

Journal of Proceedings
Missoula City Council Meeting

September 21, 2020, 6:00 pm
ZOOM Webinar

Members Present: Stacie Anderson, Mirtha Becerra, John P. Contos, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Amber Sherrill, Sandra Vasecka, Bryan von Lossberg, Heidi West

Members Absent: Jesse Ramos

Administration Present: Dale Bickell, Chief Administrative Officer, Jim Nugent, City Attorney, Marty Rehbein

Administration Absent: Mayor John Engen, Ginny Merriam, Communications Director

1. CALL TO ORDER AND ROLL CALL

The meeting of the Missoula City Council was called to order by President von Lossberg at 6:00 PM in the City Council Chambers at 140 West Pine Street

2. APPROVAL OF THE MINUTES

2.1 Minutes from the September 14, 2020 meeting will be available at a later date.

3. SCHEDULE OF COMMITTEE MEETINGS

3.1 Committee schedule for the week of September 21, 2020

Public Works Committee, September 23, 10:30 a.m. – 12:45 p.m.

Committee of the Whole, September 23, 1:15 – 1:45 p.m.

Land Use & Planning Committee, September 23, 2:00 – 3:30 p.m.

4. PUBLIC COMMENT - None

5. CONSENT AGENDA

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSENT: (1): Alderperson Ramos

Vote result: Approved (11 to 0)

- 5.1 Claims - Sept 22, 2020
- 5.2 Agreement – County/City Fairgrounds trail
- 5.3 Appointment to the Public Art Committee
- 5.4 Local Option Fuel Tax Interlocal Agreement with Missoula County
- 5.5 Confirmation of Officers
- 5.6 Justice Assistance Grant (JAG) Memorandum of Understanding
- 5.7 Resolution Requesting Distribution of Funds from MDT’s Bridge and Road Safety and Accountability (BaRSAA) Program
- 5.8 Surplus Resolution
- 5.9 Reappointments to the Bicycle and Pedestrian Advisory Board
- 5.10 Remington Flats Subdivision and Rezoning (City - Dave DeGrandpre)

Acting Mayor Von Lossberg said, apologies. I think on the last one, item 10, it’s Certificate of Survey 3176 just to be clear on that. Is there any public comment on the consent agenda? Go ahead and press *9 if you’re on the phone or raise your hand. Not seeing any public comment, are there questions, comments from Councilmembers? Not seeing any, I’d like to take up the opportunity to welcome the new officers onto the force. And with that, we will have a roll call vote.

Upon a roll call vote the motion passed with 11 Ayes, 1 Absent

6. COMMENTS FROM CITY STAFF, AGENCIES, BOARDS, COMMISSIONS, AUTHORITIES AND THE COMMUNITY FORUM

City Clerk Rehbein said, Councilmembers, it gives me great pleasure to introduce the person who is sitting over my right shoulder here. This is the new Administrative Assistant 3 in our office. I don’t know if you know but we have been operating with two-thirds of our team since February and so we’re ecstatic to have Megan onboard. She has been with us for a whole week, and we haven’t scared her away yet. So, I wanted to just make you aware that Megan is now working in our office, and we expect great things from her because she’s super smart and super qualified.

Acting Mayor von Lossberg said, thank you and welcome, Megan.

7. SPECIAL PRESENTATIONS

- 7.1 Proclamation - Mark Heyka Weather Day

Acting Mayor von Lossberg proclaimed September 21, 2020 as Mark Heyka Weather Day.

- 7.2 Ovarian Cancer Awareness Month

Acting Mayor von Lossberg proclaimed September, 2020 as Ovarian Cancer Awareness Month.

Molly Stockdale said, I am an ovarian cancer survivor and I'm so grateful for this proclamation today.

I'm an advocate leader for Montana, for the Ovarian Cancer Research Alliance, and it's so important to get public recognition like this for ovarian cancer because, as the proclamation mentioned, the symptoms can be very vague, and a lot of women are not aware of them. I did want to mention that it is sort of especially gratifying to have a proclamation for Missoula because twice every year there is an ovarian cancer survivors retreat, at Camp Make A Dream. We tend to be a little sea of teal which is our cancer color, walking through downtown Missoula, we've drawn to MCT productions together, we have bought Rockin Rudy's out of certain souvenirs some years, I think. And it's always a real pleasure for me to welcome women from all across the country to Missoula and sort of act as a local tour guide while we get to know each other so thank you very much for this proclamation today.

Acting Mayor von Lossberg said, thank you very much and thanks for being able to join us. Ms. Merritt?

Alderson Merritt said, yeah, I want to thank Molly for coming and speaking and raising awareness.

Molly is a good friend of mine and I'm super grateful that she was able to have her illness diagnosed early and get treated and that she is still with us and will be with us for a long time to come. Thanks, Molly.

Acting Mayor von Lossberg said, thank you. We'll move onto the public hearings section of the agenda.

We have two this evening and then under final consideration we have a few items as well. 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 Council and Mayor invite community comment. Normally we vote on the same night unless a Councilmember requests that it be returned to committee. We've been operating under rules during the pandemic of holding items open and that's indicated on the agenda.

We will open the public hearing for both of these items and then final action will be taken up on September 28th. Our first one is staff report for 365 to 375 Scott Street Group Living Conditional Use and our staff report this evening comes from Ms. McCafferty.

8. PUBLIC HEARINGS

8.1 Referral – Staff Report for 365-375 Scott Street Group Living Conditional Use

Kaitlin McCafferty, Development Services, said, hello, can everyone hear me and see my screen?

Acting Mayor von Lossberg said, we can, thanks.

Kaitlin McCafferty, Development Services, said, okay. So, I'm Kaitlin McCafferty from Development Services and this request is from Jules Landis of Intuitive Architecture on behalf of Jerry Durenberger of 1029 West Pine Partnership. The request is for a group living use at 365 and 375 Scott Street. The

applicant's proposing two group living structures, each with 23-bedroom suites with shared kitchen and gathering spaces. The total number of bedroom suites on the parcel proposed is 46. This slide shows the location of the subject property outlined here in blue. It's at 365, 375 Scott Street at the corner of Scott and West Pine Streets, and the project will contain two newly constructed buildings. The subject property is zoned C1-4 Neighborhood Commercial with the Design Excellence Overlay. And then according to Title 20, a group living use requires conditional use approval to operate in this C1-4 zoning district. The Design Excellence Overlay is not applicable for this project, as the overlay only applies to multi-dwelling and commercial projects, not detached houses. Group living facilities are considered similar to a detached house because of the shared kitchen and living spaces. The Our Missoula 2035 City Growth Policy designates the subject property for an urban center land use, shown here in red. Urban centers are intended to address the concentration of downtown uses including commercial office, retail, arts and entertainment, eating and drinking and residential. To the north of the property, in orange, is neighborhood mixed use and to the south, in green, is parks and open lands. The slide shows the current conditions of the site viewed from Scott and West Pine Streets. And from the corner of those streets the property slopes to the southwest. You can kind of see it right there. This is a current schematic of the project. Again, two total buildings, each of 23-bedroom suites with shared kitchen and living spaces. The allowable density for group living is calculated for Title 20 in Section 20.40.070 Use and Specific Building Standards for Group Living Uses, and it allows 2.7 residents per 1,000 square feet of parcel area in the C1-4 zoning district. The subject property is a bit over 17,000 square feet allowing for 47 residents, 46-bedroom suites are proposed. In order to comply with these requirements on density, staff recommends a condition of approval requiring the applicant to provide an executed affidavit restricting density to be in compliance with Title 20. Here's the site plan for the project. On the south here are the parking spaces for vehicles. On the west here are bike parking spaces or covered bike parking spaces. Title 20 requires two-vehicle parking spaces per group living building. This project has two buildings thus requiring four total spaces. The applicant has proposed 10 parking spaces plus an additional 88 parking spaces. For bike parking Title 20 does not list group living under their requirements, making their requirement zero for bikes. The applicant has proposed 46 covered bicycle parking spaces along the west side of the parcel. Now I will address how the proposed conditional use is in accordance with the conditional use review criteria found in Title 20 and shown on this slide. First, compliance with the zoning, which along with engineering and fire standards, will become confirmed at the time of building permit approval per condition of approval #1 and 2. Next, compatible with character of the area and surrounding buildings, the group living use in this location will

not compromise either public convenience or the general welfare of the neighborhood or community. The project is similar in design and scale to the residential and multi-family uses. North of the property in condition of approval #2 restricts the density to the amount allowed by zoning. Upgrading characteristics. The group living use is compatible operating characteristics similar to other residential uses surrounding the parcel, in the surrounding area. And, finally, traffic safety. The surround road infrastructure is adequate to handle additional traffic that will be generated by the group living use. Scott Street is functionally classified as a major collector road and the site is a half a block north of West Broadway which is a principle arterial street. The site is served by transit, sidewalks and bike lanes. The proposed conditions of approval for this request are first that the group living conditional use at 365-375 Scott Street shall comply with all applicable portions of Title 20. Plans submitted at the time of building permit application shall substantially conform with the plan submitted at the time of conditional use review subject to the review and approval of Development Services prior to building permit approval. And for condition #2, the City Attorney provided an email regarding concerns on how non-discrimination policy in the proposed condition #2 in the staff report, so in order to comply with both zoning and to not run afoul of housing discrimination, staff issued a memo revising condition of approval #2 state the following, so in order to comply with Title 20, Section 20.40 of 70(b) the applicant shall provide an executed affidavit restricting density in compliance with Title 20, Section 20.40.070(b) filed with the County Clerk and Recorder subject to review and approval of the City Attorney and Development Services prior to building permit approval. And with that, staff recommends approval of the group living conditional use for request located at 365 and 375 Scott Street in accordance with the Missoula City Zoning Ordinance Title 20, Sections 20.10.020(d), 20.40.070, 20.85.070, 20.105.020.B.1 based on the findings of fact in the staff report and subject to the conditions of approval as amended in memo #1. That is my presentation.

Acting Mayor von Lossberg said, thank you, Ms. McCafferty. Do you know who was the developer, development team, that you are working with? Oh, I want to give an opportunity for the developer to provide their comment and then I will open the hearing.

Kaitlin McCafferty, Development Services, said, if you see Jules Landis, Jerry Durenberger, those should be the names you're looking out for.

Acting Mayor von Lossberg said, okay. I will simply ask if anyone from the development team wishes to present anything or make any comments, if you could raise your hand. I'm seeing one person, Marie Wilson, but I believe that is for public comment.

Kaitlin McCafferty, Development Services, said, no, Marie is also with Intuitive Architecture.

Acting Mayor von Lossberg said, oh, my apologies. Ms. Wilson, my apologies. Can you...I believe you are still muted but you have the floor. There you go.

Marie Wilson, Intuitive Architecture, said, there we go.

Acting Mayor von Lossberg said, I think you're live there. Sorry about that.

Marie Wilson, Intuitive Architecture, said, no worries at all. Thank you very much. Thank you, all of you, Kaitlin and Mary, I wanted to extend our thanks as well as to Jerry Durenberger who is the developer. I know that he has gone through several iterations of this project over the last two to three years and is fairly devoted to doing something very unique at this particular property. And Jules and I had the opportunity to look at several different combinations of projects and this is the one that really resonated with Jerry and gives him the opportunity to give back to the community and pay something forward. I think that's important to note. And we think that those goals tailor nicely to some of the goals of the City of Missoula, specifically bringing a higher density to the urban center. Is it perfect? By no means, no, but I think it does speak to a need that we have in our community, and we hope that you agree and are having it out here. And the other comments, we were hoping to have Jerry on the line. Hopefully, he is. We did a little practice round earlier but I don't see that he is potentially there so we will do our best in his absence. Thank you.

Acting Mayor von Lossberg said, alright, thank you very much. I will go to public comment and then if there are questions from Councilmembers, take those unless there's any burning questions from Councilmembers now. I'm forgetting the right order. I will go ahead and open the public hearing. Would anyone like to comment on this? Just go ahead and raise your hand if you're participating by phone, press *9. And again, we have been holding public hearings open for a week unless otherwise noted and we would take this up under final action next Monday, a week from this evening. Not seeing anyone wishing to provide comment. I will quickly, any questions from Councilmembers? Not a time...no motion on the floor but if there's any questions, we do have staff and the developers here. Not seeing anybody. Alright, we will hold that public hearing...oops, sorry, Ms. Merritt?

Alderperson Merritt said, I was fumbling to find the right window.

Acting Mayor von Lossberg said, no worry.

Alderperson Merritt said, I would just like to put it out there for consideration by the developer that the question that I asked in committee, which is will there be an on-site manager for this development? I think that give its location that might be a good idea but I'll just...I think Marie answered by question already in committee, but I would like to put it on the record again. Thanks.

Acting Mayor von Lossberg said, great. And, Marie, I see your hand up. You can go ahead.

Jules Landis, Intuitive Architecture, said, hi. There is space out in the building for a manger and there's definitely been discussions about that manager living on-site full time. You know, it's one of those operational issues that still hasn't been fully vetted out but we'll certainly, I mean, it definitely would be a...

Marie Wilson, Intuitive Architecture, said, the conversation came up early on and the way those first floors are arranged, it's done in particular with that in mind, so it's on the developer's mind as well. Will it be required, mandated, he's coming to town to chat with property managers in two weeks from now so it's noted.

Acting Mayor von Lossberg said, thanks. And could the other speaker identify themselves?

Said, oh, my apologies. This is Jules Landis with Intuitive Architecture.

Acting Mayor von Lossberg said, thank you, Jules.

Jules Landis, Intuitive Architecture, said, yup. I realize you don't have a camera here today.

Acting Mayor von Lossberg said, no worries. Okay, with that, we will move onto our second public hearing tonight. This is a staff report for...this is for 2275 North Reserve Street Tavern and Casino Conditional Use. And our staff report comes from Ms. Tripard. Did I mispronounce your name?

Cassie Tripard, Development Services, said, nope, that's correct.

Acting Mayor von Lossberg said, great.

8.2 Referral – Staff Report for 2275 N Reserve Street Tavern and Casino Conditional Use

Cassie Tripard, Development Services, can you see my slides?

Acting Mayor von Lossberg said, yes.

Cassie Tripard, Development Services, great. So, I'm Cassie Tripard. I'm an associate planner at Development services. We received a conditional use request from Jeff Maphis of JCM Architecture on behalf of Club Properties, LLC for tavern and casino uses at 2275 North Reserve Street. The subject property is located near the intersection of North Reserve Street and Mullan Road. The property has frontage on one public right-of-way which is North Reserve Street. The subject property is on C2-4 Community Commercial and is located in the Design Excellence Overlay in Corridor Topology 4. They are proposing to use the existing building, which was previously used as a restaurant. It will be remodeled to accommodate tavern, casino and restaurant uses. Design Excellence Review occurred prior to conditional use review. The project was approved for compliance with the Design Excellence Standards. We will view renderings of elevations later in this presentation. Adjacent properties to the north, west and south show the same zoning designation. To the north there is retail. The parcel abutting the subject property to the south and west contains fuel sales, retail and casino uses. And parcels to the

east are zoned M1R-2 Limited Industrial Residential and contain fuel sales, retail and restaurant uses. The applicable regional plan is Our Missoula City Growth Policy 2035 which recommends a land use designation of Regional Commercial and Services for 2275 North Reserve Street. Areas designated as Regional Commercial and Services are for commercial uses that serve the needs of the broader region enough to require large areas. All abutting parcels show the same land use designation. Here are some photos of the existing main entry. The applicant is proposing to update the façade and to expand the plaza area near the main entry. On the left, you can see the existing façade facing North Reserve Street. You can see that currently there is a lack of landscaping along with the façade and in the landscaped island. The Title 20 landscaping chapter was not triggered by the proposed development. The applicant will be voluntarily landscaping the site and existing parking lot islands. The second photo shows an existing entrance to the rear of the building. The applicant is proposing to create a vestibule around the entrance to serve the casino portion of the development. And here are some more examples of areas where landscaping will be voluntarily improved. A new pedestrian route from the public sidewalk to the main entry will be added along the landscaped island shown on the photo to...or on the lot. Here's the proposed site plans. Site improvements include landscaping and a standard plaza area, bike racks, benches and a pedestrian path to the main entry. The building footprint will not be changing aside from the vestibule out the rear entry. 55 parking spaces are acquired and 58 are provided. Although a few parking spaces are being removed to accommodate the larger plaza, there is still enough parking to accommodate the new uses. There is not an increase in required parking from the previous restaurant use. And here's the proposed floor plan. The casino will be located in a separate room within the existing building and will have a separate entrance from the restaurant and bar. These renderings show what the main entry will look like once the façade has been updated. The updated façade was approved for design excellence and complies with design excellence requirements such as glazing, street facing entry and siding materials. And here are some additional renderings. In the picture on the lower right side you can see the proposed vestibule for the casino entry. Title 20, Section 20.85.70(H) outlines the review criteria City Council must consider for conditional uses. The first is whether the proposed use complies with all applicable standards of the Title 20 Zoning Ordinance. All tavern and casino uses are permitted as conditional uses in the C2-4 Community Commercial Zoning District. The project has been approved for compliance design excellence. Compliance with all applicable sections of the Title 20 Zoning Ordinance will be confirmed prior to building permit approval if City Council imposes conditional of approval #1. The second review criteria is whether the proposed use is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood

or community. Adverse impacts on the general welfare of the neighborhood or community are not anticipated. The tavern and casino uses in this location are in the interest of public convenience by providing more services adjacent to a major arterial street. The tavern and casino are located in a commercial business area that includes similar uses. There are no abutting residential uses. Motorized and nonmotorized transportation options are available to serve the property. The new proposed pedestrian path will make accessing the building safer and more convenient for pedestrians. The property is in an area that is already served by City Police and City Fire. City Council must consider whether the proposed uses are compatible with the character of the surrounding area in terms of site planning, building scale and project design. The existing building and parking lot will remain. The façade improvements were approved for design excellence and will be compatible with the character of the surrounding area in terms of building scale and project design. The site will be improved by a new pedestrian route from the public sidewalk to the main entry and expanded plaza area and revitalized landscaping. The fourth criteria to consider is whether the proposed use has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise and traffic generation. The hours of operation for the tavern and casino uses are 8:00 a.m. to 2:00 a.m. There are gas stations and two other casinos near the intersection of Mullan and North Reserve Street which stay open late. No new site lighting was proposed at the time of design excellence review. The existing parking lot lighting will remain. The project will not increase the amount of outdoor lighting. If new site or building lighting is installed, it must be reviewed by Development Services as a condition of the design excellence approval and must meet the Missoula Outdoor Lighting Ordinance. Lights generated by the use will be required to conform with the regulations for a commercial zone as established in the Missoula Municipal Code, Chapter 9.30.40. The parking requirement for the project will not increase from the previous restaurant use and the project will not generate additional traffic. And City Council must determine that the proposed use will not have a significant adverse impact on traffic, safety or comfort including all modes of transportation. Again, the parking requirement for the project will not increase from the previous use so the project will not generate additional traffic nor to Reserve Street, adjacent to the subject property has existing pedestrian, bicycle and vehicular infrastructure. A new pedestrian route from the public sidewalk to the main entry will be installed to increase pedestrian safety. The route will be ADA accessible. Short-term and long-term bike racks will be installed in compliance with Title 20. Staff recommends one condition of approval. The tavern and casino conditional uses at 2275 North Reserve Street shall comply with all applicable portions of Title 20 and Design Excellence approval. Plans submitted at the time of building permit application shall

substantially conform with the plans submitted at the time of conditional use review, subject to the review and approval of Development Services prior to building permit approval. And staff recommends approval of the tavern and casino conditional use request located at 2275 North Reserve Street in accordance with Missoula City Zoning Ordinance based on the findings of fact in the staff report and subject to the condition of approval. Thank you.

Acting Mayor von Lossberg said, thank you, Ms. Tripard. Is there anyone from the development team who would like to present...I see a hand go up and I can't see your name, unfortunately and you're still muted. It's identifying like a desktop computer. There you go.

Jeff Maphis, JCM Architects, said, can everybody hear me?

Acting Mayor von Lossberg said, we can, thanks.

Jeff Maphis, JCM Architects, said, yeah, I'm the architect with JCM Architects here representing Club Properties, Modpal and Nicalonzo and I appreciate your time tonight. Cassie has done a great job in describing the project and I feel that the basically the plans and the three-dimensional elevations and the building conduit articulate what we're trying to do but I'd be glad to answer any questions or any comments you might have about the project at all.

Acting Mayor von Lossberg said, great. Thank you. I'll keep you on here in case there's questions from Council. Are there any questions from Councilmembers before I open the public hearing for public comment? Okay, not seeing any. I will open the public hearing for this project. If you'd like to provide public comment, go ahead and press the raised hand feature or *9 if you're calling in and I'll just give that a moment. Not seeing any. I'm going to go ahead and disable talking here. Bear with me just a sec. Alright, last chance for public comment just this evening. Again, this will stay open during the week. A good opportunity to remind folks that people can provide public comment using the City Council group email. There is a City Council voice mail number. And, again, public hearing will continue and then close next week where Council...when Council will take final action unless someone returns it to committee. I don't see any raised hands. We will conclude that section and we'll move to the...I believe we have four items under final consideration. The first is a resolution amending the engineering fee schedule to remove the Storm Water Pollution Prevention Program and Erosion Control Permits and to establish the storm water permit. Is there...I don't believe there's any update that I'm aware of from staff. We got a presentation on this, this last week, and I am guessing that this lives in Public Works so I would take a motion from Ms. Becerra.

9. FINAL CONSIDERATION

9.1 A resolution amending the Engineering Fee Schedule to remove the Stormwater Pollution Prevention Program (SWPPP) and Erosion Control Permits and to establish the Storm Water Permit

Moved by: Alderperson Becerra

Adopt a resolution amending the Engineering Fee Schedule to remove the Storm Water Pollution Prevention Program (SWPPP) and Erosion Control Permits and establish the Storm Water Permit and Dry Well Approval.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSENT: (1): Alderperson Ramos

Vote result: Approved (11 to 0)

Alderperson Becerra said, thank you. I recommend that City Council adopt a resolution amending the Engineering Fee Schedule to remove the Storm Water Pollution Prevention Program and Erosion Control Permits and establish the Storm Water Permit and Dry Well Approval.

Acting Mayor von Lossberg said, thank you. That motion is in order. Is there any...are there any Council comments and deliberation? And I probably should have mentioned if there is any final public comment, this is our last opportunity for that so if there's any final public comment on this item, go ahead and raise your hand. Not seeing any. We have had a public hearing that is now closed. We have a motion and we will take a roll call vote.

Upon a roll call vote the motion passed with 11 Ayes, 1 Absent.

Acting Mayor von Lossberg said, thank you and that is approved. Our second item under final consideration is 3270 and 3770 Mullan Road – Mullan Crossing Annexation. Is there any update, Ms. Tripard from the staff?

9.2 Referral and Staff Report – 3270 and 3770 Mullan Rd. – Mullan Crossing Annexation

Moved by: Alderperson Hess

Adopt a resolution to annex and incorporate within the boundaries of the City of Missoula two certain parcels of land described as Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 and shown on Exhibit A, located in Section 18, Township 13 North, Range 19 West, P.M.M., and zone the property C1-3 Neighborhood Commercial, based on the findings of fact in the staff report and subject to the recommended conditions of annexation approval as amended by City Council on September 14, 2020.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Merritt, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSENT: (1): Alderperson Ramos

Vote result: Approved (11 to 0)

Cassie Tripard, Development Services, said, no updates but I did notice though on the agenda the motion wasn't what I had recommended at the last hearing which was to approve, as amended, by City Council. And I can share that motion too on the screen if people want to review it one more time.

Acting Mayor von Lossberg said, great. When we get to that, which will be shortly here, I'll ask Mr. Hess if he would like that language up on the screen. So, I want to continue the public hearing on this item. Is there any additional public comment on this before we close the public hearing and do deliberations? So, again, you can raise your hand as a participant and if you're on the phone, you can do *9. Not seeing any additional public comment. I will close the public hearing and, Mr. Hess, would you like that language on the screen or do you have it?

Alderperson Hess said, I have it in front of me but if it's helpful for others to see it, that's fine to put it up as well. I'll defer to you.

Acting Mayor von Lossberg said, Ms. Tripard, why don't we go ahead and put that up. Can you share your screen with that?

Cassie Tripard, Development Services, said, nope, I went too far. You can see it though.

Acting Mayor von Lossberg said, perfect, thank you. Mr. Hess.

Alderperson Hess said, so I move we adopt a resolution to annex to annex and incorporate within the boundaries of the City of Missoula two certain parcels of land described as Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 and shown on Exhibit A, located in Section 18, Township 13 North, Range 19 West, Principle Meridian Montana, and zone the property C1-3 Neighborhood Commercial, based on the findings of fact in the staff report and subject to the recommended conditions of annexation approval as amended by City Council on September 14, 2020.

And can I speak to the motion briefly?

Acting Mayor von Lossberg said, go ahead.

Alderperson Hess said, this is an annexation that is within our strategic framework for annexing properties. It is within the Annexation Area A which is a priority for annexation. This also helps achieve connectivity that is important between Clark Fork Lane and the road, whose name I'm blanking on right

now, to the north. But it's important strategic connectivity in an area that has a lot of large super blocks and it's within our priority annexation area so I'm supporting it.

Acting Mayor von Lossberg said, thank you. And that motion is in order. Additional comments, deliberations? Going once, alright, seeing none, we've had a public hearing. We have a motion. We will take a roll call vote.

Upon a roll call vote the motion passed with 11 Ayes, 1 Absent

Acting Mayor von Lossberg said, thank you. That is approved. Moving on to our third item, this is a rezone of property located at 601 West Broadway. Ms. McCafferty, is there any new information or update from staff?

9.3 Rezone property located at 601 W Broadway

Moved by: Alderperson Hess

Adopt an ordinance to rezone property located at 601 W Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special District SD/Riverfront Triangle, Sub-district D to CBD-4 Central Business District / DE-D Outer Core Design Excellence Downtown Overlay, subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from City Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council. The Development Agreement shall include construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west, connecting to W Broadway on the west end and to the easterly property boundary of the 601 W Broadway property to the east without interruption or detour; the developer's responsibility for the cost of a minimum 10-foot wide asphalt trail with 1 foot shoulders on either side of the path; the City of Missoula's responsibility for the cost of upsizing the trail to a 14-foot wide trail; the City of Missoula's responsibility for repair, maintenance and replacement of the trail once constructed; and a 20-foot wide public non-motorized access easement filed with the Development Agreement. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation as amended during City Council.

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

NAYS: (1): Alderperson Contos

ABSTAIN: (1): Alderperson Merritt

ABSENT: (1): Alderperson Ramos

Vote result: Approved (9 to 1)

Kaitlin McCafferty, Development Services, said, yes, I'm going to share my screen. Can you see that?

Acting Mayor von Lossberg said, yes. Not...there we go, yes.

Kaitlin McCafferty, Development Services, said, just for some clarity, the developer proposed some tweaking of the language and the staff is also okay with this. It's the second part of the recommended motion, changing the language to the development agreement shall include construction of the Riverfront Triangle along the north shore of the Clark Fork River from east to west, connecting to West Broadway on the west end. And these are the changes to the easterly property boundary of the 601 West Broadway property to the east without interruption or a detour. And then the rest of it, which is the same.

Acting Mayor von Lossberg said, alright, thank you. So, this continues to be opened right now. If there's any public comment, folks in attendance please go ahead and raise your hand. Again, *9 if you're on the phone. As with the other items for this last week and are closing the public hearing this evening. Not seeing anyone wishing to provide comment. I will close the public hearing. Are there any questions from Councilmembers before I go to Mr. Hess? Seeing none, Mr. Hess?

Alderperson Hess said, thanks. This amended motion makes the longest motion in recorded history a little bit longer. So, I'll endeavor to read it without messing it up. I move that we approve the adoption of an ordinance to rezone property located at 601 West Broadway and legally described as Lots A, B, 1, 2, 3, 4, 5, and the east half of Lot 6 in Block 51 and Lots 48 and 49 in Block 56 of W.J. McCormick's Addition in Section 21, Township 13 North, Range 19 West from Special District SD/Riverfront Triangle to Sub-district D to CBD-4 Central Business District / Design Excellence-D Outer Core Design Excellence Downtown Overlay, subject to the applicant and the City executing a Development Agreement and public non-motorized access easement filed with the County Clerk and Recorder prior to the effective date of the ordinance which is 120 days from Council approval. The Development Agreement and easement documents shall be reviewed by City Parks, Missoula Redevelopment Agency and Development Services and approved by City Council. The Development Agreement shall include

construction of the Riverfront Trail along the north shore of the Clark Fork River from east to west, connecting to West Broadway on the west end and to the easterly property boundary of the 601 West Broadway property to the east without interruption or detour; the developer's responsibility for the cost of a minimum 10-foot wide asphalt trail with 1-foot shoulders on either side of the path; the City of Missoula's responsibility for the cost of upsizing the trail to a 14-foot wide trail; the City of Missoula's responsibility for repair, maintenance and replacement of the trail once constructed; and a 20-foot wide public non-motorized access easement filed with the Development Agreement. Design of the Riverfront Trail and any variation from the standards, including easement width, surface width of the trail, lighting, provision for trash receptacles and benches, shall be specific to the site and approved by City Parks and Recreation. And may I speak to this motion as well?

Acting Mayor von Lossberg said, once more in Latin before you do please. The motion is in order. You may speak to it.

Alderperson Hess said, thanks. I, again, I just want to state that this rezoning is compliant with our Growth Policy making it a strategic rezone for...that meets our planning goals. It's in the downtown area which is exactly where we would like to see thoughtful density and it also helps accomplish some of our goals by retaining the Riverfront Trail aspect of the former zoning district. So, this has been before us for quite awhile now and we've heard about the project and I would encourage everyone to support it. Thanks.

Acting Mayor von Lossberg said, thank you. Ms. Jones.

Alderperson Jones said, thank you. I just wanted to make a few comments on this and I'm in favor of this rezone also. I've heard from a few constituents and I just wanted to message this to clarify that the Riverfront Triangle Project that has been discussed for years is actually bordered by Broadway and Orange. This parcel that we're discussing under this rezone is adjacent to that, also on Broadway, basically across from St. Patrick Hospital. So, first of all, the contemplative plans for the Fox Triangle Development are still, hopefully, going to all come together. This is an adjacent parcel and for as long as I've been on Council, that adjacent parcel we have contemplated either residential condominiums or office space, something along those lines, so this fits in with that vision. It can go up quite a few stories and I've heard from some people who are concerned that this creates canyons downtown, and I know that's been a topic that's been discussed over the years. But given how many people we have living in this valley now and how many more will be coming in the future decades, I am very much in favor of having, as Jordan said, thoughtful density downtown. So, it's true. If you're standing in front of this building, you may not be able to see Mount Sentinel but you can walk a few blocks and see Mount

Sentinel. So, I'm with having a few canyons and then it opens up. I think 40 years ago people thought differently. Now, we're going in this direction. Finally, I've also heard and have heard articulated that this is concerning to have such a high building in between Broadway and the river because people can't see the river then. So, that is exactly why, if you look at the specifics of this, there is contemplated a very wide walkway path for bikes and pedestrians to walk next to the river. And we do have a lot of areas in our downtown corridor where you can be on the river, Caras Park, Silver Park, areas like that, Jacob's Island where there's a lot of space next to the river. So, I understand that. I just wanted to articulate why we're going about this the way we're going about it and I'm very much in favor of it. Thank you.

Acting Mayor von Lossberg said, thank you. Any other Council comments on this item? And, Ms. McCafferty, did Jordan get the motion correct? She is indicating he did. Alright, not seeing any further comment from colleagues, we've had a public hearing. We have a motion on the floor. We will have a roll call vote.

City Clerk Rehbein said, I think Jordan is going to surpass the record motion with the next record motion. Upon a roll call vote the motion passed with 9 Ayes, 1 Nay, 1 Abstention, 1 Absent

Acting Mayor von Lossberg said, and that is approved. Our final item under final consideration is Heron's Landing—Annexation, zoning upon annexation, rezoning and subdivision located in the Mullan Master Plan area—Tracts 1 and 2 of Certificate of Survey No. 5963. Is there any update, Mr. DeGrandpre, from staff on this item?

9.4 Heron's Landing--Annexation, zoning upon annexation, rezoning and subdivision located in the Mullan Master Plan area--Tracts 1 and 2 of COS No. 5963

Moved by: Alderperson Hess

Adopt a resolution to annex and incorporate within the boundaries of the City of Missoula, Montana a certain parcel of land described as Tracts 1 and 2 of COS No. 5963 in the SE 1/4 of Section 12 and the N 1/2 of Section 13, Township 13 North, Range 20 West, P.M.M. and zone the property RT5.4 Residential in the city, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval and as amended by City Council

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSTAIN: (1): Alderperson Merritt

ABSENT: (1): Alderperson Ramos

Vote result: Approved (10 to 0)

Moved by: Alderperson Hess

[Second and final reading] Adopt an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone the subject property from RT5.4 Residential to RT5.4 Residential with a Heron's Landing Neighborhood Character Overlay District based on the findings of fact in the staff report.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSTAIN: (1): Alderperson Merritt

ABSENT: (1): Alderperson Ramos

Vote result: Approved (10 to 0)

Moved by: Alderperson Hess

Variance #1--Approve the variance request from Section 3-020 Table.2A, allowing George Elmer Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way.

Variance #2--Approve the variance request from Section 3-020 Table.2A, allowing Chuck Wagon Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way.

Variance #3--Approve the variance request from Section 3-030.2.A.(2), allowing Block A to be longer than 480 feet.

Variance #4--Approve the variance request from Section 3-030.2.A.(2), allowing Blocks B, C, D, E, F, G, and J to be longer than 480 feet.

Variance #5--Approve the variance request from Section 3-030.2.A.(2), allowing Block H to be longer than 480 feet.

Variance #6--Approve the variance request from Section 3-030.2.A.(2), allowing Block I to be longer than 480 feet.

Variance #7--Approve the variance request from Section 3-020.15.D.1, allowing a 10-foot wide Secondary Commuter Trail along street rights-of-way within an additional 6 1/2 foot easement.

Variance Request #8--Approve the variance request from Section 3-020 Table. 2A allowing Heron's Landing Drive, Nesting Lane, and Audubon Trail (Loop) to be built within 60-foot rights-of-way instead of 70, so long as an additional one-foot access and utility easement is provided along the outer edge of each right-of-way to allow for maintenance.

Subdivision

Approve the Heron's Landing Phased Subdivision Plat and Application, based on the findings of fact and subject to the recommended conditions of approval in the staff report and as amended by City Council.

AYES: (10): Alderperson Anderson, Alderperson Becerra, Alderperson Contos, Alderperson Harp, Alderperson Hess, Alderperson Jones, Alderperson Sherrill, Alderperson Vasecka, Alderperson von Lossberg, and Alderperson West

ABSTAIN: (1): Alderperson Merritt

ABSENT: (1): Alderperson Ramos

Vote result: Approved (10 to 0)

Dave DeGrandpre, Development Services, said, yes, just a couple of items. If you don't mind, I'd like to share my screen just briefly.

Acting Mayor von Lossberg said, please do.

Dave DeGrandpre, Development Services, said, try that again. Okay, you may recall that part of this project, part of the proposal, is to develop a Heron's Landing Neighborhood Character Overlay District, which includes things like smaller lot sizes, requirement for main entry homes...or the main entry homes to face a street and up to six town-unit homes in certain location. When going through this WGM Group, the applicants, we noticed that there was, or actually they noticed that there was a typo and that's on this...on the table, the parcel and building standards table you can see it circled in red. There's a column labeled its side setbacks that are along the street and there's a N/A meaning not applicable that's there right now. It actually should say five feet. Think about it, you know, along this street you want to have some sort of a setback from the right-of-way itself and so it's just a typo but it's something that came to light just this week and so I wanted to point that out to you. And then otherwise, as we discussed a week ago, some conditions...we've been working with WGM Group and the developer, Teton Land Development Company, to kind of massage the conditions so that they would meet the City's interests as well as the interest of the developer in terms of timing. They will cause this a phased subdivision. Some issues are up in the air, like the timing of the BUILD Grant for George Elmer and that sort of thing. So, the conditions of approval that are being recommended and have been worked...we've

worked with at Development Services, with the developer are dated September 11th of this year, 2020.

And so, in making a motion, the conditions of approval for annexation are recommended to be the same as for this subdivision and so the only request I'd have with you is that in the motions for annexation and the subdivision approval is to ensure that the motion includes conditions as amended by City Council, and I can put that upon the screen if you'd like. Again, that's annexation and also subdivision with recommended conditions of approval, as amended, by City Council.

Acting Mayor von Lossberg said, thank you. Jordan, you all clear on that?

Alderperson Hess said, yeah. I'll just ask Dave to interrupt me if I miss something please.

Acting Mayor von Lossberg said, okay. So, with that staff update, I didn't cut you off, Dave, did I? You're all finished?

Dave DeGrandpre, Development Services, said, all set.

Acting Mayor von Lossberg said, okay, thanks. So, I want to continue the public hearing on this item. If there's any public comment, again we took this item up last week and through the week up till today, if you...you can raise your hand in the webinar. You can also do *9 if you're participating by phone. Not seeing anyone wishing to provide comment, additional comment, I will close the public hearing, Mr. Hess?

Alderperson Hess said, thanks. And a question for Ms. Rehbein, can we take all three motions at once or do you need them separately?

City Clerk Rehbein said, I have them set up as separately but if you want to do them all at once, I can make it work.

Acting Mayor von Lossberg said, Marty, you are muted, I'm sure.

City Clerk Rehbein said, I am muted. I have to unmute in two locations and I forget, always forget. So, I have them set up as separate motions, but I can manage if you want to make them all three at the same time, that would be fine.

Alderperson Hess said, okay. Mr. von Lossberg, is that okay with you?

Acting Mayor von Lossberg said, that is fine to make them together if Marty can handle that and it sounds like she can.

Alderperson Hess said, okay. S, I move we adopt a resolution to annex and incorporate within the boundaries of the City of Missoula, Montana a certain parcel of land described as Tracts 1 and 2 of Certificate of Survey No. 5963 in the Southeast quarter of Section 12 and the North half of Section 13, Township 13 North, Range 20 West, Principle Meridian Montana and zone the property RT5.4 Residential in the city, based on the findings of fact in the staff report, subject to the recommended

conditions of annexation approval and as amended by City Council. Second, that on second and final reading, we adopt an ordinance to establish the Heron's Landing Neighborhood Character Overlay District and to rezone the subject property from RT5.4 Residential to RT5.4 Residential with a Heron's Landing Neighborhood Character Overlay District based on the findings of fact in the staff report. Third, that we approve eight variances in subdivision. Variance #1--Approve the variance request from Section 3-020 Table.2A, allowing George Elmer Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way. Variance #2—To approve the variance request from Section 3-020 Table.2A, allowing Chuck Wagon Drive improvements to be made within the existing 80-foot right-of-way instead of a 90-foot right-of-way. Variance #3—To approve the variance request from Section 3-030.2.A.(2), allowing Block A to be longer than 480 feet. Variance #4—Approve the variance request from Section 3-030.2.A.(2), allowing Blocks B,C, D, E, F, G, and J to be longer than 480 feet. Variance #5--Approve the variance request from Section 3-030.2.A.(2), allowing Block H to be longer than 480 feet. Variance #6--Approve the variance request from Section 3-030.2.A.(2), allowing Block I to be longer than 480 feet. Variance #7--Approve the variance request from Section 3-020.15.D.1, allowing a 10-foot wide Secondary Commuter Trail along street rights-of-way within an additional 6 1/2 foot easement. Variance Request #8--Approve the variance request from Section 3-020 Table. 2A allowing Heron's Landing Drive, Nesting Lane, and Audubon Trail (Loop) to be built within 60-foot rights-of-way instead of 70, so long as an additional one-foot access and utility easement is provided along the outer edge of each right-of-way to allow for maintenance. And subdivision, finally, to approve the Heron's Landing Phased Subdivision Plat and Application, based on the findings of fact and subject to the recommended conditions of approval in the staff report and as amended by City Council.

Acting Mayor von Lossberg said, thank you. Mr. DeGrandpre, did you get it?

Dave DeGrandpre, Development Services, said, got it.

Acting Mayor von Lossberg said, got it. Alright. Those motions are in order. We have...is there deliberation? Jordan. Mr. Hess.

Alderperson Hess said, thanks. I'd just say again this has been pretty extensively reviewed by the Planning Board. There are several actions here that have all had their own touchpoints of review. I believe that this subdivision is a...will provide a housing product that will fit into our housing needs. It is lower density than a lot of what is contemplated in the Mullan Area Master Plan and the BUILD Grant area and that is just how we're going to see things developed is that we're going to...we will...this came in. This has been in the works for years and it came in before our master planning efforts. And so, I think it's certainly appropriate to approve this and to continue to reach toward the objectives of the

planning of the Mullan Area Master Plan as we move forward in the future. And all I have to say that this is...this will be a nice subdivision that will fit in well, south of 44 Ranch, and will certainly complement anything else that is built after the adoption of the Master Plan.

Acting Mayor von Lossberg said, thank you. Ms. West.

Alderson West said, apologies for the piano going in the background. I just want to draw the attention to a comment that was submitted by email by Bob Oakes and he seems to...or maybe there seems to be some technical difficulties to call into the meeting, I'm not sure, but I just wanted to make sure that that gets added to the public record and that it will also be available in the MNTBC website. So, thanks.

Acting Mayor von Lossberg said, thanks, Ms. West, and I, just for people, we did have other callers call in so I'm not sure if there was any difficulty but just wanted to note that. But thanks for noting Mr. Oakes's comment. Ms. Becerra?

Alderson Becerra said, thank you. I just wanted to point out that the proposed overlay for this subdivision I believe allows for...provides specificity but it also allows for some flexibility to the developer. And I guess I will use this as my request that that amount of flexibility gets also used for the benefit of the neighborhood. I am sure that as the project evolves and develops, some concerns and some issues will arise, and I hope that that flexibility allowed by that overlay gets used to also address some of those concerns. Thank you.

Acting Mayor von Lossberg said, thank you. Ms. Harp.

Alderson Harp said, sorry to interrupt but did we have anybody else that needed to put in some comments, or did I miss that?

Acting Mayor von Lossberg said, any public?

Alderson Harp said, yes.

Acting Mayor von Lossberg said, no. I took...unless I'm mistaken, did I not take public comment?

Alderson Harp said, I'm not sure. I just wanted...

Acting Mayor von Lossberg said, in the interest of being safe, it is very possible I screwed up. If anyone in the audience would like to comment, I apologize if I jumped the gun on that. It is open still until this evening and until we take final action. Not seeing anybody raising their hand or doing *9 on the phone but thank you for bringing that up, Heather. I think you were correct. I failed to do that so thanks.

Alderson Harp said, no worries. I just wanted to make sure we had the sequence right before I make comments in support of this particular project. Land use planning is a complicated deal and especially when it comes down to really creating good land use. What we saw in this particular application was

people who really wanted to do a good project and we realize that we here in Missoula don't always have the finances personally to be able to finance such a big project and so sometimes it requires outside firms coming in to do some of the heavy lifting for us. I know a lot of Missoulians sometimes get upset about that idea but at the end of the day we need more housing and so sometimes we just have to be able to work with others. The developers have a really good vision. I really appreciate the focus on trying to drive this housing towards the missing middle and really create a variety of housing types so that as you drive or walk or bike down these curb streets, it's not going to be the same everywhere you turn. And I think that is just huge and it creates the kind of character and the kind of place that we all really truly value. And I think my only regret in this project is with every other project that we have is that we don't have any inclusionary zoning that really can guarantee that we have currently affordable housing. That's a problem. And yet, we have to also look at the fact that we have a great deal of...well, developers have a great deal risk that is at play. We know that housing costs have just escalated, especially in the last 12 months, and therefore the return they have to make sure is going to be able to fulfill that risk. It has to be able to balance it out. So, with that, I'm very, very pleased to be able to support this project. This is a good one.

Acting Mayor von Lossberg said, thank you. Any additional Council comments? Alright, seeing none, we have concluded a public hearing. We have a few motions in order and we will have a roll call vote.

City Clerk Rehbein said, okay, just so we're clear, we are voting on the resolution to annex this property, the ordinance to rezone and the variance requests as well as a subdivision. And I think we're also establishing an ordinance that creates an overlay or a zoning ordinance that gets applied to the property so we're creating the district as well as providing it to the land.

Acting Mayor von Lossberg said, correct.

Upon a roll call vote the motion passed with 10 Ayes, 1 Abstention, 1 Absent.

Acting Mayor von Lossberg said, and that is approved. Thank you.

10. COMMUNICATIONS FROM THE MAYOR

Acting Mayor von Lossberg paid his respects to the late Justice Ginsburg. He's spent a lot of time in the last several days talking with his wife and young daughter about her legacy and he also noted the relationship that she had with another late Justice, Justice Scalia. If you're not familiar with relationship the two of them had, coming from pretty much polar opposite ends of the ideological spectrum, it is worth spending some time learning about it and reflecting on it. They treated each other with a respect and grace and love that we would all do well to reflect on in these times.

11. GENERAL COMMENTS OF CITY COUNCIL

Alderson Sherrill thanked Mr. von Lossberg for his comments about Justice Ginsburg. As a City Council, they are always moving on to the next thing and the next thing, she thinks it's important that they reflect on some of the decisions they've made, and they review some of those decisions. One thing she's been reflecting on this week is our purchase of the Sleepy Inn in April. Unfortunately, here we are in September and our COVID numbers going up. She knew that long-term that was going to be a smart strategic decision. She felt confident about that. Our numbers were still looking good, but we were hearing lots of information from outside so, unfortunately, we're still where we are with regard to COVID. We bought the Sleepy Inn in April as a non-congregate shelter amidst of a lot of concern around it and a lot of discussion about the price. So far, we have had around 100 people in non-congregate shelter. 70 of those have been at the Sleepy Inn. Obviously, we've had some overflow and we had some people in the non-congregate shelter before that. The rent, looking at it on a financial basis and not taking into account that we are making an effort and making headway in containing the spread of this virus, but the rent was \$1,666 per day so the rent through September is approximately \$260,000. Most of this has either been paid or is anticipated to be paid through FEMA and state reimbursement. We paid \$1.1 million for the hotel and right now, if you take away the rent that we've received just so far and we know, unfortunately, we're not done with the need of this non-congregate shelter, but so far if you minus the rent, we paid \$840,000 for that hotel. She hopes this is not right but if we continue to need that and continue being successful getting reimbursed, that we will still be getting rent even if we're not getting reimbursed from FEMA, in 16 more months we will have a free hotel that we can redevelop in whatever way we see fit. This has been a great investment already if you just look at it from an investment standpoint, it has helped control the virus, it will let us control that piece of property and it will allow us to build affordable housing at some point, which we know the community desperately needs. It's important, as the Council makes these big decisions and some of them are weighty decisions for every single person, whether they vote yes or no, they've thought and struggled about it and made sure they were confident in that decision in whichever way they voted. So, she thinks it's important to reflect on what that investment has ended up being and she's really pleased that we are able to aid in controlling this virus and that we made a good, sound financial decision.

Alderson West said she wanted to share that during this meeting she was joined by two cats, and she doesn't have any cats.

Alderson Vasecka said she talked to the Elections office today and they told her that if you want more information regarding mail-in ballots you can 258-4751. The main thing she was concerned about was she was told you have to request your mail-in ballot at least 15 days before election but that is

incorrect. If you are an active voter and voted in the last election, you will receive your ballot in the mail. To check your voter status, go to myvoterpagemt.com. Make sure you have your correct mailing address and see if you are an active or inactive voter. You can still register to vote before October 26th. After that, you'll probably have to do that in person at the Election office located at the corner of Wyoming Street and Russell Street. Again, their phone number is 258-4751. Other questions you may have can be answered at missoulavote.com or myvoterpagemt.com.

Aldersperson Becerra thanked Mr. von Lossberg for his comments. They resonate with her as well. We can honor our late Justice/Super Hero/Advocate by voting everyone, please vote.

Aldersperson Anderson said she's reflected a lot on the actions of folks like Justice Ginsburg has affected her life and how she loves the fact that here, even at a local level, our City Council is a majority of women and our path to this has been paved by so many and with Justice Ginsburg playing a major part of that. She echoed what Ms. Becerra said voting is an excellent way to honor Justice Ginsburg's memory and her legacy. She thanked Ms. Sherrill for bringing up the points about the Sleepy Inn and also reminding our community that, unfortunately, last week we saw the highest day of COVID numbers in this state since we have been tracking those in March. This is hard and is dragging on, but we really have to continue to be vigilant. We're coming into the fall and we're going into holiday season and there are way too many families in Montana and across the county who will be missing a loved one as they celebrate their various holidays this fall and into winter. So, that no one else has that continued heartache, we need to be doing everything we can: wearing your mask, staying home when you can, socially distance when you have to go out and limiting the times that you have to go out. She thanked Marty and the IT staff for doing all of the work that they can so that we can continue to meet socially distanced to keep ourselves and our families and the bubbles that we interact with safe.

Aldersperson Merritt thanked everyone for the comments about Justice Ginsburg. Her ground-breaking efforts have paved the way for so many women. Another woman who is on the Missoula County staff and she's sure we all were so grateful to see the smoke lift and the clouds part and the little bit of blue sky yesterday and today. She wanted to give a shout-out to Sarah Coefield at the Missoula City County Health Department for her consistent light-hearted and humorous messages helping us get through these smoky days, giving us good information and also giving us always a little antidote to laugh about. She may not know it, but she's famous on Facebook so thanks to Sarah for her diligent work.

Aldersperson Harp thanked Heidi's kids who are practicing piano. We need more of that in this world so thank you for a little diversion. She gave a shout-out to Linda McCarthy. Last week the Council acknowledged her with Linda McCarthy Day, and she thinks that needs to be underscored, how much

work this woman has done, particularly for our community in the business community downtown. The for-profit business is an integral institution in our community and without someone like Linda at the helm with a vision that can continue to nudge and spur change along, we would not have the Missoula that we have today so a really special thank you to Linda. Also, rest in peace to the notorious RBG.

12. COMMITTEE REPORTS

- 12.1 Administration and Finance committee (AF) report
 - 12.1.1 September 16, 2020 Administration and Finance report
- 12.2 Budget Committee of the Whole (BCOW) committee report
- 12.3 Committee of the Whole (COW) committee report
- 12.4 Land Use and Planning Appointments (LUPA) Subcommittee report
- 12.5 Land Use and Planning (LUP) committee report
 - 12.5.1 September 16, 2020 Land Use and Planning report
- 12.6 Parks and Conservation (PC) committee report
 - 12.6.1 September 16, 2020 Parks and Conservation report
- 12.7 Public Safety and Health (PSH) committee report
 - 12.7.1 September 16, 2020 Public Safety and Health report
- 12.8 Public Works (PW) committee report
 - 12.8.1 September 16, 2020 Public Works report

13. NEW BUSINESS - None

14. ITEMS TO BE REFERRED

- 14.1 Administration and Finance committee referrals
- 14.2 Budget Committee of the Whole referrals
- 14.3 Committee of the Whole referrals
 - 14.3.1 Mountain Line Mill Levy Request
- 14.4 Land Use and Planning Appointments Subcommittee referrals
- 14.5 Land Use and Planning committee referrals
 - 14.5.1 Subdivision and Townhome Exemption Development (TED) Regulation Review Project
- 14.6 Parks and Conservation committee referrals
- 14.7 Public Safety and Health committee referrals
- 14.8 Public Works committee referrals

14.8.1 Professional Services Agreement Amend. No. 1 with WGM Group, Inc. for the
Zip Beverage Water Line Connection Project

14.8.2 Presentation of Revised Missoula City Public Works Standards and Specifications
Manual

15. MISCELLANEOUS COMMUNICATIONS, PETITIONS, REPORTS AND ANNOUNCEMENTS

15.1 Administratively approved agreement report

16. ADJOURNMENT

The meeting adjourned at 7:26 p.m.

Martha L. Rehbein, CMC, City Clerk

John Engen, Mayor