

# Council Meeting Action Summary

## Missoula City Council

May 2, 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: Daniel Carlino, John P. Contos, Jordan Hess, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Stacie Anderson, Mirtha Becerra

Administration Present: Marty Rehbein, Jim Nugent, City Attorney

Administration Absent: Mayor John Engen

### 1. CALL TO ORDER AND ROLL CALL

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

### 2. APPROVAL OF THE MINUTES

#### 2.1 Minutes from the September 21, 2020 Meeting

The minutes were approved as submitted.

#### 2.2 Minutes from the April 18, 2022 Meeting

The minutes were approved as submitted.

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

President Jones Now we have public comment on items not on the agenda. If you want to provide public comment on items on the agenda, please come up to the microphone. Please state your full name, first and last. Is there anyone that wants to make public comment? Great, thanks and if you could provide both names, it just helps our clerks because they have to do complete minutes. Thank you.

Unknown speaker [sound issues]

Marty Rehbein Point of order. Gwen, we can't hear the microphone here.

President Jones Point of order. First of all, we got a, Kristen and John could you guys please turn your cameras one? We can't see you on the ZOOM call. We have a text that that is, they're not able to see you but...

Marty Rehbein I can see John Contos and I can see Kirsten Jordan in the meeting here.

President Jones Okay.

Marty Rehbein But we couldn't hear the speaker at the microphone on the virtual element in the meeting.

President Jones Okay.

Marty Rehbein I think that might be that microphone button, yeah.

President Jones Okay before we go further, Amber did you have a point of order or was it just the hearing the speaker? We can't hear you amber; you're muted Amber.

Alderperson Sherrill Sorry I could, I just couldn't hear the public commenter, so I was wanting to make you aware.

President Jones Okay, thank you . Sorry, I have been out of town for a while and I'm getting back into the hang of things. Go ahead Joe, thanks.

Joe Alright. So, I'm gonna turn the attendant to someone else. As predicted, Rogers International, their employees have shaped up their public appearance, which I guess is some sort of progress. But for the month of May, I wanna pull back a little bit and I want to particularly turn the attention to some things that I've read on the County website and things that have been brought up in meetings that I've listened to. It's been brought up a couple times and I've sat in on, but as someone who's at the camps regularly and sees the conditions that the homeless in this community are subjected to, I find the kind of liberal back padding about this justice, equity, diversity, and inclusion initiative pretty hard to swallow. So, from the website on the county it talks about how after the racial reckoning, the reckoning with our racial history, we're looking towards building a program that acknowledges the abuses of the past and etc. and so forth, we want more just and equitable policies practices and decision-making processes that are inclusive of their increasingly diverse communities. And again, I just find that kind of difficult to swallow. I wish a word of it was reflected in how the City government treated the homeless in this community, which is the most reviled and abused caste in Missoula in orders of magnitude more likely to be racial minorities, survivors of abuse, and suffering from severe and chronic illnesses. I want to illustrate a point about how the policy decisions in this room end up having physical impacts on the people who have to live their lives like that. So, in the last comment I mentioned that the warming shelter was going to shut down despite there was still going to be freezing temps, so over 80 people no longer have a place to go at the end of the day and return to illegal camping, despite it not really being illegal per Supreme Court decision, but because the only thing that matters at the end of the day is that the guy with the badge and the gun gets to decide what's going to get enforced. People are still going to get arrested; it just might not be on the report that it was because of illegal camping. For of arrest, people cram into the camps because they don't want to deal with a night in jail, despite those camps already being over capacity. So, it makes navigation those camps difficult. Spring winds rip through the camps, and it collapse tents, rains on top of them, they're cold. Again, a lot of those people can't thermoregulate because of some of their health issues. So, they resolve to build sturdier structures add wood and metal siding that they've sourced from around town. Because it's still freezing, the shelter program and the shelter program coordinator in Helena can't be bothered to answer his phone or answer an email, the warming tent is just a canopy with inoperable warming elements in them. So, the residents are up to their own, to keep themselves warm, despite again freezing temperatures and rain. So, they move in their own warming elements, their own fires, but then camp structures are declared a fire hazard and the houses that the residents have spent months constructing are ordered to be torn down. None of that seems like justice. I watched a guy struggle for three weeks to build up a place that would keep him warm and that wouldn't blow over in the wind, and he's going to have to tear it down because we can't keep these people warm, and we can't keep up our part of the social bargain. I was assured that Rogers International was contracted to provide security but apparently the security that matters, the security from the elements, the security from abuse from the police, and having a safe place you can reliably come home to at the end of the night doesn't matter, but we have \$700,000.00 from a pandemic relief fund that we can go to these black water buggers sulking around Missoula alleyways. At the end of the day, this isn't much of a problem with Rogers International as much as it's a problem with government. I understand that's not a pleasant thing to be told but I'm hoping for some introspection this month. I despise little more than hypocrisy and if you're going to claim these values, if you're going to have all these nice buzzwords on your websites, I want to hold your feet to the fire and I want to actually see this community live up to the values that we advertise ourselves up to. That's all I have to say tonight. I'm going to bring in some props tomorrow.

President Jones Thank you. Anyone else for public comment on items not on the agenda? Come up and provide your name and we try and keep it to 3 minutes. Thanks.

Maggie Bornstein Awesome. My name is Maggie Bornstein. I think I've met all of you in my work capacity and I want to make it very clear that I'm a private citizen, but I want to talk about something related to food justice. And well before I worked at the food bank I was on my food pantry oversight board at my college and this has been like a passion for a long time of mine, but many of you probably heard about P-EBT, which stands for Pandemic EBT. It's something such as an allotment of about \$375.00 that kids and families are awarded who are living in poverty across the country, that is for the existence of a summer, to allow them to purchase food for their families and the way that's obtained is through a federal authorization through the Department of Public Health and Human Services. Montana is one of a very few handful of states who has not applied for this, which leaves, like kids in our community super, super vulnerable to experiencing food insecurity and hunger. And it makes me so sad, and I know that often I hear the City Council say like, we're up against a wall and we don't have a lot of options, that the state is really limiting but I think that you all are such effective messengers. And like how powerful would it be to hear like from you all to the Governor's office, or for any of you to like pen an op-ed in the paper about how important and vital that is because I think you're all here because you care about our community and I think it would be a really wonderful way to show up is, is to ask for the authorization of P-EBT. If we don't take it, it just goes somewhere else and so and it's a drop in the bucket when people talk about federal deficit. The response from the Gianforte administration right now is that it's like too administratively burdened some and I'm just not buying it and I think a lot of people otherwise aren't. And so again, as a private citizen, it would make my heart beat so fast if you all would speak out about P-EBT. I know Mike Nugent has and I think maybe a handful of others, but it's really appreciated. Thanks.

President Jones Thank you. Any other comments on items not on the agenda? Come on up.

Brianna West Hi, my name is Brianna West. I'm a nurse at Partnership Health Center clinic located in the Poverello homeless shelter. And I want to make it clear I'm providing this statement as a private citizen and my views do not necessarily reflect those of my organization. So, many of us here know the conveniences of living in a house and having a shelter over our head, and I just want to talk specifically about how housing relates to healthcare and how the Johnson Street Warming Shelter being closed has created a gap in healthcare for many patients. Healthcare, sorry housing is a social determinant of health, meaning that when you do not have stable housing, it leads to poor outcomes in healthcare, and I've definitely seen that just in the short time Johnson Center has been closed these past few weeks. We've had a rush of patients from Johnson Street come into the Poverello Center and the Poverello Center has had to like accept some of those patients, which has been great and then also those, some of the patients that I've been working with have had to go to the street, and so that's created a gap in needs people's healthcare. We have a community care team that has been going out and working with patients at the Johnson Street Warming Shelter, as well as the approved campsite and so that team has really developed rapport with a lot of those patients and have helped them with their healthcare. And now that they're, they're not, no longer at Johnson Street, I've been seeing a lot of those patients, which has been great but I have had to develop my own rapport with these patients and figure out what, what's going on and get them with the new provider and as well as like the patients I'm no longer seeing because they've had to make, make space for the Johnson Street Warming patients. I've lost the touch with those patients and haven't been able to find them, to do really important things like follow up on their infections, make sure they're taking antibiotics, check on their wounds. And so, really what I'm asking is I know that we still have the Johnson Street Warming Shelter facilities and I know there's still some money in the budget. So, I don't know, I was wondering if it's possible to fund the warming shelter all year because while it's great to have these patients be warm in the winter and protected from the elements, it would be even better if they could have a stable place year-round and not have to be moved around and left to do illegal camping, as well as I'm looking for this to get added into the budget for future years so that they do have this stable place to stay. Additionally, I am curious about the Sleep Inn Motel, and the patients that were awaiting COVID tests or do have positive COVID tests,

where those patients are supposed to be? Because if they're awaiting a test or positive, they're not allowed to stay at the Poverello shelter and so then when they're on the street, it's very difficult to follow up with those patients. If they get their positive tests back and they have been waiting for one, it's difficult for me to locate them and let them know that their test was positive, and then we don't know if they are properly quarantining. And if we are able to talk to them, we don't have a place for them to go. I know the Sleep Inn was an option before. but it seems a bit unclear of, of what we're using that for now. So, thank you.

President Jones Great, thank you. Thank you for your comments and we don't really have a back and forth with questions during this segment of the meeting, but if you want to follow up with an email on specifics, I can get those answers to you. Any other public comment. Hi.

Blaine Doherty Hi everyone, my name is Blaine Doherty, and I am a tenancy support specialist at Partnership Health Center and what that means is that I work directly with folks who are experiencing homelessness to support them in their housing goals and to be and assist in what that takes and to get them to the, their desirable state of housing. And so, I'm providing this statement as a private citizen and my views are not necessarily a reflection of my organization. So, as my co-worker Bri stated, I have my position because PHD values housing as healthcare, and what that looks like on the ground for me is that, for example, I'm supporting one person at the approved campsite right now and have been for almost two months now. And in that process, her goal is to simply secure herself in her shelter and not have to continue to be putting out various fires, so to speak. And so, initially that looked like flooding that happened and after the snow melted, flooding happened. I helped her put in pallets under her tent which not many people could do alone regardless of their age. And then when the cold and wind came, I helped her find more rope and other pieces and pallets to secure her perimeter and to break the wind and to tie things down and also to deter theft. The security force is out there, it's a big camp, there's a lot going on, and these barriers are, are very useful for deterring theft. And all this is happening in the context of a of a site that's under-resourced and under-prioritized and so folks are just you know myself included doing what we can, solving the problem with the materials at hand and the time and resources we're given. And then to circle back, in addition to this, everyone out there requires, pretty much fires for cooking. And so, initially the camp was provided with maybe two fire pits, maybe three and you can imagine you know 80 people trying to all cook dinner at one time on one of those. And so, I guess, I'm here today because after all this has happened and all these folks have come together to try and solve these, these problems of flooding. Severe cold, like we all know how bad it was in April, there was like two big windstorms, and for and then a fire happens and of course everyone wants fire safety nothing more no more than the residents and that's another, another element that we need to protect ourselves against. And the response was, you'll have 48 hours to take down everything you've all built to try and protect yourself and to try and deal with living without any other resources or support given, and the resource personnel were left just trying to pick up the pieces and figure out what we have. So, like that looks like having a conversation with like can we buy hibachi grills for people and is that okay, so they can still cook? And so, I'm not here to point any fingers or anything like that, I'm just here to ask that the residents over at ACS and the support staff on the ground are prioritized and resourced adequately, and funded. And that, I guess, we, we focus on not doing the right thing, which is to like enforce this code but or sorry not doing what's right which is like enforcing the code but just like do the right thing, which is to help residents transition to something that fits code while still providing infrastructure and providing support, not just pulling the rug out from under us and saying good luck. So, yeah thank you all for your time.

President Jones All right, thank you. Thank you so much for your comments. Anyone else, public comment? Come on up.

Alex Catlett Hey everyone, my name is Alex Catlett, excuse me, and I am a nurse in the community. I'm speaking tonight on, as myself as a private citizen and a proud one of Missoula County and these views do not reflect that of my organization. And a little different than some of those we've heard tonight, I deal mostly with mental health instead of more the physical side of health. With mental health, one of the big things you get with housing is that stability. With the J

Street Shelter, the warming shelter open, we, we had a place where a lot of our clientele were housed consistently where they could stay and be safe. And so, by having that very basic human need of shelter, we can then focus on more of more of what's kind of in the upper tiers of Maslow's hierarchy of needs, which we learned in mental health is you build the base first, that's housing, food, those sorts of things and then you can build on top of that a healthy lifestyle. And so, I am responsible for providing stability in patients' lives and I can't do that in a mental health capacity without having housing/ Beyond just without having housing, if I can't locate my patients then I don't have a means to provide the support that is my duty to provide. And with the J Street Shelter closing, I've had more than one instance in which I've lost touch with patients. They've gone to the street, and they may have a cell phone, but in a much less secure situation, they've had cell phones stolen and so we've had people fall off the map, we've had people relapse, and it's, it's painful to watch when we put in so much effort. We build a consistent schedule and then come April 16th, the, that stability just kind of falls off the edge. So, similar to some of my colleagues here, I'm asking for consideration in opening up the Johnson Street Warming Shelter or something in a similar capacity for permanent and added stability for a clientele and our community members. Thank you very much.

President Jones All right, thank you. Anyone else, public comment on items not on the agenda? Okay, thanks so much.

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

Climate, Conservation and Parks Committee, May 4, 8:00 - 9:40 a.m.

Land Use and Planning Committee, May 4, 10:00 - 11:00 a.m.

Public Works and Mobility Committee, May 4, 11:15 a.m. - 12:45 p.m.

Budget and Finance Committee, May 4, 2:15 - 2:50 p.m.

Land Use and Planning Committee, May 4, 3:05 - 5:35 p.m.

President Jones Thanks Marty. Jordan did you want to speak to that now?

Aldersperson Hess Yeah thanks and first of all, I would like to officially schedule that committee until 6:00 p.m. without objection and I will confirm that that will work for staff. I have, I had initially requested 4 hours for that meeting, and we have 2 1/2 and so, I'm gonna try to add a little time on. And if, if necessary, we'll pull that back, but I want to talk a little bit about the process for the 2900, 2920, and 2990 Expo Parkway, Grant Creek Village rezone, rezoning. This is a rezone that is very large in scope. The proposed rezone, in terms of the number of housing units that could be created, as well as the area of the parcels, the land area of the parcels in question. This scope is without precedent, in my knowledge. I believe during my time on Council but, but certainly during my time as, as committee chair and as chair, I am going to try to structure public comment and that that meeting as productively as possible, recognizing that we have a lot of material to get through and, and so I wanted to outline that tonight on the record, so that anyone listening would, would hear what, what structure I'm, I'm planning to follow. I've received some requests from members of the public to allow, to allow a group representative, representative to speak on their behalf. And so, given the complexity of the project, the request from members of the public and the ongoing format for remote committee meetings, I plan to spend, I, I don't plan to have a per person time limit and instead a per group time limit, much like the legislature does. So, I'll have approximately 35 minutes each for a staff presentation, followed by 35 minutes for an applicant presentation, followed by 35 minutes for opponents of the project, and then 35 minutes for proponents of the project. At the start of each of those, I will take, I'll ask for a show of hands as to who intends to speak and I will manage that time on the fly but, but some representatives may speak longer, if they're speaking for a group, recognizing that individuals from that group would not then be speaking individually. And again, this is at the request of, of folks who I know intend to provide public comment. Anyone wishing to share any visual content with Council, maps, presentations, photos or other content need to submit that content in advance to City staff

via the email addresses available on the agenda item or on the project page on Engage Missoula, or to me. You can email me at hessj@ci.missoula.mt.us and this is in order to provide everyone an opportunity to review the materials in advance and to keep the meeting flowing. So, again, we've got, we've got 4 hours of content to go through in 2 1/2 hours. We do have additional meetings and we'll hold this over as necessary to get through it all, but I just ask for compliance with that structure so that we can be as efficient as possible on Wednesday.

President Jones Thank you and just to clarify, you requested that any visuals be emailed to you ahead of time. Is there a deadline that they should be received by you in order to be attached to the agenda, so that all can see prior to the meeting?

Aldersperson Hess Marty, what, what would be a reasonable deadline to get materials attached to the agenda in advance? Would noon on Wednesday be adequate?

Marty Rehbein Probably not because you have your staff who are going to be doing that are doing a morning shift of Land Use and Planning Committee too. So, I would say no later than 4:00 p.m. tomorrow.

Aldersperson Hess Okay. Thanks.

President Jones So, to be clear by 4:00 p.m. tomorrow, Tuesday, any visuals must be submitted via email.

Aldersperson Hess And if I may, just one more thing? We will have multiple opportunities to do this. We'll have another LUP meeting on, on May 11, 2022 and so this is not at the exclusion of anyone. This is just to best structure our first meeting.

President Jones Thank you. Okay thank you for the committee schedule Marty.

## 5. **CONSENT AGENDA**

President Jones Next on our agenda is the consent agenda. Items on the consent agenda were approved in City Council committees to be placed on the consent agenda to save time at Council meetings by voting on them as a package. The City Clerk will read the list aloud so that citizens watching on MCAT will know what is on the consent agenda and we will invite community comment on these items before we vote. Ms. Rehbein.

President Jones Thank you Marty. Are there any public comment on the consent agenda? Seeing no public comment, any comment from Council? Daniel.

Aldersperson Carlino I just wanted to comment on item 5.1. I saw that we're doing another or paying out another \$30,000.00 towards Rogers International, the private security company that patrols around the neighborhoods and around homeless shelters. And I just wanted to bring up that regarding this funding, it's a really historic moment in American history, not only with the economic depression from the pandemic, but with the amount of government support that we're seeing. The Federal government, between the City and County, allocated over 40 million dollars to us for ARPA COVID relief funds, between the County and the City and I just think like when we're hearing from people about the Johnson Shelter closing and people not having their basic needs met. I don't think the money, I don't think there's a lot of money at all, I think we're just putting the money towards things that don't keep people as safe as meeting their basic needs. So, I just wanted to flag the Rogers International, as we go into the new budget season to think, how can we keep these people safe and how can we keep the neighborhood safe and just looking at meeting people's basic needs, I think would go up much longer away.

President Jones Thanks. You're not requesting to separate the question?

Aldersperson Carlino What was that?

President Jones You're not requesting to separate the question at all? Divide the question?

Alderson Carlino No, I just wanted to comment on item 5.1, but I will yeah....

President Jones Just want to be clear. Okay. Any other comments from Council? Seeing none, Marty will do a roll call vote on the consent agenda.

President Jones Thank you.

AYES: (10): Alderson Carlino, Alderson Contos, Alderson Hess, Alderson Jones, Alderson Jordan, Alderson Nugent, Alderson Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

ABSENT: (2): Alderson Anderson, and Alderson Becerra

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

**5.1 Accounts Payable (claims) for checks dated April 26, 2022**

Ratify accounts payable in the amount of \$1,821,455.16 for checks dated April 26, 2022.

**Vote result: Approved**

**5.2 Service Agreement with Sprinkler Maniac for Poplar Farm Maintenance**

Approve and authorize the Mayor to sign the professional service agreement with Sprinkler Maniac, LLC to provide services to operate and maintain the Wastewater Division Poplar Farm irrigation system for a sum not to exceed \$108,675.00.

**Vote result: Approved**

**5.3 Accounts Payable (claims) for checks dated May 3, 2022**

Approve accounts payable in the amount of \$815,272.56 for checks dated May 3, 2022.

**Vote result: Approved**

**5.4 Reappointment to the Parking Commission**

Confirm the Mayor's reappointment of Glenda Bradshaw to the Parking Commission for a term beginning May 1, 2022 and expiring on April 30, 2026.

**Vote result: Approved**

**5.5 Professional Services Agreement with Utilis, Inc. for an Underground Water Leaks Satellite Imagery Analysis**

Approve and authorize the Mayor to sign a Professional Services Agreement with Utilis, Inc. dba ASTERRA for an Underground Water Leaks Satellite Imagery Analysis for a cost not to exceed \$27,200.00.

**Vote result: Approved**

**5.6 Appointments to the Design Review Board**

Re-appoint Donald Briggs to serve as a regular member on the Design Review Board with a term starting immediately and ending on January 31, 2025 and re-appoint Karen Slobod and promote her to a regular member position on the Design Review Board with a term starting immediately and ending on January 31, 2025.

**Vote result: Approved**

**5.7 Referral and Staff Report – Phased Development Review for Phase W2 and E1 of Heron’s Landing Subdivision**

[First reading and preliminary adoption] Set a public hearing on May 9<sup>th</sup>, 2022 for the phased development review of Heron’s Landing Subdivision, Phase W2 and E1 for the property legally described as Parcel 1 and 2 of Certificate of Survey number 5963, located in Section 13, Township 13 North, Range 20 West, P.M.M. and refer the item to the Land Use and Planning Committee on May 4, 2022.

**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 - Municipal Clerks Week**

WHEREAS, the Office of the Municipal Clerk, a vital part of local government and among the oldest of public servants exists throughout the world; and WHEREAS, the Office of the Municipal Clerk provides a professional link among the citizens, the local governing bodies, and agencies of government at other levels; and WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of their offices through participation in education programs and their professional associations; and WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk. Now, therefore John Engen, Mayor of the City Missoula, hereby recognizes the week of May 1st through the 7th of 2022 as Municipal Clerks Week in Missoula, Montana and further extends appreciation to our Municipal Clerks, Marty Rehbein and Claire Trimble and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

President Jones And that is signed by Major, John Engen, and I am very happy to read this. I wanted to add and that is signed by Mayor, John Engen, and I am very happy to read this. Our clerks work incredibly hard and provide a huge amount of services and do it with a wonderfully positive attitude, and did all of that through the pandemic. So, yes, I'm very much in support of it and thanks Marty, Claire, and Megan for all that you do. And did anyone else want to add anything onto that? Any other comments? Mr. Hess.

Aldersperson Hess Thanks. I appreciate the Mayor's proclamation and, and Marty in the, in the little, the little, tiny room in the back there making everything run behind the scenes. This is what you do day in and day out and, and it's nice to, to pull back the curtain into that tiny room on the alley because there's a lot that happens to make the City run from a legislative standpoint, from a record standpoint, from a, from the standpoint of providing the public with timely access to government. So, I'm grateful for the opportunity to work with you over the last eight plus years and I'm grateful for your work.

President Jones Great. Thank you. Okay, moving on.

**8. FINAL CONSIDERATION**

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

President Jones We do have one item for final consideration tonight, that is 8.1. And items under final consideration have had a public hearing. The hearing was held open to allow time for additional public comment before final consideration and action by the City Council. Chairperson standing City Council committee will make a motion and we invite community comment on each item. So, 8.1 is an ordinance amending the Title 20 city zoning standards for public forums. Is there any? Is there staff here? Is there anything for them to add to what had already been put on the record? If so, raise your hand. I'm not seeing any hands raised but were there any questions from Council regarding this item? Okay, I'm not seeing any raised hands for that either. Then we will go to the Chair of Land Use and Planning Committee, Mr. Hess for the motion.

Aldersperson Hess Thanks. I would move that we adopt an ordinance to amend Title 20, Sections 20.85.010, 20.85.020, and 20.85.095 as described in Attachment A. I would like to speak to the motion briefly.

President Jones Go ahead.

Aldersperson Hess This, as we saw in the public hearing, I'm just giving a recap for anyone who's tuning in tonight and has not seen it. This is a really clerical change to our zoning code based on a change in state law. It basically local other, other local government, so primarily the University is the one who's used this but, but Missoula County or other, other forms of local government are not subject to our zoning, but they do have to have a public hearing, and this moves that public hearing from the rather obscure Board of Adjustment to the City Council. So, it gets a little bit more public view on the item and, and keeps us apprised of what's going on. So, it's a minor change and it's something we're required to do because of an action of the legislature.

President Jones Thank you. Is there any public comment on this item? If so, you can step up to the mic or raise your hand if you're an attendee online. Seeing no public comment, any debate or comments from Council? All right, I think we can take a roll call vote Marty.

President Jones Thank you Marty.

**Moved by:** Aldersperson Hess

[Second and final reading] Adopt an ordinance to amend Title 20, Sections 20.85.010, 20.85.020, and 20.85.095 as described in Attachment A.

AYES: (10): Aldersperson Carlino, Aldersperson Contos, Aldersperson Hess, Aldersperson Jones, Aldersperson Jordan, Aldersperson Nugent, Aldersperson Savage, Aldersperson Sherrill, Aldersperson Vasecka, and Aldersperson West

ABSENT: (2): Aldersperson Anderson, and Aldersperson Becerra

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

## 9. PUBLIC HEARINGS

### 9.1 Ordinance amending Residency Requirements of Emergency Public Safety Employees

The City Council will hold this public hearing open until they take up the item for final consideration on May 9, 2022

President Jones Next on our agenda, we are opening one public hearing tonight. State law and City Council rules set guidelines for inviting community comment in a formal way on certain issues. Following a staff report on each item, the City Council and the Mayor invite community comment. During COVID-19, the City Council is holding the public

hearing open for a week and then voting the following week, unless there's a requirement for final action on the night of the public hearing. Tonight, we have nine, item 9.1, an ordinance amending the Residency Requirements of Emergency Public Safety Employees, and this will be held open until Monday, May 9, 2022, for a final vote. And who do we have to present on this today? I see Chief Hughes, are you available?

Chief Hughes I am, can you hear me okay?

President Jones Good evening.

Chief Hughes Good evening madame Councilor, members of Council, and general public. Tonight's action would look at ordinance amending the chapter 2.80 to Missoula Municipal Code, entitled Residency Requirements for Emergency Public Safety Employees. What we're looking to capture here is a consistent ordinance that was changed most recently for division heads, department heads of the City to allow for a 45 minute residency requirement from the border of City limits. We're looking to include all peace officers and firefighters within that structure, so that we would allow to provide an opportunity for our folks to reside in areas outside this bubble that we are seeing a huge increase in mortgages and the cost of living for our young firefighters and police officers, moving and starting new careers with the City. That is just becoming very difficult to find affordable housing and move folks from other areas. I've understood from Chief White that they've had a couple of officers recently turned down positions with the City because of their inability to find affordable housing. So, we're just looking to increase that ordinance from a 30 minute response to a 45 minute response time, opening up a broader area to our young folks.

President Jones Great. Thank you Chief Hughes. Is there any public comment on this item? If so, you can come up to the podium or else raise your hand if you're online. Seeing.... hang on a second. Chief White, I did not realize you were also here to present. Are you able to unmute yourself and?

Chief White Yes, can you hear me.

President Jones Okay, yes. Sorry to overlook you there but yes go ahead and add your component to this.

Chief White Thank you Councilwoman and Council for allowing us to consider this ordinance change and as Chief Hughes said, yes we have struggled in the recent past and have had two officers that were in our hiring process turn us down because they were unable to find affordable housing within that 30-minute window. So, we're hopeful that by allowing us to expand it out to 45 minutes that would allow new officers opportunities that they don't currently have in order to reside here locally. The other piece of that is it does that extra 15 minutes of response would not impact our ability to maintain an emergency response. Based on our current staffing and patrol schedule, we have more officers on patrol now than we've had in the past. So, that extra 15 minutes, if we had to call somebody in, is not going to drain current city resources, as we try to bring other resources in for a critical incident. Thank you.

President Jones Great. Thank you. Okay. Any public comment on this? Seeing none, are there any questions from Councilors? Mr. Hess.

Aldersperson Hess Thanks. Chief White addressed it, but from the fire side, Chief Hughes, are there any adverse impacts that you could anticipate?

Chief Hughes Thank you Jordan. No, we're, you know very fortunate to have relationships with other responding agencies in the surrounding community that would provide if the situation warrants for extra support and firefighters, we have a mutual and automatic aid agreement with most of the other fire agencies within the area that could provide manpower and help in the staffing, should we grow or have that need, but I think

that we, with our five stations in the City and what we provide in manpower on each of those emergency calls, we're able to address any large conflagration that my ask and tax us for more manpower. And I, I think if the situation warrants where everybody decides to move down to Hamilton and we'll have to address but I don't see that becoming an issue and would certainly address if this becomes a scenario where we can't get call backs, emergency call backs in a timely manner.

Alderperson Hess Thanks.

President Jones Thank you. Okay. Any other questions from Council? And seeing no raised hands from our online Councilors, this will remain open until a week from tonight, May 9, 2022, when we will take it up for, for final consideration and have a vote. That concludes our public hearings.

## **10. COMMITTEE REPORTS**

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

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

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

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

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

**10.5.1 Minutes from the April 20, 2022 Meeting**

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

**10.7 Public Works and Mobility (PWM) committee report**

**10.7.1 Minutes from the April 20, 2022 Meeting**

## **11. NEW BUSINESS**

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

President Jones Since I'm sitting in the Mayor's seat tonight to run the meeting, I'll just give my comments here. And I just did want to say that I really appreciate the public comment from various members of the public coming in tonight. First of all, to talk about food insecurity and the EBT tool that the federal government is providing and the fact that Montana is not using that. I think it, it is a shame; I really wish we were using that but a lot of these are state level decisions. I don't get to make those state level decisions, but I hope that our state legislators and our governor's staff and the governor are thinking about this and reconsidering it because it does make a huge difference to people, and I also greatly appreciate the health care workers and staff coming in to talk tonight about providing services to homeless, homeless individuals at the Johnson Street Shelter and the fact that we need more capacity. We need more shelters. We need more tools to meet people where they're at, in my opinion, who are homeless. I have been involved for the last two years and helping to tip up the Johnson Street shelter, that was really used, designed to be a stop gap emergency winter shelter to get people through the winter, so that we did not have people dying from exposure. It is not a long-term solution. I think, I think we need to be having those conversations about long-term solutions and a lot of those are happening but it, it takes time and effort and energy. We've had the blessing of a lot of federal dollars for the last couple years because of the pandemic; however, with those federal dollars under ARPA and CARES there have also been numerous different categories that those dollars need to be spent within. So, there, although it has been a blessing there are a lot of sideboards regarding how those can be spent, but the fact that we did have some of that enabled us to create things while a county has worked with the temporary safe outdoor shelter. We've had the Johnson Street shelter and the authorized campsite is another tool, and I think we've made some

big strides, but we need to do a lot more. So, I'm sitting through a lot of meetings these days regarding these issues, and I think people are working on it and I appreciate the public support for this and vocalizing it tonight.

### 13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

President Jones Comments from Council members, I will start with Ms. West.

Alderson West I would just like to thank everyone who showed up on Saturday across Missoula's neighborhoods for the neighborhood cleanups. We had quite a few volunteers show up on the north side and it was a wonderful way to spend the Saturday afternoon, and my kids would disagree, but I made them help me anyway.

President Jones Ms. Savage.

Alderson Savage Thank you. I just wanted to briefly thank the public commenters for coming tonight, specifically for the work that you're doing. All of the, I think we had a mental health professional, we had two nurses tonight and Maggie, also thank you for taking us through the food bank last Friday and giving us a real view of what that looks like. And Joe, as always, thank you for coming. I do appreciate your perspective, but I just want to say as a new Council person I am sort of in this space of still wrapping my head around the issue of homelessness and food insecurity in our community. And having all of you come and educate us and bring us into your organizations for tours, and to the commenter who left, also I think we saw him at the authorized campground when I toured there a couple weeks ago, Council person Nugent and I. And I just wanted to say thank you, that we do appreciate it.

President Jones Mr. Hess.

Alderson Hess Yeah, I want to echo all of that. It's, it's really good to continue to shine a light on one of the most important and, and one of the most intractable seeming issues in our community and so grateful for you, for you're doing that. I remember being hunkered down in a conference room on a on a Friday below zero a couple winters ago and a group of City and County, and Mountain Line officials hatching a plan to open the Mountain Line Transit Center over the weekend as an emergency shelter, and that was our first emergency winter shelter, and it was a it was a two-week stop gap measure so that we didn't have deaths from exposure. And it was scrappy, and it was messy, and it was difficult, and it was sub-optimal and yet, in my mind, very likely saved lives that weekend. And since that time, the emergency winter shelter became I mean still emergency and winter are still in that that term and hopefully we can get to a point where they're not. I think we're gonna need, we're going to need other shelters, as we have increase in heat waves, as we have increased in poor air quality days. There will be weather emergencies at other times of year, and I think that the folks around this table are committed to solving that, it's, it's slow. This year is a hell of a lot better than last year, and I hope that next year is a hell of a lot better than this year. In the last year, we opened the temporary safe outdoor space, the county, Missoula County did that and the authorized campsite, and those are imperfect, but they can and should get better and I appreciate you highlighting that.

President Jones Mr. Carlino.

Alderson Carlino Yeah, I'll definitely echo all that. Thanks for coming to comment because I really think our government works best when people that see these things firsthand come and comment. So, thanks everybody, every week, who comes, and I just wanted to draw attention to one other transportation issue. In the City, earlier today, just five hours ago, somebody was run over, riding their bike and passed away on Orange Street and Third Street, and I just it's really sad and we hear these this news in Missoula every year. And I just frankly think that we need to be working towards making sure all of our busy streets are safe for multimodal transportation. Orange Street and Third Street should have protected bike lanes, sidewalks, and rather than four lane car traffic and then it would save lives every year in Missoula and it's also safer for drivers, just as it's safer for bikers and I just hope it's something that we prioritize with all of our street designs in the future.

President Jones Thank you. Mr. Contos.

Alderson Contos I'll pass, thank you.

President Jones Ms. Vasecka.

Alderson Vasecka Thanks. I wanted to say thank you to everyone who came tonight. When I first came on Council in 2020, we used to have this place packed and it's really exciting to see that folks are coming back. So, thank you so much. I also wanted to remind everyone that there is a school board election, and the ballots are due by 8:00 p.m. tomorrow. The Elections Office is on Russell and Third or Russell and Wyoming, so you cannot mail it anymore, so please hand deliver that. And then something that's near and dear to my heart, the, one of my really good friends was diagnosed with a brain tumor. And this is May and May is Brain Tumor Awareness Month and he, he is my friend, Jonah Vaughn and he is going to be presenting a story to our Montana Senators and Representatives virtually at the National Brain Tumor Society's, Head to the Hill Event, in support of brain tumor research, advocacy, and awareness. And a little, some facts about brain tumors, an estimated in 2022 an estimated 320 people in Montana alone will be diagnosed with a primary brain or other central nervous system tumor and it's estimated that 100 of those cases will be malignant, and if you're not familiar with that term that's not good morning that is very, very serious and approximately 65 people from Montana die annually due to a brain or other central nervous system tumor. So, my, my friend is testifying at Congress to try and get more Congressional funding for research on this and please go to braintumor.org to get more information or just use the hashtag graymay that's g-r-a-y. I think that's the American spelling of gray not the British one, gray may hashtag. Thanks.

President Jones Thank you. Ms. Jordan.

Alderson Jordan Thank you. First of all, I'd also like to echo that of my colleagues and thank you all for coming in and providing comment. We actually work for you and it's good to hear you come in and tell us what you need to have done as frontline responders and I and I hear what you say and I want to work really hard to make sure that we're addressing your concerns because we need you people in these jobs and we need you folks to know that we care about your work and we find it important and that we're going to do what we can to support you. There is more that we can do in this space in protecting our vulnerable populations. I, I don't think that our hands are totally tied by the States and certain by the state in certain areas and I would like to start by proposing an idea that perhaps we consider doing zero-based budgeting here in on our City Council and ask all of our departments to justify their brand new budget every year, instead of adding a million dollars or 10% or 5% on top of the budget that they've had approved every year prior. I'd like to see each department tell us what they need and why, and that we go through and approve it line by line, so that we can find money to make sure that people are being protected on our streets and that your jobs are being protected. I am super frustrated; I hear you. So, zero-based budgeting, I'd like to start having some conversations on City Council about zero-based budgeting. Another thing, totally shifting gears, is I'd like to let everybody know that there's a screening for a movie called Bears of Durango. This movie is about how the, the City of Durango managed their urban bear population, something that we're looking at here in Missoula, as well. We have a lot of areas where people are seeing bears and they are not required to have bare bins, citations are not given out regularly enough to protect our bears. We actually have a grizzly bear that's come down into the Rattlesnake with her cubs. I'd love to see that grizzly bear thrive in our, in our town and, I'd love to make sure that our constituents are safe. So, the Bears of Durango is screening Wednesday, May 11, 2022, at Zootown Arts from 7:30 p.m. to 10:00 p.m. They're gonna have a panel discussion and it's going to be a really interesting conversation about what we can do to protect our bears. Thank you.

President Jones Thank you. Ms. Sherrill.

Alderson Sherrill Yeah thanks. I'll also echo my colleagues and their thanking of all the public commenters. I want to especially give a shout out to Maggie, as she took us through the food bank this week, a small group of Councilors. It was very enlightening and I'm just really thankful

to have them in our community doing all the good work that they're doing. I will say that it is much better being in person, excuse me, than it is being at home. I am home because I was a close contact with someone in a car that ended up later testing positive for COVID. While she is not sick and I have tested negative, I think it is a reminder you know just if, if you're sick stay home if you don't feel good don't, maybe don't get in a car with someone, but it's still here and like anything else it is way better if we don't spread it around. So, just be cognizant of that please and yeah I look forward to seeing everyone in person next week and thanks again to all of our public commenters.

President Jones Thank you, and finally Mike Nugent.

Aldersperson Mike Nugent Thank you. I'll be quick. I would just echo the thanks, especially to Ms. Bornstein for her comments on the state not taking funding. That money is going to be spent by the federal government somewhere and the fact that Montana's not taking it is his political theater at its absolute worst. I would also just echo Councilwoman Savage's comments. We were able to tour the authorized campsite last week and that whole experience was very eye-opening. You know, we knew going in that this is a complex issue but what we kind of saw there doesn't fit any narrative that anybody has said, both when I was knocking doors in my, my election and in this in these Council meetings. This is complicated and I hope this community is ready to roll up its sleeves and try and figure this out in a serious way.

President Jones Thank you.

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

**14.1 Administratively approved agreement report**

**15. ADJOURNMENT**

President Jones And seeing no other business, we will stand adjourned. Thank you for your service.

The meeting adjourned at 7:06 p.m.

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

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John Engen, Mayor