

Journal of Proceedings

Missoula City Council

September 26, 2022, 6:00 pm

Council Chambers (in person) or TEAMS (virtually)

Attend in person: City Council Chambers, 140 W Pine, Missoula MT

Members Present: Stacie Anderson, Mirtha Becerra, Daniel Carlino, Kristen Jordan, Mike Nugent, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: John P. Contos, Gwen Jones, Jennifer Savage

Administration Present: Jordan Hess, Mayor, Marty Rehbein, Jim Nugent, City Attorney

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF THE MINUTES

2.1 Minutes from the September 19, 2022 Meeting

The minutes were approved as submitted.

3. PUBLIC COMMENT - NON-AGENDA ITEMS

Mayor Jordan Hess Public comment on items not listed on our agenda. Mr. Hunt.

Kevin Hunt Thank you Mr. Mayor, Council. I'm assuming that under rules two and 31 that there'll be public input before you select who's being interviewed but in any event, I want you to know I, I brought a copy of the Council rules with me since you are deciding who will advance the interviews for the Council seat made vacant by interim Mayor Hess's appointment and it seems like you can never find a copy of your own rules when you need them, so I brought one. And I also brought with me this candle and the reason I brought this candle is we might need to read these rules and I'm very mindful of what interim Mayor Hess has been telling news media about why we had to have this 12% property tax increases. He's stated categorically that we have to have them so we can the city can keep the lights on, plow the snow, and fill potholes. So, in case the lights go off, I've brought this candle. Mr. Mayor I do encourage you to use rule 27 of these Council rules to declare an emergency immediately and I don't, I just can't figure out how we're going to be able to have a special district succeed in acquiring the Federal Building if we can't light it. I also I read about the city's purchase of the ground crusher snowplow, so I hope the Mayor's warning about not being able to plow the snow is no longer operative. As for not being able to fill potholes, I have a suggestion Scouts postcard auxiliary and Civil Air Patrol could form volunteer brigades and believe me they can do. Well, I'd just like to say yes it is better to light one candle than to curse the darkness and so I'm wondering when the Mayor will on the record correct The Missoulian story falsely claiming that Councilor Carlino was censured by the Council during the process that selected interim Mayor Hess. I'm also wondering when the Councilors who tried to scapegoat Mr. Carlino for the mockery made of the proceedings by back alley shenanigans in which he took no part will apologize to him on the record, not before this candle would burn out I'm sure which is why I also brought a flashlight. Thank you.

Mayor Jordan Hess Thank you Mr. Hunt. Further public comment? Seeing none, we can move on to our schedule of committee meetings. Ms. Rehbein.

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

Public Works and Mobility Committee, September 28, 8:30 – 8:45 a.m.

Housing, Redevelopment and Community Programs Committee, September 28, 9:00 – 11:00 a.m.

Public Safety, Health, and Operations Committee, September 28, 11:15 a.m. – 12:25 p.m.

Committee of the Whole, September 28, 1:00 – 5:30 p.m.

Mayor Jordan Hess Thank you Ms. Rehbein. Any changes to the committee schedule? Okay, seeing none, we can move on to the consent agenda.

5. CONSENT AGENDA

Mayor Jordan Hess Items on the consent agenda were approved in City Council committees generally unanimously and we save time at Council meetings by voting on these items as a package. Ms. Rehbein will read the list aloud so citizens watching on MCAT or on our live stream will know what is on the consent agenda, and we'll invite community comment before we vote. Ms. Rehbein.

Mayor Jordan Hess Thank you Ms. Rehbein. Any questions or comments or motions on the, to divide the question on the consent agenda? All right, seeing none is there public comment on the consent agenda? Seeing none of that either, we can go to a roll call vote.

Mayor Jordan Hess Okay and the consent agenda is approved.

AYES: (8): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Jordan, Alderperson Nugent, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (3): Alderperson Contos, Alderperson Jones, and Alderperson Savage

Vote result: Approved (8 to 0)

5.1 Accounts Payable (claims) for checks dated September 27, 2022

Approve accounts payable in the amount of \$1,790,209.04 for checks dated September 27, 2022.

Vote result: Approved

5.2 Purchase of one (1) Toro Groundsmaster 7210-D Snowplow for Traffic Service

Approve the purchase of one (1) 2022 Toro Groundsmaster 7210-D tracked Commercial mower/snowplow for Traffic Services from Midland Implement of Billing, Montana for \$61,361.62 with attachments. This unit is a cooperative purchase through Sourcewell.

Vote result: Approved

5.3 Fuel Contract with Hi Noon Petroleum to provide vended fuel to the City of Missoula

Approve and authorize the Mayor to sign a contract with Hi Noon Petroleum of Missoula, Montana to provided vended fuel to the City of Missoula for a period of five years beginning October 1st, 2022 with a 3.5% discount off retail price, pending the City Attorney's review for contract form.

Vote result: Approved

5.4 Hardware Quotes for Servers, Storage Devices and Switches

Approve and authorize the Mayor to sign 1) with Dell Technologies in the amount of \$253,417.80 for the purchase of a computer server cluster 2) with Cerium Networks in the amount of \$52,009.98 for the purchase of replacement computer switches, and 3) with CDW-G in the amount of \$31,695.00 for the purchase of a redundant backup and disaster recovery computer appliance.

Vote result: Approved

5.5 Contract for Timber Frame Building Maintenance

Approve and authorize the mayor to sign a contract with New Concept Coatings, Inc in amount not to exceed \$67,025.00 for the timber frame building maintenance at Silver and Fort Missoula Parks.

Vote result: Approved

5.6 Change Order for Northside Bridge Engineering Services

Approve and authorize the Mayor to sign a contract change order with HDR Engineering, Inc., in the amount of \$170,943.12 to expand scope of engineering services for design and renovation of Northside Pedestrian Bridge.

Vote result: Approved

5.7 Sub-Recipient Agreement with Trout Unlimited for the McKinley Lake Decommissioning Project

Approve and authorize the Mayor to sign a Sub-Recipient Agreement with Trout Unlimited for the McKinley Lake Decommissioning Project at a cost not to exceed \$125,000.00.

Vote result: Approved

5.8 Professional Services Agreement with WGM for Kent Central Greenway – S. Russell to Regent Project

Approve and authorize the Mayor to sign a professional services agreement with WGM for consulting services for design, bidding, and construction services on the Kent Central Greenway – S Russell to Regent Project at the cost not to exceed \$84,627.90.

Vote result: Approved

5.9 A Resolution Vacating a (Public) Utility Easement for the Montana Food Bank Network Facility

Adopt a resolution of the Missoula City Council vacating a 15' by 278' utility easement within lot 2 of Maggie Jax Subdivision, located on Alloy North Street.

Vote result: Approved

5.10 Professional Services Agreement Addendum to Contract #A-8737 with Metta Urban Design

Approve and authorize the Mayor to sign an addendum to professional services agreement #A-8737 with Metta Urban Design for work related to the City Growth Policy update for a total amount equal to \$90,000.

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 Ordinance Granting TDS Metrocom LLC Cable Television Franchise

Mayor Jordan Hess We do have two items up for final consideration tonight. These were both held, we had a public hearing on both of these items last week, so we'll take them in the order listed on the agenda. The first item is the ordinance granting TDS Metrocom LLC a cable TV franchise and I'll go first to Mr. Nugent to see if there's any additional staff presentation or any new information that became available since last week.

Jim Nugent No your honor there is nothing else to add and I think our consultant was pretty thorough last week and we haven't had any inquiries during the intervening period.

Mayor Jordan Hess Thank you. Are there questions from Council? Seeing none, I'd go to Ms. Becerra for a motion.

Aldersperson Becerra Thank you. I recommend that we adopt an ordinance regarding the TDS Metrocom LLC cable television franchise.

Mayor Jordan Hess Thank you. That motion is in order. Any additional public comment on this item? Mr. Hunt.

Kevin Hunt Kevin Hunt, 308 Parkside Lane. I just want to reiterate what I said at the last meeting and by the advisory that there's been no more information submitted, I presume that means the Charter is still being dilatory and responding to the city which is all the more reason there should be a unanimous vote enthusiastically welcoming this new franchise to Missoula. We've had rotten provision of broadband services for a long time, and I hope this will fix it.

Mayor Jordan Hess Thank you. Any additional comments? We'll go to Council comments in just a moment. Okay back to Council comments now. Mr. Carlino.

Aldersperson Carlino Yeah, I'm happy to support this motion. I think you know competition will be healthy here to hopefully get people fairer internet rates in Missoula and long term, I hope I see it as a goal to have a fair free public Wi-Fi or public internet for everybody in the United States long term, but I think this is a step in the right direction and I hope we approve it tonight.

Mayor Jordan Hess Thank you. Any? Ms. Vasecka.

Aldersperson Vasecka I don't have any additional comment. I just wanted to echo what my colleague said. I think that competition is wonderful for a capitalistic society and I'm happy to support this.

Mayor Jordan Hess Thank you. Seeing no additional comments, we can have a roll call vote on the motion.

Mayor Jordan Hess And the motion passes. Thanks.

Moved by: Alderperson Becerra

[Second and final reading] Adopt an ordinance granting the TDS Metrocom LLC cable television franchise.

AYES: (8): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Jordan, Alderperson Nugent, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (3): Alderperson Contos, Alderperson Jones, and Alderperson Savage

Vote result: Approved (8 to 0)

8.2 End of Year Report for Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program Year 2021

Mayor Jordan Hess Our second item up for your final consideration is the end of the year report for the Community Development Block Grant and Home Investment Partnerships Program year 2021 and I'll first see if we have any new information from staff that has come up since last week or any additional staff presentation. Ms. Lisum.

Kendra Lisum Nothing new. Thank you.

Mayor Jordan Hess Okay. Any questions from Council? Seeing none, I'll take a motion from Ms. West.

Alderperson West Sorry, multitasking here. So, the motion is to adopt the program year 2021 year 2021 Consolidated Annual Performance and Evaluation Report for Housing and Urban Development funded programs.

Mayor Jordan Hess Thank you. The motion is in order. Any additional public comment on this? All right, seeing none. Comments from, any comments from Council? Ms. West.

Alderperson West I had a, I had a quick comment, I wanted to make based on our on the staff presentation last week and I just wanted to point out that URA and Section 104(d) requirements are not set by the City, those are federal requirements that all programs that receive CDBG or HOME funding have to meet. And I just wanted to clarify that because it, it maybe sounded like the responsibility fell on the City alone and I think there's some tough decisions and decisions made, but federal rules are federal rules.

Mayor Jordan Hess Thank you Ms. West. Any additional comments? I'd just note that this is likely going to pass pretty quietly tonight but these, these programs are impactful programs that do good work in our community and I want to thank Ms. Lisum and, and the rest of her team for the work to implement, spending federal money is, is complicated and, and the impact is, is felt, and so I want to I want to thank everyone in, in that program for their work administering these complicated grants and, and for bringing this forward tonight. And with that, we can have a roll call vote.

Moved by: Alderperson West

Adopt the program year 2021 Consolidated Annual Performance and Evaluation Report for Housing and Urban Development funded programs

AYES: (8): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Jordan, Alderperson Nugent, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (3): Alderperson Contos, Alderperson Jones, and Alderperson Savage

Vote result: Approved (8 to 0)

9. PUBLIC HEARINGS

9.1 Resolution Regarding Proposed Creation of a Missoula Local Government Building Special District

Mayor Jordan Hess We can move on to our two public hearings. State law and our own Council rule set guidelines for inviting community comment in a formal way on certain issues. We'll have a staff report on each item and then we'll invite community comment. Both of these items, we typically hold our, our public hearings open for a week, but both of these have timing constraints and so these will be taken care of tonight. Our first public hearing is a resolution regarding proposed creation of a Missoula local government building special district and I'll turn it over to Mr. Adams for a staff report.

John Adams Thank you very much. My name is John Adams. I'm City Strategic Projects Administrator and also on the line today, I believe, is Ryan Sudbury the Senior Deputy City Attorney. He has quite a bit of knowledge about this process as well. I'm going to share my screen. So, to recap where we are in the Federal Building. I'm hoping you're seeing a cover slide.

Mayor Jordan Hess Yes, we are.

John Adams The City of Missoula and Missoula County have been working together for several years to jointly obtain the Federal Building located at 200 East Broadway. We will receive the building from the federal government at no cost and in return, we will be bound to preserve the historic character of the building in perpetuity. After acquisition, the City and County will rehabilitate the building and make it into the administrative and public services hub of the two entities. The U.S General Services Administration, GSA, interprets the statute establishing the historic Surplus property program under which we'll receive the building to require that a transfer ownership of the building to a single local government entity. So, we intend to create a joint special district under Montana Code Title 7, Chapter 11, Part 10. So, Special Districts created under this authority are discrete legal expressions of local government that depending on the authority delegated to them can implement programs, administer budgets, employee personnel, purchase property, etc. So, typically we see them deployed for a single particular need such as rehabilitation of the fairgrounds or for a discrete geographic, something that's a, it's a discrete geographic need like a local park, but instead, we're going to use it to create an ownership mechanism. The Missoula local government building special district, sorry it's such a mouthful, won't encompass any properties other than the 200 East Broadway property itself and won't be able to levy assessments on any property owners except itself. It's really just a way to create a single government entity that can catch the building. State law sets out a very specific process for creating a special district, which includes over the course of about three months, public hearing on creation of the special district, approval of a resolution of intention to create the special district, a second public hearing, approval of entering a local agreement between the entities creating the district that establishes how it will be governed, and approval of a resolution establishing the district. So, what Council has before today are to hold the first public hearing on the proposed district and to consider a resolution stating the city's intention to create the special district and to direct staff to take the necessary steps to notify landowners within the proposed special district, which is just the federal government and to otherwise

promulgate the intended action through publication. The Board of County Commissioners will address the same matter tomorrow and if all goes well, both Council and board will hold another public hearing and make a final choice on the special district in December. I want to say a little bit more about the proposed interlocal agreement between the City and County which is included as an exhibit to the proposed resolution. The interlocal is basically a contract between City and County articulating how we'll make decisions about the special district. So, here are some highlights. The interlocal creates an administrative body consisting of the chief administrative officers of the City and the County barring a choice to do something different by either the board or the Council and, and the administrative body will make general decisions about the building such as approve contracts for operation or improvement of the building. The interlocal requires that the administrative body annually propose a building budget to submit to Council and the Board of County Commissioners for their respective consideration. Interlocal establishes that the city and county will pay ongoing costs for operating the building based on the square feet each entity is utilizing in the building with a default starting point of 50/50. The interlocal Lays out the process by which either the City or County could withdraw from the special district. The idea here is that the withdrawing party would be compensated for the value of improvements that it's contributed to the building, appropriately depreciated, but would not receive any compensation for the value of the building itself and that's partly because we're not paying anything for the building and partly because we wanted to provide a disincentive to withdraw while accepting the reality that a divorce could, could happen. The interlocal provides that if the City and the County are at loggerheads on something with respect to the building that neither the administrative body nor subsequently the Council and Board can resolve that the dispute would go to binding mediation. And the interlocal establishes the County as the Fiscal Agent for the special district with such costs, as that may incur, being included in the budget for the district annually. So, the Missoula local government building special district will own the Federal Building and the City and County will jointly manage the special district according to the inner local between them. The interlocal could be amended or improved from time to time with the agreement of both City Council and Board of County Commissioners, and that's, that's the story. I'm available for questions.

Mayor Jordan Hess Okay. Thank you Mr. Adams. We can, at this point, I'll open the public hearing. Would anyone like to comment on this item? Seeing none, I'll close the public hearing. Any, any questions from Council members? Ms. Becerra.

Alderpersion Becerra Thank you. Joh, would dissolving the agreement for whatever reason require public a public process also?

John Adams What would be a decision and so for either entity to initiate dissolution would require an act by the governing body, so Board or City Council. So, it would require that public process. It would not require, I, my recollection of code, it would have to dissolve according to the Montana Code that establishes the.... well let's ask, if you don't mind, we might turn to Ryan and see if he recalls whether there is a special process for dissolution above and beyond a simple declaration by the governing body in Montana Code?

Ryan Sudbury Yeah thank you. I don't remember but I am going to venture to pull it up right now to make sure there is a provision in Part 10 of Chapter 11, Title 7 that talks about dissolution. I don't recall there being a public hearing requirement, but there is, the governing body does have to pass a resolution of intention to dissolve the special district. So, there is, there's sort of that happens and then there's notice of that. I mean, it's, this is, the process traditionally has and affects private property owners, so you want to give them notice of what's going to happen, how it's going to affect their private property, and there are, there is an opportunity to register protests and then there's a section on how to resolve debts and things like that but for the most part, it's, it's just an action, notice to action by the governing body through the resolution. It's kind of the opposite of this

process, so we have to have a resolution that we're going to dissolve it, we post a notice of that, take in any protests that are registered, and then have a final decision after the protests are considered and then if dissolution moves forward then it initiates the process laid out in the interlocal agreement, which has some accounting elements involved to value the.... sort of take it take stock of the investments that were made, depreciate those appropriately in line with accounting principles, and then value the, the amount of money that the dissolving party, the withdrawing party, will need to be paid out and then there's a mechanism in the interlocal to pay that out over a term of years.

Mayor Jordan Hess Follow-up? Go ahead.

Aldersperson Becerra Thanks for that. I, I guess what I'm trying to get at is that the public via this public hearing and, and previous meetings has had access to knowing about this. So, I, I would like to make sure that if for some reason the agreement has to be dissolved that there's enough public process for the public to be informed that that has come to a termination. And additionally, I think it would be important to know that if say for some reason the agreement is dissolved, as you mentioned, there's several clauses in there including you know the, the party that departs the, the agreement would be at a financial loss in essence because they would get a depreciated cost of investments and, and whatnot, but that to me implies that whoever is remaining takes over the entire....you know is responsible for the entire building renewal, remodel, whatever and, and that requires public process. So, I know I'm trying, I'm trying to come up with many potential scenarios, but I just would hate for us to be in a situation where say the County steps out and then the City is holding the proverbial bag and you know the, the, I think that the community has a needs to have a chance to participate.

Mayor Jordan Hess Mr. Sudbury.

Ryan Sudbury Yeah I mean just to follow up with that right.... We did consider that in these discussions both, from both sides, the City and the County staff that were involved and so we, we tried to provide like John said a disincentive for this to occur. In the event that, let's say, in your example the County is decided to withdraw or dissolve this special district and the City would be looking at the possibility of holding the bag in the building, the City could make the decision to just itself also withdraw and then both parties would simply turn the building back over to the GSA. We could just kind of give it back. We may not want to do that if we've invested a significant amount of money, but in the event, in an example or a scenario where the City and the County took the building did you know a significant amount of investigation and engineering and architectural analysis, and decided it, it was going to just cost just an ungodly amount of money to rehab the building to make it usable for our purposes. We, we could all just decide to you know step back and give the building back to the GSA, dissolve that special district, and kind of be done with it. So, that, that possibility is out there as well.

Aldersperson Becerra Thank you.

Mayor Jordan Hess Thank you. Ms. Vasecka.

Aldersperson Vasecka Thanks. I had two questions. The first one is there was a concern from a constituent about the employee parking issue where all the employees are going to be parking because downtown parking is a kind of crowded at the moment. So, there's that question and then the other one is, is there a possibility to expand the special district to include adjacent or nearby property owners in the future without Council allowing it?

John Adams The, the answer to the second question is straightforward. Montana code sets out a process for expanding a district and it's essentially identical to the process for establishing a special district. So, if, if, if there were..... I mean it's hard for me to imagine what that reason would be to expand the district, but, but if you wanted to, you'd have to go through a process exactly like this in order to make that happen and both entities

would have to sign on to that of course. With regard to the first question, we're going to have to do some planning around the streetscape to ensure that there's adequate, for example, handicapped parking and so on and so forth quick access parking to the Federal Building, but in general, we expect that like that we expect that just as we don't require downtown businesses to provide parking that we won't be providing parking for employees, that's counter to what we would hope for out of the downtown master plan and additionally, you know, we have a system right now where all the employees that would be moving to the Federal Building are required to park themselves or transit or walk or bike to the buildings that are only two blocks away. And so, there are inevitably going to be changes and concerns but in general our belief is that the situation works reasonably well now and worked reasonably well when there were 400 Forest Service employees there who also weren't provided parking and that it will work well again.

Alderson Vasecka Thank you.

Mayor Jordan Hess Thank you. Jim Nugent, would you like to add anything? Jim, I see your hand is up I just wanted to see if you wanted to add anything.

Jim Nugent Sorry, I thought you had called off Stacie Anderson right away. I just wanted to note for some of the earlier questions that there is a state statute about dissolution of the special district and if someone was going to try and withdraw perhaps that could be utilized as a mechanism for someone withdrawing and then there'll only be one party to the special district. And that dissolution statute requires that there be a resolution of intention adopted by the governing body and then publish notice of the resolution of intention to dissolve. So, it might be easy to just follow that dissolution statute and provide the public the information that there was concern that they receive.

Mayor Jordan Hess Thank you. Any additional questions or comments? Okay seeing none, we can, we've had a public hearing, we can have a roll call vote.

Marty Rehbein We don't have a motion yet.

Mayor Jordan Hess So Ms. Anderson I'll go to you for a motion.

Alderson Anderson One moment please, I'm popping between screens and of course it shut down at that exact moment. So, I would like to move that we adopt a resolution Adopt the resolution relating to the creation of a Missoula Local Government Building Special District and declaring it to be the intention of the City Council to create a special district to provide for the acquisition, ownership, improvement, maintenance, operation and administration of the Federal Building located at 200 East Broadway.

Mayor Jordan Hess Thank you. That motion is in order, and I'll go back for comment. I think I skipped over that a bit. Any, any Council discussion? Ms. Vasecka.

Alderson Vasecka I've been really torn about this, oh gosh ever since it first came across our table because yes we do need the additional space, but we, yeah we're gonna acquire it with no additional cost to us, but it's going to cost over 40 million dollars to remodel. And at this time, I think that a lot of, a lot of Missoulians are really struggling and I don't think that we should spend our hard-earned tax dollars on this at the moment. Yes that means that we might lose it and we might have to find another property at the time, but I do think that we needed to postpone this project and I haven't had a lot of constituents reach out to me about this and don't really agree with it. And since I'm, I'm so torn about it, I'm going to, I'm going to err on the constituent sides that have reached out to me. So, I'm not going to be supporting this.

Mayor Jordan Hess Thank you. Anyone else care to comment tonight? Mr. Nugent.

Alderson Mike Nugent Thank you Mr. Mayor. I will be supporting this. I think that if you just kind of compare it to a normal real estate acquisition, we're still very early in the

process and there's a lot of due diligence and things like that and it sounds like there are allowable exits if, if those concerns or costs become too burdensome in the next few months. So, I agree with you that there's still a lot that we need to know and learn, but I think that we still have outs and I think we need to continue with the process of investigating it.

Mayor Jordan Hess Ms. West. Okay. Anyone else? Ms. Vasecka.

Aldersperson Vasecka I wanted to thank you Mr. Nugent for saying that there are a lot of outs and I do agree with you that, that does make me feel a lot better about this because I'm assuming that it's gonna pass tonight. I just, I still personally can't support it, but I'm, I'm, I'm happy that we have some options in the future. So, thank you for pointing that out.

Mayor Jordan Hess Yeah it's a great point and, and we have an asset in the form of our current city hall that has tremendous value of being a full block in downtown, which could provide some opportunities throughout this process and I think one of the things that's been compelling to me throughout this process is that the customer innovate the Federal Building and, and preserve a historic asset but also renovate it for our current needs is likely a lot cheaper than, than the alternatives. So, on balance, I think this is really a, a very exciting opportunity to preserve a piece of history and make a space for local government that is, that, that meets our needs and that there's lots of opportunities through things like our current city hall to provide us a little bit of flexibility and how that that process goes down. Anyone else tonight? Okay, we can have a roll call vote. Ms. Rehbein.

Mayor Jordan Hess Great thank you Ms. Rehbein, the motion passes.

Moved by: Aldersperson Anderson

Adopt the resolution relating to the creation of a Missoula Local Government Building Special District and declaring it to be the intention of the City Council to create a special district to provide for the acquisition, ownership, improvement, maintenance, operation and administration of the Federal Building located at 200 East Broadway.

AYES: (7): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Carlino, Aldersperson Jordan, Aldersperson Nugent, Aldersperson Sherrill, and Aldersperson West

NAYS: (1): Aldersperson Vasecka

ABSENT: (3): Aldersperson Contos, Aldersperson Jones, and Aldersperson Savage

Vote result: Approved (7 to 1)

9.2 Edward Byrne Justice Assistance Grant (JAG 2022) Memorandum Of Understanding

Mayor Jordan Hess Our second and final public hearing is the Edward Byrne Justice Assistant Grant a Memorandum of Understanding regarding this grant. And Chief White is here to present our public hearing tonight. Chief.

Chief White Thank you Mr. Mayor, Council. Jaeson White, Chief of Police, Missoula Police Department. I'm here to talk about the JAG or Justice Assistance Grant that we get annually from the Federal Department of Justice. The City has been receiving this grant; it has come under a couple different names, but we have been receiving this money for since 1993 just for historical context it's not something that's new. So, every year, we have to bring forward how we're going to spend the money for a public hearing, so that is the purpose of this. So, the United States Department of Justice has given us \$62,922.00 for this, for this year. Of that, we have an agreement with the Missoula

County Sheriff's Office to share the money with them, so \$13,751.00 will go to the Missoula County Sheriff's Office so they to help offset property clerk salary. The remaining money will be used in the Missoula Police Department, \$17,550.00 will be used to continue the second year of our online warrant program that we use with the Municipal Court and District Court that allows our officers to do electronic warrants, search warrants, those types of things to the court, so that's processed electronically. We'd like to continue the second year of our online training and records subscription. That was something we implemented a year ago that consolidated all of our training records from three historic systems into one, and allows us to provide current, modern, updated training to our officers every day in briefing through this national service. And the last is \$23,548.00 to purchase night vision systems for our SWAT team. And with that, I will take any questions.

Mayor Jordan Hess Thank you Chief White. We will go, we'll go first to public comments, so I'll open the public hearing on this item and anyone who wishes to make a comment, come on up. Mr. Hunt.

Kevin Hunt Thank you. Kevin Hunt, 308 Parkside Lane. I spent over 30 years as a criminal defense attorney, and I just want to stress to the Council how important it is that your local authorities in your courts are, have their act together as far as being able to process electronic search warrant applications. If you can't do that what happens is the people like me are going to get a lot of evidence thrown out and you're going to lose a lot of convictions. It also improves the overall compliance by departments with what's required by the fourth amendment and by Article 1, Sections 10 and 11 of the Montana Constitution. So, these all sound like very reasonable expenditures. I don't hear anything about license plate readers and facial recognition or anything like that. So, I urge you to approve.

Mayor Jordan Hess Thank you sir. Anyone else? Seeing none....This item is time sensitive, there's a grant, there's a deadline on this, so I will close the public hearing and take questions from Council. Ms. Sherrill.

Alderson Sherrill Thanks and Mr. Hunt, I appreciate your comments. Chief White, I'm curious how much we received last year, like has this been, can you give us some history on the amounts that have been received?

Chief White It's very similar to what we received this year. There, it, it is, it stayed within a thousand bucks every year, that I've been here.

Mayor Jordan Hess Any additional questions? Okay seeing none, we'll go back to Ms. Anderson for a motion.

Alderson Anderson All right, I'm on the ball now. I make a motion authorize the Mayor Edward Byrne Justice Assistance Grant Memorandum of Understanding between the County of Missoula and City of Missoula and the associated award documents.

Mayor Jordan Hess Thank you, that motion is in order. Any discussion from Council? All right, seeing none, we've had a public hearing and we can have a roll call vote.

Marty Rehbein Okay on the Memorandum of Understanding.

Mayor Jordan Hess Thanks and the motion passes. Thank you Chief White. That concludes our public hearings.

Moved by: Alderson Anderson

Authorize the Mayor to sign the Edward Byrne Justice Assistance Grant Memorandum of Understanding between the County of Missoula and City of Missoula and award documents.

AYES: (8): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Jordan, Alderperson Nugent, Alderperson Sherrill, Alderperson Vasecka, and Alderperson West

ABSENT: (3): Alderperson Contos, Alderperson Jones, and Alderperson Savage

Vote result: Approved (8 to 0)

10. COMMITTEE REPORTS

10.1 Budget and Finance (BF) committee report

10.2 Climate, Conservation and Parks (CCP) committee report

10.2.1 Minutes from the September 21, 2022 Meeting

10.3 Committee of the Whole (COW) committee report

10.3.1 Minutes from the September 21, 2022 Meeting

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

10.4.1 Minutes from the September 21, 2022 Meeting

10.5 Land Use and Planning (LUP) committee report

10.5.1 Minutes from the September 21, 2022 Meeting

10.6 Public Safety, Health and Operations (PSHO) committee report

10.6.1 Minutes from the September 21, 2022 Meeting

10.7 Public Works and Mobility (PWM) committee report

10.7.1 Minutes from the September 21, 2022 Meeting

11. NEW BUSINESS

11.1 Ward 2 Vacancy Appointment 2022 - Interview Selection

Mayor Jordan Hess We do have an item of new business, and this is our Ward 2 vacancy appointment. What I'd like to do is go to Ms. Rehbein for a refresher on the process and timeline, and then we'll take public comment and then we will nominate applicants to be interviewed at the Committee of the Whole meeting this Wednesday. Ms. Rehbein would you mind giving us a, a brief rundown on process and timeline.

Marty Rehbein I'd be delighted. So, the process that the Council used to appoint Mayor is largely the same set of rules and laws that are required to appoint any elected office including this vacancy that Council is doing in Ward 2. The state law requires that City Council complete its work on this appointment within 30 days of the vacancy and the Council's process requires that we require that we solicit applications. We've done so. We've received six applications from citizens who live Ward 2 and are registered voters who are before you this evening. And according to your City Council rules, each Councilmember's person may select one of the folks who have applied. If you wish to interview, interviews are going to be connected this coming Wednesday between 1:00 and 5:30 p.m. At the conclusion of interviews, we have some time allotted for public comment. We have eight interview questions and there were some interview questions that were required as part of the application process, and all of those items are on the City's website, so folks can look at the applicants and see who applied to serve in Ward 2 and offer their comments. Both at the Committee of the Whole meeting this coming Wednesday, likely toward the end of that time period that they're meeting, closer to 5:30

p.m., depending on how many interviews that we can, that Council selects and then on Monday, sorry I don't have a calendar in front of me, so I'm winging it. Monday the 3rd, next week Monday, October....

Mayor Jordan Hess That's October 3rd....

Marty Rehbein Yeah, October...let's not do November yet that would be bad.... I don't like missing Halloween. So, on Monday, October 3, 2022, the City Council under new business will have this item to appoint the representative to Ward 2 and Council will be able to nominate folks who were interviewed and vote to select the Ward 2 representative. And as we saw during the Mayor interviews, for a Mayor appointment process, if there are two successive roll call votes where the votes are exactly the same each time, new nominations may be taken so....And then the Council's deadline on this item is October 14, 2011. The new appointee must be sworn in on or before that date, so that's the 30 days from when once the vacancy occurred.

Mayor Jordan Hess Thank you Ms. Rehbein. Any questions on that process? Okay, I think at this time, we'd go to public comment. If anyone would like to make a public comment is everyone. Ms. Avery.

Teigan Avery Hi, Teigan Avery, 4009 O'Leary Street. By now, you're all familiar with me after weeks of consistent attendance, which I bring up just to demonstrate that I show up and I am reliable, which is an essential quality of a Council member. And I also hope it shows that by showing up for myself that you see how I will show up for my constituents in Ward 2 and be here to advocate for them every Monday and every Wednesday. In the interest of time and in the hope of having a longer discussion on Wednesday in the interview, I will leave it at that but thank you all for having me and I hope you consider me for Ward 2. Thank you.

Mayor Jordan Hess Thank you Ms. Avery. Anyone else tonight? Mr. Rowan.

Jack Rowan Hi my name is Jack Rowan, 1624 Howell Street. I've been resident of Missoula for 28 years and lived on, in the west side for 13 of those years, and I also just wanted to reiterate that I'm, I'm excited to be a part of this process. I'm looking, hoping that I'll be invited to be interviewed on Wednesday and I look forward to sharing any more information that you would like to know about me.

Mayor Jordan Hess Thank you. Anyone else? Mr. Hunt.

Kevin Hunt Kevin Hunt, 308 Parkside Lane. I'd like to suggest that the two persons who just spoke be advanced in this process and for the reasons they stated. And so, I'm going to, well and with regard to Ms. Avery, I just want to stress again that her experience with evidence-based metrics when it comes to budgeting, I think is something, is incredibly important for the Council to get a handle on and that this is important. You know, people on the left, especially who have great concern in making sure that there's much efficiency and effectiveness in the expenditure of public funds and, and people on the right have the same concern about not wasting public funds, and the liberals who want to spend the money for a good cause that should, that should give them solace as well. So, I think that's a good reason to have someone like Ms. Avery. I want to, I want to speak mostly now about Derek Hitt. He's, he served as President of the Missoula Central Labor Council and he's been a carpenter organizer, as well and I think this is important. He's, he's one of these people who, who's, who, who's, who advocates you know rank and file oriented unions, not business unions that just take people's money. And I noted that in the committee meetings an excellent selection was made to chair your Land Use C committee, Mr. Nugent, who you know brings an MPA and he has a lot of experience of course in real estate and it was said that this would be very valuable in dealing with the housing crisis and I think that, I think also having you know being been a Vice President in in Berkshire Hathaway, certainly again provides a perspective, but I

want to note that it's just the way it is, that there's a, a very heavy representation of capital, both on the Council and on his committees and in government in general. And it's about time that labor was represented, that workers were represented, not just capital, the people who make the capital for the capitalists need to be represented and if you want to have a good solid person who will bring to the table that perspective. You can't resolve the housing crisis by just looking at the capitalist, the capital side, you've got to look at the worker's side. You got to look at the, the people, the working people in this town, the people who can't afford even to work and what, what, what's, what is costing them to try to have housing in this town, not just to buy housing, not just to stay here for the kids to stay here, but even be able to get a darn place to rent. And for this reason, you should accommodate someone from labor, someone from the working class, someone who is for workers all the time, someone who is not on the side from the side of capital, but who is cooperative, who is a collaborationist, who's an organizer and who's a who's a common rank and file person of the people. And so, with that, I, I strongly urge you to bring Derek Hitt forward. Thank you.

Mayor Jordan Hess Thank you. Anyone else tonight? Okay seeing none, I'll note that our online attendees, no one has their hand up. So, at this point, we can, we can move to nominations. And so, I would entertain, I'll just, I'll just entertain the nominations as they come up. Mr. Nugent first.

Aldersperson Mike Nugent Sure, I'd like to recommend Teigan Avery for an interview.

Mayor Jordan Hess Okay. Ms. Sherrill.

Aldersperson Sherrill I'd like to nominate Derek Hitt for an interview.

Mayor Jordan Hess Okay. I saw Ms. West next.

Aldersperson West I would like to nominate Jack Rowan.

Mayor Jordan Hess Ms. Vasecka.

Aldersperson Vasecka I would like to nominate Rebecca Dawson.

Mayor Jordan Hess Okay. And Ms. Becerra.

Aldersperson Becerra I would like to nominate Sierra Farmer.

Mayor Jordan Hess And Mr. Carlino.

Aldersperson Carlino And I'd like to nominate Charles Shane.

Mayor Jordan Hess Okay. So, we have six applicants and six nominees and six names in a, in a, in a hard hat.

Marty Rehbein Six names in a hard hat. No favoritism, my family's in highway construction. This is only hat that was in my car. So our first, let me grab my pencil here a second so I can work out the numbers. Sierra Farm has first interview. For the folks watching at home, Teigan Avery will have the second interview. Derek Hitt will have the third interview. Charles Shane is going to have the fourth interview. [laughing and talking amongst numerous people]. Jack Rowan has the fifth slot and I'll pull the last one out, shall I? That's Rebecca Dawson, she'll be interview number six. So for folks who are watching, let's recap. Interviews will be this Wednesday starting...the committee meeting will start at 1:00 p.m. The first interview will be at 1:05 p.m. Interviews will be 35 minutes long. There's five minute break between each one and I will send out a note to the candidates to let them know what time their interviews are, if they weren't here or didn't hear and we will see everybody Wednesday. I will provide some timing assistance for the interviews, so about 15 minutes in, I'll let the candidates know that, how much time they have, or I don't remember it was 15 minutes left, I let them know or 15 minutes

in. I don't remember what I said in the email to them this afternoon and then when they have five minutes left, I'll let them know so they can kind of pace their interview. There are eight interview questions; they will be asked round robin style by the City Council. Thank you.

Mayor Jordan Hess Thank you Ms. Rehbein.

12. COMMUNICATIONS FROM THE MAYOR

Mayor Jordan Hess I'll pass tonight.

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

Mayor Jordan Hess We can start general comments of City Council members with Ms. Anderson.

Aldersperson Anderson I will pass.

Mayor Jordan Hess Ms. West.

Aldersperson Anderson I just have a general I guess comment on the structure of government. Obviously, we have three branches and then often there is said that we have a fourth branch that keeps the other three in check, which is the press and I do not think that it is appropriate for a member of an elected body to reach out and dictate what a journalist should or should not say.

Mayor Jordan Hess Mr. Nugent.

Aldersperson Mike Nugent I'm just going to remind everybody about the Midtown Association or the Midtown Master Plan Listening and Idea event at the YMCA tomorrow. Drop in anytime from 6:00 to 8:00 p.m. I know I pitched this last week too but it's tomorrow and it's really exciting, so go. They have childcare; you can go anytime from 6:00 to 8:00 p.m.

Mayor Jordan Hess Ms. Becerra.

Aldersperson Becerra I'm sure everyone has seen a few bears around town, but please be very bear aware. They're out everywhere, well not everywhere, but in those neighborhoods that tend to have a lot of yummy food for bears to get before hibernation. So, please remove any attractants just, just know that they are around and hungry. Thanks.

Mayor Jordan Hess Mr. Carlino.

Aldersperson Carlino Oh yeah, I was just gonna say that I was happy that we picked all the applicants to interview. It's really hard to choose who's going to be the next City Council person based off of just an application or even just based off of an application and a short interview. There should be thousands of public questions, so I was just pleased to see that we're going to interview everybody, and I look forward to learning more from all the applicants.

Mayor Jordan Hess Ms. Jordan.

Aldersperson Kristen Jordan Thank you. I just wanted to let folks know about a question and answer session being put on by the Housing Advocate Network, which is part of MIC. They're going to be talking about how people end up being homeless, what housing support resources are available in the community, and what can everyday people do to support their neighbor's experiencing homelessness or housing insecurity. This is going to occur this Thursday the 29th from 6:00 to 7:30 p.m. at the First United Methodist Church. They're going to have people from the Poverello there. They're going to have our, our, one of my favorite people Theresa Williams from the Missoula County Crisis Intervention team there to answer questions and just host a forum to find out more about what's happening with our folks, who are look, who are housing, who are having troubles with housing and childcare will be provided. Thank you.

Mayor Jordan Hess Ms. Sherrill.

Aldersperson Sherrill Yeah thanks. First, I want to thank all of our applicants. I'm happy too that we're interviewing all of them. I thought it was a really great pool, a very diverse pool, so I'm you know from Missoula of course, but I'm excited about that. I also just want to say that based on a conference I just went, went, to we're going to have some a presentation in a couple weeks on the Inflation Reduction Act and I think that it is going to, it is a game changer in the climate, the, the fight against climate change. So, if you guys have any questions and if press is out there, I, I think it's, it's going to be as much of a game changer as we're gonna get. And we're going to be positioning ourselves to try to get as much of that money as we can going forward, so I look forward to hearing more about it myself.

Mayor Jordan Hess And Ms. Vasecka.

Aldersperson Vasecka Thanks. There's couple of things I wanted to mention tonight. First of all, I did want to thank all of our applicants and like my formal former colleagues have said, I'm very happy that we can interview all of them because it is really hard to pick our next City Councilor from a piece of paper. Also, I am very impressed with our Street Department. I, I report potholes a lot and I go on the same route or a different route every other day and then I report a pothole and then it seems like a day later or two days later it's fixed. So, I'm very impressed with that and if you ever do see a pothole, you can call 552-6360 and report the pothole, or you can go to the report a pothole form and just go to the City of Missoula website and you can just put in pothole in the search bar and that should, that should direct you to the right location. I also wanted to thank everybody for coming out to the parade, the homecoming parade on Saturday and then also the monster trucks and tough trucks on, on Saturday as well. My husband got second and third, so I'm very proud of him. Also, I went to the Fall Festival at the Fort yesterday and my little kiddo rode a miniature horse and I wanted to thank everybody that put that on. All you had to do was just bring a can or a non-perishable food item to the food bank, so I wanted to thank everybody who put that on. It was a, it was a really fun event, a very fun Sunday, so thank you.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS

14.1 Administratively approved agreement report

15. ADJOURNMENT

Mayor Jordan Hess We will be adjourned.

The meeting adjourned at 7:09 p.m.

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

Jordan Hess, Mayor