

# Council Meeting Action Summary

## Missoula City Council

June 13, 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, Gwen Jones, Kristen Jordan, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: Mike Nugent

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

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

President Jones We have public comment on non-agenda items. If there's anyone in the, here in the chambers that wants to give public comment on items not on the agenda, please state your name and 3 minutes please.

[unannounced speaker] then child support came along. You know you laugh, well he had a kid, that's his doing. My child support was three digits, that's how old my case was okay. So, then what did they do well the judge over here in the court said give him half his pay to raise his child, that's right \$1.71/hour. Oh my God, how did he live on \$1.71/hour? I lived above the Golden Pheasant for 60 bucks a month on a rent. I rode a motorcycle; it sipped gas. I didn't go out. I didn't have drug habits, didn't drink, but I lived, I survived and god damn it I said when I got done paying child support, I'm gonna set motion something so I never have to fight like this ever again in my life and I did it. And I did it without any hooks and barbs until I came into this city government. You know and you'd say if it was one thing that happened wow that's just a freak coincidence, but I can count you 10 things, 15 things. How many things do you want? They have 17 malicious prosecutions against me and when I was brought right to the verge of trial, it was dismissed. That's illegal. You can't do that, but they did it to me. Right, it continues on and on. I had two police officers show up my house on a Monday morning, beat the living crap out of me then charge me with assault on a police officer. It goes to trial; I get found not guilty. Does that get published in the paper? No, but the incident that put me in jail sure does, court of public opinion used against me. Then again, it happens. This body sat right here and listened to a woman named Kayleen Coon go on for 12 minutes about how horrible I made it to live in her neighborhood, 12 minutes, not 3, not 3, and then she started out her conversation I'm a Democratic Committee rep. Wow, slandered by the Democratic Committee party right here in this body. So, I take it to the Democratic Committee; I say you owe me. You criminally defamed, slandered, and libeled my name. I called the city attorney and then guess what the city attorney turns around and calls the *Missoulian*, and then the next thing you know, I'm in court in district court for violating the homeless laws. How am I homeless? Because you guys took my property.

Wow, if this wasn't so real, if, if this just was some phasma guitorial thing coming out of my head. All of you could look at me say what a piece of work this guy is, some mental midget. Well, I'll tell you something one of your development services worker tried to kill me. He was taking pictures of our RV.

President Jones I am going to call a point of order on you. Under our rules of decorum, there's no personal attacks. So, I'm going to give you one more chance. If you want to finish up your comments, you got about 30 seconds left.

[unannounced speaker] I'll tell you my story. A person was taking pictures of my RV from a vehicle. I approached them on a scooter; they used that vehicle to crash me into the curb to attempt to kill me. The people who came out to investigate the accidents worked in the same business as the person who tried to kill me. His name is Brian Cook.

President Jones No personal attacks. All right. Okay. Anyone else that wants to give public comment on items not on the agenda? Let me check to see if we have anyone virtually. If you want to give public comment, raise your hand. Okay and I have someone Missoula industrial workers. If you can unmute yourself, you want to provide your name and 3 minutes then.

Joe Hey, can you hear me?

President Jones Yes we can.

Joe I didn't change the screen name. This is Joe [inaudible]. I'm out of town again. I'm gonna just keep this really brief. I just wanted to reiterate some of the really frustrating things that I saw and heard on Wednesday. I, I just, it's unbelievable to me that we continue to legislate to the vast, vast minority of our citizens in this in this city and meanwhile we can't even pass basic rezoning. We can't, we can't make it affordable to live in this community and we can't make it safe to be unhoused in this community. The, the war on the poor continues unabated and each, each person who's complicit in that really should, I don't know, take some time to evaluate their morals and decide if what side of history they want to be remembered on. If they want to hate the poor people and the people who built this community or if they want to be on the side of actually finding real solutions that respects the dignity and humanity of the people who live here.

President Jones Thank you for your comment. Okay, next item on the agenda is committee agenda. Ms. Rehbein.

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

Budget and Finance Committee, June 15, 9:00 - 10:05 a.m.

Public Safety, Health, and Operations Committee, June 15, 10:20 - 11:50 a.m.

Climate, Conservation, and Parks Committee, June 15, 12:20 - 12:50 p.m.

Public Works and Mobility Committee, June 15, 1:05 - 2:35 p.m.

President Jones Thanks. Next on the agenda is the consent agenda.

**5. CONSENT AGENDA**

President Jones Thank you. 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 citizens watching on MCAT, or YouTube will know what is on the consent agenda. We'll invite community comment on these items before we vote. Ms. Rehbein, the consent agenda.

President Jones Thank you. Is there any public comment on the consent agenda? And let me check, thank you, let me check the attendees virtually to see if there's any public comment, if so,

please raise your hand. I'm not seeing any. Any comment from Council? Not seeing any. So, if we could have a roll call vote. Thank you Marty.

President Jones Thank you.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Hess, Alderperson Jones, Alderperson Jordan, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson Nugent

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

**5.1 Accounts Payable (claims) for checks dated June 14, 2022**

Approve accounts payable in the amount of \$2,439,223.72 for checks dated June 14, 2022.

**Vote result: Approved**

**5.2 Caras Park Outfall Phase II Project Contract Amendment**

Approve and authorize the Mayor to sign the contract amendment #3, which expands the scope of services the Consultant will perform.

**Vote result: Approved**

**5.3 Memorandum Of Understanding Adoption – Trinity Navigation Center**

Adopt the Memorandum of Understanding between the City of Missoula and All Nations Health Center for partnership in designing a services and staffing model for the Trinity Navigation Center and accompanying project design elements as outlined in the agreement.

**Vote result: Approved**

**5.4 Contract for Poverello Center Veterans Transitional Housing**

Approve and authorize the Mayor to sign the contract with the Poverello Center awarding \$834,000 for property acquisition for non-congregate transitional housing for Veterans.

**Vote result: Approved**

**5.5 A Resolution Amending the Utility Service Area Boundary**

Adopt a resolution of the Missoula City Council to amend the Utility Service Area Boundary as shown in Exhibit A.

**Vote result: Approved**

**5.6 Accept Grant Funds from Montana Watershed Coordination Council for the Pattee Creek Restoration Project**

Approve and authorize the Mayor to sign a Memorandum of Understanding to accept grant funds of \$5,308.00 from Montana Watershed Coordination Council for the Pattee Creek Riparian Restoration Project.

**Vote result: Approved**

**5.7 Continued COVID Funding**

Commit an additional \$120,927 in American Recovery Plan Act funds for continued Health Department COVID response for July 1, 2022 through December 31, 2022.

**Vote result: Approved**

**5.8 Interlocal Agreement with Missoula County for Health Services**

Approve and authorize the mayor to sign an Interlocal Agreement between the City of Missoula and Missoula County to Cooperate in the Provision of Health Services.

**Vote result: Approved**

**5.9 Livestock Exemption for Youth Agriculture Organization Projects**

Direct staff to assist in the creation of a Livestock Exemption for Youth Organization Projects

**Vote result: Approved**

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

**7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

**7.1 Proclamation - Juneteenth Independence Day**

President Jones We do have two special presentations, I'm sorry, proclamations today. I'll read both of those. Item 7.1 is a proclamation for Juneteenth Independence Day. Proclamation of Missoula County and the City of Missoula, Montana.

WHEREAS, Missoula County acknowledges the lasting impacts of racism in the United States fueled largely by the horrific institution of slavery; and WHEREAS, news of the end of slavery did not reach frontier areas of the United States and in particular the southwestern states for more than two years after President Lincoln's Emancipation Proclamation of January 1, 1863 and months after the conclusion of the Civil War; and WHEREAS, on June 19, 1865 Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free; and WHEREAS, African Americans who had been enslaved in the southwest celebrated June 19th commonly known as Juneteenth Independence Day as the anniversary of their emancipation; and WHEREAS, African Americans from the southwest and across the country continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations; and WHEREAS, for more than 150 years Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development, respect, and dignity for all people; and WHEREAS, the strength of character, faith, and resilience demonstrated by former enslaved Africans remains an example for all people of the United States regardless of background, religion, or race and' WHEREAS, the character demonstrated by former enslaved Africans should inspire us in this country to give thanks for the

freedom won by so many people, in all nations, and to strive for the goals of bringing freedom and democracy to people of other countries no matter what their race or religion; and WHEREAS, although Juneteenth Independence Day is beginning to be recognized as a national and even global event, the history behind the celebration should not be forgotten; and WHEREAS, Montana proudly joins 47 states and the District of Columbia in observing Juneteenth as a state or ceremonial holiday; and WHEREAS, this Juneteenth, Missoula is honored to host the Quasquicentennial celebrating the 125th anniversary of the U.S. Army's 25th Infantry Buffalo Soldiers 1,900 mile cross country bicycle ride from Fort Missoula to St. Louis, Missouri to test the combat effectiveness of military bicycles. Therefore, be it resolved, we Missoula County and the City of Missoula do hereby proclaim the 19th of June as Juneteenth Independence Day to commemorate African American emancipation from slavery, to celebrate the freedom won by people in many countries, and to rededicate ourselves to the cause of liberty.

President Jones Dated this 9th day of June, 2022. And I'm not sure if there's anyone in the attendees here to speak to this. I'm not seeing any raised hands, but I'll go to the second proclamation.

## **7.2 Proclamation - Robert J. Campbell & Mae Nan Ellingson Week**

President Jones We have two amazing proclamations tonight; I'm thrilled about these. The second proclamation is regarding the constitutional convention held in 1972.

WHEREAS, during 2022, we celebrate 50 years since the people of Montana's ratification of a new constitution on June 6, 1972, 73 days after referral to the people of the document widely deemed the best State Constitution in America, drafted in 90 days by a non-partisan constitutional convention, ConCon, of 100 elected delegates, all Montanans holding no political office; and WHEREAS, the 1972 constitution reflects the character of Montana's common people in its preamble, enlightened declaration of rights, and world's first constitutionally recognized right to a clean and a healthful environment; and WHEREAS, two of Missoula's ConCon delegates Robert J. "Bob" Campbell and Mae Nan Ellingson Robinson co-drafted our constitution's preamble and each promoted provisions securing personal liberty, equality, and transparent government. Bob Campbell drafted the right to privacy, also co-drafted the freedom of expression, 18 year old adulthood and minors retaining adult rights provisions was instrumental in recognition of the right to a clean and healthful environment and persuaded delegates to approve the gender equality provision by bringing iconic Montanan Jeanette Rankin, first woman elected to Congress, to the ConCon floor debate; and WHEREAS, Mae Nan Ellingson continues her contributions to Montana history and public policy, but we lost a great citizen, historian, humorist, lawyer, and American on April 5, 2022 with the passing of Bob Campbell of whom, on the occasion, Ms. Ellingson said "no one loved the Montana constitution and did more to promote its understanding" and we're all a bit freer thanks to these two Missoulian's. Now, therefore, I, John Engen, Mayor of the City of Missoula in the State of Montana hereby recognize the week of June 19 to June 25, 2022 as Robert J. Campbell and Mae Nan Ellingson Week and I further proclaim the 17th day of June 2022 as Bob Campbell Appreciation Day.

President Jones And this is signed by John Engen, Mayor of the City of Missoula. And I believe we do have a couple of people to comment on this tonight. Did you want to go first Mr. Hunt?

Mr. Hunt Wow, I'm still kind of flummoxed. Bob Campbell and I had a very close 50-year friendship, and little did I know at age 15 when I on the urging of a friend wandered into his fifth, Bob Campbell's fifth floor office in the Western Bank building that I would be

literally enveloped by everything going around this man and that in a few weeks, he would be giving me an office next to him. And I certainly had no idea that meeting Bob Campbell would fix the trajectory of my life for the next half century. Fortunately, when I moved back to Missoula three years ago, I was able to reconnect with Bob and so he certainly was aware that thanks to his mentorship I had appeared in front of the United States Supreme Court on a capital case. That client, by the way, is no longer facing the death penalty and that was one of Bob's big issues, so that made me proud to tell him about that, but I wasn't able to tell him that a case I argued in Oregon had finally resulted in the death penalty going away there and I'm sorry he didn't live to see that, but I'll tell you what he would be thrilled to death right now to know that June 17th of all days was going to be the day declared in his honor. You know, it was 1974 and this during this week that Americans were transfixed by the Watergate hearings that were televised and, and conducted by congress. It just transfixed the nation and of course led to Nixon's resignation. Well, I can tell you there was no Montana who was a greater advocate of impeaching Richard M. Nixon for the constitutional crimes that were revealed as a result of the Watergate scandal than Bob Campbell. And what's interesting about that is that the Watergate burglary took place on June 17, 1972, so this would, he would be laughing and maybe perhaps he's laughing from beyond the grave right now because you have declared that day to be his, his day. So much more I can say but I promise not to say much. The only final thing I want to say is I'm going to make a, a promise to Bob. His right of privacy, which is still considered the strongest one in the United States, it took a big hit not too long after, after the constitution was adopted in the in the Zander case, the Montana Supreme Court decided and this is a case where Bob and a bunch of us from Montana Normal were trying to get the marijuana prohibition declared unconstitutional for violating the right of privacy because red privacy said you couldn't invade someone's privacy without a compelling state interest. Montana Supreme Court in a weird decision ruled that well Montana has a compelling state interest in enforcing its criminal laws, so this doesn't violate the provision. Well, anyone who's especially been to law school knows that that's absolutely ridiculous, yet here we are all this time later and that is still the law in Montana. So, anything that the Montana Legislature passes and criminalizes cannot be challenged for violating the right of privacy because of that ruling in Zander because oh we have a compelling state interest, so you can see the circularity there. I am making this promise to Bob Campbell that I intend when I get admitted to the bar here that I am going to do my best to rectify that error and the second error that made by the Montana Supreme Court in that case which was to say that the test for invasion of privacy is whether or not people have a reasonable expectation. What's wrong with that? I'll tell you what's wrong with it, all you got to do to invade somebody's privacy and make it legal is to just violate it constantly all the time because then you won't have reasonable expectation to it. We're going to fix that. Bob we're going to fix that. Thank you for everything. I'm sorry for the hassle and getting this before you, but thank you so much. I know his kids are absolutely thrilled about it and it's just, it's just a wonderful legacy. Thank you so much.

President Jones Thanks Mr. Hunt. I appreciate all of your input into it, and we had TJ Campbell, had his hand raised and wanted to provide comment on this also. Mr. Campbell.

TJ Campbell Hi, can you hear me?

President Jones Yes we can, go ahead.

TJ Campbell Thank you. I just wanted to say a few words and let you know how touched I am, not only about the possibility of the 17th being Bob Campbell Appreciation Day but to recognize Mae Nan Ellingson, as well. They were the co-authors of the Preamble to the State Constitution, which I thought I'd read, if I, if I may? It, it, reads 'We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life,

equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution.' I think this monument to, to all Montanans, current and future generations, is, is really a testament for the farsightedness that Mae Nan Ellingson and Bob Campbell shared. I thought I'd also mention that Bob was active in the community at law days at colleges and high schools in Missoula and was always eager to share his knowledge of the Montana Constitution and he would carry copies with him that he'd autograph, and he'd underline sections that he had authored. So, he played a big role in Missoula in memorializing the constitution and I'll mention also he was active with the Missoula Jeanette Rankin Peace Center, which was an important part of his life. And I'll yield back the floor and just wanted to thank you all for this incredible honor on my sister and my behalf. Thank you.

President Jones Thank you for those comments. I really enjoyed reading these proclamations tonight. All right thank you. Moving forward, under final consideration tonight, we have four items.

## **8. FINAL CONSIDERATION**

### **8.1 Resolution for 3rd Quarter FY 2022 Budget Amendments. This resolution amends the fiscal year 2022 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.**

President Jones Items listed under final consideration have had a public hearing, a hearing was held open to allow time for additional public comment, before final consideration, and action by the City Council. The chairperson of the standing City Council committee will make a motion and we invite community comment on each of them. The first item 8.1 is for our budget amendments for the third quarter and since this is under budget and finance and I'm running the meeting I will ask Mr. Hess to make the motion please.

Aldersperson Hess Thank you madam president. I move we adopt a Adopt a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2022 budget and capital improvement program.

President Jones Thank you. Are there any questions from Council? And we do have staff present here to answer any questions that you have regarding this item. Seeing none, any public comment on this item? Seeing none and no raised hands, we will have a roll call vote.

President Jones Thank you, that passes. Oh, I'm cutting you off sorry.

**Moved by:** Aldersperson Hess

Adopt a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2022 budget and capital improvement program.

AYES: (11): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Carlino, Aldersperson Contos, Aldersperson Hess, Aldersperson Jones, Aldersperson Jordan, Aldersperson Savage, Aldersperson Sherrill, Aldersperson Vasecka, and Aldersperson West

ABSENT: (1): Aldersperson Nugent

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

### **8.2 Amendments to the Missoula Valley Water Quality District Ordinance**

President Jones All right, the second item is 8.2. Amendments to the Missoula Valley Water Quality District Ordinance. I know that we have staff here from presentations

previously. Were, was there any supplemental information from staff first on this item before I go to questions from Council?

Todd Seib No, no supplemental information.

President Jones Okay, Mr. Seib, did you say you did not have any additional? Okay correct. All right, any questions from Council regarding this item before we go to a motion? I don't see any hands raised so I will go to, this is under public safety health and operations, I believe so Ms. Anderson.

Alderson Anderson Yes, thanks so much. Okay, so I move on second and final reading to adopt an ordinance generally amending Missoula Municipal Code Chapter 13.26 entitled "Missoula Valley Water Quality ordinance" to amend and update the regulations necessary to protect Missoula's sole source aquifer.

President Jones Thank you. Any public comment on the motion that is on the floor? I don't see any hands raised. All right seeing no public comment, any debate or comments by Council? Ms. Sherrill.

Alderson Sherrill I just wanted to thank Todd and the others that worked on these. I think our, it can't be stated strongly enough how important water quality is for all of us and that we are sitting on top of our aquifer and I, I appreciate the work on it. I'll be happily, be supporting these changes and thanks again for all the thoughtful consideration.

President Jones Thank you. Any other comments from Council? Seeing none and no hands raised from our virtual counselors, we will go ahead and have a roll call vote on this item.

President Jones Thank you.

**Moved by:** Alderson Anderson

[Second and final reading] Adopt an ordinance generally amending Missoula Municipal Code Chapter 13.26 entitled "Missoula Valley Water Quality ordinance" to amend and update regulations necessary to protect Missoula's sole source aquifer.

AYES: (11): Alderson Anderson, Alderson Becerra, Alderson Carlino, Alderson Contos, Alderson Hess, Alderson Jones, Alderson Jordan, Alderson Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

ABSENT: (1): Alderson Nugent

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

### **8.3 Resolution to support changes to the Missoula City-County Air Pollution Control Program rules**

President Jones Item 8.3 is a resolution to support changes to the Missoula City-County Air Pollution Control Program Rules. I see we have Ben Schmidt here who is staff. Did you have any additional information to add to the presentation Mr. Schmidt.

Ben Schmidt No I do not have any additional information. Thank you.

President Jones Okay thanks. Any questions from Council for staff? Seeing no questions, we will again go to Ms. Anderson from the Public Safety Committee for the motion.

Alderson Anderson Hey again, all right, we will, I move that we adopt a resolution to support revisions to the Missoula City-County Air Pollution Control Program.



President Jones Thank you. Any public comment on this motion that is in order? Let me check our attendees, I don't see any raised hands, and no one is in the audience now. Any comments from Council? Ms. Sherrill.

Alderson Sherrill I kind of want to say the same thing about these, but we at the, at the Health Department, the Health Board had a very lengthy conversation about it, and it was fascinating and productive, and we've been. I think when I got onto Council at the beginning of 2020, we started these rules and at the Health Department and then there was this pandemic that hit and we put them off for almost two years, so, I'm happy these are back. I'm happy that they had so much thought and work going to them, and I will be supporting it.

President Jones Thank you. Are there any other comments from Council on this item? Seeing none, we'll have a roll call vote.

President Jones Thank you.

**Moved by:** Alderson Anderson

Adopt a resolution to support revisions to the Missoula City-County Air Pollution Control Program.

AYES: (11): Alderson Anderson, Alderson Becerra, Alderson Carlino, Alderson Contos, Alderson Hess, Alderson Jones, Alderson Jordan, Alderson Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

ABSENT: (1): Alderson Nugent

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

**8.4 An Ordinance amending municipal code Chapter 13.02 "Municipal Utility Rates and Charges" to specify that a landlord is responsible for unpaid tenant city utility bills.**

President Jones The final, final consideration tonight is 8.4, an Ordinance amending municipal code Chapter 13.02 "Municipal Utility Rates and Charges" to specify that a landlord is responsible for unpaid tenant city utility bills. Mr. McInnis, I believe Logan McInnis is here from staff, did you have any additional information to add to the presentation?

Logan McInnis No I don't, thanks.

President Jones Okay, thank you. Any questions from Council on this item? Okay seeing no raised hands, I will look for a motion from Ms. Becerra, Public Works.

Alderson Becerra Thank you. This is the second and final reading and I move that we adopt an ordinance amending Missoula Municipal Code Chapter 13.02 entitled "Municipal Utility Rates and Charges" to repeal 13.02.090 and establish 13.02.091 to specify the responsibility of the property owner for a tenant's unpaid City of Missoula utility bills. And may I speak to that motion please?

President Jones Let me call for public comment first and then we'll come right back to you. Is there any public comment on this motion that is in order? I'm not seeing any raised hands, I'll just double check. Okay seeing no public comment, Ms. Becerra.

Alderson Becerra Thank you. I just wanted to express my support for this motion. I believe that during the pandemic, the city stopped shutting off customers who were past due on their accounts. I believe that this is a, a fair alternative to that way of recuperating costs and I want to thank Logan for giving us all the information, as to how other communities deal with recuperating costs. Thanks.

President Jones Thank you. Mr. Contos.

Aldersperson Contos Yes, after looking at this, I feel like there needs to be some other options rather than putting this back on the homeowner. I'm not quite sure what the thinking is but if you use water, you should pay for it and if you can't pay for it, it probably needs to be turned off. I think a lot of times people think because someone owns a home that they're wealthy and that they can handle all the responsibilities, not quite true. It's like when someone doesn't pay their rent, the mortgage still needs to be paid and that falls back on the homeowner. Also, I just don't feel like this is a Montana value; this is a hard-working state, and we work hard for what we get. So, to pass this on to the homeowner; it's not fair. Thanks.

President Jones Ms. Vasecka.

Aldersperson Vasecka Thanks. I have a question and then a comment, and sorry for the late ask of this, but if it's in your lease that you are responsible for the utilities, what then you don't pay that, will it still be the responsible of the homeowner even if it is in the lease and could that be litigated against? I don't know who that question is for.

President Jones Mr. McInnis or Mr. Nugent if either one of you can answer that?

Logan McInnis Feels like a legal question to me.

President Jones Jim? Mr. Nugent, if you're able to....did you hear the question? We can't hear you; you're muted still Jim.

Jim Nugent All right, found my microphone. What was the question again?

President Jones Could you rephrase it?

Aldersperson Vasecka Yes. So, if in the lease agreement between the tenant and the homeowner, if the tenant is responsible for the utility payments and then the tenant does not pay it and then the city comes to the homeowner make them responsible for it, can, is that a possible litigation issue or would the city not be able to come after the homeowner in that case? Just a little confused about that.

Jim Nugent The way the Montana State Law is set up with respect to delinquent sanitary sewer, delinquent water bills, etc. is that it can become a lien against the real property. So, it has to be the property owner that has to be responsible ultimately in order for the city to be able to assert its lien. The city is not a party to that lease agreement between the tenant and the property owner. So, the city isn't bound by what they might come up with, the structure amongst themselves as a way of shall we say paying the, the bill, but ultimately, the city has the right to put the lien on the property that is receiving the services. So, the property receiving the services is ultimately going to be responsible pursuant to the statutory scheme that allows for the lien to be asserted on to the property. It's then up to the landlord and their tenant to work out how they're going to pay if the landlord's able to collect from the tenant but in part it's intended so that the city doesn't get left holding the bag when the landlord and tenant don't reach resolution amongst themselves. Thus, the bottom line is, is the lien goes against the property, the property owner and the city has a statutory right to assert that.

Aldersperson Vasecka Thank you. May I have a followup?

President Jones Go ahead.

Aldersperson Vasecka Okay, thank you so much for that explanation Jim and I think that if there is already something in Montana law that states this, I don't think that the city should go to the.... I, I think that this resolution and change in ordinance is, I think kind of going deeper into the, the agreement between the tenant and the landlord, sorry I said

that terribly, but yeah I'm really uncomfortable with this and my colleague John said it a lot more eloquently. So, I, I'm not going to be in support of this tonight.

President Jones Thanks. And to just follow up with the question Jim, on that issue. Will the landlords in a contractual relationship with the tenants, so they have things like a security deposit, and I assume that that's the tool that they would make themselves whole with if the tenant isn't paying this and the city is trying to get the bill paid by attaching a lien? Is that right?

Jim Nugent That's correct. If there's enough money left in the security deposit to put towards the water bill. I think it could also be enlightening or helpful to have Logan explain the administrative aspects of trying to collect these water bills so that the city isn't left holding the bag and giving free water to a bunch of properties, but yes Gwen, you're, you're correct with respect to that segment or aspect of it.

President Jones Thanks. Did you want to add to that Logan?

Logan McInnis Nothing really comes to mind. I mean certainly there are challenges with you know with the process of shutting off water. You know, we've got hundreds if not thousands of curb boxes in town that don't work and so it's a pretty idle threat to say we're gonna shut your water off and we can't physically do it without you know having to tear up the street to replace their curb box. So, I mean there are complications with shutting water off other than you know in addition to the concern about taking away people's water service. You know, in terms of the process for collecting, I think we've you know it's outlined in state law, and we'll follow it in terms of the legal notice, and you know give the property owners time to resolve this. And you know, it, the way it really works, you know they have at least 30 days but as I understand it from talking to Judy Anderson, our kind of expert on past wastewater liens you know it. You know the final list is developed in mid-September and then the liens would be filed around October 1st, so you know they really have two to two and a half months to you know get the account taken care of.

President Jones Great, thanks. Okay, next in line, I have Ms. West.

Alderson West I also wanted to say thank you for this really in-depth email that you sent out following our committee discussion. I thought it was very informative and I especially appreciate the discussion of what other Missoula communities are, not Missoula communities, Montana communities are doing around the state to I guess recover utility, utility bills that are owed to them. I wanted to just quickly point out that three quarters of the delinquent accounts are owner occupied. I thought that was interesting and that just a tenant of the past due account or just a quarter of the past due accounts are those bills, I guess accrued by tenants, and I am in support of this. I think state law enables us to do this, but this defines what the process is locally and when to you know maybe contact owners and I think that this allows folks to set up payment plans and be proactive, to avoid that worst case scenario at a time that it hasn't become an insurmountable problem. And it also maybe will let landlords know when there's a tenant that's maybe behind at a time that it can be reconciled because \$200.00 is something, you know it's, it's a smaller amount of money that maybe can be you know scheduled out over the next year to get caught up on without really you know like doubling somebody's bill. And maybe a landlord isn't aware that a tenant is struggling and that is also a proactive conversation because maybe they're paying the rent, but not paying the water bill and that you know, you don't know what you don't know. So, yeah I'm in support of this and I think it's a very reasonable process.

President Jones Thank you. Ms. Jordan.

Alderson Kristen Jordan Thank you. I actually see this as another kind of extension of affordable housing. I think that it was really interesting to see that a majority of the

outstanding balances were from homeowners and to me that speaks volumes to the affordability of living in your home once you own it and I think if we're really dedicated to providing affordable housing, we do need to make sure that homeowners can afford to stay in their house. And I suspect that the folks who are not paying their water bills are folks who are choosing instead to buy food or fuel, the kind of things that you need straight away whereas the water bill is something that you can put off until you can't. And I think that this is clearly a, a driver to affordability and I won't be supporting it tonight and I'd love to look for alternatives only because I think that when we talk about affordable housing, we need to make sure that people who do own their own homes can afford to stay in their homes. And I mentioned last week that you know water is, drinking water is a human right and there are other ways I think that we can find in our budget to help folks with these water bills and perpetuate an affordable housing concept. I, I want us to think outside of the box when it comes to affordable housing and make sure that folks can afford their bills once they actually are able to afford a home. Thank you.

President Jones Thank you. Mr. Hess.

Alderson Hess Thanks. I appreciate the comments around affordable housing and how bill's, utility bills in particular relate to that, and I would love to have a, a conversation about that. I think that this is a good thing to do tonight, with a follow-up adjustment for potentially expanding assistance programs. I, I have had a \$200.00 past due water bill and it's because I am forgetful and, and disorganized, and that's from a position of privilege and I recognize that and I know that there's a lot of people who, for whom that is a different situation, but we need to fully understand why it is that there's delinquency and we need to tailor assistance so that it matches, so that people who need assistance are receiving assistance. So, I'm in favor of looking at it. I'm also in favor of passing this tonight and I think that those are I think those are complementary actions. I also just want to highlight that this is a local, this is the City Council setting policy for a publicly owned water utility and just some years ago, we would have, you know people in the audience would have had to go to Helena and practically file a legal brief with the public service commission in order to, in order to talk about our local utility. So, I'm, regardless of the outcome, I'm just really glad that we're able to have the discussion at the local level with public and with public comment and I think it's a really good thing about our public ownership of our, of our system.

President Jones Thank you. Ms. Vasecka.

Alderson Vasecka Thanks. Logan, I remember that we talked about this on Wednesday, but with regards to sending it to collections against the tenant, the collection agency takes about 50, is that correct? Do I remember that correctly?

Logan McInnis That's correct. Yep.

Alderson Vasecka Okay, thank you.

President Jones Okay, seeing no other hands raised, I will just briefly comment. I wanted to follow up on what Mr. Hess referenced regarding the fact that this is now a municipality owned water utility instead of privately owned, and up until a mere handful of years ago, when it was privately owned and was owned by hedge funds that were flipping it to yet other hedge funds, the business plan for the most, the last hedge fund that was open that owned it was to raise rates every year in order to do well by their shareholders, which that's their mission. I get that, but in terms of keeping water rates at a reasonable level our water acquisition litigation and eminent domain case was about the best thing we could have done. So, in the big picture, that's very, very good for our, our residents. Okay, I see no other hands raised for comment and we've called for public comment, so we will have a roll call vote.

President Jones Thank you. That concludes our final consideration hearings.

**Moved by:** Alderperson Becerra

[Second and Final Reading] Adopt an ordinance amending Missoula Municipal Code Chapter 13.02 entitled "Municipal Utility Rates and Charges" to repeal 13.02.090 and establish 13.02.091 to specify the responsibility of the property owner for a tenant's unpaid City of Missoula utility bills.

AYES: (8): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Hess, Alderperson Jones, Alderperson Savage, Alderperson Sherrill, and Alderperson West

NAYS: (3): Alderperson Contos, Alderperson Jordan, and Alderperson Vasecka

ABSENT: (1): Alderperson Nugent

**Vote result: Approved (8 to 3)**

**9. PUBLIC HEARINGS - None**

**10. COMMITTEE REPORTS**

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

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

**10.2.1 Minutes from the June 8, 2022 Meeting**

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

**10.3.1 Minutes from the June 8, 2022 Meeting**

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

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

**10.5.1 Minutes from the June 8, 2022 Meeting**

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

**10.6.1 Minutes from the June 8, 2022 Meeting**

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

**10.7.1 Minutes from the June 8, 2022 Meeting**

**11. NEW BUSINESS**

**11.1 Public Forum Missoula County Fairgrounds Signs**

President Jones We do have something under new business and that is the public forum Missoula County fairgrounds signs. And do we have someone from staff to present on this? Marty are you aware of anyone from staff to present on this?

Marty Rehbein I don't see anybody in the audience, but I can tell you what's going on.

President Jones Okay, thank you.

Marty Rehbein I'll do the staff report. City Council members, the office the Community Planning and Development office is asking you to set a public hearing on June 27, 2022. There is a state law that provides for an opportunity for public comment when public entities seek a zoning variance. And these public hearings, prior to this last legislative session used to be held by the Board of Adjustment, but now this new state law requires

that those public forums come before City Council, and we only have 30 days to conduct this public forum. So, the county has granted the city an extension because that's not very long, in city speak, in order to get a public hearing and provide all the requisite public notice from our ordinances. So, the Missoula County Fairgrounds wants to install heritage signs; they want to replace the existing signage with heritage signs. And so, you're being asked tonight, under a new business, to schedule a public hearing for June 27, 2022 to offer a public forum to Missoulians to comment on this proposal. Under the state statute, City Council's only responsibility and only role is to conduct the public forum. The Council is actually not allowed to act on this, the, the purpose is to conduct the public forum, to allow the public to have an opportunity to comment on it, and for Missoula County to hear from them via your forum.

President Jones Thank you for that. All right, so I think the order of business, we will call him Mr. Hess for a motion and then go to public comment.

Aldersperson Hess Thank you. I move we set a public hearing on June 27, 2022, to provide a public forum and take public comment on an application from Missoula County to replace existing signs with heritage signs at the Missoula County Fairgrounds and refer this item to the Land Use and Planning committee for a preview on June 22, 2022. Under state and city law, City Council must conduct this public forum, but it has no power to deny, approve or condition the proposed use.

President Jones Thank you. Any public comment on this item? And I see someone in the attendees, Ms. Stensland-Bickers, if you are able to unmute yourself, go ahead.

Diane Stensland-Bickers Hi, this is Diane Stensland-Bickers and I think you should always do whatever Marty tells you to do. That's all.

President Jones Well played, thank you. She keeps us on the, keeps us on the railroad tracks. Okay, any other public comment on this item? Seeing none, back to Council. Ms. Vasecka for comments or questions.

Aldersperson Vasecka I just have a procedural question. If I missed it, I apologize but why is it, this, why is this under new business and not in committees on Wednesday to then go to?

Marty Rehbein Because City Council only has 30 days and the 30 days will expire by the time you get to the public hearing, so time is of the essence. So, for the scheduling of the hearing, we put it on his new business. You will have a preview of the proposal, I believe, in the Land Use and Planning Committee. Jordan, do you remember what date that was scheduled for? So, you will hear more about this prior to the public forum.

President Jones Okay, next we have Ms. West.

Aldersperson West Marty, I was wondering if you could explain a little bit more, why we don't have any power? Is it because the county is a separate branch of government similar to what we saw during the public library process?

Marty Rehbein It is because that is the state law. So, what is written in the motion is what is in state law with respect to the Council's powers in this public, this public forum.

President Jones Thank you. Mr. Hess.

Aldersperson Hess Thanks. I think Mr. Nugent has an interesting history on this. I think it went back to the 80s and the University and the City, and a dispute at that time, but this will be in Land Use and Planning on June 22, 2022 and then back for the public hearing on June 27, 2022. Missoula County is, is, is patient as an applicant and they're willing to waive the 30-day time limit, but if we don't have to do that, there's really no reason to so that's, that's why the new business scheduling tonight and it's really just to be able to have the 14-day window required to schedule a public hearing tonight.

President Jones Thank you. Okay. Any other comments or questions from Council? Seeing none, this is to just set a public hearing. So, we will have a roll call vote Marty.

President Jones Thank you.

**Moved by:** Alderperson Hess

Set a public hearing on June 27, 2021, to provide a public forum and take public comment on an application from Missoula County to replace existing signs with heritage signs at the Missoula County Fairgrounds and refer this item to the Land Use and Planning committee for a preview on June 22, 2022. Under state and city law, City Council must conduct this public forum, but it has no power to deny, approve or condition the proposed use.

AYES: (11): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Hess, Alderperson Jones, Alderperson Jordan, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson Nugent

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

**12. COMMUNICATIONS FROM THE MAYOR**

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

President Jones Next we have general comments of City Council members and I'll go to the people who are virtual, first of all, Ms. Becerra.

Alderperson Becerra Thank you. I just wanted to say that I'm grateful for all the knowledge and historical insight about our constitution that we still get from Mae Nan Ellingson and so very happy to see her recognized in the proclamation. I also want to pay my respects to the Incashola family, for their loss and for the tribal community for the loss of Tony Incashola. He was an incredible asset to the community, really key in trying to keep alive the cultural and the language of the tribes in the reservation and at the at the college. So, my sympathies and thoughts are with the Incashola family. Thanks.

President Jones Thank you. Ms. Anderson.

Alderperson Anderson I'll pass.

President Jones Thanks and we'll start with Ms. Jordan.....comments from Council.

Alderperson Kristen Jordan None, thank you.

President Jones Ms. Vasecka.

Alderperson Vasecka Thanks. Tomorrow is Flag Day and there is a Flag Day ceremony at four o'clock at the American Legion open field on Tower Road; it's north of Western Montana State Veterans Cemetery. All are invited and asked to please bring your own lawn chair. As flags are lowered into flames, members of the public will read famous speeches and read the history of our American Flag and Flag Day. Buffalo Soldier reenactors will attend, as they start their bicycle trip across America. Public are welcome to help American Legion Post 27, Veterans of Foreign Wars Post 209, Missoula Civil Air Patrol, and other veteran supporters place hundreds of tattered and old American and POW/MIA flags into ceremonial barrels. Full military honors will be rendered at the start of a brief leg day ceremony that starts at 4:00 p.m. and set up, the moving of heavy ceremony barrels, and all flags starts at 2:00 p.m., and they do need help. If you are able to help, please call 207-2714 or you can always email me, and I can get the word out. Thank you.

President Jones Thank you. Mr. Contos.

Aldersperson Contos Yes. You know, as a carpet cleaner here in town, I you get the opportunity to go into lots of homes, apartments, talk to people, and given the housing crisis that we're in right now, it really makes me sad when I ask them why they're leaving. And usually, it's because the rent went up very high or the house got sold out from underneath them. You know, that's a sad situation. I think a lot of us could do something about that, especially as people that do have house rentals, that this really isn't a time for greed or to take advantage of the situation, but to act as a normal human being and have some type of consideration to their situation. My rents are extremely reasonable. When I ask people to leave, I give them a one-year notice and even at that, that's not giving them enough time to find a place because things have gotten so crazy here, especially in the last year. So, I would just like to appeal to all the local homeowners and even people out of state to just keep that in mind as you raise your rents. Thanks.

President Jones Thank you. Ms. Sherrill.

Aldersperson Sherrill I'll pass, thanks.

President Jones Mr. Carlino.

Aldersperson Carlino I can pass.

President Jones Mr. Hess.

Aldersperson Hess Thanks. I was struck during the constitution proclamation for Bob Campbell and Mae Nan Ellingson that Jeannette Rankin was present at the at the constitutional convention a little over 50 years after she was first elected to public office and here we are 50 years from the constitutional convention and I hope that in 50 years, we can look back with pride on what's happening right now and I'm not certain that we'll be able to. The January 6th hearings, I guess you know looking back 50 years, we, we just heard that the, the Watergate raids were happening 50 years ago and, and 50 years from now, someone might be talking about the January 6th hearings. I hope they're talking about something positive. I hope that we meet the moment as people in the past did in the constitutional convention and, and the times before that.

President Jones Ms. Savage.

Aldersperson Savage Thank you. I just wanted to thank the Mansfield Center for hosting me today and Commissioner Josh Slotnick. We were able to speak to some of their fellows that are here from places such as Norway, Jordan, Greece, Palestine, Georgia, there was a whole table full of people from all over the world and we got to talk to them about local government, and it was really fascinating and super interesting. Some of their questions truly like head scratching moments when they were like what do you mean you don't have a safety net for homelessness? What do you mean you don't have a safety net for healthcare? Legitimate questions....it was, it was just a really fascinating experience and I'm grateful to have had it.

President Jones Thanks. And Ms. West.

Aldersperson West I just want to remind everyone to get out and use our public trails right now because the wildflowers are just absolutely amazing this year. If there's anything positive about having a really cool, long, wet spring that is it. We went up to the Barmeyer Loop this weekend and it was just an absolutely amazing experience. So, enjoy the spring while we have it.

President Jones Thank you.

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

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

#### **15. ADJOURNMENT**

President Jones We will stand adjourned. Thank you for your service everyone.



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