

# Council Meeting Action Summary

## Missoula City Council

April 18, 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: Mayor John Engen, Marty Rehbein, Jim Nugent, City Attorney

### 1. CALL TO ORDER AND ROLL CALL

The virtual meeting of the Missoula City Council was called to order by Mayor John Engen at 6:00 PM.

### 2. APPROVAL OF THE MINUTES

The minutes were approved as submitted.

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

Mayor John Engen This is your opportunity to comment on items not elsewhere on our agenda this evening and I'd ask that you try to keep your comments to about 3 minutes, and with luck, they'll have something to do with something that we do in municipal government. Any general public comment this evening? Yes sir.

Joe [inaudible for some time] ...since that seemed to make my point. I'll make sure to keep that in mind moving forward. I wanted to just talk about 2 things this week. First, I did see the security in camp poll that went out recently this week. It got shared with me several different times and it does sort of address one of the criticisms I made in my second comment about how folks who work with this community don't always feel safe bringing up their concerns because they have to have a working relationship with RI, but it doesn't address the bulk of that comment. I will just point out and more importantly and if I was thinking when I was getting ready to make that statement, I would have tied this into that first one, but it shouldn't really matter as well, I understand that public opinion matters to you, your paycheck is kind of tied to it. It doesn't matter as much to me and our arguments for those of us who oppose RI's presence here are moral, economic, and practical. Out in public opinion, while it's important, doesn't have any bearing on those things. The second thing I wanted to address really quick is I've seen some eyebrows raise every time I talk about it is the concept of threat. I've mentioned a couple of times that an openly carried firearm is a threat and I've seen some eyebrows go up, so I want to just address that real quick because that's kind of my sentiment about what RI's job is, right? The reason I'm not allowed to carry a rifle into this chamber is because you rightly recognize, right, as a weapon and it's a threat. The same reason you have 3 or 4 guys every night who do have weapons because their job if I get out of line is to do violence to me, right? I get it. As Americans we are used to living in a society where we're used to seeing violence around everywhere, that's just kind of the water that we swim in but once you learn to look at things this way, it makes RI's presence at the camps even more egregious because their entire job is to threaten people who have nothing to lose. Those folks have so little and they're under so much stress that those kinds of threats can escalate very quickly and then you see things like we saw last fall when the County Sheriff's

deputies killed Johnny. I don't think that qualifies as security. I think that's a nice euphemism to make us feel better about what's, what are objectively threats. I think the most important security that a lot of those folks have is having a place to come home to at night and I think it's particularly egregious that we're paying RI to make threats while 80 people are going to go cold tonight because the Emergency Warming Shelter shut down today despite the fact that it's going to be at or below freezing for the next couple of weeks. I've been making statements for about a month now and as I understand it, you guys are going to do budgeting in August. As much as I don't like this, I've cleared my Mondays and I'm going to be a pain for the next couple of months. I am going to try and make the argument in about the hour of time that I have left. I wanted; I just want to drive that home. I think it's useless for us to get up here and talk about things like justice, equity, diversity, and inclusion when so many of those people are going hungry, going cold, and don't have the basic level of security but they do have somebody babysitting them with a rifle or a firearm of some kind. The last thing, I kind of debated brining this up at all, but since I know one of our council members is religious and we've just wrapped up a week of religious holidays from three of the Abrahamic faiths, I would ask that when you pray, you also pray for the people who are out there cold for the next couple of weeks. I know they appreciate it.

Mayor John Engen Thank you sir. Any other general public comment this evening? Just checking that participant's list again. Seeing no hands up there, we will move on to the next agenda item, which is our schedule of committee meetings and a variety of other items that are brand new.

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

Public Works and Mobility Committee, April 20, 10:00 - 10:35 a.m.

Land Use and Planning Committee, April 20, 10:50 - 11:50 a.m.

Mayor John Engen Any changes to the committee schedule this evening? Seeing none, we will move on then to our consent agenda items.

**5. CONSENT AGENDA**

Mayor John Engen Items here folks were approved unanimously in Council standing committees and we save a little time by considering these items all at once on Monday evenings. Ms. Trimble will read the list of consent agenda items aloud so those in the audience and those viewing remotely will know what we're considering. We'll take comment on these items before we vote. Ms. Trimble.

Mayor John Engen Thank you Ms. Trimble. Any questions or comments from Council members with regard to the consent agenda. Mr. Hess.

Alderpersion Hess I want to highlight item 5.8. This is the Expo Parkway rezone. I know there's a number of folks from Grant Creek in the meeting tonight and I wanted to explain that this is an item to set a public hearing, so this officially gets this on our calendar for consideration. So, our vote tonight is not a substantive vote on this item. It's a vote to set the public hearing and get this before the Land Use and Planning Committee. So, we will have informational presentations on May 4, 2022 and May 11, 2022, along with committee discussion and we'll have a public hearing on Monday, May 9, 2022.

Mayor John Engen Thank you Mr. Hess. I was going to make the same remark. That is to tell you that if you're here to take about Expo Parkway, the limited scop this evening is whether or not you think we should have a public hearing and go through the process. So, if that's what's before the body this evening. Any other questions or comments? Mr. Carlino.

Alderpersion Carlino Yeah just saw that we've got another \$30,000.00 being paid out to Rogers International today under 5.1 in the claims and I just want to say I back up the commenter earlier, Joe, with his concerns about Rogers International patrolling around the neighborhoods that have

homeless shelters and within the shelters and I just think that as budget season comes up, we should all be advocating for this to be a public entity not a for profit private security company that's patrolling around the neighborhoods with guns. So, I just want to echo Joe's concerns and just put in another suggestion to look into changing it this coming year.

Mayor John Engen Further questions or comments? Seeing none, anyone in the audience care to comment on any of the consent agenda items. Yes sir, step to the microphone and identify yourself for the record.

R.T. Cox Mr. Mayor, my name is R.T. Cox. I'm the President of the Friends of Grant Creek and we went a letter to the Council. I fully understand what Mr. Hess said, that this is normally an administrative matter, although in my experience with consent agendas this is something a little more controversial than what you usually see but I know you have your practices. We're not talking about that. What we're talking about in our letter, and I've been joined in a letter from Aaron Nielson on behalf of Rocky Mountain Elk Foundation; they share the same concern. The concern is that the report, well the deadline for public comment was the 14th so that we would be able to get comments in, in time for the hearing tomorrow night in front of the Planning Board. Subsequent to the 14th or perhaps very late on the day of the 14th, a new traffic report was tendered at the request of City Engineering, who had criticized the original traffic report. Those of you that are familiar with issues having to do with the rezoning in Grant Creek know that traffic is a very important item that is of great concern to people just because of the narrowness of the road and the narrowness of the streets, the lack of control and this rezoning would essentially double the population of Grant Creek. So, for all of those reasons, the traffic report is important and when the City Engineer criticize the traffic report and requested a new one, that to us seemed like an important matter. The new report came in a day or two before the Easter weekend and we have hired, along with Rocky Mountain Elk Foundation, a traffic expert to give us opinions about the traffic situation on Grant Creek Road and we had him stop work because we knew that the City Engineer had requested a new report. He has not had time to dig into that new report. He says he can have a report to us by April 25, 2022. So, the letter that we filed, not only governs the consent agenda but we're also asking that this matter be rescheduled to give our expert and the City Engineer and the public, and the Friends of Grant Creek and RMEF an opportunity to go through this new traffic report and see whether it does a better job of addressing the traffic issues. The same traffic engineer submitted a report 2 years ago that was trashed by an engineer hired by the City, and it doesn't look like his work product has improved. This is a critical issue. So, the Rocky Mountain Elk Foundation and Friends of Grant Creek are requesting that this matter be rescheduled. That means a new notice will have to be published and the hearing schedule will have to be changed. This matter has been pending for over 2 years, a delay of 2 or 3 weeks, I don't think is going to cause any huge hassle for anybody. Thank you for the opportunity to comment.

Mayor John Engen Thank you Mr. Cox. Mr. Hess do you have any, off the top of your head, notions here.

Alderman Hess Well, I, I thank you Mr. Cox. I appreciate the comments. The schedule in the Land Use and Planning Committee is flexible and we have had a practice of holding public hearings open as long as needed and so I am inclined since much of the neighborhood is aware of the schedule, to open the public hearing and continue it as long as required in order to get the information from the neighborhood. And I think that will hopefully meet the intent of Friends of Grant Creek and also make efficient use of the notice that has gone out and whatnot.

Mayor John Engen Thank you Mr. Hess. And remotely we have Mr. Parker

Mr. Parker Thank you Mr. Mayor and members of Council. Can you hear me?

Mayor John Engen We can.

Mr. Parker Alright. I would just like to echo what R.T. Cox said and point out that under Missoula Municipal Code 20.85.030 that there is a requirement that there be a completed application when

it commences the process of public review, not to have things supplemented at the last minute. The City Council rejected a similar application for rezoning in September 2020 and has done several times to have the correct information compiled and to kind of subject everybody to a 70 page traffic study a few days before this hearing and additional hearings really is not fair due process of law for all of the citizens of Missoula who are impacted by this proposed rezone. So, with all due deference to wanting to proceed with efficiency and take advantage of the notice that has already been provided to proceed on a defective initial application package is, seems a little bit risky and unwarranted by the City. Thank you very much.

Mayor John Engen Thank you Mr. Parker. I think subjecting anyone at any time to a 70 page traffic report is a little bit egregious, but it is part of our process. So, Mr. Hess has guaranteed ample time as a function of the Land Use and Planning Committee's process to consider that report, both internally and for the members of the public to consider it as well. Any other questions or comments with regard to consent agenda. Mr. Hess.

Alderperson Hess Mayor may I ask Mr. DeGrandpre to weigh in from as staff perspective on timeline? Dave could you give us your perspective please?

Dave DeGrandpre Sure thank you. Dave DeGrandpre with Development Services. Staff's perspective is the traffic impact study is not a required component of a rezoning application. It's something that is required by the Engineering Department in certain circumstances, for example, when development will generate 200 or more vehicle trips per day. And so, the traffic impact study it's certainly a, I guess you can call it an element of the application, but it wasn't required by our office. It was submitted in support of the application. I guess it's quite typical that a rezoning application doesn't include a traffic impact study and so, I think it was submitted to provide more, more information, so as building permits might be issued if improvements are necessary to Expo Parkway or Stonebridge Road or Grant Creek Road then those improvements can be made by the developer at certain milestones. In other words, after a certain number of dwelling units are under consideration for permit but it wasn't required by Development Services to move forward with the application, and I also think that there is and will continue to be ample time for public review of the traffic impact study.

Mayor John Engen Mr. Hess.

Alderperson Hess Thanks Mayor.

Mayor John Engen Thank you. And with that, anyone else on the consent agenda this evening?

[inaudible speaking in the audience]

Mayor John Engen You may if you approach the microphone please...

R.T. Cox Mr. DeGrandpre and I respectfully and maybe collegiately disagree on a number of things, and this is one of them. The review criteria under the City's Rezoning Ordinance is set forth at 20.85.040G1 and among those criteria are whether the zoning is entitled to secure safety from fire and other dangers, whether the zoning is designed to promote public health, public safety, and the general welfare; those are pretty general. Whether the zoning is designed to facilitate the adequate provision of transportation among other public requirements and whether the zoning considers the effects on motorized and non-motorized transportation systems. The fact that this applicant for rezoning has submitted several traffic studies is to try to satisfy, in their mind, those mandatory zoning criteria and so traffic isn't something that gets kicked down the road later, to be addressed during the building permit stage, which is what Mr. DeGrandpre's report says. He noted in his report that this report, the traffic report was coming in late and that it would be dealt with in the building permit process. I don't see how this Council in good conscience can review this proposal against these mandatory review criteria without considering traffic issues.

Mayor John Engen And I appreciate that Mr. Cox. I don't think we're going to litigate the, I don't think we're going to litigate this issue this evening. What I've heard is that, is that neighbors

would like more time and likely Council and staff would like more time to be able to review that traffic study and that time appears to be ample based upon what we've heard from Mr. Hess this evening.

R.T. Cox Alright, thank you.

Mayor John Engen Thank you sir. Alright, seeing no additional public comment on the consent agenda this evening....I'm sorry...yes sir.

John Langstaff Good evening everyone, John Langstaff. I'm a retired Missoula Firefighter and it's come to my attention that we're risking the lives of everyone living in apartments of 3 or 4 stories because our type 1 pumper is the first end responder in areas such as Grant Creek and Mullan Road, and as the type 1 responder, 141 would leave 148 unmanned which is our elevated platform truck, which is necessary for rescue of people living in the 3rd and 4th stories of these proposed apartment buildings, and the only response would be by ladder truck 138 which has to come clear across town from 39th and Russel Street to up in Grant Creek or out in Mullan Road which is a delayed response. And you're putting human lives at risk if you're allowing these high-rise apartments without having a dedicated ladder truck at Station 4. So, I would urge your serious consideration of any of these 3rd and 4th floor apartments before having a dedicated rescue truck for these people.

Mayor John Engen Appreciate it. And thanks for your years of service. Anyone else on this item this evening? All right, with that, we will have a roll call vote on the consent agenda.

Claire Trimble All right let's begin with Kristen Jordan.

Aldersperson Jordan Yes...

Mayor John Engen Oh I apologize....

Aldersperson Jordan Oh what, I thought we were voting...

Aldersperson Hess I'm sorry, there's one more, there's one more in the attendee.

Mayor John Engen Oh thank you. I just looked and I hadn't seen it, so I appreciate that. Ms. McMilin.

Heather McMilin Hi yes, my apologies for extending the consent agenda. I just wanted to take a moment. Heather McMilin with Homeward and thanks on behalf of both Habitat for Humanity and Homeward for the consideration of the early award of the Affordable Housing Trust Funds for the modular home projects in Missoula. We're thrilled to find the highest and best use for these homes and just wanted to say thank you. Appreciate it.

Mayor John Engen Thank you and Ms. Harp.

Heather Harp Can you hear me okay? It's the first time being on this side of the microphone. Good evening colleagues. As Heather McMilin had mentioned, I wanted to just express my gratitude from the Habitat for Humanity of Missoula. This is a really critical project for both our organize as well as Homeward, but most importantly for 2 gentlemen who otherwise would not achieve homeownership as a retired housepainter and a diesel mechanic, and both are long term, lifelong east Missoulians. This project will change very significantly their lives and I am indebted to you all for your approval tonight on this project. The work that we do is obviously at the most importance, and we could not do it without innovative type of solutions and being able to work with the partners that we do. So, I just want to say thank you all for your vote on this particular project tonight and I thank you.

Mayor John Engen Thank you Ms. Harp. Now seeing no additional hands up in either virtual or real audiences, we will have a roll call vote.

Claire Trimble Okay let's start again.

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 19, 2022**

Approve accounts payable in the amount of \$779,897.35 for checks dated April 19, 2022.

**Vote result: Approved**

**5.2 Unified Funding Round- Affordable Housing Trust Fund Recommendation**

Approve the funding recommendation for Habitat for Humanity to receive \$190,250 from the Affordable Housing Trust Fund to implement the Modular Home Project.

**Vote result: Approved**

**5.3 Resolution for Equipment Leasing Agreement**

Approve the "Resolution Authorizing the Execution and Delivery of Property Schedules with respect to the Master Tax-Exempt Installment Purchase Agreement with U.S. Bancorp Government Leasing and Finance, Inc. and Property Schedules for the Financing of Various Items of Capital Equipment and Determining Other Matters in Connection Therewith."

**Vote result: Approved**

**5.4 Appointment to the Missoula Civic Television Advisory Commission**

Appoint Jennipha-Lauren Nielsen to serve as a regular member on the Missoula Civic Television Advisory Commission beginning immediately and ending on December 31, 2024.

**Vote result: Approved**

**5.5 Referral - 44 Ranch Subdivision Phase 13 Final Plat Approval**

Approve the 44 Ranch Subdivision, Phase 13 Final Plat.

**Vote result: Approved**

**5.6 Referral - 44 Ranch Subdivision Phase 14 Final Plat Approval**

Approve the 44 Ranch Subdivision, Phase 14 Final Plat, subject to the filing of the Phase 13 final Plat before the Phase 14 final plat.

**Vote result: Approved**

**5.7 Referral and Staff Report Title 18 City Floodplain Hazard Management Regulations Update**

[First reading and preliminary adoption] Set a public hearing for May 9th, 2022 and preliminarily adopt an ordinance to amend Title 18, Missoula Municipal Code, the City Floodplain Hazard Management Regulations to incorporate revisions to Section 10.4.4 Agricultural Structures and Appendix A, as shown in Exhibit #1, and refer this item to the Land Use and Planning Committee on May 11th, 2022.

**Vote result: Approved**

**5.8 Rezone 2900, 2920 and 2990 Expo Parkway – Grant Creek Village (2 parcels, 44 acres) from R5.4Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4Neighborhood Commercial to RM1-45 (multi-dwelling)**

[First reading and preliminary adoption] Set a public hearing on May 9, 2022, and preliminarily adopt an ordinance rezoning 2900, 2920 and 2990 Expo Parkway – Grant Creek Village (2 parcels, 44 acres) legally described as Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling), and refer the ordinance to the Land Use and Planning Committee for discussion on May 4, 2022 and May 11, 2022.

**Vote result: Approved**

**5.9 Appointments to the Bicycle and Pedestrian Advisory Board**

Confirm the Mayor's appointment of Kelly Sager and Matthew Thome to the Bicycle and Pedestrian Advisory Board. Kelly Sager to fill a vacated term beginning immediately and expiring on September 30, 2022, and Matthew Thome to fill a vacated term beginning immediately and expiring on September 30, 2024.

**Vote result: Approved**

**5.10 Referral- Bid Award with Mytty Excavating, Inc for South 3rd St W Water Main Replacement**

Award the bid for construction on South 3<sup>rd</sup> St West water main replacement to Mytty Excavating, Inc. for an amount not to exceed \$510,859.00 and authorize the return of bid bonds.

**Vote result: Approved**

**5.11 Appointments to Open Space Advisory Committee**

Re-appoint DeAnna Bublitz, Edward Monnig and Eric Anderson as regular members of the Open Space Advisory Committee with terms beginning immediately and ending on January 25, 2025.

**Vote result: Approved**

**6. COMMENTS FROM CITY STAFF, CITY AGENCIES, COMMUNITY FORUM, NEIGHBORHOOD COUNCILS, BOARDS, COMMISSIONS, OR AUTHORITIES**

**7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

**7.1 Proclamation - Sexual Assault Awareness Month**

### **7.1 Proclamation - Administrative Professionals Day**

WHEREAS, Administrative Professionals are vital contributors to today's team oriented work environment and are the frontline public relation ambassadors for their organizations; and WHEREAS, the work of Administrative Professionals today requires advanced knowledge and expertise in communication, computer software, office technology, project management, organization, customer service and other vital office management responsibilities; and WHEREAS, Administrative Professionals Day is observed annually in many workplaces around the world to recognize the important contributions of Administrative support staff and as considered by the International Association of Administrative Professionals; and WHEREAS, the IAAP, Western Montana branch is fulfilling its core purpose to provide education, certification, and leadership as well as development to Administrative Professionals. Now, therefore, I, John Engen, Mayor of the City of Missoula in the State of Montana do hereby recognize April 27, 2022 as Administrative Professionals Day in Missoula, Montana and salute the valuable contribution of Administrative Professionals in the workplace.

Mayor John Engen And we have so many of those folks who serve the City of Missoula and by extension our residents, and I am grateful for all of them.

Mayor John Engen And our second proclamation issued jointly with Missoula County.

### **7.2 Proclamation - Administrative Professionals Day**

#### **7.2 Proclamation - Sexual Assault Awareness Month**

WHEREAS, Sexual Assault Awareness Month (SAM), calls attention to the fact that sexual violence is widespread and has public health and safety implications for the City and County of Missoula, and beyond; and WHEREAS, rape, sexual assault, and sexual harassment harm our community, our friends, and our families, studies show 1 in 5 women and 1 in 38 men have experienced completed or attempted rape, 1 in 4 girls, and 1 in 13 boys experience child sexual abuse at some point before the age of 18 and on campus 1 in 5 women and 1 in 16 men are sexually assaulted during their time in college; and WHEREAS, statistics can tell us how many people are harmed but talking to a survivor tells the true impact of this violence, loss of safety and trust, and sometimes the loss of hope; and WHEREAS, the goal of SAM is more than awareness, the ultimate goal is prevention of sexual harassment, abuse, and assault and prevention means stopping sexual violence before it happens by changing norms that allow it to exist in the first place ranging from attitudes, values, and behaviors to laws, institutions, and social norms; and WHEREAS, we ask our community to join us in building safer spaces, reclaiming our right to safety campaign, and champion the power of asking and receiving consent, prevention is everyone's job. All of us can help create safe environments, we can intervene to stop behavior, promote healthy attitudes and relationships, believe survivors, and connect them to resources; and WHEREAS, we strongly support the efforts of national, state, and local sexual assault prevention and response programs in their efforts to create safe and healthy communities. It is now therefore, we, John Engen, Mayor of the City of Missoula, Josh Slotnick, Juanita Vero, Dave Strohmaier, all of Missoula County Commissions, Seth Bodnar, President of the University of Montana, and Noah Durnell, President of the Associated Students of the University of Montana, do hereby join the Student Advocacy Resource Center of the University of Montana, the YWCA Missoula, Project Beacon of All Nations Health Center, First Step at Providence St. Patrick Hospital, and Make Your Move Project of the Missoula City-County Health Department, the Crime Victim Advocacy Division of the Missoula Community Justice Department and communities across the country in plying an active role to prevent sexual violence along with the United States Government and the State of Montana, we hereby



proclaim April 20, 2022 as Sexual Assault Awareness Month in the City of Missoula and Missoula County.

Mayor John Engen Again, signed by all of those partners in this important effort. And thanks again to all of those resources in the community who are working diligently not just when we name a month for the activity but every day to make lives better. We have no additional presentations nor proclamations.

## **8. FINAL CONSIDERATION**

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

Mayor John Engen We do have at least one item for final consideration. We do indeed. Items here have had a public hearing, been considered by Council, a hearing was held open to allow time for additional public comment before the Council makes it final decision and the chairperson of the standing committee responsible for this piece of legislation will make the motion. And we will invite comment on each of these items. And our lone item for final consideration this evening is a Resolution Establishing the Mullan BUILD Water and Sewer Development Fees and that is happening in the Public Works Committee. Ms. Becerra.

Aldersperson Becerra Thank you Mayor. I move that we adopt a Resolution Establishing the Mullan BUILD Water and Sewer Development Fees as proposed by the Missoula Public Works and Mobility Department effective April 18, 2022 and may I speak to the motion please?

Mayor John Engen Pardon me and thank you. That motion is in order. Is there discussion on the motion?

Aldersperson Becerra May I speak to the motion please?

Mayor John Engen You may.

Aldersperson Becerra Thank you. I just wanted to say that I believe this is an equitable and more expedient way of expanding infrastructure and extending services to a really fast developing area of town through this water and sewer special development fee for the area. The City will be able to recuperate funds at the times the parcels in the area development and to me this seems like a fair process and a proactive way to direct growth in this area. So, for all of those reasons, I will be in support of it. Thanks.

Mayor John Engen Thank you Ms. Becerra. Any further discussion? Seeing none, we've had a public hearing, but I will be happy to entertain comments from the audience this evening. Seeing none here and none in our attendance list, we will have a roll call vote.

Mayor John Engen And the resolution is approved. We have no additional items for final consideration this evening.

**Moved by:** Aldersperson Becerra

[Second reading and final adoption] Adopt a resolution establishing the Mullan BUILD Water and Sewer Special Development Fees as proposed by Missoula Public Works and Mobility Department effective April 18, 2022.

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

ABSENT: (1): Aldersperson Jones

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

## **9. PUBLIC HEARINGS**

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

Mayor John Engen We do have two items for public hearing. State law and our own Council rules set guidelines for inviting comment in a formal way on a variety of issues and following a staff report on each, the Council and I will invite community comment. We will hold the public hearings open for at least a week or until the Council's next regular committee meeting to consider these finally and public comment will be open until, pardon me, that time. We will start this evening with an Ordinance Amending the Title 20 City Zoning Standards for Public Forums and our staff report this evening comes from Ms. Gluckin.

Emily Gluckin Hi there, let me just bring up my presentation. Hi everyone, this evening's presentation will cover proposed targeted amendments to the public forum standards of the City's Title 20 zoning ordinance. Before I get started, I would like to take a moment to introduce myself. My name is Emily Gluckin, and I am a long range planner in the Community Planning Division which is within the Community, Planning, Development and Innovations Department. I presented to City Council previously as a planner on the currently planning team and I just want to make you aware of my change in position. So, a quick overview of where this presentation will go. I will take us through the background that is informing these proposed amendments, the specific language of the proposed amendments, noticing and comments, as part of this project and the recommended motion. Oh goodness...too far, there we go. So, to start off, a public forum is a type of public hearing enabled by state law in Montana's Land Use and Planning statutes. Public forums are held when a public agency proposes to use or develop land in a way that does not meet the specific requirements of the local zoning code. They are informal in nature and are held to allow public comment on a request, but there is no vote on the item. The relevant state law for public forums is Montana Codes Annotated 76-2-402 and this section defines agencies as a board, bureau, commission, department, authority, or other entity as state or local government and as of note, federal public agencies are not subject to the public forum requirements, as the Federal Government is simply just not subject to local zoning laws, in general. State regulations for public forums that I just mentioned were not specifically addressed in Missoula Code until recently and prior to that, public forums that took place in Missoula were guided just by State Law. The state regulations were first incorporated into our zoning code as part of the 2018, Title 20, maintenance update, and during this process a new section under the review and approval procedures chapter were created, specifically for public forums and information was added to the review and decision making authority section, which is also in the review and approval procedures chapter. And the language that was incorporated this time was generally consistent with the State Law language that's in CIS 76-2-402. And then the following Title 20 maintenance update in 2020 further modified the zoning standards for public forums and during this process, the notice requirements for public forums was moved into a new section that was created under the common provision section, also under the review and authority procedures chapter. And this new section consolidated all notice requirements for public processes into one place. So recently, during the 2021 legislative session, the state passed House Bill 496, which specifically revised that section of state regulations that discusses public forums. The Bill changed the review authority for public forums from the Board of Adjustment to the local governing body, which in Missoula's case is the City Council and this Bill also added a new requirement, that the requesting agency must attend the public hearing. The passage of this Bill created inconsistencies between local and state regulations for public forums and since their zoning code must comply with state law, it is important for the zoning

ordinance to be updated, in order to incorporate these applicable changes. So, a quick overview. The proposed amendments that I will go through in the next few slides will modify the 3 sections or rezoning code that discuss public forums. As I mentioned before, these are the review and decision making authority table in Title 20-85-010, the noticing requirements table and 20-85-020 and the review and approval procedures for public forums which is in Title 20-85-095. Up first is the review and decision making authority summary table which is 20-85-010 and this is a simple change, just moving the authority from board of adjustment to City Council. And next, this proposed amendment in 20-85-020 removes public forum from the board of adjustment category where it was lumped into previously and creates a new line for public forums as its own specific application type for noticing requirements. And in the final section, the proposed amendments in 20-85-095 replaces all mentions of board of adjustment with City Council and the term must is added to subsection A this is simply to match the wording in House Bill 496. Also in this section, the state law requirement that the agency requesting a public forum must attend the public hearing was added to subsection E to make this clear in the zoning code. In the drafting stage of the amendments, the proposed language was reviewed with the City Attorney's office and with the permits and land use team. And once that language was solidified, the proposed amendments were sent out to external city and community agencies for comment and at this time, we have not received any comments and we have received notices of no comment from the Missoula Urban Transportation District and Missoula Fire at this time. The public hearings were advertised with a legal add in the *Missoulian* and information about the project was posted on the Engage Missoula website, and we also sent a Memo to specific interested parties to request feedback. We are currently in the public hearing phase of this process and final consideration by the City Council will take place on May 2, 2022 and if approved, the ordinance will take effect the following month and I would like to note that regardless of when the ordinance is adopted, these requirements are already active in state law, and therefore already applicable for any incoming public forum projects that might come into our office during that timeframe. The planning board public hearing took place on April 5, 2022 and the board voted unanimously of staffs recommended code amendments and recommended that City Council adopt the ordinance, and there was no public comment or discussion among the board during the public hearing. So, finally staff recommended motion is that the City Council approve the adoption of an ordinance to amend Title 20 and the 3 sections that I discussed earlier. These are section 20-85-010; 20-85-020; and 20-85-095. These are also described in attachment A which is part of the project packet uploaded. And that is all I have for you. Thank you for your time and I am available for any questions.

Mayor John Engen Thank you Ms. Gluckin. With that, I will open the public hearing. Anyone care to comment of this piece of housekeeping? No one live here in the audience at the moment, and I see no hands up among attendees. Are there questions or comments from Council members? Seeing none, this item will remain in the public eye until next week's final consideration

## **9.2 Phased Development Review for Phase 2 and 3 of Remington Flats Subdivision**

Mayor John Engen The second public hearing this evening is a phased Development Review for Phase 2 and 3 of Remington Flats Subdivision and Lauren Stevens has our staff report his evening.

Lauren Stevens Thank you Mr. Mayor. Let me just get my screen shared here. All right. Good evening everyone. Today, I'm going to be presenting staff report of the phased Development Review for Remington Flats Subdivision, Phases 2 and 3. I will start with some background on this project then discuss the parameters for a phased development review and then go through staff's recommended amendments to findings of fact and conditions of approval. So, the Remington Flats Subdivision is located in the Sxwtpqyen area north of the 44 Ranch Subdivision and west of the McNett Flats Subdivision. It was

granted preliminary plat approval on October 19, 2020 by City Council in 7 phases. The subdivision will contain 152 lots on 20.01 acres and is zoned RT5.4 with the Remington Flats neighborhood character overlay. Please note here on this slide Chuckwagon Drive and George Elmer Drive highlighted in yellow as we will be discussing these a bit more later. They will both be designated as collector streets meant to handle higher traffic levels than local streets. This phased development review is for Phase 2 shown in the salmon color and Phase 3 shown in yellow. These phases will include an extension of Riata Road and the construction of the new Ruger Road, both of which will connect to the east-west Winchester Drive. Phase 2 contains 22 lots and Phase 3 includes 20 lots. Phase 1 has already gone through phased development review and is in the process of submitting for final plat review at this time. Also, please note the phasing deadlines for Phases 2 and 3 here just for reference. And then here, I have attached the included proposed plate for Phases 2 and 3. So, phased development review is a relatively new process mandated through state law that requires the governing body to hold a public hearing and conduct a review prior to the applicant's ability to submit for final plat review. In this review, the goal is to determine if there are any changed subdivision primary criteria impacts or new information that exists, which would result in significant adverse impacts with the phase or phases under review that was not known at the time of preliminary plat approval. If these circumstances do exist, the governing body is able to apply new conditions of approval or amend existing ones. Staff is recommending several amendments to the original findings of fact and conditions of approval and Council may choose to approve the phased development review with some or all of these recommendations, add new conditions, or choose to approve the phased development review with the original findings of fact and conditions of approval of the preliminary plat approval. Phased development review is not able to be denied. To better visualize the process, I have included this graphic below. So, subdivision will begin in the scoping and preapplication phase where they receive information regarding required codes and regulations from staff and incorporate those into their preliminary plat application. At preliminary plat, staff reviews to insure the proposal meets all application regulations. This application is then approved, approved with conditions, or denied by City Council. At phased development review, we are reviewing the previous approval to insure that it is still valid and making changes if there are any changed subdivision primary review criteria impacts or new information. Any approved amendments to findings of fact are then used for the review of subsequent phases of that subdivision. After phased development review, the applicant may submit for final plat approval, which insures their submittal meets the conditions that result from this phased development review process. Essentially, we give them standards to meet, verify that they meet them, check again to see if there are new or changed standards, and verify they still meet all requirements before the final plat is filed. Changed primary review criteria and new information may become more likely, as time passes between the preliminary plat approval and the phased development review. This can be due to a variety of reasons including updated City regulations and codes or a new flood plain data, etc. As we saw from the approved phasing plan, Phases 2 and 3 have been submitted several years prior to their respective deadlines so there hasn't been much time for changes to occur. The City Subdivision Regulations include review of the following impacts from a proposed subdivision derived from the Montana Subdivision and Platting Act. These are the categories you will find within the staff report: Staff's recommended amendments all relate to items C impact on local services. The applicant is not proposing any changes to Phases 2 and 3 as they were approved at preliminary plat nor are they proposing any changes to the approved phasing plan. Staff sent a request for agency comment on March 22, 2022 and sent notice of the public hearing and request for public comment on March 25, 2022 to adjacent property owners. No concerns were expressed from agency staff regarding changed impacts to sewer, water, parks, or other relevant agencies and no public comment has been received to date. Staff did receive the following agency comments which have been incorporated into staff's review. City Engineering staff provided comment regarding updated information about infrastructure funding and installation in

this area. These comments have been incorporated into staff's recommended amendments to the findings of fact and conditions of approval. City-County Health Department and stormwater utility staff commented that air quality and stormwater complaints have been submitted in this area, potentially due to mass site grading of projects in this area. Health Department and stormwater utility staff will work with the subdivider to inform them of best practices to mitigate effects of grading and will monitor and enforce regulations if any violation occur. So, the complaints submitted are generally regarding fugitive dust, you know that is traveling through the air. The Sxwtpqyen area appears to be more prone to fugitive dust issues than other parts of Missoula due to the types of soils that exist there. Staff prepared a Memo to City Council to help address their questions regarding stormwater and air quality regulations that are currently in effect and how those are enforced. Stormwater and air quality issues seem to be the most acute when a large area of land is mass graded. The Remington Flats Subdivision does not have stormwater violations and is generally grading the project in a phased manner. Staff is not proposing any new conditions related to stormwater or air quality at this time and recommends that City Council could consider having stormwater and air program staff attend a Public Works Committee meeting if there is interest in exploring additional conditions of approval for development in the Sxwtpqyen area. So, moving to staff recommended amendments. The first one is for condition of approval # 11, which provides the approved standards for the streets within the subdivision, which are all classified as low density, urban local streets as they were modified by the approved subdivision variance request at the time of preliminary plat. Staff recommends the inclusion of Ruger Road which was inadvertently omitted at the time of preliminary plat approval but is also planned to meet these same standards. Finding of fact #11 under transportation and drainage from the preliminary plat approval letter is recommended to be amended to include new information regarding the construction of Chuckwagon Drive which is intended to be completed with Phase 12 of the 44 Ranch Subdivision through an improvement's agreement. Construction of this section of Chuckwagon Drive would no longer be the responsibility of this applicant but the amended language will still require these improvements if they are not completed by others for unforeseen reasons. Staff recommends amending finding of fact #2 under transportation and drainage to include new information about progress on this project's completion. The updated language from Memo No. 1 is to reflect that Public Works has not yet secured a contractor to complete this work and is not sure exactly when that work will be completed. Staff recommends updating finding of fact #13 to reflect new information about the timing of George Elmer Drive and Mullan Road intersection improvements being done through the Mullan BUILD Grant. Engineering staff also advised that transportation impact fees have been adopted as one of the cost recovery methods for portions not covered by the Build Grant. The updated language from Memo No. 1 is to change the timing of improvements to indicate they're anticipated to be installed in 2023, not this year. City of Missoula Subdivision Regulations require that this statement be shown on the face of each plat and each instrument of conveyance. The purpose of an SID/RSID is to allow for future maintenance and upgrades of streets that serve the subdivision paid for by those who benefit from them the most. As noted earlier, Chuckwagon Drive and George Elmer Drive are main north-south thoroughfares serving this and other developments in the area and they will be undergoing improvements as this area continues to grow. George Elmer is partially funded through the Mullan BUILD Grant, but Chuckwagon Drive is not a Build Grant project. Costs for improvements may need to be partially recovered through an SID/RSID at a point in the future. This is reflected in finding of fact #14 under transportation and drainage in the preliminary plat approval letter. And this last recommended amendment to finding of fact #1 under water system and sewer system is due to Resolution 8468 adopted by City Council on November 9, 2020 renaming the Missoula Wastewater Facility Services Area to the Missoula Utility Service Area. Staff's recommended motion is for approval of Phases 2 and 3 of Remington Flats Subdivision based on the amended findings of fact and subject to the amended conditions of approval in the staff report. And with that, I am here for any questions. I have also requested

Tracy Campbell with stormwater to attend the meeting if there are further questions in that realm as well.

Mayor John Engen Thank you Ms. Stevens and with that, I will open the public hearing. Anyone in the audience care to comment on these plat extensions? Seeing none, I don't have any attendees hands up in the webinar either. Are there questions or comments from Council members? Ms. Sherrill.

Alderpersion Sherrill Yeah thanks. The questions or concerns that I had brought up last week was around air quality in that area with the soils as they are. I think they're clay, and they create a lot of dust and we've seen that in other projects, and my concern is if we tend to have as dry of summers as we've had and as much smoke as we've had, just the air quality piece for the residents out there, especially as we continue to construction in this area, as you indicated is slated for a lot of growth. So, Lauren, maybe could you just speak to what the standards are or how that is monitored, and you know, I would be interested in looking at this in more depth as we move forward with different development in that area, but if you could just speak to a little bit to that, I would appreciate it. Thanks.

Lauren Stevens Yeah so I did reach out to Ben Schmidt over with the City-County Health Department Air Program. He provided some information that I included in the Memo that I wrote but generally, they do not have the types of monitors to detect coarse grained materials in the area near construction sites. There is much more fine particulate matter monitoring kind of on a more broad scale. Bend did mention to me that they are looking at some new revisions to the air program, not necessarily related to this fugitive dust question within the next few months, that they intend to bring forward to City Council and that might be an opportunity for questions regarding that, but I would highly encourage maybe having him speak more on that. I'm just not, not the expert so.

Alderpersion Sherrill May I have a follow up?

Mayor John Engen Please.

Alderpersion Sherrill This is more of a comment. Thanks Lauren and I'm actually on the health board and so I know that we're going to be looking at the air quality. Standards and I would just kind of, if any of Council has comments on that, I would be, I would be happy to hear from you or the public, as we move forward in that process because I think it, it's an interesting time to be thinking about particulate matter and CO2 omissions and how we look at air quality, maybe in a different way as we move forward.

Mayor John Engen Thank you Ms. Sherrill. Fugitive dust, I learn something every day. A new term of art....Further comment? Mr. Nugent or a question?

Alderpersion Mike Nugent Yeah, just quick for clarification. In committee last Wednesday, I was under the impression that the complaints have been from a neighboring project, not this one, and that this project is doing more small area grading. Is that correct?

Mayor John Engen Ms. Stevens is nodding in the affirmative.

Lauren Stevens Yes, yes it is. They don't have any violations at the Remington Flats project, and they are grading it phase by phase. And I think Brian Throckmorton from 406 Engineering is also here if there are more questions on that.

Mayor John Engen Further discussion? All right, this public hearing will remain open as will the other until Council takes these items up for final consideration. Next on our agenda are committee reports.

Mayor John Engen With that, I'll take back everything I said about Council considering this next time. We will take a motion Mr. Hess please.

Alderson Hess So I move that we approve Phases 2 and 3 of the Remington Flats subdivision Phased Development Review based on the amended findings of fact and conclusions of law and subject to the omitted conditions of approval in the staff report and Memo No. 1 and I'd like to just speak briefly.

Mayor John Engen Mr. Hess.

Alderson Hess This is, as Lauren mentioned, a new review in state law that adds another checkpoint which largely seems unnecessary but, but that we do, and I appreciate the thorough review. I appreciate what this developer in contrast with another in the area is doing with regard to dust mitigation and I look forward to having brighter conversations about air quality in the area.

Mayor John Engen That motion is in order. Is there discussion on the motion? Seeing none, we've had a public hearing and we'll have a roll call vote.

**Moved by:** Alderson Hess

Approve Phases 2 and 3 of the Remington Flats Subdivision Phased Development Review based on the amended findings of fact and conclusions of law, and subject to the amended conditions of approval in the staff report and Memo No. 1.

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

ABSENT: (1): Alderson Jones

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

## **10. COMMITTEE REPORTS**

Mayor John Engen These are items that weren't approved unanimously in Council committees, and we hear about them and litigate them on Monday evenings during this portion of our agenda. The first committee report comes from Budget and Finance. Ms. West.

Alderson Mike Nugent Point of order Mayor Engen, I believe we have to close up the Remington Flats item tonight. I think we have a statutory timeline.

Mayor John Engen Oh my apologies Mr. Hess. We need to approve which part?

Alderson Hess We just need to approve, we need to have item 9.2, we need to....

Mayor John Engen We do need to do tonight?

Alderson Hess Yeah.

Mayor John Engen Oh thank you. I was unaware.

Mayor John Engen We're back to committee reports and Ms. West.

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

#### **10.1.1 Minutes from the April 13, 2022 Meeting**

#### **10.1.2 Reappointment to the Missoula Redevelopment Agency board**

Alderson West All right, the recommended motion is to confirm the Mayor's Reappointment of Ruth Reineking to the Missoula Redevelopment Agency board for a term beginning May 1, 2022 and expiring on April 30, 2026. And if I could speak to it?

Mayor John Engen You may.

Aldersperson West So, as everyone can see from the attached resume, Ruth has served a variety of roles in our community, including on nonprofit boards like the Food Bank and Homewood, and also has a deep policy understanding and is familiar with the planning efforts that are going on in Missoula, but I've also had the pleasure of working with her when I was working on an affordable housing development that was within an MRA TIF district and she does her due diligence on projects that come before the board. She is thoughtful and she is kind and shows up to all sorts of things including ribbon cuttings and tours of projects and is a very engaged MRA Board member and we would benefit from having her on the board for another additional 4 years.

Mayor John Engen Ms. West's motion is in order. Is there further discussion on the motion? Ms. Sherrill.

Aldersperson Sherrill I just wanted to add to what Ms. West had said. I have had the pleasure of crossing over in many different capacities during my life in Missoula with Ruth and she is very balanced, she is very thoughtful. I like that you said she has a deep policy understanding because that is how I found her in every different role that she has played, is, she, she digs in deep to understand the issues if she doesn't already and she is thoughtful, and I have always felt that she has the best interest of our community in mind and so I am going to happily be supporting this tonight.

Mayor John Engen Further discussion? Mr. Carlino.

Aldersperson Carlino Yeah I appreciate Ruth's service on the board but I'm not going to be supporting this tonight mostly because I don't agree where a lot of the MRA tax money is being spent, specifically with giving millions towards redevelopments for corporate hotels or for big banks or for market rate housing without requiring any affordability requirements. I think that's all money that could be better spent to help the community. So, I appreciate Ruth's service, but I am not going to be supporting reappointments to the MRA right now.

Mayor John Engen Further discussion? Ms. Vasecka.

Aldersperson Vasecka Thanks. I have to agree with my colleague Daniel for most of the reasons that he stated, not all of them but I also disagree with a lot of things that the MRA does. I'm sure she is a fantastic person but I just really disagree with what the MRA is doing currently and so I also will not be supporting any reappointments at this time.

Mayor John Engen Any additional discussion? Ms. Jordan.

Aldersperson Kristen Jordan I too have concerns about the MRA and the way it's been spending its money, corporate welfare comes to mind. I would like to see some more transparency and oversight of the MRA and how they are spending their funds. This is a tremendous tax revenue that we have full control over, as a City Council, and I would like to see these projects helping the citizens of Missoula more than businesses and corporations. So, I too will not be voting in favor of this tonight.

Mayor John Engen Further discussion? Anyone in the audience care to comment on the appointment? I'm sorry....Oh sorry, Ms. Becerra.

Aldersperson Becerra Thank you. I, when I think of MRA and TIF funding, affordable housing comes to mind, parks, sidewalks, and sewer connections and I just want to add that Ruth...I've known Ruth for a long time, primarily through all



of the work that she did while she served at Homeward, as Board President, where she carried the goals of affordability and affordable housing with a lot of compassion, a lot of dedication. She comes prepared and educated to take action on any item that needs to be voted on and so for all of those reasons, I fully support her appointment.

Mayor John Engen Thank you. Further discussion? I don't see Ms. Anderson's hand up. All right, anyone in the audience care to comment? I'll see if we got anyone virtually here...We do not. Oh, I'm sorry, Ms. Stensland-Bickers.

Diane Stensland-Bickers Yes, I'd like....this is Ms. Stensland-Bickers. My name is Diane. I would like to encourage Ms. Vasecka and the newer board members to actually look into what the MRA does and do a little more research before making their opinions because the MRA does some good work. They need to do some more research because their opinions are wrong, and I would like to support Ruth. Thank you. Good night.

Mayor John Engen Thank you. With that, we will have a roll call vote.

**Moved by:** Alderperson West

Confirm the Mayor's reappointment of Ruth Reineking to the Missoula Redevelopment Agency board for a term beginning May 1, 2022 and expiring on April 30, 2026.

AYES: (7): Alderperson Anderson, Alderperson Becerra, Alderperson Hess, Mike Nugent, Jennifer Savage, Alderperson Sherrill, and Alderperson West

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

ABSENT: (1): Alderperson Jones

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

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

### **10.2.1 Minutes from the April 13. 2022 Meeting**

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

### **10.3.1 Minutes from the April 13. 2022 Meeting**

### **10.3.2 Contract for Scott Street Community Land Trust Loan**

Mayor John Engen Our next committee report happens in Committee of the Whole. Mr. Hess are you taking that this evening?

Alderperson Hess Thank you Mayor. I move that we approve and authorize the Mayor to sign the Scott Street Community Land Trust Soft Costs Loan Agreement between City of Missoula and Ravara Development, LLC in the amount of \$479,435.00. I'd like to speak to the motion briefly.

Mayor John Engen Mr. Hess.

Alderperson Hess This, as we heard in committee, is a loan from the City Treasury to support or to provide working capital, as this important development on the north side comes together. It is advancing a critical community goal and I'm happy to support it.

Mayor John Engen Mr. Hess' motion is in order. Is there discussion on the motion? Mr. Carlino.

Alderpersion Carlino Yeah, I think land trusts are a great tool to ensure that we've got permanently affordable housing for generations into the future. So, I'm happy to support this motion.

Mayor John Engen Further discussion? Ms. Vasecka.

Alderpersion Vasecka Thanks. I'm really concerned with this loan. As a colleague said on Wednesday, that it is a high risk loan and a lot of banks probably would not be in favor of this loan and with the interest rate at 1.5%, the national inflation rate is 8.5%. So, we are going to be losing money on this and I just, I don't think that the City should be in the loaning business and so therefore, I'm not going to be in support of this tonight.

Mayor John Engen And Ms. West on the motion.

Alderpersion West So, I am in support of this loan. I think that it is incredibly challenging to develop community land trust properties and that this is money well spent to figure out what exactly is going to be happening here. I did want to point out to any new members of Council or members of the public that the amended letter, LOI with Ravara Development that governs this parcel, I guess we last saw it in committee on March 3, 2021 and then subsequently in Council on March 8, 2021, which spells out what the goals for this property are and for the purpose of this LOI, affordable home ownership units means units targeting buyers with an annual income of 120% of the area median income or less and I think that currently that is the expectation of who this property will serve. So, yeah I am in support of issuing this loan so we can figure out how to reach those goals.

Mayor John Engen Further discussion? Ms. Vasecka.

Alderpersion Vasecka Thanks. I just wanted to follow up. When this first came about last year, I spoke really deeply for hours about this with Heather Harp. You heard her earlier today during public comment. She was a former City Councilor, and she changed my mind about the land trust option. So, I'm not against that. I do think it is a very interesting idea and it will benefit a lot of folks. I'm just really uncomfortable with the loan parameters on this and these are our taxpayer dollars, and I just am uncomfortable with using our taxpayer dollars to be in the loaning business. So, that, that's why I'm against this tonight.

Mayor John Engen Mr. Nugent.

Alderpersion Mike Nugent Thanks Mr. Mayor. I appreciate the comments from all of my colleagues. I think that a lot of us are on Council and we're hearing from our constituents and from people in Missoula on just what crisis we're facing right now in housing is and I think that the only way we're going to know if the City can be a partner in public-private partnerships is to take a little bit of a risk to figure out if we can build a model and if we can make it replicable. And I think that giving a loan for them to do the work, to figure out if this model will work for us, is something that we have stated as our intention of doing and if this does work then we've created something that hopefully we can repeat and help solve some of our problems. If it doesn't work, yes it was a risk, but I also think that trying to help solve the housing problem is a risk worth taking. So, I will be supporting this.

Mayor John Engen Thank you. Further discussion? All right, seeing none, anyone in the audience care to comment on this item? Seeing none here nor any virtual hands raised, we will have a roll call vote.

**Moved by:** Alderperson Hess

Approve and authorize the Mayor to sign the Scott Street Community Land Trust Soft Costs Loan Agreement between City of Missoula and Ravara Development, LLC in the amount of \$479,435.

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

NAYS: (1): Alderperson Vasecka

ABSENT: (1): Alderperson Jones

**Vote result: Approved (10 to 1)**

**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 13, 2022 Meeting**

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

**10.6.1 Minutes from the April 13, 2022 Meeting**

**10.6.2 Appointment to the Food Policy Advisory Board**

Mayor John Engen Our final committee report comes to us from Public Safety, Health and Operations. Ms. Anderson.

Alderperson Anderson Thanks so much Mr. Mayor. I make a motion to appointment Rebecca Elderkin to serve as an alternate member on the Food Policy Advisory Board for a term beginning immediately and ending on December 31, 2024. And I would like to speak to the motion, if appropriate?

Mayor John Engen Ms. Anderson.

Alderperson Anderson Thanks so much. The only reason why this ended up on committee report is because of the way our rules govern, how we nominate when we have several great candidates, and like many of us, myself included, commented after doing the interviews, we are so blessed in this community to have so many wonderful people with a variety of skills sets, knowledge and time that they're willing to give and volunteer to our community that really this was simply kind of splitting hairs on which one was the best and Ms. Elderkin received the highest number of votes and she will serve on that committee and will serve it well and we hope that there, we can find other places for the other two applicants to serve our community as well. So, not to be confused that this was not a contentious issue, it's just the way our rules have us govern when we have multiple nominees for a position. So, thanks so much and I'm excited to support Ms. Elderkin in this position.

Mayor John Engen Thank you Ms. Anderson. Further discussion on that motion, which is in order? Seeing none, anyone in the audience care to comment? Seeing none there and none among attendees, we will have a roll call vote.

**Moved by:** Alderperson Anderson

Appoint Rebecca Elderkin to serve as an alternate member on the Food Policy Advisory Board for a term beginning immediately and ending on December 31, 2024.

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)**

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

### **10.7.1 Minutes from the April 13. 2022 Meeting**

#### **11. NEW BUSINESS**

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

Mayor John Engen I will offer a very brief health update for you. I am currently receiving chemotherapy treatment. I have infusions every Friday morning for 3 weeks, then I get a week off, then I have infusions for another 3 weeks, and ultimately we will do another scan to see if the poison is shrinking the tumors which is the goal at this point, and we will continue to see progress. I can tell you based on the way I feel that the poison is doing something because the rest of me sure feels it. I have some days that are better than others, but I am incredibly grateful to the community for all of the support. I wish I were even remotely hungry because all of the offers of food I get, I've never had a doctor in my life tell me that I should eat anything I want whenever I want and now that they do, I got no interest. So go figure but thank you for the support and I'll keep you posted if anything else is emergent.

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

Mayor John Engen We will begin comments from Council members this evening with Ms. West.

Alderperson West So, I just want to remind everyone that we are just over 2 weeks out from Missoula Gives, which is on May 5th and 6th, and a big thank you to the Missoula Community Foundation to once again organizing this amazing event.

Mayor John Engen Ms. Savage.

Alderperson Savage I'll pass tonight.

Mayor John Engen Mr. Hess.

Alderperson Hess Pass, thanks Mayor.

Mayor John Engen Mr. Carlino.

Alderperson Carlino Yeah, just with the emergency winter shelter closing today. There is going to be a lot of people in Missoula that are looking for somewhere to stay and we frankly just don't have enough beds for everybody to stay and just looking at the Martin B. Vorsay role, it says that cities cannot enforce anticamping ordinances or laws if we do not have enough homeless shelter beds available for the homeless population. So, I just think it's something that the law enforcement needs to be contacted about and it just should be something that we reflect on, that we saw this coming a mile away and then here we are on the day of the shelter closing and there are no solutions.

Mayor John Engen Mr. Nugent.

Aldersperson Mike Nugent Thank you Mr. Mayor. I would just briefly say that, you know, some of the things that come up in our voting on Council are interesting to me and you know having conversations around things like the MRA, I think would be great. I think that we should find the appropriate avenue to do it and I think it's unfortunate that we're using voting opportunities for dedicated citizens to take stances that maybe aren't related to something that a candidate even has control over. So, I just think that we should, we should have those conversations in the appropriate venues. Thanks.

Mayor John Engen Ms. Sherrill.

Aldersperson Sherrill Thanks. I was just going to make a plug for Engage Missoula, the website. I've had a number of constituents reach out to me about different things, that are actually covered in depth on that. I love hearing from people so I'm not suggesting you should not reach out to me, but I think anyone that is interested in projects around Missoula including the MRA should take a look at that as well because it has a lot of good information on that site.

Mayor John Engen Mr. Contos.

Aldersperson Contos I'll pass, thank you.

Mayor John Engen Ms. Vasecka.

Aldersperson Vasecka Thanks. I had a few things that I wanted to talk about tonight. First of all, I wish you all the well with your chemotherapy Mr. Mayor. I hear that it is not fun. So, I wish you all the best with that. I also wanted to thank everybody in the audience tonight for coming, especially Joe. I did love the props last week, so I look forward to that in the future. I also wanted to mention that there is that school, the school board election and there is also a couple of levy's, I believe, on the ballot. You should have already received your ballot. If you have not, please contact the Election Center. It is located on the corner of Russell and Wyoming streets. Those ballots are due before 8:00 p.m. on May 3, 2022. So be sure to go drop those off. I dropped mine off earlier today. I brought my baby. I got a little future voter sticker to place on him; it's super cute. And also, I wanted to say I did a ride along with the Missoula Fire Department last week and I wanted to thank everybody who carted me around all day. I felt like little Annie orphan being passed around to every different department there. It was really interesting. You know, as a Council member, we, we make decisions that impact. We make decisions at a bird's eye view that impact everything even to the boots on the ground. So, it was really nice to see how, how the fire department does the day to day operations. So that was very eye-opening and if my fellow Councilors have not done so, I would highly recommend doing that. I got to slide down the fire pole as well. And finally, I don't think she's watching but happy birthday to my mother in law.

Mayor John Engen Ms. Jordan.

Aldersperson Kristen Jordan Thank you Mr. Mayor. Yeah, I too would add to your comments about making sure City Council members can get out and do ride alongs. Something interesting happened last week when we were getting a little presentation from the Police Department where we were able to solve a problem that the officer I rode around with or potentially solve a problem that the officer I rode around with mentioned, which was using their personal phones to make calls. And we think we may have a solution for that, which is really exciting, but it's really fun and you've got to slide down the fire pole as well. But, I'd also like to add further to Dr. Daniel, Mr. Carlino's comments about homelessness and that we are going to see more people out looking for places to stay. And I just really want to encourage Missoulians to have some empathy for those folks. We don't know what their situation is. We don't know if they're, you know some of them are working full-time and still can't find affordable housing. Some of them have critical mental health and addiction issues. We had a community meeting the other night where there were some pretty disparaging comments made related to homeless people having more rights than people who live in houses and this simply is not true. This is a vulnerable population who, for whatever reason, we don't know doesn't have the same opportunities we do to find and secure

housing and I would just like to ask our town to be empathetic, but if you see a problem or you feel worried or concerned, please call 9-1-1 and they will help you find the right resource. Thank you.

Mayor John Engen And Ms. Becerra.

Alderson Becerra Thank you. It's good to see you Mayor. I just wanted to, I guess, follow along the same lines as my colleagues, Daniel and Kristen. That I, you know, the emergency winter shelter closed today, and I just want to thank everyone who works so diligently and compassionately to provide shelter to our unhoused neighbors this winter. And you know, while the doors of the winter shelter are closing, the work continues. The work for next winter, I believe, will begin pretty soon and we all know that this is really complex, multilayered and there are no easy fixes, but you know, I feel lucky to live in a community to live where people have been working really hard to find solutions and collaborating on providing really vital services. So, I just wanted to say thank you to everyone who worked to make the winter shelter happen. Thanks.

Mayor John Engen And Ms. Anderson, you're battling cleanup.

Alderson Anderson Thanks so much Mr. Mayor, it's lovely to see you again at the helm. And I just want to say a quick shoutout to Teresa Williams and the whole entire team, and I won't begin to [inaudible] I know I'll miss some critical people who put on the [inaudible]. I had the pleasure of being able to participate as a role play volunteer, once again this year, as a part of their final day where they get sent through various scenarios that are true cases that have happened. They test out their skills that they have learned, and we had folks from Missoula Fire, Missoula Police Department, the Sheriff's Department as well as some of our neighboring counties who don't have their own CIT academy joined us and it was a really fun day, and I just am so thankful for all of the amazing work that was done. And really continually impressed by our first responders who are really caring, compassionate folks who want to learn and want to do better, and just Teresa and her team for putting on a really top notch academy working so hard to be able to provide that service and a skillset to the folks who are interacting with folks on a daily basis in a variety of situations and settings and back grounds. And I just can't say enough good things about them and the work they do and thank you for giving me the opportunity to come and participate. So just thanks to them.

Mayor John Engen Thank you Ms. Anderson. You broke up a little bit so for the benefit of folks in the audience who may not have heard. Ms. Anderson was referring out our Crisis Intervention Training, which is a fairly remarkable program, as I think you heard from her.

#### **14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS**

##### **14.1 Administratively approved agreement report**

#### **15. ADJOURNMENT**

Mayor John Engen With that, ladies and gentlemen, as always, I thank you for your service and we will be adjourned.

The meeting adjourned at 7:36 p.m.

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

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John Engen, Mayor

