

Council Meeting Action Summary Missoula City Council

April 11, 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, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Gwen Jones

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 Jordan Hess at 6:00 PM.

2. APPROVAL OF THE MINUTES

The minutes were approved as submitted.

3. PUBLIC COMMENT - NON-AGENDA ITEMS

Vice President Hess Is there any public comment on items not listed on our agenda? And what I'm going to do is take in-person comment first. So, you're welcome to come on up and, and just state your name for the record and your comments to about 3 minutes please.

Bill Hankinson Bill Hankinson, Ward 6.

Jim Nugent Oh, I haven't turned myself on.

Bill Hankinson So, last Veteran's Day, I went to the ceremony at the Doughboy, and it was quite disappointing. The Legion brought a sound system that didn't work and at first I thought maybe you know; I'll just help with the sound system, and I've offered to do that. I might wind up buying them a microphone or something but beyond that, they shouldn't have needed a microphone. There shouldn't have been any traffic at that intersection and there was lots of traffic at the intersection, back and forth. A hundred years ago I wasn't here, that wouldn't have happened. The respect for Armistice Day, Veteran's Day was so high that the idea of traffic interrupting a ceremony would not happen. They weren't all wrong. Allowing the full flow of traffic past that intersection at that ceremony does not show respect for the Veterans. I think it needs to be corrected. I think that intersection needs to be closed. We shouldn't have traffic going by there when we're trying to have that ceremony. I don't want to take any more, take up any more of your time. I've had my say. Thank you for hearing me.

Vice President Hess Thank you for your comments and thank you for your service. Anyone else care to comment?

Mark McMillan Mark McMillan, Ward 6. I'm actually Bill's neighbor. He brought this idea to me, and I said oh yeah let's go down to City Council and see what we can do. We've got the animal walk or at least in the past, the animal walks, Sunday Streets, River City Routes, I was going to see if anybody on Council might be able to kind of take this bull by the horns. I pulled up the MDT, special use, because Broadway is going to be probably listed as a state-controlled road. It doesn't seem that tough; it's one page pretty simple, but rather than fill this out with an individual's name the hope is to have like the City of Missoula be the applicant or maybe somebody from the Legion or VFW, but yeah just in running with this you guys would know how to do this best or the people that run all these other events that we have. So, rather than bring you this big mess it was like here's a few examples. I will draft an email from Bill and I, just so there's an official request to all of Council for this but some of the ideas were like he said closing that intersection would be and maybe I was hoping to meet Chief White for the first time tonight, it doesn't look like he's here but yeah there's a big Veteran, well usually police officers there's a decent number of them are Veterans. So, there's always a money issue who's going to pay for redirecting traffic but one of the thoughts was to detour westbound traffic on Broadway right at Higgins and then detour eastbound traffic right at Woody and Broadway, and that would keep that corner closed and maybe look at just limiting traffic south side of Pine, north end of Ryman and north side of Main, south end of Ryman there. But assuming there's a consistent time for this ceremony every year and Bill's usually a part of it, this seems like it's less than an hour. So, we didn't think this was too big an ask, but we know it's Broadway, but yeah from there if you could with that email if someone's going to take it by the horns if they could just keep us or keep me posted by email from that so I can update Bill let them know how it's going and then if there's anything that can be asked of me for contact just go ahead and run with that. Thank you.

Vice President Hess Thank you. Good to see you again Mr. McMillian. And it has and it is an MDT route, you're correct on that but we'll connect you to the correct folks and I'll make sure that gets routed properly.

Mark McMillian If you want, if I have permission to approach? I can just give this to you.

Vice President Hess Sure. Thank you.

Mark McMillian Thank you.

Vice President Hess Anyone else in the audience tonight care to comment?

Joe Hey, Joe again. I saw a couple eyes glaze over and I was also a little nervous and I think I came across a little more aggressive than I needed to last week. So, this week I'm going to go back in my comfort zone. I brought some props and I'm going to teach you I think something that's very invaluable in America it's how to spot people who don't know what they're doing in tactical gear. I'm going to do that with holsters and body armor. So, this is what's called a plate carrier, most common form of body armor currently. This is not a very good one, I wouldn't recommend getting this if you were worried about getting shot at but the reason it's called a plate carrier is that it carries these. This is a ceramic RMA model 1155, level IV, NIJ certified ceramic plate. That means I can shoot it with a bullet up to 30-06; it'll crack but it won't penetrate. If you're wearing it correctly, you shouldn't die. You'll just feel like you got

punched by God. So, there are 2 things you'll notice about. This the first thing is that without a plate in it, this thing is a bad fashion accessory; it doesn't do anything. The second thing you'll notice is that it has to cover the things that are keeping you alive. So, to do that, the top of it goes up by your collarbone the bottom goes below your diaphragm, it keeps all the things that keep the blood and the air moving nice and safe. What you'll see a lot of people do who don't know what this is for is they wear it like a tank top and this thing ends up down here, which is really good for protecting ARPA-funded steak dinners, less good for keeping you alive. I bring that up because if you go down to the camps and you see the Rogers International employees down there, you'll see a lot of empty plate carriers and a lot of plate carriers that are protecting food babies. The other thing I want to talk about really quick are holsters. So, this is my personal holster; it's a level two retention holster. It means there's two ways that it keeps a firearm in the gun. The first way is it just fits very tightly, so the gun doesn't wiggle around much. The second way is it has this little band of plastic that flips down when I push this button, right. It's pretty standard for law enforcement. I bet your guy over here probably has a level 2 or 3 holster. This is called a Serpa holster from Blackhawk; this one cost me about 140 bucks. This costs about \$50; I picked it up at Cabela's today, it's also level 2. The button you push is here. These are banned by law enforcement. They're banned by any, all of the tactical shooting courses that I've taken because these are dangerous because what you'll see is, you go to pull your weapon you initiate the release with your trigger finger and if you're stressed out that pressure stays up your hand's here. And you can go on YouTube and watch a lot of people punch holes through their legs with using these holsters. You'll also see these being used by Rogers International employees at the camps. So, all of those things together kind of lead me to make three conclusions. The first conclusion is there is a dangerous lack of safety and training among RI employees. That's a huge one, for me as a very safety conscious individual, that's enormous. The second thing has to do with, that this is a tacit acknowledgement that these, this equipment is not necessary at those camps. Those people aren't smuggling 30-06 rounds into the camp. They're not pointing guns. I've been working there for years, I have access to this stuff, I've never even, it's never even crossed my mind that I need it. And the third thing is that these people are now walking around our streets. They're a safety hazard and a liability, not a safety asset. Now these are just two of the easiest things to spot. This is also good if you like go to a protest and see a bunch of militia guys who are like trying to scare people. It's a good way of figuring out who is actually a threat and who's a safety hazard, but I'd be happy to talk about the other failures that I've seen from their staff, but I think something I would like the Council to keep in mind is that these things, especially the aesthetic problems can be fixed in a week. Dave Pritchard could hop on his guy's butts, they could shape up and look right, but training takes time and it's going to be a big problem for these people who are untrained and clearly don't take their job seriously enough to protect their own lives and have gear that could hurt themselves. I think that's a serious problem. It's one of my biggest issues with them right now and I would like just you to have that in the back of your mind as you think about this. Thanks.

Vice President Hess Thanks for your comments. Anyone else care to comment tonight? Anyone in our virtual audience care to comment on items not on the agenda? Okay seeing none, we will move on to our next item of business which is announcing our committee meetings, committee membership appointments, and changes to committee agendas. Ms. Rehbein.

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

Budget and Finance Committee, April 13, 9:45 - 11:35 a.m.

Land Use and Planning Committee, April 13, 11:50 a.m. - 12:35 p.m.

Committee of the Whole, April 13, 1:05 - 1:50 p.m.

Public, Safety, Health and Operations Committee, April 13, 2:05 - 3:15 p.m.

Climate, Conservation and Parks Committee, April 13, 3:30 - 3:40 p.m.

Public Works and Mobility Committee, April 13, 3:55 - 4:40 p.m.

Vice President Hess Thank you Ms. Rehbein. Is there any, are there any changes to the committee schedule? Okay, seeing none, we can move on to our next agenda item, which is our consent agenda.

5. CONSENT AGENDA

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

ABSENT: (1): Alderperson Jones

Vote result: Approved (11 to 0)

5.1 Accounts Payable (claims) for checks dated April 12, 2022

Approve accounts payable in the amount of \$691,596.67 for checks dated April 12, 2022.

Vote result: Approved

5.2 Fiscal Sponsorship with Missoula Community Foundation

Approve and authorize the mayor to sign the Fiscal Sponsorship agreement with Missoula Community Foundation through Missoula Gives for the benefit of the Affordable Housing Trust Fund.

Vote result: Approved

5.3 Vacation of Public Utility Easement adjacent to S 2nd Street W

Approve the Resolution vacating two 40 feet wide Public Utility Easements adjacent to Knowles Addition No. 3 Block 85, Lots 1, 2, 3 and COS 6685, Tract A.

Vote result: Approved

5.4 Appointment to the Police Commission

Confirm the Mayor's reappointment of Babak Rastgoufard to the Police Commission for a term beginning May 1, 2022 and expiring on April 30, 2025.

Vote result: Approved

5.5 Ordinance amending Residency Requirements of Emergency Public Safety Employees

[First reading and preliminary adoption] Set a public hearing on May 2, 2022, and preliminarily adopt an ordinance amending Chapter 2.80 Missoula Municipal Code entitled "Residency Requirements for Emergency Public Safety Employees to change the distance from the city that peace officers and firefighters may live from 30 minute to 45-minute average and reasonable response time, include minor amendments to reflect current law and repeal an exception that no longer applies to current employees.

Vote result: Approved

5.6 Ordinance Amending the Title 20 City Zoning Standards for Public Forums. Emily Gluckin, AICP, Associate Planner, City of Missoula

[First reading and preliminary adoption] Set a public hearing on April 18, 2022 and preliminarily adopt an ordinance to amend Title 20, Sections 20.85.010, 20.85.020, and 20.85.095 as described in Attachment A to conform with new state law on standards for public forums, and refer this item to the Land Use and Planning Committee for discussion only, post-public hearing presentation on April 20, 2022

Vote result: Approved

5.7 Phased Development Review for Phase 2 and 3 of Remington Flats Subdivision

Set a public hearing on April 18, 2022, for the phased development review of Remington Flats Subdivision, Phases 2 and 3 for property legally described as a portion of Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M., and refer the item to the Land Use and Planning Committee as a pre-public hearing informational item on April 13, 2022.

Vote result: Approved

Vice President Hess Thank you Ms. Rehbein. Are there any questions or comments on the consent agenda? Any public comment? Seeing none, we can have a real call vote.

Vice President Hess All right, the consent agenda passes, and we can move on.

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

7. SPECIAL PRESENTATIONS AND PROCLAMATIONS

Vice President Hess There are a few proclamations; the poverty of screen space so bear with me. First...

7.1 Proclamation - Education and Sharing Day

Vice President Hess There are a few proclamations; the poverty of screen space so bear with me. First...

WHEREAS, equality education is one of the significant foundations for the continuing success of our state, our country and our society at large, and in the City of Missoula, we strive for the betterment of all citizens through an increased focus on education and sharing; and WHEREAS, one of the leading global advocates for the advancement of education, the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson of righteous memory stressed the importance of moral and ethical education as the bedrock of humanity and the hallmark of a healthy society; and WHEREAS, through providing the possibility of an excellent education for all, especially children with which to gain knowledge through rigorous study, we can create hope for a brighter, kinder, and more united and prosperous future in the lives of so many; and WHEREAS, April 12, 2022 will mark 120 years since the Rebbe's birth and the date will be celebrated across the United States and around the globe in tribute to the Rebbe's vision guidance and leadership. Now, therefore, John Engen, Mayor of the City of Missoula in the State of Montana hereby recognizes the 12th day of April 2022 as Education and Sharing Day, and calls upon government officials, educators, volunteers, and citizens to reach out to those within your communities and work to create a better, brighter, more hopeful future for all.

Vice President Hess Is there anyone in our attendee list tonight who's here to comment on this tonight? Seeing none, we have another proclamation as well and that is for National Public Safety Telecommunications Week.

7.2 Proclamation - National Public Safety Telecommunications Week

WHEREAS, the safety and well-being of its citizens continues to be one of the foremost concerns of the City of Missoula, ensuring that safety and well-being requires the ability to receive calls for help and immediately send responders to provide that help; and WHEREAS, 9-1-1 is the first critical link in the chain in delivering public safety services; and WHEREAS, the safety of those responding to emergencies is also of great concern to the City of Missoula; and WHEREAS, the telecommunicators who work in 9-1-1 display a superior level of commitment, dedication, and professionalism in accomplishing their mission of receiving calls for help from citizens, dispatching emergency response agencies, and maintaining a communication link with the responders for safety purposes; and WHEREAS, those same telecommunicators often work extraordinarily long hours and difficult schedules to provide this service to the public and to ensure the safety of responders, but often go unrecognized. Now, therefore, John Engen, Mayor of the City of Missoula in the State of Montana recognizes the week of April 10 through April 16, 2022 as National Public Safety Telecommunications Week

Vice President Hess And we thank those folks for their service.

8. FINAL CONSIDERATION

Vice President Hess We have two items of for final consideration tonight and they're both in the Land Use and Planning Committee. The first is a plat adjustment request for the relocation of a 10-foot public access easement on lot one of the McNett Flats Subdivision. Ms. West.

Alderson West All right, the 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 findings of fact in the staff report, subject to one (1) condition of approval.

Vice President Hess Thank you. That motion is in order and before that, I should have closed the public hearing and called for public comment. Is there anyone here to provide public comment on this item? Seeing none, the public hearing is now, is now closed. And there's a motion on the floor, is there discussion on the motion? Okay seeing none, we can have a roll call vote.

Marty Rehbein Okay on the McNett Flats....

Vice President Hess I'm sorry Ms. Rehbein, I do have a public comment.

Marty Rehbein Okay.

Vice President Hess I'm going to go to that. Okay, Stevens L...We as that you provide your name for the record, and you should be able to unmute and provide your comment.

Lauren Stevens Hi, this is Lauren Stevens, the Case Planner on this project. I just wanted to note in the, in the motion that you read it did say pedestrian access easement and I, I wonder if we should just amend that to say public access easement?

Vice President Hess Thanks for, thanks for highlighting that. Without objection, we'll change that. All right, Ms. Rehbein.

Marty Rehbein Thanks Lauren.

Vice President Hess Okay. Thank you Ms. Rehbein. Our next item is item 8.2.

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

Moved by: Alderson West

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 findings of fact in the staff report, subject to one (1) condition of approval.

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

ABSENT: (1): Alderperson Jones

Vote result: Approved (11 to 0)

Vice President Hess This is the Greenough Heights Major Subdivision and Rezoning. We've had a public hearing on this, and we've had two informational committee meetings. Is there any additional public comment before I close the public hearing? Nancy Seldin, you should be able to give us your comment.

Nancy Seldin I, I need to apologize ahead of time. I have a grandchild with me, which is why I'm not at the meeting and he's raising a bit of a ruckus. I, I did write a letter to all of you, and I think you've probably received it. I hope you've read it. I expect that you will go ahead and approve the three requests and the overall request. I would just like to say as a, a longtime member of this community that I think it is a mistake to give the variance on to okay variance one for the reasons I outlined in the letter. It's a very steep slope and I, I just, I, I think it's a bad idea. I also think that changing the, the zoning what that what that allows is it allows for the buildings to along the eastern end of the subdivision to go even further east. The build, the buildings you know the area allowed to build in and I just I think given its proximity to Greenough Park that is also a mistake. I know it's too late for this but I, but I, I would really hope the City would make better use of that sort of Open Space for, for lots that would be not as exorbitantly expensive, as I'm I just know these will be and that would be better for the young people in our community and senior citizens or you know in some way, in some way create more innovative use of the little bit of Open Space that we still have within the city limits. So, thank you for listening and I guess I'm done. Thanks.

Vice President Hess Thank, thank you for your comments tonight. Would anyone else care to comment? Okay, seeing no additional comments, the public hearing is now closed. And Ms. West.

Alderperson West Jordan, would you like each motion separately or do you want to take them all together?

Vice President Hess I think we can take them all together. Ms. Rehbein, do you, is that okay with you?

Marty Rehbein That is fine with me.

Alderperson West Okay, perfect. So, then we have four motions, and I will read all of them. And then we'll, I'll comment if that's appropriate? Okay so the first motion is to adopt an ordinance to rezone the subject property located at 1006 W. Greenough Drive from R8 Residential and OP1 Open Space to a different configuration of R8 Residential and OP1 Open Space based on the findings of fact and conclusions of law in the staff report. The second motion before us today is to approve the variance request to allow Lots 19 and 20 have less than 2,000 square feet of contiguous buildable area. The third motion is to approve the variance request to allow no boulevard and a six-foot streetside sidewalk along the Open Space parcel adjacent to W. Greenough Drive without a boulevard. And the final motion is to

approve the Greenough Heights Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report. And if I can speak to it for a brief moment?

Vice President Hess Go ahead.

Alderson West So, I am in support of this project or the I guess the four motions. I want to highlight that this doesn't change the zoning; it changes the, changes the configuration of the zoning and which parcels are where and this is in part a bit of a cleanup required from our transition from Title 19 to Title 20 that basically stated that any time there's a split zone parcel, the more conservative zoning applies. I think this is the first time I've seen a split zone parcel that included OP 1, Open Space; it usually is two different residential zonings or, or something a little less dramatic but also want to note that this Open Space isn't public access in either, I guess in either configuration and that the setbacks that exist on the different lots actually move the buildings back further from Greenough Park than what we see today. If you walk along the trail today, you can see the existing house from, from the trail and you won't be able to see any of these. I think the variances make sense based on the limitations of the geographic limitations and also the right-of-way limitations that exist today. I do, I am super cognizant of the pressures that exist in our transportation network and on our pedestrian network in this area and I think you know those are super important and hopefully as you know we see more developments not just here but everywhere in the Rattlesnake, there's lots of smaller projects that are happening all along both Greenough Drive, and you know everywhere in town really. These pressures are just going to increase and hopefully we'll be able to you know take the most pressing areas and prioritize them you know in the in the future to address these safety issues.

Vice President Hess Thank you Ms. West. Anyone else care to comment? Ms. Becerra.

8.2 Greenough Heights Major Subdivision and Rezoning

Moved by: Alderson West

Adopt an ordinance to rezone the subject property located at 1006 W. Greenough Drive from R8 Residential and OP1 Open Space to a different configuration of R8 Residential and OP1 Open Space based on the findings of fact and conclusions of law in the staff report.

AYES: (9): Alderson Anderson, Alderson Becerra, Alderson Contos, Alderson Hess, Mike Nugent, Jennifer Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

NAYS: (2): Alderson Carlino, and Kristen Jordan

ABSENT: (1): Alderson Jones

Vote result: Approved (9 to 2)

Moved by: Alderperson West

Approve the variance request to allow Lots 19 and 20 have less than 2,000 square feet of contiguous buildable area.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Hess, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Carlino, and Kristen Jordan

ABSENT: (1): Alderperson Jones

Vote result: Approved (9 to 2)

Moved by: Alderperson West

Approve the variance request to allow no boulevard and a six-foot streetside sidewalk along the Open Space parcel adjacent to W. Greenough Drive without a boulevard.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Hess, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Carlino, and Kristen Jordan

ABSENT: (1): Alderperson Jones

Vote result: Approved (9 to 2)

Moved by: Alderperson West

Approve the Greenough Heights Subdivision preliminary plat application, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Hess, Mike Nugent, Jennifer Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

NAYS: (2): Alderperson Carlino, and Kristen Jordan

ABSENT: (1): Alderperson Jones

Vote result: Approved (9 to 2)

Alderperson Becerra Thanks. I just wanted to expand and clarify a little bit some comments that I made a couple of weeks ago and that is that I, I truly believe that context sensitive design is the most appropriate tool when designing and developing a piece of land. So, taken into consideration the natural environment, the surrounding, the availability and condition of infrastructure is paramount. This site obviously has some constraints and I do believe that 20 lots on this piece of property is falls under the, the, the lower end of the spectrum of density and I would not encourage us to put more density on this lot. Certainly, I wouldn't advocate for apartment buildings to be put in this place for all the reasons that I

stated earlier and the fact that we have a land use plan and zoning regulations that I think would make it difficult, but I do want to say that it is important to consider who is out there trying to enter the, the housing market. And while 20 lots of pretty much the same size will yield homes of about the same size, that will yield a neighborhood that's very homogeneous and not really representative of who we are as Missoulians and who we want to continue to be as Missoulians. And because of that, I think that 20 lots of different sizes would have been a better representation of what the needs are in our community. So, I, I see this as a missed opportunity for providing to Missoulians an opportunity to enter the housing market. Having said all of that, this is private property, and I don't think we don't have any tools to control or dictate how that land can be developed. I think our best approach is to do what our staff has done which is to mitigate the impacts that are going to come inevitably with any development in Missoula. So, I, for those reasons, I will be supporting this development, but I would encourage developers out there to really think about who is out there trying to become a homeowner in Missoula and provide opportunities for, for those members of our community. Thanks.

Vice President Hess Thanks. Ms. Sherrill.

Aldersperson Sherrill Yeah thanks and I always feel like it's kind of a funny format that we, that we discuss it. One week, we talk about it in committee meetings and then we just vote on it you know. I know we have the opportunity to make comments but I, I would just like to say that I appreciate that we had a couple of meetings in committee to ask all the questions that we asked about transportation. And I know that many of us had concerns around the transportation piece and that that's usually since my tenure on Council is usually kind of a struggle with any new development with any density even if it's not as much density as everyone wants. I do also appreciate that we had the opportunity to ask questions around erosion, around building on that slope, as, as well as environmental mitigation during the construction process with the creek so close. You know, obviously drainage is going to be a big issue. I do like what they've done with the open the Open Space and the reconfiguration of that, and the bottom line is even though it may not be a lot of density, it is on a road that has some real challenges and isn't going to be fixed tomorrow. And for the reason that we really need housing and I, I think that we can put some of that in in this place that we need even if it won't be affordable necessarily, I'm going to be supporting it.

Vice President Hess Thanks. Mr. Carlino.

Aldersperson Carlino Thanks. Yeah, thank you for everybody who engaged with this project on Engage Missoula and who sent in comments to us. I know this is just about two-thirds of a mile from our downtown and I know the R8 zoning means that the local government is only allowing for single-family homes to be built with an average of 8,000 square foot lots. And looking at other zoning options that fall under the Growth Policy, for example like RT5.4 would allow for roughly up to 92 units maximum on this area according to city staff. And I know City Council doesn't vote on developments of course but we do vote on zoning and restricting the zoning of any residential neighborhood to only allow legally for single-family homes is a regressive policy.

Vice President Hess Anyone else? Ms. Savage.

Alderperson Savage Thank you. And I'd just like to echo some of the things that I also saw on Engage Missoula, as well and thank you to everyone that took the time to email me and provide comments on Engage Missoula. I am gonna vote for this but I'm not gonna like it I'm just going to be really honest about it. I have a lot of concerns about this proposal and I'm going to list them just because I want them to be on the public record, but they largely have to do with traffic. I feel like we were not given any sort of traffic studies on the volume of the number of cars or the speed at which the cars travel down Duncan Drive to Greenough. I don't live in the Rattlesnake, but I do frequent this area quite a bit as a pedestrian and I can tell you that cars go awfully fast. The positioning of where this particular subdivision will be, I have concerns about the left turn that will come out of there, the crosswalk that's proposed with this subdivision, and I also have concerns about an existing crosswalk that's at, at North Second and Greenough that's unstriped and is an ADA crosswalk and it already has I think some visibility issues. In terms of you know the sort of the grading and those sorts of things, I think those environmental mitigations seem to have been answered fairly well but I do think that there are many user created trails that already come off of this slope. I went and looked at it the other day even in the, the gulch that's there and so I have concerns that without creating trails, that we will officially creating trails, we will have more trails that get created which will contribute to erosion and all the things that we're concerned about with the grading as well. I have concerns about the 700 feet of sidewalk, 700 feet or so that's going to be left as a gap, right there and also that we have been asked to consider this in isolation without the consideration of the waterworks trailhead that is being redone essentially just across the street and down. I'd say that my biggest disappointment though with this is, is the density and I think that we all, every neighborhood has a responsibility to help solve this housing crisis and when we see some neighborhoods absorbing most of our density it becomes an equity issue and I have concerns about that. Having said all of that, I don't feel like we, as Ms. Becerra said, we do not have the tools to, to do anything else and that's particularly unsatisfying. Thank you.

Vice President Hess Thanks. Ms. Jordan.

Alderperson Jordan Thank you. I just wanted to mention that there are a lot of similarities between the con of the concerns of constituents between the River City Project that we just approved and this one related to transportation and safety for pedestrians. And I think it's interesting to note that, we kind of all have concerns when it happens in our own Ward. I will be voting no on this one because I ought to agree that we need to be asking for maximum density, especially when it's this close to town. I, I'm guessing that these homes are probably going to be million dollar homes, maybe \$750,000.00 to a million dollar homes and it's not addressing our housing affordability issue. It is not addressing density. We have, we need to re zone and start planning ahead and really addressing these projects from a progressive deliberate stance, rather than voting yes based on existing code. I would really like to encourage developers. I know this isn't really kind of gonna address their bottom line, but I'd really like to encourage developers to please include at least one house that is affordable, since we can't enforce it, but yeah I will

be voting now on this one because there are similar similarities sorry between this project and the River Road Project which I voted no on before. Thank you.

Vice President Hess Thank you. Mr. Nugent.

Alderman Mike Nugent Thank you. You know I, I think this has been an interesting conversation. I went and re-watched the, the committee hearing on our community meeting on Wednesday and kind of listen to everybody's comments. And the bigger takeaway for me is I think that as we are prioritizing where we're spending money on, on roads projects, the streets projects and sidewalks and bike lanes and all of the above, I think we need to make sure that better aligns with where this community wants to grow and I think that's going to lead to maybe some hard decisions, more popular projects that we would otherwise like but might not solve immediate issues in areas we are going in the neighborhoods we're going to expect growth. I mean that might come kind of full circle I suppose but the, the, the thing that really stands out is when we're talking about these developments, there seems to be an appetite for density but I can understand based on kind of past history why some developers don't push for the maximum density because you know even in the comments on the last subdivision that we approved that my colleague Ms. Jordan referenced, you know some of the comments talked about the developer trying to shoehorn as many houses as possible to maximize their profit and things like that. So, I think that we just need to be aware of, of how we have this conversation and if a project comes in that's, that's closer to the higher end of the density that we've called for the Growth Plan you know maybe we should be embracing that more than more than we have. I also think that as we do code reform and, and you know my, my colleague Mr. Carlino is getting at. As we do code reform, I think that that we need to look and see how, how, our new code, how our new zoning matches maybe the, the higher end of some of our density because that does seem to be more of the appetite that that we're hearing. I do think given the, given the, we can only base decisions on our current policies that predictability definitely does matter to developers bringing projects forward and whether we like our housing system or not, we are reliant on private investment in our, in our system and you know they need to be able to put a project forth that makes sense for them too. I agree that these, these houses will be, will be on the higher end of a price point there. I don't think anybody can sit here and say these 20 houses will be low-income houses. I'd be remiss though if I didn't notice and you're probably going to get sick hearings from me but that we need inventory at every level of our housing market. We have a churn problem in Missoula in addition to just entry-level houses. We, we don't have places for people to downsize, we don't have places for people to move out of what we traditionally be considered a family home, and go somewhere else, opening that up for another, another young person or younger family or couple or whatever it may be who's trying to take that next step which then opens up a entry level home for someone else. And you're seeing that in the prices in some of the neighborhoods that have traditionally been entry-level homes in Missoula. So, the churn problem is there. I just checked before this meeting and right now in Missoula, there are 18 houses listed for sale actively under \$500,000.00. So, I mean we definitely have a have a large problem. On top of that, active listings year to date are down 32% over last year which means that you know for the first

three months, that's through the first quarter. So, for the first three months of the year, there were 32% less options for buyers on the market in 2022 than there were in 2021. So, I, when we talk about all housing inventory is good, I think that's what we mean but, but we need to be aware of kind of everything across the board. So, I will be, I will be voting in support of this but I wanted to knowledge that I do think that the, the broader conversation that's come from this is, is very good and I look forward to, to kind of having that with everyone because while I don't know that these 20 units caused the issues that we have on Greenough Drive. They kind of highlight what the other thousand houses that are probably served by that road have kind of helped to create, and you know I just think that that's something that we need to we need to think about. Thank you.

Vice President Hess Thank you. Anyone else here to comment tonight? All right seeing none, we have had a public hearing and we can have a roll call vote.

Marty Rehbein Okay and this is on all of the things, the ordinances, the variances, and the subdivision.

Vice President Hess And that concludes our items of final consideration.

9. PUBLIC HEARINGS

Vice President Hess We do have one public hearing. State law and our City Council rules set guidelines for inviting community comment in a formal way on certain issues. We'll have a staff report on the following item and then the City Council invites community comment. During the pandemic, the City Council is holding public hearings open for a week and voting the following week unless there's some specific requirement that we do otherwise. This item tonight is a resolution establishing Mullan BUILD Water and Sewer Development Fees and we will hold this open until next week, until April 18, 2022, and we have Logan McGinnis on the line for staff report. Mr. McGinnis.

Logan McGinnis All right, thank you. I'm Logan McGinnis, I'm the Deputy Director of Public Works for utilities. If I can share my screen, I have a little PowerPoint to show. Are you all seeing that?

Vice President Hess Yes.

Logan McGinnis Okay. This is similar to a presentation I've made at the Public Works Committee, but I've added a few things to it. So, this is an overview of the Mullan BUILD Project scope and so at zero error we're moving forward with the, with the project and it's a transportation project but you know we don't like to build out street networks without the necessary utilities in place before the street gets built. So, this is about the utilities that will be installed with the Mullan BUILD Project. So, the you know kind of the I think you've probably all seen this. I'm sorry this is a little fuzzy in terms of the numbers; I apologize I thought I had a different slide, but I'll get to the numbers a bit later. You know, when we submitted the, the grant we had sort of local matching funds pledged including the water and sewer costs, and I think the water at that point was estimated about 3.2 million and the sewer about 1.7 million. So, those are a little bit less than, than what we had indicated in that application. I'll move on. I guess real quick before I move off this slide. I'll just kind of point out the areas that we are building out the streets. You know this this blue number one is Mary Jane, what we're calling Mary Jane south. Blue number two is, is Mary Jane north, and you know we're building out what's called George Elmer north here, north of 44 Ranch and then this

number five is England Boulevard. And then of course there's some work at the, Mullan roundabout but that doesn't include any, for George Elmer, that doesn't include any utility work. So, the build grant itself was 13 million dollars. It did not include any funds to pay for utilities, as I noted earlier, and again the utilities must be installed before these new build roads can be constructed. And again, the City agreed to bridge the gap, to finance installation of the utilities until a late comer fee could be established to collect those costs back from the developers who are benefiting from these investments. So, I'll just talk briefly about what's being installed. Water facilities are on the right; we're installing 16 inch in water and eight inch water mains in Mary Jane south from Mullan to north of O'Leary. We're installing a 12-inch water main in George Elmer from kind of the north side of 44 Ranch to England Boulevard and then a 12-inch main in England Boulevard from George Elmer to Flynn, and then water service connections, as desired by the developers. In terms of sewer, we're running an 18 inch sewer main and George Elmer from 44 Ranch to England. We're running an 8 inch sewer main in England from George Elmer to Flynn. Also, an 8 inch sewer main in Mary Jane north of Camden and again sewer service connections associated with those main installations. You know, you've seen the, the staff memo that we wrote up. This kind of tries to summarize the, the main aspects, I guess reflected in the staff report. So, overall, you know, the developer is responsible for the cost of utilities running through their property, which is certainly consistent with how you know we do developments in town. The developers generally always pay for the mains that they need. Here, the second bullet, the City is going to upsize to 16-inch water and 18-inch sewer mains, and we will pay for the main in the Mary Jane roundabout at Mullan Road. As, I noted, the developer would have been responsible for the cost of these mains anyways at the time they developed. There's some benefits here you know, the build project will allow the developers to delay that cost until they're ready to connect, but with you know these times with rampant inflation this is locking in the pricing. So, I think that's a real benefit for the developers. I just want to note that there's, there are places where it's running in a right-of-way splitting parcels and so in those scenarios, the costs will be split evenly between those two parcels. And one of the other, I think big, big benefits for the developers, they avoid having to pay for off-site utilities. You know, if this project hadn't come along and these partially wanted to develop, a lot of these mains off-site would have had to been run to get mains to their property. So, the developer here is having to avoid or is avoid having to pay for any of those off-site utilities. Here's one of the exhibits, just to kind of give you a little more idea of what we're doing and where. So, this, this is the kind of overview of the water system improvements. There's four parcels here that are that we're asking to cover the cost of these water mains running through the properties. You know we developed some shorthand notation to talk about the parcels. So, here MJ1, 2, 3, and 4 are the identifiers for these four, four properties. And similar up here, these are GE4 and 5 on George Elmer, they're, they would be responsible for the 12 inch water main running up George Elmer. And then again, we'll up size to a 16 inch water main with utility funds. Over here, we call this parcel EB1 along England Boulevard; they would be responsible for this 12-inch water main. And then, you know, mostly just some services that we're installing up here in MJ9, a little bit of water main work here in what we're calling MJ8. The property

owners are listed here in this exhibit that's part of your packet. A similar slide for sewer. There is, I guess I forgot, there's a little bit of sanitary sewer work over here under the roundabout and to get you know this is the, the portion of George Elmer's south that is being modified as part of the, the build project. So, similar here, you know this is we're running an 18 inch sewer main, but these parcels will be responsible for the cost of an eight inch sewer main, which is all they would have needed. And again here, eight inch sewer main running along England Boulevard that would be paid for by the owner of this EB1 parcel. Eight-inch sanitary sewer main over here and what we're calling parcel MJ8 and then some additional in being paid for by MJ9 and 19. So, this summarizes the fees by, by parcel. So, this is a little bit more detail than I provided in the in the Public Works Committee, and you know the fees are substantial. It's, it's certainly expensive to run water and sewer mains but like I said these are costs that they would have been responsible to pay anyways. Total fees for water for the development, developers would be about 2.3 million. The City is paying about \$56,000.00 for the water main under the roundabout and then about \$205,000.00, the city is paying and upsizing costs, for total water investment and the Mullan BUILD Project is about 2.61 million. Over here in wastewater you know we have about 1.2 million that would be paid for by the developers and then about \$96,000.00 in in upsizing that the wastewater utility would be paying for, for a total wastewater investment on the project of about 1.3 million. And over here, are just where I add up the cost for water and wastewater for the various parcels. So, you know one of them is nearly a million dollars; it's a significant amount of cost but you know cost that they would have been subject to at the time of development. So, in total it's about 3.9 million dollars in water and wastewater investments on the project. I talk a little bit about the outreach efforts that we've made to try to let these property owners and developers know. Yeah, we, we had draft cost estimates back in October when you know we were pushing for the project to get kicked off sort of last fall and then just had some delays. So, you know they were provided these draft cost estimates back in October. Then more recently with the final numbers, we've mailed out letters to each property owner and we've rounded up email contacts for various, you know developers. A lot of these properties have sort of been changing hands as, as we go, as they you know as development groups are purchasing them to move forward with developments. So, we've reached out to engineers, and you know these developer contacts that we've become aware of. The letters provided the fee details and notified them of this public hearing. And then just you know in terms of collection you know once the fees are approved, if they're approved, we intend to record an exhibit against each property, so that any interested party will become aware of these fees that the property would be subject to at the time they develop. How are we going to collect the fees? So, they will be included with other permit fees when the developer applies for the first water or sewer connection on the property. You know, the way the resolution is written, we, our goal is to collect these fees back as quickly as we can. This is you know we don't want the, the utilities to be holding on to these costs for a long period of time. We, we didn't want the fees to be transferred to the subdivided lots that are going to create come out of these parcels because that will (a) it'll create a ton of work for us to track them as they move from one large parcel to these individuals' subdivided lots, but also would significantly delay our

time in collecting these fees. So, when they go to make the first connection, they would be expected to pay that full water or sewer fee. So, that is all I, I had to present tonight. I imagine there are questions. I'm happy to take whatever questions folks may have.

Vice President Hess Okay thank you. Are there questions from Council members? Mr. Carlino.

Aldersperson Carlino I might have missed this, but I was curious if the Mullan BUILD Project included gas pipelines for gas heating or any sort of gas infrastructure like that?

Logan McGinnis You know. there's a lot of a lot of private utility relocations going on. I am not the expert on that. I mean we're....I don't believe so. I mean those are not in the roadways themselves, but I, I may have to get back to you on that. I mean it certainly doesn't affect these, these utility fees for water and wastewater, but I'd be happy to round up some more information on that and, and get back to you, if that would be okay?

Aldersperson Carlino Thanks.

Logan McGinnis Yep.

[unannounced/unknown Aldersperson] Logan, I'm curious when we initially applied for the build grant, was it 18 million I think, is, is that right? And we're awarded 13, and I'm just curious with the original request, did that include? I'm sorry it was a long enough I can't remember but did that include water and sewer? Would that have been included, had we gotten the full amount? I'm...

Logan McGinnis No, that was always going to be kind of a local, a local match.

[unannounced/unknowns Aldersperson] It was? Okay, thank you.

Logan McGinnis I thought it was....this slide. You know, I thought it was like 24-25 million was the original grant request and we got the 13 million.

Vice President Hess My recollection that was, was that it was 23 million and we were 13 million.

Additional questions? Ms. Sherrill

Aldersperson Sherrill This may not be the right time to ask this, but I am curious. Do we have the opportunity to reapply for that, for any money for this area for improved infrastructure? Are we?

Logan McGinnis Yes, that is, is.... we are applying for additional funds. It's, I don't remember how ...the, the grant name has changed now and maybe Jordan remembers but we are in process of submitting for additional federal funding on this project. It's, it's due any day now.

Aldersperson Sherrill Great thank you.

Vice President Hess Yeah, I believe that's the Raise Grant now.

Logan McGinnis The Raise Grant, thank you.

Vice President Hess The new administration's iteration of it. Any additional questions? Okay, at this time, I would open the public hearing. If anyone would like to comment? Okay seeing none, this public hearing will remain open for a week, and we'll have opportunity to have additional comment and discussion next week. Logan do you have anything to add?

Logan McGinnis Yes, I'm sorry. I, I emailed all of you earlier today. There were a few minor changes on the resolution and the staff memo that I made, and they were uploaded earlier today. I think they're pretty

minor; they really had to do with the fact that it, it kind of occurred to me maybe too late in the game....You know, there will be some minor changes as developers request either more or fewer water or sewer services. So, that, the changes in in those documents is kind of that that's what the change is about is, is providing some I guess flexibility to charge them for the actual number of water or sewer services that they request.

Vice President Hess Okay, thanks for clarifying that.

Logan McGinnis Thank you.

Vice President Hess Okay. So, that hearing will remain open, and we can move on to our next item of business.

9.1 A Resolution Establishing the Mullan BUILD Water and Sewer Development Fees

The City Council will hold this public hearing open until they take up the item for final consideration on April 18, 2022.

10. COMMITTEE REPORTS - None.

10.1 Budget and Finance (BF) committee report

10.1.1 Minutes from the April 6, 2022 Meeting

10.2 Climate, Conservation and Parks (CCP) committee report

10.3 Committee of the Whole (COW) committee report

10.3.1 Minutes from the April 6, 2022 Meeting

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 April 6, 2022 Meeting

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

10.6.1 Minutes from the April 6, 2022 Meeting

10.7 Public Works (PW) committee report

10.7.1 Minutes from the April 6, 2022 Meeting

11. NEW BUSINESS - None.

12. COMMUNICATIONS FROM THE MAYOR - None.

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

Vice President Hess We'll go to comments from City Council members, and we can go from left to right this time. Ms. Vasecka.

Aldersperson Vasecka Thanks. I just wanted to let everyone in our audience tonight, give a heads up that there is an election on May 3, 2022 for the school and special districts. The ballots will be mailed out on Wednesday, April 13, 2022, and be sure to return those by May 3, 2022. If you have any questions about that, the Elections Office is located at 140 North Russell Street, that's on the corner of Wyoming and Russell, and they're open from 8:00 a.m. to 5:00 p.m. And you can also call them with any questions and their phone number is 258-4751, again, that's 258-4751, for the May 3, 2022 election. So don't forget.

Vice President Hess Ms. Sherril.

Aldersperson Sherill Pass, thanks.

Vice President Hess Mr. Nugent.

Aldersperson Mike Nugent Thank you. Just quickly, I would like to thank our dedicated public commenter for continuing to talk about Rogers International. I think that whole conversation is very interesting, and I just want to acknowledge that we, we are listening to you, and I enjoyed the show and tell today.

Vice President Hess Mr. Carlino.

Aldersperson Carlino Yeah, I'll second that. And the other thing I wanted to bring up too is just that I found out that everybody that parks at the public library that stays overnight, like in the morning everybody gets towed, by it's like a private tow company and they charge I think \$300.00 for a tow. So, I feel like we should either have a city tow company that doesn't charge so much or at least try and fix the library policy to where people aren't getting charged \$300.00 to get towed and then it all just goes to a private company. So, I just wanted to just throw that out there, that I think are towing at the public library could be done better.

Vice President Hess Ms. Becerra.

Aldersperson Becerra Thank you. I virtually attended the State of the Community today and I just wanted to say that the Mayor did a, a really fantastic job at highlighting all the work that has been happening in our community to address really complex and really multi-layered issues, housing, our own house community, etc. And I just want to say thank you to everyone who works on a daily basis to improve on those really difficult issues. Thanks.

Vice President Hess Ms. Savage.

Aldersperson Savage Yeah, just briefly. I will also echo thank you to the public commenter and I also enjoyed the show-and-tell this evening. I also just wanted to thank Emily Armstrong for coming back to our committee meetings this week to talk about all of the different housing, housing, I don't know, what would you even call them housing options that her office is overseeing. I hope soon to be able to take a tour of the authorized campsite and I think Councilman Nugent is going to as well and I just I just really appreciate it as a new Council person sort of having an overview of all of the different pieces that are at play in that particular issue.

Vice President Hess Ms. West.

Aldersperson West Pass.

Vice President Hess Ms. Jordan.

Aldersperson Jordan Thank you. A couple things. One, I too agree with a Joe coming in and providing us comment every week about Rogers International. I think you're doing a really good job giving us some information that we haven't heard. I'd also like to let everybody know that there's a community meeting that's being organized kind of by myself and Lois McCurdy related to some houselessness issues that are happening in our Ward. It's going to be this Wednesday at 7:00 p.m. at the Orchard Homes Country Club. It's mostly for Ward 6 residents, but if you have an interest in coming and finding out more about what's happening in our Ward and kind of some of the options and things that we're addressing and

you're more than welcome to come. And the third thing is, I would like to really encourage my colleagues if you have not recently or at all gone for ride-alongs with City-Fire and City-Police to do so. I did both this weekend and it goes without saying that we have exceptional people in these jobs. A couple things that came out of my, my ride-alongs are that (1) The Fire Department is looking for some funding to support mental health of their, of their employees and the police department, they're all using their own personal phones to make calls related to cases and could definitely use their own phones or phones that are city phones. So, that they're not blocking their number to call victims or people who are witnesses. So, yeah please go and have a ride-along; it was fantastic. And that's it, thank you.

Vice President Hess Thanks. Mr. Contos.

Alderperson Contos I'll pass, thank you.

Vice President Hess And Ms. Anderson.

Alderperson Anderson Thank you so much. I just want to say a thank you to the City Public Works staff and Park staff, as well as I do think the City Fire and Police. We had quite a bit of a windstorm this afternoon and I was doing my Monday afternoon uber driving of my nephews and saw many large trees down in parks and, and tree branches across roads and when I took them to their appointments and circled back, they had been cleaned up and marked as hazardous areas and that just doesn't happen magically. That is dedicated Public Works staff, Parks staff. I know Police and Fire out there helping with that. So, thank you again for all of the hard work when mother nature likes to keep us on our toes. So, thank you so much and enjoy your Monday evening everyone.

Vice President Hess And I'll just echo Ms. Becerra's comments. That I had the pleasure of attending the State of the Community event today as well and just appreciate Mayor Engen's remarks and, and everything that's going on at the county. We had a lot of enthusiasm in that from all three county commissioners and President Bodner from the university as well, providing an update on all the good stuff going on at the university. So, it's, it, that event every year reminds me just how much interesting, meaningful, impactful work gets done within local government and at the University of Montana, and it's great to be a part of that and to hear about it.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS - None.

14.1 Administratively approved agreement report

15. ADJOURNMENT

Vice President Hess So, without any further business, we will be adjourned.

The meeting adjourned at 7:09 p.m.

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

John Engen, Mayor

