

Journal of Proceedings

Missoula City Council

January 10, 2022, 6:00 pm

ZOOM Webinar

Members Present: Stacie Anderson, Mirtha Becerra, Daniel Carlino, John P. Contos, Jordan Hess, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

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

2.1 Minutes from the January 3, 2022 Meeting

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

Public Works Committee, January 12, 9:00 - 10:00 a.m.

Land Use and Planning Committee, January 12, 10:15 - 11:00 a.m.

Public Works Committee, January 19, 9:00 - 9:20 a.m.

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

4. PUBLIC COMMENT

Mayor John Engen This is your opportunity to comment on items not elsewhere on the agenda this evening. Any general public comment this evening? Mr. Harmon.

Dave Harmon Thank you Mayor Engen, City Council members, and staff. Good evening and thanks for this opportunity to provide public comment. My name is Dave Harmon, and I would like to make just 3 brief comments. First, I'd like to welcome the 4 new City Council members. I certainly take my hat off to anyone willing to step up and serve the public in this capacity. I know what a commitment this entails. Secondly, I want to again thank Council Members that adopted the 100% Clean Electricity Resolution. Also, I would like to remind all Council Members that while the goal to reach 100% clean electricity by 2030, seems like a long ways in the future, the interim goal of 80% clean electricity is just 3

years away: that's 2025. So, I just want to remind everybody of that. Finally, I would like to encourage all Council Members and the Mayor, if you haven't already done so, please watch that Netflix movie *Don't Look Up*. If you haven't seen it, you know on the surface, it's a movie about a huge comet or meteor that's headed for earth and will destroy life on earth, if not stopped but you'll quickly notice that the movie is an allegory for climate change. It's supposed to be funny, but I found it deathly serious and extremely frightening because it exposes how unbelievably badly we've dealt with this impending crisis. So, if you get a chance, I hope you'll watch it and maybe connect the dots between this movie and what you can do with the 100% Clean Electricity Resolution. Thanks for your attention.

Mayor John Engen Thank you Mr. Harmon. Seeing no additional general public comment this evening, we'll move on to our consent agenda.

5. CONSENT AGENDA

Mayor John Engen Items there, pardon me, were approved unanimously, generally speaking, in committee meetings. We save a little time on Mondays by considering these items as a package. My dog is barking which is why it works better for me to preside over these meetings at my office. I apologize for that. Ms. Rehbein will read the list of consent agenda items aloud so folks viewing the meeting will know what we're considering, and we'll take comment on these items before we vote. Ms. Rehbein.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Hess, Alderperson Jones, Alderperson Jordan, Alderperson Mike Nugent, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

Vote result: Approved (12 to 0)

5.1 Accounts Payable (claims) for checks dated January 11, 2022

Approve accounts payable in the amount of \$781,286.96 for checks dated January 11, 2022.

Vote result: Approved

5.2 Brownfields Assessment Professional Services Agreement

Approve and authorize the Mayor to sign a Professional Services Agreement, not to exceed \$400,000.00 over four years, with WGM Group, Inc. to provide Phase I Environmental Site Assessments, Phase II Environmental Site Assessments, site cleanup planning, and other services related to environmental assessment.

Vote result: Approved

5.3 Council Appointments to Local Emergency Planning Committee, Community Forum, City County Health Board, Transportation Policy Coordinating Committee, Missoula Civic Television Advisory Committee and Clark Fork Market

Confirm the council members be appointed to the corresponding community board and liaison positions as listed below:

Missoula Civic Television Advisory Committee: Daniel Carlino

Local Emergency Planning: Sandra Vasecka

Community Forum: Gwen Jones

City County Health Board: Amber Sherrill

Transportation Policy Coordinating Committee: Mirtha Becerra

Vote result: Approved

5.4 Referral – Professional Service Agreement with Herrera Environmental Consultants for Levee re-certification support

Approve and authorize the Mayor to sign a Professional Services Agreement with Herrera Environmental Consultants for Levee re-certification support in an amount not to exceed \$61,346.00.

Vote result: Approved

5.5 Referral-Confirmation of Police Officers

Confirm Police Officers Joel Diaz, MacKenzie Ranger and Kayla Weishaar

Vote result: Approved

5.6 Referral-Purchase 1 Type 3 Engine and 1 Staff Vehicle

Authorize the Missoula Fire Department to purchase one Type 3 fire engine from Hughes Fire Equipment and one staff vehicle (¾ ton pick-up), being purchased through the Group Purchasing Organization (GPO) named Sourcewell in the amount of \$400,000.00 and \$40,000.00 respectively.

Vote result: Approved

5.7 Appointment to the Missoula Consolidated Planning Board

Confirm the Mayor's appointment of Dori Gilels to the Planning Board for a term beginning January 1, 2022 and expiring on December 31, 2023.

Vote result: Approved

Mayor John Engen Thank you Ms. Rehbein. Any Council members care to comment on any items on the consent agenda this evening? All right, seeing none, anyone in the audience care to comment? Seeing none there, we'll have a roll call vote.

Mayor John Engen And the consent agenda is approved.

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

7. SPECIAL PRESENTATIONS - None.

8. PUBLIC HEARINGS

Mayor John Engen We do have two public hearings. State law and our own Council rules set guidelines for inviting comment on a variety of issues, in a formal way, pardon me. Following a staff report on each, the Council and I will invite comment. Council will not take final action on these items until its next regular meeting, which is 2 weeks from today. So, the public hearings will remain open until Council takes these items up for final consideration. Our first public hearing this evening is on the Master Fee Schedule for our Parks and Recreation programs, and our staff report this evening comes, as always, from Ms. Kinsey.

Shirley Kinsey Thank you. This is year 16 you guys....

Mayor John Engen For me too Shirley.....(laughs) 17 sorry.

Shirley Kinsey Oh my gosh. So, so thanks so much. I'm gonna, I'm gonna share my screen here. Can you see that?

Mayor John Engen We can.

Shirley Kinsey I, I am so excited every time that works. So, this is, this document is an annual process that we get a public process that we go through to set the facility reservation contracts and permits and programs fees for the year. We're required by Montana Code to hold the public hearing before increasing any fees and our annual process includes informing and reviewing with the user groups. We get a review and approval from the Parks and Recreation Advisory Board who also looks at our policies for implementing fees. So, they, they approve those this year. The review by County Parks, Trails, and

Open Space Board, as it pertains to Fort Missoula Regional Park. That's a partnership that we have with the County to operate that as one park. The Park and Conservation Committee does a review and then this public hearing. So, why do we charge fees? Most fees are, are connected to additional services that are provided beyond normal maintenance levels. So, when we look at fee analysis, we, we do a lot of analysis to make sure that we're not over charging anybody for, for services. We look at wages, staff wages, supplies, what they're actually requesting, what, what services we're providing, and some utilities directly associated with those facilities. We essentially have four funding mechanisms. The General Fund, the Park District, our fees and donations, sponsorship, grants and, and our bake sales. So, our fee strategy in general is, is to work towards a break-even point and generally, we look at, at cost recovery expenses that are directly related to the extra services that we're providing. So, this is a simplified slide representing the, the Fort revenues and there's essentially three budgets represented here, and you can see from this oversimplification that, the over two, what over 2/3 of our revenue out of the Fort are tax base supported. So, the Park District one and then the county contribution are all tax support. The rest are generated from fees for the extra services that we provide. So, some of the typical services that we provide; I picked out some examples. So, somebody say someone rents a, a softball field and they expect to have the field prepped. So, that means that the outfield foul lines are painted, the infield is drug, chalk lines are on the bases and the batter's box, and the lights are available when it gets dark. For our shelters, it really helps with planning. We get a lot of reservations for our shelters every year from reunions, celebrations of life, weddings, gosh you name it, we've seen it and, and people that rent shelters for their events expect that when they show up, it's reserved for them for the day, the shelter's clean, the garbage is reasonably serviced, and the restrooms are clean and accessible. The last example is a special use permit and usually expectations are, is there's no user conflict with that facility for the day, reserved facilities are clean, and the area is prepped for the event, per the customer's request. So, why do we charge fees? Fees generally increase our ability to serve more residents by expanding capacity. It allows increased value or quality of services that we provide. It reduces conflict and challenges, having facilities on a site reservation system. And through statistically valid surveys, we've learned that the majority of Missoula taxpayers express a great deal of satisfaction and support for park facilities, trails, recreation programs, and the opportunities that we provide. These same taxpayers indicate that while they support the overall mission and opportunities that we provide, they'd like to see those who are directly benefiting from the use of facilities and services pay the cost for those. Why do we increase fees over time? This year obviously inflation has grabbed us, for the cost of doing business. We're looking at a lot of supply shortages, along with costs increasing across the board

from 10 to 25 plus percent. That includes our operating supplies and office supplies, gasoline, repair supplies. Our purchase services have and will increase or will increase including natural gas, electricity, water, wastewater, or telephone, licensing dues, software contracts and profession maintenance services and lastly, our staffing costs. We've got to be able to pay a competitive wage so we can recruit and retrain, and retain qualified employees who in turn provide residents these multitude of services. So, so fees paid basically determines who can play, participate or reserve a facility and small incremental increases are generally more acceptable to users and residents. The proposed fee increases for pools will not, will not, won't fully cover the costs related to the inflation we've been seeing but, but they'll help. We really should have asked more but it's the law of diminishing returns there. Missoula residents please remember that Missoula residents are all eligible for a 20% discount on programs and access to the Currents and Splash aquatics parks. Generally, fees are a regressive system, increasing fees generally affects those who can little afford to pay the higher prices. So, in order to retain a higher level of access for, for those people. We continually work to maintain a robust scholarship program and the, the families and individuals basically self-identify their needs. So, this program, this program needs additional support based on, on what we've seen in the last two years. In Section 1, the softball diamonds, generally most of the fees are going to go up 10%, the field's 10%, prep fees 10%, the lights at McCormick 20%, and the Fort lights 10%. The hourly rate increase for, to rent a softball field at McCormick or the Fort will increase to \$20.75/hour and for all day tournaments, all day field reservation is based on a 10 hour day. At Playfair, the baseball and softball fields will increase 10%. The multi-use fields at Playfair Park will also increase 10%. So, a little prep before we get to the Fort fees. This last, in 2021, in February, we put together a turf working group and the group was established to gather facts develop goals and priorities to make recommendations to us regarding the management of the Fort multi-use triangular fields, rectangular fields. That would be funny if they were triangles. The goal, the goal of this group was to establish clear and open lines of communication between the turf users and us, and resulting in recommendations related to management of the turf fields in order to meet their desired outcomes. One of the relevant recommendations was due to a professional turf audit we had done. And due to the hourly use of each field out there at the Fort, it was recommended that our current maintenance level sitting at a 3.17 on a scale from 1 to 5 needed to increase to a 4.25. So, that was a that was a pretty big jump, and it was recommended that we do that through additional maintenance and with aeration and using a liquid fertilizer more often than what we do, normally do with granular fertilizer. So, Park Operations, this past year did a test run of the system. They borrowed equipment from the cemetery. They have a liquid fertilizer spreader and deferred maintenance and

supplies from other areas at the Fort, and generally saw really positive results but just not sustainable with borrowed equipment and without staff to dedicate to that, that project/job. So, therefore, the, we put pencil to paper and ended up coming up with a formula to help support hiring an additional person at the Fort that would be dedicated to this task of maintenance on these rectangle fields. So, the two, the full sized soccer field and the 77 fields will increase in price by 52%, from \$21.00/hour to \$32.00/hour, and then from \$15.75/hour to \$24.00/hour. So, that's a pretty significant jump and that was a recommendation from the turf working group who is represented by soccer, lacrosse, rugby, and ultimate frisbee, basically our four big user groups. The Bella Vista turf increased by 21% and essentially what we found, that our, the rubber that we use is a virgin polymer and we're finding that it breaks down easier than what normal rubber that's ground up from tires. So, we're having to replace the infill every couple of years, which is a significant cost. Our infield is healthier, but it doesn't hold up as well as the stuff that's laden with chemicals but it's better, better to run on. So, so with these, with these increases, we added some policy that I want to share with you. I don't usually bring policy here, but I think this is really important. I know when I heard 52% increase, I was freaking out with my programs. So, I knew what micro strikers in the YMCA were going to think. So, we developed a, the ability to provide a discount for youth developmental programs or programs that include adults that meet all the, these criteria, but they're designed specifically for inclusion of individuals that are otherwise have no access. So, essentially, it's pretty, it's pretty straightforward. They just need to be in good standing, they follow the City's Non-Discrimination Policy, it's open to all youth. The youth that do register get pulled, put on a team. Youth have an opportunity to play every game. Coaches receive some kind of training that fosters positive youth development. Scholarships or financial aid program is provided and easily accessed, and then annual reporting. The, the multi-use fields in the neighborhoods all increased 10%, along with the football fields. The volleyball, outdoor volleyball courts increased 10%. The Moon-Randolph Homestead consolidated special events in their wedding ceremony. So, actually a reduction there, for, to match their special events fee. All of our park shop shelters will increase 10% percent throughout the system. At Fort Missoula, we will increase the, the shelters 10% as well. In addition, we need to start replacing some of the amenities that we rent. So, the, the tables, tables and chairs will increase from \$6.00 to \$10.00 and the chairs from \$1.00 to \$2.00, and we're adding a mobile HQ trailer for to help with tournaments. The Ponderosa meeting room out at the Fort, we, we actually ended up deleting this from the Master Fee Schedule. It's getting harder and harder because we no longer have it available for rent just because of the office and storage space challenges that we have out there. The sports and wellness center at City Life Gym, we terminated the annual agreement as of July 1st of this

past year, but we continue to have a good working relationship and partnering with, with Youth for Christ and City Life so. In Section 2, every, all the permits pretty much stayed the same, same price. Amplification, amplified sound, I added the reference to the ordinance that passed earlier this fall. Marshal Mountain is coming online here with us, with the agreement that we have with the City-County, Five Valleys Land Trust, MBT, and Izzy Dog. So, we patterned the fees, generally after the conservation lands, these into small, medium, large, extraordinary fees, fee structure with a number of participants and then we also added a surcharge for closing trails or closing the entire area. We have a permit for commercial outfitters, an educational permit, and that patterns after the conservation lands management permits and a youth sports team permit that essentially runs for seasons, July 1 through December or January through June 31st. There have been some comments about closing the area and have, charging a surcharge but historically the, the past events happening up at Marshall Mountain generally related to larger national level, collegiate, and professional mountain bike racing and, and we expect for those events to be back within the next few, couple of years. So, so for safety standards and to meet the UCI standards, we really need to control access to the racecourses. You can't, just for safety, you can't allow public, the public on a racecourse while someone's careening down it. With the interim permit, we had to decide whether we needed, we were going to prohibit these type of large events, which was not the, the property owner's wishes, current property owners wishes, or to allow them and, and go with temporary closures. So, in general, we anticipate, in the next two years that we would have closures for two to six days total, throughout the year, and then we hope that our, our management experience this year and in, in 2023 will inform us and help us develop the official permit system for Marshall Mountain, assuming that the City and the partners are actually able to purchase the property. Aquatics fees, this is, this is a long presentation, I'm sorry you guys. The aquatics fees will all increase 50 cents; it's a 6.5% increase and you can see that, that with the, the red on this on this side is the City Card discount. So, even with the increase, the fee is still less than the current regular rate. So, we try really hard to, to provide those discounts for, for the City residents that, that pay, that help fund us. The aquatics, the aquatics facility is basically a flip from the Fort. It's an enterprise fund. So, you can see that that fees for services make the majority of our, our revenue and we, we're hoping with the 50 cents increase that will close this gap, this \$71,000.00 gap, \$50,000.00 to \$60,000. So that's our, our hopeful target. We, like I said, we needed to probably raise the rates to \$1.00 but chose to just stay with 50 cents. We've got 9 different options to buy down an aquatics pass, and remember that on top of all these options there's a 20% discount. So, we try to make it as affordable as possible, and we do have the scholarship program. The teams and adventure ropes course will increase 10% due to wages,

supplies, and inspection fee increases. The urban forestry, so, so these new programs here won't affect the traditional tree replacement program or any tree planting that will be done through the reforestation program. So, so the, the number 4, Missoula's Urban Restoration Program, is to assist adjacent property owners in planting new trees in the boulevards, \$750.00 per tree and this fee will be, is the purchase for the tree, the planting in front of the resident's house. This fee also helps by, for each tree purchased, approximately \$200.00 will be deposited in a scholarship fund to be used to increase reforestation rates in underserved areas. We also have a memorial tree dedication program now. The fee will be \$1,500.00 for a traditional tree with a plaque and the fee will support planning and the long-term care, for long-term care and I believe it's a five-year long-term care. In developed parks, they added the memorial bench program, and you can pay to refurbish an existing bench, adding an ADA pad where, where it's accessible, or you can buy a new bench and they have options for a backless series or a bench with a back. And that's the end of the presentation.

Mayor John Engen Thank you Ms. Kinsey. That was thorough and I appreciate it. With that, Shirley, if you wouldn't mind removing your screen share, I will open the public hearing. And anyone care to comment this evening? Mr. Loomis.

Matt Loomis Hi, thank you. Let me un-share my screen with myself, excuse me. Thank you so much. Happy New Year. Congratulations to those newly elected. My name is Matt Loomis. I live in Missoula and I'm going to start by saying I'm not just a supporter of Parks and Rec, of trails, conservation, land stewardship, I'm also a donor. I'm a contractor or have been a contractor for parks, a partner, a renter, and I even work part-time for them. I, I'm an ally but I'm speaking tonight asking you to formally oppose this, come up with something better. Even with what I'm, I'll be saying here, and I'll try to go quick, Parks and Rec Director, Donna Gaukler, actually agreed with, with this statement during a December Parks board meeting. Be assured I'm not just complaining about cost going up. It stinks, everyone can agree with that, but I do take issue that these are annual increases for what are mostly good reasons, but reasons that those who approve these should be aware of and you should take this into consideration. Increases in parks expenses have gone up and I'm not questioning that, but I question that parks is just being tasked with doing too much with too little. As the City grows, you, you install new parks, trails, open space, you buy big mountains pedestrian facilities, bridges over South Reserve, landscaping, sports fields. The number of users grows but the budget does not grow with that. For decades, this has added undue burden on Parks and Rec, maintenance and operations fall behind. In some cases, these are planned like the Fort Missoula Regional Park, but the fallacy there is that nothing was budgeted for maintenance and ongoing ops. So, this comes out of their working budget, most

responsibilities then are just kind of dropped in Parks and Rec lap and they have to figure it out. They're tasked with maintaining so many different things, but their budget doesn't keep up. I can't stress that enough. The City's done a great job, I think, of trying to give employees better wages and benefits, partially at the direction of City Hall but the departmental budgets like Parks and Rec do not increase to cover those costs. So, Parks and Rec has to pay more, that's great but they're not given the money to do that so now they have to find money, and this isn't right. City Council should be allocating funds for these additional costs, especially ones they say they need to pay for just as they do for other departments. Parks and Rec has minimal ways to increase revenues. The main avenue though is through increasing facility rental rates; that's basically what Shirley was just saying, but that also double taxes users. If I want to use a public trail, which requires maintenance, requires planning, building, property acquisition, I don't have to pay to use it. I'm already paying with my taxes and with the park district but if I want to rent a field, I have to or I want to use an open space I have to pay now. The 2022 proposal has an average suggested increase of 10%: that's astronomical. Additionally, there is and was not feedback from user groups prior to forming these annual rate increases. I am a user group; I'm part of one. We were informed that there be pending fee increases; this is an annual thing. We are told but there was no opportunity for discussion. Turf users, I'm also told, were not completely on board with this. So, please don't take everything as gospel. Frankly, not all user groups get what they're paying for either, so increasing fees make zero sense. The services provided don't justify these increases or the existing pricing structure and I understand that's a different argument. What maybe concerns me the most though is that the increase in fees for individuals and groups to use public parks leads to a smaller population able to use them, lob diminishing return, just like Shirley mentioned. Recreation is literally in the department's name but much of the general public is priced out of being able to do that. It's great that they're adding this new discount policy but just stop, don't make these ridiculous increases and then you can have less policies to enact. While I hear and respect what Shirley said about increasing fees on user groups who use facilities, I get that. Parks and Rec should not be a revenue driver and it's not set up to be one. Proper budgeting and support could allow Parks and Rec to handle basic expenses or increased expenses on their own, at least without constantly increasing fees. You should be aware that on the park's website, it actually states "equity is about ensuring everyone receives the appropriate investment for where they are." The same principle is true of park use and access. Parks and Recreation works to ensure all residents have equitable access to programs and services regardless of ethnic origin, socioeconomic level, etc. This goes against their mission statement. As far as the law of diminishing returns, I agree. There, there were three adult softball organizations for example, as well as adult

football. There is no more adult football because fees went too high. One adult softball organization folded because of fees. Another could go under because of fees. Another, the main program, has probably seen a 25-33% decrease in teams since the new Fort was built, which means the fees skyrocketed. That's great that we have a youth scholarship program, but we shouldn't have to rely on that to allow kids to participate. That's, that's ridiculous and there is no such program for adults. Lastly, while there is a concurrent plan to add an expensive addition to the batting cage area at the Fort, it's not a good look right now. That we're going to be going to the public for money to add to the Fort complex and we're also raising rental rates 10% is bad optics. Finally, thank you for your time but I asked City Council to properly fund Parks and Rec and it's not too late. Instead of continuing to pass exorbitant fees onto user groups, ask them how much money they need, and then give it to them. Do not support this proposal and the associated fee increases. Thank you very much.

Mayor John Engen Thank you Mr. Loomis. Seeing no additional public comment, this public hearing will remain open for the next two weeks. Are there questions or comments from Council members? Ms. Jordan.

Aldersperson Jordan Thank you Mr. Mayor. Shirley, I just wanted to ask a couple questions. I think where I'm kind of having some struggles and understanding is with the Marshall Mountain all-day rental rate of \$750.00 a day. I see that as kind of an unequitable proposal. So, you know not anyone can afford that, it doesn't seem like there's probably a scholarship program for folks to do that, and I'm kind of curious how you folks came up with your anticipated rate of about four days a year that this might get shut down. I have a friend who runs a business that relies on access to Marshall Mountain, and it would affect his business, let alone all of the other folks who love to go to Marshall Mountain. So, I'm just curious how, how you folks came up with four days a year anticipated shutdown. And I do have another questions, if that's all right as well?

Mayor John Engen Yeah.

Shirley Kinsey So, so generally we looked at past history and the events that have taken place annually up there. We did a meeting with about 20 user, users that helped guide our process and I brought Jeff along to, to give any details that that I am unaware of.

Aldersperson Jordan Thank you.

Jeff Gicklhorn Thanks Shirley and hello everybody. I'm Jeff Gicklhorn, I'm the Conservation Lands Manager for the City of Missoula Parks and Recreation Department. A couple of things, I know that there were questions brought up during the Parks and Conservation Committee meeting. You know, as a reminder, this is an interim permit. So, right now, the City does not own the property and so we're

looking at a way to facilitate sort of historic use of the property, in the sense that there have been large-scale permanent events in the past, given the constraints of the current construction of the site and trail system. And so given that, as Shirley has said, prior large-scale recreation events have closed the entire site. Remember that it was private property; they had the ability to do that. So, we are working within the constraints of the site construction at this time. That being said, you know this is again a two-year interim permit. The idea with the sort of public visioning for the site that's happening right now is that we have the ability to potentially plan a system or a site that allows users to circumnavigate the permissible area. So, in the future, if there is a large-scale recreation event, again let's say a collegiate mountain bike race, that would only affect sort of a core of the property and that users could then access portions of the site outside of that. Again, in an attempt to provide you know more equitable access at that time. Given the constraints of the system and I've been out there many days since we signed the lease agreement that it is really challenging. Many of the trails crossroads, and so, especially for a, again collegiate or professional level event, you're going to have significant danger both to non-permitted recreational users, as well as permitted recreational users due to the speeds that a race may occur at. And so that's where the worry is about, you know public safety as well as user safety.

Mayor John Engen Jeff or Shirley, I'm, I'm going to take a leap here and do we know what previous owner charged for access to the private property?

Jeff Gicklhorn We, we don't have hard numbers on that and in fact, in many cases I think that Bruce Doering didn't charge users, you know for smaller scale events. For larger scale events, they did. I don't have a fee schedule that they use and to some extent I think it varied based on who was applying and what the size or type of event was.

Mayor John Engen Thank you. Ms. Jordan. Do you have a second question?

Aldersperson Jordan Thank you Mr. Mayor. My other question is about, like who can? I mean, I think I already know the answer, but it sounds like anyone with \$750.00 dollars can shut the shut Marshall Mountain down for a day. Is that correct? Or are there certain conditions or requirements, like it has to be a public event or I'm not sure what they might be, but can like if I had 750 bucks, could I just shut it down for the day?

Jeff Gicklhorn So, there's two things. One, when somebody applies they're just like any other permit application whether or not it's a conservation lands permit or a use of developed park, that still has to be vetted by staff and so if someone was to submit a proposal, you know an application, and say I have you know a 50-person event and I want to shut things down. We have the ability to say no that's not reasonable, right. Generally, we're only looking at you know sort of exclusive use of the property for

those very large or extraordinary sized events. So, the you know 600 plus person and that's participants not including spectators and the way that we've structured the application period. There's an open application period that runs; it's intended to run until January 31st it's being set back this year because of this process. We then vet all applications for the season at the same time to make sure that one, an event is not you know it's not being closed day one, day two, day three, day four, right. That any impacts to regular public use of the site are minimized and then also spread out throughout the season.

Aldersperson Jordan Thank you.

Mayor John Engen Questions? Mr. Carlino.

Aldersperson Carlino Yeah, my question was going to be what percent of the new increases to the Parks and Rec budget is coming from fee increases?

Mayor John Engen So, we, Mr. Carlino, we haven't, we haven't established what the budget is for next year so...

Aldersperson Carlino I guess...so there was four ways that that we can fund Parks and Rec, and it looked, and I was curious if with all these new things that Parks and Rec needs, is it all trying to be funded through these fee increases or is there something else?

Mayor John Engen No. So, traditionally, traditionally, like every city department, there is almost always more need and more want than there is money and so we're, you know, Mr. Loomis' comments really go to we, we have a, we have a choice of how we make this as equitable as possible to continue to provide the services that we provide. And so, in the case of user groups, some of which are non-profit, yet, yet still charge their participants to, to engage in their activities. We're trying to recapture at least some of those costs, so that, so that we're not reaching into the parks district and increasing taxes broadly to, to pay for those services. You look at our, you look at any other city department that provides services, we have costs for service on almost everything, that is a direct service to a user or an end user. So, a rezoning for example, there's a significant fee that comes with that. There are fees that come with when we fingerprint someone for example because they need fingerprints done for an application of some kind. We're, we're doing our best to balance that general taxation, property taxes, and, and fee revenue, and looking for the magic equity there. For me, having experienced these increases over time, what we see is; one, we're not turning anyone away by virtue of our scholarship program. Two, we're pretty flexible and we actually do listen to user groups and I'm not sure that I would necessarily agree with Mr. Loomis' comments with regard to how we do that. So, this really is about finding that balance, particularly in, in specialized facilities like those at Fort Missoula Regional Park, which were designed for, for in some cases very high-end use. We don't, we don't have, before

Fort Missoula, we never had a turf field with lights where you could basically play all year round. So, again, we're trying to strike that balance between, between property taxes and hiking them, and, and having users who get direct benefit, as a function of their specific needs met. We could, we could fund, entirely fund Parks and Rec all day, and I'll bring you a budget that will increase taxes about 150%, which we can't do for a wide variety of reasons, not the least of which is I don't think we want to do that to people. So, again, we're trying to find this middle ground. Ms. Vasecka, question?

Alderson Vasecka Yes, I actually have three questions. The first one is I was wondering if we can get the slideshow attached to the agenda? It had a lot of great information on it, and I want to look it over again.

Mayor John Engen You bet.

Alderson Vasecka Okay. And so, regarding for example the McCormick softball fields. So, for example, if somebody wanted to, like if it's not being used and somebody wanted to teach their kid how to use a bat for like 20 minutes or so? Are they expected to pay that hourly fee or?

Shirley Kinsey No: it's a first come, first served.

Alderson Vasecka Okay, and then I was also wondering, how come there's only a non-swimming rate for seniors? Is there any way for non-swimmers to go into Currents or Splash and pay at a discounted rate if they're not seniors?

Shirley Kinsey We have a non-swimmer rate for adults and seniors.

Alderson Vasecka Oh, oh okay.

Shirley Kinsey Yeah.

Alderson Vasecka All right, thank you very much.

Mayor John Engen Mr. Nugent.

Alderson Mike Nugent Yeah, given Councilman Carlino's question, you might not know the answer to this Shirley, but I'd be curious if, if there's a projection. And if I missed it in your presentation, I apologize, on what the fee, increased fees will bring in, in increased revenue? That must have been part of the conversation on some level.

Shirley Kinsey I, I don't have it all added up.

Mayor John Engen Yeah, so Mr. Nugent, we would have done this on a, we would have done this based on a cost analysis rather than, you know, we're not thinking about, we're not thinking about revenue. We're not thinking about revenue sort of beyond cost recovery and we continue to subsidize, you know, all of this is subsidized to a certain degree already. So, we're really just trying to, trying to determine what that subsidy is based on cost recovery, but we can get those numbers for you.

Aldersperson Mike Nugent Yeah, I, I can appreciate what you're saying Mayor but when we have the public comments saying oh just fund it. It'd be nice to understand like what is the, what is the difference we're expecting with the increase just so that we understand it better?

Mayor John Engen We can run that to the ground. Ms. West.

Aldersperson West Thanks. I, I just had a, a couple of comments. And one was that Fort Missoula obviously was a bond, a bond; we'll just stop there, which has limited things it can fund. And I, I just wanted to remind folks of that because we have a bunch of new City Council members and the only thing it could do was really build Fort Missoula and buy say like lawn mowers that are going to be used out there but the actual maintenance and running of Fort Missoula is not something that was, can be funded by bond fund. So, I just, just wanted to provide that context based on some of Mr. Loomis' comments. And then my second comment is around polling permits. If you've never pulled a permit from Parks and Rec, it's not quite as simple as just paying, paying the money. I've pulled permits several times just for the Northside - Westside softball game and there are things you need to provide like a considerable amount of insurance for example, for a public event and I imagine that would go up significantly for an event with 600 people. So, it isn't just you know paying the fee. There's more you know, there's more vetting that goes into it than that, which you know really, I guess validates who you are and what you're doing out there or in a in a public facility and not that it's an arduous process, but it is a vetted process. So, that's all I have for the moment.

Mayor John Engen Ms. Sherrill. Amber you're muted.

Aldersperson Sherrill I hit it anyway. Okay. So again, thank you for the presentation and you know I, I believe in user-based fees for the reasons that I think that the Mayor articulated, but also you know we our community has an insatiable desire for parks and conservation lands. I've learned that working with Five Valleys. Hold on....I'm really sorry about that my this is working at home, but you know I also don't think that everyone in our community is using those, those resources and I think that user-based fees make sense for that reason, and I appreciate Mr. Loomis' comment that that we need to fund these things, we need to take care of them, and they're great community benefits, so but everyone is not using them the same. So, you know with regard to Marshall Mountain; that is a really new thing being with Five Valleys for so many years and also talking about that as being part of the bond during the open space bond campaign. You know, this was a new thing and there will be envisioning we don't own the property yet and there's going to be some envisioning by the community of what that looks like as we move forward. I guess my question, I also want to say that like these mount these I can't remember the numbers because it was a long time ago, but I gave a speech on this one time the mount, this national

mountain bike race, this level of event in our community brings a lot of great things to our community as far as people eating in restaurants and staying in hotels and going to businesses. So, I do think there's an economic development component to some of this but, I, I don't want to be completely lost, other than just a public benefit. My question, I think for Jeff, if he's still here? I can't tell who's there, is with the evaluation process, I really appreciate that I was going to ask about the calendaring and how you did that because I wouldn't want to see it closed for multiple days in a row for different organizations? I understand that mountain bike races can be more than one day. Are you in that evaluation process? Are you looking? Are they like, what are you taking into consideration and who applies for those? Can you give us a little more information on what you look at in that process other than just the calendar around giving those permits for day closure?

Jeff Gicklhorn Yes. So, there's a few things. So, again remember that we have variable sizes right so we have small, medium, large and then we actually ended up splitting the large into a large and extraordinary size event to account for the fact that for example small level or small size events, you could have multiple events happening at the same time. Right, where they're not closing the property; they're not looking for exclusive use of a trail. That could be, let's say a, a clinic of some type right, summer or winter. There's potential trail use but it's a, it's where somebody is collecting a fee, they're providing a one-time service, they're using the site with larger than 10 individuals and so therefore you know essentially they're reserving their ability to be in that space at that time. So, we look at a lot of things including whether or not somebody is a community organization, whether or not the event is for-profit or non-profit. If those assessments don't necessarily dictate whether or not somebody would be able to hold their event, but it does inform, you know, again, if we're focusing on making sure that the community has access to the site as much as possible. You know, we have discussed with users potentially moving their events to create a seasonal schedule right, so, shifting events. We don't want it to be closed every Saturday in the month of June for example, that doesn't make sense. That being said, the end result of that open application period, then working with applicants is that we have a seasonal calendar that we can publish to the public. So, for those few days a year where there is restricted use, or it's closed they are perfectly aware of that. So, somebody doesn't drive up to Marshall Mountain, get there and hit a thousand people at a large event right. So, the community is very aware of that.

Alderson Sherrill May I have a follow-up Mayor?

Mayor John Engen You bet.

Alderson Sherrill So thank you, I appreciate that, but as your review, I guess as you're reviewing the application, if my application for to, to close Marshall Mountain for a day says you know that Amber

wants to sit on the mountain and feel like the queen. You know, you're gonna approve that. So, I mean, like is, is there any more you can give me with regard to that? And I think that was a little bit of Kri and I think that was a little bit of Kristen's question.... is you know, just making sure, making sure that we're not just letting someone that has the money to do that for a day for no, no community benefit, no economic benefit, no engagement of our, our community, you know can do that.

Jeff Gicklhorn Yeah, that's a great point and I think that again, it's hard to know exactly what applications we'll receive. We haven't received any at this point and there will be an open period. You know again, that opens after the public comment period. So, I think that you know those events that contribute to the community in some way right. It could be economic; it could be in building, you know again we have this I forget who said it, sort of insatiable outdoor recreation appetite in Missoula. Right, so, we're building that community, that's why we actually added the youth sports team category, right. That those, those events that build the community and also strike that balance between allowing access and very occasionally closing access will be considered. I, I don't want to say that we're not going to consider a particular type of application because I actually don't think that is equitable, right. If we're going to take in all applications for a single period, determine what we can allow, and minimize any impacts to the public who want to use that site, while also allowing for the sort of permitted use of the site and again in ways that are not always compatible with, when the site is open to the public. Again, that we think that's a minority of applications. It's striking that balance and remember that as, as we said this is a two-year trial permit period. So, we're trying to figure that as we go. We're actually afforded a really unique opportunity that we can try this before then implementing a full-scale, you know, permit system and site management in future. So, we can work out those kinks within the next year or two years.

Mayor John Engen And as part of our public process, we're continuing right? We, we don't, we don't know the full extent of programming on Marshall under municipal ownership. So, that's, that's a big part of the process that Jeff and the team are engaged in right now with the community is sort of understanding what, what everyone thinks appropriate uses are. I think, Ms. Sherrill, they have already, however, acknowledged that Amber's queen use is not something we're gonna trot out but they're you know, we, we may find that, we may find that that our residents suggest there are certain uses that we should simply rule out of hand because they're not practical, they're not equitable, etc., or compatible for that matter.

Jeff Gicklhorn And I just would add that I think that the, those allowed uses or disallowed uses will come out of the public visioning process.

Mayor John Engen Okay. Further questions Ms. Sherrill.

Aldersperson Sherrill No, I really appreciate that, that clarification and, and I also appreciate the fact that we, we have this two-year period that we can kind of figure this out and I think that's important to remember as well.

Mayor John Engen Ms. Becerra

Aldersperson Becerra Thank you Mayor and I have a question and a comment. First, I would like to thank Shirley for, once again, bring us a presentation with a lot of information. My question is, I should remember this, but old age is catching up with me. It seems like a lot of the, like the, the fields, the increase is about 10%. Do you know what it was last time, what percentage increase we approved?

Shirley Kinsey We had no increases in 2020. In 2019, 5% sticks in my head for some reason.

Aldersperson Becerra That's what I remember too and so I think it's important to remember that you know we've had a, a huge increase in use of our facilities and, and fees didn't go up last year for a number of reasons, but I appreciate that. And I just wanted to mention that during public comment, the issue of equity was brought up and, and I appreciate that but I want to say that you know our Parks and Rec Department does a tremendous job at following on that guiding principle when they design and provide facilities and programs for the community, but there's also I think the issue of fairness that needs to be brought up when it comes to our fee structure, that I don't think it's fair that all taxpayers have to pay for something that only a certain portion of the population is using, so, hence the, the user fee. So, I, I just wanted to point that out as to why I think it's it goes into the rationale for that fee structure and why I support it. Thank you.

Mayor John Engen Ms. Anderson.

Aldersperson Anderson Thank you so much Mr. Mayor. I guess, I appreciate the comments from Ms. Becerra but want to kind of go back to some of the line of questioning that Ms. Sherrill was bringing up. In the application process, is there within the application itself, is there a, a line or information for them to submit that sort of justifies why it is they're asking for the full closure? That then, I would support Amber being queen and being able to sit on the mountaintop, but I really said that's probably not a, you know, a generally felt reason but it would be great if you kind of put the onus back on them so then if it is a major sporting event, college event, something like that, it could say hey per our whatever governing body rules and we you know to have the facility, we need to have you know it be closed off for safety of spectators and for our insurance or whatever. And then if, when you're publicizing that calendar and so folks can say okay wow Marshall Mountain is closed you know Saturday, Friday and Saturday the second weekend in July, what the heck's going on? Go on and see oh wow, it's this huge

event and sort of like find out a little bit more justification on why that would be closed and so then hopefully, it also offsets and demonstrates a bit of public good that okay, they're expecting 600 participants. If every participant has one support person, that's 12, you know, and kind of multiply it that way. And then I guess, so it's a question and a suggestion but then also how are you engaging folks for the ongoing input in this two-year process? Because if so that people can you know, know where to go and not just wait for the end of the two years. Is it kind of an ongoing system that if you can say hey I really thought that was a dumb reason why you all closed Marshall Mountain in here, I want to give you my feedback of why? How can folks go and provide that feedback?

Jeff Gicklhorn So, there's, there's a number of things in there. So, I, I really appreciate the, you know, putting the onus back on the, the permittee applicant because again I mean if somebody says I'm having a small person, I'm having a wedding let's say and I want to completely close the site, right. This is an example, that if we could work with them to make sure that the site doesn't close, yet they still can have the type of experience that they want that would be preferable. And so again, there's kind of this forth with a permit applicant, just like we do with any other permit process, especially on conservation lands. I work with them to minimize any, any impact that they're proposing. Preferably, they would not close the site. If there are event rules, the UCI race is a great example, where great example where you cannot have spectators of any type across the racetrack, the racecourse and again remember that the, the way that the trail system is constructed, there are pieces of trail crossing roads. They're utilizing roads. It gets quite complicated and therefore there's a public safety and a racer or a user safety issue with having the site continually open to the public during that type of event, but there's a very valid justification that the event cannot occur, as per the governing body's rules without that requirement in place. And so, I think we are, that's why again we have the vetting process. So, if someone says, I just want to close the volume for myself; they can't arbitrarily do that. We have the ability to say no. One, we're not going to permit your activity, but two if you want to have your activity, we are confident that you can do this while also making sure that the site stays open to the public. The second point of the additional information on the event calendar, I think that's a great idea. One, because somebody could say hey there's a huge mountain bike race going on, I want to go see this and be a part of it and it also you know again shares the fact that there's an economic development component to it; that is community building, right. So, it's highlighting the recreation facilities and landscape that we have in Missoula, especially because that level of event draws people from all over the country.

Mayor John Engen Thank you. Anything else miss Anderson?

Aldersperson Anderson Not for right now. Thanks so much.

Mayor John Engen Ms. Jones.

Alderperson Jones Thanks, I appreciate all the information about Marshall Mountain tonight and the roll out of the public process for the next 18 months and how we're approaching all of it, but I wanted to go back to just fees in general. I think we've got new Councilors who are wrapping their mind around fees, and we had we've had some interesting questions and public comment about basically the formula we try and set up between the different funding sources and strike the right sweet spot with how we, how for example. I always like to talk about Splash Montana and Currents because we have a very high value of trying to get kids in to learn how to swim but we also have to finance and fund those entities. So, Shirley my question to you is, I feel like your process is a lot of times, you're really trying to predict the next year, predict what's going to happen and that's where you're trying to hit that sweet spot with fees while making it as accessible as possible but also funding the costs to a degree from user fees, but the example I like to talk about is with Splash Montana you can do all sorts of predictions but if we have a super smoky summer and kids aren't outside very much we although we still have to staff Splash Montana. We're getting less income from those user fees. If we have a cold summer, we're getting less income. If we have a high, a really hot summer with no smoke, which would be great, but we never have anymore, we could, we could do really well with the user fees but we I mean how do you approach that Shirley? I guess what I want people to understand is our general fund is the backstop for when we have a gap there. So, that is where we do have to go to fill that gap, but how do you, how do you read those tea leaves Shirley?

Shirley Kinsey Well I don't have a magic wand that's for sure, but you know we, we do the best we can to just project and, and not project towards ideal conditions but kind of the middle of the road because generally we have smoke in august. You know, there's, there's years, there was a couple of years ago when we had 20 days of over 100 degrees and. and our attendance fell because people didn't want to be out in the heat. So, it's, it's really difficult. I appreciate the question but I, I you know I think that we just try to take that middle ground and look at, at an average number of participants that come in over, over several years to get that that average of what we might see, be able to project.

Mayor John Engen And again, that's, that's, that's part and parcel of budgeting and I think, I want to once again make this distinction right. We're, we're budgeting based on projections and a look back in terms of use, but fees are about cost recovery, not about necessarily filling a gap. Having those fees does fill a gap but it is really about analyzing what's the cost to provide this service and then doing our best to either recover it or at least partially recover it or reasonably recover it, while continuing to subsidize through general fund, tons of operations, or through parks district.

And Shirley, I now have the magic wand, someone gave me one recently. So, I will send that over to you to put to work.

Shirley Kinsey Cool.

Mayor John Engen Ms. Jones, other questions?

Aldersperson Jones No thanks. I appreciate the discussion on this. So, it's, it's doing the best we can to find that sweet spot that works for people in the community while making the budget work and property taxes work and all of that. So, thanks.

Mayor John Engen Ms. Jordan.

Aldersperson Jordan Thank you. I did think of another question while every, while we have the discussion. I just want to say first of all I appreciate everybody's patience while I wrap my head around how budgeting works. I'm gonna ask a question that I think might kind of show my lack of understanding but that's why we're asking questions. My question is, is like we're doing kind of a big fee adjustment right now. We didn't do one last year. It sounds like we did one in 2019. I'm wondering like is there any way to after this kind of just adjust fees according to inflation or is it too complicated or too many layers because there are some pretty significant fee increases this time around that don't kind of correlate with, with inflation? Is that even a reasonable expectation to, to say is it possible for fee increases to parallel in in inflation? Thank you.

Mayor John Engen It is possible. You know, you know we have, haven't done that as, as a practice, really in in any of our fees nor have we done it in utilities for example right. There are there are ways to tie to tie fees and rates to a consumer price index or whatever, whatever recognized metric or index that's available. What, what it, what, what that doesn't do is account for a lot of other variables, including like last year it was just sort of a tough year right with the first round of the pandemic and what we didn't want to do was add insult to injury. Not that the pandemic has gone away now but, but we do have experience with users and recognize that we've got folks who are using these facilities. In fact, in some cases using them more because they're outside. So, that's a perfectly reasonable question. The, the other piece is that is that depending on how the larger budget works or how assessments work as a function of tax collection, revenue in. There are sometimes when, when we have a little more tax revenue that allows us to strike that balance in a different way and so you know again, we're sort of, we're sort of trying to balance these revenue streams and, and be as fair as possible about them but that, that's, that's a method we could certainly deploy. It's not without, it's, it's not, it's not without consequence. Other questions? All right, well thank you again Ms. Kinsey. Thank you all. This public hearing will remain open for the next couple of weeks. I'll also note just for the record that with regard

to Marshall Mountain, the, the engagement we've had is pretty remarkable. I think we hit a record, maybe Jeff with Engage Missoula on the, on the folks who are plugging into that and commenting, and I think that will really shape sort of the community vision for, for how we how we use that facility. And it's always been sort of cobbled together right under private ownership. So, this provides us an opportunity to, to match this facility to community needs, which is a nice piece of business. So, we'll have more on that later.

8.1 Master Fee Schedule for Facility Use, Reservations, Permits and Programs 2022

The City Council will hold this public hearing open until they take it up for final consideration on January 24, 2022.

Mayor John Engen All right, we'll move on to our second public hearing this evening which is, I'm sorry.....

Shirley Kinsey Thanks everyone.

Mayor John Engen Thank you Shirley. We'll move on to our conditional use request for Veterinary Animal Services at 1914 South Reserve and 2432 North Avenue West, and our staff report this evening comes from Ms. Postma.

Deborah Postma Okay, hi everyone. Can you see the PowerPoint screen?

Mayor John Engen Not yet.

Deborah Postma Oh all right.

Mayor John Engen We can see those swank CDPI offices, however.

Deborah Postma Oh yea. Okay can you see it now?

Mayor John Engen Almost, there it is.

Deborah Postma Perfect. So, I'm Deborah Postma from Development Services and just as we have a lot of recreators in Missoula, we also have lots of pet owners. We received a conditional use request from Adam Jones of Cushing Terrell on behalf of Earl Ellingson for Veterinary Animal Services at 1914 South Reserve Street and 2432 North Avenue West. This conditional use is to expand the existing veterinary use if approved by City Council. The existing building would be torn down for the new expanded facility to be built. This new building would provide additional space for the growing practice, allow for new veterinary specialists, and accommodate the large community of Missoula pet owners. For each zoning district, the Title 20 zoning ordinance includes permitted conditional and prohibited uses. This project's requested use veterinary services or animal services veterinary is labeled as a conditional use for its corresponding zoning district. A conditional use is a use that is allowed only if reviewed and approved in

accordance with the conditional use procedures of 20.85.070 which includes this public hearing and final action by City Council. City Council's final action may be to approve the proposed use approved with conditions or to deny. City Council must make their determination based on a list of criteria detailed in Title 20. Not every criteria will apply and only the applicable criteria must be met. Later in this presentation, I will describe how this proposal addresses each of these criteria. So, the subject property... oh I think I skipped a slide sorry about that. Okay the veterinary animal service use is existing at this site. You can see it on the right here, however, per Title 20 requests for conditional use expansions or modifications beyond the original conditional use request excluding smaller modifications must go through the conditional use review and approval procedures. The subject property outlined in red is located at the intersection of South Reserve Street and North Avenue West. This property is zoned B2-2 community business and is located in the design excellence overlay and corridor typology 4. Design excellence is an overlay that applies additional design standards to primary commercial areas and towns for projects for projects located in the overlay. Design excellence review occurred prior to this conditional use review and the project was approved for compliance with the design excellence standards. You can see the zoning designations of adjacent properties on the slide. The surrounding uses include to the north, office space and detached house residential. To the south across North Avenue West, mixed use commercial and residential. To the east, single detached residential and west across Reserve Street, a manufactured housing park. The applicable, the applicable regional plan is Our Missoula City Growth Policy 2035, which recommends a land use designation of community mixed use. Community mixed use designations include a broad range of functions including retail, education, financial institutions, professional and personal services, offices, residents, and general service activities. In the Growth Policy, each land use designation has current relatable districts which help to relate the community's desired direction as it meets new growth challenges. For the community mixed use designation, relatable zoning districts are C1-4, C2-4, and M1R-2. Though this property is not zoned one of the current relatable districts, the districts that would normally correspond to the land use designation community mix use permit veterinary uses by right, meaning a conditional use process would not be required. This slide shows current conditions adjacent to the subject property. To the south, there is a mixed use building and residential houses. To the west, there are also residential houses. To the east is a manufactured housing park and to the north is a hospice. So, here is a proposed site plan. The site includes a parking area screened with perimeter parking lot landscaping. Along the eastern property boundary, there is a 5-foot landscape buffer and fence in order to mitigate noise and visual impacts on surrounding residential parcels. Utilities are screened with privacy fences.

The facility parking lot will be accessed by approaches from North Avenue West and Dirk Drive where the applicant has obtained a private access easement for the private street. No drive accesses from Reserve Street are proposed. There are pedestrian connections from the front of the building to bike parking and to the public sidewalk on North Avenue West. The site plan has been reviewed for compliance with all zoning codes and design excellence. Twenty-two parking spaces with two of these being ADA are required and this number is provided. Two short-term and three long-term bicycle parking spaces are required. Three short term and three long term spaces are provided. Here is the proposed ground floor plan, which includes the entrance, emergency room waiting area, and exam examine surgery rooms. The table to the right shows the square footage for each floor. The upper floor and basement do not cover the whole building footprint as you will later see in the elevation slides. As mentioned before, the proposed project has already been approved for compliance with design excellence standards. Staff approved one design variation. Design variations through the design excellence review process may be granted administratively by staff. A design variation is appropriate when the design meets the intent of the standard, while not meeting the actual standard. The design variation is to the 10-foot floor to ceiling height requirement. The applicant proposes to provide nine foot tall ceilings and the animal exam rooms, corridors, restrooms, and staff lounge. The proposed building design provides a tall entry and lobby space facing Reserve Street to activate the public realm. Staff determined the nine foot ceilings to meet the intent of the standard. The variation was requested to provide quality space for the tenant by increasing energy efficiency and improving the acoustics to decrease noise. Decreased interior noise is beneficial to the veterinary use. Here is the upper floor plan which includes offices, conference rooms, and storage. This is the basement floor plan which includes storage and specialized therapy rooms. Here are the west and north elevations. The west elevation shows that the building has a street facing entrance to Reserve Street and you can see where the building has a partial upper story. Glazing along street-facing facades such as this one help to activate the public realm. The north elevation faces Dirk Drive which is the private street. Here are the east and south elevations. The east elevation is buffered with landscaping and a fence to mitigate noise and visual impacts to the abutting residential properties. The south elevation faces North Avenue West, one of the vehicle entrances. Materials include a mix of two types of metal, brick, and fiber cement board. Okay, so now for staff's analysis of how this conditional use proposal meets the seven criteria of Title 20 that I mentioned at the beginning of my presentation and listed on this slide. The first is whether the proposed use complies with all applicable standards of the Growth Policy, which as we discussed earlier it does. The project will comply with design excellence approval, as well as all applicable sections of Title

20 at the time of building permanent approval if City Council imposes the one condition of approval. Second, the veterinary use is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community. The proposed use is an expansion of the existing use, and the new facility will provide a higher level of service. The building is screened from the abutting residential property and is an area that is already served by city police and city fire. Third, the veterinary use is compatible with the character of the surrounding area in terms of open space design screening and buffering. The veterinary use is compatible with the adjacent commercial businesses in the area such as the hospice and the mixed use building. The site planning, building scale, and design are compatible with the surrounding area and the new facility will enhance street frontages and overall appearance at the intersection. The majority of the building is one story which is compatible with a single-story hospice and abutting residential buildings. Fourth, since the veterinary use is an expansion of an existing use, the proposed use will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district. Fifth, the proposed use has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise and traffic generation. The veterinary use replaces an existing facility with the same use and hours of operation. Additional off-street parking and street-facing activity will enhance operating characteristics. The surrounding road infrastructure is adequate to handle a potential increase in traffic generation. Furthermore, noise generated by the use will be required to conform to the regulations for a commercial zone. Next, City Council must determine that the proposed use will not have a significant adverse impact on traffic safety or comfort for all modes of transportation. The design will improve pedestrian and bicycle access with a new accessible route from the public right-of-way to the main building entry. Pedestrian facilities and bike lanes are located along Reserve Street. The facility parking lot will be accessed by approaches from North Avenue West and Dirk Drive with no drive accesses from Reserve Street. Lastly, the proposed use properly addresses open space, light, and protection of natural features. The street frontage landscaping perimeter parking lot screening and buffers are proposed in compliance with Title 20 landscaping standards. There are no significant natural features on or adjacent to the site. The majority of the building is single story, allowing light to access adjacent properties. Staff recommends one condition of approval. The applicant shall comply with all applicable portions of Title 20 and design excellence review approval. Plans submitted at the time of building permit application shall substantially conform with the plan submitted at the time of conditional use review subject to the review and approval by Development Services, prior to building permit approval. To conclude, staff recommends approval of the Animal Services Veterinary conditional

use request located at 1914 South Reserve Street and 2432 North Avenue West in accordance with Missoula City Zoning ordinance Title 20 sections 20.10.020.D, 20.85.070, and 20.105.040.A.3 and based on the findings of fact in the staff report and subject to the one condition of approval. Thank you.

Mayor John Engen Well done. Thank you Ms. Postma. Anyone here to speak on behalf of the applicant this evening? Deborah if you wouldn't mind un-sharing.

Deborah Postma Yeah let me find ZOOM. There we go.

Mayor John Engen Thank you. And Mr. Jacobson.

Keith Jacobson Yeah hi my name is Keith Jacobson with Cushing Terrell. I was the project lead on this project working with Dr. Ellingson and the expansion of his existing facility. I just wanted to thank you guys for taking time obviously to hear us here as well but also I know that Dr. Ellingson is here and he can probably speak a little bit better than I can but it's been a pleasure working with him and just kind of finding out more about him and the services that his facility provides that we were able to help him kind of bring to life and realize this expansion of his existing facility and it's just I can't say enough about how, how great of a guy and just the service that he provides is and his attention to detail with what he does and also the understanding of kind of how architecture can help to enhance kind of his, his profession, as well has just been, been great to work with. So, with that, I'll, I'll let Dr. Ellingson say a few words.

Mayor John Engen Thank you Mr. Jacobson and Dr. Ellingson by virtue of the fact that I believe I may have paid for a portion of this expansion over the years because I've never had a canine who had anything happen during normal business hours. Go right ahead doc.

Earl Ellingson Yeah, Mr. Mayor, I think we've met a couple of times in the past.

Mayor John Engen We have sir....yes.

Earl Ellingson Well thank you for considering this proposal Mr. Mayor and members of the committee. And as it's been mentioned already, we've been in operation at this site already and we'd like to expand next door and I'm happy to answer any questions that anyone may have this evening.

Mayor John Engen Thank you sir. With that, I will open the public hearing. And we do not, at the moment, have any hands raised. So, are there questions from Council members? Ms. Anderson.

Alderson Anderson Thank you Mr. Mayor. Willing to go vet bill for vet bill with you, as I think I should we should all get a plaque. If I understood the presentation correctly it does sound as though the current infrastructure will be completely dismantled and a whole new, it's, it's not an add-on, it's a complete demolish and redo correct? And I guess, any opportunities for deconstruction versus demolition and what the existing business, if will temporarily relocate?

Mayor John Engen And Mr. Jacobson or Dr. Ellingson you can answer those if you would? Mr. Jacobson.

Keith Jacobson Sure yeah, a great question and thank you for asking. We have considered the deconstruction as a possibility, so we can, we are thinking about getting in touch with Wasteless Works and Quality Construction who is working on this project to see if there is an opportunity for anything to salvage. I know Dr. Ellingson will be bringing a lot of his existing equipment over from the existing building to the new facility and to answer your second question. The way that we've phased this project is that the existing building will stay open. So, we'll be constructing the additional house or the adjacent house Dr. Ellingson already purchased, and it has been demolished. So, we will begin building the new facility directly adjacent to the existing facility and that existing facility will continue to operate throughout the construction process and provide the same services with the same hours during construction, in the same location.

Mayor John Engen Thank you sir. Further questions? Mr. Nugent.

Alderson Mike Nugent Yeah forgive me, I'm just kind of learning how to read these and follow these, but the one condition of approval is that it complies with the applicable portions of Title 20 and design excellence review. Would that not be automatic? Is design excellence, excellence review not an automatic criteria? And forgive me my, forgive my naivety, I just don't know the answer to that.

Cassie Tripard Yeah no problem. This is Cassie Tripard, Planning Supervisor. That is a standard condition we recommend for all conditional uses. It is a given that it must comply with Title 20 and design excellence. The important part of that condition is that when they get to building permit, whatever is approved today will need to be what they submit. So, they're not allowed to make major changes between this hearing and what actually goes in on the ground. If you guys do choose to impose that.

Mayor John Engen Sounds like a perfect item for coat reform. Got belt and suspenders going on there, I like it. Additional questions Mr. Nugent?

Alderson Mike Nugent Nope, that was, that was it. Thanks.

Mayor John Engen Ms. West.

Alderson West Sorry, remuted myself. So, I had a question around the 22, I think it said that there were 22 parking spaces required, which at first I realized that that's I think based on the square footage of the building, which at first seemed like a lot to me and then I realized how big the facility was and I was wondering. Like is that adequate parking for staff and visitors without having an impact on neighbors, for example or is it too much? Like, how does it compare to actual like the actual operation of the business.

Mayor John Engen Planners, want to take a run at that?

Cassie Tripard Yeah, I can attempt. Again, Cassie Tripard, Planning Supervisor. The veterinary use in Title 20 does require one space per 480 square feet. I'm sure these numbers are fairly old, and we do want to look at them with code reform. Other things that require that or similar kind of office uses have similar requirements. Is it enough or not enough? That's a little bit hard to answer as far as I wasn't around when the zoning was produced so when it was I'm guessing there was a study done to ensure that this would serve the property or use adequately.

Mayor John Engen Thanks Ms. Tripard. Dr. Ellingson, can you tell us about how many employees you have at any given time and if they're parking?

Earl Ellingson Yes, so typically, we're running six or seven employees at a time and, and currently we use, we have five parking spaces right now. And so, we do use some street parking as well and we would probably continue to do so.

Mayor John Engen Thank you. Ms. West, did that to where you needed to be?

Alderson West Yeah, I think so. I'm sure we'll revisit all of this when we move to a UDO hopefully.

Mayor John Engen Great. Mr. Hess.

Alderson Hess Thanks Mayor. I just wanted to talk for a moment about process for the benefit of the new members. So, this will be back to the Land Use and Planning Committee on Wednesday, so if you have additional questions you can ask them either before Wednesday or at the meeting on Wednesday. And then, this, this is a how we've done Land Use items for the last several months and, and we may end up revising this a little bit as part of the rules discussion but essentially we have the public hearing and then we have a post-public hearing informational item where you can engage in additional questions or discussion and then the items back for final consideration next week.

Mayor John Engen Thank you Mr. Hess. Seeing no further questions, thank you Deborah and Cassie. Thanks Dr. Ellingson and Mr. Jacobson. This public hearing will remain open for the next couple of weeks and will be taken up by Council at its next regular meeting. We have no additional public hearings this evening.

8.2 Conditional Use Request for Veterinary Animal Services at 1914 South Reserve Street and 2432 North Avenue West

The Land Use and Planning committee will discuss this item on January 12, 2022, at 11:15 a.m. The City Council will hold this public hearing open until they Council takes the item up for final consideration on January 24, 2022.

9. FINAL CONSIDERATION - None.

10. COMMUNICATIONS FROM THE MAYOR

Mayor John Engen Communications from the Mayor is our next agenda item and I just want to briefly acknowledge my lovely friends and second family the Belushi's. Beverly Belushi who was one of my surrogate moms passed away today. She'll be missed by many people. A lovely human being, part of a generation of humans who, who engaged in all sorts of service and were always looking for opportunities to help friends and neighbors and I'm going to miss you Bev. You were a good egg. We'll move on to comments from Council members.

11. GENERAL COMMENTS OF CITY COUNCIL

Mayor John Engen We're starting with Mr. Hess up in the left-hand corner.

Aldersperson Hess Thanks Mayor, I'll pass tonight.

Mayor John Engen Mr. Nugent.

Aldersperson Mike Nugent Thanks Mayor. I just wanted to quickly call attention. There's a there's an effort at the state level to enact a constitutional initiative to change the way property taxes are levied or I guess change the way houses are properties are assessed in value. And I would just caution people to pay attention to details before sharing how great of an idea this might be because nothing is free. The Montana's tax system at the state level is so broken that restricting it further without better solutions is going to harm local government, city police, parks you name it to levels that I don't think we understand. So, I just wanted to bring attention to that because I've seen it start getting shared and some news coverage and I think it's important that people understand it before they, before they jump out into it.

Mayor John Engen Mr. Contos.

Aldersperson Contos I'll pass, thank you.

Mayor John Engen Ms. Sherrill.

Aldersperson Sherrill Thanks and thank you Mike for those comments. I think that's, that's a really important message. I just want to remind people we all you know I'm beating a dead horse here. We all know we're in a pandemic and that it's not over, but you know our case numbers, we, we measure it by cases per 100,000. On December 20th that was 12; on January 4th that was 55; and as of the 10th, it's 118 cases per 100,000 people, so new cases. So, you know it is, we haven't seen, we haven't seen what this is going to do to hospitals yet but if you do the math, even if you have a thousand cases with a five percent hospitalization rate that's 50 people in the hospital in comparison to you know when we have delta. These aren't real numbers of percent of hospitalizations, but a hundred cases with the 10 percent

hospitalization is 10 people. So, you know even though it is putting less people in the hospital if our numbers get high enough it's going to be a strain on our hospital system and the capacity of the hospital. The other problem that we are seeing so we don't know what the strain is going to be quite yet because there's a lag behind case spikes of hospital for hospitalizations, but what we are seeing is that it is taking out so many staff members in the hospital that that could potentially become a problem. So, we all know what to do. We know what you can do to avoid it. I'm just saying we are we're there again. It's a little different than it was, especially for those of us that are vaccinated but you know take it seriously and we've just got to all continue to try to ride this thing out together. Thanks.

Mayor John Engen Mr. Carlino.

Alderman Carlino I'll pass tonight.

Mayor John Engen Ms. Becerra.

Alderman Becerra I'll pass tonight. Thank you.

Mayor John Engen Ms. Jones.

Alderman Jones Thanks and first of all my condolences Mr. Mayor, so sorry about the passing. I did want to briefly talk about a subject. On January 7th, in the *Missoulian*, there was a very large op-ed signed by 35 wildlife biologists and I would encourage everyone to look up that op-ed and read it. The theme of it is the fact that 50 years ago grizzly bears were on the verge of extinction and over the last 50 years, through good wildlife management and a lot of expertise most of it centered in Montana, grizzly bears came back to the point where they actually could be delisted and not be under the Endangered Species Act. That was a handful of years ago, however, this last legislature passed numerous laws regarding how grizzlies could be hunted and that is the subject of this op-ed and the fact that it was signed by 35 experts in the field, two of whom I know, Chris Servheen, who has been instrumental and is a nationally renowned expert on grizzlies and the second one is, Doug Chadwick, who is also a wildlife biologist who contributes frequently to the *National Geographic*. So, that just gives you an idea of the caliber of people signing this op-ed and saying this is, this is not good, and we need to take a hard look at these new laws that are coming through because grizzlies will be back on the verge of extinction in a matter of years if things don't change from the direction they're going. So, I just want to put that out there because I think that's incredibly important, and the experts are speaking and speaking up loudly. So, I hope people are listening, pay attention, contact your legislators if you have opinions on this. Thanks.

Mayor John Engen And Ms. Savage.

Alderson Savage I'll just briefly echo what Ms. Sherrill said. As someone who's been home with a sick child for what feels like forever at this point. We're seeing a lot of cases rise. My daughter's school closed last Thursday and Friday not because of so many cases of COVID among the children, but so many cases of COVID among the staff members. They just simply didn't have enough teachers. So, I agree numbers are growing up. It's exhausting. I think we're all exhausted. I am personally exhausted by the pandemic. So, yeah everyone would be safe out there.

Mayor John Engen Ms. Vasecka

Alderson Vasecka Thanks. So tomorrow, January 11th, is National Human Trafficking Awareness Day. Human trafficking is a very real thing that does happen here in Missoula, Montana and some of the ways that you can bring awareness to it is a wear blue tomorrow. Also, you can go to missoulahumantrafficking.com; it has a lot of great resources and a lot of great educational and frequently asked questions, stuff on there. So, I would encourage you and to go to that website learn, learn something about it, pass it on to a friend. There is a Montana human trafficking hotline that is answered 24/7 by advocates who can point to immediate help and continued resources. You can call or text this phone number. It is 1-833-406-STOP, so that's 1-833-406-7867. So, if you or someone you know is a victim of human trafficking, I would encourage you to reach out to that phone number or you can always call 9-1-1. So, wear blue in awareness of this horrible subject.

Mayor John Engen Ms. Anderson.

Alderson Anderson Thank you Mr. Mayor. I want to echo the condolences miss Jones shared with you and your surrogate family. It's been a rough one for you and you're in our thoughts. Also wanted to quickly give a shout out to the Missoula Fire Department for their quick responses yesterday, for some structure fires, and just take this opportunity to remind folks now that we've got snow on the ground and in some places lots of snow that the best thing you can do to help out the Missoula Fire Department, yourself, and your neighbors is to clear a berm around your fire, your neighborhood fire hydrant. So, in case of emergency, they're not having to do that themselves, the same way that we try to keep our storm drains clear. You know, God forbid that fire truck is pulling up in front of your house and if it is then you want them to get that to work as quickly as possible. So, help out yourself and your neighbors by making clearing out your local your neighborhood fire hydrant. I absolutely want to echo what Ms. Sherrill and Ms. Savage said around the numbers we're seeing in with the pandemic. Great Falls right now school district the entire school district is going remote for the next couple weeks because they are so understaffed. So, it's not just simply about whether or not you are sick and how what mild or case it is it affects children and learning and ability to take care of all of the other health

issues that happen on a daily basis here, making sure that we have enough caregivers in the hospitals and just every aspect of life. So, you know I also feel like I'm screaming into the void on this there are also members of our community that despite being vaccinated and boosted because of underlying health conditions, you know being immunocompromised do not have the same level of protection that some of the rest of us do. And so, whether or not you're haphazardly like oh whatever, it doesn't matter if I get it, it'll be mild. You have no idea who it is that you're standing next to in line at the grocery store and it could be someone like my mother who has no immunity whatsoever despite trying to get all the vaccinations. So, you know I we're all exhausted and want nothing more than this to be over with but wearing a mask is not I think too much to ask to protect our community, keep our kids in school, keep our caregivers at the hospital and keep our loved ones safe. So, you know just please it's a piece of cloth and it can save someone's life. So, I want to put that out there. Also, thanks Mr. Nugent for bringing up the cap property tax discussion that is starting to pop up. I have spent a lot of time talking about how I think our overall state tax structure is broken but this is absolutely in no way shape or form the fix to that. This is simply making things worse. It is cutting off vital income to municipalities, to schools, and there is absolutely no plan to basically backfill that income. It is a Kansas-style method of just cutting to the bone, past the bone to the quick, and just expecting us to sort of figure it out. So, conversations about fee structures and just properly funding parks, that will just be a thing of a pass because we will literally just be trying to fill potholes and making sure that there are firefighters and police officers answering those 911 calls. So, this is a disaster for our municipalities especially for our school districts. If anyone's paid attention to what prop 13 did to the overall school districts in California and the decades it took for them to get on the right track. We in Montana are blessed with amazing public schools that are properly funded that all give world-class education, and we need to continue to support that, as well as support our municipal government. So, thanks so much for bringing that up. I'm sure we'll be talking more about that but if you get approached by someone asking you to sign the petition, know that this is not at all the panacea that it sounds and it will cause more harm than good. So, thanks so much for that and everyone continue to be safe out there with the winter conditions. Thanks.

Mayor John Engen Ms. Jordan.

Aldersperson Jordan I'll pass tonight. Thank you Mr. Mayor.

Mayor John Engen And Ms. West.

Aldersperson West Yeah, so I just wanted to, I guess thank the Missoula Fire Department for a pretty amazing response to a fire we had over here on the north side on Saturday. It was a pretty I think devastating loss for our neighborhood and I'll be looking forward to seeing how the businesses that are

located there recover. And then, I also just wanna let folks know that if you're like me and you're constantly stockpiling things that you don't want to throw away and think have a use in the future, Parks and Rec is collecting things like paper towel rolls and jars and lids and rubber bands for their Lowell After School Program. So, if you have any of those things sitting around, you can call the school or just drop them off by the front office and kids will be using them to make crafts. So, thank you.

Mayor John Engen Thank you all.

12. COMMITTEE REPORTS - None.

12.1 Administration and Finance committee (AF) report

12.1.1 Minutes from the January 12, 2022 Meeting

12.2 Committee of the Whole (COW) committee report

12.2.1 Minutes from the January 12, 2022 Meeting

12.3 Land Use and Planning (LUP) committee report

12.3.1 Minutes from the January 12, 2022 Meeting

12.4 Parks and Conservation (PC) committee report

12.4.1 Minutes from the January 12, 2022 Meeting

12.5 Public Safety and Health (PSH) committee report

12.5.1 Minutes from the January 12, 2022 Meeting

12.6 Public Works (PW) committee report

12.6.1 Minutes from the January 12, 2022 Meeting

13. NEW BUSINESS - None.

14. ITEMS TO BE REFERRED - None.

14.1 Administration and Finance committee referrals

14.2 Committee of the Whole referrals

14.3 Land Use and Planning committee referrals

14.4 Parks and Conservation committee referrals

14.5 Public Safety and Health committee referrals

14.6 Public Works committee referrals

14.6.1 Municipal court remodel bid award to D. Lower Construction in the amount of \$210,631.00 and authorize return of bid bonds.

14.6.2 A Resolution to order right-of-way improvements Eaton St. Ph I S. 7th St W to S. 13th St W at a cost not to exceed \$760,000.00

**14.6.3 Referral – Professional Services Agreement with WGM for South Hills
Stormwater Improvements at a cost not to exceed \$393,142.05**

**14.6.4 Professional Services Agreement Amendment No. 3 with WGM Group, Inc. for
the Mullan Road Reconstruction Project at a cost not to exceed \$45,483.00.**

15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS - None.

15.1 Administratively approved agreement report

16. ADJOURNMENT

Mayor John Engen As always, I thank you for your service and we will be adjourned.

The meeting adjourned at 8:03 p.m.

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

John Engen, Mayor