

Council Meeting Action Summary

Missoula City Council

February 14, 2022, 6:00 pm

ZOOM Webinar

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

Members Absent: Amber Sherrill

Administration Present: Jim Nugent, City Attorney, Marty Rehbein

Administration Absent: Mayor John Engen

1. CALL TO ORDER AND ROLL CALL

The virtual meeting of the Missoula City Council was called to order by Council President Jones on at 6:00 PM.

2. APPROVAL OF THE MINUTES

The minutes were approved as submitted.

3. SCHEDULE OF COMMITTEE MEETINGS

Committee of the Whole, February 23, 10:25 - 10:55 a.m.

Public Works Committee, February 23, 11:10 - 11:50 a.m.

Parks and Conservation Committee, February 23, 12:20 - 12:35 p.m.

Administration and Finance Committee, February 23, 12:50 - 3:00 p.m.

President Jones Thank you Marty. Thanks for that.

4. PUBLIC COMMENT

President Jones The next item on the agenda is public comment on items not on the agenda. And let me see what we have okay I have Beth W. So, Beth you should be able to unmute yourself and talk now in public comment. There you go.

Beth Taylor Wilson Can you guys hear me?

President Jones Yes.

Beth Taylor Wilson My name is Beth Taylor Wilson. I'm a member of 350 Montana and I just want to thank you very much for all the work on the 100% Clean Energy and we are just, members are just trying to call in as often as we can and just remind you of how important this is and how much we appreciate all your good work. And I would just say that climate change is so totally interrelated to every other issue that you guys deal with whether it's housing, poverty, whatever it is, and I think most of you know that, but we just want to keep the focus on the 100% Clean Energy as much as we can. And I just am here to encourage you to keep going on that and I know that the efforts are, can be frustrating but this is the year

and we, just you know have so little time left to really turn this thing around. And so, we're just wanting to be sure that it stays in everybody's frame of mind. And thank you very much, that's all I have to say.

President Jones Thank you Beth.

Beth Taylor Wilson Thank you.

President Jones Next, I have Leticia Ray. And Leticia you should be able to unmute yourself and speak. There you go.

Leticia Romero Hi, yes. My name is Leticia Romero. I am a community member of Ward 4. I'm a mom. I guess I just wanted to just take a couple of minutes just to, on this Valentine's Day, to show a little bit of love and reminder of our, our planet, our mother earth. And I wanted to share just a quick excerpt from Robin Wall Kimmerer's book *Braiding Sweetgrass*, which I, I hope that you guys can get a chance to read sometime this year. Okay, so, we are showered every day with the gifts of the earth, gifts we have neither earned nor paid for, air to breathe, nurturing rain, black soil, berries, and honeybees. The tree that became this page, a bag of rice, an exuberance of a field of goldenrod and asters at full bloom. So, I guess I just want to say that, as we move forward, as a community throughout the year, I want us to continue to be creative and to be imaginative with every decision that we make. And if you can imagine if every time we sit down, whether it's at this table or at another table that you guys go to other meetings, friends, other groups, just to imagine pulling out a chair for our, our mother earth, our planet, however you may picture that. For me, it's the chickadees our backyard chickadees that sing the sweetest songs in the spring. For you, it may be something else. It may be the rain, you know, that falls in the reprieve during the summer drought whatever that may be. I just want us to think like for today, for Valentine's Day just you know we're, we're giving lots of love to each other but are we remembering our mother earth. And you know that can be we have to like the, the community member who spoke right before this said that this is the time. We're way past time, where we're past the time of incremental change and so I'm really encouraging radical change to be really creative and just go for it. And whatever you guys, you know, talk about and decisions, be courageous to speak on behalf of our planet who is definitely suffering right now, and climate is collapsing, environmental collapse, and always, but yeah that was all I wanted to share. Thank you for the work you do.

President Jones Thank you for that. Okay, seeing no other attendees with raised hands for public comment.

5. CONSENT AGENDA

President Jones The next item on our agenda is the consent agenda. Items on the consent agenda were approved in City Council committees to be placed on the consent agenda to save time at council meetings by voting on them as a package. The City Clerk will read the list aloud so citizens watching on MCAT will know what is on the consent agenda and then we will invite community comment on these items before we vote. Marty.

President Jones Great, thank you. Is there any public comment on these items? I do not see any raised hands. And from Council? Ms. Vasecka.

Aldersperson Vasecka Thank you. I would like to vote on 5.11 separately. And may I speak to that?

President Jones Sure.

Aldersperson Vasecka Okay. So, on Wednesday, I, I just didn't really agree with a lot of the regulations that were going to be in it. So, that's the reason why I'm voting no on this this evening. I do, however, would like to, if it was just setting the public hearing, I would be in support of it, but it sounds like it's going to be in support of the amendments too. So, that's why I'm voting no.

President Jones So, it's a motion to direct staff to continue working on it, as well as setting a public hearing. Does that change anything that you want to do?

Aldersperson Vasecka No, I'd like to continue what, what I was doing.

President Jones Okay. So, we will divide the question with 5.11. I believe it is, yes. Okay any other comment or questions from Council?

Marty Rehbein I have a question. So, I've been on vacation, and I didn't have a chance to review your agenda last Friday. I took a real vacation and tuned out completely. Is it Council's intent to conduct first reading on this ordinance this evening? That should be implicitly stated in the motion to set the public hearing and do first reading. Otherwise, I would tell staff that they need to bring this back and so it can have first reading because there is nothing here that implicitly says that you are setting a public hearing and doing first reading, and preliminarily adopting the ordinance, which is a requirement of law in order to adopt an ordinance.

President Jones Let me go to Jordan, Chair of LUP and ask.

Aldersperson Hess Thanks, thanks Gwen and thanks Marty for pointing that out. I think we could I think we could remove the public hearing and set that later. They're planning to do some work and come back to us in, in April. So, we could, we could set the public hearing. I believe what they had intended to do was bring a pre-public hearing draft before LUP. So, maybe we could....There is no public hearing draft at this point. So, maybe we could set, maybe we could just direct them to continue work and then come back and set a public hearing later.

Marty Rehbein I think that's a good course of action. You can't hold a reading on something that isn't drafted. So, and we, we can't notice something because we have to say that it's available and so it just seems like this is a direction at this time to staff to bring it back and schedule the hearing, and the reading at a later date. Thank you.

President Jones That makes a lot of sense and yes Marty's back keeping us on the straight and narrow. Thank heavens. Okay I think we've had public comment on this and any other Council questions or comments? Then we will have a roll call vote with 5.11, the question divided on that one.

Marty Rehbein Okay. I'm going to take this has been, having been amended to direct staff to continue working on the ordinance.

President Jones Thank you.

President Jones Thank you. All right did you divide the, do we have to vote on the rest? Did you do? Okay. Go ahead. I didn't know if you were waiting on me.

Marty Rehbein Okay so that item passed and now we're voting on items one through ten.

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

ABSENT: (1): Alderperson Sherrill

Vote result: Approved (11 to 0)

5.1 Accounts Payable (claims) for checks dated February 15, 2022

Approve accounts payable in the amount of \$1,194,871.81 for checks dated February 15, 2022.

Vote result: Approved

5.2 Bid award with Prospect Construction, Inc. for Upper Prospect No. 2 Water Storage Tank

Award the bid to Prospect Construction, Inc. for the Upper Prospect No. 2 Water Storage Tank at a cost not to exceed \$880,794.00 and authorize the return of bid bonds.

Vote result: Approved

5.3 Bid Award with 3 Rivers Landworks, LLC. for a water main replacement on Beckwith Ave

Award the bid for the Beckwith Ave water main replacement from Rollins Street to Woodford Ave to 3 Rivers Landworks for an amount not to exceed \$498,802.22 and authorize the return of bid bonds.

Vote result: Approved

5.4 National Institutes of Health Grant Agreement with the Confederated Salish and Kootenai Tribes

Approve and authorize the Mayor to sign an agreement with the Confederated Salish and Kootenai Tribes for their work on the National Institutes of Health-funded grant project titled The Link.

Vote result: Approved

5.5 Communication & Management Services (CMS) Contract

Approve and authorize the Mayor to sign a contract with Communication & Management Services for classification of non-union positions for \$33,000.00.

Vote result: Approved

5.6 Affordable Resident Oversight Committee Appointment

Appoint Emily Shankle to the Alternate 2 position of the Resident Oversight Committee for a term beginning on February 15, 2022 and ending on May 31, 2022.

Vote result: Approved

5.7 Resolution for 2nd Quarter FY 2022 budget amendments. This resolution amends the fiscal year 2022 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.

Set a public hearing for February 28 with final consideration on March 7, 2022 for a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2022 budget and capital improvement program.

Vote result: Approved

5.8 Resolution Relating to up to \$3,651,000 Water System Revenue Bond (DNRC Drinking Water State Revolving Loan Program), Series 2022 (SRF Bond); Authorizing the Issuance and Fixing the Terms and Conditions Thereof; and Making Certain Corresponding Amendments

Adopt the Resolution Relating to up to \$3,651,000.00 Water System Revenue Bond (DNRC Drinking Water State Revolving Loan Program), Series 2022 (SRF Bond); Authorizing the Issuance and Fixing the Terms and Conditions Thereof; and Making Certain Corresponding Amendments to Resolution No. 8319.

Vote result: Approved

5.9 Interlocal Agreement with Missoula County for Federal Building design and construction

Approve and authorize the Mayor to sign an Interlocal Agreement with Missoula County for Federal Building design and construction.

Vote result: Approved

5.10 Revoke Resolution 8149 - Betty's Fund

Revoke Resolution 8149 entitled: A Resolution of the Missoula City Council Establishing a Property Tax Relief Fund for Individuals Disproportionally Affected by City Property Tax Increases, AKA "Betty's Fund."

Vote result: Approved

5.11 “Title 5 Amendments: Cannabis Business Standards” White Paper

Direct Community Planning, Development, and Innovation Staff to prepare an ordinance amending Title 5, the City of Missoula’s Business Licenses and Regulations Ordinance, in alignment with the presented “Title 5 Amendments: Cannabis Business Standards” white paper.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Daniel Carlino, Alderperson Contos, Alderperson Hess, Alderperson Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, and Alderperson West

NAYS: (1): Alderperson Vasecka

ABSENT: (1): Alderperson Sherrill

Vote result: Approved (10 to 1)

President Jones Thank you Marty. Okay moving down our agenda.

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

7. SPECIAL PRESENTATIONS

President Jones The next item is special presentations and we do have a proclamation for Murdered and Missing Indigenous Woman Awareness Day that I will read.

7.1 Proclamation - Murdered and Missing Indigenous Women's Awareness Day

WHEREAS, the City of Missoula joins with Canada to spur awareness in Montana, the great plains region, and the United States for murdered and missing indigenous women; and WHEREAS, there is not a comprehensive estimate of indigenous women who are missing and murdered in the United States, but many factors contribute to this crisis such as fear, stigma, legal barriers, racism, sexism, and the devastating levels of violence in the U.S.; and WHEREAS, nearly half of all indigenous women in the United States have been raped, beaten, or stalked by an intimate partner. One in three will be raped in her lifetime. An indigenous woman is more likely to die by homicide than by illness. Intentional homicide has been the third leading cause of death for indigenous females aged 10 to 24 and on some reservations, indigenous women are murdered at a rate 10 times higher than the national average; and WHEREAS, for more than 20 years, there have been awareness-raising efforts in Canada on Valentine's Day and the Murdered and Missing Indigenous Women's Awareness Day seeks to build support by increasing awareness in the United States; and WHEREAS, indigenous women authored this proclamation starting with Ruth Plenty Sweetgrass-She Kills beginning in 2016 to bring greater awareness to MMIW in the Missoula valley and beyond; and now, therefore, John Engen, the Mayor of Missoula, Montana does hereby proclaim Monday, February 14, 2022 as Murdered and Missing Indigenous Women's Awareness Day.

President Jones And it is signed by the Mayor, and I just wanted to briefly say this is the sixth year that I have heard this. I think awareness builds gradually. I am so glad this continues to come back so that we can focus on it every year and continue to spread that education. It is a huge, huge issue that is just so important to address. I was going to see if anyone in the public had attended tonight, intending to give

comment on this topic. So, if anyone who is attending would raise their hand if they wanted to speak to this. I'm not seeing any raised hands. Anyone from Council wanted to add their comments regarding this proclamation? All right, I am not seeing anyone, but we will continue to promote awareness within Missoula and I'm glad that we have this.

8. PUBLIC HEARINGS - None.

9. FINAL CONSIDERATION - None.

10. COMMUNICATIONS FROM THE MAYOR - None.

11. GENERAL COMMENTS OF CITY COUNCIL

President Jones I will just go in order here with Heidi West.

Aldersperson West I'll pass.

President Jones Okay, Jennifer Savage.

Aldersperson Savage I'll pass tonight.

President Jones Mirtha Becerra.

Aldersperson Becerra I'll pass, thanks.

President Jones Jordan Hess.

Aldersperson Hess I'll pass also. Thank you.

President Jones Dan Carlino.

Aldersperson Carlino I'll pass too.

President Jones Mike Nugent.

Aldersperson Mike Nugent Yeah real quickly. Councilwoman Sherrill and I have received some emails over the weekend, people asking about potential zoning changes in our Ward, and we figured out that they were discussing county zoning changes. So, just a general reminder for the public that the Missoula County is undertaking a major zoning rewrite currently and that will be in front of the planning board on March 1, 2022, but that is a County issue not a City issue. So, I would encourage you to google Missoula County zoning update and they've got a great website for more information on that.

President Jones Great, thank you. John Contos.

Aldersperson Contos Happy Valentines.

President Jones Thank you. Stacie Anderson.

Aldersperson Anderson Thanks so much. As my mom would say, happy yucky mushy love day.

President Jones Kristen Jordan.

Aldersperson Kristen Jordan I'll pass tonight. Thank you.

President Jones And Sandra Vasecka.

Aldersperson Vasecka Thanks, just happy Valentine's Day. Whether you spend it going out or staying in, hold your loved ones close and I hope you all enjoy the evening.

President Jones Thank you.

12. COMMITTEE REPORTS - None.

12.1 Administration and Finance committee (AF) report

- 12.1.1 Minutes from the February 9, 2022 Meeting
- 12.2 Committee of the Whole (COW) committee report
- 12.3 Land Use and Planning (LUP) committee report
 - 12.3.1 Minutes from the February 9, 2022 Meeting
- 12.4 Parks and Conservation (PC) committee report
 - 12.4.1 Minutes from the February 9, 2022 Meeting
- 12.5 Public Safety and Health (PSH) committee report
- 12.6 Public Works (PW) committee report
 - 12.6.1 Minutes from the February 9, 2022 Meeting
- 13. **NEW BUSINESS - None.**
- 14. **ITEMS TO BE REFERRED**
 - 14.1 Administration and Finance committee referrals
 - 14.1.1 3-year agreement for the purchase of Barracuda Total Email Protection service and annual financing contract with VAR in the total amount of \$182,439.00.
 - 14.2 Committee of the Whole referrals
 - 14.2.1 Global Settlement Agreement and Release with Carlyle Group, et al
 - 14.3 Land Use and Planning committee referrals
 - 14.3.1 River View Subdivision and Rezoning
 - 14.4 Parks and Conservation committee referrals
 - 14.4.1 Dedication of the Pineview Park Ice Rink to Honor Bill Bevis
 - 14.5 Public Safety and Health committee referrals
 - 14.6 Public Works committee referrals
 - 14.6.1 Memo of Understanding for the Midtown Master Plan
 - 14.6.2 Purchase of Large Turf and Lawn Sprayer for Parks from Midland Implement for \$60,187.37.
 - 14.6.3 Purchase of one (1) Pickup for Wastewater Treatment from Billion Dodge for \$36,671.00.
 - 14.6.4 Purchase of three (3) SSV Pickup Trucks for Police Department from Billion Dodge for \$39,607.25 each for a total of \$118,821.75.
 - 14.6.5 Purchase of seven (7) Ford Explorers for Police Department from Duval Ford for \$48,640.08 each totaling \$340,480.56
- 15. **MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS - None.**
 - 15.1 Administratively approved agreement report

16. ADJOURNMENT

President Jones So, we have not yet reached 6:30 p.m. and it's a good plan to have a short meeting on Valentine's Day. Okay, thank you everyone for your service and we will stand adjourned.

The meeting adjourned at 6:29 p.m.

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

John Engen, Mayor