

**Journal of Proceedings**

**Missoula City Council**

**March 28, 2022, 6:00 pm  
Council Chambers (in person) or ZOOM Webinar (virtually)  
Attend in person: City Council Chambers, 140 W. Pine, Missoula, MT**

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: Mayor John Engen, Jim Nugent, City Attorney, Marty Rehbein

**1. CALL TO ORDER AND ROLL CALL**

The 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**

Land Use and Planning Committee, March 30, 9:45 - 10:45 a.m.

Parks and Conservation Committee, March 30, 11:00 - 11:20 a.m.

Public Works Committee, March 30, 11:35 a.m. - 12:05 p.m.

Administration and Finance Committee, March 30, 12:45 - 5:45 p.m.

Mayor John Engen Thank you Ms. Rehbein. I'm going to adjourn the meeting for a quick second. Marty could you turn up the volume out here please?

Marty Rehbein Is it only my volume or all the volume?

Mayor John Engen You know you're the only one I've heard. So, I'm not sure.

Marty Rehbein Okay. I can adjust my volume back here. I turned it way down because I was very loud and very echoey when we tested earlier today, but if you need more volume among Council members.... you did a sound check.... was it?

Mayor John Engen We'll, we'll roll with it.

Marty Rehbein Okay.

Mayor John Engen All right, we are back in order. Any changes to the schedule of committee meetings? Seeing none, we'll move on to the 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 and because we're back in person, I will take folks who are in the room first and then pick up attendees. And for those of you who may not have been before the body before, we try to keep our remarks to about 3 minutes. And any general public comment this evening from the audience? Sir.

Joe I'll try and keep this under 3 minutes. Good evening, my name is Joe. I've been a member of this community for 7 years. My comment tonight is regarding Rogers International, which is the private police force this body is paying to patrol the homeless encampments and shelters and surrounding neighborhoods in this community. I want to say everything that's on my heart tonight. I don't think I have the time in this public comment. So, I'm going to make a few opening comments and ask four questions just because I've been trying to figure it out for the past couple months haven't found those answers so I'm here dealing with my fear of public speaking. First and foremost, I do want to say thank you. I've spent the past several years working with our houseless neighbors to develop relationships, trying to give them some dignity, some respect and when you build those relationships, they'll tell you stories about how they've been treated by the Missoula Police Department and they're atrocious. Missoula Police Department in this community has abused our most vulnerable community members a lot, a disgusting amount. So, it is good that this Council recognized that and has tried to take steps to mitigate that, and I deeply appreciate it on behalf of them and for myself. While that is an arguably a good thing I do have some questions about the decision to hire Rogers International. I'm a little puzzled that we've decided that government sanctioned violence by police is unacceptable, but we have allowed a private corporation to carry weapons into camps filled with our most vulnerable citizens. It seems like you'd recognize that is unacceptable to abuse people who are vulnerable and yet we are putting people who are even less accountable to our citizenry with deadly weapons into those spaces. Missoula is a city that has an abundance of compassion, well-educated, and well-trained people who are more than willing to step up and do that work. I am personally friends with several members of the Crisis Intervention Team, a people who work with that community have pre-established relationships with them, who struggle to get funding. They don't have the resources to do the jobs that they can do and yet we found \$674,000.00, I believe, from ARPA, a pandemic relief fund, which interestingly enough, the pandemic is what caused a lot of those people to get kicked out of their homes in the first place. It seems to me a perversion. In addition to that, this Council has taken the talking point that hiring Rogers International is a method of harm reduction and part of a transformative justice policy, which Missoula is undertaking. I actually love that. I'm a big transformative justice guy; I think that's the future. It's a little weird that we have decided that Rogers International are the people to do that. I just do not.... that does not make much sense to me. However, under that guise, I would expect this Council would have done the due diligence when they were looking to sign a contract with Rogers International and one of my expectations would be that all of the employees of Rogers International should have been going through training for things like mental health crisis intervention, de-escalation, harm reduction. Those sorts of basic skills that they would need to operate effectively and safely, and with compassion and decency towards our most vulnerable community members. I haven't been able to find out that. I expect that that was asked by you. I would appreciate knowing, having a link posted where I could read about that. I think that would be ideal. The final thing I would be interested in is just the justification that this Council decided to use ARPA funds over say drawing money from the police budget. If the justification is going to be that the police are going to

have to interact with that community less. In my mind at least, it follows that they will be doing less work and therefore will need less funding. I don't understand why the money to be given to Rogers International came from a budget that was originally intended for pandemic relief. As I've said, I think this is all basic due diligence stuff. I've been trying to figure out where this is coming from. I haven't been able to find anything. I'm not very good at navigating the archives of the City Council. I would be interested to know what that is, where I could find that, where I could read about that. Thanks for your time. I'll see you at the next meeting. Have a good evening.

Mayor John Engen Thank you sir. Any other general public comment from the audience this evening? All right, seeing none, I will move to the attendee's window. And Mr. Larson.

Matt Larson Yeah, hi City Council. Matt Larson, Ward 3. Good to see everybody and good to see that people are participating. Seems to be like in a great in a great manner now that things are back to in person. So, I commend you all for setting that up and getting that going. Thank you very much. I wanted to talk about the claims, mainly another security firm which is Black Knight Security and their \$5,000.00, two-week invoice. It's over five thousand dollars and I'm just wondering why it's so high. And I'm also wondering if our rent has been increased. It seems to me that the rent has gone up or the payments to I think Jim Myers, but I could be wrong. Just wondering if anybody could shed any light on that. Also, also seeing the Rogers International payments come through on the first claims. Those are for about ten thousand dollars apiece. Just wondering if there is a cap and what happens after that cap? And I'm also wondering what the status is now that the City has encompassed the crisis response team or the mental health crisis unit? I'm wondering how that's being funded now? Is that a is that a police thing now? Is the, is the police funding going to go up as a result of that and, and how much, how, how is that? Is that active now or is that kind of just on ice? Also, yeah I just wanted to yeah make, make some general awareness claims that MPD is basically interfering with law-abiding citizens, observing legal stops. A friend of mine had his arm broken and was held without medical attention at the detention facility without being booked for 19 hours. He sustained injuries to his head and broke his arm. So, that should be pretty interesting. I've also had some interesting interactions with MPD recently but I'm sure that's of no surprise to you guys. And I'd like to welcome Joe for his statements, and I'd also like to welcome joe into the persona non grata of Missoula club because he'll soon be in it. Thanks, bye.

Mayor John Engen Thank you Mr. Larson. And I have a person in the audience named Carol...Or I'm sorry, in the attendees list named Carol.

Carol Wald Yeah, hi. Can you hear me?

Mayor John Engen We can, thank you.

Carol Wald Coming through? Great. My name is Carol Wald. I'm a proud member of Democratic Socialists of America here in Missoula and I am just concerned what the follow-up is going to be on the 2019 referendums for 100% Clean Energy with NorthWestern. You know the city has to; it has to engage with NorthWestern Energy to develop a real working agreement on clean energy production to get us towards a clean energy policy. And I know you guys are really busy and I know everybody's really busy,

but you know it just seems like the climate is, is such a huge, huge, big deal and here we are approaching summer. We're going to have another intense wildfire season and I just really, really want to encourage you to make this a top priority. I really appreciate it. Thank you.

Mayor John Engen Thank you. Seeing no additional public comment this evening, we will move on to our consent agenda.

## **5. CONSENT AGENDA**

Mayor John Engen Items approved here were approved unanimously in Council committees and we save a little time on Monday evenings by considering these items all at the same time. Ms. Rehbein will read our list of consent agenda items aloud so folks in the audience and those viewing via webinar at home will know what we're considering. Ms. Rehbein.

Mayor John Engen Thank you Ms. Rehbein. Questions or comments from Council members? Mr. Carlino.

Alderperson Carlino Yea, I'd like to also talk about Rogers International on the claims today. I was lucky enough to get to do a ride along with them on Friday where we also toured the authorized campsite in, in Missoula and we would go around and get to talk to people that are living there and I asked a lot of the residents what they need for the authorized campsite, what to help like get meet their basic needs and help with whatever goals they're working on. And they wanted showers, they wanted water sources, heat sources, electricity and I think that's what ARPA funds could be used for and also for housing for, for people who need it in Missoula. And after talking to the Rogers owner and some of their workers there, as we were doing the ride along, it became pretty clear that that the owner is willing to have public transparency and public oversight, if we add it to the contract and if we make it happen, but currently we don't have a very, we don't have very much public transparency or oversight with our private security firm that the city contracts with Rogers International. So, I think if we're going to have people who have the ability to use force on our neighbors and who work with the most vulnerable populations in Missoula and are able to carry around weapons, I think they should have public oversight.

Mayor John Engen Further discussion on the consent agenda? Seeing none, anyone in the audience care to comment on the consent agenda? And how about among attendees? Mr. Larson.

Matt Larson Yes, Matt, Ward 3. Thanks for allowing me to speak again. Also, on the second claims item on the consent agenda, there's about \$10,000.00 of ammunition. There's also a NorthWestern Energy charge for the wastewater department; that's about \$42,000.00. I was wondering how often those come through. And then there was a charge for the police department for \$10,000.00 and it, it's got a name Gage Daniel Stroup on it, and I wanted to know if anybody could elaborate on what that was? Because I found that just odd. And then yeah, just wondering about the overall rents for our spaces that we occupy as the city, mainly the downtown ones. Again, as to whether or not those rents have gone up and by what percentage? I was just interested as a citizen. Thank you.

Mayor John Engen Seeing no further comment, we will have a roll call vote.

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

ABSENT: (1): Alderperson Sherrill

**Vote result:** Approved (11 to 0)

**5.1 Accounts Payable (claims) for checks dated March 22, 2022**

Ratify accounts payable in the amount of \$524,177.16 for checks dated March 22, 2022.

**Vote result:** Approved.

**5.2 Accounts Payable (claims) for checks dated March 29, 2022**

Approve accounts payable in the amount of \$581,782.88 for checks dated March 29, 2022.

**Vote result:** Approved.

**5.3 Second Amendment to the Mullan BUILD – Interlocal Agreement between the City of Missoula and Missoula County**

Approve and authorize the Mayor to sign the Second Amendment to the Mullan BUILD – Interlocal Agreement between the City of Missoula and Missoula County.

**Vote result:** Approved.

**5.4 A Resolution Establishing the Mullan BUILD Water and Sewer Development Fees**

Set a public hearing on April 11, 2022. on a resolution establishing the Mullan BUILD Water and Sewer Special Development Fees as proposed by Missoula Public Works and Mobility Department effective April 18, 2022.

**Vote result:** Approved.

**5.5 Plat Adjustment Request for the relocation of a 10' public access easement on Lot 1 of the Mcnett Flats Subdivision**

Set a public hearing on April 4, 2022 to approve the Mcnett Flats Plat Adjustment request for relocation of a 10-foot wide pedestrian access easement on Lot 1 of the Mcnett Flats Subdivision, as shown on the submitted Affidavit of Correction, in accordance with the City of Missoula Subdivision Regulations, Article 7, Section 7-040 and based on the findings of fact in the staff report, subject to one (1) condition of approval and refer this item to the Land Use and Planning Committee for presentation and discussion on April 6, 2022.

**Vote result:** Approved.

Mayor John Engen And the consent agenda is approved.

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

**7. SPECIAL PRESENTATIONS - None.**

**8. PUBLIC HEARINGS - None.**

**9. FINAL CONSIDERATION - None.**

**10. COMMUNICATIONS FROM THE MAYOR**

Mayor John Engen I will briefly mention that, that Missoula lost another of its old guard last week. Milt Datsopoulos, a legendary attorney in Missoula passed away and Milt was far more than an attorney. Milt was an incredible advocate for Downtown Missoula and he and his colleagues put their collective resources where their mouth was, with that regard. Milt's project at Central Square was the first MRA, Missoula Redevelopment Agency, Urban Renewal District 1 project. That project came to a sunset the, the TIF district came to a sunset in the early 2000's and Milton and his partners were very proud of both the fact that they made improvements to not only that property but some other properties they owned downtown, and those improvements went to the tax base and Milt considered taxes, an investment in community. He will be missed in my sympathy and condolences to the Datsopoulos family, great interesting wife and we're, we're losing more of those folks, so this, the next generation has to take up the mantle here a little bit. Fortunately, I think that's happening.

**11. GENERAL COMMENTS OF CITY COUNCIL**

Mayor John Engen So, we'll move on to general comments from Council members, and I can just look down a table tonight and see Heidi West. And now you all have predictability because you can sort of see the pattern.

Alderperson West That is really nice. So, I just want to let everyone know that the deconstruction date is happening at Westside Park this Saturday from 9:00 a.m. to 3:00 p.m., and there are 440 fence pickets with people's names and messages, and memories on them that people over 20 years ago that built the playground purchased in support of the project. And it would be wonderful if we could reconnect those with the people that they're important to. So, there is a full list of all the names on projectwestsidepark.com and you can see if there's one that you want to come and claim this Saturday.

Mayor John Engen Ms. Savage.

Alderperson Savage I just wanted to briefly call out the Montana science fair today was at the University of Montana and there were lots of sixth, seventh, and eighth graders with really industrious science fair projects and I got to walk around and see it. And the mantle that you talk about, and sort of next generation picking it up, I was definitely pleased and encouraged today walking around the Adams Center.

Mayor John Engen Mr. Hess.

Alderperson Hess Thanks Mayor. I remember a meeting in this room on I guess March 23, 2020, when we sat at great distance and passed an emergency authorization to meet remotely and it's good to be back here. And I want to thank our public health officials for setting up parameters for a safe return. I

want to thank the clerk's office for all of their work to facilitate hybrid meetings, along with the IT department and our, our police and security staff as well for all of the assistance.

Mayor John Engen Ms. Becerra.

Alderperson Becerra I will pass. Thank you.

Mayor John Engen Mr. Carlino.

Alderperson Carlino Yeah, a few of us Council members got the opportunity to go toward the food bank the other day, which was pretty, pretty interesting and full of a lot of facts. And one in four people in Missoula County last year use the food bank and I just think that the City needs to let that set in and think about how policies and how we're spending money might affect that. You know, you know I think most of that comes from a lack of affordable housing and I just think we need to really pick up the pace. And one thing, for example, that's been bothering me with some of the city policies around affordable housing is that the City Council currently doesn't have a, doesn't have to approve Missoula Redevelopment Agency projects, TIF funded projects, and we might have seen that recent article where about \$300,000.00 went towards a redevelopment that included penthouse suites and had no required affordable units and I just think it's a real shame. I think that's part of the reason why one in four people in Missoula last year had to use the food bank. And I think we need to update our policies, pick up the pace, and not give any more money to market rate, unaffordable housing.

Mayor John Engen Ms. Jones.

Alderperson Jones Sure, thanks. I did have a couple comments. I wanted to say first of all that recently there has been a discussion around security surrounding the emergency winter shelter, the Poverello, and other tools that we have in our community to try and get people housed the last couple of years. And we will be picking up the rest of the presentation on all of our homeless initiatives on Wednesday, April 6, 2022, in committee. It got continued from this week because we had too many things on for this Wednesday. And I have said repeatedly, I think it's important to gather in the information from how everything worked this last year and have that, have that conversation in a few weeks regarding how things worked, what worked, what can be made better. So, I appreciate the input coming in and look forward to getting the data in, and all of the information as to how it worked. And I also appreciate the comments regarding MRA. If people have not been tracking the MRA agenda for the last month or two, I think a lot of policies have been articulated that probably coincide with what my colleague mentioned for URD2, which is nearing the last stage of its life. I was really pleased to see that the MRA staff did a nine-year exit plan, that frankly focused on the things that need to be focused on in terms of housing and infrastructure and projects that really benefit the common good. So, I was really pleased with that. I read it. It's an excellent, it's an excellent exit plan and that is the stage of life with TIF district when you can then put money into the things that will not necessarily increase the tax base. So, I hope people get a chance to read that nine-year exit plan for URD2 and I believe it will come to Council in another month or two as a presentation. Thanks.

Mayor John Engen Mr. Nugent.

Alderperson Mike Nugent Thank you Mr. Mayor. I appreciate Councilman Carlino's comments; I was able to tour the food bank as well and some of the statistics they shared with us on the demographics of use were, were very eye-opening to some of the bigger conversations we're having. So, I would encourage you know Missoulians to look into that, and learn more about that. I do also think that the MRA conversation is, is going to be an interesting one to have. I'm not sure that's quite that simple but I would, I do feel that it's, it's appropriate to share the Bureau of Business and Economic Research at the University shared an article that I think was in the San Francisco Chronicle and it discussed Missoula in in a group with several other cities of a ratio of price increases over the last two years of 57.5%, and inventory over that same time period has dropped 58%. So, I think that when we're having housing conversations, it's really important that we recognize we have a housing issue all across our markets and just because the development isn't, doesn't meet the HUD Standards of Affordability, it doesn't mean that it's not crucial for Missoulians. So, I think that we need to we need to make sure as we're talking about that that we are recognizing that there are a lot of Missoulians struggling with housing right now. Thanks.

Mayor John Engen Mr. Contos.

Alderperson Contos Yeah, just continued prayer for the situation in Ukraine. It's kind of hard to get away from that one. Thank you.

Mayor John Engen Ms. Vasecka.

Alderperson Vasecka Thanks. I wanted to thank the public for being here tonight. It, like jordan said it's been two, two years since we've been back here so it's really exciting to, to see everybody in person and I hope that we have even more turnout in the following weeks. So, thank you guys for coming. I also wanted to bring awareness to there's the Missoula Human Trafficking Task Force is putting on a Red Sands Event on Friday, April 8, 2022, from 3:00 to 6:00 p.m. at the Jeannette Rankin Peace Center. And what the Red Sands event is, it started out as an art project to put red sand in cracks of sidewalks or on pathways on trails. So, what will happen is you'll get a little bag of red sand and go around Missoula and put, put them in whatever cracks, the sidewalks you want. It's to bring awareness to human trafficking and to bring up the conversation of it. So, it's kind of a conversation starter and the Missoula Human Trafficking Task Force is, is doing a lot of good with helping folks that are, whether sexually trafficked or forced labor trafficked. If you or anyone you know are being human trafficked or need any help or guidance there is a 24/7 hotline that you can call or text. That is, 1-833-406-STOP. So, that's 1-833-406-7867 or you can always call 9-1-1. And again, on April 8, 2022 at the Jeannette Rankin Peace Center from 3:00 to 6:00 p.m., I would love to see, see you all there. Thanks.

Mayor John Engen Ms. Jordan.

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

Mayor John Engen And Ms. Anderson.

Alderperson Anderson Thank you, I'll pass as well.

## **12. COMMITTEE REPORTS**

Mayor John Engen All right, we will move on to committee reports of which we have several this evening. These items weren't approved unanimously in committees, so we'll take a motion and have a discussion and a vote. And our first report this evening comes from the Committee of the Whole. Ms. Jones.

### **12.1 Administration and Finance committee (AF) report**

### **12.2 Committee of the Whole (COW) committee report**

#### **12.2.1 Minutes from the March 16, 2022 Meeting**

Alderperson Jones Thank you. I'd like to make the recommended motion that we approve and authorize the Mayor to sign a contract with the Consilience Group, LLC for Justice, Equity, Diversity, and Inclusion (JEDI) training and assessment professional services in an amount not to exceed \$55,000.00. And I'd like to address it and Dale Bickell is also here to present some initial information on it.

Mayor John Engen Ms. Jones.

Alderperson Jones Thank you. So, this is a continuation of our effort as a city to address these issues of justice, equity, diversity, and inclusion. We passed the JEDI Resolution last summer I believe and now this is the implementation of that. So, we had some questions that arose during committee and some discussion on it, and I wanted to put some information on the record and Dale Bickell is here to address some of this. So, the first issue Mr. Bickell is regarding funding under ARPA. There was some question as to whether this was eligible under our federal ARPA dollars. If you've got some information regarding that and I think you had, if you could? I think he needed to share his slides too.

Dale Bickell I, I do have some demographic information I can share but related to ARPA it is eligible under that in a couple of ways. One, addressing just systemic public health and economic challenges are specifically outlined in the ARPA Regulations. In the final rules, that came out in the last few weeks. It gave local governments broad authority to use up to 10 million dollars of ARPA funds for general government purposes. So, even I think it's directly eligible with that but certainly eligible under the general government standards.

Alderperson Jones Thanks. And followup Mr. Mayor? Thank you. So, I don't think that's an issue at all based on the specific language under the ARPA guidance regulations. Secondly, I just wanted to give a little spotlight as to what this training does, what we're trying to achieve with it, and I think first of all we're looking at internally within the city how to, how to assess what we have in terms of our employees, to what degree they reflect the demographics in Missoula, and where we're at if we need to try and make some inroads there. So, Mr. Bickell, if you could address that?

Dale Bickell Yea, with permission, I'd share a quick demographic slide. And now, I can just look up to see if it's being shared, look at that.

Alderperson Jones Great.

Dale Bickell It might be difficult to see but what this chart represents is the City of Missoula's employees versus the City of Missoula as a whole demographically and you can see obviously Missoula is a very white community but even so, the city of Missoula employee is are actually more white than the

community at large. And you can see that that typically even though these numbers are, are very small in most categories here BIPOC representation is smaller inside the city staff than it is in our community. I advanced this slide a little quickly but one of the issues that we're dealing with, and I think Councilman Carlino and Nugent mentioned it at the food bank. You know Missoula county poverty rates are, are higher in Missoula than the state average and certainly the national average and, and in the next slide it shows that you know and on top of that in Missoula, specifically it is hitting BIPOC populations poverty rate harder. And these are all the types of issues that we are trying to work through, through this. This particular JEDI contract and also with our cohort partnership with other organizations in the community.

Alderperson Jones Thanks. I have a few comments then. Thank you. So, thanks for the information Mr. Bickell that is very helpful and I know we talk about anecdotal versus anecdotal evidence versus data and the point I wanted to make tonight is this is the data and if Missoula didn't have issues, we'd be seeing different data, but not only within our city employees can we make progress in terms of doing better to figure out how to hire people and recruit people to better reflect our Missoula demographics but also just looking at the one issue of poverty and how it relates across the board in terms of different demographic groups. There's a huge impact there and we as the city employees are here to serve and to make this place as best as possible for everyone who lives here. So, doing this kind of training is a step forward in that direction and I'm very supportive of this contract and thank you Mr. Bickell for taking the time to bring those information pieces tonight. I appreciate it.

Mayor John Engen Thank you Ms. Jones. Your motion is in order. Is there discussion on the motion this evening? Ms. Vasecka.

Alderperson Vasecka Thanks, I spoke about this.... oh gosh committee meetings were two weeks ago. So, I won't go into a lot of length about it, but I am not in support of this tonight. I think that to move past racism and sexism, we can't make policies that we will hire or not hire someone based on their sex or their race. So, I think that this is a step in the wrong direction. I thought that there are discrimination laws about this. So, and also just because they are ARPA qualified to use ARPA funds for this, doesn't mean that we have to. It's still tax dollars and it's still, the ARPA funds came out because of COVID. So, I just I don't think it's an appropriate use of the ARPA funds even though it is legally allowed. So, those are just some of the reasons why I'm not going to be in support of this.

Mayor John Engen Further discussion? Seeing none, anyone in the audience care to comment? Seeing none there, anyone participating virtually care to comment? Seeing none there, we will have a roll call vote.

#### **12.2.2 Consilience Group, LLC Training Scope of Work**

Moved by: Alderperson Jones

Approve and authorize the Mayor to sign a contract with the Consilience Group, LLC for Justice, Equity, Diversity, and Inclusion (JEDI) training and assessment professional services in an amount not to exceed \$55,000.00.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Hess, Alderperson Jones, Alderperson Jordan, Alderperson Nugent, Alderperson Savage, and Alderperson West

NAYS: (2): Alderperson Contos, and Alderperson Vasecka

ABSENT: (1): Alderperson Sherrill

**Vote result:** Approved (9 to 2)

Mayor John Engen Thank you and the motion is approved.

**12.3 Land Use and Planning (LUP) committee report**

**12.4 Parks and Conservation (PC) committee report**

**12.4.1 Minutes from the March 16, 2022 Meeting**

**12.5 Public Safety and Health (PSH) committee report**

**12.6 Public Works (PW) committee report**

**12.6.1 Minutes from the March 16, 2022 Meeting**

Mayor John Engen Our second committee report happens in Public Works. Ms. Becerra.

Alderperson Becerra Thank you Mayor. I recommend that we approve the resolution ordering in sidewalk, curb, gutter, and alley approach improvements without the creation of a special improvement district for improvements adjacent to miscellaneous parcels in the City for the 2021 project year, as established in exhibit A. And may I speak to the motion please?

Mayor John Engen Ms. Becerra.

Alderperson Becerra I'm just going to provide a little bit of background that was already provided in the referral that came with this item on the agenda. It says unlike city initiated sidewalk CIP projects these are typically either voluntary, permit related, or needed to address hazardous conditions. If citizens wish to take advantage of the city financing method, assessments, agreements are obtained with the property owners for the necessary improvements. The city then pays contractors for the completed work that has already been authorized by owners and required by the city. In the spring and summer of the following year, the city finance office administers the sale of municipal bonds for all the curb and sidewalk projects completed during the previous construction season and these miscellaneous parcels are included in the bond issue. Proceeds of the bonds are used to reimburse the city for the payments previously made to the contractor. So, this is where we are right now. This is work that has taken place. The majority of these miscellaneous orders are voluntary. We are at a point where we need to make our budget whole again. Thank you.

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

Mr. Carlino.

Alderperson Carlino Yeah, I really like sidewalks and I'm excited to see the city fund the sidewalks more in the future so we can build more sidewalks and more bike lanes and make Missoula a multimodal transportation town, but not all of these sidewalk improvements were voluntary and some and all the owners, adjacent homeowners next to the sidewalk are going to have to pay thousands of dollars

because of the current city policy around sidewalks. And I think, I like sidewalks so much that I think the city should fully fund sidewalks and fund more sidewalks. So, I'm not going to be voting for this today because I think the city needs to fund sidewalks, not adjacent homeowners.

Mayor John Engen Further discussion? Ms. Vasecka.

Alderperson Vasecka I agree with my colleague, Daniel. We had a really robust conversation about this at the last Public Works Committee meeting. I wanted to thank Mirtha and the rest of Council for, for indulging me in that in that long conversation about this. Like Daniel said, it is not all entirely opt-in; it is a complaint driven as well. So, if you are walking down the sidewalk and then you, you trip over it and then you complain to the city and that adjacent property owner is responsible for paying that, the thousands of dollars to pay for that sidewalk. So, I, I do agree with Daniel I think that we should I love sidewalks just as much I think that we should fund it with our general out of our general fund or, or figure out a different plan than having the property owner have to pay for it. So, I will not be in support of this tonight. Thanks.

Mayor John Engen Further discussion? Ms. Jordan.

Alderperson Jordan I too am pro sidewalk and I also agree with my colleagues that I don't think that the, the property owners should be paying these fees. And I'd like to see the city come up with some creative ways to start helping us make our town multimodal and safe for our constituents. So, I'll be voting no tonight. Thank you.

Mayor John Engen Mr. Nugent.

Alderperson Mike Nugent Thank you. I want to say I respect all my colleagues but I'm gonna kind of disagree. I think this is the creative solution. You know, prior to this version of city policy on funding sidewalks, it was more expensive for homeowners. So, I think that if we have this conversation more and I'm open to having it, the reality of the conversation we're going to be having is do we want to put in less sidewalks every year? Because unless you all have looked at the budget in a different way than I have. I just don't see where we are going to pull more funds without the owners of properties participating in, what does help their property value? I just, I just don't see how we're going to be able to do it. So, I will speak in favor of this, but I just feel that every time we have this conversation, it's important to point out that we don't just have another place to pull money from. So, we would need to really get creative, and I think that there's been a lot of work on this and on the public side, I commented on this quite a bit and contributed this policy and I think it's a lot better than what it used to be.

Mayor John Engen Ms. West.

Alderperson West Thank you. So, so, first of all, I want to clarify that adjacent property owners are not paying for these individual these individuals sidewalks. It is the, the property owner who is putting in the sidewalk that pays for it. So, the SID only applies to their particular property, and I've used this mechanism. I think it's a really a nice option to have. When I remodeled my house, I had to improve my curb and gutter but not add a sidewalk; it didn't trigger it, but I figured if I was gonna have someone out there to put in concrete, they might as well also put in a full sidewalk at my house. And having this as a resource allowed me to do a pretty, a relatively expensive improvement without adding it to my you know

financing my construction loan financing but still not have to bear that upfront cost and pay it back frankly at a really reasonable rate. It's the, the interest rate of the bond plus 0.5 which as long as we have a good bond rating is a low interest rate and is really an amazing asset that we can share with citizens. I also wanted to add one of the properties or sets of properties is that as an HOA that's paying for a hazardous sidewalk repair, and it can be really challenging as an HOA. I don't know this particular HOA's financial situation but in general it can be challenging for HOA's to receive financing through conventional methods just because it's a, it's a hard process and this is a really great alternative that folks can take advantage of in that situation as well. And just generally, this is a service that's already been provided so the sidewalks have been installed, the bills have been paid, and this is the, the backend, the financing that makes all of this whole. So, this is something that I guess needs to be approved in order for the homeowners to pay back the investment that's already been made.

Mayor John Engen Further discussion? Ms. Vasecka.

Alderman Vasecka Thanks. I do agree with Heidi there that it is a great program to have. I just disagree with the... I think that you should only have to participate in it if you want to. So, I get, I guess I just disagree with the if it triggers like if there's a citizen's complaint that's the part that I'm mostly concerned about, but I do think it is a great option and a great program to have.

Mayor John Engen Mr. Carlino.

Alderman Carlino Yeah, I think so looking at the sidewalk budget for last year out of the total assessments that we that the city charged homeowners it was only added up to about \$140,000.00. And I think sidewalks are a huge way to increase public safety, to help work to stop the climate crisis, to help get people outside, and I really think we should take a deeper dive into looking at the city funding sidewalks. I think it's a big part of safety and I think we're spending I mean we're spending about 20 million a year on police for safety and I think sidewalks should be should be at least 5% of that budget, that we spend on police or at least enough to build more sidewalks or at least the same amount of sidewalks without burdening people thousands of dollars just because the sidewalk is planned to be built in front of their house or next to their house, through their yard. I just think we need more sidewalks and I think the city should fund this.

Mayor John Engen Ms. Anderson.

Alderman Anderson Thanks so much Mr. Mayor. Thanks to my colleagues for the discussion on this. And I have to add that I am in support of this, and the reason why is that if you actually look at the four projects that make up the \$140,000.00 that Mr. Carlino just referenced, three out of the four are a situation where a homeowner decided to you know on their own do improvements to their property. And so, they are taking advantage of this financing option that the city provides to its citizens because we have the ability like Ms. West said to bond at a cheaper rate. It allows them to be creative in their financing, as they're building or doing improvements or whatever it is and, and without you know understanding of various levels of privacy, without understanding you know is it that because they added an ADU or is it they put a sidewalk in because they added a duplex or whatever it was their own, owner

initiated that brought them to the point where wanting to take advantage of this program. And I think it's important to highlight that like what Ms. West said, if for some reason this was voted down this evening, it doesn't actually change the policy because that as we have talked about numerous times, this is not a policy discussion. This is an implementation discussion, and it would have serious ramifications across the city's budget if all of a sudden we start because we don't like the overarching policy that guides this that you know we would start you know defaulting on our bills and putting these homeowners who voluntarily decided, three out of the four, to take a part of this program. You know, this is a financing mechanism that they have sought to partner with us and then we would be being a bad partner. The one other instance in the of the four is where a ho there was a complaint it was investigated, and the sidewalk was found to be hazardous, and the homeowners association decided to partner with the city to you know fix that sidewalk and make it not be hazardous. Now, if you would like, we could have a discussion about whether or not we should have a hazardous sidewalk policy, but we do at the moment and therefore we need to make good on our bills. I love sidewalks just as much as anybody else and but I think it is disingenuous to say that the city should be paying for all sidewalks because a major portion of how we get sidewalks is when new development happens and the developer is then you know does these those improvements as a part of a major development and that is a great way for connectivity and infrastructure to be added into the city. So, if you were to say we are going to now pay for all sidewalks, how would you then incorporate some of those major development projects into that because that now starts to be way more than 5% of the police budget? So, I think that you know I'm all for a discussion about the policy but this is the implementation and I think that we, one of the major functions of our body is the fiduciary responsibility to be good stewards and make sure that we pay our bills and keep a good credit rating, and all the things that come with that, and this is what this resolution does. It is not changing, if this resolution went down, it doesn't change any of the policy. It just you know sort of affects these four particular projects and three of the four of them were that they part, the homeowners or developers or whomever owns that particular portion of sidewalks decided to reach out and partner with us and it is incumbent upon us to live up to our end of the bargain which we made with them a part of this financing agreement. So, I will be in favor. Thank you so much.

Alderperson Jones Thanks. I just have a couple of brief comments. I just wanted to emphasize.... First of all, thanks Mirtha for reading the referral that introduced the topic because as we keep saying, this is implementation of a policy and if we have policies that people in this community rely on and expend.... well expend funds or, or hire people to come in and do sidewalks for thousands of dollars and then come to us for the financing that we promise them in a policy, and we don't back that up then when we are implementing the policy on the floor and vote against it, which could easily happen if there were some people absent tonight. I think that is doing our constituents a great disservice because they have relied on us and if we don't back up our policies, we need to think long and hard about what we're doing up here. If people want to change the policy, that's a different discussion but right now we're implementing it and I'm very much in favor of it because people have relied on it and that's what we do as government if

we want people to trust government. We back our, we back up our words with actions the way we say we're going to do it. So, I'm in favor of it tonight.

Mayor John Engen Further discussion on this dead horse? Ms. Vasecka.

Alderperson Vasecka Yes, this will be my last comment. If there, if all four of them were opt-in, then I would totally be 100% wanting to back this up, but it's just because that one that was complaint driven that I'm uncomfortable with it. So, I will stop beating this dead horse.

Mayor John Engen Mr. Carlino.

Alderperson Carlino Yeah and I agree with developers, with new developments having to build sidewalks. I think that's actually a good sidewalk policy. I think this current sidewalk policy is inequitable because we're making homeowners pay thousands of dollars for sidewalks that are built next to their house and if these were all voluntary, I would be in support of too, but and I'm hoping that we can still work on changing the policy someday if whenever there's an appetite on Council to do so.

Mayor John Engen I will note for the record that it's the end consumer who's paying for that sidewalk adjacent to their property. Mr. Nugent.

Alderperson Mike Nugent Thanks Mr. Mayor. I was just going to point that out, that in new development the entire sidewalk cost gets passed to the....

Mayor John Engen Ms. Becerra.

Alderperson Becerra Just one more whack at that, that horse.....I just would like to point out that when we talk about equitability, we are assuming that in order to for the city to pay for all sidewalks that is going to come out of our general fund and that means that every resident in Missoula who pays taxes is going to have to pay for all the sidewalks. And I, I think we have to be careful with what kind of message we send when we talk about being equitable. Another thing I want to point out is that when we talk about the city paying for all the sidewalks, it assumes that we have that money and research, all the research that went into the current resolution that we have, indicates that we don't. And if we want to find that money within our budget, within our general fund, we have to think very thoughtfully and carefully about what projects we don't want to implement so that we can build sidewalks. And that's a really long conversation that is not what's before us tonight. So, thank you.

Mayor John Engen Further discussion? Anyone in the audience care to comment on the question this evening? And looking among attendees, Ms. Stensland-Bickers.

Diane Stensland-Bickers Most of the Council members. Oh, I'm Stensland-Bickers. I'm in the process of looking to buy a house which is not easy right now but for the Council members who are against this but most of the Council members have made points that I'm going to reiterate here. If I try to buy a new house, the developers are going to charge me for the sidewalk that Daniel doesn't think they're going to for some reason. I don't understand why he doesn't think I'm going to get charged for that sidewalk. I'm going to pay for the sidewalk in front of my house. I don't understand Daniel's position. I don't understand Sandra's position at all; it doesn't make sense to me. Any sidewalk built is going to be paid for by whoever owns the house that it's in front of, whether it's a new sidewalk or a sidewalk that's just

going to be put in front of an old house or whatever. It is, it's the homeowner's sidewalk that has to they have to pay for it one way or the other and a cheap loan from the city is the best way to do it. It's going to be the cheapest way to do it. I don't understand why you're against it. Please vote yes. Thank you.

Mayor John Engen Thank you. And seeing no additional comment from residents this evening, we will have a roll call vote.

**12.6.2 A Resolution to Order the 2021 curb and sidewalk associated improvements adjacent to miscellaneous parcels**

Moved by: Alderperson Becerra

Approve the resolution ordering in sidewalk, curb, gutter, and alley approach improvements without the creation of a special improvement district for improvements adjacent to miscellaneous parcels in the City for the 2021 project year, as established in exhibit A.

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

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

ABSENT: (1): Alderperson Sherrill

**Vote result:** Approved (7 to 4)

Mayor John Engen And the motion is approved. We have no additional committee reports.

**13. NEW BUSINESS**

Mayor John Engen We do have an item of new business this evening and that happens in the Parks and Conservation Committee, and I don't know who the, who the vice chair is. Ms. Jones, would you?

Alderperson Jones I'd be happy to do this. I will make the recommended motion under the new business to approve and authorize the Mayor to sign a contract amendment with Jackson Contractor Group Inc. that establishes the Guaranteed Maximum Price (GMP) of construction as \$1,214,841.00. And I am happy to it but I'm thinking Mr. Bickell probably has additional information regarding this item.

Mayor John Engen Mr. Bickell is that true?

Marty Rehbein I think Nathan McLeod from the Parks Department is on the call virtually.

Nathan McLeod I am happy to speak to this, if you will allow me? Yeah, this is kind of an interesting, not typical process we would normally go to committee, but we have, as Council member West mentioned earlier, we have a deconstruction event at the playground starting on Saturday. And so, the getting this under contract is of most importance and we need to get going quickly. So, I kind of apologize for being non-typical here but we do have a time crunch. So, I think most of you have seen stuff from Westside Park come through Council before. This is not the first time; this is hopefully the last time. So, this was a publicly bid project we have. Council approved a contract with the construction manager on January 3rd, which established pre-construction fees and a percentage fee for the guaranteed maximum price.

Following that, the project was the construction project was publicly bid, bids were due on March 10th,

and we have selected the low bidder which is how the guaranteed maximum price was established. So, following this, we will, with your approval, we'll authorize the contract and begin construction on Saturday or deconstruction on Saturday.

Mayor John Engen Thank you Mr. McLeod.

Nathan McLeod I'm happy to answer any questions that anybody has.

Mayor John Engen Thank you. That motion is in order. Is there discussion on the motion? Mr. Nugent.

Alderperson Mike Nugent Yeah, sorry. Would somebody clarify what the what the number is? We're missing a comma or there's an extra digit.

Mayor John Engen I think we're missing a comma. It's 1.214841.....

Alderperson Mike Nugent I was hoping that was an extra digit, but I guess...

Mayor John Engen Further discussion? Any audience comment? Checking attendees? Seeing none there, we will have a roll call vote.

**13.1 Westside Park Phase II Construction Manager at Risk (CMAR) Guaranteed Maximum Price (GMP) Contract Amendment**

Moved by: Alderperson Jones

Approve and authorize the Mayor to sign a contract amendment with Jackson Contractor Group Inc. that establishes the Guaranteed Maximum Price (GMP) of construction as \$1,214,841.00.

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

ABSENT: (1): Alderperson Sherrill

**Vote result:** Approved (11 to 0)

Mayor John Engen Thank you and the motion is approved. Therefore, the contract is approved and Saturday's coming fast.

**14. ITEMS TO BE REFERRED - None.**

**14.1 Administration and Finance committee referrals**

**14.1.1 Contract for Office 365 Planning and Implementation with Withum Smith + Brown, PC for the provision of scope of services and rates identified, not to exceed \$84,875.00.**

**14.1.2 Resolution Relating to the Financing of Proposed Storm Water System Improvements; Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code**

**14.1.3 Resolution Relating to up to \$12,462,000.00 Water System Revenue Bond (DNRC Drinking Water State Revolving Loan Program), Series 2022A (SRF Bond); Authorizing the Issuance and Fixing the Terms and Conditions Thereof**

**14.1.4 Department Updates – Interim Budgets and Project Updates**

**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 Professional Services Agreement with FourFront Design Inc. for Cemetery Architect Design Services at a cost not to exceed \$57,512.00.**
  - 14.4.2 Reappointment to the Parks and Recreation Board**
- 14.5 Public Safety and Health committee referrals**
- 14.6 Public Works committee referrals**
  - 14.6.1 Agreement with Dennis and Cathy Lower for the sale of 605 Ben Hogan Drive for a cost of \$160,000.00.**
  - 14.6.2 Resolution of Support for the 2022 RAISE Mullan Grant**

**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. We will be adjourned  
The meeting adjourned at 7:04 p.m.

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

John Engen, Mayor