

# **Journal of Proceedings**

## **Missoula City Council**

**June 27, 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, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Administration Present: Marty Rehbein

Administration Absent: Mayor John Engen, Jim Nugent, City Attorney

### **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 June 20, 2022 Meeting**

The minutes were approved as submitted.

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

President Jones And we will take public comment on non-agenda items. So, if you're here to speak on the Expo Parkway rezone or anything of that nature that is on the agenda, so these are for items not on the agenda. Anything else? I do have one raised hand in the virtual attendees Mr. Larson. Are you able to unmute yourself?

Matt Larson Yes, now I'm able to mute myself. City Council this is Matt Larson, Ward 3. Nice to see and hear all y'all. I, it's come to my awareness that the Reid and people on the waiting list for the Reid, on the housing list, have been told not to count on getting housed in the Reid and I've requested all the documents and agreements that were made by the City of Missoula to house people at the Reid condo building. As you may recall, there was 20% of the people, 20% of the units that were supposed to be dedicated to affordable housing and now people on the housing list with Missoula Housing Authority are being told not to count on that. I was wondering if anyone on Council wanted to lift any fingers to look into that or what the situation was with that? I also wanted to address school safety as our Chief of Police spoke on that recently. We purchased, with a federal DOJ grant, a 3-D scanner in September of 2020 and so I find it very alarming, we purchased that for school safety by the way and so I find it very alarming that Chief White would say that there are no plans yet to actively go into the schools, as that 3-D scanner was purchased to scan the entire school for school safety. So, I'm wondering what has been done with this 3-D scanner and if any of the scans have been taken of any of the schools in the City of Missoula since September 2020 when it's been purchased and I'm wondering if any of, if any reports have been made back to the grantor, the federal government? It's, it's to my knowledge this unit is actually just used to clear traffic investigations and murder investigations but I, I requested the data and we'll see what, what the log files for this piece of equipment show but I find it very alarming that for years we've had this piece of equipment and the schools have been basically vacant through the pandemic and yet with our SWAT team and all the funding we still don't have adequate planning in place and we've actually had a school

shooting scenario occur at Hellgate where I'm pretty sure we waited a long time, just as what occurred in Uvalde until the police cleared the subjects involved as having no weapons. I find this very alarming, and I think our community should find this pretty alarming too but again I wonder if anyone on City Council does? It was great to see everyone come out to the rally at the courthouse lawn. I saw a bunch of legislators there including a bunch of people who are running for seats. I did not see Daniel Carlino there, which was odd but...

President Jones Mr., Mr. Larson I'm going to call a point of order.....

Matt Larson There's no point of order here.

President Jones We don't .....specific attacks here, but in .....You're past 3 minutes now so we're going to have to move on. Thank you for your public comment.

Matt Larson That's bullshit, but....

President Jones Okay. Any other public comment on items not on the agenda? Seeing none, we're going to go forward with our agenda items. Next Marty, if you could go through the committee agenda for this coming week under item number four. Thank you.

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

Budget and Finance Committee, June 29, 10:30 – 11:30 a.m.

Climate, Conservation and Parks Committee, June 29, 11:45 a.m. – 12:15 p.m.

Committee of the Whole, June 29, 12:30 – 1:00 p.m.

Public Safety, Health and Operations Committee, June 29, 1:30 – 2:30 p.m.

Public Works and Mobility Committee, June 29, 2:45 – 3:05 p.m.

Land Use and Planning Committee, June 29, 3:20 – 4:05 p.m.

President Jones Thank you 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 citizens watching on MCAT will know what is on the consent agenda. We'll invite community comment on these items before we vote. Back to you Marty.

President Jones Great thank you Marty and I think 5.10, it's I think I heard you say July 16, 2022, but the public hearing is July 18, 2022, just wanted to correct that.

Marty Rehbein Thank you.

President Jones Is there any public comment on the consent agenda? If so, you can come up to the mic and give public comment for 3 minutes. Seeing none, I'll go to our attendees, and Mr. Larson, you can unmute yourself and provide public comment on the consent agenda.

Matt Larson Yes, this is for accounts payable over one thousand dollars. I'd like to draw to the public's awareness the over \$10,000.00 of 223, that is AR-15 rounds that MPD is continuing to purchase for quote-unquote training purposes. These rounds are basically walking out the doors, ladies and gentlemen. They are not accounted for and MPD will not provide the documentation that shows that these are actually used for bonafide training purposes. We are giving away ammunition from your hard-earned tax dollars to MPD officers. Sometimes these MPD officers self-supply these AR-15s....

Alderson Anderson Point of order.

Matt Larson In which case they are supposed.....This is not a point of order.....

President Jones Mr. Larson, point of order. We're getting a lot of.....

Matt Larson Then allow me to continue speaking....

President Jones Actually incorrect information on the record at this point....

Matt Larson Allow me to continue.....

President Jones Marty, I do not have the capacity to remove Mr. Larson from speaking and because....

Matt Larson Allow me to continue speaking.....

President Jones [inaudible interrupting speaking] So Marty if you could mute him, that would be helpful. Thank you. Okay, any other public comment on the consent agenda? Seeing none, do any Councilors want to separate the question or announce their intent to abstain from voting? Seeing none, we will go ahead and have a roll call vote on the consent agenda. Thank you Marty.

President Jones Thank you. The consent agenda passes.

AYES: (12): Alderson Anderson, Alderson Becerra, Alderson Carlino, Alderson Contos, Alderson Hess, Alderson Jones, Alderson Jordan, Alderson Nugent, Alderson Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

**Vote result: Approved (12 to 0)**

#### **5.1 Accounts Payable (claims) for checks dated June 28, 2022**

Approve accounts payable in the amount of \$1,714,655.86 for checks dated June 28, 2022.

**Vote result: Approved**

#### **5.2 City Subdivision Regulations: State Law Changes (Jen Gress, Senior Planner, City of Missoula)**

Set a public hearing for July 11, 2022 to adopt a Resolution amending the Missoula City Subdivision Regulations, Articles 1 Introductory Provision, Article 2 Definitions, Article 3 Subdivision Design Standards, Article 4 Review and Approval Procedures, Article 5 Submittal Requirements, Article 6 Variances, Article 7 Errors Corrections and Adjustments, and Article 8 Exempt Land Divisions, incorporating applicable State Legislative Changes from the 2017, 2019, and 2021 legislative sessions along with limited clarifying amendments based on consideration of the review criteria.

**Vote result: Approved**

#### **5.3 Appointment to the Public Art Committee**

Confirm the Mayor's appointment of Mia Hanak to the Public Art Committee for a term beginning July 1, 2022 and expiring on June 30, 2026.

**Vote result: Approved**

**5.4 Homeword Creekside Tax Credit Application**

Set a public hearing for July 25, 2022 on Homeword's tax credit application for rehabilitation of Creekside Apartments.

**Vote result: Approved**

**5.5 Contract for Accela Premium Citizen Experience powered by OpenCities**

Approve a contract for the Accela Premium Citizen Experience powered by OpenCities per the attached Scope of Work in the amount of \$35,000.

**Vote result: Approved**

**5.6 Purchase of Two (2) Fifteen Passenger Vans for Parks Dept**

Approve the purchase of two (2) Ford Transit F-350 fifteen passenger vans for the Parks Department from National Auto Fleet Group of Watsonville CA for the purchase price of \$52,379.08 each for a total of \$104,758.16 for both.

**Vote result: Approved**

**5.7 Renewal of Office Space Leases – 414 and 400 Ryman and 198 Pine**

Approve and authorize the Mayor to sign two lease agreements with Jim Meyer, for the properties at 414 Ryman Street, 400 Ryman Street and 198 Pine Street.

**Vote result: Approved**

**5.8 Pattee Creek Restoration Letter of Agreement**

Approve and authorize the Mayor to sign the Letter of Agreement to accept grant funds of \$5,000 with the State of Montana, Department of Environmental Quality (DEQ)

**Vote result: Approved**

**5.9 Construction Services Agreement with Western Excavating, Knife River and Paulson Electric for Emergency Repair Services.**

Approve and authorize the Mayor to sign Construction Services Agreements with Western Excavating, Knife River and Paulson Electric for emergency repair services for the City of Missoula Utilities in FY23 for a cost not to exceed \$24,999.00.

**Vote result: Approved**

**5.10 South-Sussex Bypass Right-of-Way and Public Utility Easement Vacation**

Adopt a resolution calling for removal of Sussex Ave between South Avenue and Brooks Street from the Missoula Urban Area Highway System; and, Adopt a resolution of intention to vacate the South-Sussex Bypass right-of-way that cuts diagonally through Block 32 of Homevale Addition, and the Public Utility Easement that was created when the alley was vacated, as shown in Exhibit A, and subject to the conditions of approval and set a public hearing time July 18, 2022

**Vote result: Approved**

#### **5.11 Appointment to the Historic Preservation Commission**

Promote Jackson Hill to the vacated voting member seat on the Historic Preservation Commission, with a term beginning immediately and ending on December 31, 2023.

**Vote result: Approved**

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

#### **7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

#### **8. FINAL CONSIDERATION**

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

President Jones We do have one item under final consideration. Items listed 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. The chairperson of the standing City Council committee will make a motion and we invite community comment on each item. So, tonight we have item 8.1, which is the rezone at Expo Parkway. I assume many of you are here for this tonight. I'm going to go to staff first to see if there's any additional information staff wanted to provide on the record, and I see Mr. DeGrandpre good evening.

Dave DeGrandpre Good evening Councilors. No, there's no new information.....

Jordan Hess Ms. Jones.....I'm sorry to interrupt. I'm having a hard time hearing the remote participants. Can we recess briefly and see if we can get that resolved? I think, I think it would be a benefit to....I think it would be of benefit.

President Jones So Marty, we are having an issue hearing people and I don't know if it's because the air conditioning is on now. Is there any way to turn up the volume for remote participants?

Marth Rehbein Okay, does that sound a little more clearer in the room?

President Jones That sounds better, thanks.

Marty Rehbein I see some head nods. Alright.

President Jones Okay, back to Dave DeGrandpre.

Dave DeGrandpre Thank you. Dave DeGrandpre, Development Services. The only additional information I have is we continue to receive public comments on this proposal. We've been sending them to you and throughout the day. The vast majority of comments are opposed to this development application.

President Jones Thanks Dave and I'm going to ask LUP Chair, Jordan Hess, was there any additional presentation from staff on anything?

Alderpersion Hess Not that I'm aware of.

President Jones Okay, all rightly. Questions from Council? Mr. Carlino, go ahead.

Alderpersion Carlino Thanks. I just wanted to ask Dave to clarify the essential zoning of this parcel because since under Title 20, the stricter zoning for the parcel takes over the whole parcel. So, essentially, is it correct Dave that this parcel right now is zoned for single family only with an average lot size of 5,400 square feet for the essential zoning?

Dave DeGrandpre Well, there are two, two distinct parcels. There's a southern parcel and a northern parcel. Both of those lots are quote-unquote split zoned, meaning more than one zoning designation applies. The larger parcel, which is to the north the, the prevailing zoning is R5.4, which is a single family type residential district with a minimum lot area of 5,400 square feet. The southern parcel has a prevailing zoning of RM1-35, that's residential multi one, well with a 35 foot maximum building height. And I can show you a graphic of that if you'd like to see it?

Alderperson Carlino Yeah, if we can see the graphic of the essential zoning that would be helpful. Thank you.

Dave DeGrandpre So, this is what the effect of zoning looks like. You can see the larger northern parcel. I hope you can see the larger northern parcel in yellow; that's R5.4. Again, that's a single family type residential district and the southern parcel has a prevailing zoning of RM1-35. Again, residential multi-dwelling with a maximum building height of 35 feet.

President Jones Thank Dave. Okay, any other questions from Council? Seeing none...oh Mr. Nugent.

Alderperson Mike Nugent Thank you. We received some public comment and most of it we've touched on in in various hearings, but there was one new item that I was hoping to ask Mr. Nugent for a little bit of information on. Comment says that this project results in a non-uniform regulations with MRM 145, in violation of the uniformity requirement in MCA 76-2-302, and I was hoping to get a little clarity on that.

President Jones Mr. Jim Nugent, if you're able to unmute yourself....

Jim Nugent I think that issue was addressed several weeks ago. Dave might remember the more specific time but in this particular instance that wasn't applicable, and I think at that time Dave was working with Ryan Sudbury, but I can't remember the specifics, but it's been more than a month probably since that issue was specifically addressed and was identified as not being a concern.

President Jones Thanks Mr. Nugent. So, that should be in the record and in the minutes. Any other questions from Council? All right, at this point then we would go to Mr. Hess for a motion on this matter.

Alderperson Jordan Hess Thanks. I'm going to make an affirmative motion, as the committee chairperson. I'm not, I'm not going to speak for or against the motion but I'm just going to make an affirmative motion so that a yes vote means yes, and a no vote means no. So, that's just so everyone knows what I'm doing here. I move that on second and final reading, we adopt an ordinance rezoning 2900, 2920 and 2990 Expo Parkway – Grant Creek Village (2 parcels, 44 acres) legally described as Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling).

President Jones Thank you. That motion is in order. Next in our process is public comment on this item, so I'm assuming a lot of people are here to public, to give public comment tonight. If you want to come up to the podium, you need to please state your name clearly for the record and then please try to take not more than 3 minutes. And I'll give you a gentle reminder if you go over 3 minutes, and we do, under our rules of decorum for Council, we stress professionalism and not any personal attacks. So, just wanted to say that up front, not that I'm expecting any of that. So, if you would like to provide public comment on this item that is in order now and I'd recommend you come on up to the, to the podium. State your name for the record, thanks.

Oculae Schwemler My name is Oculae Schwemler; you might remember me. I appreciate that everyone is actually giving me eye contact today, that is very nice, thank you. I hope that John Engen is doing well; I do worry about his health. I do have just a couple short comments, it won't even be three minutes. It's about the process that's been occurring right here in this room today even. So, there were not enough agenda items printed. It's okay, I mean we have a lot of public here and we're used to it being crickets. So, better next time hopefully. In regards to public comment and allowing people to speak, I think it would be a good idea perhaps to consider that you are not the arbiter of truth or facts, and that John Engen would allow folks to speak for the entire 3 minutes, just consider that. He was able to treat the public with respect. He allowed discourse; no matter how uncomfortable and he was able to look me in the eye without fear or aggression. So, please do consider allowing people to speak without being presumptive about the facts and being the art arbiter please. Thank you.

President Jones Thanks. So, we are taking public comment on the item that is in front of us right now, which is the Expo Parkway rezone matter. So, if anyone is here to give public comment on that item, please step forward and just put your name on the record. Good evening.

Jim Gray Good evening, my name is Jim Gray. I live in Grant Creek, in the prospect subdivision and I've been following this issue quite closely. I've been pretty vocal about it in both in person and in print, several letters published in the newspaper about this. As a longtime resident of Grant Creek, we've watched as our traffic has increased enormously. It took us more than 10 years to get that turn lane onto I-90 West when in fact probably should have been the double roundabout as on Van Buren Street. Nevertheless, the addition of this many housing units, apartments in that section of Grant Creek will be a nightmare for both traffic and congestion. Secondly, we're very concerned these days about wildland fire hazards, and I think that, if there was a need of an evacuation Grant Creek is a dead-end road. There's only one way in and one way out. So, to approve a development of this size I think would be extremely dangerous and harmful to the neighborhood. Thank you.

President Jones Thank you for your comments. Anyone else that wants to provide comment? Please step up to the podium.

Kim Birck Good evening, I'm Kim Birck, B-I-R-C-K. I'm the Secretary of Friends of Grant Creek and... are you not hearing me? Okay. Are you hearing me? Yeah I'm short.

President Jones A little bit louder....

Kim Birck I'm short; I'm not speaking into the microphone, I guess. Anyway there are a lot of people who have followed this issue for the two years, 2 ½ years that it's been on the books or at least being considered, and the first time around we sent out a petition because everything was virtual and over 363 people sent back copies of the petition with their statement of support for existing zoning and against the rezone request. Since there's nothing that has changed in the actual rezone request between then and now, these petitions are just as valid now as they were in 2020. There's 363 signatures in here, not everyone is in this room. Obviously, a lot of people have company from out of town. It's beautiful summer weather after a very cold spring. So, it's hard to get people to come out. I'm surprised at the size of the crowd that is here on a beautiful day like this. I don't know, I mean do I need to keep these for the next time this comes around or?

President Jones If you want them to go into the record, you can hand them to a Councilor, and we'll make sure that the Clerk has them....

Kim Birck They were, they were handed to John Engen two years ago. I don't know if that, that's a record for a previous hearing but on the same project.

President Jones If they were already submitted then they're probably in the records.... So.....

Kim Birck They probably are, but I probably....but I'm not sure if they scanned every single one of them. If you need them, I've got them.

President Jones Thanks, thank you for that, appreciate it. Anyone else that wants to give public comment on the item that is in front of us right now? The rezone.....Come on up to the mic. Good evening.

Liam Seymour Good evening. My name is Liam Seymour. I'm part of the Missoula Tenant's Union and I'm a resident of Ward 3. I've been coming to these Council meetings for a while now but I'm coming up here tonight to ask you to vote yes for the Grant Creek and Expo Parkway rezone. Missoula is a thriving and most of all it's a growing city. It's growing around us every day and the best thing that we can do for that growth is to embrace it and more importantly to plan for it. Like it said in A Place to Call Home, the housing policy passed by this City Council, no neighborhood should be asked to experience radical change, consequently, no neighborhood should be exempt from that change either. This rezone will allow for more housing to be built, especially mixed income and mixed family housing, such as duplexes and triplexes. It has plans for public green space and there are already plans that have been seen by this Council for a potential bus line to the area. The City has seen many rezones in the past few years, with the hope of increasing access to housing and encouraging community but to my knowledge the Grant Creek rezone is the only one that has not passed in this way. No neighborhood should be exempt from this change. I don't want to dismiss or minimize the concerns of any of the Grant Creek neighbors who are here tonight. The, the issues of accessibility and traffic have been brought up before, both in previous, previous hearings, as well as here tonight. It feels almost like a chicken and the egg situation. More units can't be built without better infrastructure, but it seems like better infrastructure isn't going to be built unless more units are already there. So, I'm hoping that tonight you would vote yes and I'm hoping that that encourages, as well as the additional units, additional infrastructure to go into it, to support the concerns that the Grant Creek neighbors have brought forward. Yeah, increased funding will come for the infrastructure with the new units and the new rezone. Missoula, as a whole, needs to grow and it needs to grow as a whole community. No neighborhood can be exempt from that growth. Thank you for your time.

President Jones Thank you for your comments. Anyone else that wants to provide public comment on this item? Please come on up.

Richard Lasko Good evening, my name is Richard Lasko. My background includes 50 years working in wildland fire operations and I'm currently a resident of Grant Creek. The 2019 Fire Department Master Plan, which provides a compelling view of the effect of growth on the Missoula Fire Department. I hope it is a plan you are all familiar with. The 2019 plan examined the ability of the Missoula Fire Department to assemble resources to safely and effectively mitigate an emergency and arrive in a timely manner. The Missoula Fire Department identifies three engines, one aerial apparatus, and one command unit as the full first alarm assignment for a structure fire. The National Fire Protection Association established a standard by which all fire departments are measured. This standard specifies that the full first alarm assignment for a single story residential structure should arrive within 8 minutes travel time, 90% of the time. Now I'm now directly quoting from the Missoula Fire Department report, Missoula Fire Department travel time performance does not meet the NFPA benchmark of 8 minute travel for the arrival of a full first alarm assignment at a structure fire. There are large portions of the Missoula Fire Department service area that are beyond the eight-minute travel of sufficient resources to assemble full first-time alarm assignment. Figure 41 in the plan, which is a map, which I would distribute later, depicts large areas including the proposed

rezone of the Missoula Fire Department service area that are not within the eight minute travel time of a full first alarm. While response performance does not meet the NFPA emergency response goals, I must emphasize that the Missoula Fire Department is not performing poorly. They are, in fact, responding competently to ever increasing, increasing demands with the limited resources that they have been given. Although the Fire Department annual incident volume increased by 57%, the annual budget only grew by 38%. The discrepancy in call volume, outpacing funding should be addressed so the Missoula Fire Department can meet the demands of a growing community. The 2019 plan clearly identifies the additional, the need for additional response capability to meet growth in Missoula. With Fire Department call volume, population, and three and four-story development expanding at an incredible rate, the City Council, I hope, will also look at this in future projects from a strategic viewpoint and consider the cumulative effects of development on the capacity of public safety organizations to meet expanding public demands. Rezoning to add four-story buildings in the wildland-urban interface only adds to the burden faced by the Missoula Fire Department. Thank you for your consideration.

President Jones Thank you for your comments. Anyone else that wants to provide public comment? Good evening.

Hannah Cosell Good evening. Hi there, my name is Hannah Cosell. I'm here today to speak in support of this rezone. I actually just came from Grant Creek to walk my dog there, I'm still a little sweaty. It was a really beautiful space. I saw some western tanagers flying up above the creek and even saw a mama bear and a bear cub running in front of me. I think I'm almost more nervous in this room tonight, though than I was on an open trail a few moments ago. You all, those who live there, you have a really beautiful neighborhood and that's why I'm really excited for the opportunity for more Missoulians to be able to enjoy that scenery too. I had the privilege of listening to the Director of Bureau of Land Management yesterday, Tracy Stone-Manning and she spoke about this issue across the west, all the housing crisis is that Missoula is not special to have and talked about how we really need to build up versus out and how we can do that to preserve our wild spaces, to protect that mama bear and that cub to create space that's not in homes that aren't going to run into their habitats and their wildlands. I spoke on this issue a month ago and even in those short few weeks, I've heard so many more stories that really just took my heart about those housing crises that we're deeply steeped in today. One example, I have a rental property on my block and it's selling for over three quarters of a million dollars. One of those unions housing a fresh family with a newborn baby. My friend who lives a block away, they just had a 25% rent increase, and she is not going to make more than a 50 cent raise all this year. In addition, a beloved home in our community has tenants awaiting displacement from landlords who are applying to the city for funding to renovate the homes that as the owners, they have neglected and they're looking to turn them into a luxury apartments that no average Montanan can ever think about affording. I'm humbled today to be here with many housing advocates who are doing all that they can to make sure Missoula can stay an affordable place and a place we can continue to be proud of and I hope that you join us in that too. It's amazing that we could fill up this room and passion and support on this issue, but I really want to think about the people that aren't able to be in this room here today, not necessarily because they have family in town but because maybe they're working an extra job this evening to make their rent payments, to pay for the gas for the work that they have to go to tomorrow, for the family who just received a 30-day rent notice this month, and is looking for options drastically frantically that's the word, as their days run out in a town that has a less than 1% vacancy rates. We need more housing. We would love to have affordable housing. I know that's not a decision you can make and so I'm really asking you tonight to make the decisions that you can, that can house our neighbors, that can house our community, that we can have a space we can all be proud of, and the one that we can try to be creative to build cooperatively, to grow in a way that all of our community can thrive. Thank you for your support today .

President Jones Thanks for your comments. Anyone else in the audience that wants to comment? Come on up. Good evening.

Anna Kenny Good evening, got a lot to think about, don't we? My name is Anna Kenny. I live on 2616 Old Quarry Road, which is a street up from where this development is planned, and I must say I want to dispel the nimby pan and the, the handle that's been put on our neighborhood. I and my husband moved to this area 7 years ago from eastern Montana. I come from a long line of urban planners in Seattle and Portland, and I have personally experienced what unregulated growth does towns and neighborhoods, and I do feel for the people that need housing. This is a wonderful place, but I need to say to those of you that live in Grant Creek, we are not arguing about a development down at the old quarry pit. My husband and I moved in, fully aware of the fact that there was a planned development in the area, but we researched it and we were absolutely in agreement with the original planned zoning. Families need housing, single people need housing, but the way it is set up, from my perspective having come from Seattle and Portland that boomed over the last 30 years, this is looking more like unregulated growth, which in my line of work by the way I'm not a filthy rich person that lives in a snob neighborhood. I am a nurse; I worked 35 years and retired from the Portland V.A., and I must say we gave really good care. I am disappointed that the V.A. was not able to go ahead and build in that site; we were actually hoping that they would. I just want to tell you that our neighbors are retired teachers, music teachers, forestry people, nurses, we've got a couple of nurses in this room who actually were working during the COVID epidemic. Build, but build the mixed use, build homes that young families can get into. We were expecting to have a development that reflected our neighborhood feeling. What I see now is basically, God love you Mr. Ault, it's more of a profit motive than anything. Yes, we need housing; I'm not denying that, but housing can be given with mixed use, with condominiums that are restricted height limit, with green space, small houses for first fam, for new families to afford. So, let's think about this. The way I'm looking at it now, I've seen this happen before, essentially with this density that's being put into one little spot, this is essentially the same thing as building a dam at the mouth of a canyon. I mean, how do you get in and out? My husband is a wildland firefighter, we just had a wreck on I-90 today and let me tell you wildfires run uphill. What's on the other side of where this last crash was? And there was a fire that started there today, it runs uphill. You've got Butler Creek, you've got Grant Creek, let's look at the whole thing. Yes, we need housing, and I would support the original zoning. Let's bring young families, kids, students, there's no busing that will take students to the cli.... I mean let's talk traffic. I am going to wrap this up, but I did see a pedestrian hit and transported by ambulance during the time that this apartment unit was being constructed. I've seen near misses, auto accidents at the mouth of Grant Creek, so please consider that. We are not nimbies, we welcome new neighbors, we all welcome young families, we welcome students but let's consider the density, the in and out and the threats. So, please, I guess that's all I have to say but we welcome new development. The builders can build, but let's go to the original zoning plan. [clapping in the background]

President Jones We do not allow....I'm sorry, we're going to recess if you clap again. We do not allow that because we want everyone to feel welcome to provide comment, no matter what side you're on. So, if we clap again, we'll be recessing and taking the time out, all right.... So, let's just not have that participation. Next in public comment.

Abigail Nelson Hi, my name is Abigail Nelson. I'm a tenant in Missoula. I'm so grateful tonight that we have so much experience in this room. I don't think there are many neighborhoods facing redevelopment in Missoula who have such an awesome team of brains to figure out how that's going to happen. Unfortunately, we are in a crisis of, as many of you have said and we don't really have time to limit growth, as much as we would like. I think that what's gonna happen is up to everyone in this room but just because you're all here, it doesn't mean there aren't a lot of people in Missoula who desperately need this housing. You're all living it right now, but there are a lot of people

who would show up here if they could. You're retired, it's an amazing life to live, I'm sure. The people who are taking those jobs that enabled you to retire right, are living in these houses that we're trying to get built.

President Jones Ms. Houseland ..... [speaking in the audience] .....up here please, thanks.....under our protocol. Thank you.

Abigail Nelson Anyway, I think that we're all recognizing what a serious situation we're in right now, and whether we like it or not, it's gonna happen. It's all a privilege that we're here right now and if we can work together on how to make something better than we've ever had before, that would make a lot of sense. So, thank you so much.

President Jones Thank you for your comments. Good evening.

Nate Thomas Good evening madam chair, members of the Council. My name is Nate Thomas I'm a resident of Prospect and on the HOA for our subdivision or our subdivision apparently. I would like to point out that you know I know RJ has kind of been our spokesman for the neighborhood but in the midst of a pandemic I think it's quite astonishing the amount of participation you drew out this evening. It just illustrates how front of mind this is on the residents that it will impact. You know, as some of the previous speakers have spoken, we're not denying the housing crisis. We are questioning the, the logic behind you know putting high density housing. If you look at RMEF, one of the conversations we had on the past year was how our residents can get out in case of a fire. I think it's quite telling how RMEF had to put up a six seven foot chain-link fence around their property to address vandalism. You know, I think some of those things need to be considered. We're asking, we're not trying to, we're not discounting the fact that housing is a crisis in this in this city. We are asking you to look at this with intent, make the decision that you feel is right, but you know 20 years ago now I was a student at the University, and I dreamed of having a, having a house in that neighborhood. I didn't think it would be possible and it was. I don't think, you know, I think that this radical change will turn our neighborhood into something it isn't, and I'd ask you to oppose this motion.

President Jones Thank you for your comments. Anyone else in the room that wants to comment on this? Come on up. Good evening.

Audrey Kleckner Hello, thank you for this opportunity. My name is Audrey Kleckner, I'm a resident of Prospect and somewhat new to the neighborhood. I am not an anti-growth person; I do recognize that, that I'm an economist. I'm very interested in extending affordable housing to the individuals in our community who most struggle. That is not what these apartments are. I understand that they're very high rent and they would probably not meet the needs of the other people other than to give us a release valve of the, the demand. The, the issue for us is not whether we want to prevent other kind of people from moving in our neighborhood. I think that's, that's just a sort of a, it's not who we are as members of the Missoula community. We are here because we're very concerned about our wellness and our ability to exit in the case of wildfire. I think that continues to be a real concern for the group and it makes no sense to take a population of about 600 homes and almost triple that and have a bottleneck at one, at the top of the area and that will increase the exit in the event of a fire event, it will, it will increase time considerably. Many of us are retired; many of us are elderly. If we have to exit our cars, chances are we're not going to be able to run from the fire very well. We, the, one of the individuals earlier said that this is the only expansion plan that has not been cons or has not been passed by the group. There is a reason for that. It is not because we're special people, it is because there is one way in and one way out and everyone is aware of that and it is a very, very difficult, a change to that that area that could result in catastrophic, a catastrophic end. That's why there is the pause here and I think that's all, I think that's a top argument for at least for many in my immediate street and we realize you have a very difficult job and but let me say that if this pass is given and if those buildings are built,

there is almost no one doing it and fixing it after the fact. So, all the, all the, all the issues must be considered very somberly and I'm sure you're doing that, and we appreciate it. Thank you for the time.

President Jones Thank you for your comments. Anyone else? Come on up.

Aaron Neilson Good evening. My name is Aaron Neilson. I'm an attorney here in town and I represent the Rocky Mountain Elk Foundation. There have been a lot of meetings here and you've all been very attentive to the issue, so I thank you for your time and I'm not going to rehash everything, but I do want to focus on a few key things. One is that like everybody tonight has said, density is not everything. Housing is important, so these decisions are difficult to make but there is an objective standard that the City Council has to rely on in making its decision tonight. And here those are the review criteria, and the burden of proof is on KJA to prove that its rezone application complies with all those review criteria, and I'd just like to focus on a few of those. One of which is whether or not it complies with the Growth Policy and in 2000 I guess the city's 2035 Growth Policy has a focus inward approach. Here, this is not the urban core it's the WUI, it's different. There are not facilities and public amenities right there where you would see in the immediate urban core. More so, the city's Growth Policy refers to neighborhood plans and it says this, and I quote neighborhood plans are adopted as amendments to the Growth Policy but address matters at a much finer graphic scale, so they're more nuanced to the region is the point there. And so, when you look at the 1980 Grant Creek Area Plan, you got to see what the main goals and objectives are. One of which is to have two routes into the Grant Creek valley; that doesn't exist and won't exist if this rezone is approved. There need to be alternative emergency routes in the event of wildfire, that also doesn't exist and one of the main concerns is that there will be a bottleneck at the I-90 interchange. These are all concerns that the public in mass has spoken today in previous meetings, and I'd lastly like to address Mr. Nugent's conclusion that the uniformity requirement in Montana Code Annotated 76-2-302 doesn't apply here and I, he didn't explain that in a lot of detail, but I respect his opinion, but I disagree with that. I can only kind of assume the reason he says that is because procedurally the city, City Council has separated or bifurcated the vote on the Development Agreement from the vote tonight and I understand strategically, I guess, and legally why that was done but I think if you look at the first draft of the Development Agreement the fact that the public, the City Council has discussed it in tandem with this vote. You know, almost 50-50 split at the time, whether you break it out or not procedurally. Everybody knows that it's tied to that vote and so the legal arguments that were put in the letter that I emailed to you all today which I hope you had a chance to look at. I do think carry a lot of weight I can't stand up here and definitively tell you, nor is it my job to tell you how that would shake out in court, but I think the point is made that it isn't certain if it is challenging, if the challengers did prevail and the City Council had approved the rezone. I think there could be the potential for 1,100 units to be developed, which would only exacerbate the problems that everybody is concerned about here today. So, thank you very much for your time.

President Jones Thank you for your comments. Anyone else in the audience? Come on up.

Bart Bruns Thank you. My name is Bart Bruns and to be concise yeah I, the concerns on this one is the rezone mainly from, from my opinion from listening to the debate over the last couple years and the reason for that is that if we understand it's one thing and one ground rules but legally does that change? So, everything we've been debating, everything we've been talking about, it's still murky to me, if that does change I understand there's well intended consequences here too and it's an important problem, but when you look around, I find it very challenging to find a unit with 700 units in Montana. I had a hard time finding one in Spokane that's big and if my numbers are

right, that means Grant Creek does radically change to now 50% rental. That is a significant change, I would say that is a radical change and thank you for your time.

President Jones Thank you for your comments. Anyone else in the room that wants to speak? Come on up. Good evening.

Luke Santora Hi, my name is Luke Santora. I'm hearing a lot of con like discussion about why this wouldn't work, and it all focuses on the inconvenience in the daily life, than the potential for wildland fire threat but I want to focus on the crisis part of the housing crisis. Seven hundred units what does that actually mean? Maybe 1,500 or 2,000 people; these aren't going to be low income apartments but people who would otherwise be occupying housing and the rest of Missoula would move there, like as someone used the term acting as a release, release valve for the rest of the community, so people could maintain access to more affordable units in town. And the potential for like wildfire running up Grant Creek, that is true for every like slot canyon community in Missoula. And the housing crisis is a crisis; it's an emergency that's happening not right now not a potential emergency that we can mitigate going into the future. We could do both, we could like build safety zones in the area. We can make the housing in the area a defensible space. There's things that can be done to prevent this potential emergency situation in the future, but we need to do something right now to deal with the emergency that we are currently experiencing, and it's not inconvenience, it's people dying, it's people living a life of unimaginable stress that most of the people in this room, myself included, I can't even fathom. Just, I can barely pay my rent and I don't even have debt, you know. Just people are being pushed out of this community and what that actually means is their entire lives being exploded or just becoming homeless and everything else that that entails. I think that has more weight than being inconvenienced.

President Jones Thank you. Come on up. Good evening.

Bert Lindler I'm Bert Lindler, a longtime resident of Grant Creek. I hope that the Council members are able to reflect carefully on their vote, as it affects the entire community of Missoula. As a resident of Grant Creek, I can't take that perspective just because I live there. I've lived there for 20 years; I expect to live there for another 10 or 20 or well how much time have I got? I don't know. So, I would ask you whatever votes you cast tonight, you cast the exact same vote for another neighborhood that is equally positioned. When another neighborhood has no services within a mile and a half, when another neighborhood has no transit, when another neighborhood has a one way in, one way out situation and in great risk of fire. I think, I hope you will vote not to rezone to the highest density allowed, and I'm asking the same here. Thank you.

President Jones Thank you Mr. Lindler. Come on up. Good evening.

Julia Battisti Good evening. My name is Julia Battisti. I'm just here in support of this rezoning and I just like to say that yeah it's a radical change, but we need a radical change and that's all I want to say.

President Jones Thank you.

Joe Hertig My name is Joe Hertig and I live in Prospect. I just wanted to start by saying, I applaud all of you that voted no the last time and I really appreciated that. Frankly, I watched every ZOOM meeting during this, that whole process. I listened to every, read every article, looked at all the facts on both sides of the matter and I applaud you for voting no last time. I encourage you to do so again this time. Nothing has changed. I read the recent update; it's basically putting lipstick on a pig. There's nothing that's changed; it still violates the City Growth Policy. I also want to take this opportunity just say, I resent being called an ivory tower person. That is not me, that is not the neighbors that I live with. We are not, not, don't have any, excuse me. We don't have any problem with growth. We're already putting 450 units in where there were none; that doubles the

size of our neighborhood right out of the gate. These are not going to be affordable homes and yes there might be an exhaust valve whatever you want to call it but guess what the homes those people are going to be leaving, the rentals they're going to be leaving are the same price. So, at the end of the day, does that really solve any problems? And I'm not retired, I'm a working person, as are many of the people that live in our community, and I am afraid of fire. We had a fire a couple of years ago up there that was scary as heck and all it takes is one traffic accident the bottom of that hill during a fire event: nobody's getting evacuated. I really appreciate your time. Thank you.

President Jones Thank you. Anyone else in the room that wants to speak to this? Come on up. Good evening.

Grant Parker Can you hear me?

President Jones Yes we can.

Grant Parker Okay. Thank you very much. Members of the City Council, thank you for this opportunity to testify. My name is Grant Parker; I serve as general counsel to the Rocky Mountain Elk Foundation. I work at 5705 Grant Creek road which is just east of the proposed development. I live in Ward 3. RMEF National Headquarters is located in lower Grant Creek, and we have about 80 to, 80 to 100 employees who work from the site. The pandemic has kind of messed things up; we're still juggling with that. We have over 230,000 members across the country including over 12,700 in Montana. We've contributed to wildlife and wildland projects throughout western Montana that I hope all of you benefit from and before the pandemic, over 40,000 people visited the Elk Foundation visitor center every year and we hope to open up soon, so that they'll be returning and doing that. The Elk Foundation purchased its property in 2002. We chose the location because of the character of Grant Creek. We're well aware of the zoning that governs the adjacent property and throughout Grant Creek and this is a second rezone petition. We've always been prepared to live with the current zoning and it and the substantial development that it provides. With the increased activity over Grant Creek, over the last several years, the Elk Foundation has seen a tremendous increase in trespassing, vandalism, a situation that would be further exacerbated by the proposed rezone activity. We have had to invest hundreds of thousands of dollars for security in order to protect our employees, our visitors, and our property. We are very concerned about the impacts that the additional units in this proposed rezone and Development Agreement would allow, and the impacts on the business of the Rocky Mountain Elk Foundation. There's just a couple of other points I'd like to raise. In the Development Agreement, which as has been discussed before has been offered as an inducement for you to approve this proposed rezone. Section 3 talks about the City of Missoula being committed to seek a trail connection from the proposed development to the public trail systems around there. We're very, the Elk Foundation is very surprised to see this in the Development Agreement. No one in the city planning staff talked to the Elk Foundation about that. We're the logical connection for a lot of that and again, sorry Dave, but you didn't come and talk to us and that's not a good way to plan. What is even more surprising, however, is why the city is using the Development Agreement to try to get access to the public trail system, which is a good concept but is silent and has totally ignored the opportunity to reestablish a second emergency route to help get people out of Grant Creek. This is a prime opportunity, the prime time to do it, talked about it several years ago. We talked about it this time; it still has not been addressed and you are rapidly losing the opportunity to get that second route out of a Grant Creek in an emergency that has been talked about and it's part of your growth plan, it's part of your 1980 Grant Creek area plan, and something that we urge you to seriously consider and don't lose this opportunity to help protect the lives of the people in the Grant Creek valley. One thing I'd urge you to think about when you're deliberating this and Aaron Neilson did a good job of talking about the review criteria and how you need to look at it, but one of the frustrations that I've had in this whole process is that it's really hard to quantify and figure out what

exactly the development impacts will be from this proposed rezone, which is your job. When Dave's done a good job of talking about the gross numbers that would be allowed under the current zoning, under the proposed rezoning, the 450 to 500 or 1,000 to 1,100 units; those are gross numbers, as Dave as eloquently said. It doesn't really talk about what the net units are. The Development Agreement has a net unit of 700 units, but you don't know what the realistic net unit would be under either the current zoning or the proposed rezoning. You've heard the gross numbers, but you've never seen the figures and backed out what the hillside development limitations would be, the utility easements like Yellowstone pipeline, the roads, the requirements to do that, the parking requirements. So, you really don't know what the impacts are being and that's what the review criteria charges you with doing. So, for these and the reasons that have already been articulated, I respectfully urge you to vote no on the proposed rezone. Thank you very much.

President Jones Thank you for your comments. Anyone else in the room? We do have some people who are virtually attending, and I'll go to them....Oh we do have people, all right, come up Mr. Cox.

RT Cox Thank you madam chairman. My name is RT Cox and as you already know, I'm the president of the Friends of Grant Creek, which is not a particularly well paid position, but I'm doing the best I can. The people who are most affected by the lack of infrastructure, the lack of a second way out, the lack of good traffic management, particularly in the northbound lanes but really all the way through lower Grant Creek Road, those people are here today and they're the, we've got representatives from the Prospect Homeowners Association, Prospect Meadows HOA, Cottonwoods HOA, I think you'll hear from them for via ZOOM, and I just, and I'm not calling for applause here. I don't want to get in trouble, but I would like for the people from Grant Creek who are here that are in favor of the existing zoning and opposed to the rezoning to quietly stand. And I don't know if there's any way to ask for people that are Zooming in to raise their hand, to show support. This is a land use planning decision; that seems pretty obvious. Not only that, probably for some of you this is turning into a difficult decision. There is a huge, huge push in this community for housing. This town is growing due to external forces that couldn't be foreseen, maybe five or ten years ago, but growth was foreseen by your city planners. The people who created these maps that I showed you earlier, the Our Missoula Development Guide, for instance. These documents were created after a lot of public input, a lot of hard work by your staff that all of their maps, all of their recommendations are to not put high density housing in a place like this. There is one map, the FLUM map, which you have seen. Mr. DeGrandpre shows it to you frequently and that map, without any rationale for explaining why this should be a high density location other than it's an abandoned gravel pit, without any rationale, that map keeps being pointed to us, saying this is high density, this is high density. That map has a disclaimer on it that I showed to you that said you have to consider the other Growth Policy considerations. I ask you, respectfully, what is the point of hiring a planning staff to create these documents, to help guide high density development into the right parts of the town like where the Villagio is going, Scott Street, over by Sherwood Street, Mullan Road. There are a lot of apartments being built in this town and meeting that need. How am I doing on my 3 minutes?

President Jones You're getting pretty close; take another minute.

RT Cox Okay. Recently, vacancy rates for apartments have gone from less than 1% to 3%. That is a natural tendency; I've watched this in other communities, growth communities. The housing catches up and what appeared to be a terrible, terrible, urgent, urgent crisis, subsides. Housing shortages are transitory. Mr. Nugent talked about how he went to Minneapolis and saw that this was true there. I've seen it myself many times but a conversion of a neighborhood, a low density neighborhood to high density development is permanent. Thank you all. I know that you have put a great deal

of conscientious thought into this. Please don't create a high density island where it doesn't belong. Thank you.

President Jones Thank you Mr. Cox. Anyone else in the room that wants to provide public comment on this item? Please come forward.

Spencer Woith Woith Engineering, representing KJA. I think one, well I got like three. I have a hundred points. I'll make three points. So, one of the things I do really want to point out is when the zoning was approved by Council, the vast majority of the northern parcel was voted to be zoned RM1-35 with the northern tier being zoned R5.4. So, without the nuance of cross zoning, it was always the intent for there to be multi-family in this area. It wasn't as if we're asking for a re-zone from all single-family to multi-family; it's because of the cross-zoning that was derived from the adoption of Title 20 that creates this nuance that essentially zones it R5.4, but that was not the intent. The other thing I want to talk about is the affordable housing issue and, and RT kind of touched on it, and it is very much an issue. We're a staff of considerably younger people and we're having a hard time recruiting people to come here and work for us. One of the individuals we just recruited the only reason we got him a house or an apartment to live in, is we had to pull favors with somebody we were designing for to get him on the top of the list. Otherwise, he and his wife could not find anywhere to live. It is an issue and it's an issue that's facing us very much right now. And yes, these are going to be nicer apartments; that's the intent of new development is for them to be nicer, newer. The people that are living in other apartments will move into this and it'll allow the pressure relief valve that was talked about earlier and it's a real thing. I mean it's Economics 101, supply and demand. The more we can get in the supply, the less the demand, the less the pricing. Developers are going to follow whatever they can get for rent. The more you give, the more opportunities for people to live it's going to ultimately drive those rental costs down. The evacuation and emergency experts spoke. I'm not an expert on that, you have a staff that handles that, and they're very good at what they do. They came in, they're the ones that are going to handle everything in an emergency; I encourage you to listen to them. The other thing about traffic is we have to remember; we're not talking about if there's development or if there's not development. We're talking about a difference of 200 units roughly. So, it's not all or nothing, it's, is this zoning worth 200 additional units? Thank you.

President Jones Thank you for your comments. Anyone else in the room? Come on up. Good evening.

Mike Cole Good evening, thank you for letting me speak tonight. I am Mike Cole. I'm the project leader of the Grant Creek Wildfire Risk Task Force, which you've heard quite a few times before. Yeah I've been a little bit hoarse here. You know planning is all about the future, not the present. As our Ward 2, Council member, Jordan Hess stated in his most recent reelection campaign letter, climate crisis is the defining battle of our generation end quote. In Missoula, that battle now and in the future will become most visible to Missoulians as wildfire in the wild and urban interface where this project is located. Yet climate change and its ongoing and future impact on wildfire weather, fire behavior, and evacuation have been totally ignored. The city planner staff report, as well as the developer's fire logistics report failed to address or analyze any climate change related wildfire or evacuation issues. When City and County emergency officials testified at the June 1, 2022, LUP meeting, you asked them if they have read the contracted fire logistics report, but you failed to ask them if they had read any of the scientific material provided by a volunteer task force I'm a member of, which are their peers based on recent experience regarding climate change related to wildfire issues. To date, when no one has challenged the legitimacy of our information including your own emergency management agencies, and we're still not sure if they've even read any of our research. That's, that's a huge hole in this whole planning effort. As a result, the wildfire information provided in this staff report is biased. The review criteria for approving or

denying a rezone under Title 20, those criteria have not been met for numbers 1b, 1c, and 1d, all related to public safety and transportation. Under criteria 3, criteria 3 is what's in the best interest of the city as a whole and there's no justification that increased density in the way of Missoula is in the best interest of the seat as a whole or even a reasonable practice for planning the wildland urban interface. Everything you do with this project related to wildfire has been a one-sided analysis in favor of the developer. If you approve this rezone, I would say you'd be causing potential harm to all existing Grant Creek residents, especially in the event of a wildfire evacuation. You will be intentionally increasing that risk and disregarding all the scientific evidence you've been presented with in favor of increased density. You will have ignored legitimate safety concerns based on scientific evidence of future wildfire hazards and the evacuation times in favor of increased density. All of this is in favor of increased density, and this is in the least favorable location and the most hazardous wildfire environment in the Missoula city limits, not just in this, you need to start thinking on a broader basis. You have these problems everywhere in the wildland urban interface in Missoula and it's not going to get better. So, approving this would be the equivalent of climate change denial, if you allow increased growth at all costs knowingly creating a more hazardous situation for existing residents and knowingly ignoring all the research that says the WUI is the last place you want to have increased housing density. You will not have exercise due diligence in your decision. You can't later claim we didn't know, or we didn't think about it would happen here. So, remember what your own city fire chief put in writing concerning this latest rezone proposal and I quote the easiest solution to this dilemma would be to restrict development, but instead and I quote again return a blind eye and do nothing at all, and in regard to some of the issues around the structures. So, the fire logistics person last year was or last time we met at the LUP meeting, I took it back that was at the June 1<sup>st</sup> LUP meeting really wanted to emphasize that all the buildings had sprinkler systems built into them. So, if I look back to December on the fire in Boulder County Colorado, I'm sure that all of those apartment buildings and hotels that burned the ground had sprinkler systems in them. There are certain fires you cannot fight, you have to sit back, wait till the fire, fire front passes, then hope you can get back in there and save was still standing. And please vote no based on science and please make a decision based on facts, not money and thank you very much for your time, I really appreciate it.

President Jones Thank you. Anyone else that wants to speak? Come on up.

John Langstaff Council members, my name is John Langstaff. I live in upper Grant Creek. I live in a double-wide modular home on a cement foundation. I live in the wildland urban interface, more wild than urban and I am concerned because I have a handicapped wife who cannot move fast and when the wildland fire front hits our home, she is not going to be able to get expeditiously out of our house, that's going to take us a while. Now we got 600 and some homes up in upper Grant Creek, well in Grant Creek about half of those are retired people with retirement problems such as my wife. I'm concerned because you are not treating our situation with adequate understanding of the danger that is posed by a one way in, one way out exit from that program. Last week, we heard the word disingenuous used in this situation and I appreciate that from the Council, and I think that was addressed to the developer. He is disingenuous, he's not telling us what the real ad, the real truth of the situation is. He's placing us all in danger. I would suggest some other adjectives besides disingenuous. How about dishonest, deceitful, and duplicitous? Grant Creek Village is not inward core housing. It is not affordable housing, that was what we in our original zoning plan would like to see on this property, and we have been advocates for affordable housing from the start. Transportation is not available in this situation either. It is, is not friendly, our safety and emergency is not part of what Grant Creek Village is all about. They're, they're standing as a wall of us retreating from an ongoing fire and it's not according to the plan that the city has advocated for the last 20 years. This is it is not addressing the infrastructure issues that are critical to the expansion of our city. You're putting us and other people in danger

because you are not abiding by the best practices of protecting the residents of this city. I can appreciate the dedication and thought that have gone into this so far and I hope that that thought and dedication to the City residents is utmost in the consideration when you vote no on this project. Thank you.

President Jones Thank you Mr. Langstaff. Anyone else that wants to comment on this project? Come on up.

Peggy Walker Hello Council members. My name is Peggy Walker I'm a resident of Grant Creek and I'm not retired. I'm here just to make a couple of comments. First, I'd like to speak to a comment made earlier by a gentleman in the room who reminded us that no one is exempt from sharing the burden of the change that comes with the housing crisis. And I'd just like to point out that whether or not you vote to approve this rezoning, we are not exempt because the existing zoning allows for up to 500 units. Now, this weekend, I had the opportunity to seek out and find and view the Villagio development, which has as I understand it approximately 200 units. Even if we stay with the existing zoning of roughly 500 units, our contribution is twice that of Villagio. If we go to 700 it's, three plus times, and if the maximum allowed under this result, it could be up to five times, 1000 units. So, that's one point I wanted to make and then I just want to read something the Development Agreement that we've been talking about over the last weeks is a lure to vote for the rezone; don't pretend it's not. Erasing the language about incentive to approve rezoning does not change the meaning and purpose of the Development Agreement. Everyone sees through this, Mr. Carlino was correct; this is disingenuous. And the final thing I want to say is that every neighborhood wants streets which are safe for pedestrians and bicycles, so do we. We see the increasing danger every day, as we drive up and down Prospect Drive and there are only 100 units, so far. Excuse me, not Prospect Drive, Grant Creek Road. Thank you for your attention and I appreciate the opportunity to speak.

President Jones Thank you. Welcome.

Simon Dykstra Hello, my name is Simon Dykstra. I've been a resident in Missoula for about eight years and I just want to make it clear that as a member of the tenant union, we are composed of old and young, able-bodied and disabled, and we're composed of people who experience this crisis most acutely. And so, I just want to make it clear that every single person I have talked to who experiences this housing crisis most acutely and is knowledgeable in the wildland fire interface and is knowledgeable in the danger of that, supports the rezone. They'll vote yes on the rezone, and so I just wanted to make that explicitly clear and that we all are facing the issues of the future with equal gravity. I am direly afraid of my future, as a young person facing climate change, in addition to knowing that I could lose my house at any moment okay. And so, I just wanted to make that explicitly clear, and I just wanted to say that I support a vote yes. Thank you.

President Jones Thank you for your comments. Anyone else in the room? Please come on up. Welcome.

Dodie Moquin Hi, my name is Dodie Moquin and I live in upper Grant Creek, for the last 30 years. And I was part of the original, really following the original 2020 decision and burst into tears when, when I saw that the Council voted to not support the rezone, I thought wow the little guy really does win once in a while. You know, we're really up against a lot of money and a lot of power and so I, I want to encourage you, nothing has changed from 2020, nothing of, of substance like one way in, one way out there's no way around that. Climate change is only going to get worse, and we are facing that. I just was a part of a mitigation project for my property and maybe five firefighters came out to walk the property with me. And I said, okay you guys I'm just gonna get straight with you, just tell me the truth if there's a firestorm that goes through here, are you coming up Grant Creek really? Long pause.... long silence and the head guy said, we just do what our incident commander tells us and if he tells us not to go up Grant Creek because it's

too dangerous, we follow what our incident commander tells us. That told me everything I wanted to know, and I've made the decision, if there's a firestorm I'm just staying in place. I'm not going to get into a car and try and get out of Grant Creek because I think it, it would be taking my life into my own hands, not that our, not that our police department and traffic people aren't the best, they, they probably are but you got one way in and one way out. And you have to face the reality that in the worst case scenario, they're going to be people that die and to put a rezoning to, to say yes to the rezoning is to me, it doesn't make any sense. When we approve of the existing zoning, that makes a lot of sense and where it says okay this is for home ownership. The rezoning, you can't, there's no home ownership in the rezoning, but in the original zoning there is and that original zoning that a lot of people put heart and soul into in 1980 makes a whole lot of sense and there's no reason to not keep the original zoning. And so, I want to encourage you to do what you, do the right thing. Do what you did in 2020 and deny the rezoning. Thank you so much for your time.

President Jones Thank you. Is there anyone else that wants to speak to this that's in the room? Great come on up.

Nancy Heyer Hello, I'm Nancy Heyer. I grew up in Missoula, I did not ever believe that I would be speaking in front of the City Council about the gravel pit. The gravel pit used to be a place where the teenagers would go way out of town to not be seen, a lot has changed. In 1986, my husband and I loved the fact that after 20 years, we could move back to our hometown of Missoula. We couldn't find any houses and up in Grant Creek, lie almost in fallow a development. There were streets, there were sidewalks, there was sewer, and it belonged to the city and there was a chain across there because the developer had, I don't know what happened. We were the fourth house in the Grant, in lower prospect. Now, I say lower Prospect because we're, that's poor man's Prospect, that's what I call it. I'm a nurse, my husband's a teacher. We had a couple kids in school. We're not rich. The fact that we retired after 45 years and we live in our dream house is ridiculous, and I took that at great offense. The final thing is, picture 1987, Pattee, Pattee Creek, Pattee Canyon was on fire. The Rattlesnake had a lightning storm, and the Rattlesnake Lakes were being threatened and then the plume of smoke came up in upper Grant Creek, and my husband and I drove our car home to get to the children who had been dropped off by the school bus, and we had to have egress and ingress stickers. We were, we were stopped thankfully from that from going and coming and allowing a lot of a lot of traffic in and out there. We lived that this, town was on fire and I'm not trying to exaggerate it, it was scary. So, if you plug up that end where there's all, this guy up here, he wasn't an old, retired guy with a disabled wife when he moved into that place up there. We moved in there because it was a planned development, and we want to rely on the zoning that exists, and we want younger people to move in. We want you to have places to live, but we were young too and we went into debt, and we spent everything we had to live up there, and we still love it. So, I ask you to say no and I'm especially looking at my Ward representatives. Thank you.

President Jones Thank you for your comments. Anyone else that wants to speak to this? Come on up.

Maggie Bornstein Hi, thanks so much for allowing me to speak. I'll put my name on the record again; it's Maggie Bornstein. I've come to speak about a number of things, and I'll speak about this, and a few commenters back I heard some questions about like why does the existing zoning from the 1980s not work? Why does that not fit and accommodate the situation that we're facing now? Missoula city population in the 1980s was like 30,000 people and the last census in 2020 is reflecting at 74,000 and you know we've, we've known that we've seen some pretty significant growth even in that two-year time frame. And so, I hear from people so much goodwill and I really want to validate that. I hear people saying I want young people to be able to have a place to live and maybe some misunderstanding around wealth and equity and homeownership, that'll be

denied to myself. I see people, some of my neighbors, who you know are in a similar situation where that'll probably never be a reality that we'll experience here. And so, just wanting to bring some like more acute understanding of like what it was to maybe buy home decades ago, it is really different than what it is now and so for so many of us the prospect of home ownership is so out of reach, we will take anything that we can get to have just more surplus on the market and I just think this is a really wonderful opportunity to do so. I also want to say I want to be brief and respect everyone's time, but I do live on the cusp of downtown, what you know wouldn't like ensue and proceed into the Rattlesnake and I, I keep thinking of oh my goodness like my building that is dilapidated and has many of, many issues I think of my very special neighbors and, and the people I love in my neighborhood and I think of that in another time, our building would have been denied. Like we would have been what everyone is like so afraid of happening right now and so again, I don't want to put anyone on the spot. I look to my Ward representatives who are maybe more familiar with my neighborhood and to ask others to consider like what this would be in a contemporary version of their neighborhood because not everyone can understand that because again it is pretty exclusive to Grant Creek, but thank you for your time and I really hope that you support this rezone.

President Jones Thank you. Anyone else in the room that wants to comment? Okay, we're going to go to people who... oh one more. All right, come on up.

Karen Workman Hi, I'm Karen Workman and I've lived in Prospect. We moved in, in 91 when we were the last three houses there and so then upper Prospect went in, but what I was, I was really glad that someone mentioned having another way out. And I was just going to try to remind people and it might have been 10 or 15 years ago that Grant Creek had a huge amount of water. It under, in our bridge that we get across from prospect to go on to Grant Creek, it washed out the foundation part of it and it wasn't safe to go across. I don't know if anybody remembers that and it was closed for a few, a week maybe or more, and they had to make a, an old quarry, there was a space between two houses where they put some gravel and stuff and we had a road there went down along Rocky Mountain Elk Foundation and then was able to go out the other bridge. But considering what's happened this year in Red Lodge and some of these other towns, you know is that could happen to go to our bridges again and it doesn't affect Grant Creek, but it does affect our Prospect and this new development that would come in so without another road, I don't know if it's legal to put another, bridge, you know another on-ramp there from this area but isn't that something that they could think about is another, another way out? You've got the exit at the airport, that's not that far. If you had another road that could even go on to the on-ramp, at least you'd have another way out and like when we when our bridge went out if they hadn't figured out a way for us to get out, we would have been stuck everybody in prospect we couldn't even get onto Grant Creek Road because the bridge wasn't safe for us to drive on. And considering global warming and all that's happened with the flooding this year, you never know that could happen again on Grant Creek. That's what we want to mention, and I was really glad to hear somebody mention that we, the importance of having some way to figure out another way out for all that housing.

President Jones Thank you for your comments. Anyone else in the room? Come on up.

Matt Dente Hi, my name is Matt Dente. I live at 10830 Grant Creek Road; I'm neighbors with John who spoke earlier and the only reason I want to speak is because I think that the character of the neighborhood of Grant Creek has been misrepresented by the proponents of the rezone. No, it is not some enclave for the rich that, that it's being portrayed as, who don't want this kind of development in their neighborhood. I moved in 6 years ago. I moved in right near John, one house down from John. The house in between us is owned by a retired math professor from the university. The house across the street from us, across the creek from us is owned by a retired landscaper from the university and his wife was a stay-at-home wife. It's an excellent neighborhood and one

where the people care a lot about the community, and the housing crisis. I agree with the young folks that it's not easy. It's not like it was 20 years ago, it's not like it was 15 years ago, it's not like it was five years ago. So, I certainly sympathize with that, but I just want to say that Grant Creek is not just a bunch of old, rich, white people who are retired. I have three kids and if there's a wildland fire.....

President Jones If you just want to direct your comments to Council actually. Thank you.

Matt Dente I'm sorry. If there's a fire, I'll be racing with John and Gloria who's disabled like you said to get my kids who take 45 minutes to put their shoes on down that road. And there's lots of young families up there; we're not retired. We all work, and you can come up to Grant Creek during the school year and see the school bus get full kids. It's a different neighborhood than the way it's being portrayed in the media and that's all I wanted to say. Thank you.

President Jones Thank you for your comments. Anyone else in the room? All right, we will go to, we have several people in the attendees who wanted to provide virtual comment. Mr. Larson, I see you raising your hand. We're only taking comment on this item and please observe our rules of decorum. Mr. Larson, you can unmute yourself.

Matt Larson Thank you. Matt Larson, Ward 3. Yeah, I think there's a large logic disconnect with the valve release argument. It's as though building a bunch of expensive townhomes and condos will allow people to stop occupying low-income apartments at the Howards. I don't think this argument really holds much weight in the logic realm, but it is radical. It is radically unplanned, I think, on the City's part. This development, it is radically opposed by the people who live there. It is radically dangerous for the people who live there, and it is radically just not a good idea I think, and I would support anyone, anyone on Council who votes against this. Thank you.

President Jones Thank you. Next we have, Diane Stensland-Bickers, if you're able to unmute yourself. Diane, did we lose you Diane?

Diane Stensland-Bickers No, I'm here.

President Jones Okay.

Diane Stensland-Bickers Hi, this is Diane Stensland-Bickers. I'm a resident of Missoula and I'd like you to vote yes to re-zone this property. I'm in favor of it. I think that no matter what the income level of the people that are vote, are voting against this or urging you to vote against it is, it's more a case of nimbyism than anything else. They don't want more people in their neighborhood because they think it's a danger to them, but they all built knowing that it was a one way in one way out situation when they built their homes there, and they just don't want neighbors. They need to take neighbors just like every other neighborhood in the city is having to take more people into their neighborhoods. Nobody wants a whole bunch more people in their neighborhoods. We all need to take more people into our neighborhoods to solve the housing crisis. Please vote yes. Thank you.

President Jones Thank you. Next we have Maria C. Vonderpahlen. If you're able to unmute yourself, you should be able to speak now.

Maria C. Vonderpahlen Yes thank you and I'm here with my husband, Adrian Layton. We were going to make comments together. Yeah, we're live in Grant Creek about halfway up and I think that the, the situation that's being raised about the housing crunch. I think it can certainly be addressed by the City and the County, by the city in many locations; however, the issue of wildfire has been raised by and, and very well addressed and studied by members in the community and it is a, an issue that's becoming more and more of a concern, and the lack of exit from the neighborhood certainly poses potential for catastrophic situation. I'd like to give my husband just one minute here.

Adrian Layton I just, you know, I think as we've all thought experience experienced COVID, we thought a lot about risk. I think there are other options for, for affordable housing and I think there is high risk and not just the members of the Grant Creek community already but for the people who because of low housing costs may move into that area and be exposed to risk too. To expose people to risk without the proper planning and proper exit is just, it just doesn't seem worthwhile if there are other options.

Maria C. Vonderpahlen Thank you.

President Jones Thank you. Thank you for your comment. Next we have Alison Boone. And Marty, if you can? Thank you, let her in. There you go, Ms. Boone, I think you're unmuted, you should be able to speak.

Alison Boone Thank you, I appreciate that. Hello, thank you for the opportunity to speak this evening. My name is Alison Boone; I'm a resident of Grant Creek. Additionally, I'm a teacher and a mother. I only mention this to point out that I'm not there in person due to a lack of dedication or concern, but rather because I have young children at home who need me this evening and it is bedtime, so I'll make this very brief. With that said, I would like to echo what many residents have voiced. We recognize the need for additional housing in Missoula and many of us support the current zoning even with the great strain and safety concerns that it would mean for our neighbors. The rezone, however, expects far too much for a single neighborhood to shoulder and violates the Growth Policy. It is quite simply a radical and unsafe change. I ask you to vote no on the rezone and I thank you for what you do for our community and for your time this evening.

President Jones Thank you. Anyone else that wants to provide comment? I don't see any additional raised hands and anyone else in the room. Okay next in our order of business, then we will go to Council comments on this item.

Aldersperson Anderson Madam chair, point of order. May we have a quick recess just before we start into that.... I mean we....

President Jones I'm seeing nodding heads. So, why don't we recess for 10 minutes and then we'll come back and start in with Council comments.

[RECESS]

President Jones Thank you Marty. Next in our order of business on this item in front of us, the Expo Parkway rezone agenda item. Next on our order of business is for Council comments and parliamentary debate. So, if Councilors have comments on this item please raise your hand and I will call on you. Mr. Carlino.

Aldersperson Carlino Thanks. Yeah, I just want to start by just explaining what the vote is on the rezone. It's not voting on a building right now, it's just voting on what can be built legally or not be built legally on that area of land and because of the stricter zoning applying to the north parcel, 80% of this land is currently restricted to only single family residences. And with the rezone vote, if it was a yes vote, then it would be allowed to have single-family residences, duplexes, three-plexes, four-plexes, apartments up to 45 feet tall. And just knowing how hard it is for people to find a place to live right now in Missoula, I just ask why would we keep this housing illegal? We need to legalize housing in all parts of our town. We can't make it illegal to build two, three, four plexes in any residential neighborhoods. So, during our housing crisis, we as a Council need to stop making housing illegal. We need to legalize housing and then that would make the vacancy rate go up and when the vacancy rate goes up, then us renters aren't so beholden to our, whatever the landlords want, living on a month-to-month lease right now with a one, under 1% vacancy rate in town. We're worried every month our rent could go up and it or if we end our lease, the landlord decides that under at least and there's nowhere to live. And I got elected on the Council to help represent the 50% of our town that is renters, and we need to start opening up some vacancies and make it to where

we're not all just worried that we're going to get kicked out of Missoula any day. And looking at this one, in particular, it's a gravel pit. It's not a wildlife habitat next to Greenough Park. It's not right on the river, next to the Clark Fork River. It's a gravel pit and from an environmental perspective, if we don't build on the gravel pit, housing is going to be built somewhere else eventually. So, for the sake of our environment and for the sake of renters in town, I encourage everybody on the Council to vote yes on the rezone today. That way we can legalize housing on this area of land and also make sure that we don't need to build out and out and out and rather can build on a gravel pit that's already environmentally destroyed. So, I encourage everybody to keep the 50% of our town that are renters in mind and to vote yes to legalize housing.

President Jones Thank you Mr. Carlino. Other Councilors? Ms. Sherrill.

Alderpersion Sherrill Yeah thanks and I'm sorry I can't be there tonight. I am away taking care of my parents. First, I want to thank everyone that has given public comment on this item. We've heard from many of you on both sides via email, voicemail, and in person. I also really want to thank my colleague Mr. Hess for giving this item the time that it needed in Council. I feel it's been thoroughly, a thorough and a fair process for all involved, and it has had many opportunities for people to participate. So, thank you for that. Just as a side note before I talk about this, I, I, I also want everyone to know that I, I dislike the word nimby and I really wish we wouldn't use it because I think it attributes motivations that may or may not exist and also because I think it dismisses and it minimizes neighbors' concerns that are real, regardless of where they live and what their income level is. Two years ago, I voted against a proposed rezone on this property. I did not feel, at the time, that my concerns and questions around fire evacuation were answered to my satisfaction. Tonight, I am going to vote yes for it. Not because so many factors have changed, but because I believe they were more thoroughly vetted and explained. The right turn lane onto 90 West helps the traffic flow for sure, but the bigger item for me is the detail that was provided by emergency services, police and the sheriff's department on how an emergency evacuation would be handled. Closing the lane on the highway, stopping the Expo Parkway residents from exiting until those in higher danger are out, cutting off the entrance to Grant Creek, and controlling the traffic lights you know etcetera, etcetera. I suggest anyone that is really interested in this to watch the Land Use and Planning meeting from June 1, 2022. It starts about, it's about a five-hour meeting, so you may not want to watch the whole thing, but it starts at about 1 hour and 55 minutes, and for me that was what the main piece that changed my mind on this. Beyond that, we all know that we are in desperate need of housing in our community, and I believe all neighborhoods need to take part in this. I think you all understand that. You know, the market is gridlocked because of painfully low vacancy, rates which continues to push the housing prices up. This development will not be affordable housing because we are not able to condition zoning, but it will be housing stock which is an important piece of supply, demand, and prices. I've heard from many businesses struggling to hire employees because they can't find housing. This includes our University, our schools, as well as many of our local businesses. So, this is an economic issue as well, but I don't really, I don't really think that I need to explain the need for housing to anyone in this room tonight. I want everyone to know that I do not take this decision that affects this neighborhood or any other neighborhood lightly, but I am supporting this tonight because I believe we are in desperate need of housing and because I am comfortable that my concerns from last, the last time have been answered.

President Jones Thank you Ms. Sherrill. Other Councilors? Ms. West.

Alderpersion West I got booted out of the ZOOM meeting for a minute. I will assure you I was here the entire time. Okay, so I have a couple pages of notes, so bear with me. So, I was also a no vote the last time around and I looked back to see what my comments were last time around this rezone. It's, a lot has happened in the last two years, and I think my biggest concerns were around, in part, the levy system and also the, the safety

associated with traffic. And I think that I have a better understanding this time around of the administrative process that happens after rezone is approved. So, basically, staff has the ability to not issue building permits if there are negative effects and if required mitigation hasn't been executed. A really good example of that is in our old sawmill district where there's large dense develop development that's responsible for installing a traffic light before any additional structures can be built. Our storm water utility which has been created in 2016 has been making strides towards re-certifying our main levees along the river and I have confidence that they will maintain functioning levy, levees throughout our community, which obviously would also protect property that's built in this location. And then I just briefly wanted to talk about growth in Missoula overall. I went through the process of adding up all the large-scale developments that I'm aware of in census trac 2.01. So, that would be most of the north side, west side, so basically Reserve Street east of the highway all the way to the river and then it jogs over to like Greenough Drive where it comes down by the railroad. So, in that geographic area, there are 71 new units in the phase 3 of Scott Street Village, those are market rates rentals. We have 200 units coming on in Villagio, those are affordable for 60%, people earning 60% area median income or less. We have 70 CLT homes coming on at Scott Street, those are affordable home ownership opportunities for 120% AMI or less. We have 240 market rate rentals coming online at Scott street and the market rate portion of that development. We have an additional 72 affordable rental homes coming online in the Trinity site at Cooley street, and that is not including any of the 12 plexes, six plexes, and four unit townhome developments that are just regular old infill projects. So, excluding infill projects we have 653 units coming online. Our census tract has 802 units, so all that is saying is that there is radical change in all of our neighborhoods. That is an 81.4% increase in the number of housing units, just in that part of town. I realize it doesn't have the quite, the same ingress and egress restrictions, but there are similar barriers when it comes to when you look at what areas are heavy, heavy industrial. We have a pipeline; we have a rail yard; we have a highway. And if any of those, if there's like a rail yard disaster, you know folks will also be trapped. Let me keep going, so that's the first page. So, I went back and looked at the actual 1980 Grant Creek Area Plan, which is really a great plan and it's super interesting and in the introduction, it states that at the time it was created there were 200 lots already plated and there were 140 in process. So, that's 340 lots and that it was expected that an additional 2,500 units were going to come online between two districts planned for this area which is the Prospect district and then the Glen Eagle district, both of these neighborhoods were supposed to be completely like self-contained, have their own like elementary schools, their own like commercial areas. Obviously, that density that was expected didn't come online at the time and still hasn't, but this general area that we are talking about even in the 1980 plan was slated as medium density, multi-family, general commercial and light industrial back in 1980. So, with that, this time around I feel like a lot of the concerns I had back in 2020 have been addressed and I also think that in line with the, our Growth Policy and the requirement that all of our neighborhood's shoulder, and we'll say an equal burden of, of the growth we're seeing and providing housing for our community, I'm going to support the rezone this time around.

President Jones Thank you Ms. West. Other Councilors? Ms. Savage.

Alderperson Kristen Savage I don't ever like going after my ward mate because she has a grasp on numbers that I do not, but I have listened to hours and hours of public comment. I want to thank Councilman Hess for making sure this was a thorough process. I've read stacks of emails, letters, written comments. I've read letters to the editor, studies, and reports and I've appreciated all the time and energy that so many people have put into this conversation. Thank you all for your time and participating in this process. I under, understand the concerns about traffic. I also have concerns about traffic in Grant Creek. I have those same concerns about traffic on Scott Street with 600 plus units either planned there or under construction. The Villagio, which one public

commenter mentioned tonight is just one of many projects on Scott street that will impact the north side. I have some concerns about, the same concerns about traffic on Mullan Road and the significant development there. I understand the concerns about wildfire. I also have concerns about wildfire in Grant Creek. I have the same concerns about wildfire in the Rattlesnake, at Pattee Canyon, Butler Creek, Miller Creek, and many other areas where we've developed housing in the urban wildland interface. These are the growing pains of growth, and we are all struggling with these all over town. As one public commenter said, this Council is often in a place of approving development without infrastructure to support it. I've come to understand in my six short months on Council that with growth this rapid, this is the order of business.

President Jones Ms. Savage, is your mic on?

Alderperson Kristen Savage It is. Sorry, I'm not saying that this is the best way to go, but given how fast Missoula is growing it's our current reality. Our staff is working hard, as hard as possible to address these infrastructure needs in all of our neighborhoods. I'm voting yes on this rezone because I think every neighborhood in Missoula is feeling the pressures of development and that every neighborhood in Missoula has to have, must have a role in solving the housing crisis. Thank you.

President Jones Thank you Ms. Savage. Other comments from Council? Ms. Vasecka and then Mr. Nugent.

Alderperson Vasecka Thank you. First of all, I wanted to say thank you for the large amount of folks that came to talk and say, say their words and support or against this rezone. It really, it really does matter what the, what we as a community can accomplish if we just come together. So, I really love it when we have so much public in here, so thank you. I did vote yes originally in 2020 for this and I will be doing the same. In 2020, my reasons were because I don't think that the government should tell you what you can and cannot do on your own land, and now I have an additional reason that still holds true today, but now we have an insane housing crisis that was just exacerbated with COVID. So, I do thank you all for coming tonight but I will be in support of it.

President Jones Thank you. Mr. Nugent.

Alderperson Mike Nugent Thank you madam president. I, I really appreciate the, the numbers that my colleagues west shared because that that comment comparing the potential for 700 units or, or I guess the zoning would a lot more than that at the base of Grant Creek all densely built in one spot and then picking one unit in a neighborhood that has significant amounts of multi-family, if we want to talk about disingenuous, I actually feel that that was a little bit disingenuous. I think that there's a lot of very passionate people and I really appreciate everybody who has come here to comment. I understand neighborhoods not wanting to change; it's one of the most common things we hear when we're knocking on doors, when we're running for Council. People like their neighborhoods, they like things the way they are. You know, I have the benefit along with a few of my colleagues of not having been on Council when this was looked at the first time. So, we've gone in with a fresh set of eyes and, and listened to everything very closely. The reality is that Missoula in 2022 is vastly different than what Missoula was in 1987. It's vastly different than even what Missoula was in 2007. The ability for people to afford to live here has changed and frankly the, the access to citizens in the United States to own homes has changed. It's gotten significantly more difficult for this generation to obtain homeownership, so I understand when we're talking about wanting to give people those opportunities that, that's coming from a good place, but I also know that this parcel has been zoned this way for decades and nobody has been able to make a single family development work there. For whatever reason, whether it's opportunity, whether it's cost, whether whatever it is it hasn't happened. We are in a housing crisis; it's the most common thing that any of us were asked about in the last election cycle was what are we going to do about this? Every day there are Missoulians like, like my

colleague Mr. Carlino said that are facing the, the prospect of losing where they live because they're on a 30-day lease because their landlord may raise the rent or may sell it out from under them. So, are these units going to meet the AMI designation of affordable housing? No, they're not, but inventory matters. I work in the housing industry and inventory does make a difference in, in raising those vacancy rates and my colleague Mr. Carlino mentioned that Missoula is 50% renters. It's actually 52% renters, so, I, I very much support the idea that we need to give people more opportunities to access home ownership and we've approved some subdivisions already on Council in the last six months that are doing that, but we can't disregard the need for housing across the spectrum by saying, oh single family makes more sense here. We are to, to a significant extent on Council bound by what the landowner wants to do with their land. Often it seems like we, in public comments on any project, not just this one, we will hear from Council members, excuse me, from members of the public who I guess imply that we have this either or choice. Like before us today is this opportunity to either have a developer build a whole bunch of apartments or have a developer build single families in a subdivided neighborhood, and we don't have that choice in front of us. Right now, we are looking at rezoning, but this is what is in front of us, and you know I said this in another committee last week. I think it was a different project, it might have been this one, I don't know, but the reality of, of housing in the United States of America is we rely on private dollars to invest in developing housing for our citizens, and that comes with challenges. There are going to be things we don't like. There are going to be things that happens in our neighborhoods that we don't like but when we talk about if, if this development goes through as the developer has stated, his intent is that Grant Creek will become a 50-50 home ownership versus rental neighborhood. I'd say that's still a better ratio than the rest of Missoula, and I know that's not necessarily what people want to hear, but the reality is that it that ratio is 50-50 and we're grouping them, all of those units within a hundred yards of I-90 where if we have an evacuation, as we walk through with the fire with the sheriff's department with the police, they're very confident that they can use those easy accesses to get people out. They will control the lights, that will get people out to I-90, that's all that's probably a lot better evacuation plan quite frankly than Miller Creek that has more units and struggles with things like people waiting through several lights every morning at the busy times, at the busy times of day. That's an inconvenience but that's also the reality of a city that's growing and there are lots of places in town that are experiencing the challenges of that growth in different ways and I think that that having some, some traffic in non-emergent situations that that we might have to wait a light at certain busy times, to me doesn't rise to the level of saying no we're not going to build housing when we desperately need it. I also heard a lot of comments about the Fire Department might not be able to keep their, their numbers, as far as responding to calls in a timely manner, but if we went by that standard, no community in America would ever grow because the reality is that as communities grow, the services have to adapt and have to grow with it. This, the Fire Department today is larger than the Fire Department was in 1987, just like it's probably smaller than it will be in 2045, let's, let's hope. I think that's the same thing for the police, the same thing for, for all of our services. And you know, I've also heard a lot about how this development doesn't comply with Growth Policy and I, I struggle with that comment because the map shows what it shows and that process was very public, it was very long. People participated and, and this area was designated for multi-family development but the other thing about this project, or this property is that it's bordered on multiple sides by the city limits, by city services within the city. So, the Fire Department has to go past this to service other people. Police have to go past this to service other people. That, to me, means we, we are proving something in an area that is surrounded by city. So, that's not sprawl, that's taking, as Mr. Carlino said a gravel pit and turning it into something else. And I know it's difficult, but we have to start having these conversations on Council in a way where we are going to allow housing to occur. This isn't just the last two years problem, this isn't just last four years problem, Missoula has not built enough housing for a decade plus and what we're seeing, both in housing costs, both rental and purchase, is a direct result of a

lack of inventory. And if we said no to rezones or if we said no to projects every time neighbors didn't like it, nothing would ever happen and that's true in Missoula. That's true in every community in Montana, and that's true across the country. So, obviously I will be voting in support of this. I really do, like I said, appreciate everybody's comments but this is a, this is a serious time for a certain subset of people in Missoula and I think that we need to respond to that. Thank you.

President Jones Thank you. Other comments from Council? Ms. Becerra.

Alderperson Becerra Thank you. I'm gonna go before the other eloquent or very eloquent Council member. So, I'm gonna read my comments. First and foremost, I just wanna say thank you to everyone who has been participating, both in support and in opposition of this proposed rezone. It is no secret; we all know and we're painfully aware that we need more housing, and we desperately need more affordable housing. It is hard not to focus on the development associated with this reason request, so I will provide my perspective on that. The proposed rezone, if approved, would yield market rate apartments, that would add to the already approved 1,064 apartment building units that have been granted a building permit across Missoula in 2021. That is a significant amount of rental units across Missoula. This rezone, if approved, would add to the need for housing stock in Missoula, so I agree with Mr. Nugent on that. However, this proposed development will not meet the definition of Missoula's affordable housing. This is not a rental versus homeownership issue. This is about achieving both. Under the current zoning for the property, more than 100 apartments have already been developed and Grant Creek has welcomed many new residents. Many of them, like many of us who live in the area, yes I live in Grant Creek. I don't live in an ivory tower. I got there by working really hard and by a good amount of luck. Many of them, like many of us who live in the area, have quickly learned how much transportation costs account for a household budget that's because it is nearly impossible to live in this neighborhood without a car and without driving a car at least once a day. The issues of transportation, the issue of transportation is not a mere matter of inconvenience, they are real, and they do not help this development meet the affordability status by any stretch of the imagination. If approved, the, the proposed development will significantly deviate from our climate and energy goals to by 2045 reduce drive alone commute share to 34%, reduce driver alone commute trips by 20,000, triple bike and walk shares and quadruple transit chair by 2045, that will not get accomplished. Climate Ready Missoula includes 12 guiding principles and guiding principle number seven states, don't exacerbate the problem, adaptation, actions should avoid increasing our contribution to climate change or undermining the ability of other sectors or regions to adapt, prioritize actions that reduce our contribution to climate change while building resilience. There has been a few changes in the area in terms of transportation and traffic mitigation. The improvements to I-90 and Grant Creek intersection has been implemented. This improvement took over, I would say over by now, but almost 20 years to be implemented as a way to help manage the traffic for this area under the current zoning. We have heard the details of traffic impact analysis from the developer, residents, and from our staff. The conclusion is the improvements that were installed at Grant Creek and I-90 will not suffice. From a non-expert, but rather a daily user of this area, I can agree with that. Almost 90% of the cars at that intersection, do not use the right hand turn onto the highway. The majority of vehicles go straight on to Reserve or left towards I-90 east because that's where the concentration of employment centers and services are. So, while the, any mitigation required for this proposed development will be paid for in part by impact fees, the cumulative effects will need to be considerable public investments. Our long-range transportation plan has never and currently does not have any allocations or projects for Grant Creek. So, infrastructure improvement will likely not come as part of this development, rather this development might be asked to mitigate some of the added traffic or exacerbated traffic issues that it will create. Transit availability will not happen anytime soon. While the potential ridership this development could create, it is more, it

requires more to have transit in Grant Creek. Ridership is only one of the factors that determines transit availability, geographical and state route constraints are a few to mention. The issue of all neighborhoods need to help meet the housing goal for our community has been brought up many times and I would say yes. There's a difference though between equal and equality, and equity I'm sorry. I would like to say again that under the current zoning, this development adds approximately 500 homes. That is the Trinity apartments and the Villagio combined, and those are truly affordable housing development, developments in an area with many more options for transportation and transit. They sit in the gridded transportation parts of our community. Some have said that the former gravel pit is the ideal place to put as much density as possible. That might be true if looked at in isolation, but we have guided guiding policies and regulations that allow us to make better and more informed decisions. Our Growth Policy states the land use designations are general in nature and serve as a guide. They do not carry the same force of law as zoning and that decisions and implementation based on these designations should include consideration of the entire Growth Policy, including policy statements and site-specific conditions. It states, co-locating compact housing development with employment, retail center, and transit corridors will lower transportation costs, increase walkability, and reduce Missoulian's reliance on automobiles. Under housing goal, housing goal number three, it calls on us to strive to increase the proportion of residents who have access to a multimodal transportation network that provides accessibility for pedestrians, bicycles, transit, as well as vehicles, and specifically, it encourages us to locate higher to mid density housing convenient to transit, biking, walking routes. Over the years, we have spent hundreds of thousands of dollars on consultant fees and staff hours. We have asked our community and City Councils to commit to the goals of our adopted plans and policies, and what we have learned from those planning efforts is that development should be supported in areas where infrastructure and services exist, to build near the core, and to encourage development of connected communities and neighborhoods. We continue to seek the expertise of land use and transportation planners from across the country to help us guide our own development. Explicitly, they tell us the same thing over and over. Land use and transportation must be addressed together in order to provide safe and sustainable future development in our community. In terms of wildfire, another important consideration is the wildfire potential for this area. This isn't the urban wildlife interface, and it is considered a high-risk fire zone. While I have confidence in our Fire Department and all the incident command agencies that in the event of a fire, they will deploy all necessary resources to execute a safe evacuation of the area. We do not, as a neighborhood or community have an evacuation plan in place. If we are to believe that in the case of a wildfire, it is simply as diverting traffic at the mouth of the canyon and a better synchronization of traffic lights that will allow for the safe and expeditious evacuation of all residents of this area, then we should have that as a documented plan of evacuation. Consideration, considering the addition of hundreds of units, thousands of people with no plan in place is simply in my mind irresponsible. And while many have said that our housing need is reaching public health and safety levels, I would argue that allowing this development trades one type of safety for another, and we can do better than that. We are and have been able to do better than that. I believe we need to continue to commit to the goals of our guiding documents and to sound and responsible planning principles. At the end of the day, we're not deciding on the merits of this development or this development at all, what we as Council are being asked to do is to look at the rezone criteria and decide, is this property well suited for the requested rezoning district? That zoning district would allow for up to 1,000 units. Yes, we've been talking about a Development Agreement that would cap that to 700 units; however, what's before us today is the potential for the maximum allowed density in that, of that rezone, and that is for a thousand units. I don't believe that rezoning review criteria has been fully met. To substantially comply with the criteria leaves room for non-compliance. For all the reasons I stated before, substantial compliance is simply not enough to support this issue. I would like to read, for all Council members now what that criteria is. The criteria says

whether the zoning is made in accordance to a Growth Policy, whether the zoning is designed to facilitate the adequate provision of transportation, water, sewer, school, parks and other public requirements. Whether the rezone considers the effect of motorized and non-motorized transportation systems. Whether the rezone considers the promotion of compatible urban growth. Whether the zoning is designed to promote public health, public safety, and the general welfare. Whether the zoning is designed to secure safety from fire and other dangers. Whether the zoning considers the reasonable provision of adequate light and air. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land without, throughout the jurisdictional area. Whether the zoning considers the character of the district and its peculiar suitability for particular uses. I don't believe that that criteria has been met and I will not support the rezone.

President Jones Thank you Ms. Becerra. Other Councilors? Mr. Contos.

Alderperson Contos Thank you. You call someplace paradise and kiss it goodbye, Hotel California, Last Resort. You know, I think....am I on? Thank you. You know, I think this is a huge issue; it really is. This place has been discovered, there's tons of people moving in, we're not going to stop it, but we really have to think about how are we going to build? You're not going to build your way out of it; it's not going to happen. So, in the future and even now, we've got to think, what does this town need to look like? You're not going to solve it by building, building, building. You'll end up like some other towns and I'm not going to mention the name. I came from one. It's not the same place because they tried to meet the needs of all the people. All of us were here first, people coming in, they need to wait their turn or do what they need to do to be able to stay here, but the people that are here, there's a lot of pressure on us to stay here. My wife and I are workers, yeah she just retired after 46 years of teaching. I'm trying to slow things down myself, but we've been here for a long time, and we paid the price for living here. I think a lot of people have paid the price for living here and to sell out, and that's how I look at it is selling out because you're not going to meet the needs of the people moving in here. It's not going to happen. We have to think what's this town gonna look like 10, 20, 30 years from now. So, I won't be supporting this this evening.

President Jones Thank you Mr. Contos. Other Councilors? Mr. Hess.

Alderperson Hess Thanks. I didn't prepare remarks that I can read. I'm gonna, I'm gonna reference lots of sheets of paper here. So, I apologize if it's a little disjointed. I want to acknowledge the comments of both those in favor and in opposition of this proposed rezone and I want to specifically acknowledge that those are, there's some duality, but those comments are not mutually exclusive, and they can both be true at the same time. Grant Creek is full of really good people who care about their neighborhood, who have worked really hard to, to live in in the neighborhood that they've selected. We've heard stories, first-hand stories, about people working hard to build the life they want, and we've heard about the gratitude that they have for that opportunity. We've also had proponents in the room who have outlined the sheer hardships that they have experienced in attempting to attain housing from their firsthand stand standpoint. And I think we just need to acknowledge that we're in it, we're in a, a changing world that is got a lot of challenges and, and housing, like climate, like equity is one of the, the defining crises of our time and it is a crisis that we have to meet together. Throughout a crisis, I also believe that we need to have a steady hand and that we need to lean on our adopted plans and policies, and so I'm, I'm not sacrificing the quality of my review because of the fact that we're in a housing crisis. It's important to be thorough and I think this process has been thorough, and I want to thank the public and I want to thank our staff and I want to thank the development team and everyone who's been involved in this for their patience. It's been a long process that has really taken, taken a lot of your time, so thank so thank you for, for indulging that. I also want to say that there's a lot of, I represent Grant Creek. I don't live in Grant Creek, but I do represent Grant Creek. I've

spent a lot of time up there. I, there are familiar faces in the room. I know many of you. I've, I've met some of you at the at your door. I've met others of you at neighborhood meetings. I would consider many of you to meet my friends and I have spent nine years earning your trust and, and your friendship, and I hope that you'll understand that this proposal has kept me up more than a few nights and that I don't come to a decision lightly. I really don't. That said, I'm, I'm poised to disappoint many of you. I am going to support this and, and I, and I am glad I can look in the eye to tell you that. I voted against this in 2020 and, and like, like others, I've had a, a change in in my in my viewpoint of this and I'm going to outline what's changed. And I think primarily like, like Ms. West said, in 2020 there were a lot of unanswered questions. There were, there was unsatisfactory information. There was inadequate, the process did not, did not cause information to come into the public record around evacuation, around transportation, around some of the huge concerns that we've, we've heard throughout this process. This is a planning action. This is not an entitlement to build a specific unit and that's really important to me. As Ms. West said, the building permits that will be required to build these units will trigger additional reviews and this, the, the testimony from our Public Works and Mobility staff on, on June 1, 2022, about what triggers traffic impact, what, what triggers improvements to the transportation system. The example that Ms. West gave of the old sawmill district being required to build a signal at Wyoming and Orange Street is a good example of growth triggering a transportation improvement. So, I believe that our, our building permit review process and the ability to require transportation system improvements give me comfort that our, that, that the access to and from this development will cause there to be additional improvements on Grant Creek Road. This development will pay several hundred thousand dollars in transportation impact fees that are required to, to improve, make improvements to the transportation system, and I believe that our process, through our impact fee advisory committee, through our professional staff in our Public Works Department will do its job. And I, I will stay on this to ensure that, that those reviews are as comprehensive as possible and I trust that our, that our, our staff will do the same. I was compelled by the testimony on June 1st of our public safety professionals. We heard from the EMS, county emergency, our county emergency services and 9-1-1. We heard from the county sheriff that, who handles evacuation. We heard from our city police and city fire. We asked them questions about their ability to handle an emergency and wildfire is a, is a terrifying reality in the in the west and, and we, we can't discount that, and we have, and I want to thank Mr. Cole for, for providing fantastic scientific information and, and very, very informative materials. Our city and county public safety staff, under questioning about this, expressed confidence in their ability to handle a disaster in this area. And that is, their testimony was compelling to me and that that is that is their job, that is what we hire them to do, and that is what they told us they could do under questioning about this item. So, I, I find that compelling. Our Growth Policy is I; I say this anyone who's been to a rezoning hearing hears me say that our growth policies are north star. It is our, it is our document that that guides, that guides development. It is our document that guides whether or not rezoning decisions are, are to be supported or to be denied, to be approved or be to be denied and as Ms. Becerra mentioned, it is one of the very first review criteria, whether the zoning is made in accordance with the Growth Policy. A central component of that Growth Policy is the future land use map, and that future land use map has, has shown this area to have higher density residential for, for a number of years, since the adoption of this plan but going back to the 1980 area plan, there was a portion of this parcel that was that was shown to have higher density residential development. I find the split zoning argument to be really compelling. I think that that's a technical, a technical deficiency in our zoning code that needs to be addressed through our code reform. I think it is really problematic that in, that a portion of this parcel is, is zoned in a way that that is not available to be actuated. And so, I think, I think that, that the compelling the testimony around split zoning to me was, was compelling. Lastly, I want to say that this should have been a subdivision application in my opinion. This was, this is a large parcel; it would have benefited from a higher standard of review and it probably would have been, it probably would have been passed

on the first attempt and it probably would have been built by now and, and I think that that's, I think that that's something that is just a disappointment to me that, the that the applicant submitted a rezoning application for, for such a large parcel. Like I said, we have, we have lots of touch points for review. We have, we have building permit, we have, we have opportunity to, to require mitigations, but to have that level of review at the beginning would have been, it would have been a benefit to the project. So again, I, I don't come to this decision lightly. I've thought about this a lot. I've, I've looked at the review criteria. I've read, I've read all of the emails that have come in, and I've I appreciate your involvement and I; I hope you understand the rationale behind my decision.

President Jones Thank you Mr. Hess. Is there any other comment from Council? Seeing no other comment, I will provide my comments, and then we will have a roll call vote. I originally voted against this in 2020 and a lot of the reasons have been touched upon by various Councilors, but my concern in 2020 was not feeling confident that a large wildfire could be adequately dealt with, and frankly there were some gaps in the record. We simply didn't have enough information to flesh that out in my mind and we had asked, and it just wasn't, didn't come forth. I think there were many other issues that were focused on. So, that was the primary basis of my decision back in 2020 and I went back and reviewed everything and have also looked at all of the public comment and listened to all of the public comment and attended all of the meetings for this entire project, both in 2020 and now, and I find myself coming down, making a different decision this time. So, I wanted to take the time to explain that, but I also wanted to acknowledge the public comment. Missoula is a very engaged community because we love it. We love living in this magical place and so I, although these are difficult meetings, it is also so heartening to see so many people come and comment because they care. They care about Missoula, they care about their neighborhoods, and I guarantee you if you ask most people in Missoula what they think of their neighborhood they all say it's the best one, and I love that I love that about our community. Grant Creek is a magical, magical place and I hear you on traffic but moreover wildfire issues that is a very, very real fear and a very real danger and it's something that we as Council do not take lightly. So, I, I think that is all well-articulated. I also hear people discussing the fact that they can't afford to live here anymore, and that formula has been increasing in intensity in terms of housing costs for decades now and then 2008 hit and although prices took a nosedive, we, we set the table so to speak for economically not meeting the amount of housing stock that we need to be building because of that recession. And then the pandemic hit, and our economic world turned upside down and everybody in America figured out that they could take their laptop and move to some place like Missoula, Montana and make a living, so, here we are. We're in our magical town but we have a very, very difficult situation in terms of housing and housing costs. And I have seen what's happened to communities when they don't try to grow to accommodate new growth. They change; they change greatly, and they lose the 50, 30% to 50% of people who are on the bottom end of earnings, and I don't want to see that happen in Missoula. So, it is a very, very real issue and it's a hard one to tackle. I don't know that we're ever going to solve it in Missoula, but we need to try and make inroads as best we can because we don't want to lose our people. We don't want to lose our next generation, whether they are moving here from out outside of state or if they are our own kids. We want them to have some level of opportunity to make a living in a mountain town with a mountain tax, as we always call it. It's hard, it always has been hard to live here, and it always will be, but we want to keep the doors open. So, I see both sides of that. I think there's a lot of complexities and I want to just say that all of that has value, and we are all in this together and we're going to have, to have figure out how to how to go forward together, but in terms of my decision on this rezone, I really sat down to look at what, what different information do we have and what changes in circumstances do we have. And first of all, we do have a much more severe housing supply and cost situation than we had before, not that that trumps safety, but it has increased in intensity. We do have a right turn lane to get onto the

interstate that is a changed circumstance, which makes it easier to get out of Grant Creek, to an extent. There is more infrastructure that has been built there and as has been noted, we do have a lot of information on the record regarding how our emergency personnel would deal with fire. A lot of this was information and education that I don't think this Council had back in 2020. I don't underestimate that if there is a fire incident up Grant Creek, it is very serious and people need to take it seriously, and we hope everything goes well but the information that was put on the record from our emergency personnel was thoughtful. It showed to me that they had a lot of energy and effort and planning that had gone into how they would approach this, and it also came down to compliance, to the cooperation of people living up in Grant Creek. If they're asked to leave, they need to leave then. If they need to stay put, they need to stay put then. So, there were a lot of other factors that came into the conversation and basically, at this point, I feel like they could have a methodical, efficient evacuation, and I think Grant Creek also continues to work on doing all of the prevention work that needs to happen. So, that if there is a fire, things go better than not. I would recommend, I think another counselor recommended it, but I would reiterate if you did not attend the June 1, 2022 Land Use and Planning meeting, I would recommend that you look at that tape. And I think it starts at around hour two or right before there and there's about 45 to 50 minutes of testimony from all of the different emergency personnel that would handle the situation of Grant Creek, and for me that helped to convince me that this is a workable situation. So, I will be in support of this. Seeing no other comments from Council, we will have a roll call vote.

Marty Rehbein This is on the ordinance to rezone the property.

President Jones Thank you that passes. What I would like to do is change the order of our agenda and take the Development Agreement next, just for continuity's sake. Are there any objections to taking up the Development Agreement and then we will return to our other two public hearings? Seeing no objection, we will do that. Dave, I kind of sprung you on that, I hope you're okay with that. Regarding the Development Agreement it is on committee reports, so Dave if you have a short presentation on this or introduction, I'll hand it to you.

**Moved by:** Alderperson Hess

[Second and final reading] Adopt an ordinance rezoning 2900, 2920 and 2990 Expo Parkway – Grant Creek Village (2 parcels, 44 acres) legally described as Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West from R5.4 Residential, RM1-35 Residential (multi-dwelling), B2-2 Community Business, and C1-4 Neighborhood Commercial to RM1-45 Residential (multi-dwelling).

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

NAYS: (2): Alderperson Becerra, and Alderperson Contos

**Vote result: Approved (10 to 2)**

## **9. PUBLIC HEARINGS**

### **9.1 A resolution to annex and zone of Fairway View Addition Planned Unit Development, for 8,517 sq ft of land located at 3946 Fox Den Court.**

The City Council will hold this public hearing open until they take up the item for final consideration on July 11, 2022.

President Jones We're going to go to 9.1, a resolution to annex and zone Fairway View Addition Planned Unit Development, and I believe we have Spencer Starke here to present on that. Good evening Spencer.

Spencer Starke Good evening, I'm just getting the presentation up now. Sorry, can you see my screen? Great. My name is Spencer Starke, I'm an Associate Planner with CPDI.

President Jones Spencer, if you can make the screen bigger, so that we don't see the rest of your computer....right.

Spencer Starke Yeah here...

Marty Rehbein Yeah, they're seeing the presenter slides, rather than the audience. There we go.

President Jones Thank you, perfect. Go ahead.

Spencer Starke So, this evening, before City Council is an annexation petition that was submitted by Lynne Edens with Montana Northwest Company on behalf, behalf of property owner Joshua Green requesting annexation into the City of Missoula and zoning upon annexation a Fairway View Addition PUD for 0.2 acres of land, here referred to as portion A. This annexation is a result of a boundary line relocation request through subdivision exemption between a property within the City of Missoula at 4190 Bernie Court, also known as Lot 3, and a property within Missoula County at 3946 Foxton Court, also known as Lot A1. The boundary line and subsequent annexation are to resolve an existing encroachment issue. Montana Code Annotated, Title 7, Chapter 2, provides several ways to add land to municipalities. City Council has authority over all additions. City Council may impose conditions, but the city must provide services to the annexed property and a public hearing on zoning and annexation is required, which is the process we are conducting currently. Some background, this annexation request was approved in May of 2021. As part of that approval, the applicant was conditioned to file the boundary line relocation plat within 180 days. The applicant was unable to satisfy the condition of approval within the required timeframe and was required to make reapplication. The parcel in question is located between Lower Miller Creek Road. It's east of and adjacent to Lower Miller Creek Road and west of Miller Creek Road. The subject property is labeled and designated by the blue star. The portion, the parcel outlined in red, 4190 Verde Court, is within the city limits. The portion outlined in blue, 3946 Foxton Court is outside of city limits or the county, and the portion outlined in green is the portion of the parcel being requested to be annexed this evening. The exhibit on the screen demonstrates the proposed plat, showing an existing no build zone and no access strip, and the proposed boundary line relocation again with a proposed no build zone. The annexation policy is, was created in order to provide for orderly development including the efficient delivery of municipal services, to developed in developing areas, and to protect public health and safety. As part of the policy, annexation criteria, or as part of the policy annexations are recommended to comply with the Growth Policy recommendations and that the policy seeks to provide the same levels of service and infrastructure as other parts of the municipality. In addition, the policy prioritizes annexations of areas that meet current city standards including but not limited to water, sewer, transportation, infrastructure. The policy is further explained via the annexation policy map. The map designates annexation area A as the light greenish color and the city limits are designated as the yellow color. Annexation area A are priority areas that have been identified as providing the services required within the annexation policy. The Growth Policy designates this area as residential low density; that is the light yellow area on your screen. As you can see, the annexation area and the two parcels are wholly within the residential low density designation areas, designated as residential low density are designed to support one to two dwelling units per an acre with varying parcel size. When portion A is added to the parcel at 4190 Verde Court, the parcel will increase in

size to just under one acre, making the parcel more conforming to the Growth Policy. Currently, the portion A is zoned C-RR2 and the parcel that is within the city currently is within the Fairway View Addition planned unit development. C-RR2 is a residential zoning district within the county. It promotes a single-family residential environment, an area served by adequate public water or sewer system, and promotes a residential density consistent with the availability of public facilities and with fiscal limitations of the land. Planned unit developments and planned variations are encouraged to further the intent of this district. The fairway view edition PUD has various sub-districts and Lot 3 is located within the single family residential district, which is a sub-district that only allows single-family dwellings and accessory building uses. As a result of the boundary line relocation, annexation and zoning upon annexation, portion A is being proposed to be within the fairway view edition PUD. The zoning criteria with annexation is required to, or the zoning and annexation must comply with one of the following: Criteria in 2A applies to this annexation request because planned unit developments and plan variations are encouraged to further the intent of C-RR2, which complies with the county zoning classification. Criteria in 2B does not apply; however, criteria in 2C applies to this annexation request because the proposed Fairway View Addition PUD is in alignment with the Growth Policy land use designation. Staff is recommending one condition of approval. This is identical to the previous condition of approval, and this is that the applicant shall file the amended plat subject to the conditions of approval for 2020-MSS-SEA-0021 within 180 days of annexation approval, subject to the review and approval by Development Services. Otherwise, the resolution to an annex and the zoning upon analyzation of the property shall become null and void and the property shall refer to its original status in the County of Missoula. This condition is recommended in order to, in order to prevent the creation of a split-zoned parcel or a split jurisdiction parcel as a result of this annexation and requires that the parcel line be moved to reflect the annexed and rezoned portions of property. Staff is recommending a motion to adopt a resolution to annex and incorporate within the boundaries of the City of Missoula one certain parcel of land described as Portion A of Lots A-1, Fairway View Addition, Lot A-1, and Lot A-2, Fairway View Addition, located in Section 1, Township 12 North, Range 20 West, P.M.M., as shown on Exhibit A and exhibit B, and zone the property Fairway View Addition Planned Unit Development based upon the findings of fact and the staff report subject to the recommended conditions of annexation approval and subject to an effective date for the annexation and zoning to occur at the time the amended platform 2020-MSS-SEA-00021 is filed with the County Clerk and Recorder. That concludes staff's presentation.

President Jones Thank you. If you could take your slideshow down. And is there any public comment on the presentation on this issue? Seeing no public comment, any questions from Council? Seeing no questions from Council, we will hold this item then in Council until July 11, 2022 when we will take it under final consideration and thank you Spencer for patiently waiting tonight. Appreciate it.

Spencer Starke Thank you.

## **9.2 Public Forum Missoula County Fairgrounds Signs**

President Jones Okay, our final item under public hearings is Public Forum for the Missoula County Fairgrounds Signs, and I believe Zoe Walters is here to present on that. Good evening Zoe. You're still muted; we can't hear you.

Zoe Walters I think Cassie is trying to talk. Can you hear me?

President Jones Yes, we can hear you now.

Zoe Walters Well they can hear me.

President Jones Oh, we don't hear Cassie though.

Cassie Tripard Just run to a different computer. Can you hear me now?

President Jones Yes and although the name says Zoe Walters; it's Cassie Tripard.

Cassie Tripard Correct. So, I was saying. I have a question for Jim Nugent prior to continuing. I believe that the applicant which is Missoula County is not present. This is meant to be a public forum and state law requires that the agency attend the public hearing. Could we do a check just of the attendees list with a raised hand or in the room to see if Missoula County Fairgrounds is present? I'm not seeing anything...

President Jones I do not see them.

Cassie Tripard Okay.

President Jones You know, we could try and contact Emily Bentley to see if she could ZOOM in.

Cassie Tripard Yeah....

President Jones [inaudible] and we could take up something else on our agenda and come back to this in about 5 minutes.

Cassie Tripard Yeah and we, we did try to reach out to them during the hearing when we noticed they weren't there. We're kind of wondering if this won't be valid due to their absence, if it's best to possibly table it till the next City Council meeting.

President Jones All right, um....

Jim Nugent That seems appropriate because the state law does say that the public agency is to be represented at the forum and that's for the purpose of people being able to ask questions and make inquiry. So, temporarily delaying tonight while you wait; otherwise, you have to delay till next meeting.

Cassie Tripard Yeah, they have they haven't reached out to us since we tried to contact them earlier in the evening.

President Jones Okay why don't we just take a second. We're having someone see if they can contact them.

Cassie Tripard Great.

President Jones Why don't we just hit pause for a second. [paused section] She could go to....all right, you can do that Jordan. We're going to send Emily Gibson a link and she can join in so we can get this done tonight, if that's all right? To take a few more minutes...

Cassie Tripard Great, yeah.

President Jones All right. [paused section] Sorry, wrong button. Cassie you have a presentation on this? I think maybe we could get started with the presentation while Emily joins us.

Cassie Tripard Okay yeah let me pull that up, while Zoe pulls that up, are you able to hear me now?

President Jones Yes, we can hear you.

Cassie Tripard Great, perfect.

President Jones Great.

Cassie Tripard Can you see my screen? Okay, great.

Zoe Walters All right, so I'm Zoe Walters. I'm an Assistant Planner in Community Planning, Development and Innovation and we received notice from A&E Design on behalf of Missoula County Fairgrounds of their intent to replace an existing sign with heritage signs at the Missoula County Fairgrounds located at 1075 South Avenue West. The proposed project includes the removal of the existing overhead entrance sign at Fairway Drive and South Avenue and the addition of two internally illuminated ground signs arching over the Fairway Drive, vehicle, and pedestrian fairgrounds entrances. Missoula County is a local government agency and City Council is authorized to hold a public hearing when an agency proposes to develop or use public land contrary to Title 20 zoning regulations. The public hearing is known as public as a public forum. Public forums used to be held at board of adjustment but are now held at City Council due to a recent state law change. The Missoula county fairgrounds are located at 1075 South Avenue West, east of Russell Street. The green star marks the location of the proposed signs. The fairgrounds are zoned OP3, public lands and institutional. Parcels located to the south and east the fairgrounds are also zoned OP3 and the parcels to the north and west of the subject property are zoned C1-4, neighborhood commercial. The fairgrounds land use designation is public and quasi-public. The designation is for land with structures or uses such as schools, airports, community buildings, cemeteries and utility facilities. Land currently owned by public agencies are held in reserve for future development or public facilities also receive this designation. Surrounding land use destinations include regional, commercial and services, community neighborhood, mixed use, and public and quasi-public. There is a concentration of office, retail, motor vehicle repair, parks and recreation, schools, restaurants, financial services, and religious assembly uses surrounding the fairgrounds' location. The surrounding uses are compatible with the land use designation outlined in the Growth Policy. Title 20, Section 20.85.95, states government agencies may propose to use public land contrary to local zoning regulations. Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing must be held to allow for comment on the proposed use and the agency shall attend the public hearing. City Council does not have the power to deny or condition the request. This means there will not be a vote on the item. The County may move forward with the sign proposal following the public forum; however, the county fairgrounds may consider public comment. Title 20 defines agency as a board, bureau, commission, department and authority or other entity of the state or local government. Missoula County is considered a local government agency and is permitted to vary from zoning through the public forum process. Missoula county is varying from Title 20, Section 20.75.100.B.4.a, special signs review by the design review board for approval of a heritage sign. The section states new heritage signs may only be approved when the design review board finds out the granting of approval would result in superior design for the overall site, is in conformance with overall purpose and intent of this chapter, and reflects a historically accurate sign that was previously on the site. Missoula County is considered a government agency and as such is exempt from local zoning regulations allowing them to vary from the requirements to get approval from the design review board for installation of heritage signs. Title 20 defines a heritage sign as one that employs distinctive graphics, symbols, and lighting that is a unique design to the community and are historically accurate reflecting the heritage of Missoula. Heritage signs may be in the form of non-conforming signs or new signs that do not fit within the typical definition and measurements of wall, ground, or other sign. In other words, heritage signs are their own sign type. The county has followed the intent of the code by requesting review and approval of the heritage signs by the historic preservation officer. The applicant submitted photographic documents of the past sign, design of the new sign showing the historically accurate relationship to the past sign, and proof of consultation with the historic preservation officer Elizabeth Johnson, as normally required by Title 20. The proposed signs were reviewed by the historic preservation officer on March 18, 2022 and were found to comply with the Title 20 heritage sign definition in section 20.100.010. This is an image of the historic sign at the entrance, and this is at Fairway Drive entrance at just off South Avenue and the key features include the archway, the fonts and posts on

either side of the sign. This is an image of the existing entrance sign, and this is an image of the new proposed signs. The proposed signs include one large arch sign to be placed overhead the Fairway Drive vehicle entrance and one small arch sign to be placed overhead the Fairway Drive pedestrian entrance. The large arched sign for vehicle entrance will, yeah over the vehicle entrance will be 46 square feet in area and 25 feet in height. The small arched sign for pedestrian entrance sign will be 11 square feet in area and 17 feet in height. Both signs will be internally illuminated with a white background and black bold font. The proposed design of the new signs will reflect the heritage of the Missoula County Fairgrounds using distinctive design and lighting, a historically accurate arch, and text font, and staff does not have a recommended motion as no action is required.

President Jones Great, thank you for that. And we Emily Gibson as an attendee. Emily I'm gonna allow you to talk and if you can unmute yourself, Emily Gibson from the Missoula County staff and in charge of the fairgrounds. So, Emily did you just want to have any brief comments on this item and then?

Emily Gibson My on comment to you guys is thank you for your services and for working so late at night on a, on a Monday I really appreciate it and the sign, the staff gave a really great report in the committee and gave a really great report tonight. So, I don't really have much to add to it other than great job.

President Jones Well it is our pleasure to be here at 10 o'clock at night. So, we do have a representative from the fairgrounds here if there are any questions or comments from the public regarding this item that is the purpose of this hearing? I am not seeing anyone raise their hand from either the public that's present in chambers or that is virtually attending or that any of the Councilors, oh we do have some Council comment okay Ms. West.

Alderson West So, I had one question and that is I was wondering if this new archway is going to be ready by this year's fair and then in general, I just think that this is such a vast improvement over what's there already and it's going to be a really nice welcoming entrance.

Emily Gibson We are hoping that it's there for this year's fair. Obviously, there's supply chain issues and so there's no guarantees but it's part of the bid package from the fence that's going in right now and so it's already under contract.

President Jones Great. Mr. Hess.

Alderson Hess Thanks. Emily the, this is capping off a lot of really wonderful improvements at the fairgrounds. It's great to see how much that space has been transformed over the years and want to congratulate you on all that and it's nice to see a public forum come forward that isn't trying to build too much parking or eliminate bike parking or do some other thing that's contrary to our, our goals in under Title 20.

Emily Gibson Yeah, well Paul Filicetti said he designed it and he's a historic preservation architect. So, it's, the font is the art deco font that's used throughout the fairgrounds and has been used throughout the fairgrounds since that time. So, we're excited.

President Jones Great, thank you. Are there any other questions or comments from Council? And any, any public comment or questions? Seeing none, I believe we have concluded this public forum hearing. Zoe and Cassie is there anything else we need to do to comply with our statutory requirements?

Cassie Tripard Nope, I'm glad we got through it tonight. Thank you.

President Jones Great thank you. Thank you Emily for ZOOMing in at the last minute, appreciate that.

Emily Gibson Oh my gosh, you guys are the best. Thank you for having me.

President Jones All right, thank you so much. So, that matter is concluded. We do not vote on it; it's simply having a public forum for people to voice their thoughts. All right, so that concludes our public hearings.

## **10. COMMITTEE REPORTS**

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

#### **10.1.1 Minutes from the June 22, 2022 Meeting**

### **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**

#### **10.4.1 Minutes from the June 22, 2022 Meeting**

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

#### **10.5.1 Minutes from the June 22, 2022 Meeting**

#### **10.5.2 2900, 2920, and 2990 Expo Parkway / Grant Creek Village Development Agreement**

Dave DeGrandpre Okay thank you. Dave DeGrandpre, Development Services talking about the Development Agreement, as we did at the land use and planning committee last Wednesday. There were some comments from City Parks and Recreation Department regarding certain items, regarding things like the pool meeting certain standards and working with neighborhood groups on trails and other elements. There were also some requests from Councilors regarding providing information like living with wildlife, related materials, to future residents, and things of that nature. The developer accepted the request made of Council, also of city staff and put together, we worked with them to try to work out some, some minor typo related issues and things like that. And what you have before you is a Development Agreement. I believe it's dated the 23rd and it's been available for public inspection since that time, and it is, it is before Council as well. I just want to reiterate, I guess you've already taken a vote on the rezoning. You know, this is a separate agreement and what the motion is, is, it's a, a recommendation to empower the Mayor to sign the Development Agreement, enter into an enforceable contract. I just want to state it is an enforceable contract between the developer and the city where the developer would provide certain amenities. Most importantly, I think probably for the neighborhood, is reduce the amount, the density that would otherwise be permitted under the zoning. That's probably the key element and, and the development would occur under this Development Agreement in accordance, substantial accordance with the site plan that was provided as well. So, that's kind of the nuts and bolts, a quick summary. If you have any additional questions, I'll I'd be happy to try to answer them.

President Jones Thank you. Are there any questions from Council regarding this matter? All right, seeing no questions from Council, I, I will go to oh, oh sorry. Kristen, I'm so sorry to have missed you.... it's hard....

Alderpersion Kristen Jordan No, that's okay. It was, it was a last-minute thing. Can we make a comment at this moment or is it just questions?

President Jones Just questions and then we'll have a motion, public comment, and then comments. Okay?

Aldersperson Kristen Jordan Thank you.

President Jones All right. Any questions from Council? Seeing none, we will have a motion from Land Use and Planning Chair, Mr. Hess.

Aldersperson Hess Okay thanks. I'll move the approval of the development agreement dated June 23, 2022 with KJA Development, LLC for Grant Creek Village located at 2900, 2920, and 2990 Expo Parkway consisting of two parcels legally described as Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West.

President Jones Thank you. Any public comment on this motion for the Development Agreement? If so, please come on up to the podium. Go ahead Mr. Lindler.

Bert Lindler Good evening, I'm Bert Lindler. I'm one of the persons who spent about 15 years getting the Grant Creek Trail developed. I'm one of the persons who contributed private monies that ended up amounting to 186,000 bucks to match the federal grants for the construction of the trail, and I'm one of the homeowners who granted a permanent easement for the trail. I'm concerned that the present Development Agreement does not require the developer to grant permanent easement for that section of a trail that's going to be on the eastern boundary of the property, that in effect would be a continuation of the Grant Creek Trail through the wheeler tunnel someday to other portions of our city. And when we granted the permanent easement for the trail, we granted enough width so that there could be an eight foot wide paved trail and that eight foot wide paved trail allows for public transportation to and from, bicycles and pedestrians, going in both directions. The Development Agreement provides for a five feet concrete trail, now on a ten foot easement, which is an improvement but it's not a permanent public easement. It's some sort of weird grant that allows the public to use that if the public behaves itself. It's my experience that the public generally does behave itself, but it doesn't always behave itself and our neighborhood and other neighborhoods in Grant Creek, four in total and two private landowners granted permanent public easements. If the public doesn't behave, the public continues to get to use the trail and we have to sort it out with the city. I really would like to see a permanent public easement and an eight foot wide surface that would allow transportation to and from, bicycle and pedestrian, as the city has specified for the existing sections of the Grant Creek Trail. Thank you.

President Jones Thank you. Anyone else in the room that wants to provide public comment on the Development Agreement motion?

Mike Cole My name is Mike Cole. I'm a resident of Prospect. The president of homeowner's association is not here; he was here earlier. So, I guess from a Prospect standpoint, we have some questions about responsibility as an adjoining landowner. For instance, who will be responsible for regular maintenance of the cyclone fence that goes around the east side of the property and the north side of the property? The original Development Agreement had wording in it that made a lot of people upset in our neighborhood because without any contact with the planning office, it was, there was wording in there that the developer would seek connections for trails on their property on to HOA lands, which we pay annual maintenance fees for. We do a lot of our own

maintenance. We pay for weed spraying, commercial weed spraying. So, one, one issue is, would the developer be responsible to extend that cyclone fence to the property boundaries in the west of other landowners in order to prohibit trespassing on HOA lands? Another thing is, who is responsible on their property on an annual basis to maintain fuel breaks between the cyclone fence and the slope of the hillside, where if a fire starts down on the lower side of the hill is going to burn right up into our subdivision? Another thing is, what will be the responsibility of the landowner for weed spraying on all those hillsides and especially on the hillsides because what I've noticed around Missoula, for instance, there's a vacant lot down by the Dairy Queen that's full of nap weed that never gets sprayed? So, what is our assurance that weed spraying will take place on an annual basis, at the owner's expense, on those hillsides? So, those are a few things that I know the homeowners have thought about, but I don't know that those are all the items. So, without the homeowners association being able to have a meeting discuss what their concerns are with adjoining land that may affect their property and their common area, how are we going to know that any of that will later be agreed to by the developer? There's no, the Development Agreement is not an agreement between the homeowner's association and the city, it's an agreement between the city and the developer. So, we are at a loss to make agreements on our own. We rely on you to make those agreements and consider all those issues we would bring forward, forward. So, I would request that you do not approve signing the Development Agreement tonight until you've met with the adjoining homeowners, Cottonwood Condos, Rocky Mountain Elk Foundation, Prospect, and the homeowners on the west side that join them in county land and anywhere else around their property. Thank you.

President Jones Thank you. Any other public comment on the motion? Mr. McCormick.

Alan McCormick Alan McCormick of Garlington, Lohn & Robinson representing KJA. I wanted to correct a couple of things and then give you a little more history. We've been at this for two years and met with Rocky Mountain Elk Foundation, met with Friends of Grant Creek multiple times, specifically asked them what they wanted to see in the Development Agreement, whether there were fencing needs, whether they were homeowner association needs, all of those sorts of things. We've been at a long time, and we've asked those questions multiple times, and so this is not new. This is not something that's coming up in the last couple of days, as we put this thing together. The Development Agreement has changed, the version that was published for your agenda does grant a permanent easement. It's 10 feet and that was the request of the Parks Department. It has a requirement that or there is an understanding that the Parks Department would like to work with adjacent neighbors to see if they can get more than 10 feet of an easement, and if they can get more than 10 feet of an easement, then the city and the developer will share in the cost of building a wider path. The Parks Department would like to see 10 feet; that's the recommendation at least 8 feet. If the City is unsuccessful in getting that additional easement, then the developer is required to put a five foot pathway but there's nothing, that is a minimum. You can continue to have discussions about what, what the nature of the path would be that would be built in there. So, the minimum that is required it's a 10 foot permanent easement; it doesn't go away. There was language in there about that easement earlier that did say if the public abused it and the developer had the right to revoke a license that was being granted to the public. That language is gone now and because now it's an easement. It's not a, it's not a revocable license. The stuff that's up on the hill, those are private trails for which the Development Agreement requires the

developer to grant a public license for and those are, there's a distinction between the license versus, versus easements for a reason, in this instance because this is a private single party private apartment complex and so they're putting a permanent easement along the east side where it makes sense to make that connectivity. The rest of it; there is a public license on it and the ability for the developer to withdraw that license if the public abuses that obligation, but notice that the language in there does not require a unilateral revocation of that public license. It allows for cooperation; it requires cooperation and consultation between the developer and the Parks Department to see if you can work something out first, and if you can't work anything out the public's abusing it then the license can be revoked. That is not the case now with the easement and so I wanted to make that clear. I understand where Bert's confusion is coming from because there have been multiple iterations of this agreement.

President Jones Thank you. Any other public comments? Come on up.

[unannounced speaker] I, I have a few issues with it. I want to make it very, very clear that a certain area of green space in our neighborhood was misrepresented initially as being public park. There is a green space that is a park that is in the middle of our development that we have seen a three-fold, four-fold, five-fold increase of use, fine but it's privately maintained, homeowner association pays the fee. We have dogs crapping all over the place. We have people not respecting our privacy, and it was represented to people coming into this development that there's a little park around the new development. Well, I encourage him to incorporate shared green space for his development. We love people in the neighborhood, but we've seen a real beating, a real disrespect, and quite frankly if I have to shovel any more dog shit out of my front yard, it's going into your development. Really people....

[unannounced speakers] Point of order.

[unannounced speaker] Well it may be out of order, but do you live in a neighborhood that stinks like dog poop? And we love dogs, we've had two. People are not enforcing the leash laws, the scooper laws, and I want to make it very clear that that green space in our development is not to be represented as a public park.

President Jones Thank you. Could you please put your name on the record? I didn't catch it the second time.

Anna Kenny Anna Kenny.

President Jones Thank you so much.

Anna Kenny Yes. So, we love the trail idea, but we aren't public.

President Jones Appreciate the comment. Is there any other public comment on this motion for the Development Agreement? Seeing no other public comment, oh come on up.

Cameron Shortell Cameron Shortell, Grant Creek. I believe it was Martha, we had some points during the last meeting for this. Covenants wise, bear activity, the rest of Grant Creek, as we all know, anybody that lives up there I guess is pretty bear aware, garbage cans, morning. I was going by the development the other day. I've actually lived in a development, not very long ago, very similar to this and I know what garbage day is like at these places when it's, when it's time, when they're, when they're full right? Before garbage day a lot of times, dumpsters get full and it's down on the ground and that just causes future problems for bear right? And well, and other wildlife but mainly bear and I've

lived in bear country most of my life. And I've seen them just climb right over the walls to be able to get into these dumpsters. And I'm not sure what the covenants is on, on this paperwork. I briefly got to skim over it, but I just wanted to make it a point that we could look into that because we already know it's a problem in other parts and it's nothing new to Missoula, right? I just wanted to make sure that there is some kind of verbiage in there to address it because I mean yeah, they get into it and as far as I can tell everybody, Grant Creek not, not just Prospect and in the bordering neighborhoods, but you go up to anybody's place up there everybody's very good. No, no bird feeders, no garbage out left overnight any of that. So, if we could just make sure that verbiage is in there that'd be, that'd be a plus. Thanks.

President Jones Thank you for the comment. Any other public comment? And I'm checking the attendees virtually and I'm not seeing any raised hands. So, any comments from Council? Mr. Hess.

Aldersperson Hess Thanks. I appreciate the comments. I'm not sure what's going on audio wise....Okay, there. There is a, an attachment on living with wildlife and, and bear aware, specifically there's a two-page exhibit specifically that all garbage should be stored in bear resistant containers or within bear resistant enclosures while also meeting the requirements of commercial waste haulers serving the City of Missoula. So, appreciate you highlighting that and, and it is there there's that and, and other things around living with wildlife and, and bear aware provisions. I was hoping that staff, Dave, maybe you could answer the questions raised by Mr. Cole, around the maintenance of the fencing and the maintenance of the fuel breaks, as well as responsibilities regarding weed spraying.

Dave DeGrandpre Sure. You know, I guess my feeling is, it's not much different from than any private property owner who lives next to another one. You know, if there are fencing issues, if there are fire protection issues, weed spraying issues, you know it's the responsibility of the, the landowners to take care of those issues on their own property and hopefully to work with, with adjoining properties to address those issues as well. It doesn't, I don't know the city has a role. I guess that's my perspective at least. I don't know the city has a role to require those types of things. I mean I think those things are pretty common whenever landowners abut each other.

Aldersperson Hess So, a follow-up? So, this would, this would be a code compliance issue that in our, through our hazardous vegetation ordinance. Is that, is that fair?

Dave DeGrandpre I think that's part of it also. You know, it's a neighborly issue, as well and I would hope that homeowners' association and Prospect and, and the developers whoever manages the, this project would be willing to work together to address common issues because you know things like knapweed are noxious weeds. They don't, they don't stick on one property for very long; they migrate. So, it'll become everyone's issue.

Aldersperson Hess Thanks.

President Jones Ms. Jordan.

Aldersperson Kristen Jordan Thank you. I just wanted to mention that I'm going to be voting no on this Development Agreement solely because I'm very concerned with the order within which the Development Agreement was presented to us for consideration. In the future, I would propose that Council discuss rezones without a Development Agreement on the table for consideration. I think it's

going to be really hard, or it can be really hard to convince our constituents that we voted on the re-zone without considering the Development Agreement. I think the Development Agreement is awesome. I cannot support it tonight because I don't want to be accused of considering it with my vote. Thank you.

President Jones Thank you. Any other comments from Council? Okay, we'll start with Ms. Vasecka, then Mr. Carlino.

Aldersperson Vasecka Thanks. I had a procedural question. If this is not, if this motion fails tonight and since the rezone was requested, will we, will the developer have to come back with another Development Agreement or will he, they be able to just build now that it's rezoned? Does that make sense.

President Jones Dave, do you want to answer that?

Dave DeGrandpre Sure. I think, so a zoning ordinance that you pass tonight, that will become effective within 30 days. The developer, I guess at this point, is not under obligation, legal obligation to, to keep the Development Agreement on the table. I would certainly expect, given all the represent, representations that have been made and what appears to be a good faith effort on behalf of the developer. At least, that's certainly how they, they brought it forward with open hand. I would expect that they would, they would observe that and honor that. So, I have no reason to doubt otherwise, but....

Aldersperson Vasecka Okay, thank you.

President Jones Thanks. Mr. Carlino.

Aldersperson Carlino Yeah, just after hearing more public comments and receiving more in via email, I think there's a, definitely room to make amendments to the Development Agreement still, and I motion to send this item back to committee.

President Jones So, since this is on committee reports, that has to be motion and you're making a motion that we will vote on to send this back?

Aldersperson Carlino Yep. I motion to move this item back to committee, send it back to committee.

President Jones Okay. Any public comment on that amendment? Or I'm sorry, on that motion to send this back to committee? Seeing no public comment, any comments from Council to send it back to committee? Dave....

Dave DeGrandpre If you don't mind, I think, isn't there a motion on the table to approve the Development Agreement?

President Jones Yes.

Dave DeGrandpre We're on the floor, I mean. Okay.

Aldersperson Anderson So, you have to dispense with one motion before you can make another motion.

[multiple speaker on Council]

Aldersperson Hess I understand. It looks like Marty's weighing in and she's probably, she's the expert, we should refer to...

Marty Rehbein So, the question about whether to return to committee takes precedence and parliamentary procedure over the matter, and so this is a motion

that you would consider now. If it passes, this item goes back to committee. If it fails, the main motion to approve the Development Agreement is in order again.

President Jones Okay. Thank you for articulating what I was somehow thinking in my mind but couldn't articulate. Thanks Marty. So, so this motion is in order to send it back to committee. I'll call again for public comment on the motion. Seeing no public comment, Council comment on this motion. Ms. West and then Mr. Hess.

Alderpersion West I am not going to support the motion to send this back to committee. I think, I believe this Development Agreement was given to staff back at the end of last year, and we've had extensive discussion in City Council, and I think that both the developers and the neighbors at this point deserve to know what is going to happen here.

President Jones Mr. Hess.

Alderpersion Hess I was going to say roughly the same as Ms. West. I think, I think that this is, there's been a lot of work in good faith on the Development Agreement. And there's, the, the comments that are outstanding to me are code compliance issues and so I, I think that this is in a good place, and we should take care of it tonight.

President Jones Any other comments from Council on this item? I'll just add my two cents that I agree we need to keep it and keep it on the floor and vote on it tonight, and I see no reason to send it back since we've had plenty of, twice it's been in committee and staff worked very hard to pull it together after last Wednesday's comments. Okay, Mr. Carlino, one last comment.

Alderpersion Carlino Yeah, I think sending it back to committee would definitely show that it was not tied to the rezone. Voting, you know, looking at the Development Agreement and the rezone at the same time, it's pretty hard for us to say honestly that they you know didn't have an impact on each other. So, I think it would make sense to vote on this a different day than we vote on the rezone. Along with, you know having an opportunity to make it better.

President Jones Ms. Becerra.

Alderpersion Becerra I guess, I have a, am I still in time to ask for a question? I guess I, Dave, I would like to know if, if something major comes up in terms of having to add something to the agreement after it has been passed, can, can it come back to us? Can we amend it?

Dave DeGrandpre There is an amendment clause in the Development Agreement. It basically states that the agreement can be amended, amended but it takes both parties. It takes the developer, and it takes the city. So, I'm not a lawyer, but it sure looks that way to me.

Alderpersion Becerra Okay. Thanks.

President Jones Okay. Any other comments or questions from Council? Seeing none, we'll have a roll call vote.

Marty Rehbein Okay, this is on the question of returning the Development Agreement to committee?

President Jones So, the motion fails, and we are back to our original motion, and we are back to Council comment on the original motion on the Development Agreement. Are there any other comments? Mr. Nugent.

Alderpersion Mike Nugent Thank you madam chair. I, I voted to send it back to committee because I tend to agree with the, the sentiment of my colleagues Councilman Jordan and Councilman Carlino. I, I do think in the future, we should make more clear that these are, are separate. I understand that the developer turned it into us, so I will vote yes because they turn it in, but I think that this whole process has been very confusing and even in some of the public comment tonight, the two kind of felt intertwined and while I think we as a Council understand that they won't, they weren't, I think that there's some confusion on that.

President Jones Mr. Hess and then Ms. Anderson.

Alderpersion Hess Thanks. The developers submitted the Development Agreement on a voluntary basis, as part of their, their rezoning application, as my understanding and it's been part of the record along with that. It wasn't initially up for consideration until we asked for it to be up for consideration, and just, when I on, I think it was June 6th requested that this, that the rezoning be postponed. It was largely as a public service in order to carry these two items together since they are related in the public realm, as far as. The Development Agreement spells out some, some public benefits of a specific project. The rezone was, was, the, the planning action to, to, that ran with the land. The, the Development Agreement was, was a separate. It was distinct but of course it you know it's related to the same parcel. So, to me, it made sense for those to travel in tandem. It's really important to note that we're, we're discussing the merits of the Development Agreement after, after the fact that....The reason is passed, so this is, this is this is sort of to codify some of the proposed, some of the proposed public benefits associated with the specific project that the developer is proposing. So, I support this now. I think it's; I think it's okay to vote for this now and I and I support it.

President Jones Thank you. Ms. Anderson and then Ms. West.

Alderpersion Anderson Thanks so much. I appreciate the sentiments of my colleagues and I share both sides of them. I think that this whole process has really shown a lot of the frustration that both the public has, the developers have, and we as Council have in terms of our overall processes and the decision making boxes, and the fact that I would have loved to have been able to package the Development Agreement together with this rezone because I think it would have given more clarity to us and to the public, but so many of the frustrations that we experience are due to laws that are basically enacted at the state level and sort of enforced upon us and yet we're the ones having to sit here and have these conversations and make these decisions. So, I was really wrestling with the, the rezoning for the points that Ms. Becerra made, that, you know, the rezone, as it was, would allow for the maximum density and that the developer did decide to put this forward, but they couldn't be considered in, in conjunction. So, I guess if the world ended right now, they could develop at you know the maximum density but you know they offered in a good faith effort to bring forward this Development Agreement and because of you know the points that Mr. Hess made, that this, they are not able to consider together but they affect the same parcel and it does give clarity. And to the you know neighbors who are directly affected of what is going to move forward and what this is going to look like, so I will be supporting the passage of the Development Agreement this evening.

President Jones Thank you. Ms. West and then Ms. Becerra.

Alderpersion West I just want to say that Google results have changed dramatically when you Google weed ordinance and a hazard, since the beginning of this year, but I did find the City of Missoula Weed Ordinance, which

is a weed hazard program to mitigate the danger of grass fed wildfires, and not to be confused with the other weed that is now allowed to be burned in this community, but and I want to speak the Development Agreement. Oh, and the phone number to call, there is a phone number if you want to report hazard weeds. It is (406) 552-6630 and you can also just fill out a form. I've done this and accidentally turned in people I didn't want to, that happened to own property in my neighborhood that had lots of weeds, but I also think this Development Agreement, I guess needs to be approved at this point to provide assurance to the neighbors of what's going to happen here. I do think this is a prime of example of why we need code reform. I think that every process we have seen so far, whether it's been a, what have we seen, an annexation and a subdivision and a TED that have had Development Agreements tied to them, and I don't think that this is a great way of I guess going through the process. I, I think it's murky, it's messy, and it doesn't provide the clarity we need, of anybody needs along the way. I also think it's partially because this project could have been brought to us in a cleaner process. I think if we'd seen a subdivision here, we would have ended up with a lot of the things that are in the Development Agreement up front. I'm not entirely happy with all the things that are in it. One of the things I really wanted to see happen is to have a playground that has a you know a public access easement over it. If this had been a subdivision, we would have ended up with like actual public, public spaces, which I think this Development Agreement somewhat provides, but it doesn't memorialize them the way a subdivision would have. So, I'm going to support it. I really hope that we figure out you know through our code reform process a way that's more streamlined and leaves less ambiguity along the way.

President Jones Thank you. Ms. Becerra.

Aldersperson Becerra Thank you. I was gonna say that this process felt entangled because it was, and in the future, I think a Development Agreement should come before any development is being proposed and ideally, as both my colleagues, West and Hess, have mentioned, a subdivision would have been the better process for this with significantly more public engagement, as much as you might not want that but it would have been a more transparent process and a way for us to truly dig into what some of the main issues are that need to be addressed. And I want to say that that would have been preferable to any other option because right now, while we have a development process, a development a building permit approval process, that is not a public process. So, we won't know, the public won't know what the mitigations are going to be for, required of this development and I, I think that that could have been avoided. In terms of Development Agreements, I never like Development Agreements, and I really don't like them now because I think they are not a planning tool. We, as much as we might not like our zoning regulations and our subdivision regulations, as imperfect as they are, that's what we have to work with, and a Development Agreement is not a planning tool. It puts a lot of responsibility on our staff to help craft it, develop it, enforce it. These are not jobs of a planner and so I believe that a Development Agreement linked to a development and particularly linked to a rezone is not a good tool. However, I do appreciate the developers taking in all the comments that you received from the public, the neighbors, and the Council, and, and I see a lot of, a lot of that reflected in the Development Agreement, and I am a belt and suspenders kind of person and I do want to offer this neighborhood some predictability, and I think this, this this gets us there. So, I will be supporting the Development Agreement.

President Jones Thank you. Any other comments from Council? Ms. Vasecka.

Alderson Vasecka Thanks. I'm very happy that the developer did volunteer, voluntarily propose this Development Agreement. I will ask that the developers, even though it's not contractually binding, to continue to listen to the neighbors. I hope that they do; happy neighbors do make a happy community. So, I would encourage further communication with the neighbors and with that, I will be in support of this.

President Jones Any other comments from Council? Seeing none, we will have a roll call vote.

Marty Rehbein Okay, this vote is on the Development Agreement.

President Jones Thank you. That passes and I believe we are done with Expo Parkway in Grant Creek Village. We are going to move on to our two public hearings tonight, and thank you to the patient, patient planners who have been sitting here for three and a half hours.

**Moved by:** Alderson Hess

Approve the development agreement dated June 23, 2022 with KJA Development, LLC for Grant Creek Village located at 2900, 2920, and 2990 Expo Parkway consisting of two parcels legally described as Government Lot 4 and Portion B of COS 4831, and Amended Tract A of COS 3750, and Portion C of COS 4831, and Portion A of Commerce Center, Phase II, Amended in Section 5, Township 13 North, Range 19 West.

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

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

**Vote result: Approved (10 to 2)**

**Moved by:** Alderson Carlino

Return the development agreement to committee.

AYES: (3): Alderson Carlino, Alderson Jordan, and Alderson Nugent

NAYS: (9): Alderson Anderson, Alderson Becerra, Alderson Contos, Alderson Hess, Alderson Jones, Alderson Savage, Alderson Sherrill, Alderson Vasecka, and Alderson West

**Vote result: Failed (3 to 9)**

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

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

**10.7.1 Minutes from the June 22, 2022 Meeting**

**11. NEW BUSINESS**

**12. COMMUNICATIONS FROM THE MAYOR**

President Jones I will pass.

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

President Jones I will start with our virtual attendees. Ms. Jordan, I'll start with you.

Alderpersion Jordan I'll pass tonight, thank you.

President Jones Okay, Ms. Sherrill.

Alderpersion Sherrill Yeah thanks. I'll be kind of brief because I know everyone's tired and I'm happy that I'm someplace that is actually an hour earlier right now. So, as a policymaker, you know I, I say regularly that I operate someplace between fear and hope and many of my decisions and on Friday I realize that I, I need to add anger into that spectrum. I'm remote tonight, as I said, because I'm taking care of my elderly parents. My mother who in her time marched and protested for women's equality, sits with me watching news coverage as her granddaughters are stripped of rights that she helped to ensure for her own daughter and it's, it's hard for both of us to get our minds around it honestly. You know, as we know overturning Roe v. Wade will not stop abortions; it will only stop safe abortions. It will not stop those of us with privilege and means from finding abortion care. It will stop those that are the most vulnerable among us from finding it. You know and luckily our state does not have trigger laws in place that make abortion illegal now, but there's already talk about limiting abortion access here in Montana and consider, and it's considered a likely state to enact lots of restrictions. So, you know, I know people have probably been watching coverage or out marching there in Missoula, but you know this could mean that your 14 year old daughter, niece, student, cousin is raped that if she's raped that she has to carry that pregnancy to term. It could mean that expecting parents receiving kind of the worst news of their lives will have to carry a viable pregnancy to term knowing that that child will have a very short and painful life. It could mean that hopeful parents doing IVF will not be able to do the necessary, what is necessary in the process when it doesn't work out as planned. What this really means is that the highest court in our country does not believe that women are capable of making decisions for our own bodies, lives, and families. So, I'm, I'm really angry and it's a very interesting thing to be processing that with, with my mother but I'm also scared. So, if, if you have not paid attention to elections around the country, it's time to start voting in a democratic majority to senate, to the senate is the only way that we're going to codify this. So, I would say consider other than just being angry, angry and scared, consider donating to pro-choice candidates in states that have seats that we can flip and also volunteer to do phone banking remotely for those states, frequent businesses, both in person and online that support full health care that includes abortion care and travel for their employees. You can easily find, find these online but Patagonia, Apple, Nike, Dick's Sporting Goods, you know do your research and vote with your wallet and this November send a message and vote legislators in and out of office at the local, state and federal level that do not support individuals' rights to bodily autonomy. I'm, I'm, I'm angry about this and I'm angry and disappointed for my daughters that, right now, they are going to be living in a country that has a lot of states that they have less rights than I have, than I had when I was their age. Thanks.

President Jones Thank you Ms. Sherrill. Ms. Vasecka.

Alderpersion Vasecka Thank you. I will be brief. This weekend is Fourth of July weekend, and we will not have Council on Monday so I will save my comments on Fourth of July today. A little bit of history on the Fourth of July, although the vote for independence from Great Britain was actually took place on July 2<sup>nd</sup>, the continental congress formally adopted the Declaration of Independence on July 4, 1776, So, that's why we celebrate it on the fourth. In the Declaration of Independence, one of the most famous preambles we have we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness, that to secure these rights governments are instituted among men. So, I take men to be women and men. So, it's really important for people to get involved with their local, local politics, national politics, you be the change you want to see in the world. I'm so happy that we have so many women on Council and so many people who in the past couple of years have, have stepped up and run elections and run campaigns because they want to be involved. It's amazing that the youngest founding father was only 18 years old, that is, to achieve such historical greatness and such

historical significance at such a young age, that we consider today, it's just amazing. So, in between your hot dogs and your fireworks this weekend, I would ask that you take a moment read the Declaration of Independence it's only four pages the last two pages are mostly signatures so it's only pretty much two pages. Read part of the Constitution, learn your rights and I will finish off with a quote I admire from Condoleezza Rice the 66<sup>th</sup> United States Secretary of State. She said, the essence of America which really unites us is not ethnicity or nationality or religion, it is an idea and what an idea it is that you can come from humble circumstances and do great things, that it doesn't matter where you came from but where you are going. So, happy Fourth of July everybody. Be safe, have fun, and celebrate our country. Thanks.

President Jones Mr. Contos.

Aldersperson Contos I'll pass, thank you.

President Jones Ms. Anderson.

Aldersperson Anderson Thanks so much. Just a quick reminder that hopefully you're not lighting off those fireworks in the city limits because they are illegal. And they are, it's not that we are poo pooing fun, we are just, it's illegal and as someone who has people in my family who are you know it is it is upsetting to a lot of folks in our community the noise that they make to pets to veterans to people suffering PTSD. So have a moment and show a little respect and go outside the city or the city limits into the county where there's wide open space and be safe with all of your firework celebrations. And I appreciate the comments that were led off today by Ms. Sherrill. I, I also am angry and I would like, I'm not going to reiterate all the good comments you made just to basically say I agree and that while you are, I would encourage people to also pay attention to local elections, local state elections, Supreme Court elections, that unfortunately this decision has been put back on to the states and there are a lot of states in this country who have trigger laws who are trying to enact trigger laws and local elections matter and paying attention to those as just as important as paying attention to the U.S. Senate races, and a lot more tens of millions of people in this country need to start paying attention because if you look at how many people don't vote it is astounding and if you're out protesting and you didn't bother to vote, well then we need to have a serious conversation because you know my mom would say you don't vote, you can't complain. So, just, it's, we make it in this country really, we try, and we are not perfect and there's a lot of places that do a really crappy job of trying to disenfranchise women, minorities, poor people from voting and it is a comfort upon all of us who have more privilege to stand up and demand that that is not right. So, everyone has the right to vote and when you have that right please exercise it. Thank you.

President Jones Mr. Nugent.

Aldersperson Mike Nugent Thanks. I just would say I appreciate very much the heartfelt comments from Ms. Sherrill and Ms. Anderson and fully support a woman's right to make their own decisions on and I will leave it at that and speaking on that. I will defer to my other colleagues. I had an opportunity this weekend to do a ride along with the Missoula Fire Department and I want to say that I just find them to be a wonderfully professional group and there's like, like all the other things that that many people in Council have gotten to do, learning about departments and things like that, there's just so much more to their job than what they do for the community and we're lucky to have them.

President Jones Thank you. Mr. Carlino.

Aldersperson Carlino Yeah, I just wanted to say I was glad that we passed the Grant Creek rezone today and I hope with our code reform we legalize housing all over town and ensure that things aren't restricted to only single-family homes, but allow for all sorts of types of housing. And then also echo my other colleagues' comments and with just the frustration that with the Supreme Court overturning Roe v. Wade and just knowing that you know where it's a time that we're all living in we're with the authoritarian government and it's really hard to watch and I hope we examine any past authoritarian policies that are at a local level, as well as we criticize the federal

government as well. And just another way to help besides voting you could also donate to like local abortion funds like the Susan Wicklund Fund. And yeah, I will stop there.

President Jones Ms. Becerra.

Aldersperson Becerra Pass, thanks.

President Jones Mr. Hess.

Aldersperson Hess I'll pass, thanks.

President Jones Ms. Savage.

Aldersperson Savage Thank you. On Friday June, 24, 2022, my youngest daughter turned 14 and she woke up to a world in which she has fewer rights than her grandmother's. She's moving up and forward, fierce and strong, while it seems the world is moving backward. When I look at her, I see everything that is good and right she is kind righteous and whip smart with depth and knowing beyond her years. She deserves more than what the Supreme Court handed down on her birthday. My older daughter is almost 16 and she's sitting across the country tonight dealing with athletic adversity alone. She's tough, she's motivated and she's tenacious and she knows herself and her body and she deserves the right to do with it what she chooses. They are exactly what I'd hoped for when I said I wanted to raise strong daughters. I have yet to tap into the unmitigated rage that I see so many people around I see in so many people around me because I'm still mourning. I can't yet summon the energy to scream from the top of my lungs at the injustice of a court that sees me and my daughters as less than full citizens, but I know we have little time for my grief or sadness. Abortion is healthcare, every person who could become pregnant deserves the privilege of choice. There are a few things I believe in more than my two daughters or in people practicing their right to choose when and if to have a child. They say that all politics are local so tonight I urge you to support your local abortion clinic in Missoula, that's Blue Mountain Clinic where I was an abortion counselor for a handful of years. I can tell you that while working there most of the people I helped were mothers and not one person over the years took the decision to have an abortion lightly. I can also tell you that nothing is more powerful than being a quiet witness to a person exercising full autonomy over their bodies and their choices. I'm bringing this to the floor of the City Council today not because this policy can be decided here but because when I ran for office, I promise to stand up for people who do not have access to tables where decisions are being made about their lives. As an elected official in the United States of America, it's my duty to call out when our systems fail us and in overturning Roe v. Wade, the Supreme Court failed us all. Thank you.

President Jones Ms. West.

Aldersperson West I just, it's very hard to go after you, you're very eloquent. No numbers no and I am not going to talk about reverse Roe v. Wade. I just wanted to remind everyone to please be safe this weekend and do not bring sparklers into our public parks, especially our conservation lands. I was on the north hills a couple years ago; we go up there every year for the Fourth of July to watch the fireworks across town when the grass caught on fire, and we had the Missoula Fire Department respond and put out the fire. So, please keep those sparklers out of our parks and keep the fireworks outside of city limits.

President Jones Thank you.

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

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

#### **15. ADJOURNMENT**

The meeting adjourned at 10:20 p.m.

President Jones We have nothing else on our agenda so thank you for your service. We will stand adjourned. The meeting adjourned at 10:20 p.m.

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

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John Engen, Mayor