

Journal of Proceedings

Missoula City Council

November 7, 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, John P. Contos, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West, Sierra Farmer

Administration Absent: Marty Rehbein, City Clerk Jordan Hess, Mayor, 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

The minutes were approved as submitted.

2.1 Minutes from the October 17, 2022 Meeting

The minutes were approved as submitted.

3. PUBLIC COMMENT - NON-AGENDA ITEMS

President Jones We will take public comment on items that are not on the agenda. If anyone in chambers wants to come up and give public comment on items not on the agenda, please come on up and state your name and try and keep it to 3 minutes or so.

Kevin Hunt Good evening, my name is Kevin Hunt. I live at 308 Parkside Lane and I just wanted to, this had slipped by me and it's something I just wanted to alert people to if they didn't know about it that on September 28th or 29th the Ninth Circuit Court of Appeals, the United States Court appeals for the Ninth Circuit issued another decision that expanded a bit on Martin v. City of Boise, and this is Blake v. City of Grants Pass. Grants Pass is a city in Oregon that has half the Missoula population, has about 38,000 people, and they estimate they have about 600 unhoused people and what Grants Pass had done was try to take their no sleep, no lie, no camping ordinance and try to make it, try to get it to evade City of Boise. First of all they took out immediate criminal sanctions for anybody's cited so it started out as a civil infraction and then if you didn't appear, you know, they went through like I don't know 10 or 11 steps before someone would finally get a trespass order and then if they returned to public property and loitered then it'd be a criminal offense or if they we didn't follow on an order to pay they could be held in contempt. And what the Ninth Circuit Court said is we don't care how many of these intermediate steps you place in between initially contacting these people and moving them along and finally making them criminals, we don't care, it's unconstitutional they can't do it. The second thing that's important about this case is that the Ninth Circuit validated the use of class action lawsuits for this and so Grants Pass has had this ordinance on his books for about 10 years and so they've had hundreds and hundreds and hundreds of people who've been moved alongside, cited, and so on and so, the magnitude of a damages suit out of this could be really something. And the third thing is that Grants Pass had also, had, what they had done is they had not only banned camping and shut

down all the camping sites in the city, but they extended it to use of certain rudimentary things that people need to survive in the cold like sleeping bags, cardboard, and minimalist structures. Does that sound familiar? Minimalist structures like, like some that Rogers International tore down. They said you can't do that either, so I thought it'd be good for if people didn't know that they might want to know about this being as we have twice as many people as the City of Missoula and the head of one of the private policing firms that you've contracted with estimates there's actually about 800 unhoused people in Missoula and I think, I think they're right, I think that might be an underestimate too, if they have 600 in Grants Pass, Oregon. Grants Pass has very similar winners to Missoula by the way, so for what it's worth. Thank you.

President Jones Thank you. Anyone else that wants to provide public comment on items not on the agenda? Please come on up. All right, let me look and see if we have anyone in our, pending virtually to see if they want to provide public comment. If you're attending virtually and you want to provide comment on items not on the agenda, please raise your hand. All right, seeing none, we're gonna go forward with the agenda then.

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

Budget and Finance Committee, November 9, 9:00 – 9:35 a.m.

Housing, Redevelopment, and Community Programs Committee, November 9, 9:50 – 10:50 a.m.

Public Safety, Health, and Operations Committee, November 9, 11:30 a.m. – 12:30 p.m.

Land Use and Planning Committee, November 9, 12:45 – 1:15 p.m.

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. So, Claire back to you and I think we've got the long consent agenda.

Claire Trimble It's a long list, get ready.

President Jones Thank you. Is there any public comment on the consent agenda? Please come on up and state your name. Mr. Hunt.

Kevin Hunt Thank you again, name is Kevin Hunt, 308 Parkside Lane in Ward 1, Missoula and just quick comment on item, consent agenda item 5.6 purchase of 10 Ford Interceptor utility vehicles for the police department. This is an expenditure of \$573,000,038.80 and I'm, I have several questions somebody might want to address. I'm wondering if, I'm wondering how critical that purchase is and wanting to know if the police department could get by with 9, 8, 7, 6, 5, 4, 3, 3, 2, or 1, or even 0 of these until next year, just one year, since you have an emergency that hasn't been dealt with very well and, and can, you still have ongoing issues regarding your, the authorized campsite and I emailed let me email everybody about what's going on in Portland too where the ACLU is about to sue the City of Portland. It seems like cities are doing kind of the same thing right now and about to get sued. So, I just thought you know if it might be something you might want to revisit, that's a lot of money, that's \$573,000.00 and people at Council have indicated that they want to preserve all or most or all of the leftover ARPA funds for next year in case something else happens some, some other emergency comes up and you're short. And it seems to me, and seems to me if you have a real emergency and if these vehicles aren't an emergency purchase, this is a good place to get some money from. Thank you.

President Jones Thank you for your comments. Anyone else wanting to provide public comment? And I'm looking online, please raise your hand if you want to provide public comment

online for the consent agenda. Does any City Councilor want to divide the question? Seeing none, please take a role called vote Claire.

AYES: (12): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Contos, Alderperson Jones, Alderperson Jordan, Alderperson Nugent, Alderperson Savage, Alderperson Sherrill, Alderperson Vasecka, Alderperson West, and Sierra Farmer

Vote result: Approved (12 to 0)

5.1 Accounts payable (claims) for checks dated November 1, 2022

Ratify accounts payable in the amount of \$1,492,112.26 for checks dated November 1, 2022.

Vote result: Approved

5.2 Accounts payable (claims) for checks dated November 8, 2022

Approve accounts payable in the amount of \$2,003,634.89 for checks dated November 8, 2022.

Vote result: Approved

5.3 Community Benefit Organization Contracts with Climate Smart Missoula and Home ReSource

Approve and authorize the Mayor to sign a contract with Climate Smart Missoula for Climate Action work in FY23 in the amount of \$35,000 and a contract with Home ReSource for Climate Action work in FY23 in the amount of \$35,000.

Vote result: Approved

5.4 Construction Services Agreement with Knife River for the Rattlesnake Creek Crossing Drainage Stormwater Project

Approve and authorize the Mayor to sign a Construction Services Agreement with Knife River for the Rattlesnake Creek Crossing Drainage Stormwater Project for a cost not to exceed \$33,500.00

Vote result: Approved

5.5 Orange Street Underpass Project with Montana Department of Transportation

Approve and authorize the Mayor to sign Appendix C of the State Maintenance Contract with the Montana Department of Transportation for the Orange Street Underpass Project cost reimbursement of \$26,554.83.

Vote result: Approved

5.6 Purchase of Ten (10) Ford Interceptor Utility Vehicles for the Police Department

Approve the purchase of ten (10) Ford Interceptor Utility patrol vehicles for the Police department from Duval Ford of Jacksonville, Florida for \$57,303.88 each for a total of \$573,038.80 for all ten.

Vote result: Approved

5.7 Purchase of a Tandem Axle Dump Truck for the Street Department

Approve the purchase, and the return of the bid bond for one (1) 2024 Freightliner 114SD tandem axle dump truck for the Street Division from I-State Truck Center of Missoula, Montana for the purchase price of \$146,997.00.

Vote result: Approved

5.8 Purchase of one (1) 2023 Isuzu Cabover Cab and Chassis truck for the Traffic Services Department

Approve the purchase and the return of the bid bond for one (1) 2023 Isuzu NPR HD Cab and Chassis truck for the Traffic Services Division from DeMarois Buick GMC, Inc of Missoula, Montana for \$57,490.00.

Vote result: Approved

5.9 Fire Department Ambulance Purchase

Authorize the fire department to purchase one Ford F-450 XLT Medix Type 1 4x4 ambulance from Sawtooth Emergency Vehicle in the amount of \$250,000.00.

Vote result: Approved

5.10 Fire Department Maintenance Vehicle Purchase

Authorize the Fire Department to purchase one 2022 Nissan Frontier SV N4550 4x4 crew cab pickup from Missoula Nissan & Hyundai in the amount of \$40,000.00.

Vote result: Approved

5.11 Surplus Resolution for Fire Department Equipment

Approve a resolution declaring certain City of Missoula Property as Surplus and Authorizing its disposal and or sale.

Vote result: Approved

5.12 Climate Lens Resolution

Adopt the Climate Change and Resiliency Lens Resolution establishing the City's commitment to Climate Action and Resiliency Goals and directing the implementation of those goals throughout City operations.

Vote result: Approved

5.13 Westside Park Land Water Conservation Fund Grant Award

Approve and authorize the Mayor to sign amendment no.1 to amend the Land and Water Conservation Fund (LWCF) Grant #30-00771 to add \$1,056,875 in LWCF funds (for total of \$937,976.56 available for reimbursement) to the Westside Park Project.

Vote result: Approved

5.14 FY23 Contracts with Community Based Organizations

Approve and authorize the Mayor to sign agreements with the following community based organizations for FY23: Missoula Economic Partnership (\$100,000), Arts Missoula (\$202,350), International Choral Festival (\$12,000), Missoula Aging Services (\$287,735) and Partnership Health Center (\$35,000).

Vote result: Approved

5.15 Comprehensive Study of Emergency Medical Services (EMS) for the Fire Department

Approve and authorize the Mayor to sign a contract with Emergency Services Consulting International in the amount of \$48,233 to perform a comprehensive study of emergency medical service delivery for the Missoula Fire Department.

Vote result: Approved

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

7. SPECIAL PRESENTATIONS AND PROCLAMATIONS

7.1 Proclamation - Native American Heritage Month

President Jones We do have one special proclamation tonight that I will read, a proclamation of Missoula County and the City of Missoula, Montana.

WHEREAS, indigenous peoples strengthen our community through a perspective and understanding that is connected to culture and place since time immemorial; and WHEREAS, indigenous peoples knowledge, labor, technology, science, philosophy, art, and cultural contributions have substantially shaped the character of Missoula and Montana; WHEREAS, Missoula County is located within the homelands of the confederated Salish, Upper Kalispell, and Kootenai tribes; and WHEREAS, in October 1891, the United States Government forcefully removed the Salish people from their Bitterroot homeland and further imposed European concepts of land ownership by authorizing the appropriation of land within the boundaries of sovereign nations through the purchase by non-native people; and WHEREAS, we acknowledge the ongoing impacts of systemic racism and intergenerational trauma that has resulted from historical injustice directed to toward indigenous populations; and WHEREAS, Missoula County continues to strengthen relationships with the confederated Salish and Kootenai tribes, enhancing trust and understanding and developing policies and practices that will aid in closing equity gaps and honor indigenous roots and history in our communities; and WHEREAS, American Indian Heritage Month was first proposed in 1990 by U.S House Joint Resolution 577 and in 1991 by Congress Senate Joint resolution 172; and WHEREAS, President George H.W bush in 1991 issued Proclamation 6368 proclaiming November as Native American Heritage Month, a tradition President Joe Biden continues; and WHEREAS, in the words of President Biden, Native American roots are deeply embedded in this land, a homeland loved, nurtured, strengthened, and fought for with honor and conviction; and WHEREAS, this proclamation serves as a reminder of the commitment by Missoula County to honor its relationship with sovereign nations and indigenous peoples and to uphold trust and treaty responsibilities. Now, therefore, be it resolved, we Missoula County and the City of Missoula do hereby proclaim November as

Native American Heritage Month to value the history and rich cultures of indigenous peoples, as we recognize their pride, resilience, determination, and patriotism for this country.

President Jones And it's signed on November 3, 2022. Okay, moving one with our agenda.

8. FINAL CONSIDERATION

9. PUBLIC HEARINGS

9.1 3760 Mullan Road Tavern and Casino Conditional Use

The City Council will hold this public hearing open until they take up the item for final consideration on November 14, 2022.

President Jones We do have one public hearing we are opening tonight. State law and City Council rules set guidelines for inviting community comment in a formal way on certain issues. Following a staff report on each item, the City Council and the Mayor invite community comment. City Council holds a public hearing open for a week and then voting the following week, unless there's a requirement for final action that night. So, the item we're hearing tonight is 3760 Mullan Road Tavern and Casino conditional use. We will keep this item open until Monday, November 14, 2022, and do a final vote then. In the meantime, do we have a staff presentation on this?

Lauren Stevens Yes, thank you. Let me share my screen here. All right, good evening. My name is Lauren Stevens, I'm a senior planner with the Permits and Land Use team in CPDI and tonight I am presenting a tavern and casino conditional use request for Cru Restaurant submitted by Paradigm Architecture on behalf of MMW, LLC. The proposed conditional uses will be in addition to permitted uses of restaurant and food and beverage retail sales. All right, the proposed conditional uses will be located on the parcel address as 3760 Mullan Road at the intersection of Mullan Road and Clark Fork Lane. The parcel is approximately a quarter mile west of Reserve Street and was annexed into the city in 2020. Surrounding uses include multi-dwelling residential, financial services, manufacturing and entertainment. The parcel has two land use designations per the 2035 Our Missoula City Growth Policy. The western side of the parcel is designated as community mixed use and the eastern side is regional commercial and services. These designations call for high-intensity commercial uses that serve the community as well as the broader region. The relatable Title 20 zoning designations are primarily C, commercial districts, and M, industrial districts. Upon annexation, the parcel was zoned C1-3, neighborhood commercial. This zoning designation provides a transition from the higher intensity C2 and C1-4 zones to the east to the lower intensity B zone to the west of the subject property. Both taverns and casinos are conditional uses in the C1-3 zone while restaurant and food and beverage retail sales are permitted. There are no required setbacks in the C1-3 zoning district when the parcel does not abut an R-zoned parcel. The maximum height permitted is 65 feet. Title 20 also has the following specific code sections that will apply to the proposed uses in this project. The use in building specific standards chapter requires that casinos be located on a parcel that has frontage on an arterial street. Mullan Road is classified by the City as a minor arterial. Arterials have higher traffic volumes and speeds than collector or local streets and some other arterial streets in Missoula include Russell, Reserve, Brooks, Broadway, Higgins, Orange, etc. Casinos may feel concentrated in certain areas, but they are only allowed to be located on a relatively small number of parcels in the city. In section 20.40.170 requires certain site and building design standards for commercial uses that are less than 30,000 square feet or not large enough to be classified as enterprise commercial. The standards address elements such as facade and building orientation, mechanical equipment, and trash receptacle placement and screening, parking lot location and landscaping, and required building design elements for primary and secondary facades. The project, as

proposed, addresses these site and building standards and will be reviewed for at the time of building permit submittal. So, the proposed site plan for the parcel includes three buildings that are being developed separately. Building one will include four office suites and is currently under construction. Proposed building three does not yet have proposed uses or a final design. The tavern and casino uses along with restaurant and food and beverage retail sales will be contained within proposed building two on the southeast corner of the parcel. The proposed building will be approximately 11,900 square feet and will have two stories in addition to a basement. While the three buildings are being developed separately, the site as a whole was planned to accommodate all three buildings including required parking and landscaping. At the time of annexation, the property owners were required to dedicate additional right-of-way on Mullan Road and Clark Fork Lane, as well as build out the connection from Mullan Road to where Clark Fork Lane previously ended. Specific right-of-way improvements include sidewalks, landscaped boulevards, new pedestrian crossings, and a 10 foot wide area for the future Mullan Trail connection. Several of these eight conditions of annexation approval have already been completed and the remaining work has been secured through an improvements agreement by Public Works and Mobility. At the time of annexation, Public Works and Mobility reviewed the proposed site plan and did not require a traffic impact study for this parcel. The proposed uses in the building will require vehicle and bicycle parking in accordance with Title 20, Chapter 20.60. Based on the proposed number of seats, employees, gambling machines, and square footage, the required number of vehicle spaces is 77. The site will contain 101 spaces, 18 of which are being utilized by building one. There will be six remaining spaces on site for any future development to utilize. Cru Restaurant will be required to provide eight short-term bicycle spaces and four long-term bicycle spaces. Moving into the floor plans, the basement level of the building will mostly contain kitchen and back of house areas including some administrative space, but we'll also have a small tasting room. The main floor of the building will have the casino on the west side separated from the main restaurant and tavern area. The small food and beverage retail sales area is located off of the main atrium. The top floor of the building is open to the atrium below and has additional tavern space and a banquet area. The proposed building elevations include a large two-story glass atrium in the center of the building, both the north and south elevations include two building entries. A combination of four different exterior materials is proposed. You can see on the slide, the view from Mullan Road and the view from the customer parking lot. And here are the east and west elevations of the proposed building for reference. These two facades do not contain main public entrances and you can see what it would look like from Clark Fork Lane and from the adjacent parcel to the west. And here are two perspective views, one from the Mullan Road-Clark Fork Lane intersection and the other from the customer parking lot. Title 20, Section 20.85.070H lists the review criteria for conditional uses. These include being in the interest of public convenience and not creating an adverse impact on the general welfare of the neighborhood, not impeding the orderly development of surrounding properties, having compatible operation characteristics with nearby uses, maintaining or enhancing traffic safety for all transportation modes, compliance with the growth policy and other applicable plans, addressing light, open space, and protection of natural features and being compatible with the character of the surrounding area in regards to site and building design. Staff has evaluated the application packet with respect to these review criteria. I will address each one of these in order. For criteria one, the proposal will be located near a major commercial corridor with existing similar uses and will increase services for nearby residential areas. So, staff determined that tavern, the tavern and casino uses in this location will not compromise public convenience or the general welfare of the neighborhood or community. For criteria two, the proposed building was designed to be compatible with the other development on site and will not impede the orderly development of surrounding properties for uses permitted in this district. Criteria three, the proposed hours of operation for the casino and food and beverage retail sales is from 10:00 a.m. to midnight and the tavern and restaurant will operate between 11:00 a.m. to

midnight, which are similar to nearby businesses. No excessive noise is anticipated, and outdoor lighting will be dark sky compliant. For criteria four, the vehicular access to the site is from the street with a lower classification. Right-of-way improvements required with the annexation will increase pedestrian and bicycle access to the site, as well as providing an additional north-south vehicle route via Clark Fork Lane. The proposed uses will not have a significant adverse impact on traffic safety or comfort for any mode of transportation. Criteria five, the proposed commercial uses are compatible with the land use designations in the Growth Policy. Criteria six, there are no significant natural features on the site. The proposed project will be required to comply with the Title 20 landscaping standards and the approved boulevard landscaping permit. The buildings are cited to the outside of the parcel away from the abutting residential development to properly address light and open space. And criteria seven, the proposed building must comply with the Title 20 use in building specific standards and will be required to provide a landscape buffer along the western property line to protect abutting residential development. The site and building standards are compatible with existing uses to the east. The proposed building has a similar scale to the existing three-story multi-dwelling residential buildings to the west. Staff is recommending approval of the tavern and casino conditional use request for 3760 Mullan Road based on the findings of fact in the staff report and subject to one condition of approval. Staff is proposing the following condition of approval, the tavern and casino conditional uses at 3760 Mullan Road shall comply with all applicable portions of the Title 20 zoning ordinance. Plans submitted at the time of building permit application shall substantially conform to the plans submitted at the time of conditional use review subject to review and approval by development services prior to building permit approval. And if you have any questions for me regarding this application, I'd be happy to answer them at this time, but additionally the applicant's representatives have a short presentation they would like to share.

President Jones Great, thank you. With our order of operations, we're going to go to the development team. If you have something that you want to share, present on.

Lauren Stevens I'm going to be sharing their slides and they are there in person.

President Jones Great. There you go, just put your name on the record please. Thanks.

Tori McPherson Hey, good evening. My name is Tori McPherson and to my right is Jeff Crouch. We are from Paradigm 3 Architecture, 125 ½ West Main Street in Missoula. Thank you Lauren. Just to ensure that everybody is familiar with the project site, it's about a quarter mile from the North Reserve and Mullan Road intersection on the northwest corner of Mullan Road and Clark Park Lane directly west from First Security Bank, it's highlighted in blue on the site plan on the screen. And as Lauren mentioned, it is part of the Mullan Crossing Development that is currently under construction with building one, the office building to the west currently under construction. Next slide. So, the overall building design has an agricultural typology with a large central atrium with lots of glass and light. The taller form on the corner allows for great views of the hills and the valley to the south. We also carefully designed the exterior to meet the city's design requirements including facade modulation, large amounts of glazing, diverse building materials. We're proposing brick, two colors of metal and wood, buried roof lines that also complies with the maximum building height for the C1-3 zone, which as Lauren mentioned is 65 feet and the building is currently designed with a height of 34.

President Jones Just a second, I just heard from someone that they're having a hard time hearing. So, I don't know if you want to step up closer to the mic and Claire, I don't know if there's anything on the back end to do but a Councilor contacted me, they were having a hard time hearing. So...

Claire Trimble That mic, just stepping closer or maybe even removing the podium might be helpful.

President Jones All right, just speak into that mic...

Tori McPherson Do you want me to start from the beginning?

President Jones Just speak into the mic.

Tori McPherson Okay.

President Jones Would be good thanks.

Tori McPherson Next slide Lauren.

Jeff Crouch Again, Jeff Crouch, C-R-O-U-C-H, on tonight. We wanted to talk a little bit about the intended uses of the space. John and James, the owners, are here tonight and I think they want to speak as well, but it's a very, the goal from day one from the owners to us was communicated. They wanted to provide a diverse number of experiences for the neighborhood, for people who live in the neighborhood. And if you see the upper right, it's a green color, it's hard to read the label but it's fine dining and we think of this as date night on a Friday night with your husband or wife, you live on the west side and you want a nice place to eat. The name, as the name indicates, James has a deep interest and love of fine wine and so wine will play a big part in the, not just the labeling of the restaurant, but also in the fine dining experience as well. Moving from date night on to maybe a more casual meeting a friend after dinner or I mean after work, the atrium, it's a center space there which is the high space you saw in the elevations is a little louder, a little more public, not as quiet. There will be a bar menu, but that's the classic bar area, you can see the big central bar outlined there, but within that bar experience, upstairs is a quieter completely separate bar. You can go up those stairs the tower, actually to go to the next slide, you can see there's a tower with lots of glass in it that looks out over the city. So, this is more of the pub, a little quieter than down maybe in the main atrium. Then, if you can flip back a slide, we have the casino off to the, the left with a separate entry and the little market is intended to be a place where maybe a wine, that's on the fine dining menu will be sold along with some grab-and-go foods for someone who's just headed home that doesn't want to go out that night, but they'd like to grab something and not have to cook. The menu is intended to be American Bistro to use a broad term. There will be a pizza oven in the, in the kitchen. Lastly, downstairs, there is a, and we didn't bring a downstairs slide, but there's a tasting room for private parties, so at Christmastime you could have your family for your work friends all there for an event. So, you can see we've tried to provide a diverse level of experiences for neighborhood out west. Next slide. I wanted to talk really quickly about intended schedule. Like everything else, in times of COVID, we're behind. As you know, there's construction happening on the site, infrastructure is prepped, the site is ready to go for us. Because of that, we have been preparing permit drawings in parallel to this process, PED application. Our intent is to apply for a permit next week hopefully, hoping that this process goes well and get your permission to move forward. Thank you for your time.

President Jones I'll turn my mic on. Thank you so much, I appreciate it and it helps to speak into the mic, a Councilor said yes, they could hear you better. I'll take public comment on this and then we'll go to Council questions. Does anyone have public comment on this item that they want to provide to Council? If so, come on up to the mic, just state your name please.

James Jones Good evening, my name is James Jones, 640 Highland Park Drive, Missoula. John Sargent, 6955 Linda Vista. We are two of the proprietors for this project, the other two couldn't be here tonight, but all four of us have lived in Missoula for over 20 years. We've been in the restaurant business, John and I have, the entire time, so we, we have a pretty good understanding, we think what Missoula might be looking forward to, places that we would frequent. We were designing this as a spot that would be something that we would love to go and take our families to, our spouses, things of that

nature, and it's a type of venue that that we think we're going to check all the boxes with. We're not planning on having it be any type of a rowdy atmosphere by any means. Like Jeff mentioned earlier, wine is the, the basics here. There will be spirits involved, but for the most part it's definitely a wine and beer place. Menu wise, American Bistro, you can go in there and get yourself a nice steak in the dining room and then we'll have a pizza oven, we're gonna have pizzas, and then there'll be a bar menu that'll go from 11:00 in the morning until probably like 9:00 – 10:00 at night, and then if you're in the tavern area and you'd want a nice steak, if it's after 5:00 p.m. then that'll be available to you. The casino is pertinent, especially in this day and age with the cost of everything, that's the one way we can supplement our income and paying as much as we did for the license, you just kind of got to have the casino. So, we designed it to where you can come in and eat drink, have a, you know, a nice evening together and not even really be subjected to the casino or if you just want to go into the casino, not have anything to do with the restaurant or anything else, there will be a separate entrance for that as well, and you know you can do your own thing that way. Yeah, paradigm, we've, we've gone over a lot of different ideas, this one between buildings they've built here in Missoula and ones that we have an idea of what we'd like to have. We think we've come up with a pretty nice plan and one that will flow quite well with that space designed as far as like I guess aesthetics; it's going to be more of a natural tone. We're not doing anything like really modern like Hollywood style, I guess, I don't know, lack of terminology for it, but something that will feel comfortable and warm. I, I guess I pretty much pretty much, I guess I did prepare speech for this but yeah that's kind of where we're at with all this right now.

President Jones Great thanks. Did you want to provide any comments or?

[unannounced speaker] [inaudible speaking].....

President Jones Say your name and then...

John Sergeant John Sergeant...

President Jones Thanks.

John Sergeant We met through the bar-restaurant business; we've been doing it since we've moved to Missoula over 20 years. We have been running the Press Box also for almost 10 years now and so this is just kind of our passion, something we love to do, and we're really looking forward to getting this moving forward, getting permission from you guys....

President Jones Great, thank you so much. I meant to include you in the earlier comment. Thanks for coming up and forward. Any public comments on this item? Just come on up and state your name.

Travis Mateer Yes, my name is Travis Mateer. I'm a Missoula resident and I'm supportive of this project because beer trucks will deliver beer to this restaurant and I don't know if you guys know how well-trained beer truck drivers are and combating human trafficking, but the Sentinel Project thanks to The LifeGuard Group is making sure that our beer truck drivers are going to be noticing the red flags of human trafficking. So, I'm really excited that there will be another place where beer truck drivers can take beer, especially since this is by The Reserve Street Bridge encampments that are totally illegal now and I'm really sure that the new sheriff, Jeremiah Peterson, who will be elected tomorrow will absolutely recognize that the law exists out there and should be enforced. So, I'm supportive of the beer truck drivers and how they're combating human trafficking. Thank you.

President Jones Thank you for that. Okay, any other public comment? And I'll check online in case we have any raised hands; I don't see any raised hands. So, I know I had some questions from Councilors, we'll take questions and then we will be keeping this in

committee. We'll hear it this Wednesday in Land Use and Planning, and then the following Monday, November 14, 2022, we'll have final consideration and vote. So, Daniel, did you have a question?

Alderson Carlino Yes, I was wondering if we could pull up the, from the staff report, the conditional use review criteria really quick?

Tori McPherson Yes. Do you want it off of my slide or from the actual stuff?

Alderson Carlino I was looking at number one on there. So, if we could pull it up on the slide that would be great. I just didn't have it written down and my question was just about that.... oh thank you. Yeah, so dressing number one, I was wondering..... it says in the interest of public convenience without an adverse impact on general welfare of the neighborhood or Community. I was wondering if we considered the effects of casinos on a community's mental health or poverty rates for how that relates to general welfare of the neighborhood or community?

Tori McPherson I guess not directly, I don't have data to that effect to, to incorporate. So, it was mainly the information that was included in the staff report for this review criteria, which discusses being served by City Police and City Fire, being in an area that is near to residential development to increase their convenience without having to travel beyond Reserve Street, and having a, you know, a landscaping buffer there provided between the commercial use of the casino and tavern and where people are living.

President Jones Cassie Tripart has got her hand raise. Cassie, if you can chime in too?

Cassie Tripart Yeah, Cassie Tripart, Land Use Supervisor. With conditional uses because it is permitted as a conditional use in this district, we're really looking at this criteria for the context of the area and whether it's appropriate for providing public convenience without adverse impacts for that area. I think that maybe looking at impacts of casino's overall might be more of a question about whether they should be permitted in Missoula as a whole or if maybe that does feed into the particular neighborhoods, but that, the use itself in terms of effects on the general public because it is a permitted use conditional, were not evaluated quite in that way, but more the specific location for it. If that makes sense?

President Jones Okay, let me see, who did I have? Ms. Vasecka, your hand is raised...I think we might have lost...Sandy are you still with us and did you have a question?

Alderson Vasecka Yes, sorry about that. Yeah, there was a statement during the staff report about dark sky compliance. I was wondering if somebody could get, I guess explain the, the meaning of that?

Lauren Stevens Yeah, so there is an ordinance in the city about outdoor lighting being dark sky compliant, and I don't know exactly what those specs are in that ordinance. I think it's probably you know directing them downward, not having just big open lighted areas that don't, don't need lighting. Cassie, I'm not sure if you have any more specifics on that or?

Cassie Tripart Yeah, without getting too into the weeds. The primary focus is that it's not spilling onto adjacent properties. So, a lot of times what the building department will look for in compliance is what's called a photometric plan, which shows how bright that light is as you get away toward those property lines and it does include provisions like Lauren said for downward facing lighting and so on.

Alderson Vasecka Well, that was a great explanation. Thank you.

President Jones And I would just add, I think part of that is so that we can hopefully still see the stars. So, if we shine the light down, we're gonna have a dark sky and we can see the stars a little bit at least. Any other questions? All right, I'm not seeing any other

questions. Thank you for the presentation tonight and to the development team and the owners, we'll hear this again on Wednesday. If there's more questions then and then final consideration on November 14, 2022. So thank you.

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 October 26, 2022 Meeting

10.2.2 Minutes from the November 2, 2022 Meeting

10.3 Committee of the Whole (COW) committee report

10.3.1 Minutes from the September 7, 2022 Meeting

10.3.2 Minutes from the October 26, 2022 Meeting

10.3.3 Minutes from the November 2, 2022 Meeting

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

10.4.1 Minutes from the October 26, 2022 Meeting

10.4.2 Minutes from the November 2, 2022 Meeting

10.5 Land Use and Planning (LUP) committee report

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

10.6.1 Minutes from the October 26, 2022 Meeting

10.6.2 Minutes from the November 2, 2022 Meeting

10.7 Public Works and Mobility (PWM) committee report

10.7.1 Minutes from the October 26, 2022 Meeting

11. NEW BUSINESS

12. COMMUNICATIONS FROM THE MAYOR

President Jones I actually did have something I wanted to draw attention to. I don't know how many people know Adam Peterman; he is a Missoula native. He was in the sports page, this was yesterday or today, Adam Peterman ran cross country at Hellgate High School and then he went off to University Colorado and ran cross country in Boulder, which is of course Mile High there, so that's pretty incredible and they have a great cross-country team and now he does long distance ultra-marathons, and he just took the world championship in Thailand. So, I just wanted to point out that Adam Peterman is pretty amazing. He ran 80 kilometers and I think a little over seven hours and he came in first. The guy that came in after him was 13 minutes after Adam Peterman, so as I watched his career over the last couple years just because I've had a kid who Adam, Adam Peterman now is an assistant coach at Hellgate High School cross country, so I've heard of him, and I've watched him. He's not only winning everything, he's winning it by a long shot, and he's the World Champion now, so I just wanted to, to point that out and tell Adam congratulations. He certainly is accomplishing a lot and 80 kilometers I believe is 39, 38 miles, something like that, it's just unbelievable. And during this, this race, he climbed 15,000 feet, so I'm really feeling out of shape. All right, so we're going to go to general comments from Council Members.

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

President Jones We'll start with Ms. Vasecka.

Aldersperson Vasecka I'm feeling very out of shape after that as well. I just wanted to point out that it is a Veterans Day on this Friday the 11th. As always, there is going to be a ceremony at the at the Doughboy statue downtown at the courthouse at 11:00 a.m., Friday, November 11, 2022, at 11:00 a.m. at the Doughboy statue. The U.S. Army, Colonel Timothy Gardipee will present the inspirational words. Full military honors will be rendered by the American Legion Post 27 color guard and the Veterans of Foreign Wars post 209 color guard, and please dress warmly and bring your own chair if you need to sit. Last year, there was a big blizzard during it so I encourage you all to dress warmly and I thank you to all the veterans and active, active duty military out there. And speaking of doing your American duty, it is election day tomorrow, so be sure to get your ballot in before 8:00 p.m. tomorrow. Thanks.

President Jones Thank you. Ms. Sherrill.

Aldersperson Sherrill I'll pass. Thank you.

President Jones Ms. Jordan.

Aldersperson Kristen Jordan I'll pass. Thank you.

President Jones Ms. Savage.

Aldersperson Savage I just wanted to say thank you to all of the folks who came out to the NorthSide community meeting last Wednesday night, at the head start over here and I also wanted to just give a really big thank you to the city staff who planned and came and engaged neighbors and there were there were many, many staff members there and I know that they did a lot of hard work to get there and I appreciate it very much that they came and talked.

President Jones Thank you. Ms. Farmer.

Aldersperson Farmer I would just also encourage everyone to vote tomorrow if you haven't already. I know that the weather is going to probably sway people one way or the other if you're dropping your ballot off, but it is really important and this is where you can make change, so I encourage you to please vote.

President Jones Thank you. Mr. Carlino.

Aldersperson Carlino I can pass tonight. Thanks.

President Jones Ms. Becerra.

Aldersperson Becerra Pass, thank you.

President Jones Mr. Nugent.

Aldersperson Mike Nugent I would just echo my colleagues on encouraging people to vote and be nice to your poll workers because that's a harder job than it used to be, and we need more of them. So, and on that note, I would just also echo Ms. Savage's thank you to the city staff and just expand that to all the city staff. I think we've been working on a lot of different hard projects, and I just want to say thank you for all your hard work, sometimes we get caught up at the moment and don't say that we appreciate.

President Jones Mr. Contos.

Aldersperson Contos Yes living in the house with a runner, my wife, I heard all about Mr. Peterman. I think that's really awesome, I'm glad you brought that up. It's pretty nice that we can have somebody of that caliber not only living here in Missoula but helping others do the same. Running is not always about running. Thank you.

President Jones Thanks. Ms. West.

Alderson West So, I just wanted to congratulate the Missoula FFA team for winning gold at the National Food Science and Technology Championship. So, I think this is the first time MCPS has maybe won golden anything nationally, so it's really commendable and just so you know, those kids they studied all summer long and I think they took one test every week, well all summer long, so these are some kids that work really hard, and they definitely earned, earned this award.

President Jones Ms. Anderson.

Alderson Anderson Thanks so much. And I just wanna to, no one needs me to tell them that the winter weather has arrived, but please give yourself a little extra time and thank you to Brian Hensel and the Streets Department. I know that their winter is just getting started and they're out there working hard, and we now were able to buy a couple budget cycles ago some smaller trucks that kind of help in some of the neighborhoods. So, if you live on a particularly treacherous street, don't hesitate to call the Streets Department and they're very responsive and work really hard and are true public servants out there trying to keep those roads safe for us to get to and from. So, to echo the comments from my fellow Council members, we are very lucky to have so many dedicated people willing to work for the City of Missoula, in service to the citizens of this great town. So, take care out there, stay a warm, and thank you everybody.

President Jones Thank you.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS

14.1 Administratively approved agreement report

15. ADJOURNMENT

President Jones We will stand adjourned.

The meeting adjourned at 6:55 p.m.

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

Jordan Hess, Mayor