

Journal of Proceedings

Missoula City Council

December 5, 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, Sierra Farmer, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Administration Present: Marty Rehbein, 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

3. PUBLIC COMMENT - NON-AGENDA ITEMS

Mayor Jordan Hess We can move on to public comment on items not listed on our agenda. So, if you're, if you're here for one of our agenda items, we'll take comment at that time, but if you have general comment, you're welcome to come on up or raise your hand online. Yes, come on up to the microphone please.

Barbara Pulley My name is Barbara Pulley. I am, I've been a Missoula resident for 60 years and I'm a retired CPA and I have three suggestions for you to consider. First, the opioid settlement of \$233,000.00 for the first year and \$150,000.00 each year thereafter for 18 years should be considered a replacement for the failed crisis levy and its proposed purposes. How fortunate or lucky can that be? However, you knew the settlement was coming based on a February 25, 2022 press release from Attorney General Knudsen. Now I'm glad that levy was voted down because there is the money for 18 years or more. Second, I wish to object to the resolution of intent of the city and county of a 1.5 million dollar assessment of each entity, as it is a precursor or a foot in a doorway of acquiring the Missoula Federal Building from the General Services Administration. This then could require a special bond levy of an estimated 40 million dollars to acquire, renovate, and maintain it as a certified historic structure. The GSA wants to unload it but only if it can and only it, the General Service Administration, can protest the creation of this special city-county district, which is for the property itself, which it probably did by December 1st last week. No assessments are, are required on this intent of resolution unless the title is passed and so what is the estimated cost of acquisition that you probably already know? It appears to be a foregone conclusion that you and the County Commissioners want to commit to this exorbitant purchase without voter approval. The voters could vote against the levy of this size, then what? There is no parking. You need for more administrative space, your need for more administration is and can be utilized by the old Mountain Water building and the old library building. You seem to believe that selling both of these properties would be economically better, but does a 40 million dollar replacement make good sense? You do have a spending problem here. Third, for me, is a copy of the audited financial statements available to the general public so that someone like myself can have access to review them.

Mayor Jordan Hess Yes, and thank you for the comment and we can, if we could get your contact information, we could make sure that you get a copy of those audited financial statements.

Barbara Pulley Okay, all right.

Mayor Jordan Hess We do an annual audit, a third party audit....

Barbara Pulley You want my name now or later?

Mayor Jordan Hess You know, I don't, why don't you leave it with, with one of the Council members and we can, and we can

Barbara Pulley I'll leave it with Mike, he's my city Councilman.

Mayor Jordan Hess Great and we can make sure that we get in touch with that. Thank you.

Barbara Pulley [inaudible]. Okay thanks.

Mayor Jordan Hess And, and we'll be the Federal Building is on the agenda a little later tonight and we'll have some factual items that I think will be of interest to you there as well. So.....

Barbara Pulley Okay.

Mayor Jordan Hess Thank you. Any further general public comment? All right, 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, December 7, 9:00 – 9:20 a.m.

Climate, Conservation, and Parks Committee, December 7, 9:30 – 11:00 a.m.

Housing, Redevelopment, and Community Programs Committee, December 7, 11:10 – 11:40 a.m.

Public Safety, Health, and Operations Committee, December 7, 11:50 a.m. – 1:15 p.m.

Land Use and Planning Committee, December 7, 1:25 – 2:55 p.m.

Mayor Jordan Hess Thank you Ms. Rehbein.

5. CONSENT AGENDA

Mayor Jordan Hess We can move on to our consent agenda. Items on the consent agenda were generally approved in City Council committees unanimously and we save time on Monday evenings by voting on those as a package. Ms. Rehbein will read the list aloud and we'll take public comment on the consent agenda before we vote. We have a long consent agenda tonight. Ms. Rehbein, I'll turn it over to you.

Mayor Jordan Hess Thank you Ms. Rehbein. Are there any, is there any public comment on the consent agenda? Seeing none, any questions from Council or comments from Council as well? I'm sorry what was that? Oh, if, if you'd like to make a comment, come on up to the microphone please so we get you on the record.

[unannounced speaker] I am curious about the lease to the Hope Mission at 1835 North Avenue, how long that lease was going to be? And was this an ongoing situation? I know it's up for voting, I was just curious as the length of the lease.

Mayor Jordan Hess Sure. So, so, we, we don't do it back and forth during this portion, but what I could do is during their comments, one of our Council members could elect to address that. Ms. Jones.

Alderman Jones Sure, I can address that, if this can be a comment now? Are we commenting? Okay. So, my understanding it is a three-year lease, but if circumstances change,

we felt that it was very flexible to be able to sublet it or renegotiate it. So, it's that's, that outlines the parameters of it, and I don't know if Ms. Anderson has anything else to add to that but thanks.

Mayor Jordan Hess Thank you. Any additional Council comments? All right, seeing none, we can have a roll call vote.

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

Vote result: Approved (12 to 0)

5.1 Accounts Payable (claims) for checks dated December 6, 2022

Approve accounts payable in the amount of \$3,274,455.27 for checks dated December 6, 2022

Vote result: Approved

5.2 Bioreactor Air Actuator Replacement

Approve and authorize the Mayor to sign a Purchase Agreement with Western States Automation for the Bioreactor Air Actuator Replacement, not to exceed \$26,856.00.

Vote result: Approved

5.3 City of Missoula Purchasing Resolution Update

Adopt a resolution establishing certain purchasing policies and authorizing the mayor to approve agreements with no fiscal impact or that convey budgeted revenue to the city, and/or purchases of certain budgeted supplies, materials, services, vehicles, machinery, equipment, appliances, apparatus, construction, repair, and maintenance, and accept easements of benefit to the City.

Vote result: Approved

5.4 Proposed Repeal of MCC Chapter 2.90

[First reading and preliminary adoption] Set a public hearing on December 19, 2022 and preliminarily adopt an ordinance repealing the Missoula Municipal Code Chapter 2.90 entitled "Architects/Engineers Selection."

Vote result: Approved

5.5 Bond Counsel Engagement – Special Road District Bonds, Series 2023

Approve the engagement letter with Dorsey & Whitney LLP to act as bond counsel in connection with the issuance of its Special Road District Bonds, Series 2023

Vote result: Approved

5.6 Bond Counsel Engagement – Special Park District Bonds, Series 2023

Approve the engagement letter with Dorsey & Whitney LLP to act as bond counsel in connection with the issuance of its Special Park District Bonds, Series 2023

Vote result: Approved

5.7 Re-appointments to the Animal Control Board

Appoint Mary Sonsalla and Lisa Smith to the Animal Control Board for terms beginning January 1, 2023 and ending of December 31, 2024.

Vote result: Approved

5.8 Re-Appointment to the Local Emergency Planning Committee

Appoint Ahri Cornelius to the Local Emergency Planning Committee for a term beginning January 1, 2023 and ending of December 31, 2024.

Vote result: Approved

5.9 Re-Appointment to the Health Board

Appoint Debbie Johnston to the Health Board for a term beginning January 1, 2023 and ending of December 31, 2025.

Vote result: Approved

5.10 Referral-Mobile Support Team Interlocal Agreement

Approve and authorize the Mayor to sign an interlocal agreement between the County of Missoula and the City for the mobile support team.

Vote result: Approved

5.11 Resolution to authorize lease and approval of lease contract for 1835 North Ave.

Adopt a resolution of the Missoula City Council to authorize lease of the real property located in the City of Missoula at 1835 North Avenue and approve and authorize the Mayor to sign the commercial lease amendment with Hope Rescue Mission for City property located at 1835 North Avenue. (2/3 of all council members must vote in favor to be approved)

Vote result: Approved

5.12 Utility Truck Crane Upgrade

Approve and authorize the Mayor to sign a Purchase Agreement with NorMont Equipment for the purchase of a utility truck crane, not to exceed \$25,290.00.

Vote result: Approved

5.13 Professional Services Amendment No. 3 with HDR Engineering for the Upper Prospect Tank Project

Approve and authorize the Mayor to sign a Professional Services Agreement Amendment No. 3 with HDR Engineering for the Upper Prospect Tank Project at a cost not to exceed \$12,600.00.

Vote result: Approved

5.14 Construction Agreement with Treasure State Tree Service for Levee Vegetation Maintenance

Approve and authorize the Mayor to sign a construction agreement with Treasure State Tree Service, Inc for a cost not to exceed \$45,360.00

Vote result: Approved

5.15 An Ordinance to Amend Title 12 entitled “Streets, Sidewalks and Public Places”

Set a public hearing on December 19, 2022 and preliminarily adopt an Ordinance amending Missoula Municipal Code Title 12, entitled “Streets, Sidewalks, and Public Places,” by amending and establishing definitions in Chapter 12.02 entitled “Definitions,” amending language and department references in Chapter 12.10, entitled “Right-of-Way Improvements,” amending department references in Chapter 12.14, entitled “Right-of-Way Occupancy Permit,” amending department references in Chapter 12.16, entitled “Sidewalk Maintenance,” amending language in Chapter 12.17, entitled “Parking Facilities,” amending department references in Chapter 12.18, entitled “Sidewalk Cafés,” repealing 12.24.045 A-B and moving C to 12.24.020 J, repealing 12.24.050, repealing 12.24.070, repealing 12.24.080, repealing 12.24.090 A-D and moving E-F to 12.240.020 K-L, repealing 12.24.160, and amending language and department references in Chapter 12.24, entitled “Excavations,” amending department references in Chapter 12.28, entitled “Obstructions,” amending department references in Chapter 12.31, entitled “Fences.”

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 Affordable Housing Trust Fund Reserve Balance Funding Recommendation for the Centralized Housing Solutions Fund

Mayor Jordan Hess We do have three items that previously had public hearings that are up for final consideration tonight. So, these hearings were held, all of these were held last week, and we'll hold those open in case there's additional public comment tonight and then the chairperson of each standing Council committee will make a, will make a motion on the items. So, we'll take them in the order listed. The first is the Affordable Housing Trust Fund Reserve Balance Funding recommendation for the Centralized Housing Solutions fund and we have Emily Harris-Shears here with the staff report and Emily I don't, I don't think we're expecting a staff report, but if you, but we'll give you the opportunity to provide any updates that may have changed or any additional information that's emerged since last week.

Emily Harris-Shears Thanks very much. There are no updates, everything is consistent with what was presented last week. So, I'm available to answer questions but don't have additional information.

Mayor Jordan Hess Thanks. Are there any questions from Council? Seeing none, we can take public comment, if there's any additional public comment on this item. Seeing none, any? I'm sorry, I need a motion as well. Ms. West.

Alderperson West All right, so the motion is to approve the funding recommendation made by the Affordable Housing Resident Oversight Committee to award United Way of Missoula County \$80,000.00 to operate the Centralized Housing Solutions Fund and authorize the mayor to sign the contract between the City of Missoula and United Way of Missoula County. And can I speak to it for a moment?

Mayor Jordan Hess Go ahead.

Alderperson West So, I think this is an ideal example of how our Affordable Housing Trust Fund should be used. This is a really flexible funding source and I believe the average payment was \$400.00 to a household, to keep folks housed. So, this is a really, it's a very small investment per household and makes a world of a difference for that household. So, I fully support this and yeah it's just a great example of how to use the Housing Trust Fund.

Mayor Jordan Hess Thanks. Additional comments? Ms. Jones.

Alderperson Jones Yeah, I'll echo what Ms. West said and just say that I'm also very supportive of this. Our Affordable Housing Trust Fund is a work in progress and we're figuring out how to have long-term investments as well as sometimes stop gap investments like this and so, I'm, I'm happy to support it and United Way is the non-profit that we'll be using these funds and administer them and they have been very involved in housing and housing people who are, helping to spearhead programs for people who are losing their housing and to keep them housed so they've got a good background to bring to this and they do a great job. So, I'm happy to support it.

Mayor Jordan Hess Thank you Ms. Jones. Anyone else. Mr. Nugent.

Alderperson Mike Nugent I would just say that this is a great program. I'm the president of the Missoula County United Way so I will abstain from voting on this.

Mayor Jordan Hess Thank you. All right, seeing no additional comments, we can have a roll call vote.

Moved by: Alderperson West

Approve the funding recommendation made by the Affordable Housing Resident Oversight Committee to award United Way of Missoula County \$80,000 to operate the Centralized Housing Solutions Fund and authorize the mayor to sign the contract between the City of Missoula and United Way of Missoula County.

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

ABSTAIN: (1): Alderperson Nugent

Vote result: Approved (11 to 0)

8.2 Ordinance adopting the City-County Health Code by reference in accordance with 50-2-116, MCA and the Interlocal Agreement on the Joint Provision of Public Health Services.

Mayor Jordan Hess We can move on to the second item of final consideration. This is an ordinance adopting the City-County Health Code by reference in accordance with §50-2-116, Montana Code Annotated and the interlocal agreement on the joint provision of Public Health Services. And again, we had a public hearing with a staff presentation last week. Are there any? I don't see Shannon Theriault from the Health Department, but I'll pause if there are any staff representatives who have any additional information on this,

and I'll ask again if there's any additional Council, but we have we have, Amber Sherrill is our Health Board representative from Council. Ms. Sherrill.

Alderperson Sherrill Yeah, thanks. I, I just wanted to say since Shannon isn't here that this is kind of a housekeeping item regarding some changes legislatively that we needed to rework some, some of the interlocal. So, if there are no substantive changes in how we are operating with the county.

Mayor Jordan Hess Thank you. Are there any questions from Council members? Any, any additional public comment tonight? Seeing none, we can have a motion from Ms. Anderson please.

Alderperson Anderson Thank you. I, after second and final reading adopt the ordinance establishing Chapter 8.02 Missoula Municipal Code entitled "Missoula City-County Health Code Adopted by Reference," which will adopt the existing health code as approved by the City-County Health Board in order to comply §50-2-116, of the MCA as amended by the Montana State Legislature in 2021 (HB 121) and the June 9, 2022 City and County interlocal agreement for the joint provision of public health services.

Mayor Jordan Hess Thank you Ms. Anderson. Any comments from Council? Seeing none, we can have a roll call vote on the motion.

Moved by: Alderperson Anderson

[Second and final reading] Adopt an ordinance establishing Chapter 8.02 Missoula Municipal Code entitled "Missoula City-County Health Code Adopted by Reference," which will adopt the existing health code as approved by the City-County Health Board in order to comply § 50-2-116, MCA as amended by the 2021 Montana Legislature (HB 121) and the June 9, 2022 City and County interlocal agreement for the joint provision of public health services.

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

Vote result: Approved (12 to 0)

8.3 Request to Extend Conditions of Annexation – 3719, 3721, 3723 Grant Creek Road

Mayor Jordan Hess And our final item for final consideration tonight is a request to extend conditions of annexation at 3719, 3721 and 3723 Grant Creek Road. We have Dave DeGrandpre here with our staff update. Mr. DeGrandpre do you have anything additional that's emerged since the public hearing last week?

Dave DeGrandpre Thanks Mayor Hess. No, I do not have any additional information, I've received no public comments or agency responses. So, the, the request stands as presented previously.

Mayor Jordan Hess Great, thank you. Any questions from Council? For a motion Mr. Nugent.

Alderperson Mike Nugent Thank you Mr. Mayor. The recommended motion is to adopt a resolution to amend conditions of approval #1 and #2 as shown in the "Recommended Conditions" section of the staff report for property located at 3719, 3721, and 3723 Grant Creek Road.

Moved by: Alderperson Nugent

Adopt a resolution to amend conditions of approval #1 and #2 as shown in the "Recommended Conditions" section of the staff report for property located at 3719, 3721, and 3723 Grant Creek Road.

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

Vote result: Approved (12 to 0)

9. PUBLIC HEARINGS

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

The City Council will hold this public hearing open until they take up the item for final consideration on December 12, 2022.

Mayor Jordan Hess We do have three public hearings tonight and those will all begin this week and then be back for us next week for final consideration. State law and our own Council rules set forth guidelines for how we take comment on these, these items in a formal way. So, we'll have a staff report on each item and then we'll invite community comment on the, on the public hearings, then we'll hold the comment, or we'll hold the hearings open for a week for additional opportunity for public comment, and then we'll have these all back on December 12th for final consideration. The Land Use items, some of these items will be available for additional discussion at a Wednesday committee meeting as well and we'll get that information on the record on each of these, as they, as they come up. Our first item is a resolution regarding the proposed creation of a Missoula Local Government Building Special District. John Adams is here for our staff report and John, if you're ready, I, I'll give a few introductory remarks and turn it over to you?

John Adams Sounds good.

Mayor Jordan Hess Great. So you know, we've, we've been in the weeds for a while now on the on the Federal Building and talking about some of the specifics of the, of the project and I thought it would be helpful to zoom out a little bit and look at this project from a more holistic standpoint. The Federal Building was vacated in 2015 and it's been a topic of discussion for the last seven years at City and County government and it's been a topic of, of intense discussion about acquiring the building for, for the last couple of years. And I think we've, we've gotten, as, as we should, we've gotten into the details of, of how that that project will proceed, and I want to just zoom out for a minute and talk about the Federal Building as an anchor in downtown. It's, this, this project presents us an opportunity to preserve a building that's over 100 years old. It was constructed starting in 1911 and it was added on to a few times up through I think about 1938 and it is truly a historic gem in our downtown. This project provides us an opportunity to keep local government downtown and to, to keep that that employment anchor but also that economic engine of local government downtown where it will continue to, to provide economic activity in the downtown area and it's, it's a sustainable way, this, this building is built to last. It is built in a way that is, that is, they don't build buildings like that anymore. It is built in a way that; it'll last as long as we take care of it. We're at a point where our City Hall and our county admin building are at or, or near the end of their useful life and this, this project if, if done properly, provides us the opportunity to preserve the building in perpetuity and provide for a long-term home for local government. Lastly and John we'll, will talk about this, John will show that this is the cheapest way over the long term to accommodate our local government needs for the next generation.

We have an opportunity to either, we looked at four alternatives, ranging from remodeling our existing City Hall to leasing private space downtown to rebuilding on our existing City Hall to taking over the Federal Building. This is the, the cheapest alternative and it is an alternative that is also the most desirable in terms of the historic preservation and the, the local government operations and really the public service that we provide as local government, being able to have a space that's, that welcomes and, and welcomes the public and provides a high level of public service. There's been a number floating around in the media that is partly of our own creating and that's this 40 million dollar number. We're not going to go out and spend 40 million dollars on this building, that is, that was sort of on the range of, of options ranging from minor rehabilitations and, and asbestos and lead remediation on up to a full-scale, full building remodel, that was the full-scale remodel. So, the proposal, as it stands is that we will receive the building for free from the federal government and that we will do a more modest level of renovations and really save the taxpayer over the long haul while preserving this historic building, providing space for the next generation of local government growth and meeting a number of other objectives. So, with that context, I'd turn it over to John Adams for our, our public hearing staff report and then we'll have an opportunity to have discussion tonight and next week. Mr. Adams.

John Adams Thank you Mayor Hess. I, I'm the city's strategic projects administrator and for the last three years I've been the city's lead in our efforts to acquire the Federal Building at 200 East Broadway jointly with Missoula County. I'd like to share some slides with you, if I may? The public hearing tonight is to consider whether to create, is this showing you the old building? Can I verify that?

Mayor Jordan Hess Yes.

John Adams Excellent. This building, the hearing tonight is to consider whether to create with the county a Special District that will be the means by which the city and county can jointly own the Federal Building. This is one of the last steps the city needs to take to obtain the building and the federal government is indicating to us that they will transfer title to the building to us early in 2023. So, just to summarize the basics. There's a binary outcome here, the city and the county will acquire the building, or it will go to auction. We'd receive it at no cost, but commit to its historic preservation in perpetuity. Acquisition of the Federal Building was recommended or at least the exploration of it pursuit of it was recommended in the city's Strategic Plan and then a Downtown Master Plan kind of pushed us in this direction. A rehabilitation, as the Mayor noted, costs less than or the same as other ways to address urgent space needs and capital renewal efforts for our existing facilities. We envisioned that the Federal Building would house the entire county administrative center and the city downtown campus except the Missoula Police Department. So, we're here today to recommend joint City-County creation of the Missoula local government building Special District to own and manage the building. The Special District will encompass only the Federal Building property itself and will therefore be unable to levy assessments against any other property owners. I want to back up a little bit to talk about how we got here, backing up all the way to 1913 when the southwest corner of the Federal Building within which the U.S. Postal Service resides is shown here in green was constructed. A major addition followed in 1929 extending along Broadway shown here in blue and in 1938 the north annex was added shown here in yellow extending to Pine Street and creating the backwards G with a courtyard that we see today. The Federal Building has been an important part of the fabric of Missoula for more than 100 years. No record suggests that the building was ever a member of the screen actors Guild, but it did make a cameo in the Red Skies of Montana in 1952 and in 1979, it was, it was included in the National Register of Historic Places. As it became increasingly clear that the Federal Government Building, the federal government was not going to be able to utilize the bulk of the building after the Forest Service moved out in 1915, Missoula, the community began to imagine a new future for the building as the home of local government, our city and county town hall. So, a place where citizens can

find the essential services of the two local governments, the two local government institutions that serve them, and where the city and county can collaborate to efficiently serve the citizens of both the city and the county. So, we saw that idea expressed clearly in several places. First, after extensive public involvement, the Downtown Master Plan in 2019 recommended pursuit of the Federal Building and second, the city's 2020-2023 Strategic Plan calls for us to solve space needs across departments to better serve residents and explicitly calls on us to work with federal partners to explore acquisition of the Federal Building. As the city and county began to imagine a new life for the Federal Building, the U.S. General Services Administration, or GSA, in July of 2020 declared the building surplus to federal requirements, followed a period where federal agencies, state and local agencies, and homeless assistance organizations were invited to express interest in utilizing or acquiring the building and no agencies or organizations expressed interest in the building except the city and the county jointly. The city and county requested that we receive the building as a historic monument transfer where we commit to maintain the historic integrity of the building in perpetuity and the federal government transfers the building to us at no cost. It's important to understand that once this happened, once the building was declared surplus and we were the only entity to express interest. When that happened, we reached a place where GSA regulations recognize only two binary outcomes. One, the city and county could acquire the building or two, GSA will take the building to public auction, and that auction, the federal government would consider no other factors than purchase price. So, in that instance, the community would lose control of one of the five or six most important historic buildings in our downtown. Moreover, Ellen Buchanan, the director of the Missoula Redevelopment Agency, advises that the most likely result of a sale would be the demolition of the building. Essentially, the value of two-thirds of a downtown block of land is great but the buildings age and design make adaptations to something other than government offices uneconomical. The Veterans Administration tried to, tried to convert the building to a care facility after the Forest Service vacated and found that they just couldn't make it work financially, and built new. So, the result is that we acquire it as planned or it goes to goes to auction and it's probably ultimately demolished. So, the budget for FY 2021, City Council approved a hundred thousand dollars to conduct due diligence on the Federal Building and Missoula County did the same. And the city and county entered into an interlocal agreement to complete that due diligence together. We procured the local firm A&E Design, experts in historic preservation, to do three main things with us. To evaluate the condition of the building, evaluate whether it could be redeveloped to meet the city and county's needs, estimate those costs, and the costs of alternative space solutions, and three, to complete a preservation and use plan for submission to the National Park Service, which works with GSA as the gatekeeper for historic monument transfers. So, for the condition assessment, you can see just a random page or chunks of pages from a condition assessment. The design team went through every space and system in the building that they, they had time and permission to access, to identify what's historic, what's not, what's to code, what's not, what's desirable, what's not, what needs fixing. In general, they concluded the building has good bones, the exterior is in quite good condition. There are a few places inside that retain historic integrity, the northwest entrance and, in general, the building's been well maintained. At the same time, the building, this is the, these are the doors to the old courthouse, courtroom, I should say and there is the courtroom itself, but at the same time, the building's not ready to move in. To make this the hub of services to the citizens of Missoula, there's a lot of work to make it ADA accessible, to repair a water leak in the basement, to abate asbestos, to run data into it and throughout the building, to replace the outdated heating system, the outdated plumbing, outdated bathrooms, inadequate and efficient inefficient electric system, to replace the roof. So, there's a lot to be done. You can see too that in most of the building there are no offices or separators of any kind. So, in this picture, this is what almost everything in the north annex looks like. If you look at this floor plan and you look at those little black squares, those are the columns that we just saw in the previous picture, and we'll see again here. They used to line a central circulation

corridor, but at some point many of the interior walls were taken out to create cubicle farms, which I had pleasure to work in once. The second thing A&E did was to work with the City and County, the second big piece of their due diligence was to identify county and city space needs. Then they used that information to do conceptual designs, to determine whether the Federal Building could be redeveloped in a way that would provide improved public service and accommodate the city and county needs and intentions for the building. And on that question, we've got to clear yes, so we believe the Federal Building could house all these departments, ranging from Development Services to County Motor Vehicle. So, again, on the city side, we envisioned co-locating everyone and everything that we have downtown including Council chambers and MRA in the Federal Building and the one exception to that would be the police department, which just does not work in the Federal Building. So, what A&E confirmed is that we can provide a central hub where our community can find all the services they need without having to navigate the distinction between city and county, that's ingrained in staff and electives but often invisible to our citizens. So, if you need to title car or get a building permit in the city or in the county, find the floodplain administrator, pay a water bill, meet with elected leaders, whatever you need to do, we can welcome you in a single place and help you find what you need. A&E also gamed out the cost of a complete rehabilitation of the Federal Building and compared it to other alternatives the city and county have and the context here is that the city has really outgrown its existing facilities. The City of Missoula has experienced steady population growth over the past 50 years and City Hall was last expanded in 1989, the city had a population of only 43,000 and our population now exceeds 75,000. In other words, the city is approaching having doubled in size while keeping the size of City Hall constant. So, despite every effort to achieve efficiencies, with increases in population income proportional increases in demand for services, for fire and police protection, more linear feed of streets and sewer to maintain, more parks to maintain, and manage more building permits applied for, more vulnerable citizens in need of help, more municipal court cases. So, that urgency was confirmed in a 2018 space needs assessment by local firm MMW Architects. The space needs assessment found substantial deficiencies in both immediate and long-term space needs at the city and concluded that we needed to increase downtown city space by 50% immediately, and more in the long run. So, the result of having outgrown our facilities has been diminished workspace quality, which harms your attention and recruitment, hampered public service, and the ad hoc accretion of a hodgepodge of owned and rented spaces to house city offices and Council chambers. We pay approximately \$200,000.00 a year for rental spaces right across the street from city hall right now. So, the takeaway is that the city's current space portfolio is working sub-optimally and that a substantial investment in additional space is unavoidable over the next decade and because there are substantial deferred maintenance or capital renewal bills that are going to come due on this aging City Hall, we're going to end up making a choice about which building we invest in rather than whether we invest in one or more of our buildings. So, there are options other than the Federal Building but doing nothing is not a viable choice. These are the options we looked at. Just note that continuing ad hoc has real costs, like the inability to invest in sustainable practices in our rentals. We don't invest in rentals in that way for good reason, managing for five office, office spaces each with multiple entrances is a security headache, in addition to just straight out cost of rent, but when A&E estimated the cost of these different alternatives, they found that rehabilitating the Federal Building costs no more than stumbling along doing as little as possible. A&E has been clear that because of the difference in the quality of construction between City Hall and the Federal Building, that dollar for dollar, we'll get better and more durable results investing in the Federal Building than in City Hall and, and then additionally moving to Federal the Federal Building will enable us to sell or redevelop City Hall and Council chambers. So, with this in mind, the final piece of due diligence that A&E completed for us was they devised a preservation and use plan to submit to the National Park Service, to outline how we envisioned maintaining the historic aspects of the Federal Building while also redeveloping the building to suit our needs. In June of 2021, Council approved

submitting that document to the National Park Service and committed to accept the building, should NPS approve our preservation and use plan. In June of 2022, the National Park Service approved our plan and recommended that the General Service Administration convey the building to us. Once we committed to acquire the building, the city and county adopted an interlocal agreement to collaboratively design the necessary renovation. So, Council adopted that agreement in February of 2022 and additionally reviewed A&E Designs contract to master plan the redevelopment. That master planning is well underway, albeit far from done. A&E is working with departments at both the city and the county to identify exactly what each needs, how much public facing counter space, how many workstations, how many printers, the whole lot of it. And at the same time, we're working collectively through how we meet our sustainability goals, how we design consistent with our Justice Equity Diversity and Inclusion goals, and what office technology and use will look like in 10 years. The other thing that we're doing in this master planning period is beginning to think about how to phase construction at the Federal Building. So, for example right now, we're looking at a concept we call the backbone, where what we would do is create a move-in ready shell in the Federal Building, we would undertake to renovate the base systems like plumbing, electrical, data and heat, which will be necessary to make the building usable and efficient, would bring the building up to ADA code, create secure entrances, make sure the building is seismically sound, replace the roof, we'd provide definition to public spaces, we'd tackle the things, which are essential to usability and those that are vastly more expensive or impossible to do in an occupied building. And with that backbone in place, we could subsequently phase in other redevelopment piece by piece as finances and demand allows. So, we, we think that the backbone will cost on the order of 14 to 16 million dollars and that's split between the city and the county, so we're targeting seven to eight million dollars as a phase one backbone costs to make the building really operable and usable and that's something we think we can realistically fund. And again, this is money we're going to have to invest in one building or another, either rent payments and City Hall repairs, or the Federal Building. So, it seems smart to focus our dollars on the historic building that will last forever in lieu of City Hall. In addition to master planning, as you know, we've been working to create a Special District that's under consideration tonight and an accompanying agreement with Missoula County for joint governance of that Special District, you reviewed this concept and proposal in September 26 of this year but to briefly remind you, the General Services Administration believes that the statute under which will receive the Federal Building requires it to transfer the building to a single entity. So, we intend to create a joint Special District for our Montana code Title 7, chapter 11, part 10. Special Districts created under this authority are discrete legal expressions of local government that can implement programs, administer budgets, employee personnel, purchase property. The Special District won't encompass any other properties beyond the Federal Building itself and therefore won't be able to levy assessments on any property owners except itself. It's really just a way to create a single local government that can receive title to the building. Accompanying the resolution creating a Special District is the interlocal agreement that would govern the district, basically a contract between the city and county articulating how we'll make decisions about the building. This is more cementable by action between the two bodies at any time. The interlocal requires City Council and Board of County Commissioners approval of an annual budget, provides for dispute resolution, and otherwise sets a structure for joint building governance. If City Council and the Board of County Commissioners approve creation of the Special District, these are what the next steps will look like. First, we need to work with the federal government to clear some remaining hurdles to title transfer, so those are things like agreement on a lease to the U.S. Postal Service and other federal agencies, identifying what security is needed at the building. Depending on how challenging those things prove to resolve, the General Services Administration is signaling that we'll receive the building sometime between April and early January. Second, the city and county are planning for administration of the building, operations and maintenance, janitorial, etc. And third, we'll accelerate the master planning process,

partly that will just be intensified efforts to plan how the building can best serve the community, but ownership will also enable us to undertake a number of investigations of the building that we haven't had the access to the structure that we need to perform, that's stuff like seismic testing, everything from seismic testing to developing as builds. I recall Councilmember Nugent volunteered to accompany me the next time I entered the Federal Building at our February discussion, resolution and I haven't been in yet, so that's the reason I haven't called you. So, that's where we are today. We're very close to achieving what the Downtown Master Plan envisioned in 2019 and what we recommended in our Strategic Plan. There's still a lot to be done but with approval and creation of the Special District, we'll be getting very close to a real watershed moment in our effort to preserve this critical building, provide the best possible services to our citizens, and focus tax dollars on the facilities that would be the most cost effective and durable in the long run. We're gonna receive free, one of the most important buildings in our community, preserve it, and dedicate it to serving our people. I prepared remarks, I'm glad to answer any questions.

Mayor Jordan Hess Great, thank you Mr. Adams for that. We will open the public hearing at this point and we'll, we'll take public comment and then we'll come back for Council questions. Would anyone like to comment tonight on the, on the Special District? Come on up Ms. [inaudible].

[unannounced public speaker] [inaudible] not aware of all the pre-planning that was going on, on this. I mean, I appreciate Mr. Adams's report, there's a lot in there. I think I just saw something; I was, my first question was why did the Forest Service abandon the building? And I think I saw something about it only 10% of it was being used by the Forest Service, so did they curtail their operation that much or was it they did not like the building since they moved out to the Fort Missoula?

John Adams I'd be glad to answer that, if so directed?

Mayor Jordan Hess We'll, we'll take, go ahead and get all your questions on the record and then we can, we can get answers to the string, the next portion...

[unannounced public speaker] and yeah and so, and A&E, did they provide a general estimate? Is that what, who provided the estimate on the cost of the 14 to 16 million dollars? And that's pretty much it that I was, had a question from what he had presented.

Mayor Jordan Hess Ok, thanks. We'll get answers to your questions at the end of the comment period.

Doug Odegaard Good evening everyone. My name is Doug Odegaard and I'm Chairman of the Board of Mountain Line or Missoula Urban Transportation District and I support this. I think this is great. I have a vested interest simply because we have a transfer center that's right behind City Hall. So, I was just curious, I simply wanted to ask the question with this coming. At what point or if the city would be looking at selling the property, that may also include some of our transfer stuff? So, I just, my assumption is there's plenty of planning ahead, but I just simply wanted to, to ask and state that. So, thank you.

Mayor Jordan Hess Thank you. Anyone else tonight? Okay, seeing none, we will hold the, the hearing open until next week and again opportunity to comment up until that time. I'll take the Mountain Line question first and then and then turn it over to Mr. Adams for the, to, to clean up anything I get wrong on that and to answer the other questions. I, we, I guess the, the first answer is that, as you know, the city owns the, the transfer center and has a has a lease arrangement with Mountain Line. We are very committed to making sure Mountain Line has a, an adequate Transfer Facility downtown. It's obviously in service of city employees and people visiting City Hall and, and local government as well as just being you know good, good transportation practice for our

downtown. So, I would say that we don't have anything specific planned, but we'll certainly make sure that we're working collaboratively and, and that we have a good a good long runway for whatever that ultimately looks like. We did have a good productive conversation with, with Mountain Line staff this summer about redevelopment opportunities and how to make sure that transit is, is very well included in any redevelopment opportunities. John, do you want to take the questions about anything else on that as well as could you address the nature of the Forest Service departure and the services A&E provided?

John Adams Yeah, I would agree with what the Mayor said regarding Mountain Line, and I've been in contact with Mountain Line staff as well. There's a number of planning processes from the BRT planning, the Bus Rapid Transit Planning in Midtown to the Missoula Police Department space needs assessment that are going to impact how we think about City Hall, and we're just a ways away from that but Mountain Line has made clear that they have an interest in potentially a need for space in this location. With regard to the U.S. Forest Service, my slide probably wasn't clear, I apologize. The Forest Service left in 2015 and I have not ever heard directly why that was, rumor on the street was that they felt like it was too expensive, that they could they, they could more cost effectively have space out at the Fort and then when they left we were down to about 10% utilization of the building. So, basically since 2015, 90% of the building has been sitting idle. Before that, the Forest Service, although it had lost people over the years, it was not anywhere near its peak occupancy still had quite a few people there. And then with regard to the A&E costs, yes, the, the backbone cost estimate is coming directly from A&E architects, A&E Design, pardon me.

Mayor Jordan Hess Great, thanks. So, are there any, any questions from, from Council tonight? And we can, we can take discussion items as well, kind of recognizing that we're still in a public hearing. Mr., Mr. Nugent. Oh I'm sorry, Ms. Vasecka.

Alderperson Vasecka Yeah, I'm sorry if I missed it, but what is the plan for parking for employees and for the public that is going to be using, utilizing the services if we do acquire the building?

Mayor Jordan Hess Mr. Adams.

John Adams Parking will be handled in the same way that it's always been managed for the city and the county, as well as for the Federal Building. For members of the public with a quick errand and for visitors needing ADA parking, we'll, we'll provide for that with dedicated short-term parking and ADA parking on adjacent streets. Visitors that need to stay longer will find on-street metered parking or on-street free parking in nearby neighborhoods or a space in one of the two downtown parking structures or the private lots distributed around downtown, and the building is also accessible via public transportation. City employees are not currently provided with parking and will not be at the Federal Building. County employees have limited parking scattered throughout downtown and that will continue. The current parking situation for the city and the county is adequate and a two or three block move does not really justify new expenditures. We think that creating a parking structure would cost something on the order of seven million dollars. So, it feels like we have a workable solution, and it is consistent with the Downtown Master Plan and with our own community goals and city goals to continue in the vein that we've, we've managed parking so far downtown.

Mayor Jordan Hess Yeah, go ahead.

Alderperson Vasecka And then, I know that we discussed this in a previous meeting, but just for the public's knowledge, what is the plan for City Hall if we do acquire the Federal Building? Will we be, well what's the plan for City Hall, are we going to keep it, or are we going to? Yeah, I guess that's my question.

Mayor Jordan Hess So, I think, I think all of the above are on the table. We need to, you know there's a, there's a possibility that selling City Hall would be a key piece of financing the Federal Building project. It's also something that could potentially be repurposed as part of the police facility planning process or, or for another use. We could also treat it like we are intending to treat the Payne block, the old library block where we solicit developer part, where we essentially solicit private developers to come in and, and redevelop that block according to our, our goals. So, it could be part of our land banking strategy, it could be, it could be sold to finance the project, it could be, it could be some portion of you know maybe retaining a portion of it for transit and selling a portion of it. There would be a planning process that would, that would really get us to what that final answer was, but I think at this point, we intend to remain flexible on that.

Alderperson Vasecka So many options. Okay, I'm finished with my questions.

Mayor Jordan Hess Okay, thanks. Ms. Anderson.

Alderperson Anderson Thanks so much. I, I agree as someone who is a fan of historic buildings that preserving that is important, but I guess you know we our highest priority is to the citizens of Missoula and being a fiduciary response, you know being fiduciarily responsible with their taxpayers dollars. So, I'm wondering what is the impact if to the average citizen with this proposal of taking over the Federal Building and kind of I know that there sounds like there's lots of options but if we could just kind of succinctly boil it down if possible I think that that would be helpful for folks?

Mayor Jordan Hess Yeah, thanks. And Mr. Adams or Mr. Bickel do you want to take that?

John Adams I'll defer to Dale, if he's available.

Dale Bickell Good after, good evening. Dale Bickell, Chief Administrative Officer. You know, it's hard to say what a specific cost to a taxpayer, what, what the intention is today with a number that we're talking about in that seven to eight million dollar range, is that we would be able to pay for this out of our current resources. We, you know, a number of sources we have used for other projects like this we would cobble together various sources. The other thing we're looking at are, there are a lot of new federal grant sources with the Infrastructure bill recently passing and the Inflation Reduction Act, we're going to be looking at programs that are eligible to help with some of the costs, particularly related to backbone and the and some of the energy efficiencies we might be able to gain to that affect. So, as these investigations continue and as we look at ways to, you know what the design looks like, we're going to look at these opportunities and all the number sources. So, can we use the sale the you know the proceeds from the sale not only City Hall but Council chambers, the MRA offices, the \$200,000.00 a year we pay in lease payments today could be repurposed to, to these. So, there are all of these number of sources we're going to try to use. So, right now, the intention is to be able to use our current resources to finance this building.

Mayor Jordan Hess Thanks. Ms. Anderson.

Alderperson Anderson Followup. Thank you. I think it's a really important point to highlight that we are already spending money every year trying to cobble together multiple solutions for our increased staffing needs and this sort of dials it all out into one place. And then what, with the interlocal for the county, I mean there is a, a cost splitting mechanism because we are co-locating, so therefore but kind of kind of co-responsible for the rehab facilities and whatnot, is that correct? And do we, is it a straight 50-50 or have we worked out those specific details yet?

John Adams Yeah, I could take that up, if that's acceptable? The, the interlocal agreement with the county starts with a default 50-50 split. As we manage the building through time then we would change it if use of the building changed, so you can imagine

that 20 years from now perhaps one of the two entities will utilize more of the building than the other will, it'll just have kind of evolved in how we use it. In that case, then we would change the split for management costs, operations and management costs to reflect that, but the assumption going in is and the conceptual plan is that it's 50-50.

Mayor Jordan Hess Any additional follow-ups? Okay, anyone else? Mr. Nugent.

Alderperson Mike Nugent Thanks. It's two, kind of different questions....So, just, just to re-clarify that the potentially seven million from the city match with a 7 million from the county is 14 million. So, we're not talking about a 40 million dollar project, we're, we're talking about a much scaled down with no immediate plans to even go to that 40 million dollar number, is that correct?

Mayor Jordan Hess Mr. Adams, you want to take that?

Dale Bickell I might take that....answer that, Mayor, if that's all right? And so, you know, I think it's important to put that 40 million dollar in context. We didn't that, that, that number was created, you know we asked our design team to, to look at that for the purpose of creating alternatives. We needed to take a, a good you know a realistic view of alternatives on how much it would be to rehab this building versus building in a new building downtown versus rehabbing City Hall. And as it turns out, getting a 120,000 square foot building for free is actually the, the least cost alternative. So, amongst the many other goals that this, this building would accomplish it is actually also the least cost alternative over the long run.

Alderperson Mike Nugent Perfect. So, so all the questions we're getting about up from constituents about that higher number, we can kind of say that that's not actually accurate, that's not the direction and, and that's not what we're agreeing to?

Dale Bickell Yes, that's, that certainly and, and, and you know neither the city or county can actually come up with that kind of money out of our current resources like we would like the, the number we're talking about now is something that we can manage over, over a few year period and it's a and it's a size that we manage regularly.

Alderperson Mike Nugent And you're confident that the, the seven million dollar number, you know 14 combined will, will put us in a building that sufficiently meets our needs for a long time? We don't have any other major capital projects waiting in the wings?

Dale Bickell Well there are, I mean, we'll constantly have capital projects going and what we believe is that this, this, this fits well this is going to accomplish a lot of goals and we can get this accomplished with within our, our current resources. And there was an alternative, as well, is that the you know the, the lowest cost alternative was simply what our design team called the move-in and you know it's just getting it enough just to move in. We, you know, based on our review and this will be as we move forward in the future with future contracts that while that was the cheapest short-term resolution is going to cost more money in the long run. So, the approach that we're taking now, we believe, gets most of the hard things that would be really disruptive to tenants in that, in that building and so we believe that's the least cost alternative. And the other thing as, as you know, they're even, even in our high inflation environment that we're seeing today, today is always the cheapest time to do these things rather than waiting for years down into the future.

Alderperson Mike Nugent You kind of asked, answered my questions. I should have asked it more succinctly or directly on, on ending capital maintenance projects that would be around the corner there, but I think you got to it. One other question, if that's okay?

Mayor Jordan Hess Go ahead.

Alderperson Mike Nugent Looking around at kind of city and county buildings, the level of open to the public and the kind of security measures are different at city and county buildings the courthouses are yeah the county courthouse is wide open for instance where City Hall in the County Administration Building you have to check in with security. We've talked a little bit about maybe creating a hub for the public but what, what are the initial conversations about how open this building will be and accessible to the public?

Dale Bickell Do you want me to answer that Mayor?

Mayor Jordan Hess I, I can get, I can start and then turn it over to you Dale. So, I think one of the things that I'm most excited about is the opportunity to address security through design and, and I'll reference the, the visit we took together, Mr. Nugent and I visited the Whitefish City Hall as part of the league of cities and towns meeting and that city hall is very open to up, up and until a public reception area. So, there's, there's public reception areas with, you know there's a counter where there's a cashier and receptionist and information desk, you can pay a ticket, you can get a business license. There's walk-up windows for building permits and engineering permits, there's walk up, there's a walk-up window for parks and recreation, all of these areas are really public facing and could be outside of a security screening, and then if someone needed an appointment or needed to go you know into the building, there'd be an opportunity to, to have a different level of security screening. I think we need to; we need to ensure that our public employees are, are safe in doing their work and that's our number one priority and that's why City Hall is the way it is right now. I think and you know we've got we've got security professionals to do a good job of, of welcoming people into the building in kind of a, a what is inherently an unwelcoming space why you know, and I think that we have an opportunity here through design to ensure that the building is secure, that employees are safe at work, and that the public is well served, and I don't think those are mutually exclusive. So, that's, that's really our intent as to is to come up with a design where the public has a robust level of access but there is a security screening as needed kind of beyond that public access point. Ms. Jones.

Alderperson Jones I assume you were done answering that? I'm jumping in now. I did have a couple questions. I know that we don't have someone from the county here tonight but as we've been talking about the fact that the city, we are renting space in adjacent and across the street in all sorts of different areas, we are renting additional space because we need a bigger footprint and I've, I've walked through the basement of our old Development Services, our CPDI Department and people are squished in there left and right so there's a huge need for space but John maybe you can just confirm. I think that the county is also renting a lot of space around town, additional space because they have also outgrown their footprint. So, when you start looking at all of the costs to taxpayers when we're paying rent and we're not owning these buildings, it's starting to add up on a pretty big scale, but do you do you have any information about how much space the county is renting out?

John Adams I don't know how many square feet they rent, but I know that the, their equivalent caps which is their equivalent of development services rent space in the union block the Radio Central Building, which (a) is you know as expensive and money that again you can't invest in the same way that you'd invest in your own facilities for things like sustainability and then (b) one of the things we found is that people have a hard time finding the various offices. Frequently people come to the city looking for county offices and vice versa and when we're dispersed not just right across the street from each other, but even around further around downtown, it becomes pretty problematic to provide the level of public service that people, people deserve.

Alderperson Jones Thanks. Followup?

Mayor Jordan Hess Go ahead.

Alderperson Jones Yeah, thank you for that. It is, it's just kind of happened over the years, but I look at how much space we're renting currently because we just have outgrown our footprint and it is, it is significant and for the county also. I was interested in the list that you put up John where you were showing all of the different departments that the city has that can go into the Federal Building and my understanding is. Okay, we're not going to put our Parks and Rec equipment or our Public Works equipment, that's not going to go in the Federal Building but all of our other administration will, but police, police is a big department that cannot go in there and can you just speak to that a little bit and what police's needs are and where they possibly would be located or, or what our process will be to figure that part of the equation out?

John Adams Sure. The city's launched a space needs assessment for the Missoula Police Department to try to identify exactly what they do need and where they could best be located and to unify command and administrate, I should say administration and patrol and detectives and evidence. So right now, the police department operates with the, the leadership that serves and supports patrol, detectives, and evidence in two miles away, two miles separate, separated by two miles, so the two facilities that the police use one on Catlin and one in City Hall and so we're trying to find a solution that puts everybody in the same building and we're trying to figure out exactly how much space that requires and moving forward and then also where it could best be located. So, one of the things we'll think about for sure is City Hall, but we're going to try to cast a broad net and think about, think about really anything that makes sense without excessive transaction costs for getting in, getting around to different parts of town from police headquarters. This is a separate process, it's on a little bit different track than the Federal Building but you can see that they, they enter they interact a little bit.

Alderperson Jones Thanks. And Sandra had brought up parking which I have heard a lot of questions about parking and the great majority of parking that is behind City Hall is for police, is my understanding it's all of the police cars because they do have a fleet and they're constantly in and out with headquarters but, so they do have parking needs but as for the rest of us folks working for the city we don't really get parking, correct?

John Adams That's correct. Downtown employees don't get provided parking. I've worked off and on downtown for the Forest Service, for non-profits, for the city and for the county, and nobody has ever offered me a free parking space. There have been times when I rented some, if I needed a space, I thought that it was essential, I rented a space but otherwise bikes are great, Mountain Line's great, getting dropped off by your spouse is great. I don't know...there's solutions.

Alderperson Jones Great, thank you.

Mayor Jordan Hess Along those lines, can you just talk a little bit about, there were 400 employees with the Forest Service and, and they were not they were not provided a place to park. Can you talk about employee numbers anticipated with city and county?

John Adams It's been a while since I looked at the FTE numbers, but I think that we're right in that ballpark. I think we; I think we gained out, pardon me, I think we, I think our analysis suggested that roughly 400 people, 200 from each entity would be there, but I may have to clarify that. I may need to go back and look at that and clarify that for you.

Mayor Jordan Hess Okay thanks. Ms. Savage.

Alderperson Savage Thank you and thanks John I really appreciated all of the history and particularly the photos and the floor plans. I just had a question about the space needs. It seems like the assessment was in 2018 and I wonder if that has been revisited since then and I'm not necessarily saying we have fewer space needs, I'm just wondering with work change during the pandemic and if the space needs will just be different. And if it

hasn't been looked at, I wonder if there's any plan to look at it, sort of before moving forward?

Mayor Jordan Hess Mr. Adams.

John Adams That's a great question and it's something that you can imagine that we're struggling with because things haven't shaken out yet, right. So MMW did the space needs assessment in 2018 and then in 2020, as part of their due diligence, A&E worked through not quite the same process, but we really worked with each department at the city and the county to try, to try to imagine what changes we would experience in the next 10 or 20 years, what kind of growth there would be, and what we had then. So, we kind of updated the 2018 space needs assessment and then this year, as we've gone back into programming, we've really been trying to, we've been wrestling with a number of related issues. So, you can imagine that things like work from home policies will affect how many employees we have that need workspace and then what kind of workspace they'll need. Do they need a hot desk? Do they need a slightly bigger workspace? Are they a supervisor that needs an office with a door? So, we're trying to, we're trying to navigate all those things. We're going to inevitably do it, I guess one of the things we're going to try to do is create flexible interiors because we anticipate that these things will change. Like one of the things we've learned is that people that do remote work frequently, it's not attached to position so much as individual choice in many instances. So, for example, you might have somebody who comes in new, and they need to start in the office, but their predecessor who had been in the, who had been with the city for a while had been working remotely and maybe that person goes to hybrid work in a year where they're in the office two days a week, well what kind of space do we provide that person? So, it's a set of challenging questions that we don't have great answers for yet, that we're trying to sort them out but they're definitely going to drive our space needs and exactly how we can figure the space, how we provide flexible space both within the moment and then to reconfigure as personnel and their and where they are working changes. And then lastly, I mean I'm sitting in my office on a video call right now. This is going to change too and we're going to need to be able to I think people working in classic offices right now are constantly struggling with what hybrid meeting looks like. How do you ensure that you are seen and not forgotten when you're in the hybrid. So, we're going to have to create spaces that really allow us to work effectively, and I don't, it's just, it's going to be it's going to be a super interesting challenge. I hope we get a lot right and inevitably again we're gonna have to build flexibly because we'll get, we'll get things wrong.

Mayor Jordan Hess Mr. Adams is in a rented space about 40 feet that way and, and we are, and we own this space and said it is a it is a patchwork. We've also, we've, we've put out a few hot desks or desks that are available for remote workers who are in the office, and we've done that as right now as a pilot and, and to see how what the utilization rate is but we also hope to see you know, does that, we hope to use this next, these next several months as sort of a laboratory to inform what employee behavior might look like moving forward as well. Ms. West.

Alderperson West Okay, I think it's staying on. So, I had a question about actually fleet vehicles and fleet parking. So, I work for the county in that hidden Radio Central Building rented space, but I know that there's two fleet vehicles that do have a parking space and the discussion of, I guess who parks at the current city hall that also includes all the fleet vehicles that say if we have to go to a conference or staff needs to drive around that they use. And so is there adequate space for like the city and county fleet vehicles or would those be parked somewhere else?

Mayor Jordan Hess Mr. Adams.

John Adams That's a good question and there's not adequate space for everybody that will want to park at the Federal Building. So, we're going to end up having to prioritize

and make choices. So, there may be some, some individuals that need secure parking, maybe municipal judges for example might need secured parking spaces.....

Alderperson West Can I clarify it? I'm not talking about personal vehicles; I'm talking purely about city or county-owned vehicles that employees might utilize to drive on city or county business.

John Adams Copy... the fleet needs for both and where again, we're going to end up having to sort out exactly which departments need how many vehicles close to the building. So, you can imagine that for some things storing, storing a fleet vehicle at Central Park is fine. IT, from my understanding, actually has, they're kind of constantly coming going to different locations, facilities, the same. So, there's going to be, we're just going to have to sort it out. We're going to figure out exactly what vehicles are needed, and which vehicles are needed daily or frequently during the day, so that we can figure out how many we need to accommodate and where to put them. There's a possibility to expand parking, there's a central courtyard that's got on the order of a dozen spaces and then there's the possibility to expand parking on the east side of the building between the Federal Building and Roemer's, so we have a little bit more space to play with. We've also talked about whether we, about including EV charging infrastructure. So, there's just a number of things we have to sort out and I guess I don't, I don't have a simple answer for you. It's just, we're going to have to work we're accumulating that information now, we're trying to identify well how many vehicles for which departments and then what needs to be accessed frequently and, and what doesn't.

Mayor Jordan Hess Thanks. Ms. Becerra.

Alderperson Becerra Yeah John I apologize if I missed this during your presentation, but I'm curious to know two things. One is some of our employees, like yourself, are in places that we're currently leasing. Is there, is there an idea of who moves in first to the new building? And I'm, I'm asking this because I think it would be great to move those who are in satellite offices that we're leasing so that we can reduce expenses. And then my other question is, can you speak about the Post Office?

John Adams So, with regard to phasing, I mean yeah, you've, you're putting your finger right on it. We're gonna need to think carefully about the, the way that minimizes our expenses. So for me to move, it takes facilities 20 minutes to move my computers and me 20 minutes to move my boxes of stuff. So, for example, I might not need to move to the Federal Building to vacate this space, I could move to City Hall. So, I think we're going to end up making choices that are, we're going to, we're going to need to make the choices that minimize our expenses, but at the same time, we're going to be trying to juggle how we best provide public service. So, if the Federal Building immediately becomes the central hub of providing those public services, we may need to move public facing things first, rather than kind of behind the desk people like me. So, we'll just have to juggle those. Part of A&E's task is going to be to provide that. They did that for the federal court, excuse me, for the county courthouse, it was a really detailed plan. We're going to move this department and then we're going to move this to and then we're going to that's, that's where we'll end up. With regard to the postal service, the city and the county strongly support a continued downtown post office. We think the master planning process that we're engaged in right now will help us understand the best way to utilize the Federal Building as a whole and then identify whether the postal service fits in with our overall vision for and our needs for, our needs within that building. We're confident the postal service will stay downtown and we're going to retain the historical elements of the post office lobby no matter what happens. The current plan is to do a one-year lease with the postal service to continue them in the existing space while we do that planning process and try to figure out exactly what works best.

Mayor Jordan Hess Thanks. Any additional questions tonight? Ms. Anderson.

Alderperson Anderson Thanks so much. The John, with and I think you probably glanced over this in over your very comprehensive presentation, but if you could just quickly talk a little bit about the kind of due diligence that A&E has done in regards to kind of what is behind what we can see. The things that you highlighted right off the bat that are going to need to be tackled are you know updating HVAC system, you know some plumbing issues, and having had both a father-in-law and father in construction, I know that once you start opening up walls who knows what you're going to find. So, if you could, I mean but I know that there's been some due diligence that has been done in all of that. So, if you could just highlight a little bit about that, I would appreciate it.

John Adams Yeah, so I think what I'd say is that we have a good general sense of what is and isn't in the building, but our access has been too limited to get down into the you know very weedy weeds. So, for example, we know that there's asbestos in the building, we have some idea where, we are having a good idea where a lot of it is, but you know the GSA would not allow us to knock holes in walls to see what's behind you know door number three. We need to do seismic testing. We need to test bricks to make sure that we're up to code. So, there's the, the condition assessment that they, A&E, provided for us was excellent work with relatively limited access to the building and it's, I'm glad to share it with anybody that would like to take a look, it's really interesting and well that may be an exaggeration, it's really useful information but so on the one hand we had, we, we got a lot of good information during that due diligence period that enabled us to do order of magnitude costs that we had a lot of confidence in, but we're going to learn more. We're going to learn more, it's one of the reasons why we're really excited to get ownership of the building because once we have the keys to the building we can start on that process and we can really refine our cost, refine our assumptions and get new information and improve our planning.

Mayor Jordan Hess I'm just gonna note for the record that if the John Adams filter of interesting to useful happened, you all should take heed that it is not interesting.....

[unknow alderperson] don't, don't pass judgment....[laughing]

Mayor Jordan Hess All right, any additional questions? Great, well this is....Oh I have one more. You know we, we talked at some point in this process about the importance of keeping local government downtown. I know that the Downtown Association went through, went to great lengths to try to keep the Forest Service downtown and to ensure that the city and county remained downtown in the early 2000's. Can you speak to that John? Just the, the context around the impact of, of having those employment centers downtown for, for our downtown businesses.

John Adams Yes, I really, I want to open my email and make sure that I have the, I give you correct information, but I believe that the Downtown Association right around the year 2000 when the city, the city and county were thinking of moving their operations out from downtown to, I think Mullan Road. They, they performed some kind of study that identified that typical downtown employee spends four thousand dollars a year in the downtown area. So the, the economic impact of keeping 400 employees here in lieu of anything else and then opening up the you know other spaces for redevelopment is potentially pretty great.

Mayor Jordan Hess Thanks for that. I appreciate that. Anything else? Okay well we've had a public hearing and a great discussion. The public hearing will remain open, and we'll continue to take comment on this, and we will hold the special district item over until December 12, 2022, We can move on to our next public hearing.

9.2 Second Substantial Amendment to the CDBG and HOME Program Year 2021 Action Plan

The City Council will hold this public hearing open until they take up the item for final consideration on December 12, 2022.

Mayor Jordan Hess What I'm thinking we'll do is take our next public hearing and then take a brief recess before the Riverfront Trails public hearing. So, without objection, we'll keep going now. Okay great. So, our second public hearing is second substantial Amendment to the CDBG and/or CDBG, pardon me, and HOME Program year 2021 Action Plan and we have Karen Gasvoda here to present or to present any updates. No, I'm sorry, we're on public hearing, so we have, we have Karen here for the staff report. Karen, I will turn it over to you for staff presentation.

Karen Gasvoda Thank you Mayor Hess. Yes, I am here, Karen Gasvoda with Kendra Lism and we are Grant Administrators with City, Community Planning, Development and Innovation. We're here today to talk about an amendment to our program year 2021 Action Plan. You may remember that we amended the Action Plan once before in May and our citizen participation plan requires that whenever we make a significant change to our Action Plan, we must do a substantial amendment and notice the public. The City of Missoula receives Federal funding in the form of Community Development Block Grant and Home Investment Partnerships program funds. These funds come through the U.S. Department of Housing and Urban Development. Each year, in the spring, we bring through Council our CDBG and HOME Annual Action Plan, which is a report that details the projects recommended for further funding for that year. In 2021, we presented seven projects as part of that Action Plan and today we're here to present an amendment to the plan. So in program year 21, Habitat for Humanity applied for and was approved \$270,000.00 Home Grant to support nine homeowners and down payment assistance to purchase Habitat homes in East Missoula. Over the course of several months in 2021, staff collected additional information about the scope and nature of current residents on the East Missoula project site and in total there were nine residents on the site, each leasing land under mobile homes. With Habitats project, eventually all leasing land under are all the mobile homes were likely to be replaced with new homes either as part of this project or a future project or if Habitat decided to sell the property. Federal Regulation known as Uniform Relocation Assistance and Real Property Acquisition Act, URA, establishes that if the project involves either temporary or permanent displacement of people or businesses, tenants must be fairly compensated. Habitat tried to find solutions, one of which included qualifying existing tenants for Habitats program, thereby requiring only temporary relocation or no relocation at all other than into their new Habitat homes, but upon further consideration and in close consultation with HUD's URA Specialist and the City of Missoula's HUD Representative, the decision was made that this project involves significant displacement and therefore triggered URA and the city's policy to mitigate and minimize displacement. URA is complex and costly regulation and ultimately if HUD found that the project was out of compliance with URA, the City of Missoula taxpayers would be responsible for repayment of these funds should Habitat not be able to repay them. Therefore it is in the city's best interest to keep federal funding out of this particular project. So, just to reiterate, no contract was signed for the funds and no funds were given. Our policy, however, does require that we come before you and open a public hearing whenever there is a significant change in funding or projects. The funds awarded to this project will remain in our HOME funding pool and will be allocated to future projects, and we will be taking public comments through December 12, 2022 at engagementzilla.com or by email or phone as listed here. And that's it, are there any questions?

Mayor Jordan Hess Thank you Ms. Gasvoda. I'll open the public hearing first and then we'll do we'll do questions from Council. Anyone from the public wish to comment tonight?

Nevin Graves Good evening folks. For the record, Nevin Graves...N-E-V-I-N G-R-A-V-E-S. I'm the Development Director for Habitat for Humanity of Missoula. I came on board

with the organization after this project came in and Habitat just wants to let you know we understand why this amendment needed to be in place. It was a fascinating look into you know what the URA does and doesn't allow. We're real, still really excited to continue building those homes in East Missoula absent the federal funding. I'm happy to answer any questions. Thank you.

Mayor Jordan Hess Thank you, appreciate it. Any additional comments tonight? Seeing none and none online, we'll keep the public hearing open until next week and I'd entertain questions from Council. Okay, seeing none, we will hold this public hearing open until December 12, 2022 and we'll have this item back for final consideration at that time. We'll take a seven minute recess and be back in order at, at 7:50 p.m.

9.3 Riverfront Trails Major PUD Subdivision, Targeted Growth Policy Amendment, Annexation, Utility Services Boundary Amendment, and Rezoning

The City Council will hold this public hearing open until they take up the item for final consideration on December 12, 2022.

Mayor Jordan Hess Our third and final public hearing for tonight is the Riverfront Trails Major PUD Subdivision, Targeted Growth Policy Amendment, Annexation, Utility Services Boundary Amendment, and, and Rezoning. And we have Cassie Tripard here for our staff report and then we'll open our public hearing. Ms. Tripard.

Cassie Tripard Let me just get my slides shared.....

Marty Rehbein And while she's doing that City Council, this is Marty Rehbein, Legislative Services Director and City Clerk, and tonight attached to your agenda, you do have a public comment that somebody had submitted. So, when you click on this item and you go from the documents tab that pops up over to public comment, you'll see that comment there and the record, and Ms. Tripard, I think we're ready for you.

Cassie Tripard Thank you Marty. I'll also be uploading some more public comment I received today....tomorrow. So, as they said, I'm Cassie Tripard, Planning Supervisor with CPDI. Today, we'll be covering the Riverfront Trails Planned Unit Development Subdivision. There are several requests considered with this project, several of the requests are tied together, meaning some approvals cannot be granted without other approvals. This project includes a targeted Growth Policy amendment, annexation, rezoning, utility services area boundary amendment, and preliminary plat approval for the subdivision. In order for the rezoning to be approved, the Growth Policy amendment and annexation must be approved and in order for the subdivision to be approved, the rezoning, annexation and utility service area boundary amendment must be approved. So, the property is located on Lower Miller Creek Road and bisected by Old Bitterroot Run. The Bitterroot River abuts the property to the north and the property is approximately 1.4 miles from the intersection of Brook Street and Lower Miller Creek Road. Zooming in now, you can see Jeannette Rankin Elementary School to the southwest of the property, Lower Miller Creek Road runs along the eastern side and crosses through the property in the southeast corner, single dwelling residential is located to the south and east, and northeast are detached houses on large parcels with agricultural uses. The northern portion of the property along the river is in the flood plain, Zone AE is shown in blue, which is the 1% annual chance flood, flood plain. The rest of the parcel marked Zone X is an area of minimal flood risk. Before we get into all of the separate requests, I want to show you the final proposed development plan for the subdivision. All of the floodplain area is proposed to be protected through designation as open space. The area is approximately 43.44 acres and would have public trails throughout. A portion of the open space including the entire river frontage is proposed to be dedicated to the city. The remaining portion would be common area maintained by the homeowners association. The subdivision proposes 173 residential lots that would allow townhouses, detached houses, and duplexes. One large lot on Lower Miller Creek

Road is proposed to be used for a future religious assembly. Another large lot on Lower Miller Creek Road is proposed to be used as a senior living facility, which is considered group living. Lastly, a triangular lot in the southeast corner is proposed to hold a multi-dwelling building with a maximum of five dwelling units. In total, the subdivision proposes 178 regular dwelling units and 110 senior living facility units. Now, we will get into the targeted Growth Policy amendment. The property currently has three land use designations per the Our Missoula 2035 City Growth Policy. The area within the flood plain is designated as open and resource. The open and resource land use designation is intended to protect important resource land, in this case, the Bitterroot River, and to protect areas of natural hazard, the floodplain, while also recognizing that those lands may be within private ownership. The central portion of the parcel is designated residential medium, which allows densities between 3 and 11 dwelling units per acre and the remaining areas north of Old Bitterroot Road and east of the school are designated residential low, which allows densities between one and two dwelling units per acre. The property is also within the 1997 Miller Creek Area Plan. Area plans are adopted as amendments to the Growth Policy. In the Miller Creek Area Plan, the floodplain area is designated as parks and open space. The remaining portions of the property are recommended to have densities of one, two and four dwelling units per acre. The area plan lists several goals met by this project. The plan calls for a river corridor, preservation of floodplain and clustering of residential uses outside of environmentally sensitive areas. Though the density is established through this plan 25 years ago are fairly low, the plan does recognize issues with housing affordability and calls for a mix of housing types. The proposed subdivision preserves floodplain, creates a river corridor with public access, clusters residential housing outside of the floodplain, and provides a mix of residential housing types, all in alignment with the Miller Creek Area Plan. The applicant is requesting a targeted Growth Policy amendment to change the areas designated as residential low to residential medium. The area is currently designated as open and resource and residential medium would not change. The housing section of the Growth Policy calls for a sufficient and diverse supply of housing to meet the needs of a variety of household types. The community design section of the Growth Policy calls for compact development patterns. Overall, the targeted Growth Policy amendment would allow for a rezoning and subdivision that meets the goals of the Miller Creek Area Plan and Growth Policy by clustering housing outside of an environmentally sensitive area and providing a mix of housing types. Three reasons are listed in the Growth Policy for determining whether an amendment is appropriate or not. The first reason is that the plan lacks significant guidance or relevant policy statements to meet emerging public needs. The increased demand for housing in Missoula is certainly a public need that the residential low land use designation does not address. Additionally, as Missoula's population grows, there is an emerging public need to protect our river frontages, to provide public access to rivers, and to secure adequate parkland. The second reason for Growth Policy amendment is that the goals and objectives or land use recommendations do not support or accommodate development proposals. The current residential low land use designation does not accommodate a development proposal that meets several of the goals in the Growth Policy. Lastly, the Growth Policy states that changing conditions or new information resulting in the need to establish more relevant policies and implementation tools is a reason for amendment. The change in condition is increased demand for housing in Missoula to serve a growing population, and City Council must base their recommendation for Growth Policy amendment on three review criteria. The first is whether there is a need for public change or whether there is a public need for change. There is a public need for more housing, a diverse mix of housing types, and protection of the floodplain. Additionally, the amendment supports a development plan which offers public benefit by creating public river access. The second criterion is whether the change proposed is the best means for meeting that need. The Growth Policy amendment is the only way to allow for more dense development, to provide more housing. Additionally, it facilitates rezoning and development that preserves floodplain and creates public river access, and the site is located approximately one and a half

miles from services, which can support medium density development. The last review criteria is whether there is a public benefit that will result from the change and as I mentioned before, the amendment allows for development that creates more housing, a diverse mix of housing types to serve varying household types, environmental protection, and public river access. So, staff recommend that City Council adopt a resolution to amend the 2035 Our Missoula City Growth Policy land use designation from residential low to residential medium on portions of the subject property based on the findings of fact and conclusions of law in the staff report. The project includes a request for annexation of a portion of the property. So, even though the property is only one parcel, it is currently half in city limits and half in the county. The red shading on the map shows the current city limit boundaries. The applicant is requesting annexation of the portion south of old Bitterroot Road. Note that this area borders city limits on three sides. Annexation approval from City Council is necessary to approve the rezoning and subdivision. The subject property is located within annexation area A on the city annexation policy map. Areas marked as annexation area A, largely meet the guidelines of the annexation policy and should be prioritized for annexation. The annexation policy states the city should prioritize the annexation of properties that contribute to logical growth patterns in the city. Specifically, this annexation of properties that would fill in gaps left by previous annexations, annexation of the remaining portion of the subject property would fill in a gap left by previous annexations. The annexation policy states the city should prioritize the annexation of areas that meet current city standards including water, sewer, and transportation infrastructure, and we will cover infrastructure in the subdivision portion of this presentation. Sewer, water, and transportation infrastructure designed to adequately serve the subdivision are proposed. Staff recommend conditions of approval that require the applicant to install infrastructure meeting current city standards. Zoning upon annexation must meet one of three criteria listed in Title 20 zoning code as well as state law. In this case, staff are recommending zoning that meets the first criterion. This criterion states the city zoning district must be comparable to the county zoning that applied to the property immediately before annexation. Currently, the area proposed to be annexed to zoned residential medium in the county. The current County zoning applied to the property allows densities between 5 and 11 dwelling units per acre. The current County zoning allows detached houses, townhouses, duplexes, triplexes, and quadplexes. Additionally, the current county zoning allows daycares, agriculture, community residential facilities, and some commercial uses. The applicant is requesting zoning upon annexation of RT 5.4 residential to unit townhouse. The RT 5.4 zoning district allows eight dwelling units per acre, RT 5.4 allows detached houses, duplexes, townhouses, some civic uses, and crop agriculture, and the RT 5.4 zoning district is a bit more restrictive than the current county zoning because it does not allow commercial uses. Overall, the city RT 5.4 zoning district is comparable to the county residential medium zoning district that applies to the property in terms of density and permitted uses. So staff recommends City Council adopt a resolution to annex a portion of the subject property and zone upon annexation to RT 5.4 residential subject to the conditions of approval based on the findings of fact and conclusions of law in the staff report. There are 20 recommended conditions of approval, which primarily ensure the annexation policy is met by requiring improvements to infrastructure. So, next we will cover the rezoning targeted Growth Policy amendment and annexation approval are necessary to meet the review criteria for rezoning. The portion of the property within city limits is currently zoned are R215 residential, which allows one dwelling unit for every 215,000 square feet of parcel area, and I'll note that the current residential city zoning applies to the flood plain allowing development of the floodplain. The portion of the property to be annexed will be zoned RT 5.4 residential upon annexation. One moment... the proposed rezoning has three components. The area within the flood plain currently zoned R215 residential is proposed to be rezoned to OP2 open end resource. The zoning district complies with the Growth Policy land use designation of open and resource. The portion currently in the city outside of the flood plain is proposed to be rezoned from sorry, the portion currently in the city outside of the flood plain is proposed to be rezoned from R215

residential to RT 5.4 residential with the Riverfront Trails neighborhood character overlay, and lastly the portion to be annexed is proposed to be rezoned from RT 5.4 to RT 5.4 residential with that neighborhood character overlay. The RT 5.4 residential zoning district is a current relatable zoning district in the residential medium Growth Policy land use designation. So, the neighborhood character overlays are intended to be overlaying on the base setting. The overlay has the ability to modify standards of the base setting. The Riverfront Trails Neighborhood character overlay proposes to modify height, setbacks, residential building types, and permitted uses of the RT 5.4 residential zoning district. Normally, the RT 5.4 zoning district has a maximum height of 30 or 35 feet depending on roof pitch. The overlay proposes to allow a 45 foot maximum height limit on three of the lots along lower Miller Creek Road and the remaining lots would have a maximum height of 35 feet regardless of roof pitch. The overlay proposes to modify setbacks based on setback groups. Some setback requirements are decreased while others are increased, and those that are decreased would still allow for adequate provision of light and air. Normally, the RT 5.4 zoning district only allows detached house, lot line house, duplex, and two unit townhouse residential building types. The overlay proposes to modify this by allowing multi-dwelling buildings on two lots and three unit townhouses on eight of the lots. All other lots would only allow residential building types regularly permitted in RT 5.4. And lastly, I showed you the religious assembly lot and senior living lot at the beginning of the presentation. Senior living is considered group living and zoning. Both religious assembly and group living are conditional uses in the RT 5.4 zoning district, and the overlay proposes to make these uses permitted as of right on select lots, meaning they would not have to go through the conditional use process. These tables are pulled directly from the neighborhood character overlay document. The red circles show where uses in building types vary from what is normally allowed in the RT 5.4 district. All uses and building types regularly permitted in RT 5.4 will continue to be permitted on all lots. This also means uses that are normally conditional in RT 5.4 would still be conditional and unless specifically modified by the overlay. For Lots 1 and 176, group living would change from conditional to permitted. Lots 1 and 176 would also allow for multi-dwelling buildings and three or more unit townhouses. For Lot 2, religious assembly would change from conditional to permitted and six lots, Lots 70 through 72 and 85 through 87 would allow for three unit townhouses. So Lot 2 is the lot that would allow for the religious assembly by right. Lots 1 and 176 allow for group living, multi-dwelling and three or more unit townhouses, and the additional six townhouse lots are located internal to the site. Again, all of these lots would also allow any use for building type regularly permitted in RT 5.4. Lots 1, 2, and 176 would allow a maximum height of 45 feet and all others would allow a maximum height of 35 feet. In order to be designated as a neighborhood character overlay, the overlay must meet the selection criteria in Title 20 zoning code. The first requires the area to possess urban design architectural or other physical development characteristics that create an identifiable setting character and association. The overlay allows for reduced setbacks, alley loaded lots to the anterior of the site, and smaller residential lots intended to create a pedestrian-oriented neighborhood character. The subdivision proposes road types that include pedestrian and bike facilities. The overlay also allows for a greater mix of residential housing types, which is intended to mimic neighborhoods that evolve organically over time. The reduced setbacks and attach townhouse cluster, townhouses cluster development and allow for preservation of the large open space. The overlay does not include character-based architectural standards. And second, the overlay must be at least five acres and it is 46.6 acres. City Council must make their decision for approval or denial of the rezoning based on the review criteria in Title 20. The zoning must be made in accordance with the Growth Policy. The OP2 zoning District aligns with the open and resource land use designation. If the Growth Policy amendment is approved then the RT 5.4 zoning will be made in accordance with the residential medium land use district. The zoning must be designed to secure safety from fire and other dangers. The property can be served by city fire and police. Additionally, development is clustered outside of the floodplain to protect residents from flooding. The

zoning must be designated to promote public health, public safety, and the general welfare. The proposed zoning clusters needed housing outside of the flood plain and the site can be accessed by emergency services. It is located along Lower Miller Creek Road which is an urban collector road and is only a mile and a half away from transit and commercial services. The zoning must be designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and I'll cover all of this in detail later in the presentation, but yes adequate provision of all these services is available to the site. The zoning must consider reasonable provision of adequate light and air. No interior side setbacks are less than six feet unless the units are attached protecting provision of light and air. Additionally, the rezoning allows for protection of the floodplain through OP2 zoning, which provides light, air, and open space to the neighborhood as a whole. The zoning must consider the effect on motorized and non-motorized transportation systems and again, I'll be covering this with the subdivision portion of the presentation. The subdivision will provide new streets, improvements to Lower Miller Creek Road, and non-motorized Facilities adequate to handle the medium density zoning. The zoning must consider the promotion of compatible urban promotion of compatible urban growth. Parcels to the west and the county are already zoned for medium density residential areas, to the east and south are already developed with housing and the majority of the zoning only allows duplex and single dwelling residential which aligns with the character of existing development nearby. Higher intensity building types and uses are located along Lower Miller Creek Road and urban collector. The zoning must consider the character of the district and its peculiar suitability for your particular uses. The base zoning permits residential building types that complement existing residential development and as I said, higher intensity uses are only allowed in the overlay on select sites along Lower Miller Creek Road which is a main road suited for more intense development. The zoning must conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area. The parcel is already zoned for residential use aligning with the surrounding residential uses. The rezoning laws for a large public park and river access to help conserve the value of buildings as additional residential development is added to the area. The OP2 zoning corrects an inconsistency in the zoning because currently the floodplain is zoned residential, which does not comply with the Growth Policy recommendations. The proposed zoning for all reasons previously mentioned is in the best interest of the city as a whole. It protects the floodplain and river while providing needed housing. So, staff recommends City Council adopt the ordinance to rezone the subject property. There are no recommended conditions of approval. State law does not allow the OP2 and RT 5.4 zoning districts to be conditioned. City Council can condition the neighborhood character overlay only. A utility services area boundary amendment is proposed as well. Currently, the utility service area boundary is very close to where development is proposed on the site, but doesn't quite include all lots zoned RT 5.4 with the neighborhood character overlay. The new proposed boundary would be slightly modified to align with the area proposed to be developed in the flood plain boundary. The boundary would not extend into the floodplain area to be zoned OP2. Staff recommends City Council adopt a resolution amending the utility services area boundary to align with the area proposed to be zoned RT 5.4 with that neighborhood character overlay. And next, we will discuss the PUD subdivision preliminary plat. Note that approval of the rezoning annexation and utility service area amendment is necessary to approve the subdivision. To subdivide the land as proposed, the property must be within city limits and zoned to accommodate the subdivision. Additionally, the utility service area boundary amendment is needed to provide sewer and water to all developable lots. So, this subdivision is proposed as a Planned Unit Development or PUD. A PUD is a subdivision that is creatively designed to provide identified public benefits or to address the unique development challenges proposed by a particular person. The PUD regulations are expressly intended to accommodate developments that may be difficult, if not impossible to carry out under otherwise applicable subdivision regulations. So, basically the subdivision can vary from the subdivision standards without a variance because it provides public benefit and has

constraints that make it difficult to meet all parts of the code. The subdivision proposes to dedicate 24.49 acres of parkland to the city. This parkland would be publicly accessible, preserve the flood plain, and includes the entire Bitterroot River frontage along the property. The 19.97 acres of open space in the floodplain are proposed to be protected as common area, maintained by the homeowners association. The subdivision proposes public trails through all of the open space for recreation and access. There are five criteria that must be met to designate a subdivision as a PUD. The subdivision must preserve the natural characteristics of the land including vegetation in the river, and the protected 43.44 acres of open space within the floodplain does exactly that. The subdivision must provide for economical development of streets and other public improvements; we'll cover variations to road standards in a bit, but all roads will include all of the required motorized and non-motorized facilities required by the subdivision regulations. City sewer and water are available to the site as well and the subdivision must protect important wildlife habitat, open space, riparian areas, and agricultural land. We'll also cover agricultural use of this land shortly. However, the subdivision does protect wildlife habitat by the river, open space, and riparian areas. The subdivision must provide for dedication and development of common open space for recreational purposes or provide developed facilities for recreational purposes and the subdivision proposes a large open space with trails meeting these criteria. Subdivisions must consider the Growth Policy and zoning impacts to agriculture and agricultural water user facilities, provision of services, the natural environment and wildlife habitat, and public health and safety. We covered the Growth Policy and zoning earlier in the presentation. If the Growth Policy amendment and rezoning are approved, the subdivision will comply with this review criteria. The parcel is currently vacant but was most recently used for crop agriculture. The area is approximately outside of the flood plain have soil types designated as farmland of local importance. While the subdivision would develop agriculturally significant soils, it is already zone for residential development in both the city and the portion of the county is zoned residentially in the county. The majority of the area with agriculturally significant soils is zoned for medium density residential development; there are agricultural uses nearby. The applicant proposes to make property owners aware of potential nuisances caused by these uses. In the covenants, there is an existing lateral pipe irrigation through the site. The water rights are proposed to be transferred to the city and removal of the irrigation pipe will not impact water availability for other properties. Waste disposal and city water and sewer are available to the site. A feasible plan for providing sufficient water quantity is included in the application packet, which includes transferring water rights to the city and installing a well to serve the development. More than adequate park facilities are included with the subdivision. The school district did not provide comment on the project at the time of sufficiency review. Jeannette Rankin Elementary School was contacted and has been made aware of the project. The school district did not indicate that capacity would be an issue. The application packet shows that impacts to schools will not be adverse. The applicant estimates the subdivision would result in the addition of 75 school-aged children to Missoula County Public Schools. City fire and city police will serve the subdivision. Installation of additional fire hydrants to serve the development are required as a recommended condition of approval. And as I mentioned, flexibility in road standards is allowed through the PUD process. The floodplain will be protected as open space and the river abuts the property to the north. This means there will not be a need to connect roads or expand roads to the north of the subdivision in the future. An easement is provided at the end of Old Bitterroot Road to facilitate a future connection to Christian Drive meeting the city's connectivity goals. Lower Miller Creek Road is proposed to be improved through a city project. This project was planned prior to the subdivision; however, the subdivision regulations require existing roads accessing the subdivision to meet city standards. Additional right-of-way is needed to accommodate installation of boulevards, sidewalks, bike lanes, and a parking lane on one side of Lower Miller Creek Road. Staff recommended condition of approval requiring the applicant to dedicate additional right-of-way. Additionally staff recommended condition of approval stating the

applicant is required to install improvements, not planned to be installed by the city. Staff recommend the condition of approval require the applicant to provide a security to cover full road improvements in case the city project were to fall through. A roundabout is planned for the intersection of Old Bitterroot Road and Lower Miller Creek Road. Old Bitterroot Road is classified as an urban collector. The only variation to the road standards requested by the applicant is for narrower right-of-way width. Narrower right of way width is also requested for urban local streets in the subdivision. Despite the narrower right-of-way width, all required facilities are proposed at the widths normally required by the subdivision regulations. So, the narrower right-of-way width does not impact provision of adequate motorized and non-motorized facilities. The applicant is proposing winding roads for Meyers Way, Anders Way for traffic calming. The roads would provide all required facilities but would have alternating parking bays and boulevards. Additionally a narrower street width is proposed; however, the drive lanes are still wide enough to accommodate fire truck access. Cassidy Court is a small loop road serving a limited number of lots. The applicant proposes to only provide parking on one side instead of both; all required facilities are still proposed. The street width is proposed to be narrower but still wide enough to accommodate fire truck access. The applicant is proposing 13 short courts accessing sets of four lots, an example is shown here. The short courts allow for more compact development and staff recommend a condition of approval requiring a pedestrian path along the short courts to be installed with textured, stamped, or scored concrete. And on this drawing, you can see the location of short courts in the hatched areas just for reference. A pedestrian path is proposed from Old Bitterroot Road to Jeannette Rankin Elementary School. Additionally, an access drive called School Way is proposed to connect Draco Lane to the school. The subdivision protects the natural environment, wildlife, and wildlife habitat through a large open space along the river. Additionally, development is all outside of the flood plain and served by city fire and police to protect public health and safety. There are 49 recommended conditions of approval for the subdivision. I've tried to summarize them in this slide. They include requiring the subdivider to provide plans for an installation of all roads, alleys, non-motorized facilities, sewer and water, storm water facilities, and fire hydrants. Due to high ground water, staff recommend a condition prohibiting basements unless the applicant can show they can be built safely. Proof of easement where Old Bitter Road crosses a neighboring property is required or else the road must be entirely located within the subdivision. MCA 76-2-305 and Title 20 section 20.85.040H allow protest petitions for zoning amendments. Currently, seven property owners within 150 feet of the subject property have submitted signed petitions protesting the rezoning. This is equal to 30.4% of property owners within 150 feet. Staff are in the process of reviewing petitions to make sure they are valid and will give all petitioners an opportunity to make corrections before the December 12, 2022, if necessary and the 12th is one final consideration on this project will be. A protest petition is considered valid when 25 % of the parcel owners within 150 feet have signed the petition. Approval of the rezoning requires a two-thirds majority vote of those City Council members present and voting. Staff recommends City Council to a staff recommends City Council approved the Riverfront Trails PUD Subdivision Preliminary Plat subject to the recommended conditions of approval based on the findings of fact and conclusions of law in the staff report. And that concludes staff's presentation, so thank you for sticking with me. The applicant is present I believe would like to present as well.

Mayor Jordan Hess Thank you Ms. Tripard for the thorough staff report. On behalf of the applicant, is it Mr. Woith, are, are you presenting or is it someone from your team?

Cassie Tripard I believe Allison is.....

Allison Mouch Yes, sorry. Good evening Council members. Can everybody see my screen?

Mayor Jordan Hess Yeah, can you make your slides full screen for us?

Allison Mouch I can. How's that?

Mayor Jordan Hess They haven't changed for me yet, but there's sometimes a little bit of a lag.

Allison Mouch Okay, one more time. Still nothing?

Mayor Jordan Hess No. Can everyone see them okay? Yeah, I think we're okay.

Allison Mouch Okay.

Mayor Jordan Hess Thanks

Allison Mouch Sorry about that. It keeps giving me an error, but just let me know if I need to zoom in on anything and we'll, we'll work with it as we can. Thanks again for the opportunity to walk you through a couple of highlights on Riverfront Trails this evening. My name is Allison Mouch. I am a planner and a partner with Orion Planning + Design working with Woith Engineering on this development proposal and I'm just going to take a few moments. Cassie has provided a very thorough overview of this very complex project and so to allow enough time for public comment and any questions that the Council may have, I'd just like to highlight some of the key points that that we feel are incredibly important as part of this development to really hammer home why this is important and why we feel like the Council should consider approval of this proposal. So, as Cassie mentioned, and has, has reiterated throughout her presentation, the development proposal is very unique in that nearly half of the property that's under consideration is actually being reserved to protect natural resources and habitat, and offer considerable value to the Missoula community, not just the residents of Riverfront Trails but also the residents of Missoula as a whole and the surrounding neighborhoods, in terms of river access. As we all know, the riparian corridor through the Bitterroot and along the Clark Fork is an important asset to the Missoula community and this stretch in particular doesn't have a huge amount of public access associated with it. And so, as part of this development, we felt it was particularly important to enhance that access and also respect the, the natural environment, the floodplain, the riparian area that's so important to wildlife by, by setting back the development and really reserving the parts of the property that are most appropriate for open space, to do just that and protect the environment that we know Missoula feels incredibly strongly towards. Another key asset of the proposal is that the development really is meaningfully integrating housing choice through a variety of different housing typologies, and I'll step you through exactly what those are here in just a moment, but the, the layout, the design of Riverfront Trails was very intentional. Look, looking at creating a neighborhood that really mixed different housing types to address the various needs of the community. I'm preaching to the choir when I say that we all on this call understand the housing affordability issues that Missoula is facing and part of the affordability issue is addressed through providing additional housing choice through a variety of housing types, which Riverfront Trails really does successfully and in a meaningful way in, in really infusing different development types throughout the layout and design of this particular development. As a part of that, providing housing for seniors, which is a great need that we've identified in the Missoula community and was really the core component or the, the foundational piece of how this development came to light. The Legends of Missoula was a very intentional part of how Riverfront Trails evolved over the last few years, not only in its layout, but in its relationship to the surrounding neighborhoods as well as to the Jeannette Rankin Elementary School. And understanding the value of multi-generational housing and interaction between seniors and the rest of the community and particularly between seniors and students. Some , some of the, the programming that the Legends is considering as part of this development is really integral to how we see the neighborhood evolving and the value and benefit that it's really going to provide for the Missoula community and for the senior community as a whole. Cassie pointed out in her presentation, and we'll show some illustrative drawings here in just a moment, the

connectivity within the neighborhood and beyond the neighborhood boundaries was really key and instrumental in how Riverfront Trails was laid out. Enhancing the multimodal connectivity, enhancing connectivity not only for residents of Riverfront Trails but also for residents in the surrounding neighborhoods to that open space and to the river was something that we really tried to elevate as part of the design and, and creating a safe and accessible streets for pedestrians and cyclists to connect two and three Riverfront Trails was a core focus of the layout of this neighborhood. And then finally, as Cassie mentioned through her presentation and is one of the reasons that we are requesting the neighborhood character overlay and the, the zoning that we have is altering some of the baseline bulk and dimensional standards, as well as the height and the setbacks on particular lots to allow for more traditional neighborhood development, to allow for some character elements, some roof lines and roof pitches for the group living and the religious assembly lot, but really creating a little bit more flexibility that will enhance the character and not just result in more of a cookie cutter environment, but allow for that mix of typologies and, and building and development that really adds to the core character that we're trying to accomplish through Riverfront Trails. So, you've seen the overall development layout. One thing I would point out or an illustrative that's in the application materials that illustrates a little bit better the mix of housing types that you're going to see in this development is what you'll see on the screen right now. So, again just to reiterate that the housing types that are laid out in Riverfront Trails were assembled and mixed in a way that really reflects more of a traditional neighborhood design. We have the more traditional detached residential alley loaded lots mixed with what you might see in certain neighborhoods with the front loaded single family detached lots. We have duplex and triplet slots and then one of the unique characteristics of Riverfront Trails is what we're calling the quad court, and this development type is really just a reorientation of duplex style housing in a manner that allows more limited access, so you don't have as many driveway access points along the roadway, but you are also orienting the buildings and the houses towards the road in a way that better reflects a traditional neighborhood. It's respectful of the single-family detached development type, it really lends itself to a mixed housing scheme and it does so in a way that doesn't automatically make the viewer see the housing as multi-family or additional intensity, but it's really meaningful and purposeful and we feel is a real asset to the development as a whole. As I mentioned, connectivity was really important throughout Riverfront Trails and certain roadways have been developed in a woonerf style street, cross-section that really better integrates pedestrians and cyclists, creates some meandering thoroughfares that incorporate parking and landscaping and slow traffic, and make the streetscape and crossings much safer and more comfortable for pedestrians and cyclists and also afford some additional environmental benefits in terms of, of storm water runoff and maintenance. And again, these are just illustrative that provide you some context and some idea of the development scale and development patterns that we're trying to incorporate through again that mix of housing types within the development. There you see you're really a nice example of how the woonerf style streets would look and feel, as they move through Riverfront Trails. So, we feel that overall, as a package the development as proposed is going to really enhance the Missoula community. There are some great assets that we feel are important in accomplishing the city's goals not only in terms of affordability and accessibility, but also accessibility and environmental protection to or accessibility to open space and environmental protection along the riparian corridor. And not to belabor the point, but any questions you may have of myself or my partners at Woith, we are happy to answer, and we'll leave it, we'll leave it there.

Mayor Jordan Hess Okay, thank you for that presentation, we appreciate it. So at this point, I'm going to open the public hearing and we'll, we'll take comments on the, the various proposed actions and then we'll come back, and I'll just review the process a little bit because there's a lot going on here. So, we're going to take we'll take public comment and then we'll have questions from Council and I'm sure a lot of that will be informed by the public comment. We don't vote tonight and as a land use item, we are required to

really maintain a, an appearance of fairness and neutrality. So, so don't be surprised that we won't be expressing opinions tonight one way or the other, but we'll have the item, we'll, we'll have questions and, and some discussion and then Mr. Nugent this will be in committee on Wednesday. So, so we'll have this at on Wednesday afternoon in the Land Use and Planning Committee as well and there will be opportunity to, for Council members to get additional questions that we're not able to get answered tonight. Is that fair?

Alderperson Mike Nugent Yep and follow up on new, new items or new public comments....

Mayor Jordan Hess Okay...

Alderperson Mike Nugent involved as such

Mayor Jordan Hess and then we'll be back, we'll be back December 12, 2022 for the final consideration. So, that's just an overview of the process. Ms. West.

Alderperson West So, if I have a suggested amendment, would it be appropriate to bring it tonight so that we, we can discuss about it or when would you like that?

Mayor Jordan Hess Mr. Nugent.

Alderperson Mike Nugent So we don't, we won't have a motion tonight, so really there won't be amendments, but what we would like to do is get amendments in front of staff for Wednesday so they can research them and/or get any additional information from the developers or we can discuss it at the public meeting on Wednesday

[multiple people speaking]

Alderperson West and we'll talk about it Wednesday.

Mayor Jordan Hess and I think you could, you could just state it into the record so that everyone's aware of it tonight, as well, but....So for now, let's, let's open the public hearing and anyone who wants to speak on the item is welcome to come on up and, and just come on up and, and, and thank you for, thank you for waiting through the rest of our agenda and yeah....

Julie Anton Quite a night..... I'm sure you guys are all tired. For the record, my name is Julie Anton. I'm a resident of Maloney Ranch and I just want to applaud the developer and Woith engineering and Orion. You guys have done an amazing job, this is ridiculously complicated, and I think you know needed a lot of creativity and I think there are a lot of really wonderful things about this neighborhood, but I also think that there are some things that are very concerning to the people who live in the area, and so, I'm hoping that you guys can have an open mind. I feel like a lot of residents would be here but they feel like their voice is never heard and so they felt like it's a waste of time and I'm one of those people that I'm going to knock my head against the brick wall and I'm going to keep trying, so here I am. So, people want predictability. When people buy homes, they look at the zoning, and they base a portion of their purchase decision on this code. People bought their homes in the Lower Miller Creek area because it's away from city amenities and has consistently had a more rural feel to it. When the parcel was subdivided on 04/04/2017, it was zoned C-RR, CR R-1, sorry, which allowed one dwelling unit per acre. Since then, the zoning on the subject parcel has changed multiple times, each time increasing the allowable density. Now the developer has approached the city wanting even more density and in 2019, there was the Missoula area land use elements and pertaining to this parcel I quote, 'land use is predominantly residential.' Secondary uses may include small-scale commercial in limited locations. Buildings are predominantly single-family dwellings with some two family dwellings.' So the density of the proposal, at least from what I got from the map, is that there's going to be 51 single-

family residents, 32 duplexes, two triplexes, and 13 quads. So, that is not majority single family; that is majority multi-family. So, I ask you guys, when's enough, enough? I just, you know we, we feel like yes we need housing, bring it on, bring it in there, but let's kind of look at the density and see that this might be too much for based on the area. One thing that I think is a really big deal is via the NC overlay, it's not in conformance with the surrounding area with great concern concerning surrounding sorry the proposed height change from 30/35 feet to 45 feet. The school stands at approximately 30 feet tall. The development is requesting three buildings to be 45 feet tall, all within a close proximity to the school, and to place that, especially on the southernmost triangular portion of the lot where a five plex is proposed in front of two single-story, single-family residences, to me seems uncanny. And I do think going back to some of the legal documents that you have to make your decisions on, I do think that this impacts light, and it impacts air. Buildings of that height are definitely going to cast shadows, probably the school playground is no longer going to see sunlight. So, I don't know how the sun all works there, but it's a possibility, so that's one big thing. Cost to the roundabout. So, it's our understanding as residents that a roundabout is being proposed at Old Bitterroot Road and Lower Miller Creek Road, and that part of that cost or actually the majority of that cost is going to be passed on to the residents via an SID. I don't feel this is fair and the residents in the area don't feel this is fair. The roundabout solely benefits the developer; it is not a current need in the development or in the Miller Creek area right now. We can all get along just fine without it. So, I would like to see that the developer take responsibility for that roundabout, as prior developers have in the past such as Lloyd Twite. Okay, now traffic. Beyond the roundabout is where the traffic congestion currently is a big issue and if any of you live in the area, you will know this. So, I read through the traffic study that was conducted by Abelin Traffic Services in April 2021 and the Brook Street and Miller Creek Road intersection received an F for both a.m. and p.m. traffic. Brigg Street and Miller Creek Road westbound received an F for both a.m. and p.m., while eastbound received a C for a.m. and D for p.m. It's recommended that's below a C is a problem and this is without added development, this is without added cars, this is without added river access, and without an added religious assembly. We are currently at an F at an intersection, and we're told by the traffic people, I don't know if there's a lot of people involved there, that they're starting to talk about it. That's not acceptable, if it's already at an F, why don't we have some kind of proposal already on the table, and who's going to pay for it when that does need to happen? So, I think these things need to be addressed and discussed and put pen to paper before approving the development. All right, and then not to mention, we also need to think about Linda Vista phases have not been completely built out and they're, what's left to be built all does funnel to Lower Miller Creek Road and there's 400 single family, approximately 116 town homes, and five more apartment complexes, all that are going to funnel on the same little Street and I just think that there's going to need to be traffic improvements and street improvements, and it just doesn't seem fair to place all of this on the residents because I'll tell you what we feel pretty taxed to the hilt at the moment. So, that brings me to a conclusion...oh actually one more thing.... Sorry. We did, we've heard that the school has not responded, so, some residents reached out to the superintendent and asked if he was aware of this proposal and what the thoughts were and I'm going to share the response. Right now, a student who lives in the Rankin area is able to go to Jeanette Rankin, so I guess maybe it's not at full capacity like everybody has been thinking. The build out for that development will take time. The homes in the Jeannette Rankin typically don't meet the price point for young families. Right now, we're following two different story lines. Will there be less kids over time in that school because homes are more expensive or will the new development and the potential for other developments bring in more students and we may have to look at another school? Who's gonna pay for another school? I think these are things we all need to think about, and I encourage you to think long and hard about the impact of such a mass development and the increase in density that's being requested. So, I'm not asking to dump the whole thing. I appreciate the creativity that went into the proposal; what I'm hoping for is some sort of compromise. I think that

approving the majority of what has been proposed is probably a smart decision, we need housing, we need, you know, we need a senior living facility. However, the NC overlay seems to take it too far. I, I'm hoping that the allowable building type on that southern portion, that southern triangular lot I keep calling it in front of two single story residential homes, I would like that to be reconsidered. I don't think that's a fair thing to build in front of those residents and I would also like to see that the height variance for lack of a better term on the NC overlay is not granted. So, I don't know if that means you have to deny the whole overlay, but I would really, really appreciate it if you guys would consider not allowing 45 feet height. I don't even know where a 45-foot height building is within 10 miles of this location, so it just doesn't fit with the character. So, thank you for your time. Sorry that was long, it's very complicated and I just wanted to kind of get the voice of the people out there and I appreciate you. Thank you.

Mayor Jordan Hess Thanks for your comments and thanks for your time tonight anyone else? Mr. Odegaard.

Doug Odegaard Thank you again for your time tonight, I really appreciate it. Doug Odegaard; I'm a resident at 6304 Lower Miller Creek Road. I've been there for 15, actually 17 years, I purchased the property. I was actually standing, well I don't know whether the City Council chambers were here or over there, but I was part of the Teton Addition discussions. I spoke with Dave Strohmaier and others about that and at that time, it was very, very important to me to have mixed use as part of it. And the reason is, and this comes back to then my maybe another hat I wear as a transit or transportation nerd, I feel very strongly that we need to reduce the number of car trips in and out of Miller Creek Road and thank you very much Julie for queuing me up with some of the traffic study as, as was told. And when I looked, look at this subdivision, I actually think there's really good things in it and at first I was very, I was like okay there's, there's good things, there's good, there's some mixed use in it which I think is, was highly touted at the planning board meeting but my question is, is the net positive traffic that will come into our neighborhood? The reason I ask that is because a healthcare or excuse me a home care, sorry senior living facility, which I support. I support a group living situations, my, my sister is actually part of a group home here in Missoula, I think it's a very strong characteristic in a neighborhood but there are staff members there are people who will need to come and go from that facility, thus bringing traffic, but also I'm very involved on the transit side of people that work, possibly work at those facilities that don't have vehicles and, and one could say Doug you're on the you're on the board of Mountain Line, when are you bring in transit service? And I am working very hard on that, I cannot quote that to you this evening, but my point is, is that I want to come with a very specific ask. After looking over the plat, after really driving that road all the time, I believe that lot 176, which is the triangular lot, which is south of Lower Miller Creek Road that currently is, it's being asked to rezone that as, as RT 5.4, I believe. I would request that that parcel of land be deemed commercial, and here's my reasons behind that. Number one, 15 years ago, it was, we did receive a commercial designation for Teton Addition by the fire station, which is just up the street. Unfortunately, zoning changes made it so that it was residential and commercial, and the developer of the other, of Teton Addition changed it and built homes, and that's fine, that achieves our affordable housing initiatives, getting more housing, that's fine, but the problem is, is that the mixed use that is proposed by this subdivision does not serve our neighborhood. It may serve the community and, and with the senior living and with the religious assembly, but it does not serve our community and or excuse me our neighborhood. And therefore what I'm asking is and this goes back to my ask 15 years ago, is that there be a commercial lot and I don't care if they build some, some housing above, even though I agree with Julie, 45 feet is kind of high. I love commercial on the bottom and mixed and housing on top; that's fine. My point is, is that I would really like to see a commercial, whether it be a small market or something that prevents, that makes it so that we do not have to leave the neighborhood in order to get small things. Now, in addition, we have a school, a senior living facility, and a

religious assembly that are going to bring people in and if they need goods as well, they're going to have to leave the neighborhood, so that actually blends. In addition, as I look at this Lower Miller Creek Road, land or excuse me, the traffic plan, I was told that there are no bus stops that are planned for this area, which, which hit me in the heart because I'm that's what I want to see out here. I would like to request from the city, when they're doing this plan that a bus stop be looked at for that portion and the reason is, is that I also believe that the senior, senior Living facility is also going to need a place for people to get on and off the bus, also for the school to get be able to get on and off the bus. I believe and I'm, I'm speaking as a as an individual who's interested in this. I want to make sure that for the record I'm not speaking on behalf of Mountain Line right now, saying that I'm bringing bus service out there, I am, I'm a board member who is working toward that in our strategic plans, but I want to achieve what I consider a village concept for our neighborhood. The ability to actually be able to stay within our homes or our area as much as possible and then, and then take a vehicle or something into town, as needed. Right now, we're a mile and a half away that's, that's too far and if we were living in Texas, I would say that's okay maybe, but we live in Montana and as you know the roads today are icy. Multimodal doesn't fit in the winter, we can't just ride our bike down there. Some people could, but in our in our unless you're equipped that's not for the purpose. So, again just to draw to a close, I'm simply asking that lot 176 be excluded from the rezone and looked at by the developer and by the city staff to instead of being five townhouses there to be able to see that as a as a strictly a commercial location that will be able to serve the neighborhood, good mixed use serves the neighborhood. So, thank you very much for your time.

Mayor Jordan Hess Thank you, appreciate your comments tonight. Anyone else tonight? Come on up.

Charlie Fox I think they've done a good job of saying what they most of my stuff anyhow, but my name is Charlie Fox. I also live out on in the Maloney Ranch area. I guess my thing is what they've all said but I'm not a pro an opponent of, of new subdivisions new building I mean it's coming, and I think an orderly way of doing it is a good thing. I have talked to Chad Pancake, and I've talked to Kevin Slovarp for two years now on what's going to happen with the road out here. It's, that can just keeps getting kicked down the road. Does anybody here have any idea if funding is in place to fix Lower Miller Creek? There's not a sidewalk from Linda Vista all the way to that school and it was built, it was opened in November of 2018. That's not acceptable to me, it shouldn't be acceptable to any of those parents with kids walking down there or tried to ride a bike. I think if you really take a look at this thing, and you go out there and look at the traffic if any of you drive out there. There needs to be a double roundabout put at Lower and Upper Miller Creek so that you can funnel both lanes, lower coming on the inside, upper on the outside to get that traffic out of there. So, there's just you know some things like that, that should be looked at. The money should be in place, the funding should be in place for that infrastructure before you start building a whole bunch more stuff out there, because Dwight's going to build like they said three or four hundred more houses up there and it's all coming there. There's another apartment complex going in with 40-50, that's I don't know 100 cars a day out of that one complex. So, anyway I think if you would look at some of that stuff now, let's get it funded and then proceed onward. The other thing is I think you should look at contacting the school superintendent on Jeanette Rankin School. My understanding is they don't have enough land to add on to a school that was planned to be added on to. So, if you don't do that and get some land added to that thing, it's another 20 million bucks for another school, which does not seem to be smart. So, anyhow that's what I've got to say. Thank you.

Mayor Jordan Hess Thank you for your comments tonight, appreciate it. I, I had an online comment, and the hand is down; I'll put out a call if anyone online wants to make comments, please raise your hand. Anyone else in the room as well, feel free to come on up if you have if you have additional comments. Oh and I will go to an online

comment now, Mary A, you should be able to unmute yourself and if you just give us your, your name for the record please.

Mary Albrand Yes, my name is Mary Albrand and I live down, I don't know that you can see me, but it doesn't matter. I live down off of Lower Miller Creek Road off of Trails Ends, so I don't really have to deal with the, the traffic down in that area. I do agree, however, that, that the need for more housing down at this end of town, particularly affordable housing is a huge need. We haven't heard anything from the developer about what the cost of these properties are going to be. Are they truly going to be affordable for the average young homeowner that's maybe starting in a starter home? Can you hear me?

Mayor Jordan Hess Yes, we can hear you.

Mary Albrand Okay, good. Oh my camera is disabled, okay. So, I, what I did is, over the course of the last couple weeks, I have attended, I attended the city planning meeting and I went through, and I looked at what was going on in that area down there. I, I went by the subdivision area and, and I have been down there, so I know what it looks like. My concerns come from a point of view of public safety and traffic. I have talked to, over the last week or so I have talked to several people in the city government about my concerns for traffic, fire, police and their ability to respond to anything that, that does occur in that particular area. I'm not going to mention the individual names of people, but I talked with a gentleman in the city transportation engineering department about their new traffic study and what it's going to take into effect. I think Julie mentioned at the very beginning about the study that was done at Brooks and Miller Creek Road, and that that intersection in and of itself is not sufficient. I also talked with the fire department and actually had a really long discussion with a fellow at the fire department about the accessibility for fire trucks in that area. He said that there is one fire truck that can handle a 40-foot high property, but its availability to come into the area and to actually get into the area is at question. I talked to a gentleman who is with Missoula search and rescue, if there's a problem with a wildfire down in that area, which we know that's always a concern for us and in particular, flooding. Most of you that drive that road have seen that field where the cows are that comes up from, from the river is frequently flooded. So, I'm not sure where they're getting the idea that that this is not going to be a flood area, but it definitely is, and Missoula search and rescue also felt that that was a problem area. I talked with a fire prevention in the city, as far as how they felt about this particular property. They said that they have to review any subdivision plans to see if there's a problem with making sure that they can reach smaller buildings that have on-street parking. I think, in particular, the quadplexes where there is, they call them alleys and there's parking in the alleys and then to try and get a fire truck in there. The plan, the planners say that it works. If you look at the actual plat itself, there's no way that you can get a fire truck in there. I spoke with a police officer or a gentleman, an official with the police department, and I asked them if they would be able to handle a mass shooting at the school. We all know that that's a consideration these days, we have school shooters. I did some research and there have been 76 school shootings, would they be able to handle that? He said that there are procedures in place for the school to lock down, but depending upon what the traffic in that area is like and pandemonium, would they actually be able to access the school? He said that was a question, but that they would have to look into it after this new traffic study is going to be completed. So, that would be my, my first question when is this supposed traffic study going to be complete?

Mayor Jordan Hess And we, we don't do a back and forth during the public comment, but if you have other questions you're welcome to get them on the record and we'll get answers to those.

Mary Albrand Okay, well that would be the first one. Is when is the traffic study going to be done and at what point in time does the, do the developments that are coming online

and there are going to be many that come down the road, how do those factor into the traffic study and whether this particular community is going to be able to be safely accessed by fire and police and rescue units? So, that's my question and thank you for listening to my diatribe.

Mayor Jordan Hess Absolutely. Thank you for your time tonight and for the comment, we appreciate it. All right, anyone else in the room or online? I see there's a few people joining by phone and if you want to comment, you could press *5 and that will let us know that you want to provide comment, if that's the case? Okay, so, we'll hold the public hearing open until next week. Again, this will be in committee at 1:25 p.m. this week, right here and also online. At this point, I would open it up for Council questions or any, any discussion points that we want to have on the record between now and Wednesday. Ms. Anderson.

Alderperson Anderson Thanks so much and I guess I would look to LUP Chair, Mr. Nugent or yourself Mayor, how, how far onto the questions that you would like me to go knowing we have this in committee and understanding it's 9:05 at night, so.

Mayor Jordan Hess I'm here and I'm awake, and I'm happy to go.....

Alderperson Anderson Okay, well, I just, you know, I, I want to ask the questions but understand.....

Alderperson Mike Nugent Yeah, yeah, I'd prefer we get them all out, so that if there's something we've got to talk about on Wednesday, we can do it.

Alderperson Anderson Perfect, great. Thank you for that and for the comments from folks. I guess just quickly to address the online comment, if a comment is allowed from a standpoint of the commercial buildings will be required to have sprinkler systems, there's a whole process that we send out for interagency comments and plans to approve this. And so, that process has gone, is ongoing and there is a fire station very close to this. So, I, I feel as though I definitely it's the traffic concerns are of concern, but the adequate police and fire response given the location, especially a fire station five is, I feel very comfortable, and I live in the neighborhood. I guess the questions I would like to have Cassie ready to discuss on Wednesday is in regards to the developer, can we and in under what portion of all this, can we have the developer you know take on more if not all of the costs of the roundabout? I know that as a part of this there is going, the developer is required to do the boulevard, sidewalks down all of Lower Miller Creek and on both sides when it kind of hits the I call it the turn there, but where then right there where the triplex or the five plex is supposed to be then they're responsible for both sides, so that improvement that we've been waiting for is happening as a part of this my understanding and Cassie can correct me if I'm wrong, is that is a part of what's required from the developer? The only thing that would be contemplated within an SID would be the improvements to the roundabout, but the sidewalk portions on the south or the eastern portion of Lower Miller Creek and then on both sides is fully the developer's responsibility, is that correct Cassie?

Cassie Tripard May I have Aaron Wilson or Troy Monroe help me out? Yeah, the developer would be responsible for sidewalks and boulevards, both sides where it turns and sort of goes kitty corner and then on one side where it's coming directly down. Troy or Aaron, would you help me with the actual city project improvements and how that relates to SID?

Aaron Wilson Yeah, if I can recite this as accurately as possible and, and if I get it wrong, we'll correct it on, on Wednesday, but my understanding is that the, the city project on Lower Miller Creek Road, the adjacent, this development would be required to do all the boulevard, sidewalk, all the pieces adjacent to their property, and then also contribute a proportional share to the, the remainder of the project including the, the roundabout, new

roundabout and other facilities that would be applicable to all the, the SID participants. I guess the, the one caveat there is that the adjacent properties wouldn't be participating in the SID portion for the, the sidewalk, the boulevard and sidewalk proportions, that are already constructing, so we're not charging them twice for the same infrastructure. Does that answer the question?

Alderperson Anderson Yeah, so the followup. I mean prior to when we started the discussion about improvements to Lower Miller Creek, this development was not on the table and so all of those improvements, sidewalks, and various components that interrelated were going to be assessed to the property owners, now adjacent property owners in an SID that has yet to be determined in terms of the size of the boundaries of that. Now that there is a development going in, the developer themselves is responsible for part of that which is the sidewalks, boulevards, and sidewalks and a portion of the roundabout. What remaining parts of the Lower Miller, what portions are left to do of the larger project?

Aaron Wilson There would be the, the curb, gutter, sidewalk, boulevard that are not adjacent to the property. Those would be part of the, the remaining SID, the remaining proportional share of the roundabout will be included in that project and any other affiliated, you know street work that's, that's necessary to complete that project.

Alderperson Anderson So, sidewalks from basically the golf course to the 90 degree angle, so there's a portion there that isn't covered that would be, need to be taken into account, but then this connects the rest of the way? Okay great. So, I would like to talk about those separately and talk just on Wednesday about only the roundabout given that it is the entrance to this subdivision, and I think has a greater impact for the developer or an asset to the developer. And I agree, yes, oh sorry, I'm getting signals from the land use chair or....

Mayor Jordan Hess Mr. Nugent?

Alderperson Mike Nugent Can I add something to talk about along these lines?

Alderperson Anderson Yes...

Alderperson Mike Nugent For, for comparison's sake, could you either let us know now or look into it and let us know on Wednesday, if there are similar examples of the developer being asked to pay for all of that upgrade versus sharing with the neighbors? One that comes to mind is eventually there will be a stoplight at the end of Wyoming tied to the Sawmill district and I'm just curious if that's entirely a developer responsibility or if that's shared between the developer and the City?

Alderperson Anderson Yeah, that's a great add-on because I do know that, sorry I'm not....Yeah, because the developer the roundabout at Christian Drive was totally paid for by the developer, which is how kind of some of this discussion got spread on. Also, I would be curious from, if I, should I just get all the questions I want on the record or wait for discussion because one of them is having to do with hyphen?

Mayor Jordan Hess I think, I think it would be beneficial if you got all of your questions on the record and then we can get thorough answers on Wednesday, but that way

Alderperson Anderson Okay, so don't wait for a response now from people who are online? Just pepper out my questions and don't wait for the backboard? Okay, got it, that was the okay....So, I want to talk about the height, especially around the multi or the senior living facility and the residential or the future religious assembly. I would also like to talk about, a question in regards to can we have an easement, or I don't know what the proper mechanism for a future bus stop in that area knowing that, yet transit is not there yet but would like to be eventually and can we basically carve out a space and some land for that to go in as a part of this? Oh sorry, I'm stealing itand the other thing and Troy

I know is on now and, and if you can join us on Wednesday? One of the things that we haven't got to yet is in regards to the flooding that happens. So there, at times, can be very significant and I've heard from the constituent who lives right northwest right there at the kitty corner of the what we call the 90 degree in the neighborhood, and their concern is that with the you know development that will happen that it could potentially cause more flooding that already naturally occurs on their property and so would like to address that. Also, there is, within the portion of the drawings or the scope of work, the, it looks like a water retention, stormwater or a pond or it's, it's unclear on the drawings what it is but it does appear to be holding of some water and so the question, I have is, if it does flood it at points in time floods all the way to that area, is how do we mitigate for that? Is that what the collection basin is intended for, what is the safety measures that are going to be going around that? So if you could talk a little bit about, you know how we're mitigating for the fact that this already is an area that does flood and, and can at times come quite far in. The other thing that the developers representative talked about, which I want to have a little more discussion on is river access and protection of riparian areas because I understand that that this is a natural habitat and corridor and we should preserve that but at points in time, we're accessing the river can be immediately detrimental to those riparian areas and so, is there going to be intentional places for folks to access the river or is it just going to be all natural and therefore people can kind of use it as they want? Which I think we have seen downtown is causing you know problems to our river corridors with not having intentional places if we mean to have an opportunity for folks to access the river and that definitely I think brings in a whole other level of concerns from the neighbors with traffic, where are these people parking, if that is the case or is it left to hopefully be just natural and not necessarily an intentional river access? So, I that those are at points in time conflicting goals to be had and at that, I'll stop right there. I think those are my big ones and I guess, well a final question is in regards to the request about commercial. I absolutely hear that, that I think was a lot of the points of disappointment from the neighbors with there was a B2-2 zoned parcel that had hoped to be commercial. So within commercial, I mean are we able to just sort of put parameters around kind of the type of commercial we want to see or is it once you designate a commercial, can be a multitude of things and the actual intention of what it is we hope to see cannot necessarily be sort of design for our zone for or required? So yeah and I mean having not fully read through the traffic study, I did not see the F. I know, I was trying to figure out what the timing was, that it was done and how that COVID and ingrowth has affected it, but definitely want to have some discussion about the fact that we are allowing for all of this additional growth where that intersection of Brooks and Miller Creek is definitely a problem. Now, I'm done. Thanks.

Mayor Jordan Hess Ms. West.

Alderperson West So, I have one very, very specific question which is how a two unit townhouse is different from a duplex? And, and I can get that answer Wednesday, and I think a few things Stacie already covered and the big thing, let me pull up my Word document, is that I with like to define what that group living commercial residential facility is a little further than it currently is in the staff report. I think we can narrow it to senior housing while also referencing the, the community residential facilities that are allowed by right on the state level, but that would provide I think predictability to the neighbors. And I also think we should define what senior housing is. I think it sounds like a lot of things, but it actually has a definition under the Fair Housing Act, which allows basically an I guess an exemption from fair housing rules for older persons, which believe it or not, older persons is 55 years of age or older, which doesn't seem that old to me, but so and the definition is that at least 80% of the units must have at least one occupant who is 55 years of age or older. And I think that would provide a lot of clarity around what is meant by senior housing if it just provided some sideboards. So, I, I have some draft language that probably isn't perfect that I'm willing to email that that tries to get to that and hopefully we could discuss it further, so we're you know within our state laws sideboard that

hopefully can just because, because group living under Title 20 seems to be very much more permissible than state law is, and I think it's useful to add some sideboards. That's all.

Mayor Jordan Hess Mr. Nugent.

Alderperson Mike Nugent I would just say, in the interest of our time on Wednesday, if any of these questions are easily answerable tonight, staff should feel free to raise their hand and do that.

Mayor Jordan Hess Yeah, yeah and also while we're on that topic and while our committee schedule is still fungible. Do you want to add any time to that meeting or are you?

Alderperson Mike Nugent Well I won't end it if we're still going.

Mayor Jordan Hess Okay.

Alderperson Mike Nugent Let's put it that way, it's the last one....it looks like Cassie raised her hand too.

Mayor Jordan Hess Ms. Tripard

Cassie Tripard I'll just, I'll knock out the easiest shortest one real quick which is the difference between two unit townhouse and duplex. A two unit townhouse means that the land underneath it or the units are on separate lots and can be owned separately, whereas a duplex would be located two units on one lot and therefore they'd both be owned by the same person. Does that make sense?

Mayor Jordan Hess Ms. West.

Alderperson West So I guess my followup question to that is, if a two unit townhouse is owned by separate individuals, is that considered single family housing?

Cassie Tripard We don't define single family housing in Title 20, but yes it would be single dwelling.

Alderperson West Okay, thank you.

Cassie Tripard Just attached....

Alderperson Carlino Yeah, just under the proposed zoning changes, I was curious what sort of commercial uses would be allowed in these areas?

Cassie Tripard First it looks like Mary has a hand up?

Mayor Jordan Hess Yeah, Ms. McCrea are you on the previous topic or?

Mary McCrea I'm, I was on just one of the questions that could be easily answered, but it's not the one that was just asked so maybe Cassie could go ahead and ask, answer that one and then I can talk about one of the prior questions.

Cassie Tripard So, this is a residential zoning district in alignment with the residential land use designation, so it would not allow any commercial uses. Religious assembly is actually considered a civic use and then group living is considered a residential use. So, no commercial uses per the zoning would be permitted.

Mayor Jordan Hess On the line, on those lines if, if a commercial use were to be considered would that require a different targeted Growth Policy amendment to allow a relatable commercial zone? Or does that make sense?

Cassie Tripard Yes, it would. Commercial uses don't or zoning does not comply with the Growth Policy amendment or Growth Policy. So, we'd either need a different land use designation because the rezoning needs to comply with the Growth Policy.

Mayor Jordan Hess Thanks. Ms. McCrea do you want to answer the other question that came to mind for you?

Mary McCrea Sure. There was a question about whether the Old Sawmill District when that subdivision went through the mill site subdivision whether they were required to pay for the traffic light on Orange Street and the connecting street is escaping me right now....

Mayor Jordan Hess Craig Lane.....

Mary McCrea Craig Lane exactly, and yes that was an original condition of the subdivision and then in 2015, I believe a facing plan amendment was approved and the option was given that they would do a traffic study and they would be required to install the traffic light. I think the city because there's been development around there and the connection to Russell has been established, that you know Wyoming to Russell that there would, the city would apply some impact fees possibly but that's still under discussion as part of the development agreement. I think essentially the traffic light is still being required to be paid for by the developer of that subdivision.

Mayor Jordan Hess Thanks. Ms. Jones.

Alderperson Jones Sure, I just had a quick add-on to the issue raised by Ms. Anderson regarding having a discussion around height and I'm not quite sure, first of all, what the mechanism is if that's going to be zoning or if it's the neighborhood character overlay and we can talk about that on Wednesday but I'm wondering if as part of that height discussion we could discuss whether the height could be graduated, or stair stepped as one potential tool? I'll leave it at that.

Mayor Jordan Hess So, in the time I've been was on the Council and in this role, I have not had a PUD subdivision. I think that that's probably a new tool for all of us and the, the fact that the that that zoning can be conditioned to some extent is probably new to all of us as well. Can you just give us a brief rundown of sort of what the, what the scope of that level of conditioning is and, and what where the Council decision space lies?

Cassie Tripard Yeah, so the PUD subdivision is really separate from the neighborhood character overlay. The neighborhood character overlay modifies the zoning, you can't condition the base setting, but you can condition that neighborhood character overlay document that sort of lays out how it's different from the base zoning, so those slight variations in conditional versus permitted uses that different height allowance some setbacks are different. The PUD subdivision is really more the standard subdivision, but it varies from certain things like right-of-way with road types, block length, especially where you're adjacent to the river and can't feasibly connect to any blocks going north in the future. So, that's sort of the separation of those two. Does that get out your question?

Mayor Jordan Hess Yep, that's really helpful, thanks. Anyone else tonight Mr. Nugent?

Alderperson Mike Nugent Sorry, I thought I saw more hands I was trying to hope that other people would ask the questions and I could just check them off the list. One thing I'd like to know, and I don't necessarily want to put the developer on spot this evening, but I'd like to discuss it Wednesday, if not tonight. Is if altering the building heights changed what they can they're intending to do with, with these parcels? I know that there's, there's obviously been some discussion with some, some senior living developer, so I just want to get a feel for that. Ms. Anderson mentioned the, the storm water holding pond for lack of a better word all within the flood plain and I want to make sure that we

talk about that because that's come up in public comment a couple times and I guess the, the one going back revisiting quickly the commercial conversation. If the developer was open to that consideration as well or if that's something we wanted to do, how complicated of a process is it to add that? Is there no, is there no designation of the Growth Policy that would be justifiable there or would it be a matter of amending the Growth Policy and then following it up a zoning?

Mayor Jordan Hess Jim Nugent, your hand is up, are you, were you wanting to speak on that or on the previous issue?

Jim Nugent I have some comments on some of the previous issues. I don't know, I'd need to give some thought to the most recent one there, but one of the things I wanted to emphasize is that special Improvement districts are determined, the assessments are determined by benefit and the benefit does not have to be equal for all properties that are assessed. We've been to the Montana Supreme Court a couple of times and defended, successfully defended benefit and the, the most recent one was the flood control coming out of Pattee Canyon where City staffs determine that the people on Farview should pay 22% for the special improvement district because they saw a benefit from there because of the roads and the houses and the driveways that they were causing some of the runoff into the valley floor. The valley floor people then had to pay the 77% or 78% that was left over because they were on the floor and they needed the more control because it was flooding their properties, and the Montana Supreme Court said that the city staff division of benefit with 22% or 23% up on the hillside and 77% down on the valley floor was acceptable and that the cornerstone to a special improvement district is benefit. You have to really focus on benefit and do some analysis but it doesn't have to be absolutely equal so city staff might have to give some thought as to how they might want to allocate based on their analysis what the benefit would be for that particular special improvement district. I also wanted to note that Southgate Mall had to pay for a couple of traffic lights on Brooks and South Avenue just because of the impacts they were having, and they paid the entire traffic control light for those. I think there was one on Brooks and one on South that they had to pay for. So, it has happened in the past where when it was clear that the impact was all being pretty much caused by a certain development that Southgate Mall had to pay for those traffic control lights. So, basically it's on a case-by-case basis, you have to do the analysis on a case-by-case balance basis. I would also just note that while you might get a commitment for an easement for a bus stop, the city doesn't decide the bus routes and the city doesn't decide the bus stops and so you have to kind of leave that up to the Mountain Line staff. And for example, on SW Higgins between Higgins and Hyde Park, there are bus pull outs that have been there for decades that have never ever been used by a Mountain Line bus because the Mountain Line route doesn't go down SW Higgins at that location. So, I'd just caution you that you might want to get a commitment for an easement, but requiring the installation probably needs to go to the decision makers at Mountain Line as to what they want their route to be and where they want their route to go and shouldn't be requiring stuff when the city doesn't know if that's going to be on a bus route.

Mayor Jordan Hess Thanks. Well, just tell them Doug said....just kidding. Ms. McCrea.

Mary McCrea I just wanted to answer the question about changing the targeted Growth Policy amendment to a land use designation that would allow commercial and then changing the rezone to allow commercial. It's, it's kind of too late for that, we'd have to re-notice so that people could be providing comment on that proposal instead of the one that's in front of you, and state law requires us to notify you know clearly what the rezones to and what parcels with legal description that it's applying to. So, I think that would be a fairly big change to make at this late of date and it would be a rewrite of that portion of the staff report plus we have a statutory deadline for the subdivision where you have to make a decision by the 19th, and anyway it's sort of a domino effect of the things that would impact at this point.

Mayor Jordan Hess Thanks. Jim do you have anything else to add? Oh, you're muted.... you're still on mute Jim...

Jim Nugent No, I'm just saying that I'm getting two different messages. The message tells me my hand is down and then another message is telling me that my hand is raised, then they're simultaneously but right now, I didn't have another comment.

Mayor Jordan Hess Okay, thanks. Ms. Becerra.

Alderperson Becerra Yeah thank you. I have a few questions, but I can email them, but one that I, I was looking at the conditions of approval and it talks about; I forget what is required doing phase one which prompted me to I guess ask how many phases there are? And I, I couldn't find the phasing plan for the subdivision so that would be one question and then the other is can the neighborhood overlay be amended and at some point? And what is the mechanism for that and then I also want to know about HOA and covenants at some point?

Mayor Jordan Hess We definitely don't want to talk about HOA covenants tonight.

Cassie Tripard I can take two of those quickly while I pull up the phasing plan. In the future, if they wanted to say after this was approved amend the NC overlay, it would be a rezoning process through City Council. At this point, before it's approved, any changes would need to be made as conditions too and then this large document's very slow to load. I want to make sure I'm going over this right. I know there's a phase 1A, phase 1B, the development team can connect correct me if I'm wrong? Are there? See that would be four phases 1A, 1B, and 2 and 3? Is there another one in 2A and 2B?

Matt Hammerstein No Cassie. This is Matt Hammerstein with Woith Engineering. That's correct, phase one is the only phase that has an A and B.

Cassie Tripard So, four total?

Mayor Jordan Hess Yeah, follow up, and that was, that was Matt Hammerstein for the record. Ms. Becerra followup?

Alderperson Becerra So, do, do we know what improvements are required? I mean, I'm sure we do but again we know what improvements are required with each one of the phases just to know what's coming and when?

Cassie Tripard Yeah, I won't go through them all but in the staff report every single condition of approval lists which phase it has to happen prior to.

Alderperson Becerra Okay, thanks.

Mayor Jordan Hess Jim Nugent, we'll go back to you then Ms. Sherrill. You're, you're on mute again sir....

Jim Nugent Yeah and my message on my computer tells me I have a lowered hand, so I don't know what's going on but I'm trying to lower my hand.

Mayor Jordan Hess Okay and if you, if you just wave at me out on screen, I'll, I'll catch it. Ms. Sherrill.

Jim Nugent Okay.

Alderperson Sherrill Thanks. So, I, I'm just curious about one of the points that Stacie had brought up around river access and whether there will, I, we don't have to discuss it tonight but I just want to highlight the fact that I'd like to know a little more about what the, if there's going to be river access and how they're going to manage that with a neighborhood that has kids and a lot of people in it on hot days in the summer?

Mayor Jordan Hess Any other questions to get out onto the, to get into the record tonight? Okay, Mr. Nugent, do you want to talk about process at all on Wednesday or, or have we covered that adequately? Ms. Anderson first.

Alderperson Anderson I'm sorry, I, I don't know if the development team is going to be with us on Wednesday. So, the fact that Mr. Hammerstein was here, if he could quickly just say what are the phases, what is being built out and be proposed in phase 1A, 1B, 2 and 3, just because I know we have public here and public online and he is here, if that's a quick answer?

Matt Hammerstein Yeah, that's a quick answer. I'm pulling it up right now and we will be available on Wednesday, as well.

Alderperson Anderson Not all, everyone has had the opportunity to read the 77-page staff report. So, I'm trying to dial it down for folks.

Matt Hammerstein Okay, so if you can just let me know if you can see my screen there? So, you can see in the green is Phase 1A so that's the first phase and then phase 1B is the cyan color, south of old Bitterroot Road and west of phase 1A and then phase two is the purple to the north of old Bitterroot Road and then phase three is kind of this western extension of old Bitterroot Road.

Mayor Jordan Hess Okay, thank you. Okay, Ms. Anderson.

Alderperson Anderson So thank you so much, I appreciate that, and so it does look like from this schematic that the improvements to, if you could, if the shading is correct that Lower Miller Creek is actually shaded green so the improvements that such as the sidewalk and boulevard will be as a part of phase 1A as well as it does look like the park in open space also is in Phase 1A, is that correct Mr. Hammersmith, Hammerstein sorry?

Matt Hammerstein Yeah, that so that is correct. The park and open space are in Phase 1A and access to that with vehicle lanes and a sidewalk. The Lower Miller Creek Road improvements, I might need a little, I might need to put together a little breakdown on that for Wednesday. It's a little bit complicated with the city project being coordinated in there just because it's, it can be tough to put a boulevard in without having the curb and the rest of that city project done. So, that'll probably be handled through bonding with phase 1A, and we can provide a breakdown of that on Wednesday.

Alderperson Anderson I would appreciate that. Thank you.

Mayor Jordan Hess Okay, thanks. Mr. Nugent.

Alderperson Mike Nugent I have no more questions, but as far as Wednesday goes, asking about just process, I, I would ask the staff to be ready to kind of tackle the questions that got outlined and have the appropriate people there and then give the developer any chance to provide additional answers to those questions and the other questions presented to them and then we'd go back to Council questions. And then just for Council, if there is something that, that you want the staff to speak to or the developers to speak to, please get that to myself or, or even straight to Cassie and we can get that where that needs to go, but if we have that early we can actually get information and talk about it because we are on a statutory deadline, so we have to make a decision within the next week and a half.

Mayor Jordan Hess Thank you and confirm the statutory deadline is the 19th?

Cassie Tripard Correct.

Mayor Jordan Hess Okay, great. Well, we've had a good public hearing which will be continued through the week and good discussion and staff presentation, so thank you everyone for your time and attention on that.

10. COMMITTEE REPORTS

- 10.1 Budget and Finance (BF) committee report**
 - 10.1.1 Minutes from the November 30, 2022 Meeting**
- 10.2 Climate, Conservation and Parks (CCP) committee report**
- 10.3 Committee of the Whole (COW) committee report**
 - 10.3.1 Minutes from the November 30, 2022 Meeting**
- 10.4 Housing, Redevelopment, and Community Programs (HRCP) committee report**
- 10.5 Land Use and Planning (LUP) committee report**
 - 10.5.1 Minutes from the November 30, 2022 Meeting**
- 10.6 Public Safety, Health and Operations (PSHO) committee report**
 - 10.6.1 Minutes from the November 30, 2022 Meeting**
- 10.7 Public Works and Mobility (PWM) committee report**
 - 10.7.1 Minutes from the November 30, 2022 Meeting**

11. NEW BUSINESS

12. COMMUNICATIONS FROM THE MAYOR

13. GENERAL COMMENTS OF CITY COUNCIL MEMBERS

Mayor Jordan Hess We can begin general comments of Council with Ms. Anderson.

Alderperson Anderson You've heard enough for me, so I'll pass.

Mayor Jordan Hess Mr. Contos.

Alderperson Contos I'll pass, thank you.

Mayor Jordan Hess Mr. Nugent.

Alderperson Mike Nugent I'll pass thanks.

Mayor Jordan Hess Ms. Becerra.

Alderperson Becerra Pass.

Mayor Jordan Hess Mr. Carlino.

Alderperson Carlino I can pass.

Mayor Jordan Hess Ms. Jones.

Alderperson Jones Yes, I do have something actually. I'm just going to take a couple minutes here. Last Wednesday, we had a presentation from the health department on escalating youth cannabis use in our community. They are tracking data and kids have always smoked pot in Missoula for decades, everybody knows that, but with the advent of recreational marijuana those statistics are going up and it has been interesting. There was some press coverage of this presentation and there has been a lot of interesting comments on social media and letters to the editor about how well parents need to get control of their kids and alcohol is a big issue, why aren't people talking about alcohol and marijuana is not really dangerous, why are we talking about? This is, this is kind of silly and I, I just want to push back on that because I think first of all people should watch the presentation and what came across from the presentation is first of all, it

doesn't say that alcohol isn't a problem and these other issues don't exist, but this is a changing condition in our community that we need to be paying attention to. And the cannabis that's being used these days is much stronger than in decades past, it's a much stronger drug and there's highly increased hospitalizations of our youth and we as a community should be paying attention to this. I'm just going to keep saying that because it's very important and it's triggering depression and anxiety. It's also triggering psychosis and schizophrenia, but those are, those can be lifelong mental ramifications from a youthful mistake, but we have created this situation and I think we as a community also need to figure out how to protect our youth. So, we will keep working on it. The health department will keep working on it, but it's a thing, it's serious, it's not going away, and I think we need to pay a lot of attention to it. Thanks.

Mayor Jordan Hess Thanks Ms. Jones. Ms. Farmer.

Alderperson Farmer I'll pass.

Mayor Jordan Hess I think Ms. Jordan is no longer with us on the call. Ms. Savage.

Alderperson Savage I'll pass, thank you.

Mayor Jordan Hess Ms. Sherrill.

Alderperson Sherrill I'm going to pass, thank you.

Mayor Jordan Hess And Ms. Vasecka.

Alderperson Vasecka I wanted to quickly mention my favorite topic, sidewalks. Even though you don't own the sidewalk, you are responsible for shoveling it this winter. So, make, make sure you do that, you could get a, an assessment imposed upon your property. I think this last year, they were about \$210.00 if you did not shovel in front of your house or your property. So, if you're a tenant, ask your landlord if it's your responsibility or their responsibility and if you are a homeowner or a or a property owner then it makes sure that you have that communication with whoever is occupying the house and reach out to your neighbors, your elderly friends or family or disabled friends or family and see if they have shoveling mechanisms in place. I don't know if, I'm thinking out loud here, I don't know if the city has something where if you are physically unable to shovel your sidewalk, if they can like set something up with the city and say hey I can't do this can somebody come help me. I don't know if there's anything like that, but I would recommend reaching out to family or friends and then if I do get an answer for that one I will follow up with that.

Mayor Jordan Hess Thanks. There is a service through, through a local non-profit. I don't remember enough about it to, to say anything accurate right now but we can get that information out to everyone.

14. MISCELLANEOUS COMMUNICATIONS, REPORTS AND ANNOUNCEMENTS

14.1 Administratively approved agreement report

15. ADJOURNMENT

Mayor Jordan Hess We'll be adjourned. Thanks everyone.

The meeting adjourned at 9:46 p.m.

