their desk that they would be probably very happy to share. Inside of it, it is filled with various different strategies that communities like ours can actually take up without necessarily having to go all the way to the state level. There are things that our local municipality can enact that can make really significant change here on the local level. I encourage all of my colleagues to read it, cover to cover, because if we, if housing is our number one concern and I know it is for all of us here, we got it didn't I, I asked please pick it up read it through because there are things, there are gems in here that we can really actually enact and put to work and really make a difference for our community. Thanks.

Mayor John Engen Thanks. So, we leapt ahead to Miscellaneous Communications, Reports, Petitions, and Announcements.

- 14.1 Administration and Finance committee referrals**
 - 14.1.1 Third Courtroom Display and Audio Systems Contract Approval**
 - 14.1.2 Courtroom Display System Maintenance Support Contract Update Approval**
 - 14.1.3 Fiscal year 2022 Business Licensing Fee Schedule**
 - 14.1.4 Reappointment to the Missoula Urban Transportation District**
 - 14.1.5 Contract – Poverello Center Outreach and Operations Funding**
 - 14.1.6 Hardware Quotes for Conference Room Equipment**
 - 14.1.7 Resolution Relating to \$912,000 Storm Water System Revenue Bonds, Consisting of \$465,867 Series 2021B (Taxable) and \$446,133 Series 2021C; Authorizing the Issuance and Fixing the Terms and Conditions Thereof**
- 14.2 Committee of the Whole referrals**
- 14.3 Land Use and Planning committee referrals**
- 14.4 Parks and Conservation committee referrals**
 - 14.4.1 Appointment to the Conservation District**
- 14.5 Public Safety and Health committee referrals**
 - 14.5.1 Appointment to the Food Policy Advisory Board**
- 14.6 Public Works committee referrals**
 - 14.6.1 Missoula City Public Works & Specifications Manual Updates**
- 15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS - None.**
 - 15.1 Administratively approved agreement report**

16. ADJOURNMENT

Mayor John Engen And the vacuum is now running in my outer office. So, thank you all, as always, for your service and we will be adjourned.

The meeting adjourned at 8:13 p.m.

Martha L. Rehbein, CMC, Legislative
Service Director/City Clerk

John Engen, Mayor