

Council Action Summary
Missoula City Council Meeting

January 24, 2022, 6:00 pm

ZOOM Webinar

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

Members Absent: 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

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

Administration and Finance Committee, January 26, 9:40 - 10:45 a.m.

Public Safety and Health Committee, January 26, 11:00 - 11:25 a.m.

Parks and Conservation Committee, January 26, 11:55 a.m. - 1:35 p.m.

Public Works Committee, January 26, 1:50 - 2:50 p.m.

Mayor John Engen Thank you Ms. Rehbein. Any changes to the committee schedule? All right, seeing none, I'll move for the record too that Ms. Jordan is in attendance, and 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? And Mr. Larson.

Matt Larson Hi Matt Larson, Ward 3, nice to see everybody tonight. I'll just use this as a platform to announce that Billings has what's called a coroner's inquest on the 31st of this month and anybody from the public may attend if they're curious. These are for officer-involved shootings and unnatural deaths. This is specifically an officer-involved shooting involving a Native American man. I'd, I'd compel

everybody on the Public Safety Council to take part in this because in contrary to this county, Billings or Yellowstone County does these inquiries in public and allows the public to attend and participate, as per state law. This does not happen in Missoula County and Missoula County has had, will have two lawsuits regarding this now. And so, I just wanted to make everybody aware that they can participate by that, by, by ZOOM or in person if they'd like. County people are also welcomed to be involved in this too, although, I know some of you, there's no county people here. So, anybody who's listening just hit up the Yellowstone County Attorney's office and they will give you a ZOOM link, and you can even submit questions. Again, this is all contrary to what actually happens here in Missoula County where these are done in secret. Thank you. I'll talk to you later during the claims and and.....

Mayor John Engen And Dr. Watson. Vicki, you're muted.... if you're.....

Vicki Watson I couldn't get the mouse to get on the unmute button but finally the mouse agreed to do it so....Hello Mayor Engen and all you good people on the Council. My name is Vicki Watson, can you hear me okay?

Mayor John Engen We can, thank you.

Vicki Watson Well today is my birthday, I'm 69 and almost 40 of those years have been here in Missoula and I like to celebrate by thanking the folks who have helped me have a good life. So, I wanted to thank you and all of Missoula for working to make Missoula a healthy place where elders can stay active and continue to contribute to the community. We Missoulians have worked together to protect air and water quality, make Missoula bikeable and walkable, work for more safe sustainable housing and healthcare that's affordable to all. There's still a lot to do in these efforts, especially with the rapid population growth we're seeing in climate change, but we are making progress. So, thank you. Speaking of climate change, thank you for passing Missoula's Clean Electricity Resolution and I know that the new Council members are just as committed to this goal as those of you who passed the resolution earlier. Climate change is already giving us longer fire and smoke seasons, harming homes and lungs. It's raising stream temperatures and harming our fisheries. The hotter drier summers are harming agriculture and worse is coming. So, that Clean Electricity Resolution is essential, but even more critical is real action to achieve its goals. And I'm delighted to see that Missoula has been taking real action such as the solar panels on the jail, the plan for solar at our state-of-the-art wastewater treatment plant, Garden City Compost is keeping a lot of methane generating waste out of the landfill, and the Missoula bus system is winning national awards. Thank you Missoula, but let's also look to ways we can encourage citizens to do their part. I know you're working on building codes and zoning to

increase energy efficiency and conservation, especially in new construction but let's also look to see if the building codes are making it hard to upgrade old construction. I just costed out converting my old house to all electric, cost approaching fifty to sixty thousand, which is what I paid for the house forty years ago. I've already invested in many energy efficiency measures over the years and I'm willing to do more, but one of the biggest costs was going to be moving the service panels to a new location because I'm told the code says they can't continue to be above the porch, even though that's clearly the safest and most convenient location in this case. Hopefully that's something that's flexible, especially for an existing house. So, check the building codes to determine if they make it hard to upgrade energy systems in old houses and assess what's really necessary, and allow flexibility in upgrading old buildings, if possible. Another idea has to do with transportation. We want people to walk, bike, and bus whenever possible, and not drive. So, I wondered why an essential service like the Missoula COVID testing facility was placed out near the airport and a mile from the nearest bus stop. I wondered if it'd be possible to staff some more locations closer to city neighborhoods, on different days of the weeks, perhaps one near the downtown bus transfer station. I shared those ideas with councilman Dan Carlino, and he checked with Health Department Director, D'Shane Barnett, who let us know that he is working on some more locations, and he also asked Mountain Line to add a stop near the current test site. So, thanks again for those quick responses. I have more suggestions from a green burial option in Missoula to better protection for our riverfront but time is short so I will just finish by thanking the Mayor and the Council for their support of the We the People's Amendment, which calls for a constitutional amendment that says that corporations are not people, money is not speech, for we cannot make the big changes needed to tackle climate change or fight the pandemic or achieve social and environmental justice if big corporations can continue to outspend citizens in shaping policy. So, thank you for recognizing that and supporting the We the People's Amendment. I don't think I'll have another 40 years in Missoula, but I know that the Council and the community will do their best to make the coming years better for all of us. So, thanks in advance.

Mayor John Engen Thank you Dr. Watson. Happy birthday. I hope you do have another 40 years in Missoula. Seeing no additional general public comment, we will move on to our consent agenda.

5. CONSENT AGENDA

Mayor John Engen Items here were approved unanimously in Council committees and we save a little time on Monday evenings by considering these items all at once. Ms. Rehbein will read the list of

consent agenda items aloud so folks participating via ZOOM or watching on MCAT will know what we're considering. We'll take comment on these items before we vote. Ms. Rehbein.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Vasecka, Alderperson Savage, Alderperson Carlino, Alderperson Mike Nugent, and Alderperson Kristen Jordan

ABSENT: (1): Alderperson West

Vote result: Approved (11 to 0)

5.1 Accounts Payable (claims) for checks dated January 18, 2022

Ratify accounts payable in the amount of \$2,745,458.31 for checks dated January 18, 2022.

Vote result: Approved

5.2 Accounts Payable (claims) for checks dated January 25, 2022

Approve accounts payable in the amount of \$392,602.62 for checks dated January 25, 2022.

Vote result: Approved

5.3 Referral - Award the bid for the municipal court remodel to D. Lower Construction, in the amount of \$210,631.00 and authorize return of bid bonds.

I move the City Council: Award the bid for the municipal court remodel to D. Lower Construction of Missoula Mt. the low bidder, in the amount of \$210,631.00 and authorize return of bid bonds.

Vote result: Approved

5.4 Referral – Professional Services Agreement with WGM for South Hills Stormwater Improvements

Approve and authorize the Mayor to sign a Professional Services Agreement with WGM Group, Inc. for the South Hills Stormwater Improvements at a cost not to exceed \$393,142.05

Vote result: Approved

5.5 Professional Services Agreement Amendment No. 3 with WGM Group, Inc. for the Mullan Road Reconstruction Project

Approve and authorize the Mayor to sign a 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.

Vote result: Approved

Mayor John Engen Thank you and anyone care to comment on the consent agenda? Mr. Larson.

Matt Larson Yes, Matt Larson, Ward 3. My first issue is with the claims sheet. I see a \$10,000.00 claim for design of a warming structure. I'm wondering where that warming structure is going to be and what's happening with the current temporary warming structure at Johnson Street. The other issue is with 5.4 and just a, a general issue pertaining to conflicts of interest with certain Council members who have pending listings, as real estate agents.

Alderperson West I'm going to call a point of order on.....

Matt Larson This is not a point of order, you can't.....I have not made any personal attacks. Oh my god.....

Alderperson West It's incorrect and inappropriate and I've already had a lengthy email exchange today with Mr. Carlino regarding this allegation that Mr. Larson has brought up. It's incorrect, it's un-factual, it's inappropriate, and I don't think this is the right venue in which any of that, which is not even true, should be vetted.

Mayor John Engen Thank you Ms. Jones. Any additional comment on consent agenda from attendees? Seeing none, a discussion from Council members? I don't see any hands up there. We will 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

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

7.1 Proclamation - We the People Amendment Day

WHEREAS, on November 8, 2011, 74.67% of Missoula voters passed Referendum 7653 urging our state and federal elected officials to amend the United States Constitution to state that corporations are not human beings; and, WHEREAS, on November 6, 2012, 74.9% of Montana voters passed Initiative 166 asserting that the people of Montana regard money as property, not speech, and that the people of Montana regard the rights under the United States Constitution as rights of human beings, not rights of corporations and called for a United States Constitutional amendment; and WHEREAS, the well-being of Missoula's citizens is harmed with each passing year that the constitutional amendment is delayed as our common good and our commonwealth is being redirected to the benefit of the few; and WHEREAS, the money that is overwhelming our elections and intimidating our candidates and elected officials makes it more and more difficult for the citizens of Missoula to protect the common good and our commonwealth; and WHEREAS, Missoula wishes to give evidence of our commitment every year until the United States Constitution is amended to say that corporations are not people and that money is not speech, and the proposed We the People Amendment most clearly states that intent. Now, therefore, I, John Engen, Mayor the City of Missoula in the State of Montana do hereby proclaim January 24, 2022, as We the People Amendment Day in Missoula Montana and reaffirm our shared commitment.

Mayor John Engen And I know that we have a few folks in our attendees group this evening who have long supported this effort and I'm grateful to them. And Sue Kirchmyer is among them.

Sue Kirchmyer Yeah, thanks Mayor Engen. I really appreciate being here. Thanks City Council for making time on the agenda tonight; I really appreciate it. I just have a few words and I appreciate the opportunity. It's so different to be here on ZOOM and not have a bunch of people to stand up with me, but it's still fun to see you all. As you know, we're marking the anniversary of the 2010 Supreme Court, Citizens United Decision that struck down our Montana Corrupt Practices Act that allowed us, for 100 years, to regulate the role of money and corporations both. So, we're celebrating also the progress of the Constitutional Amendment because it will allow us to create an even playing field in our politics and allow us to better deal with the forces that divide us. Here's a brief update about the We the People Amendment. Here let me do this, let's see. Just a second. Thank you. It continues to progress in the U. S. House. There, it's called HJR, House Joint Resolution 48. It has a dynamic sponsor and now it has 86

co-sponsors. So, it's still there and it's still growing. It's really exciting to be on the national level and progressing there. And each year, when we come, it never gets what we'd say old because the proclamation itself says so much that needs to be said because first it talks about unity. When Missoula and Montana passed with 75%, but then it also really talks about the urgency of the amendment being passed. Because as time goes by, there's more and more harm to our community, from just the wear and tear of money and politics. So, when you look at.... sorry.... because it's here at home that we really get intimate with the kind of danger and the kind of intimate effects of what happens to a community in this situation. And often, when we see what's going on in the community, we don't really take the time to look behind the curtain and look at the future forces, the huge forces that are really shaping us. We know that the stage has been set locally, that our local stage has been set by forces that are distant from us, but we don't really say to ourselves oh gosh darn that supreme court or darn citizens united, but we know that things are undermining us and really are making a profit by undermining our communities and our ability to work together and, and, and really I think what I didn't expect....I mean I expected to have the unity in fighting for getting money and corporations out of politics, but I didn't really expect the way it's undermining our unity to honor each other's place in our very own communities. Because unity really turns out to be really fragile, while dividing and conquer, conquering is the oldest trick in the book. And it's just treated like a game...It's, it's just been used relentlessly and it's a marvel in the way that it really self-perpetuates by finding weak links between people and then sailing through and grabbing the profits and then they can use those profits to divide and conquer further, but in our daily lives it's not a game and costs us lives. It costs us our livelihoods, to say nothing about what's happening with the planet. So, I really appreciate that this is an opportunity to look at the forces that are behind the curtains because really I mean sometimes it seems distant, but really it's what helps to unite us is when we really are looking at what's really affecting us all and gives us a new way of looking at what we see every day. And the thing is too that when we're looking at the forces behind us all the issues, then we are realizing that we're all in it together and then, the got the kinds of solutions can address the group causes and give us compassion. So, how do we keep in sight the forces that contribute to the challenges that we face? Because they really don't want to be in the limelight, and they do work behind the scenes. So, if you look at things like gathering constituent internet use or lobbying for tax breaks or foreclosing on mortgages, hiding donations and pacts, crafting legislation that somebody else signs and acts like it's theirs. They aren't really public events or photo ops and really you'd expect that journalism would be connecting the dots, but they are also being sidelined by divide and conquer tactics, and then

they're faced with smaller newsrooms and higher profit taking. So, how do we at the local level really connect the dots ourselves? And that's where I thought it'd be good to look at some sensitive issues, some sensitive examples about, and then to look at the elements behind them. So, if you take say a person dies on our streets in the cold. Yes, it's important to look at what happened to them, who, what local support was or wasn't in place, what the life had been like the last month, but it's also compassionate too, to look at what wealthy inequality is doing to their lives and to all of our lives. Because we're all less secure in our homes, paying the rent, paying the mortgage, being able to keep low and middle income people in our communities, in our own neighborhoods. It takes, there's a compassion in looking in that too. And then if you take another sensitive issue, if we look at a bicyclist who's threatened and pursued but then why would the police then take him into custody thinking that he's the danger to others. So, it's really compassionate then to look at social media, I'll look at how it magnifies fear and distrust because then we're also looking at how who's being played on what, what, what's affecting, what's making people, what's being played on when they're, to make them more fearful and distressful. And then, we've got to look at ourselves. What's being, how are we being played on? And then when we're crafting, again, our solutions. How can't they be more meaningful if we really knows what's going on behind it? And really will anyone in our community be secure when, when one person can be targeted, we all can. So, thank you.

Mayor John Engen Thank you Sue.

Sue Kirchmyer Yeah, thanks. Do you want me to stop?

Mayor John Engen You know, we're, we're getting a little long, but if you get.....you're just fine.

Sue Kirchmyer Yeah, no that's fine. So, when I, thanks again for the proclamation. Sorry to go over. I just would like to say that we really think doing this really helps to keep our eyes on the ball, to know that we're all in the same boat when we're divided. And that by playing, by creating a level playing field, that will go a long way toward limiting the power to divide and to conquer and to replace fear with trust. So, thanks a lot.

Mayor John Engen Thank you. And I want to thank Sue and others who, over the years, have been dedicated to this cause and join us annually for the reading of the proclamation. We've been known to do this in front of federal buildings and, and gather and talk. The pandemic takes another toll, but grateful for your comments tonight Sue and for keeping the fight up. We will move on ladies and gentlemen to the public hearing portion of our agenda.

8. PUBLIC HEARINGS

Mayor John Engen State law and our own Council rules set guidelines for inviting community comment in a formal way on a variety of issues, and following a staff report on each of these, Council and I will invite comment. We have taken up the practice of holding our public hearings open for the week following the staff presentation and the opening of the public hearing, and Council will consider these items at their next regular meeting in two weeks. Hence our first public hearing this evening is on amendments to the Missoula Redevelopment Agency's Fiscal 2021 Budget, and our staff report this evening is coming from Ms. Buchanan. Is that you or is it Ms. Dunn?

Jill Dunn I think I'm gonna start John.

Mayor John Engen There you are Jill, absolutely. Thank you.

Jill Dunn Thank you. Can everybody see me and hear me okay?

Mayor John Engen We can.

Jill Dunn Great. I am not before you very often, so particularly in this type of format. Do I run the share screen at this point? Is that how?

Mayor John Engen [inaudible]

Jill Dunn All right, great, let me find the screen I'm looking for. And so, on the referral or on the City Council agenda, you will see multiple documents attached to this item. This is the public hearing on the Amendments to our Fiscal Year 2021, which was last fiscal year. So, this is kind of the year-end amendments that we bring before you as part of our audit process. The MRA actually has a separate independent audit from the City of Missoula and so we bring these before you and hopefully, are you seeing the, my PowerPoint presentation right now?

Mayor John Engen We are Jill, yep.

Jill Dunn Great. So, on the agenda, you'll have a, there's several documents. There's the referral, there is the resolution itself, there is a spreadsheet on the revenues, and that is a reconciliation that I do and that's a long very tiny print spreadsheet, and there's also a reconciliation that I did for the expenditure side, and that just ties back to the City's general ledger. So those are a little bit more like financial aspect of the just the, you know, like reconciling that stuff. So, this is just a little bit more easy to digest. So, I, I created this this PowerPoint presentation. So, we're going to walk through this. We're amending last fiscal year's budget and this just kind of goes through the PowerPoint. We're amending a budget. State law allows the cities to amend their budgets. They're done through a public hearing and notice requirements, and the amendments are approved by the Council through a resolution process. I'm

going to talk a little bit about MRA funding sources. Tax increment financing is our number one funding source. We also get grants occasionally to work on some of our projects and there's some state revenue that comes in, if you were to dig into the audit you would see there's some reimbursements there that come to MRA through changes in the state law, having to do with how taxes are collected. So, if some revenue is changed then we get some reimbursements, and the City does as well. This is just for those out there that maybe are chiming in or ZOOMing in for the first time or not familiar the fiscal year for the City. MRA is a July 1st through June 30th fiscal year. I have a slide on our budget process timeline just to kind of reacquaint folks out there what that process is, and then these year-end amendments are required for our audit compliance. Here again is MCA, Montana Code; the governing body may amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings. Public notice, public hearing, and notice requirements are required. There again is the MCA section that applies to that. Governing body shall cause a notice of the public hearing on the amended budget to be published. It's published in the newspaper, and it's published twice. These requirements are carried out by the City Clerk's office for the City Council action.... a nice little typo in there I saw after reviewing that this evening.....Sorry about that. These amendments are approved by City Council by resolution after the hearing. So, this amended budget will constitute our final budget and that's what's used during the audit process. So, during the audit process of year end things kind of move around. They are going through all of your books, expenditures and revenues, and making sure everything is categorized correctly, and most of our budget amendments have to do with our revenue, mill levies coming in after, after the budget is adopted, and then if there's any bond issues that are approved by City Council, they have to go through City Council. They would have to be approved before we can ever issue a bond. MRA cannot do that, but those have to be recognized at the end of the year. So, that's, that's the two main things that you're going to see with these budget amendments this evening. Here is a little bit about MRA funding. MRA is not a taxing jurisdiction, and we don't levy mills or taxes, and it is not funded by the general fund of the City. We have urban renewal districts that are funded through tax increment financing and that's a provision authorized by state urban renewal law, and there's the section there for you. Real simply tax increments revenue is calculated by the incremental value of the properties times the mill levies. The value of a property is set by the Department of Revenue, the Montana Department of Revenue and then mill levees of course are set by our taxing jurisdictions. Tax increment revenue is used by each of our districts to fund eligible components. There again is the part of Montana code that refers to that if people are interested in looking those up and those are for urban

rural projects that are reviewed by staff and approved by the MRA Board of Commissioners. Any acquisition of property or issuance of debt requires City Council approval and so we had some debt in this past fiscal year that was approved by City Council for the acquisition of property and so that's applicable. I don't really need to go through this, but this is a general budget timeline. The new members of City Council probably have gone through this as far as you know learning about the process of the budget but you know it starts early in the year. I'm going to jump down here to you know where the City, actually the city departments present their budgets to the City Budget Committee of the Whole, but then in August, that's when we get those taxable values from the Department of Revenue, that's when you, City Council, approves the budget for the City and sets the mill levies for the City. MRA's funding comes from, the tax increment has to have all of the mill levies set and so that doesn't usually happen until October, and so September/October. So, we are a little bit delayed in finding out our actual final revenue numbers. Then of course your fiscal year ends in June and then your audit is due six months later. This fiscal year 2021, this budget amendment process, is a procedural step to close out fiscal year 2021 which is there are the dates as required by law. The amendments recognize any project timing. So, if we have carryover funds from our projects we thought they were going to be done, but it didn't happen in the construction season, we recognize carryover funds for those projects. Revenues identified during the year that weren't identified at the time of budget adoption which again our final revenues are not identified when you adopt the City's budget. Expenditures approved during the year by the Board of Commissioners. They're set up to review our projects for compliance with tax increment law, and then any bond issues that were approved by City Council during the year and those bonds, the tax increment revenue bonds are funded solely by tax increment financing. Here is a copy of our audit income statement for fiscal year 2021. I included this because when we set the public hearing in December there were some folks that were just looking at that reconciliation spreadsheet and I want to point out on those that that includes all of the funds that MRA deals with including all of our debt service funds. And so, when you look at the very bottom of that on revenue and expenditures, you're going to see some funds that are counted more than once because when you have debt, it goes into your clearing account and then it has to come out and go into another account to pay the debt service. And so, revenues are counted twice when you look at that and so some of the media were reporting that we had a 30 million dollar budget, which is not true. This number right here on our audited income statement, this 12 million, there's that total column that is what we're looking at. So, when you count those funds more than once when they go in and out transfers in and out then you know of course it's

going to add up to a larger number at the bottom, but I thought that that's important to understand for all of you know the new folks on City Council coming in, kind of how things can be presented sometimes and, and also for the folks out there that are watching. And then finally, here is the, the resolution that's before you to this evening and I'll leave it at that. I'm happy to answer any questions and I think Ellen is here too.

Mayor John Engen Thank you, pardon me. Thank you Ms. Dunn. This is, again, a practice we engage in every year to reconcile those books and our second public hearing this evening is doing the same for our, for our municipal budget. So, with that, I will open the public hearing. And I have one hand up.....

Matt Larson Matt Larson, Ward 3. Thank you for allowing me to speak. I just wanted to encourage Council members to vote against this. MRA and TIF spending has been widely abused in our in our district and they have yet to sunset a single TIF district, to my knowledge, and this is this is definitely eating up money out of the general fund, which causes us to have to issue three taxes for roads for instance while still having roads and disrepair. We still need a budget transparency in the City of Missoula. We need a proper accounting for capital assets and non-consumables. We need to be publicly audible for our vehicle lists, which the City Attorney, Jim Nugent, claims to be private information. These numbers are very public information by definition. They're exposed to the public and if you'll get a ticket if they're not. So, I, I've asked for these lists yet been denied by the City and this is like another one of numerous examples of how there is not budget transparency in this process with the City and MRA's budget is funded solely from the City and its taxable revenues, and I object to just spending money and giving corporate welfare to the Marriott and AC hotel, for instance, which is on this, this, this portion of the, the reconciliation. I asked Daniel Carlino to forward an email regarding the previous statements I made, and it was cut off during making. I'd appreciate it if you all would look at that and I'll comment later on the next thing.

Mayor John Engen Any additional public comment this evening? Seeing none, this public hearing will remain open. We'll note that the first Missoula Redevelopment Agency Urban Renewal District sunsetted in 2006, netting a fairly remarkable boost in tax base for the City of Missoula based on that investment. So, any questions from Council members this evening? All right, seeing none.

8.1 Referral - Missoula Redevelopment Agency Fiscal Year 2021 Budget Amendments

The City Council will hold this public hearing open until they take it up for final consideration on February 7, 2022

Mayor John Engen We'll move on to our second public hearing which is a resolution for our final fiscal year 2021 budget amendments and our staff report comes from Ms. Griffing.

Leigh Griffing Thank you Mayor and thank you Jill for sort of explaining the budget amendment process. That's something I'm going to discuss briefly as well. So, these budget amendments that I'm bringing today are FY21 year-end budget amendments. As Jill mentioned, this is something that we have to do to conclude our audit and all of these items have come before City Council in one fashion or another, but just not via a budget amendment. So, we've found some audit adjustments some other things and so forth and we bring this forward to conclude that fiscal year and we are able to do this pursuant to state law. Again, these are sort of what we call housekeeping amendments. These are sort of the true up. There's, so you'll see I've got a very long list and they're pretty small items. And one of the things we do when we bring budget amendments is we always have to show what source of revenue we are bringing in to cover any sorts of expenditures. So, we'll have a revenue account. Sometimes that something might say fund balance because we need to use existing fund balance. Oftentimes we have to do these final year in budget amendments to recognize grant revenues that we've received. Often during the budget process or at the conclusion of the budget process during the summer, we will approve, for example, a capital project item but not fund it and that sort of puts it in a limbo that when then staff have identified funding sources then we turn around and bring it back via a budget amendment. So, those are some of the items that we're gonna see in here today. We also have down here in the debt service funds. These are starting at line eight, quite a bit of adjustments that just may have happened during, during the audit and we discussed this when we brought this to City Council in December. So, I have two pages of budget amendments, bringing the total increase in revenues to 4.2 million and the total increase to expenditures of 8.9 million. In addition to these budget amendments, we bring to City Council budget transfers, and this is just a piece of budget and accounting transparency. So, if anybody were to go look at the budget that was approved, back in August, and then see the final budget numbers that are in the independent audit and why are those changes there? Sometimes they come from budget amendments but also sometimes we just have to transfer budget authority between funds or between activities. An example I often use is that somebody, let's say during COVID, realizes they're not going to be spending their travel budget, but they are in fact going to be increasing their training budget because they're just going to be having more online training for staff. And so, we want to capture that appropriately and we put those in as budget transfers. And I'm here for any questions. Thank you.

Mayor John Engen Thank you Ms. Griffing and I will open the public hearing on the FY21 budget amendments. Once again, this public hearing will remain open until Council takes action in two weeks. All right, seeing no comment, this evening. Questions from Council members? Seeing none of those, we will move on to items for final consideration.

8.2 Referral - Resolution for final FY 2021 budget amendments. This resolution amends the fiscal year 2021 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.

The City Council will hold this public hearing open until they take it up for final consideration on February 7, 2022.

9. FINAL CONSIDERATION

Mayor John Engen These items have had a public hearing and it is now time for Council to take final action. We have a number of items, in fact two items, this evening for final consideration. First is the Master Fee Schedule for Facility Use, Reservations, Permits and Programs for calendar year 2022. And I would entertain a motion, Ms. Sherrill.

Aldersperson Sherrill Yeah thanks. I would recommend that we adopt a resolution revising the Parks and Recreation Master Fee Schedule for Facility Use, Reservations, Permits and Programs for 2022. And may I speak to it?

Mayor John Engen You may.

Aldersperson Sherrill You know, these are fees, user-based fees, which I believe in. We all pay for our parks, everyone in this city pays for parks but some people do not use those facilities equally. So, I, I think that these make sense. We've done them for as long as I know and I, I think that that is fair that the grandmother that walks her dog along the park does not pay for all of the wear and tear that happens in our parks. So, that is why I'm supporting it. And Mayor if I could ask a few questions of Shirley, just to have those on the record that are not on the record from previous conversations?

Mayor John Engen You may.

Aldersperson Sherrill Thank you. So, hi Shirley and thanks for being here tonight. You know I understand that over the years that our, well this year, in particular that our expenses and our labor have you know.... I, I think across industries people would say this that they've gone up in a way that we could not really have anticipated, and I know that is true for parks as well. So, I want to start with that but I'm

hoping.....I have two questions. One's a little complicated and I, I, I don't know if you want to break it up as, as you had when we spoke but I'm hoping you can address kind of the parks deficit and what that would be if we didn't do these fee increases and I don't know if you want to do that by the different by you know aquatics and Fort Missoula, and if you want to divide that but just kind of a general overview of that I think would be helpful for the public and maybe for some Councilors as well.

Shirley Kinsey Yeah, so, so just crunching the numbers rather quickly, at the final hour. We're looking at the fee increases for aquatics, generating about \$60,000.00. So, according to Ryan Applegate, our Finance Manager for the Parks and Recreation, we have a very complicated budget most of you understand that. If, if we don't pass the increase for, for aquatics by 2023, we'll be looking at right around a \$150,000.00 deficit. So, it's been building over, over the years and we try really hard to keep our aquatics facilities open and as affordable as possible to everyone in this community. We do a lot of scholarships for families and, and youth and, and seniors but that's kind of where we're at with aquatics. The fort, if we don't pass the fees, we're, we're looking at right around a \$30,000.00 deficit combined with triangle fields and the diamond fields or triangle fields.... I say that all the time, the rectangle fields and, and the diamond fields. So, and then and then the shelters are, are a little, quite a bit less. The fee increase will generate right around \$6,000.00 of revenue to help offset the wage increases across the board. In Recreation, we're looking at a 7% increase in wages; aquatics a 14% increase in wages, and from what I've seen over at Park operations because they're in the same boat we are, they're looking at a 7, at least a 7% increase in wages as well on top of all the inflation we're seeing with supplies.

Mayor John Engen Thank you and that was Shirley Kinsey for the record. Ms. Sherrill.

Aldersperson Sherrill Yeah thanks and I love the scholarship programs, and I love supporting anything that supports that I think that's a really, really important thing for families, especially in the summer when kids are out of school and I'm in full support of wage increases and I'm glad that we can do that. I am confused by the triangle field. I was wondering what, what, what was I missing as Parks chair. So, one other, just for the record....Shirley, if you don't mind, could you address kind of the outreach that you do and have done to the user groups that would be more affected by these changes in our schedule?

Shirley Kinsey Sure. So, so generally what we do is we decide what we need to change, either increase or decrease, and we put together a summary memo that reflects those changes. We email that out to all the user groups that normally rent from us and all the people that, all the organizations that, pull special use permits. So, we try to do a big email blast and, and let them know where to find the master

fee schedule on the web to review the whole document. Then we, with our large user groups, we would like to do a face-to-face meeting with them. And so, what we'll do is, this last year was a little different because we had the turf working group, which basically covered lacrosse, rugby, soccer, and ultimate frisbee. So, we didn't do a specific user group meeting with them because they gave us recommendations in terms of what they wanted us to do and so that the fee increases based on the multi-use fields. With the softball groups, we reached out to our contacts at softball with MSA being our largest user and Christian Softball League being our second largest user. We did, we set up meetings, invited them to the meetings, and when we do that, we expect our primary contact to invite who they want to be at the meeting, whether it's their entire board or.... it's up to them. They're the ones calling the shots in terms of who is at the meetings. So, the MSA meeting happened and then also Christian Softball League just happened this past week.

Mayor John Engen All right, thank you Shirley. We have a motion on the floor. Is there a further discussion on the motion? Mr. Carlino.

Aldersperson Carlino So, yes. So, I just want to bring up that these fee increases will only bring in more revenue, if more people..... I mean we wouldn't have to increase the fees if we just attracted more people to play sports and these fee increases the increases going up so drastically will also deter some people from being able to participate in Missoula sports. So, I believe we should not increase these fees at such a rapid pace because it is pricing some Missoulians out of our public parks, and we got some emails about that. I just got an email from the President of the MSA, the Missoula Softball Association, that Shirley was just talking about who was showing that the MSA is against these fee increases. Instead of increasing these fees at such a large portion, we could work to attract more teams, we could more evenly distribute the fee increases amongst all sports, or we could fully fund Parks and Rec in the General Fund. For example, tennis and pickleball haven't seen an increase in years, while our soccer community is facing a proposed increase of 52%, which soccer is the number one sport enjoyed by refugees in Missoula, as well. I recognize the 30% scholarship discount that can get approved by the Parks and Rec board and I appreciate that program being put into here. And I also appreciate, you know, raising everybody's wages who works for Parks and Rec along with this. However, I can't support the proposed fee increase the way it is currently because I believe we could fund Parks and Rec in a more equitable way that allows people to still continue to play and to participate in affordable sports in Missoula. In the vast majority of the time, these public recreational fields are locked and not accessible to the public. So, for the sake of equity in our parks and fields, I believe we must open up the gates to

the community and make sure that we keep these fees affordable by fully funding Parks and Rec in the General Fund, or by more equally distributing these fees amongst all sports. Thanks.

Mayor John Engen Ms. Anderson.

Alderson Anderson Thanks so much Mr. Mayor. I will be supporting the fee increase. I do think it's important to point out, especially for new Council members that we were intentional in not raising our fee increases last year. So, where these may feel like a larger than you know necessary fee increase this year, it really actually reflects two years of the increases because of the pandemic and not wanting to increase fees given last year was you know we were still this time last year no one had vaccines and we had no idea when all that was going to be rolling out. You know, I think it's important to point out the fact that if we did fully fund Parks and Rec, which I am an absolute advocate of, we would have to raise taxes across the City for everyone who lives here in the form of their property taxes and having been on Council for the last four years and sat through the last two budget cycles, we were really intentional about not raising our mill rates because like I said we were going through a pandemic, people's house increases were going up because of the Department of Revenue's reassessment cycle. And so, being mindful of trying to you know do what we can with the budget that we had, not wanting to raise taxes. So, unfortunately all of these programs are running a deficit. The fee increases that we are proposing still don't actually cover the anticipated costs for these. So, they are subsidized for the General Fund. So, I don't play softball but you know my overall taxes as paid in by my property taxes going into the General Fund are subsidizing the cost of that and I'm fine with that because you know, I walk on the, I play in the local parks that are open and I feel like it is my responsibility and to you know cover a base portion, but you know there are certain extra things that are required because of these facilities, the maintenance. You know, Rainbow Park, the snow sledding hill doesn't get chalked and doesn't have a staff person, and so you know having those extra fees to cover those extra amenities that are granted, I think seems reasonable. I also don't think that you know it would be an additional cost to parks to have them wide open and used at any time. First of all, it would be unmanageable and that we would you know how are we going to then cover the cost for increased wear and tear when we're not even recovering the cost of maintenance as it is? So, the majority of these parks' funds are funded by the General Fund fees and especially in everything [inaudible] aquatics makes up only a fraction of the budget. And so, I think that is equitable because you know we as taxpayers are covering the vast majority of it and then the user groups are being asked to kick in a little extra to cover the difference and you know we, Shirley, last year or two years ago I think it was mentioned that they were part of

their user group outreach, they had gotten a lot of feedback saying that you know waiting every few years to not have an increase, but then having a larger increase was harder on groups and so she took that feedback and was trying to kind of like even it out over in smaller doses, but last year chose not to do a fee increase and I think that was reasonable. So, I think it's really you know kind of keep in mind that this year is really reflecting a two-year fee increase and not just a one-year increase. So, with that, I will be supporting the parks fee increases this year. Thanks so much.

Mayor John Engen Ms. Jordan.

Alderson Jordan Thank you Mr. Mayor. I have actually been really conflicted by these fee increases. I can see both sides of what's happening. I guess my, my big question is, you know.....I actually have a couple questions, if that's okay? We've received a lot of comment in the last week or so from people who are opposed to these fee increases and, and I do have concerns that increased fees will reduce the volume of people using our parks. I also know that we're running a deficit in Parks and Rec. I also know that my property taxes went up by 25% this last year and people are really struggling. I'm really conflicted by these fee increases. I would like to vote no but I also know that we need the, the money for Parks and Recs. I, I really struggle with the fact that it's going to affect users, that it is not going to be an equitable increase, and I guess the main question that I have and I'm sure that we covered this before and being new and having so much information coming and going, I might have missed this but my question is, is how did we focus, how did we how were the fee increases calculated at such kind of an inequitable rate? So, some of them went up really high, some of them haven't gone up at all, and I just would appreciate a little bit more information and I know some of my constituents would as well and I'm sure we've talked about this before and I appreciate the, the re-brief. Thank you.

Mayor John Engen I'm, I'm happy to take a quick stab and Shirley, if you want to add any detail, you're welcome to do that. So, I think one of the things that's important to remember is that, is that, is that these facilities are used by specific groups who charge their members, generally speaking, and then pay and then pay fees for us. Many of these user groups have specific demands and Shirley had mentioned the turf working group in particular. They are asking us for a higher standard of, or a higher level of service as we call it and in order to achieve that higher level of service, we are asking to again recover some of that cost, not all of it. The same holds true for softball. In, in some cases, while these organizations are not for profit, they still, they have capacity to, they have capacity to fundraise, they have capacity to make some additional sales and I think Shirley would tell you that that we have not experienced a decrease in use as a function of fee increases over the years, which we have done year

over year after year with a couple of notable exceptions. So, we're largely trying to keep up. In the cases where the increases are at a fairly high percentage, but still low dollar, we're, we're trying to accommodate requests of user groups and I also want to note that there are, they're actually at Fort Missoula Regional Park, for example, there are two subsidies. One is the bond, which built the park and, and additional General Fund that support from both the city and the county to support operations there. This, to me, is, is actually quite equitable because there are there are individuals and organizations who aren't experiencing those increases. Unless, again, it's a specific enterprise or costs have risen to the point that we can't sustain programming at a level of service. Over time, if we continue to, if we were to defer these fees, you heard the numbers from Shirley, \$150,000.00 is a big deal in parks, as it is in most places in the city, and I think we're doing our best to balance that question of General Fund. The other thing to remember is that is that the, the General Fund is finite. It is, it is controlled by mill levy value and caps placed on that mill levy by the Montana Legislature. So, if you're, if you're in, inclined to raise taxes, we're going to be bumping up against the cap. So, then we have other choices. Do we limit programming? Do we do less? Do we shut down some programs? I don't think any of that is, is imminent but over time that's the way this plays out. So, I think modest increases over time for users who, who, who don't have alternative facilities to a certain degree, right, because of the incredible community investment in these facilities, having them pay a modest portion of the cost of operating those facilities seems perfectly reasonable to me. And Shirley, if I missed anything, or Ms. Jordan, if I've missed anything, let me know.

Aldersperson Jordan Thank you.

Mayor John Engen You bet. Ms. Vasecka.

Aldersperson Vasecka Thank you Mr. Mayor. My colleague, Mr. Carlino, really hit the nail on the head with my thoughts on this. So, I won't really repeat what he was saying. I'm, I'm really torn about user fees. Kristen made a lot, a good point. I do see both sides to it, maybe if they didn't increase so much every year, I would be in support of this. We did have a lot of folks reach out to say that the never-ending increases are making it really difficult or even impossible to play in the softball leagues or other leagues. Mr. Loomis, I see, is in the audience tonight. He wrote a really great email explaining, in great detail, a lot of the concerns that he has and I'm happy that he's here tonight. I look forward to hearing his public comment. I'm also I have concerns about the resident 20% discount at Currents. It's, it's really confusing because you pay \$2.00 additional to get the 20% discount card, which I would understand if we actually got a card, but you don't. It's just something that's in the system that says

you're a resident. So, and that's just, I don't know, I mean give us the 20% discount or not but don't make us pay extra to get it. I, it just bothers me and then I can also understand, it was kind of hard to get it you, you're not made aware that you need to bring something besides your driver's license with your resident address on it, you have to bring your hunting license or your utility bill, which I guess I can understand that to make sure because I know a lot of college kids don't really live here but then they come back and they still have their parents address on their license. So, I guess I can understand that it's, it's really petty I guess of me but that just irks me the wrong way but with the first reason with the softball fields and the league's having a lot of trouble, I will not be in support of this tonight.

Mayor John Engen Ms. Jones.

Aldersperson Jones Thanks. I just wanted to say I'm in favor of this tonight. Every year or every two years, we have these user fees for parks come through and it's, it's always hard trying to look at this and figure out the best thing going forward but after every, every time when we have Parks to give a big presentation on. It, it's clear a lot of thought has gone into how to make their budget work with the sources that they have and, and this is what local government does. It constantly tries to provide more service than we have money for, and this is a small way to help the budget that really does put it on the users and there are many people who do not use a lot of the facilities listed in these user fees and then there are people who use them on a regular basis. And I think it's I think it's quite fair actually to have the users being paying their way for when they're using parks in a different way and as my kids did sports throughout the years and I was renting fields from Shirley over the years for lacrosse, it's, that's the way it works. If your kid's gonna do a sport that's extra above and beyond and or if you're in a league where you're using those fields, those people, they're already in existence but to do the extra prep work and set them up that, that takes extra. So, I'm, I'm fine with having the users pay it and I know that there's extensive outreach. I've seen it for 7 years now, extensive outreach that they reach out to all of the user groups, have conversations, do the best they can to, to navigate it and, and get to a commonsense place. I did want to address tennis, which was raised and having sat through a lot of tennis meetings for the last year plus, it's really an apples to orange analysis because 20 years ago, there were partnerships in town with the high schools and the city to create the tennis courts at Playfair and then there was another go around regarding Fort Missoula and the fees that attached to those are for maintenance only, not for any type of repair and those are... the whole agreement was created over 20 years ago. So, it's, it's not something that is visited every year because it was a forward-looking agreement created 20 years ago, as there was a partnership. So, I just wanted to point that out. I think

that's apple to oranges to, to connect pickleball and tennis to these user fees. So happy to support it and Shirley, thank you for all your work on this.

Mayor John Engen Mr. Nugent.

Alderman Mike Nugent Yeah thanks. You know, I appreciate all the comments and I certainly, you know understand the concerns about fees. I did specifically want to hit on something, and I agree with most of what, what Gwen and others have said. The, the comparisons we've made several times about the person walking on the trails is using it just as much as the user group and, and I just want to highlight that there is there is a difference between those two. You know, I can go play catch with my son at a park and pay no fee but if I'm, if his team is going to reserve the field, it closes it off to everybody else, and I do think that there is some level of you know responsibility beyond what we would say is our regularly accepted use in that. I'm actually excited to talk about Parks a lot in the budget process because I think there's been some very interesting questions put forward, but I don't think now is the time and we're never going to get to a place in my opinion where we can fund all of all of this without having user fees unless we find something else to cut. And I think for those of us who are new, it's been a learning experience, of course, on, on when is the appropriate time to have these conversations? But obviously, if we were going to do something as drastic as, as eliminating user fees that's a budget conversation, not a now conversation. I did have two questions, possibly for Shirley or someone. Some of the comment's express questions about the need to have staffing at the Fort Missoula Park versus McCormick Park that doesn't have staffing. I think I know why that is the case, but I don't want to make any assumptions. So, I was hoping you could address it.

Shirley Kinsey So, so we've got open fields that are just drop in fields here at McCormick and the, the two plex at the Fort Missoula, you can drop in any time and, and play on those fields. Generally, the, the five plex is locked. We, we've experienced a lot of vandalism and I'm, I'm not going to point fingers at any one school [Laughter]. So, it's, it's difficult to, to lock facilities off. During this softball season, we prep early in the in the morning for our league games, that's the expectation of, of our softball players that their fields are prepped. If we were to leave the gates open, anyone could walk in and, and basically undo all the prep that we did for those league games that night. These are quality, tournament quality fields and in order to keep them that way, we put a site facilitator out there during use. They open, they close, and, and they walk around and ask people to pick up their garbage and/or pick up garbage. Sunflower seeds are garbage, cigarette butts are garbage, and there's should be no glass out

there. It's, it's a constant.... it's, it's, it's overseeing the facility and keeping it nice for everyone and especially for the tournaments that come in.

Alderson Mike Nugent That's kind of what I thought but I appreciate you spelling that out. Thanks Shirley.

Shirley Kinsey Certainly.

Mayor John Engen And Ms. Jordan.

Alderson Jordan Thank you Mr. Mayor. I guess I just wanted to have one final comment, saying that I, I will be voting yes tonight but I would really like to make a concerted effort on some policy change around this space. And I don't mean to undermine the hard work of the city staff, I, I just know that we've gotten a lot of comments on this space which means that some folks have been surprised by it and I'd love to, to work on some really meaningful policy reform to ensure that folks are a little more comfortable with our, with our fee increases. Thank you.

Mayor John Engen Thank you. Mr. Hess.

Alderson Hess Thanks. So, I guess this was probably one of the very first things I did when I was a new Council member and, and, and I've grappled with it every ever since. It's, it's a complex department that is run with a lot of users in mind. It's, there's a lot of revenue streams and a lot of considerations and I, I appreciate the discussion that we had in in committee and, and tonight, and I appreciate the, the, all the, the moving parts that make this challenging. I guess, on balance, I'm, I'm really proud of our Parks department. I'm, I'm proud of the work that they do to, to keep parks accessible to, to all users, through the scholarship program, through, through the scrutiny of all of these fees. And I do, I mean I'd love to have in an ideal world of course we wouldn't have user fees and those, those would be those costs would be born through a broader support of the system, but it's just, it's, it's not the financial reality that that that we live in with, with the tax system that we have in Montana. And so given, given what we have and given the priorities that we have, I'm really happy to support these. I find the staff work to be thorough. I find it to be, the justifications, to be compelling and I appreciate people reaching out and providing feedback. It's important to advocate for your, your viewpoints and those I've taken those into consideration and on balance I'm happy to support this. I do have one request and I, I think this should be part of our annual budget process. I think it would be great if, if we could over time shift the timeline for this so that it was so that it was something that we considered when we consider all the other budget requests in the summer. So, that's something that maybe we can kick around over time and, and maybe see if that's feasible.

Mayor John Engen Thank you mister.... thank you Mr. Hess, I don't disagree. Seeing no additional council comment, we've got two hands up in the attendees. If you can keep your comments for three minutes, I'd be grateful. Mr. Loomis.

Mr. Loomis Thank you and I should be able to keep this a lot briefer than before. Good evening. Thank you again for letting me speak on behalf of not just myself a lot of users of city Parks and Rec facilities. For those that I haven't spoken with on Council, it may be easy to, to forget or just not realize that although you are very easy to get a hold of, it's a simple email address I think the general majority of the city and county residents and park users don't realize that. So, this is just one of many issues where you're not going to hear from the majority of people that want to speak out against it. I'm not saying that's your fault, that's just a reality. I try to be as informed and researched as possible. You see, I can write a lot and I'm sorry if there's any misinformation I've been given elsewhere. Shirley's done a, done a great job emailing with myself and with others, clearing a few things up and giving more information that just wasn't available but since you've heard plenty, I want to be brief. I, I ask respectfully to please stop assuming what a non-profit organization can and can't absorb regarding costs, whether this involves this decision or any others, it's incredibly unfair. I understand why City Council, whether one or all of you, would support this absolutely but I do find it incredibly ironic to hear this administration talk about not wanting to fund things with tax revenue. Mr. Nugent, I, I agree that there is a difference between using a sidewalk and using a rented facility. I made that that that comment because they're both public things, but you know, you could argue you could argue that lots of facilities, dog parks require certain maintenance and certain operations and repairs. I don't use a dog park, but I am paying for it as a taxpayer because that's what we do. I know there's a difference, I don't think it's that big of a difference. I also really like Mr. Hess's suggestion regarding budgeting maybe it's because this is becoming a bigger issue because the dollars are getting bigger. I recognize and understand that cost of supplies and wages and everything have increases, parks needs a way to counter some of these increases and that kind of kind of goes back to what I originally said which I'll bring up again. Parks, again, has very few means of creating revenue. The General Fund is, I believe, their main source. This is basically out of need, I believe. Without additional payroll funding, which is happening because Council has dictated and I'm so sorry if I'm incorrect with this, the City has strongly encouraged Parks and Rec to raise wages. I'm not opposed to that but it's not their choice. They're being told you need to spend more money on this but they're not being given more money to spend, that's where this all kind of stemmed from. They're, Parks, is saying we need more funds, specifically or mainly because of wages.

I'm not going to argue with that, but it has nothing to do with the user groups has to do with wages are going up because they're being told they're going up. I feel that no city department should be granted the authority to increase their cost of taxpayers without providing City Council and the public some type of financial statement accountability. You hear from citizens all the time, we deserve accountability. That's one thing that I think my hounding has accomplished because typically these requests are just we, we want to raise it to this... rubber stamp it. I agree for the most part about soccer players should pay extra for specific soccer field maintenance, softball players for softball fields, but I would, I would still argue, and I know it's not going to be a debate, but I disagree that these fee increases are covering all sports facilities that require those specific maintenance and those specific staffing needs. Maybe this whole thing is more of a budgeting question, maybe it's an operations issue. I mean, I, if, if I felt that as a user, if I thought that Parks and Rec was amenable to discussions about operations and staffing and maintenance and budgeting, this would be something I would go to them with. It's not that way. So, it comes to you guys because this is unfortunately the forum that the public is really afforded, in which you have people listening. Really to reiterate from my original point, it's essentially a funding request. They're saying they need x amount of dollars, which was unclear at first and it's either hey City Council, we need it, or we need to go to the users. I'm not asking for you guys to subsidize or pay for a sports league to have rentals, but just the maintenance the regular maintenance. I'm not looking for special aeration. I'm not looking for special mowing. I just, the fields that are already built, we just want to be able to use them, that's all. And then finally, I can't deny that parks works hard as a whole they're a huge group of people, they don't have easy jobs but because of how public process works this is sometimes how issues and questions are able to get out in the open. I know this is going to pass and I pretty much knew that from the start, but I think it's really important that myself or other citizens are able to feel like we can be heard by not just the department but by our leaders. I, I, I absolutely 100% agree that those that make the decisions like, like, well I'm not saying Shirley, but Shirley's making the presentation, but they don't want these increases. It's just, that's what they have to do, fairly or not. I don't necessarily agree with the methods and reasoning behind it, but I do appreciate everybody's, everybody's time, everybody's effort, and I hope that whether it's budgeting or next time this comes around. I hope that we can continue to have this conversation and try to make things just more equitable. Thank you.

Mayor John Engen Thank you Mr. Loomis. Seeing no additional public comment, we've got a motion that is in order. We've had a public hearing; we'll have a roll call vote.

Mayor John Engen And the resolution is approved.

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

Moved by: Alderperson Sherrill

Amend or adopt a resolution revising the Parks and Recreation Master Fee Schedule for facility use, reservations, permits, and program for 2022.

AYES: (8): Alderperson Anderson, Alderperson Becerra, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Savage, Alderperson Mike Nugent, and Alderperson Kristen Jordan

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

ABSENT: (1): Alderperson West

Vote result: Approved (8 to 3)

Mayor John Engen Our second item for final consideration comes from the Land Use and Planning Committee, Mr. Hess.

Alderperson Hess Thank you Mr. Mayor. I move that we approve the Animal Services 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 one (1) condition of approval. And may I speak to the motion briefly?

Mayor John Engen Mr. Hess.

Alderperson Hess This, to me, is an incredibly straightforward additional use request. The applicant has demonstrated how they will, how this use makes sense, and the staff recommend approval of it, and I don't see any reason to differ with anything in the staff report. So, I'm supportive of the motion.

Mayor John Engen And further discussion on the motion? Seeing none, anyone in the attendee's care to comment? Seeing none there, we've had a public hearing and we'll have a roll call vote.

Mayor John Engen And the conditional use is approved. We don't have any additional items for final consideration this evening.

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

Moved by: Alderperson Hess

Approve 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 one (1) condition of approval.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Vasecka, Alderperson Savage, Alderperson Carlino, Alderperson Mike Nugent, and Alderperson Kristen Jordan

ABSENT: (1): Alderperson West

Vote result: Approved (11 to 0)

10. COMMUNICATIONS FROM THE MAYOR - None.

11. GENERAL COMMENTS OF CITY COUNCIL

Mayor John Engen And we'll begin general comments from Council members with Mr. Hess.

Alderperson Hess Thanks Mayor, I'll pass tonight.

Mayor John Engen Mr. Nugent.

Alderperson Mike Nugent Thanks Mayor. I had the opportunity to do a ride along with the Missoula Police Department on Friday and I just want to say that it was a very educational experience. And I think the public will be surprised on so much of what they deal with is not what I think people would consider normal police work and I was very impressed with the, their approach to sensitive issues and some mental health stuff that they came across, as well as some other emergencies and I just felt like I would share that. I rode along with the Officer Grotman and found him to be very professional.

Mayor John Engen Ms. Jones.

Alderperson Jones I'll pass, thank you.

Mayor John Engen Ms. Sherrill.

Alderperson Sherrill I'll pass, thanks.

Mayor John Engen Ms. Becerra.

Alderperson Becerra I'll pass, thank you.

Mayor John Engen Ms. Savage.

Alderperson Savage I'll pass as well. Thank you.

Mayor John Engen Ms. Vasecka.

Alderperson Vasecka I'll pass, thank you.

Mayor John Engen Ms. Jordan.

Aldersperson Jordan I'll pass, thank you.

Mayor John Engen Mr. Contos.

Aldersperson Contos I will not pass, but I agree with Mike, that was, the police are absolutely amazing and for any of you that have not done a ride along, it's an eye-opener. We have a great police department. Thank you.

Mayor John Engen Mr. Carlino.

Aldersperson Carlino Yeah, I did a ride along with the police department as well and it just happened to be the day that there was an armed robbery and then it ended with a two police cars getting hit by a train, which was quite, the quite the time but it was very insightful. I agree and I encourage everybody to do it and also did a ride along with our one of our other emergency response teams, the mobile support team. They're only running from 10:00 a.m. to 8:00 p.m. right now, which we've got mobile, I mean we have mental health crises 24/7. So, I just want to note that it'd be great if they had more funding to run, run, to meet our community's needs but it's a therapist and EMT who are simultaneously working together and they're proactively calling people when there's no emergency calls and they're checking in on Missoulians and they're proactively saving us money and preventing crime. And I just encourage everybody to also do right along with them too. Thanks.

Mayor John Engen Ms. Anderson.

Aldersperson Anderson Thanks so much Mr. Mayor, I'll just be very brief and once again, I'll scream into the void about please wear your masks and really consider actually staying home right now if you can. We are seeing an exponential increase in COVID cases. I would say that this is the point in the pandemic where I personally know the most amount of people who have COVID, as of any other point up to this point and so do what you can to keep your community safe, just wear a simple mask, stay home if you can. This isn't over yet and don't be fooled by the mild, you know, people are saying it is that omicron is milder. It is not guaranteed. You can still get long COVID from it and you can pass it to somebody who is immunocompromised and is just out there trying to get basic supplies while trying to take care of themselves and, I wouldn't want that responsibility on my shoulders. So please do what you can. Hopefully the light is at the end of the tunnel but thanks so much for those who are doing the right thing. Thank you.

12. COMMITTEE REPORTS

Mayor John Engen The next item on our agenda are committee reports and items here, pardon me, weren't approved unanimously in Council committees. They come to the floor for a final vote. The chairperson of the standing committee over which the item, in which the item resides, will make a motion and we'll invite comment. Our sole committee report this evening happens in Public Works. Ms. Becerra.

Aldersperson Becerra Thank you Mayor. I move that we adopt a Resolution to order right-of-way improvements Eaton St. Ph I S. 7th St W to S. 13th St W.

Mayor John Engen Thank you Ms. Becerra that motion is in order. Is there a discussion on the motion? Mr. Carlino.

Aldersperson Carlino Thanks, yeah, I, I do want this sidewalk built and I'd like to see us complete our sidewalk and boulevard system across the city for a good community benefit. However, I am concerned about the methods that the city is using to help fund sidewalks, like in this example here. With over 40% of Americans not having enough savings to cover \$400.00 emergency expense and that same in that story being the same in Missoula, sidewalk costs should not be the emergency that tips Missoulians over the financial edge. Giving a bill to Missoulians in the cost of thousands of dollars for a sidewalk adjacent to their home doesn't make sense as the best, most equitable funding system. This is a high cost bill to put on residence and the system is not, and I just think that we need to I just think the system is not the best and we have other options to fund sidewalks. So, in the future, I'd like for us to take a look at not putting a bill of thousands of dollars or, or putting people into debt for having a sidewalk adjacent to their house but again I'd like to see us continue building boulevard sidewalks. I just would like us to keep our seniors and working class family home families and homeowners in mind when we're building them and not burden them with bills of thousands of dollars for a sidewalk adjacent to their house. Thanks.

Mayor John Engen Ms. Jordan.

Aldersperson Jordan Thank you Mr. Mayor. I would like to just support what Daniel has mentioned. He's mentioned a few facts. I again, I'm really conflicted with this one. While I'd like to recognize that City Council has worked really hard in the in the past to reduce these fees on homeowners. I also know that if I got a bill like this it would ruin me financially. I would like to, and again I apologize for my newness, but I'd like to move that we, we send this back to committee. I think that there are some funding options that we haven't explored all the way and I would like to just have one more chance to discuss those in depth before I vote yes or no on, on this. I also know that sidewalks are incredibly important;

this is in my Ward. I've heard from constituents who want these sidewalks and I've also heard from constituents who are worried about the fees. I also want to point out that sidewalks are linked to good health which leads to good socioeconomics and so I'm very much in favor of getting more sidewalks in my Ward. I am very concerned about the cost on homeowners, and I would like to see this go back to committee for further discussion. Thank you.

Mayor John Engen Ms. Jordan has asked that this item be returned to committee. Under our rules, in this case, that requires a majority of Council members to support that, pardon me, motion. So that is the motion on the floor at the moment. Is there a discussion on the motion to return the item to committee? If you've got your hand raised for something else, take it down for me please. All right, on the motion to return to committee. Ms. Becerra.

Aldersperson Becerra Thank you Mayor. I, I know that is not a perfect system, but this city has worked incredibly hard to reduce the cost to property owners. It will continue to work to find mechanisms and will continue to help finding, financing solutions for, for property owners. This goes to our well-established goals of equity, safety, and sustainability. I also think that in an environment where cost of construction materials and labor keep going up, delaying this particular project would put a put us at risk of increasing the cost of this project, which will eventually get passed on to property owners. So, while I understand that we might want to have discussion about the sidewalk improvement program, as a whole. I think that that's a conversation separate from what this particular project is and so I would encourage us to move this project forward and not send it back to committee.

Mayor John Engen Mr. Hess. I'm sorry, Ms. Vasecka.

Aldersperson Vasecka Thanks. I would be in support of moving this back to committee. I walked up and down Eaton when I was knocking doors in 2019 and it definitely needs sidewalks. I'm just very uncomfortable with putting that three thousand to nine thousand dollar bill on the property owners. That would financially ruin so many people and a lot of folks when they do their property, pay their property taxes, they're expecting it to go to sidewalks and to get that large bill on top of that, I, I would I'm not comfortable with that. So, if this goes back to committee, I would really look forward to finding another solution so that we can get sidewalks in this area.

Mayor John Engen Mr. Hess.

Aldersperson Hess So, I'm not going to support sending this to committee, I do support revisiting the sidewalk program. I think that we are in a situation now where we have we have a Master Plan that has been adopted by the Council. We have or a pedestrian facilities master plan, I should say. We have,

over the years, made steady incremental changes to our sidewalk funding mechanism that include moving from a system where property owners paid for 100% of this, of the adjacent sidewalk to where they where is more like a health insurance model where they paid an initial amount as well as a cost share for any amount beyond the initial amount up to an out of cut out of pocket maximum. It is not perfect but it's a lot better than them paying for 100% of the sidewalk. Then we've modified that program at least twice in the last couple of years to further reduce the homeowner portion and reduce the out-of-pocket maxim to I, I want to say it's about \$9,000.00. That's still a lot of money and I, I want to absolutely recognize that. We've folded in some, some loan programs and some payment defer deferral programs that can allow property owners to wrap those into their property tax bills over 8, 12, or 20 years and we've have other programs to address hardship. And all that to say, sidewalks are a huge driver of, of our equity needs. I mean it's a huge way to address our equity needs. It's also a huge way to address our multi-modal transportation goals and our climate goals. So, sidewalks are just a phenomenal good to our community and by, by deferring this at our current rate of building sidewalks it takes us 120 years to build out our sidewalk network. So, we've gotta, we've gotta build sidewalks we've gotta pick up the pace and we've gotta keep it going and kicking a project that's in a long range plan down the road is it's problematic to me and so I, I would like to I would I would like to revisit policy and funding but this is this is the policy we have and this is the funding mechanism that we have and if we wait, we're you know we're months from a construction season and we have contractors that we, we will be moving into a less and less favorable bidding climate and this this project is going to cost more the longer we wait is my understanding. So, I, I'd encourage us to take care of this tonight one way or another.

Mayor John Engen And Mr. Nugent.

Aldersperson Mike Nugent Thanks. You know, I'm not necessarily opposed to the idea of homeowners paying less for the sidewalks in front of their house, but I think it's important that we again recognize similar to the conversation we just had about park fees, that the more we shift that sidewalk cost back into our general budget the less sidewalks we're going to do in a year and as Councilman Hess just pointed out we're already 120 years out at our current pace. I, I think this is a very interesting conversation for us to have in whatever venue. It is important to have it, but I would point out that you know we talk about housing, we talk about the cost of housing. We have a problem with new construction right now and in new construction, the homeowner is getting past 100% of those sidewalk fees right now unless there is some special occasional program that, that might do something different.

So, I don't know that it is you know equitable to say if you're building a new construction you're doing a new development one house is already expensive, you have to put this all in and it gets passed on the home buyer but then we, we have a program already in place. I do think that there are some problems with it that could be tweaked. So, I agree with, with Mr. Hess that I want to have the conversation, but I wanted to point that out because I don't think that we can just stop Council business every time we don't like fees right now and revisit them. We need to revisit them the appropriate time as part of the budget or we're going to spend way more than we have collected in taxes. And when I was working the doors, the number one thing I heard about was property tax. So, I don't, I don't think that there's an appetite to raise those to do more sidewalks.

Mayor John Engen Ms. Sherrill.

Alderson Sherrill Yeah thanks and, and I appreciate everyone's strife over this because sidewalks are something we need but they are expensive and they are hard to fund and I appreciate my Ward mate, Mike's, comments about no one has the appetite to raise taxes across the board but if for me I'm, I'm not going to support sending this back because I, I think everyone's kind of some people have kind of outlined it. You know, we are implementing the policy right now. We are not making the policy. I am happy to revisit the policy and I would be thrilled if we can find some funding sources that that we don't know about, or we can find some way for to make that better, but I think it is a mistake to piecemeal and I think it is it becomes very inequitable if we're piecemealing project by project. So, I, I do understand the strife that people feel around it, but I think that we are implementing policy we are not making it and I think again it's a mistake to piece meal every week a project that we don't like or don't like based on what we think of that policy this is the policy we have currently.

Mayor John Engen Ms. Anderson.

Alderson Anderson Thanks so much Mr. Mayor. I agree with so much of what my colleagues have said and I think it's really important to point out that these you know we have over my course of time on Council have really taken several looks at how we do this plan, which has ultimately resulted in the fact that when we stalled the plan for a couple years well a year because prices were skyrocketing so much and we had to re-figure out the funding equation which put all projects back by a few years one of them being my Ward and my folks are you know clamoring as everybody who is ultimately on the plan is to get their sidewalks in. And I think it you know what Ms. Sherrill brought up was really important because if we send this particular project back to committee and find some funding source for this particular project, it's not ultimately amending the master sidewalk and well it's separate, the master

plan facility maintenance plan. And so, then you are disadvantaging the next one up on the list if that funding isn't permanent or one time or if it's just you know for this particular project. I think it's also important to point out that there is already money being put into this that through the scoping work that the staff has done the engineering plan and we need to move this out to bid as quickly as possible to try to get the best bid to execute this project. So, I think that I think many of us have demonstrated a willingness to revisit the entirety of the plan, but I also want to point out the fact that you know I specifically moved from my old house to my new house because I wanted sidewalks and there was a cost increase to that. And as Mr. Nugent pointed out, if you are building you're buying a brand new home you are you know getting some of that cost you're paying for that cost right away because the developer had to put everything in and the city the residence portion of the sidewalk cost is not a bill that is due at time of service. It is something that if a homeowner cannot pay right out of pocket, which I wouldn't be, if someone gave me a \$9,000.00 bill right now that was due in any short period of time, I would be in trouble as the vast majority of Missoulians would be but if you're able to put that out over the course of 12 years that becomes a \$750.00 a month bill or \$750.00 a year bill, which translates into about \$62.00 with a little bit of interest tacked on. So, and there are those in our community that that is significant and I absolutely realize that but you know I think it's we want to make sure we're putting out the right information for the folks about when and how they're able to kind of absorb this bill and they will see an increase in the cost of the value of their home, if they were ever to go and you know we're all helping pay for that with the subsidy that the city is paying and then the homeowner then reaps all of that you know increase for that. So, I think we should continue on with this particular project and look at making changes to the long-term structural plan when appropriate. Thank you.

Mayor John Engen Seeing, pardon me, seeing no further discussion on the motion to return the item to committee, anyone in the audience care to comment? Mr. Loomis.

Mr. Loomis Hey, I'm still here, why not chime in, and it may sound a little a bit of an oxymoron for me. I, I I've been following this stretch of Franklin to the Fort, this stretch of Eaton for many years waiting for infrastructure improvements. I don't live there anymore, partly because the infrastructure was in such bad shape, as you guys probably know. So, just as a tax paying member that is helping to subsidize this, I'm totally in support of it. I mean when you look at the breakdown, staff has put a lot of work into trying to make this..... I was just complaining about equity. They're trying to make it as equitable as possible for everybody. It is zero cost to many people. It is some cost, still a lot of cost for some but far less than if they were gonna go do it on their own, far less than if the city just ordered sidewalks with no

subsidy. While I can absolutely appreciate the, the interest in going back and discussing this further because it's going to be an ongoing discussion I think this is a pretty great deal for the neighborhood, for the property owners, for the area. And Mr. Hess is totally right, we're, we're a little behind on our sidewalk network and you guys have worked very hard over the past years to try to get it on track and so I appreciate any, any movement that works with property owners to get that done. Thank you.

Mayor John Engen Thank you Mr. Loomis. Ms. Stenson-Bickers.

Ms. Stenson-Bickers Yes, I agree, please pass this. The cost of the property owners is not as significant as some people are trying to make out. It can be spread out over time. Please don't send it back for more work. Pass it ; it needs to be done. We need more sidewalks in these neighborhoods. Thank you.

Mayor John Engen Thank you. All right, so on the motion to return the item to committee. I miss the days of voice voting, Ms. Rehbein let's call the roll please.

Mayor John Engen And the main motion is before the body. I am going to suggest that a horse left the barn, and you all largely debated the corpus of the motion, while discussing the motion to return the item to committee. I ain't gonna stop you, I'm just saying. Ms. Jones on the motion.

Aldersperson Jones One should not be punished for waiting for the appropriate time to comment. I will keep it brief. I'm in favor of passing this; the sooner we get this out the door, the better price we're going to have for homeowners. So, it's important and I think there is, as was referenced some conflating of implementing policy versus creating policy, I think a lot of people who have been on Council have been very involved in that creating policy discussion and I understand when new people come on board, it's important to get up to speed, as well as have ownership in some of these policies. So, for people who want to look at those policies, I think there's a lot of history first of all to dig into a lot of history and as Jordan has said, if we cut back on the amount that homeowners pay in, we will be doing less. So, we've already had that discussion actually. We have already cut back our capacity quite a bit while ramping up the city contribution as much as possible. It doesn't mean that that equation can't change but I think tonight, we need to get this out and if there's a policy discussion in the future it's really having that history and then taking a look at it with that context because I'm not interested in starting over. I guess that's what people need to meet at where is that where it is at. So, thanks for thanks for bringing this and I'm in favor of it.

Mayor John Engen Ms. Jordan.

Aldersperson Jordan Thank you Mr. Mayor. I think that it's really important to always examine where we can make policy changes. I've heard quite a bit from different colleagues saying that this is a policy

implementation, rather than a policy development moment and I want to thank my colleagues for going on the record saying that we need to address the inconsistencies and possible budgetary deficiencies of this particular policy. I appreciate that, it means that we're going to have a really robust conversation about this later, but to say that right now is not the time to address policy I think is, is short-sighted and frustrating and that's what we're here to do. We're here to ask these questions and we're here to say hey all this happened a while ago or this happened yesterday and today's a new day. What new information do we have that might warrant a different decision and that's, that's where I'm coming from? I think that it's pretty also short-sighted to say that this is not a big cost to put on tax owners. Like I said, this would financially destroy me, and you know all of the incentives that you have kind of brush away the point that we need to find a different way to fund these types of things. Again, I will say thank you to my colleagues for agreeing to talk about a policy change in the future and I also will say we always need to be sniffing at our policies and making sure that there isn't not time to change it now. Thank you.

Mayor John Engen Ms. Becerra.

Aldersperson Becerra Thank you. I just wanted to say thank you to our staff who are here in case there are any questions still remaining. I just wanted to also mention that for this particular project, there's been significant public engagement. There's been a recognition that infrastructure in this neighborhood is needed by the neighbors, and I also want to say that I am not trying to undermine the cost. It is significant but our staff has worked very hard to come up with ways to make it a little bit easier to, to make payments. So, for an average cost right now of, of \$3,000.00 to a property owner over 20 years, that's \$150.00 a year. Well, it's not insignificant, it's significantly more affordable than it used to be years ago, and I disagree that we're not saying that this is not a time to talk about policy. What I am saying is that this is not the project to start that conversation with and paralyze this project, as it has been going through the process, through the engineering process, and it's ready to be deployed. We have people who are waiting for this infrastructure to be put in place. So, let's have a conversation but let's not penalize this neighborhood and this project while we are trying to make new policies and find new funding sources. Thank you.

Mayor John Engen Mr. Nugent.

Aldersperson Mike Nugent Thanks Mayor. Councilman Jordan, I think you know that I enjoy our conversations and look forward to, to having this one, and I think that we'll find a lot of a lot of common ground and hopefully some good data to support. Where I'm coming from on not abandoning policy as

we come into these conversations is that the staff has been working and spending time that they could have been spending on something else based on the direction that the Council has given historically and I know that being new kind of learning some of that has been frustrating at times with a little bit of eye-opening but I don't think that, I don't want to dismiss that time or make it feel like that wasn't useful and I think we have to respect that as well so.

Mayor John Engen Ms. Vasecka.

Aldersperson Vasecka Thanks, a question just popped up in my head. So, with the talk with like a \$7,000.00 bill over the course of 20 years, what happens if you move? Is the new property owner on the, supposed to pay the rest of that or how how's that how does that work?

Mayor John Engen Mr. Sipe.

Monte Sipe Thank you. Monte Sipe, Construction Project Manager with Public works and Mobility, Surface Engineering. So, I guess I just wanted to drop back to, to kind of explain where we were in about approximately 2016 where you know, per state statute and local ordinance, the curb and sidewalk was 100% assessed against the adjoining property owners. And since that time, we've made a lot of effort to try to, to pare that back and try to do what we can to keep these projects moving forward acknowledging you know the assessment to the adjoining property owner. So, currently right now a one and two family is capped at \$3,500.00 and so, that's, that's up to twenty thousand dollars of the work, which is pretty substantial after that time, the, the total they would be assessed would be another \$5,500.00. So, \$9,000.00 max. So, in the example of Eaton Street every one of the property owners, there are 61 property owners within the project. Every one of them is capped at \$3,500.00. So, we currently have an 8, 12 or 20-year program. So, so they could assess that amount over that term. We also have a low-income deferral program, which is eligible to those folks that are basically it's based on the HUD 80 percentile income for Missoula metropolitan area. So, if, if they're eligible for that program, they can defer that amount to, to the time of the sale. So, they, they hey would pay nothing until the, the time the home is sold. We also have the similar program. It's called the high assessment deferral. So, those folks that multi-family, commercial industrial, play, it's a split funding kind of criteria. So, they max out at \$20,000.00 but then once they hit that cap, they pay the rest of that 100%, but they're also eligible for a high income deferral. So, any one of those folks could defer that entire amount over \$5,000.00 until that property is sold. So, we, we have made a lot of a lot of effort to put out a lot of different programs, understanding it is a huge impact. So, you know it's a simple income, it's a, it's a simple loan deferral so you know our total interest rate has typically been about 4.5% to 5.0%, and

that's simple interest. So, you know, as they pay down principal it rolls into their taxes. So, every time they pay a biennial tax payment on that you know that that pay down principle so it's not like a home loan. So, they're only paying it just on the remaining principle. So, I think we've made a lot of effort to, to try to make something that's reasonable. I, I do think that there's some direct benefit to an individual property owner. When you don't see curb and urban sidewalk adjoining a property and then you implement that project, and you get that stuff on the ground. I, I think it's hard to argue that there isn't some direct benefit to the adjoining property owner and so I think that's where we're at. You know, we've, we've gone through this. We've had a couple different modifications to our financial assistance. You know, for and two family, \$3,500.00, I think that's you know looking at today's construction costs I think that's a pretty reasonable amount to be honest so.

Mayor John Engen Monte, would you, would you remind me, is thiswhat, what's our instrument? Is this SID or individual contract?

Monte Sipe So, so this program is developed through state statutes. So, state statute allows us to assess curb, sidewalk, and alley approaches without implementing an SID. So, it's a, it's a component of state statute and local ordinances that allows us to do that without developing SID. You know, like I said back in 2016, you know that program was 100% on property owners and so I think we've made a big effort to try to reduce those, those costs and so we're bringing road district and, and other funding sources to our program. We've also implemented some new programs, our greenways program and stuff. So, we're trying to pull our efforts to try to get some of this basic infrastructure on the ground and yeah it's you know we've developed a master sidewalk plan in 2018, and yeah there's a lot of need out there.

Mayor John Engen Thanks, thanks Monte. So, to answer Ms. Vasecka's question, the property owner is on the hook and if they're, if they're wise they will pass that hook on to their buyer.

Monte Sipe Yeah that would be you know something that's discussed at the time of the sale. You know, it either stays with the property or it's negotiated at the time of the sale.

Mayor John Engen Thank you. Ms. Sherrill.

Aldersperson Sherrill Yeah thanks and Monte thank you for that. I think it's always important that we remind be reminded of the work that the staff does you know to find funding sources. I appreciate that and I appreciate the history behind it. I just want to point out I mean if, if we were to just do this case by case I think instead of following and implementing a policy that we have, it would be an incredible disservice to our taxpayers because we would be wasting so much money and time of our staff and I think Mike was kind of talking about this a little bit but it would be if that would be a lot of wasted time

in engineering and and and there are costs associated with that. So, I think it's irresponsible to do this on a piecemeal basis.

Mayor John Engen And Ms. Vasecka.

Aldersperson Vasecka Thanks and thanks Monte for that explanation. I really appreciate that and all the work that you and the staff do for this. I'm still, it's just not sitting right with me to put on the cost of the property owners. So, I'm unfortunately not going to be supporting this tonight. I do look forward to discussing other funding mechanisms in the future for sidewalks because like I mentioned earlier I'm a huge, huge fan of sidewalks. I just I don't think that this is the proper way to do it. So, during budget season, I look forward to having more conversations about that.

Mayor John Engen And Mr. Carlino.

Aldersperson Carlino Thanks. Yeah, I look forward to having the bigger discussion about the overall policy with our sidewalk system, but for the meantime, I just think in these situations you need to think like you're voting on a sidewalk but you're also voting on giving somebody a thousands of dollars' worth of a bill. It's, it's the same vote but, I, I hope we can fix the system in the future but for the meantime, I'm not going to be supporting this. Thanks

Mayor John Engen Any further discussion on the motion? Seeing none, I do have a hand up in the attendee's box. Ms. Matassa-Stone.

Julie Merritt I apologize, this is Julie Merritt, Ward 6.

Mayor John Engen [laughs] you couldn't help yourself Ms. Merritt.

Julie Merritt No and I apologize that my name is not showing up correctly. My colleague and I share a ZOOM account and that's why Ms. Matassa-Stone's name is showing up there. Anyway, Julie Merritt, Ward 6 and much of what I was wanting to say has been said and I appreciate, especially Mr. Sipe's explanation about the financial aspects of this. There has been a lot of concerted effort over the years to improve the financial situation around sidewalks. They cost a lot to put in. Past Council members organizations like Invest Health, a lot of community development block grant money has gone into building sidewalks in our community. The Mayor and his administration has been committed to reducing the costs to individual property owners and I, I just want to commend all of that effort and I and I really hope that the folks who are newer on Council can look at some of that history and respect that the degree to which this has changed over time like drastically. And it's been because of the input of folks that have really wanted to, to move the needle on this. So, there has been a lot of change and I hope that you can appreciate that. I also hope that you can appreciate that the franklin to the fort

neighborhood has been clamoring for sidewalks for decades, ever since they were annexed into the city where this area was annexed in about 1995. I was part of the Franklin to the Fort Neighborhood Council when we created the 2008 neighborhood infrastructure plan and the one of the biggest things there was people wanted sidewalks. They wanted sidewalks and they wanted traffic calming and at that time they knew that sidewalks were being assessed 100% to the adjacent property owners and they still wanted sidewalks. When the 2017 Invest Health Survey went through the neighborhood people said they want sidewalks. During the public outreach for the 2018 pedestrian facilities master plan, the people in the franklin to the fort neighborhood these people that are getting assessed for this right now said they want sidewalks. Eaton Street is designated as a safe route to school. It is not a safe route for children to walk on to get to Franklin School and we have been saying that since my kids who are now in high school were in kindergarten at Franklin School. It's time to say yes to this project. If we delay it and it doesn't get bid now, it's not going to happen this year and it's just going to be more expensive when it comes around next year. So, sometimes we have to just commit to making improvements. There are financial options for people for whom this charge is a difficulty. They have options. They could, as Mr. Sipe was just explaining, they can completely defer this until they sell the property and negotiate that with the buyer at the time of the sale. So, it's not handing some it's not handing anyone a \$9,000.00 bill that they have to pay right now. That is not the truth and I want that to be clear on the record. This is something that the neighborhood wants, and it should be a simple yes vote for everyone on this Council. Thank you.

Mayor John Engen Thank you Ms. Merritt. And you were magically renamed in the process. Seeing no additional comment from attendees, I appreciate the conversation and want to note that if Council members wish to revisit policy, we certainly don't have to wait for the budget season to do that. A referral can come any day and I think, and I think likely an informational presentation, maybe a little longer than Mr. Sipes' this evening would be helpful as well. So, but I, I very much appreciate the conversation. I very much appreciate all the work that staff and Council members have done over the years to try to make this program as palatable and equitable as possible. We have had a public hearing and we'll have a roll call vote.

Mayor John Engen And the resolution is approved. We don't have any additional committee reports this evening.

12.1 Administration and Finance Committee (AF) report

12.2 Committee of the Whole (COW) Committee report

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

12.5 Public Safety and Health (PSH) Committee report

12.6 Public Works (PW) Committee report

12.6.1 Minutes from the January 12, 2022 Meeting

12.6.2 Minutes from the January 19, 2022 Meeting

12.6.3 A Resolution to order right-of-way improvements Eaton St. Ph I S. 7th St W to S. 13th St W

Moved by: Alderperson Becerra

Adopt the resolution to order right-of-way improvements Project 20-063: Eaton St. Ph. I - S. 7th St W. to S. 13th St. W.

AYES: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Savage, and Alderperson Mike Nugent

NAYS: (4): Alderperson Contos, Alderperson Vasecka, Alderperson Carlino, and Alderperson Kristen Jordan

ABSENT: (1): Alderperson West

Vote result: Approved (7 to 4)

Return this matter to Public Works Committee.

AYES: (4): Alderperson Contos, Alderperson Vasecka, Alderperson Carlino, and Alderperson Kristen Jordan

NAYS: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Savage, and Alderperson Mike Nugent

ABSENT: (1): Alderperson West

Vote result: Failed (4 to 7)

13. NEW BUSINESS - None.

14. ITEMS TO BE REFERRED

14.1 Administration and Finance Committee referrals

- 14.1.1 Ratify approval and authorization of the Mayor's signature on the proposal to perform mechanical renovations at the Emergency Winter Shelter located at 1919 North Avenue W. in the amount of \$32,234.00.
- 14.2 Committee of the Whole referrals
- 14.3 Land Use and Planning Committee referrals
- 14.4 Parks and Conservation Committee referrals
 - 14.4.1 Referral - Energy and Climate Team Update
 - 14.4.2 Referral - Appointment to Energy and Climate Team
- 14.5 Public Safety and Health Committee referrals
 - 14.5.1 Referral - Health Department Covid Update
- 14.6 Public Works Committee referrals
 - 14.6.1 Referral - Purchase Agreement with Ennis-Flint, Inc. for High Build Paint at a cost no to exceed \$45,480.00.
 - 14.6.2 Referral - Bid Award with Knife River for W Broadway- May to Front Water Main Replacement for an amount not to exceed \$342,800.00 and authorize the return of bid bonds.
 - 14.6.3 Referral – Bid Award with Mytty Excavating, Inc. dba Western Excavating for the Shakespeare Water Main Replacement for an amount not to exceed \$269,173.00 and authorize the return of bid bonds.
 - 14.6.4 Referral – Bid Award with Prospect Construction, Inc. for the Stoddard-Cooley water main replacement project for an amount not to exceed \$1,019,926.00 and authorize the return of the bid bonds.
- 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 8:07 p.m.

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

John Engen, Mayor