

## **Council Meeting Action Summary**

### **Missoula City Council**

**April 4, 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: Mirtha Becerra, Daniel Carlino, John P. Contos, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Stacie Anderson, Jordan Hess

Administration Present: Marty Rehbein, Jim Nugent, City Attorney

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 Acting Mayor Gwen Jones at 6:00 PM.

#### **2. APPROVAL OF THE MINUTES**

The minutes were approved as submitted.

#### **3. PUBLIC COMMENT - NON-AGENDA ITEMS**

President Jones We have public comment on items not on the agenda. So, if there's anyone tonight that wanted to give public comment on anything that is not on the agenda, now is the time. And you can come up to the main microphone and state your name and use hopefully no more than 3 minutes; we try and limit it to that. Is there anyone present this evening that wanted to participate? Thanks, if just want to come on up and state your full name.

Joe I was here last week. I talked to y'all then. Real quick, some kind of housekeeping things. I wanted to clarify a couple things. I am not against security at any of the homeless encampments around town. I'm very much not against that. I find it morally wrong that we've hired a private police agency to police those areas and that's why I'm here. I also want to say I didn't get any of my questions directly answered but Councilman Carlino was very helpful and sent me some documentation that I was able to use to generate some new questions. And I'm just going to keep talking in 3 minute chunks until, I don't know, the folks have some dignity and some respect, and I can get some of these things hopefully addressed by the Council. So, the meat of this statement is about data. It's something that's been alluded a lot to in the reporting and it's been something that was alluded to in the last meeting itself. So, there are two broad categories and everything that I've seen and can broadly be binned in terms of police interaction metrics and in terms of personal testimonials from government officials, NGOs, that kind of thing. I'm formally educated in mathematics, applied mathematics, so I deal with a lot of data, and I can't really for the life of me understand why this is such a talking point because what essentially you did, right, is you replace a

public police force with the private police force, and they don't even have to wear chest cameras. They don't, they aren't even subject to all the regulation that a public police force would be subject to. So, it's entirely unsurprising then that calls to the police would be down right? That's exactly what we would expect that's the, the null hypothesis to use the nerdy term. Perhaps the only thing more egregious than their existence at the camp would be if they were bad at their job and you still had to call the police that much. So, I don't really think that's a very compelling argument to have those folks there. And the other part is this testimonial thing that's usually from city officials and leads in NGO's. And for that, I would just like to say that there are confounding variables, right? People who head up NGO's, people who work for the city need to have a working relationship with City Council, with city officials, and with MPD. And if you step on a bunch of toes, you're going to make your lot job a lot harder, and I you know as someone who again is very pro Second Amendment carries a gun a lot. I will tell you people don't like to have prolonged conversations with big guys, especially big white guys with guns on. They just, they get, it's uncomfortable because they recognize it as a threat because it is. So, I, it's not surprising that you're going to get a bunch of these glowing recommendations from these sorts of people. I'm here because I talk to a lot of the employees. I'm here because I talk to a lot of the people who do have those close relationships with the residents at these places. They don't feel like they can be here because they are afraid of reprisal from MPD. They're afraid of reprisal from RI. They're afraid of losing access to the residents and being able to do the important work that they do. I understand that we have this concept of free speech but that's not the case in this community. There are consequences and while I'm afraid of the consequences that might come down to me, it's not as crucial for my livelihood. So, I am the one that they've asked to come here and I'm gonna keep coming. That's the main part of this. I know that we have that meeting coming up about RI, I just want this to at least be said out loud so that that can be in the back of your minds while you're listening to this. It doesn't seem like this is real data. There hasn't been an experiment that's been done. This is retroactive abuse of mathematics to be able to justify and rationalize RI's existence in the camps. Next week, if you're the type of person who likes to do the reading ahead of time, I'm going to talk about the difference between security, security theater, and a concept called the [0:12:19] boomerang. So, you're all welcome to go home and do the reading about that. Thanks.

President Jones Thank you. Anyone else who wanted to give public comment on items not on the agenda? Seeing no one else in the room, we do have some virtual people.

[speaking in the audience]

President Jones Correct. So, if it's an item that is on the agenda, we'll talk about it later. If it's something different, something that's not listed on the agenda for tonight then now is the time. So, if you want to speak on something, come on up to the microphone. Just, just state your name okay and then we use about 3 minutes.

Anna Sain My name is Anna Sain and I've come before you to ask favors of you guys or give you a project because Missoula is the garden city and right now, the people that live around us we don't show

that we're the garden city. I take the Van Buren exit going east off of I-90 and you have transient trash, you have dead animals, and lots of debris and broken tree limbs all over, and yes, this is the 3G problem. Governor Greg Gianforte and the DOT, but I was hoping you guys would have some influence to kind of clean up what Missoula looks like. And I have some things here, in addition to that, because we might have to have some of the senior people go around and do volunteer service because I know there's help wanted signs all over town where we need workers. So, that might be an excuse that we don't have staff to clean up I-90 and the exits and the stuff around the edges of the road. So, that's one thing; they're kind of all related regarding I-90 and the DOT and the Governor's office to get this done. Another thing that we don't have is a welcome to Missoula sign. They even have that when you go into Paradise, Arlee, you know Stevensville, but not Missoula. So, for you guys to kind of understand what I'm talking about, I kind of printed up some..... my printer just doesn't... but that way you'll understand what I'm talking about. I suggested something like this for a welcome to Missoula because we're the gateway to recreational fun and then you know you can change it, put it in some little things, or you can go gung-ho if you have a big enough sign but it gives you some different ideas of what I was thinking of for a sign but the two I-90, as well as Highway 93, there's no welcome to Missoula and I chose the words gateway to recreational fun because this is, we're halfway between Glacier and Yellowstone, and I just thought you'd like to do that. Now, with the high price of gas that none of us can control and everybody wants to get out of dodge at least last year we had relatives coming from all over, staying with us that just wanted to, you know, do something. What all is they're here to do in Missoula? So, I printed up a little list here with facts about Montana and things to do in the area plus a little flyer and you can have these at the restaurants. I left room for them to advertise their restaurants because I didn't know how to get the word out to people but people here in Missoula don't even realize that you don't have to go to the bison range to see a real live buffalo; it's just down there on the road to Lolo by the big tree. And you don't have to go to the California redwoods when the raw cedar trees are right up Bull River south of Libby, and you don't have to go to the Carlsbad Caverns in New Mexico when they have the Lewis and Clark Caverns on the other side of Whitehall, and you don't have to go to the Badlands in North and South Dakota when over by Glendive, and don't ask me to pronounce the name of that park. They have the badlands; it's a state park. In fact, you can go on your computer and look up the state parks and find a lot of things to do in our area.

President Jones So, we're a little over 5 minutes...if you don't mind me cutting you off ....

Anna Sain Well I better hurry up.

President Jones So wrap it up... yep. I just we've got other people who also want to speak....

Anna Sain So the other thing I wanted to point out. Don't overlook the Fort Missoula because it has a lot of nice things too, but I wanted to basically talk about, it's not related to I-90, is the [inaudible] and the water would still come in there. I don't play golf, but I don't think golf people want grass that's been walked on because it's going to be soft and make footprint divots and that's not what you want to have in a golf course. And also, regarding housing and getting low-income housing, the area between Reserve Street and Orange Street up on the hill is several hundred dollars of land that is up for sale by.... it used

to be called the Hellgate Ranch or the Carlson Ranch, but it has a sloping thing and then up on top where they used to have the hay fields, it's flatter but there's oh several hundred acres there that could be used for low-income housing or a place to build it and not have them that far away from town.

President Jones Thank you ma'am, we're gonna have to give some other people a chance to talk but I appreciate the information tonight.

Anna Sain Well, it gives you something to work on.

President Jones Thank you.

Anna Sain Okay, thank you. You guys have a nice Easter.

President Jones You too. Okay, we have a couple people who are attending virtually for public comment on items not on the agenda. We have Mr. Larson and Marty can you let Mr. Larson in so that....

Matt Larson Yes, Matt Larson, Ward 3. Nice to see everyone. I was just gonna comment on the article in the *Missoulian* regarding the overtime hours for Missoula Police Department. As you may recall a year ago, there was a study that was approved through this same Council where we divided the patrol wards up into 12 wards from seven or eight, and it basically increased the average staffing hours for each police officer to 10 hours and 45 minutes from eight hours. This is troublesome because it was paid for half by the police officers' union, and it was instituted by Chief White who is from CHP who has a history of overcharging for overtime hours at construction sites. Specifically in L.A. there were 52 CHP officers indicted for doing this. This is the reason why the, the union approved this it just racks up our overtime hours on an already understaffed department, as Chief White classifies it. This is intentional and a misuse of funds. We need to stop this type of activity and we need to figure out how to appropriately staff our police and not misuse our overtime hours. Especially, I'd like to point out and agree with everything Joe just said because everything Joe just said should point to less overtime hours for our police regarding the employment of Rogers International. It, it's just, it's dumbfounded, I'm totally dumbfounded and so I don't know how you guys can deal with this type of entitlement from the police department continually, where they ask for more and then run out and then just ask for more again. We, we need to kind of reel in our spending overall here and this is the biggest department in the city. So, that's why we focus on it as a city. It's, we're dealing with a lot of counter-intuitive logic here though and we need to kind of see the forest for the trees here and cut down our expenditures. This is a huge one here. Why don't we go back to the eight boards or whatever we had before? Thank you. Bye.

President Jones Thank you. And then I have a caller ending in number 3391. And Marty if you can unmute them, and if you could just announce your name please and then 3 minutes for speaking. Go ahead.

Shamus Land Thanks. My name is Shamus Land, I'm in Ward 3. I just wanted to say a couple words about the carbon inventory that just came out. I've been trying to keep track of the impact that's had on, on local issues and I haven't really heard it spoken about very effectively. I'll say I, I just wanted to share some quick reflections. One, one being that I think it just doesn't do a great job of capturing commuter traffic and I think that's just something that I'd like to see contextualized and the municipal boundaries

used, I don't think really reflect the impact that Missoula has on the surrounding region. You know for better and for worse, but I, I also just wanted to really encourage the, the use of what I guess was seeing written as a climate lens, just saying that you know that word came up through the use of this inventory but I haven't heard it applied yet in these convenings and I just wanted to put a plug in for that and talk about how this, you know that, the leadership really needs to trickle down, especially with the way that the impacts were reflected as tailpipe emissions and just local traffic. So, I, I just wanted to, to say yeah this really needs to be a focus and needs to flow into all the projects you know Sxwtpqyen Master Plan. There are a lot of opportunities there to talk about carbon and the life cycle of the materials as well as the land use. So, I just wanted to say that. I haven't heard it yet in these meetings, that could be wrong, but I wanted to put a plug in. Thanks.

President Jones Great thank you. Okay, any other public comment on items not on the agenda? Seeing no more, we will go forward with our agenda. The next item is, Marty if you could go through the committee meetings and the agenda for the committee meetings this Wednesday, I'd appreciate it.

#### **4. ANNOUNCE COMMITTEE MEETINGS, COMMITTEE MEMBERSHIP APPOINTMENTS AND CHANGES TO COMMITTEE AGENDAS**

Committee of the Whole, April 6, 9:45 - 11:25 a.m.

Land Use and Planning Committee, April 6, 11:40 a.m. - 1:10 p.m.

Public Works Committee, April 6, 2:10 - 3:10 p.m.

Public, Safety, Health and Operations Committee, April 6, 3:45 - 4:10 p.m.

Budget and Finance Committee, April 6, 4:25 - 5:55 p.m.

President Jones Thank you Marty.

#### **5. CONSENT AGENDA**

President Jones Next on our agenda, we have 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. Our city clerk will read the list aloud so citizens watching will know what is on the consent agenda and we will invite community comment on these items before we vote. Back to you Marty.

President Jones Thank you Ms. Rehbein. Are there any comments or questions from Council? Ms. Vasecka.

Aldersperson Vasecka Thank you. I would like to separate 5.3, and if I may speak to it? 5.3 is a reappointment of Mr. O'Connor and Mr. Harris to the Parks and Recreation Board. They seem like very nice folks; however, I did watch a couple of the board meetings and look at their voting record and I do disagree with a lot of, of their voting record on that so therefore I'm not going to be in support of that tonight okay.

President Jones Any other questions or comments from Council? Seeing none.....oh Mr. Carlino.

Aldersperson Carlino Yeah, I was just going to... looking at the accounts payable I saw that we have another \$30,000.00 and more going towards Rogers International from the ARPA Funds today and I just

wanted to back up what the public commenter was saying earlier about Rogers and their effect on our community and with how these funds should probably be coming from the police fund since we're trying to not use as many police calls and resources instead with Rogers. And during my ride-along with Rogers International, we got to tour the authorized campsites where people who are living homeless in Missoula were talking about how they would really like to see a water source or heating source there, and we also patrolled around the neighborhoods. And I can confirm that it is quite like a police force rather than a security force when you drive in an up and down each alley, each street just looking. I think that's not quite like a security force. I think that's more like a police force, especially when you have the authority to use force or lethal force. So, I just want to back up the public commenter about that and just say that I don't agree with that, but I do agree with paying the city's bills. So, hopefully we'll continue the Rogers International private police force conversation another day.

President Jones Okay. Anyone else? Any public comment on the consent agenda? Mr. Larson, you have public comment on the consent agenda? If you can unmute him, thank you.

Matt Larson Yes, Matt, Ward 3. I appreciate Council, Councilman Carlino speaking on Rogers International. I'd also like to draw attention to that and remind anyone on City Council that they may also vote no on this, even if they do agree to pay the bills of the city. There's other things on the accounts payable I'd like to get some light on. There's two wire transfers, one for a thousand dollars for water retirees or water department retirees' health benefits, I believe. I want to know like what, what that's about and then there's a hundred thousand dollar bond payment, \$108,000.00, 2014 bond payment that says MPC but that's it. So, just wondering what that was and then I'd like to just remind the public that the, the buyers of this thing on Ben Hogan Drive were the same ones that got the change of zoning over by the train tracks near Russell Street. So, we can assume that that's probably what's going to happen to this Ben Hogan Drive address. They'll just turn into a triplex outside of the zoning and it'll be approved again but we'll see. So, I'd urge anyone to vote no on the claims, as we don't know what these charges are really all about and also the Rogers International thing. Thank you. Bye.

President Jones Okay, seeing no other public comment, we will have a roll call....yes this is all accessible online. Okay. All right, Marty, we can go ahead with the roll call vote with 5.3 divided out however you want to do it, in whatever order.

Marty Rehbein Okay, let's do a vote on the consent agenda first. Hang on just a second.

AYES: (10): Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (2): Alderperson Anderson, and Alderperson Hess

**Vote result:** Approved (10 to 0)

**5.1 Accounts Payable (claims) for checks dated April 5, 2022**

Approve accounts payable in the amount of \$932,195.69 for checks dated April 5, 2022.

**Vote result:** Approved

**5.2 Professional Services Agreement with FourFront Design Inc. for Cemetery Architect Design Services**

Approve and authorize the Mayor to sign a professional services agreement with FourFront Design Inc. for Cemetery Architect Design Services at a cost not to exceed \$57,512.00.

**Vote result:** Approved

**5.3 Reappointment to the Parks and Recreation Board**

Confirm the Mayor's reappointment of John O'Connor and Dale Harris to the Parks and Recreation Board for terms beginning May 1, 2022 and expiring on April 30, 2025.

AYES: (6): Alderperson Becerra, Alderperson Jones, Mike Nugent, Jennifer Savage, Alderperson Sherrill, and Alderperson West

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

ABSENT: (2): Alderperson Anderson, and Alderperson Hess

**Vote result:** Approved (6 to 4)

**5.4 Agreement with Dennis and Cathy Lower for the sale of 605 Ben Hogan Drive**

Approve and authorize a resolution declaring a certain City of Missoula owned parcel of land generally located at 605 Ben Hogan Drive, as surplus authorizing its disposal and sale to Dennis and Cathy Lower, in the amount of \$160,000.00.

**Vote result:** Approved

**5.5 Resolution of Support for the 2022 RAISE Mullan Grant**

Adopt a resolution of the Missoula City Council and Mayor in support of applying for the 2022 RAISE Grant funds for additional complete streets and shared-use path trail improvements in the Mullan area.

**Vote result:** Approved

**5.6 Contract for Office 365 Planning and Implementation**

Approve and authorize the Mayor to sign the contract with Withum Smith + Brown, PC for the provision of scope of services and rates identified, not to exceed \$84,875.00.

**Vote result:** Approved

**5.7 Resolution Relating to the Financing of Proposed Storm Water System**

Improvements; Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code

Adopt a resolution relating to the financing of proposed storm water system improvements, Establishing compliance with reimbursement bond regulations under the Internal Revenue Code

**Vote result:** Approved

**5.8 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**

Adopt a 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.

**Vote result:** Approved

President Jones And it passes. Thank you. Next on the agenda.

**6. COMMENTS FROM CITY STAFF, CITY AGENCIES, COMMUNITY FORUM, NEIGHBORHOOD COUNCILS, BOARDS, COMMISSIONS, OR AUTHORITIES - None.**

**7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

President Jones The next item number seven; we do have a special presentation and proclamation tonight regarding a proclamation in support of Missoula County's Behavioral Health Resolution 2022-007. So, I'll read the proclamation then I believe we have someone here in the audience to speak to it.

**7.1 Proclamation in Support of Missoula County's Behavioral Health Resolution 2022-007**

WHEREAS, if left untreated behavioral health, which includes mental illness, other mental health disorders, and substance use increases the risk of diseases such as diabetes, heart disease, stroke and can lead to increased risk of incarceration, homelessness, social isolation, victimization and trauma, suicide, overdose, and unemployment; and WHEREAS, the COVID-19 Pandemic has exacerbated behavioral health conditions in the U.S. with three in ten adults reporting symptoms of anxiety or depression, compared with one in ten adults prior to the pandemic; and WHEREAS, the Missoula County Mental Health Coordinator compiled the recommendations from nine reports at the request of the Strategic Alliance for Improved Behavioral Health and identified specific action, steps to improve the system of care including prevention, early intervention, and crisis care; and WHEREAS, the report titled Missoula County Behavioral Health System, *Charting a Path Forward* encompasses these recommendations and action steps; and WHEREAS, the Missoula Board of County Commissioners signed resolution 2022-007 on March 24, 2022 adopting the Missoula County Behavioral Health System, *Charting a Path Forward* as a guiding document when appropriating Missoula County resources toward



addressing needs in the behavioral health care system in the City of Missoula, in the State of Montana hereby adopts the Missoula County Behavioral Health System, *Charting a Path Forward* and supports Missoula County Resolution 2022-007 and the objectives outlined in the resolution, and it is signed by Mayor, John Engen.

President Jones And do we have someone in the audience that was going to speak to that tonight? Good evening Terry, if you just want to put, put your full name on the record please.

Terry Kendrick I'm Terry Kendrick and I'm the project facilitator for the Strategic Alliance for Improved Behavioral Health and this is a collaborative that's working to close the gaps in the behavioral health system. The Strategic Alliance members include Providence St. Patrick Hospital, Partnership Health Center, Western Montana Mental Health Center, All Nations Health Center, Community Medical Center, the Missoula City-County Health Department, Missoula Crisis Intervention Team, the Substance Use Disorder Connect Collaborative, the Mayor's office, Missoula County Commission, as well as representatives from other city and county organizations. So, as part of the Strategic Alliance's work to understand the greatest behavioral health needs in the community, to learn what progress has been made in terms of addressing those needs, and to identify what important work remains, the Alliance requested an analysis of the behavioral health needs assessments that have been conducted in the past five years and as you mentioned Gretchen Neal, the former Missoula County Mental Health Coordinator, compiled that information and summarized the findings from nine reports and that ended up being the Missoula's Behavioral Health System, *Charting a Path Forward*. So, we made a series of recommendations and planned to you know gather community partners to make progress on those recommendations. Do you have any questions for me?

President Jones Thank you Ms. Kendrick. We appreciate you coming down and it's such an important issue. So, thanks.

Terry Kendrick Thanks very much.

**8. FINAL CONSIDERATION - None.**

**9. PUBLIC HEARINGS**

President Jones We do have two public hearings to open tonight. Under our public hearings state law and City Council rules set guidelines for inviting community comment in a formal way on certain issues. Following a staff report on each item, the City Council and the Mayor invite community comment. These hearings will be held open for a week and then they will be voted on the following week. So, that would be one night from tonight, unless there's a requirement for final action, but I don't believe that applies to either of these. These are both going to be held open for a week. So, our first item is 9.1 and I'm not sure if our planner is here or is virtual but on item 9.1 the plat adjustment request for the relocation of a 10 foot public access easement on lot 1 of the McNett Flats Subdivision. Do we have someone here to present on that tonight?

Lauren Stevens Yes, I'm here virtually.

President Jones Hi Lauren.

Lauren Stevens Hi. Thank you. Good evening everyone. My name is Lauren Stevens, I'm an Associate Planner here in the Community Planning, Development and Innovation Department. Let me just share my screen, make sure this will work. All right, can everybody see my slides? Excellent. All right, thank you. So, this evening, I will be presenting a request received from Kody Swartz of Woith Engineering Incorporated on behalf of Tollefson Enterprises, LLC for a plat adjustment of the McNett Flats subdivision to relocate a 10 foot wide public access easement on lot 1. The McNett Flats subdivision is made up of 7 lots and is located west of Reserve Street and north of Mullan Road and the 44 Ranch Subdivision. It is within the Sxwtpqyen Master Plan area, but was annexed, rezoned, and subdivided prior to that plan being adopted. It was granted preliminary plat approval by City Council on March 8, 2021 with 27 conditions. The final plat was filed on July 22, 2021. The subdivision is zoned B2-2. The approved subdivision was granted five variances, two of which were for the 480 foot maximum block length for lots 1 and 6. Lot 1 is approximately 609 feet long. The 10 foot wide public access easement shown on lot 1 was provided as a mitigation measure to help secure this variance; it was not a requirement. However, condition number nine of the approved preliminary plat required that all proposed easements be shown on the face of the final plat and labeled with their width and purpose. The plat adjustment request is to relocate the easement on lot 1 from where it is shown on the final plat. Plat adjustments are described in the City of Missoula Subdivision Regulations in Article 7, Section 7-040. Plat adjustments are not classified as minor or major errors but rather are changes that may affect the precise dimensions of lots or buildings and the sighting of buildings but that do not affect the basic character or arrangement of buildings, lots or blocks, the density of the development, the open space requirement, or street design. Plat adjustments require review by City Council and must be requested through an Affidavit of Correction prepared and signed by a professional engineer or registered land surveyor. This slide shows the existing and proposed locations of the 10-foot wide public access easement on lot 1. The proposed location will shift the access easement approximately 24 feet to the west of its existing location. It will still be 10 feet wide and allow for public access through the site. The relocation request is being made in order to better accommodate the siting of buildings on the property. This site plan shows the relocated access easement highlighted in red and an approximation of the existing easement in black. The existing easement would interfere with the proposed location of building number 18. The relocated easement will better accommodate the proposed layout of the multi-dwelling residential structures on this site. The provided staff report lists findings of fact of the impacts of this proposed plat adjustment. Based on staff's review of the proposed plot adjustment, it was determined that the relocation of the 10-foot wide public access easement on lot 1 of the McNett Flats Subdivision will have an insignificant effect on the sighting of buildings and will not affect the basic character or arrangement of buildings, lots, or blocks, the density of the development, the open space requirement or street design of the approved final plat, nor will it impact the original approved subdivision in a way that would be contrary to the findings, conclusions, and decisions made by City Council at the time of approval. Staff is proposing one condition of approval,

which is that the plat adjustment showing the relocated 10 foot wide public access easement shall be filed with the County Clerk and Records Office prior to the issuance of building permits for the adjacent proposed multi-dwelling residential buildings subject to review and approval by development services. Staff's recommended motion is to approve the McNett Flats plat adjustment request for relocation of a 10 foot wide public 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 finding of facts in the staff report subject to one condition of approval. And with that, I am available to answer any questions and I believe we have also some representatives from Woith Engineering present as well.

President Jones Great, thank you. Do the representatives from Woith Engineering want to present any information or are you just available for questions? Matt Hammerstein from Woith Engineering, if you can unmute yourself. There you go, go ahead Matt.

Matt Hammerstein Yeah, we don't have any information to present other than what was already presented. We're just here to answer questions, if needed. Spencer Woith is also on the line.

President Jones Great thank you. Were there any questions from Council? Seeing none, are there any, is there any public comment? Seeing none seeing none. All right, this public hearing will remain open until this, a week from today and then we will take final action on it. Thank you Lauren, appreciate it.

Lauren Stevens Thank you.

#### **9.1 Plat Adjustment Request for the relocation of a 10' public access easement on Lot 1 of the McNett Flats Subdivision**

The City Council will hold this public hearing open until they take up the item for final consideration on April 11, 2022. This item will be discussed at the Land Use and Planning committee at 11:40 a.m.

President Jones Okay the next item on the agenda is 9.2 Greenough Heights Major Subdivision and Rezoning. And is Dave DeGrandpre here to present on this?

Dave DeGrandpre Yes, thank you. Hi, I'm Dave DeGrandpre. Good evening Councilors and members of the public. Dave DeGrandpre, Planning Supervisor with Community Planning, Development and Innovation, and I'd like to run through, give a presentation on the Greenough Heights preliminary plat application, subdivision application I should say and rezoning project. The property is 5.79 acres in size. It's located along West Greenough Drive. West Greenough abuts the property to the northwest. To the southeast and south are Greenough Park and surrounding development includes a mixture of single dwelling residential to the south and north, and across Greenough to the north is apartment style residential development, and then you have Waterworks Hill trailhead right here on the on the screen and trails in the immediate vicinity. As you all know, Rattlesnake Valley, the lower Rattlesnake Valley has a significant portion of the city's residential development. The property itself has a number of existing

features that I'd just like to point out in brief. West Greenough Drive, of course, abuts the property. That has only a 30 foot road easement right now, so you have two travel lanes and shoulders but no curb, no bike lane, no parking lane, no curbs, gutters, sidewalks, etc. On the property, it, there's a fair amount of slope; it's about a 50 foot elevation change from the northern edge of the property down to the south abutting Greenough Park. There is a steeper kind of gulch or gully area containing a seasonal stream and this is called Cherry Gulch and you can see from the contours that it's a fairly steep area. There's an existing driveway on the property. The property is only, is developed currently with a 1940s era single dwelling or a residence and also a couple of out buildings. There's an existing septic system, existing well, some overhead power and things like that typical of residential development. Here's a driveway that was built in and graded in several years ago, probably back in the 1940s that provides a mild grade down to the residence which is located right along the property boundary overlooking Greenough Park. The picture at the top is a view of the driveway from Greenough Drive. You can see off to the right, this is the Cherry Gulch area and here is an open meadow that is easily seen from Greenough Drive. The lower left, this is a picture looking back across Greenough. So, Greenough would be where these trees are located and across the road are the multi-dwelling residences. You can see that there's kind of a gently sloping cleared area in the central portion of the property and the picture on the lower right is a look across the valley. So, that's looking out the park area would be where these trees are located and below and then Sentinel would be across the valley and then South Hills in the distance. On the left is a picture of the existing dwelling located just, just at the property boundary overlooking Greenough Park and then to the right is an existing barn or garage on the property. And those prop, those structures are proposed to be removed as, as this subdivision is developed. So, this is the subdivision proposal that you see right here and there are some items that I'd like to point out to you. One, I mentioned earlier on that Greenough Drive is located within a 30-foot easement, which is and Greenough Drive is classified as an urban collector and, and it's classified as a collector because its primary function is to move traffic, to move vehicles from other places down into town, and then and back, but it also provides direct access to private properties but it collects vehicles and transports them. And so, collectors require 80 feet of right-of-way typically so that would be 40 feet on each side of the center line. I mentioned earlier that there's only 30 feet of, it's actually easement along the subject property and so what the developer is proposing to do is in the hatched area, the developer is proposing to dedicate 40 feet, a total of 40 feet from the property boundary to the center line of West Greenough Drive, essentially give or dedicate property to the City of Missoula in order to meet the requirements of our Subdivision Regulations. You can see that there is a proposed subdivision road called Road A on this plat that would provide, that would have two accesses onto Greenough, and it would provide access to all of the lots. There are also 20 lots I should say. There's also a proposed alley that would provide rear access to the lots. Each of the lots is developed with a, a building site. So, each of the kind of the rectangles that you see is, is a buildable area that meets, that, that is outside of the setbacks, the building setbacks. The setbacks are 20 feet front setbacks and rear setbacks. So, for example, lot 20 here would be 20 feet from this setback line to

the property line, also 20 feet from the setback line to the rear property line. It's seven and a half feet on the interior and then 10 feet along any other side streets. You can see the Cherry Gulch area located on the southern portion of the property, that area is proposed to be dedicated as open space. It's a steep area, contains dense vegetation, a seasonal stream and also riparian vegetation. Cherry Gulch it drains into Rattlesnake Creek just below the property, approximately 100 feet from the boundary. And there are 20 residential lots that are proposed. The lots range in size from 6,670 square feet to 9,617 square feet, and after subtracting out the open space or proposed open space area, the density is 3.87 dwelling units per acre. As you know, from reviewing subdivisions and zone changes in the past, there are several review criteria that we evaluate these requests under and I'm going to briefly run through the criteria right now in light of the proposal. Our first, the first is compliance with the Growth Policy. Does the proposal comply with the Growth Policy? In the report that was provided to you it details findings of fact regarding this, but I'll be, I'll be fairly brief, although that has much more detail. Our Missoula Growth Policy has a future land use map, and it recommends for this property two designations, on the vast majority of the property in yellow it's residential medium density with a density of three to eleven dwelling units per acre with a sliver of parks and open space along, along Greenough Park. The property currently has two zoning designations that comply with the Growth Policy designations. The vast majority of the property is zoned R8, residential, with a sliver of OP1, which is an open space natural resource protection designation along Greenough Park. As you can see, the property is 5.79 acres, but it has two zoning districts and so what happens under Title 20 in such circumstances is, Title 20, our zoning rules say that when a property has more than one zoning designation, the default zoning that applies is the most restrictive. So, in this case, the OP1 zoning designation is restrictive in that it doesn't really allow for residential development or other types of development. So, what that means is the property can't be developed with any additional lots of residences without a zone change. The proposed zoning looks like this. So, all of the lots that are proposed for residential use would be, would be R8, residential, and the open space area that's proposed to be dedicated as parkland dedicated to the City of Missoula would be OP1 and the staff report provides several findings showing that that this proposal does comply with the Growth Policy and the rezoning criteria outlined in state law. The next criteria are impacts on agriculture and agricultural water user facilities. This property has three types of soils, the big arm mind singer complex is considered not prime farmland. This is considered by the Natural Resource Conservation Service to be urban land, so clearly not, not prime. However, there is another, another area or another soil type along about half the property called tote lake gravely loam; this is considered farmland of local importance. However, the property is not farmed. I have been unable to find any evidence of it having been farmed, although it may have been many decades ago. There are no irrigation facilities on the property or in the immediate vicinity of property. So, the finding that is suggested in your staff report is that there will be no significant impact on agriculture or agriculture water user facilities as a result of this subdivision. Moving on to local services and public health and safety, two more of the criteria for subdivisions. All of the lots would be served by city water and sewer. The developer has submitted

significant plans, detailed plans to connect to existing city services that have been reviewed and are in the process of being reviewed by Public Works and Mobility staff. Solid waste would be provided by Republic Services, no impacts to local schools have been identified, and the property can be served by the City of Missoula Fire and Police Departments. At least one fire hydrant would be required by City Fire, and also public safety measures like street signs, addresses and, and fire protection covenants would also be required as conditions of approval as, as cited in the staff report. I mentioned parkland earlier, the Cherry Gulch area shown on the left side and also the right side of your, of your screen. Under our City Subdivision Regulations, the amount of park land that's, that's required to be dedicated depends on the amount of area that's in lots. It's an equation provided in state law and also our Subdivision Regulations. For lots less than half an acre in size, 11% of the net lotted area is required to be dedicated, and that could be as land dedication, or the City Council can require cash in lieu of parkland. In this case, this is a Cherry Gulch is a significant environmental resource; it provides water quality protection measure. It has, the vegetation is dense, different types of vegetation provides wildlife habitat, etc. So, your City Parks and Rec staff recommended that, that the parkland be dedicated, that Cherry Gulch area be dedicated to the public, accepted at by Parks and Rec by the city as open space and managed as a natural area. Under the City's Subdivision Regulations, just over 17,000 square feet of parkland would be required, and this open space or parkland area is over 27,000 square feet. So, it more than complies with our parkland dedication requirements. In terms of transportation, I mentioned Greenough Drive before. The hatched area shown in the upper graphic here would be additional right of way that would be, that would be provided by the developer dedicated to the city and within that area, the developer would be required under your conditions of approval to provide sidewalks, so curb and gutter right along the street itself, boulevard area along the vast majority of the property, and also sidewalks. I did want to point out that there is one stretch, and this is above Cherry Gulch where the developer is proposing to not provide a separated sidewalk; it would be a six foot sidewalk right along the street and that's a variants request that I'll get into in just a few minutes, but the conditions of approval require that there'd be a new crosswalk along the northern entrance. So, this would connect to a sidewalk that comes down from Peggio Lane across Greenough and, and mirrors sidewalk in the proposed subdivision. And then down, the lower graphic shows Greenough Drive within the existing 30-foot easement. There are about, there are two travel lanes, of course, about 12 and a half feet each and then a slight area of shoulder. What the developer is proposing to do, to west Greenough in terms of improvements are to add an additional four foot of pavement that can be used for a future bike lane, curb and gutter, a, a boulevard along the majority of the property and then also a five foot sidewalk. And all of these improvements comply with the City of Missoula Subdivision Regulations. Again, there is a variants request for this 75 foot section that I'll get to in just, just a minute but the rest of these improvements and right-of-way dedications comply with the city rules. In terms of the internal street, this is considered a low-density urban residential street which would include two travel lanes, parking lanes, curb, gutter, boulevard and sidewalk within a 70 foot wide right-of-way and the proposed road internal subdivision road

and alley comply with City of Missoula Subdivision Road Standards in all respects. No variants are requested for the internal subdivision road. And thinking about non-motorized transportation, we know from, from experience and also from public comments that Greenough Drive has I guess some, some traffic issues. I'm sure we'll hear about them from the public and you've seen the public comments. There is a lack of sidewalk connection between this stretch. When you're coming up Greenough from downtown, there's a sidewalk along the east side of the road and then it disappears, and then new sidewalk would be built along the subdivision. So, it's about a 760 foot gap. At the staff level, we, we considered working with the developer to try to have the developer improve or provide sidewalk in that stretch, but there are a couple of issues. One, the right-of-way is insufficient at this point to build out the improvements without impacting potential future improvements. So, the city of Missoula has West Greenough Drive improvements; it's designated as a complete street or will be a complete street. That project is in our Long-Range Transportation Plan; we don't have funding in place right now but according to Aaron Wilson, who is the city's Lead Transportation Planner that if we were to make improvements right now, that they would hamstring future improvement efforts to comply to provide complete streets. Also, I don't think that we could really require 760 feet of off-site improvements to be made by this subdivider because those costs that those improvements are not made necessary by this subdivision; it's an existing condition needs to be addressed. So, how we're proposing to address this issue is to require waiver of right to protest a future improvement district to make the complete street improvements and what that means is typically when, when street improvements of a large scale are, are to be made, an improvement district is typically created which includes a larger geographic area and the people who are within that district, the proposed district, can choose to protest or not join that district but if a majority do not protest and vote to, to be within the district, then the district moves forward. And what this condition would do is basically make sure that the 20 residential lots, that the lot owners, are within the district and don't have the ability to protest. So, that's how we're proposing to address that non-motorized situation. Grading and drainage is a significant issue in this project. Like I mentioned earlier, there's significant drop from the northern tip of the property down to the southern; it's about 50 feet total. There will have to be some significant grading that is, that is done to make each of the lots developable and would also be grading for the streets, for utilities, and things like that. So, there are several conditions that are proposed to address this. That the mass site grading be reviewed and approved by geotechnical engineer and also city staff. That geotechnical plans be required for development of each lot. Stormwater is proposed to be developed, to be handled in a couple of different ways. Along the streets there would be sumps. So, the street would be graded to run water to certain locations and the water would drain into the soil in those locations. And then on the lots, there would be swales to catch runoff. So, all these things would need to be, the plans would need to be further developed reviewed and approved by city staff and then upon development, there would be checks and balances by way of the geotechnical engineer and city staff ensuring that that the stormwater is handled appropriately, and the site is maintained in a way where erosion doesn't develop, water quality isn't impacted, etc. I mentioned storm water runoff, that it would be

retained on site. Also, the riparian vegetation would be left intact. I mentioned the parkland would be kept in a natural state and managed by City Park staff in order to prevent erosion and protect water quality. There are two variants that are requested through the subdivision. According to our City Subdivision Regulations, Section 3-140.3, all lots must have a contiguous building site area of at least 2,000 square feet, none of which may contain slopes greater than 25%. So, that's, that's at the pre-development stage where we're at right now. Grading is allowed if preliminary approval is granted but to get through this preliminary approval process, this is one of the requirements and so what you see before you was a slope category map. In yellow, the slopes are between 0 and 15% slope, so fairly mild grades where standard construction can occur. Then the green shows areas between 15-20% grade, blue is 20-25%, and red is 25%+ grade. And so, the areas with, with that steeper area are right here on lot 20 just above the driveway or just upgrading from the driveway and also just downgrading from the driveway on lot 19. Those lots, lot 19 has 1,132 square feet and they meet those requirements and lot 20 only has 1,670. So, those are lots that would require a variants. And our subdivision regulations provide various criteria, criteria for you to use to evaluate whether a variants should be granted, and the staff report details findings with regard to these criteria. So, the first is threat to public health, safety or welfare or would this variants be injurious to other persons or property. And so, the findings in your staff report indicate that that the geotechnical report and slope analysis state the lots are safe for building. The lots will be reviewed for erosion control and site stability, excuse me, through the development process and then storm runoff can be managed so we find that public health, safety or welfare will be, will be adequately provided if this variants is granted. Also, that the conditions that result in the variants request are unique to the property. The steep slopes have been exacerbated by that that human-made driveway and that it would be a hardship if the lots can't be developed when appropriate precautions can be taken, as evidenced in the reports that were provided with the application and also feedback from city staff. The variants would not violate the zoning of the Growth Policy, it would not increase public costs and the hardship is existing and was not created by the applicant. So, therefore staff recommends and also the planning board recommended approval of variants number one. For variants number two, this has to do with sidewalk along Greenough Drive. So, down, down below you see a picture; I'm sure you're all familiar with it. So, on the right hand side would be leading toward town towards the city center, there's a guardrail along a portion of this Cherry Gulch area and then it drops off steeply. And so, as I mentioned earlier, sidewalk, boulevard, curb and gutter are going to be installed or proposed to be installed by the developer along with the vast majority of the subdivision but along Cherry Gulch it's about 70 feet 75 feet in distance. The developer is proposing to not have a separated sidewalk. Typically, a sidewalk is five feet wide in this location; it would be six feet wide, as proposed by the developer. There are currently no bike lanes or sidewalks along this stretch of Greenough and walkers and bikers use the shoulder that's behind the guardrail that I just showed. So, what the developer is proposing in this section, the 75 foot section along Greenough is an additional four feet of pavement, two foot curb and gutter, and six feet of sidewalk is proposed, as opposed to the normal five feet and then there'd be a guard rail and then a



retaining wall. And the reason for this variants is based on really the topography of the property. I'll go back, you can see that it drops right off just past, just over the, the shoulder here and so you know the idea is that by not having additional, additional boulevard it would help protect some of the vegetation, it would result in less disturbance of the slope, less potential to impact water quality and things along those lines. So, staff finds that there would not be a threat to public health, safety or welfare, or be injurious to other properties if this variants is granted because the additional street area and elevated sidewalk are safer than the current situation. The variants is made necessary by the steep slope of Cherry Gulch and the proposal by the developer is less injurious to the natural environment, habitat and water quality than the city would then the city requirements would result in typically. The variants would not violate zoning or Growth Policy provisions, would not increase public costs, and the hardship is it's a natural situation not created by the applicant. So, staff and the planning board recommend approval of variants number two as well. You have four recommended motions and they are approval of the ordinance or adoption of the ordinance to re-zone the property, approval of variants number one to allow lots 19 to 20 to have less than 2,000 square feet of continuous buildable area, and also variants to allow no boulevard and a six foot street side sidewalk along the open space parcel adjacent to west Greenough Drive, and then finally approval of the Greenough Height Subdivision preliminary plan application subject to the 22 recommended conditions of approval based on the findings of fact and conclusions of law in the staff report. The planning board held a public hearing and unanimously recommended adoption of all four of those, those motions. Lots of comments, the planning board I think has done a great job does a great job of deliberating different, different elements of, of projects whether it be a large scale zoning or, or a smaller project like this. You know, the, the largest comment that came out of the planning board's public hearing and also the public comments that you've received has to do with Greenough Drive. Vehicle speeds, intersection site distances, lack of current pedestrian bicycle facilities, and things like that. Also, there was a general policy discussion, not so much attributable to this project, although it's an example of you know what sorts of facilities and services should be in place when a development project is approved, should you know all, all the complete streets improvements for example be to be in place when a project is approved or can it happen over time through things like improvement districts and such. So, it was just a general policy discussion. There were, there was also discussion about Greenough Park, whether a trail connection would be beneficial or whether it should be kept more of a natural state, whether there be a one-way street within this subdivision or, or some sort of a different street design. Also, about the density you know should this, should this property be developed at a greater density, at a lesser density, there are various opinions and then also discussion of lots 19 and 20, should they be part of the open space with additional density elsewhere and things like that. As a housekeeping note, Aaron Wilson, City Transportation Planner, will be at the LUP committee meeting on Wednesday when this issue is discussed, when this project is discussed, also, Nathan McLeod from City Parks and Rec will be at that meeting as well, as the as the Council has requested on Wednesday. So, we'll get a chance to hear more discussion from city officials regarding Greenough Drive and also the park. As you know, when a

zone change is proposed if 25% or more of the lots are units within 150 feet of the property protest, that requires two-thirds majority of Council to approve a zone change. Two-thirds of the present and voting numbers, I should say, of Council to approve a zone change. In this case, no, no protest petitions have been submitted to date. So, as it stands right now and that's subject to change you know next Monday night Council is scheduled to have a final consideration, but as of right now a simple majority would be required to approve this request. And let's see I have all the conditions, all 22 of the conditions of approval available for discussion if Council should like but otherwise I'd like to conclude my protest. I know that there are representatives from IMEG, the developers consulting firm, that are here that can also provide some additional information in context.

President Jones Thank you Dave. I don't want to cut you off, but you appear to be done. So, did we have representatives on behalf of the developer who also wanted to speak? I have Anna Vickers. Was there anyone already admitted to the meeting Marty? Or otherwise, it's Anna Vickers, I believe....

Marty Rehbein No, I think.... I don't see anybody from development community with their hand up. So, probably move on to public comment.

President Jones Can you unmute Anna Vickers?

Marty Rehbein Yes, I will. Hang on Anna, here we go.

President Jones Thanks.

Anna Vickers Hey there everyone, can you all hear me?

President Jones Yes.

Anna Vickers Perfect. So, I had my presentation available, but I'm here to answer any questions. Dave did a super thorough job on everything, and I really appreciate working with him. We've been going through this process for quite a while now and let me know if you have any questions for today. Have a good evening.

President Jones Thank you. Did we have any questions from Council for Dave DeGrandpre or Anna Vickers? Okay. I'm going to start with Amber Sherrill....everyone is pointing to her. Amber.

Alderpersion Sherrill I was raising my hand on the screen and here. So, Dave, I'm, I'm glad to know that both representatives from Parks and Traffic are gonna be there on Wednesday, and I would suggest anyone that is interested to come and watch that meeting. I do have some questions for them, but I won't speak to those tonight. I'm hoping Dave that you could speak a little bit to the environmental mitigation, damage mitigation that will be done during construction because that is on a slope; it's right above the creek. I'm, I'm hoping to hear a little more about that tonight please.

Dave DeGrandpre Sure. So, I think the first thing to know is that if this subdivision receives preliminary approval and moves forward, that the subdividers, consultants will develop, they call it a mass grading plan. So, a plan to regrade the site in order to develop the streets in compliance with city standards and install utilities and make home sites and things like that. So, the first step is to develop a plan that will show what the grading looks like before and after and how they're going to do it. And so obviously, grading requires soil disturbance, so that has the potential to impact, you know to erode, to impact water

quality, of Rattlesnake Creek, etc. So, the developer will be required to develop, not only the grading plan, but also they call it a stormwater pollution prevention plan that includes best management practices, things like installing silt fences. So, fences that would go up, that would be placed along disturbed areas to prevent silt from traveling off-site, and there are lots of different ways, not just sold fences but there are many techniques that are available even using something as simple as hay bales, or ways to prevent you know kind of erosion from happening. Through the, this process, the permitting process, city staff will have to review and approve all the plans. We'll go out and inspect the site on a regular basis to make sure that the, that the erosion controls are maintained. And so, there are several checks and balances to make sure that occurs and then probably most importantly is the dedication of the open space or the park land above Cherry Creek. So, that's the steepest part of the property and that has the, the greatest potential for erosion and so dedicating that as open space, leaving the vegetation in place, I think will be very helpful. And then also along the backs of each lot, let me see if I can pull this up here quickly, I'll just share my screen. So, there are some steep lots, you know along the southwestern edge, for example lot 20, lot 19, you know, and these are above the stream that eventually drains into Rattlesnake Creek. So, you can see that there are these, I mentioned earlier these rectangles. So, the subdivider can't build outside of that area and not just the subdivider the lot owners. These are building setbacks and so although it's true trees could be removed from these areas and in some cases you might want to reduce vegetation for fire protection, the majority of the vegetation is likely to remain and provide that erosion control and buffer above the stream as well. So, was that sufficient or is there additional information you think would be helpful Councilor?

Alderperson Sherrill No, that, that's sufficient. May I have a followup madame chair? Since you mentioned this, because even on Wednesday when we looked at it, when I saw that the open space area, which I think is a great spot for that. All I could think of is if I lived in that neighborhood as a kid I would have been in there on my butt sliding down the hill to get to Greenough, to get down to Greenough and get to the creek. So, I'm curious and I have not reviewed the Parks discussion or the minutes from that yet, but I'm curious if you know what the discussion was around the decision not to put access through there and have a defined trail because I know that one of the problems that we're constantly dealing with in Parks is people making their own trails and trail maintenance, and trying to get them off of it and erosion is a huge issue I know around that. So, do, do you, I can ask Parks that on Wednesday if that is more appropriate, if you don't know the answer?

Dave DeGrandpre I could provide a little bit of background on that. I know that the developer originally did propose that there'd be a trail along in that area, of at Lincoln Greenough Park with Greenough Drive. What I recall from the discussions, and I wasn't involved with all of them but from what I recall, Parks and Trails thought that it might be better to just to protect the riparian vegetation, the vegetation that's there, water quality, etc., to limit erosion, to not have a developed trail. Given the fact that it's a, it's, it's steep, to make a trail that would be that would meet kind of city standards, both along the hillside and then coming up to Greenough. There'd have to be quite a bit of disturbance of both soil and also vegetation. And so,

it's my understanding that Parks just thought it would be better to leave as is, recognizing that there's a potential for an informal trail to be, to be made over time by foot traffic, and then I think address it at that at that time, but Nathan will be at the meeting on Wednesday and so he may have some additional insight.

Alderson Sherrill Thank you.

President Jones Great. Kristen Jordan.

Alderson Jordan Thanks, I was able to answer my own question in that time. Thanks.

President Jones Next, we have Dan Carlino.

Alderson Carlino Thanks. Yeah Dave, just have a couple of questions. I was just wanting to clarify for the news and the audience, the developers are asking us to not zone to make it denser but just to move open space around and then also zone for 8,000 square foot average single family only homes? Is that correct?

Dave DeGrandpre Yeah, I think you could, I think that's a fair depiction. Let me see, would you like me to show the graphics one more time?

Alderson Carlino Sure, yeah and then just had one other question.

Dave DeGrandpre So, here you see the existing zoning on the property; it's already primarily zoned R8, residential. The vast majority of it, 200,000 almost 230,000 square feet of the property is currently zoned R8 with about 22,621 zoned OP1. So, that's the current situation and here's the proposed situation. There would actually be more area that's in OP1, it would be 27,000 square feet but, the result would be that all of the residential lots would be zoned R8 which as you mentioned, has, it's an average density of 8,000 square feet per lot.

President Jones Would you like a followup?

Alderson Carlino Yeah, thanks Dave. Yeah and just looking at the historical context of only allowing zoning in residential neighborhoods for only single family residences with large lots. There's a lot of historical context of that pushing people out of neighborhoods and trying to ensure that only wealthy people or only white people can live in....

President Jones Sorry, Mr. Carlino, we're blurring on commenting here and we're just questions and then this coming Monday when we close the public hearing then we can comment. So, if you have a question....

Alderson Carlino Sure.

President Jones Okay.

Alderson Carlino I was curious if the developers had thought about racial justice and economic justice, and their proposal?

Dave DeGrandpre I can't speak to the developers' thoughts, but I can tell you that there are four in the residential medium density, three to 11 dwelling units per acre, Growth Policy designation that applies to this site. There are four different zoning districts that are considered current relatable districts and R8 is right in, right in the middle of them. Let me see if I can find the others, I know I can, but there aren't a lot

of options available to the developer based on our current rules. This is one of four and the one the developer chose but, but again I can't speak to the developers, you know, other motivations.

Alderson Carlino Could I have one more followup?

President Jones Go ahead.

Alderson Carlino So, just to clarify, is this the most restrictive out of the four options?

Dave DeGrandpre So, it is not. The most restrictive would be maybe the largest lot size. Is that way how you define restrictive? The least dense or the other way around?

Alderson Carlino Yeah, the least dense and the least house, different types of housing options...

Dave DeGrandpre So, the four quote unquote current relatable zoning districts that apply to almost all this property are number (1) RT10, residential, and so that's for two unit townhouses. So, that could, you can have attached units, attached homes up to two, but the average lot size is 10,000 square feet. Here you have R8, residential, which is more of a single dwelling, detached residential. The average lot size is 8,000 square feet. So, it's a little more dense. And then there's R5.4, residential, so that would allow smaller lots. The average lot size would be 5,400 square feet, but that's also a single dwelling residential district. And then the fourth is RT5.4, residential, two unit townhouse so that would allow units or lots to be as small as 5,400 square feet on average and also allow detached. So, I guess the most dense would be the RT5.4, residential two unit townhouse because you could have attached two, two unit attached structures and 5,400 square feet per unit. This is the R8, residential, allows I guess it's a little more what, it's less restrictive, is that the right word? Anyway, it allows for larger lots and single dwelling. So, this is kind of right in the middle of what the what the options were for the developer.

President Jones Thank you. Ms. Becerra.

Alderson Becerra Thank you. I mostly have questions or requests for Wednesday. As information, mass grading, facing or sequencing, I think it's going to be key for better understanding how our stormwater is regulations are going to be met. I think that we have seen in several parts of town when grading of a site tends to happen all at once and that disturbs enough of the soil to create air pollution and air quality and runoff and whatnot. And I think there are several methods that are being used throughout to address that concern, but I would like to learn a little bit more about it. And then oh and so I think that maybe including in the conversation, Tracy Campbell with Public Works and Mobility. She's the stormwater expert, would be a really good source of information for us to better understand how this all comes together and what mitigation practices are required and how we implement them. I think enforcing some of those regulations has been a challenge in other parts of the city with mass grading. So that would be one request and the other one is for Aaron Wilson or someone from Public Works, Mobility, Transportation to perhaps tell us a little bit more about what the long range plan is for Greenough Drive and how this piece of property plays into that overall and future vision for the area so that we can ensure that the right infrastructure is put in place at the right time. Thank you.

President Jones Thanks. Ms. Savage.

Alderson Savage Thank you. I, I just wanted to say I also have several questions for Transportation and for Parks coming up on Wednesday, specifically to do with if there are many traffic studies on speeds or numbers of cars that use Greenough. I have questions about the crosswalk at the bottom of Greenough right at North Second and the railroad tracks. And I also have some questions about the placement of the crosswalk for this particular subdivision and I actually have some questions from Parks about encroachment. So, all of those, we'll handle on Wednesday, and I do really appreciate Dave the presentation and you're getting the Parks folks and Transportation folks to the Council meeting on Wednesday. The one question that I had for you tonight is, I'm wondering if you know what the, I don't know if they're apartments or if they're condos that are across the street, across Greenough there. I wonder what the zoning is over there on that? That parcel, that's kind of just directly across....

Dave DeGrandpre I don't have a map up in front of me, but I know it's a multi-multi-dwelling zoning; it's a more dense zoning than what's here.

Alderson Savage Thank you.

President Jones Ms. Vasecka.

Alderson Vasecka Thanks I saw that there is a public comment from a Beth asking about looking for the staff report. So, I'm assuming that that was attachment number two on this. So, Dave, I was wondering if, if she got a reply email for that or if this is a good enough reply saying that it's attachment number two?

Dave DeGrandpre I did respond personally and attached a copy of the staff report.

Alderson Vasecka Oh, great. Thank you.

President Jones Mr. Nugent.

Alderson Mike Nugent Yeah, thank you madame chair. Some of the public conversation around this project has....I guess maybe, maybe some of the public's confused about the difference between parkland and private land zoned OP1. Could you explain the distinction and then I have a followup?

Dave DeGrandpre S, OP1 is a designation, a zoning designation under Missoula Title 20. Those are our zoning rules that are specifically intended to it to provide area for natural resource protection, for open space. There are limited, limited opportunities. You know, this, the property, if it's going to be, the open space area if it's going to be developed, I'm sorry dedicated to the city, it could even have a the same R8 zoning, at least in my estimation. It doesn't have to be zoned OP1, but it just seemed like, given that a portion of the property is already zoned OP1. It kind of made sense just to adjust, adjust the boundaries so to speak where you'd have the residential lots zoned R8 and, and the park land that would be owned by the city, it's proposed to be dedicated to the city, all indications are so far that would be accepted by the city and would maintain that kind of open space zoning but be managed at least primarily as a natural area.

Alderson Mike Nugent Thank you. Followup?

President Jones Go ahead.

Aldersperson Mike Nugent So, the, the statement that the developer is asking for the city to give up a portion of Greenough Park would not be accurate?

Dave DeGrandpre That's not accurate.

Aldersperson Mike Nugent So, one more followup?

President Jones Go ahead.

Aldersperson Mike Nugent Thanks. So private land zone OP1 does not have a requirement to be open to public, correct?

Dave DeGrandpre That's correct.

Aldersperson Mike Nugent So, there's no losing of open public land by changing any of this designation?

Dave DeGrandpre Thanks correct. In fact, it would be just the opposite in this case. The, Greenough Park would essentially grow in size by more than 27,000 square feet.

Aldersperson Mike Nugent Perfect. Thank you.

President Jones Okay, seeing no other questions from Council. Is there anyone here to provide public comment on this public hearing on this item? If so, if you want to come up to the podium and state your name and provide public comment. And I don't see anyone raising their hands in attendees. So, this item will stay open this coming week; it will be heard in Land Use and Planning, in committee on Wednesday and then this coming week on Monday, a week from tonight, we will close the public hearing and debate and vote for a final vote. Okay moving on with our agenda.

## **9.2 Greenough Heights Major Subdivision and Rezoning**

The City Council will hold this public hearing open until they take up the item for final consideration on April 11, 2022. This item will be discussed at the Land Use and Planning committee at 11:40 a.m.

## **10. COMMITTEE REPORTS - None.**

### **10.1 Budget and Finance (BF) committee report**

#### **10.1.1 Minutes from the March 30, 2022 Meeting**

### **10.2 Climate, Conservation and Parks (CCP) committee report**

#### **10.2.1 Minutes from the March 30, 2022 Meeting**

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

### **10.4 Housing, Redevelopment, and Community Programs (HRCP) committee report**

### **10.5 Land Use and Planning (LUP) committee report**

#### **10.5.1 Minutes from the March 30, 2022 Meeting**

### **10.6 Public Safety, Health and Operations (PSO) committee report**

### **10.7 Public Works (PW) committee report**

#### **10.7.1 Minutes from the March 30, 2022 Meeting**

## **11. NEW BUSINESS - None.**

## **12. COMMUNICATIONS FROM THE MAYOR**

President Jones In case you haven't noticed, we are having a weather event tonight with potential high winds and rain and possibly snow. So, I was asked to pass along the message, if you see any trees that are down that are a danger call 9-1-1. If it's something that is not a danger, the next morning, you can contact Parks at missoulaparks.org and put a request in. If it's a boulevard tree and there are limbs down and they'll come clean those up, but in terms of any emergencies tonight, you can call 9-1-1. If there are any lines that are down, power lines, please do not touch them or go near them; call 9-1-1 or contact NorthWestern Energy at their phone number, which is 888-467-2669. So, everybody stay safe out there and call if there is a problem.

## **13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS**

President Jones Are there general comments from Council? And I will start with Ms. Jordan.

Aldersperson Jordan I'll pass tonight.

President Jones Ms. Vasecka.

Aldersperson Vasecka Thanks. I had a couple of things that I wanted to talk about tonight. First of all, I wanted to thank the public for coming. I know it's hard to get up and talk in front of all of us and in front of the public and I really appreciate everyone that does that. I take all your words very personally and I really appreciate you guys doing that, so thank you. Second, last week, I spoke about the Red Sand Event for the Missoula Human Trafficking Task Force. It is going to be happening this Friday, April 8, 2022 from 3:00 to 6:00 p.m. at the Jeannette Rankin Peace Center on Higgins Avenue. So, if you are not aware, the Red Sand Event is where you get some and you put it in the middle of sidewalk cracks, and it brings attention to human, human trafficking, either sexual exploitation or forced labor exploitation. So, I would love to see all you guys there. Thirdly, I know this is a controversial subject, but there was a very horrible incident in St. Louis, Missouri on last Tuesday, where a brother accidentally shot his other brother, a 12 year old and a 10 year old, I believe because he thought that the gun was not loaded. And I know that it's controversial and I know some people put blame on the parents and for not properly locking up their firearms and yes they should have properly locked up their firearm. However, I think it is very important to make sure that everyone knows to treat every weapon as if it is loaded. So, I just wanted to bring awareness to that. And that is all, thank you.

President Jones Thank you. Mr. Contos.

Aldersperson Contos I'll pass, thank you.

President Jones Ms. Sherrill.

Aldersperson Sherrill Yeah thanks and it is nice to see the public; I agree with you. It's my first time in person with public here so thank you and I really appreciate all the comments. I wanted to actually respond a little bit to the, the commenter on the virtual commenter around the climate lens piece and just say that I've been sitting in committee meetings with cross-departmental, I mean every departments I barely knew existed in the city trying to develop this. We are getting closer to that. As you imagine, it's very complex but I think this is going to be a really important piece for this body's decision making. I think



it's going to push policy around climate change, and we will have every single department looking at this and considering it in all sorts of different ways. I mean we're talking down to where products might come from and it's hard to, we need to balance the financial piece with that, but I think that it is going to be a complete game changer for how, how different projects and purchases are brought to this body in the future. So, I'm really looking forward to it and I hope that that caller will stay engaged and keep watching what we're doing because I'm, I'm really looking forward to how we move forward on this.

President Jones Thank you. Mr. Nugent.

Aldersperson Mike Nugent Thank you madam president. Just quickly...You know we spend a lot of time on, on Council talking about boards and committees and, and things that we have oversight to fill positions on but I, I think I just want to kind of remind the community that there are lots of other opportunities to get involved. There are lots of nonprofit entities always looking for volunteers for people to step up to be part of their boards, lots of youth sports clubs and things like that. So, you know if you have a, if you have a specific interest, there's probably something in this community that that you can get involved in and I, I think it's worth, worth mentioning that that's how, how things happen. All of our nonprofits, all of our sports clubs, all of our after-school activities are overseen by entities that are generally overseen by boards. This, this comes up because we got an email this weekend as parents of a child that plays Missoula youth football and they sent out a plea basically looking for more volunteers to be on their board or they aren't sure that they can move forward, and I think that that is something that a lot of activities we hold near and dear or we hold near and dear for ourselves or our children or others in our communities are probably experiencing as well. So, I would just encourage Missoulians to find something that matches their passion and go out and get involved.

President Jones Thank you. Mr. Carlino.

Aldersperson Carlino Yeah, I think a new report from the Intergovernmental Panel on Climate Change came out today, and I guess it's a good time to make a pitch for a livable future for our earth and climate. So, like as we're looking at Russia and Ukraine's war, we're hearing a lot from our politicians, especially in Montana that I think this is a time to drill, drill, drill try and get more fossil fuels and I think that's kicking the can down the road. Every time that there's a natural disaster or a big war, gas prices go up. It's going to happen over and over again as long as we're reliant on fossil fuel infrastructure and the Intergovernmental Panel on Climate Change recommends that we cut our emissions by at least 50% from 2010 levels by the year 2030, if we want to have any sort of chance of avoiding 1.5 degrees Celsius global warming over pre-industrial levels. And I just think this is a really scary time to be living in. Both of our Montana Senators right now were advocating for more drilling, fracking, more pipelines under our rivers in Montana and I think it's a huge shame. There goes the livable future for future generations like mine and younger. So, I just want to say shame on Senator Daines and Senator Tester for supporting oil and gas infrastructure in 2022, knowing the exact facts and science and I think that comes from their large contributions from the fossil fuel industry. So, I think it's time for new leadership and it's time for us to do what's right to save the planet.

President Jones Ms. Savage.

Alderperson Savage Thank you madam president. I just wanted to say thank you to the Missoula City Police and Chief White and specifically, to Sergeant Erbacher for drawing the short straw on Friday night and taking the new City Council person for a ride-along. I got to spend quite a bit of time and the Sergeant answered all of my questions, everything from what kind of calls do you get, to what does that button do in the police car, and I definitely feel like I have a way better perspective than I did going into the ride-along. I'd also like to thank the Missoula City Police for today responding and de-escalating an incident in the 700 block of Howell Street. I live in the 600 block of Howell Street, and we were at a stay-at-home order for most of the day due to the situation and I really, I really did appreciate sort of all of the effort and care that the police took today. So that's all. Thank you.

President Jones Thank you. Ms. West.

Alderperson West So, I just wanted to say thank you to everyone that showed up to deconstruct the Westside Park on Saturday. We had over 105 volunteers and I think that's an undercount because I had children sign the same waivers as their parents. So, we had more than that including folks from DirecTV and the Missoula Organization of Realtors, as well as just lots and lots of people that live in the neighborhood. A big thank you too to the Kiwanis Club of Missoula who came and cooked hot dogs for everyone who was volunteering and of course to the park staff that spent their entire Saturday out there directing and running sawzalls and doing whatever needed to be done to make the event happen. I'm still trying to reconnect donors from the park that was built in the late 80s to their pickets. So, if anyone out there has a picket that they purchased the last time this park was built, feel free to reach out to me; the easiest way is to do it by text. My phone number is 406-747-9158 and we can still grab those until Friday before they get hauled off to home resource. So, yeah send me a message and I'll reconnect you. Thank you.

President Jones Thank you.

**14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS - None.**

**14.1 Administratively approved agreement report**

**15. ADJOURNMENT**

President Jones We are finished with our agenda, and we will stand adjourned. Thank you.

The meeting adjourned at 7:43 p.m.

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

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John Engen, Mayor