



**City of Missoula, Montana**  
**Item to be Referred to City Council Committee**

**Committee:** Public Works

**Item:** Development Agreement with Wishcamper Development Partners, LLC for the Mullan BUILD Project

**Date:** December 2, 2021

**Sponsor(s):** Jeremy Keene

**Prepared by:** Katie Emery

**Ward(s) Affected:**

<input type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input checked="" type="checkbox"/> Ward 2	<input type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
<input type="checkbox"/> All Wards	<input type="checkbox"/> N/A

**Action Required:**

Approve a Development Agreement with Wishcamper Development Partners, LLC for the Mullan BUILD Project.

**Recommended Motion(s):**

I move the City Council: Approve and authorize the Mayor to sign a Development Agreement with Wishcamper Development Partners, LLC for the Mullan BUILD Project.

**Timeline:**

Referral to committee:	December 6, 2021
Committee discussion:	December 8, 2021
Council action (or sets hearing):	December 13, 2021
Public Hearing (if required):	N/A
Deadline:	N/A

**Background and Alternatives Explored:**

Wishcamper Development LLC owns and intends to subdivide property adjacent to the future extension of England Boulevard to be constructed with the Mullan BUILD Project. The Developer desires to evaluate design changes to the BUILD Project to better align with the proposed Subdivision, which may include changes to the road profile, storm drainage, intersections, and utility stub outs on England Boulevard. The City is amenable to considering and potentially incorporating Developer’s desired design changes, so long as the City does not incur additional design expenses to conduct the evaluation proposed by Developer.

The development agreement provides for the following:

- Both parties will evaluate the feasibility and benefits of design changes for both England Boulevard and the Subdivision.
- All changes will go through a Contract Change Order (CCO) process if deemed feasible by the City.
- The developer agrees to pay the engineering costs to evaluate the feasibility and prepare plan revisions as an amendment.
- The developer agrees to pay any additional construction costs associated with design changes.

- The developer understands that the Subdivision is not approved and accepts the risk of future changes to the design in the review process.

To avoid a conflict of interest, the City will contract with the Mullan BUILD project engineer (DJ&A) to evaluate these changes.

**Financial Implications:**

N/A

**Links to external websites:**

<https://www.mullanbuild.com/>