

# Journal of Proceedings

## Missoula City Council

January 23, 2023, 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, Sierra Farmer, Gwen Jones, Kristen Jordan, Mike Nugent, Jennifer Savage, Amber Sherrill, Sandra Vasecka, Heidi West

Members Absent: John P. Contos

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

#### 2.1 Minutes from the December 12, 2022 Meeting

The minutes were approved as submitted.

#### 2.2 Minutes from the December 19, 2022 Meeting

The minutes were approved as submitted.

#### 2.3 Minutes from the January 9, 2023 Meeting

The minutes were approved as submitted.

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

Mayor Jordan Hess Next we'll have public comment on non-agenda items. So, if you're here to comment on something that were, that's on our agenda tonight, we'll hold those for later, but if you have a non-agenda item comment, please come on up. Mr. Everingham.

Dave Everingham Up in Cornerstone....Thanks to everybody for serving the public, I really appreciate. It, it's something I really couldn't do, but anyway my story tonight is called the blame game. So, I got this newspaper here it says tax reform at top of list, Mayor Hess lays out priorities for session. The property tax system was built on an economy that just doesn't exist anymore said Hess. County Commissioners in the paper Montana's tax systems is outdated as local government can no longer rely on tax revenue from lumber mills and under other Industries with large property footprints, our economy has shifted. Eighty-five percent of lumber bills closed over 40 years ago, now the massive, now massive commercial businesses occupy the space except for White Pine mill. Missoula City has grown from 33,000 to 75,000 people in that time, the county is 110,000. Tech businesses are a much bigger industry in Missoula than lumber mills. Reserve Street, Brooks, Broadway and Expressway have grown to massive proportions. There are three times the houses in Missoula, city and county, since 1980, actually it's the 60s and 70s. The lumber mill era, our economy is more robust and bigger than ever. there are many times more motels in Missoula than ever before. Our tax basis has grown five times larger than 40 years ago. We should have plenty of money and then some Missoula Redevelopment

Agency, land banking and land trust and some non-profits have eroded or tax basis. Every time the city or county, county buys land, we lose tax revenue. Missoula Redevelopment Agency total assets from 2020 to 2021 increased 2.8 million, total liabilities increase 7.8 million, total revenues in 2021 were 11.4 million, expenses were 16.3 million, a 4 point million dollar loss, that's June 2021. MRA paid 1.95 million in interest on their loans, so money given away on projects, a few of them are include East Front Street student housing 3.2 million, the Merc Motel 3.6 million, Stockman Bank 1.5 million, Scott Street 6.6 million, AC Motel 1.8 million, First Interstate Bank 1.3 million, Mary Avenue South Gate 7 million, and Brett's RV consumer direct 1.3 million. I don't think Brett's makes a profit. Reserve Street Footbridge 5 million, which I think was a good project, money well spent. 5.4 million Old Sawmill District, 4.8 million MRA property which sits empty, not generating any tax revenue. This is all lost tax revenue that will only be realized in 25 years. In the meantime, my taxes have gone up from two thought up from 2006 at \$3,700.00 to \$6,700.00 in 2022. Special assessments were \$17.00 in 2006 and we only had two, two of them, now there is eight of them at \$742.00 a year. MRA receives 11.468, 11.5 million dollars from city taxes every year. We are handing money to rich developers and giant banks; we need to slow this down or stop it, it does mean no good. Land trusts are not fair to people paying full price on property taxes; we all need to pay our fair share. Property taxes for city went from \$1,067.00 in 2006 to \$1,700.00 and 2022. County taxes went from \$696.00 to \$1,400.00 in the same period; that's double but there is no money to fix bridges. School taxes have gone from \$2,000.00 to \$2,700.00; that's needed in the same period. Last year, City Council cut all funding for Parks & Rec, so their special assessment went from \$142.00 to \$305.00 in one year; it more than doubled. City road district was non-existent in 2006. In 2022, its assessment was \$247.00 a year, up \$44.00. Our local government is a money-eating monster with an uncontrollable appetite. Our county and city is and has grown exponentially. The new growth should pay for all the extra taxes but instead our tax money is diverted, and special assessments are added, can't blame the state's broken tax system for that. The lumber bill is not going, or the lumber mill is not going, Bonner Mill is as big as ever, but the owners of that got two million dollars of tax county of county tax increment funding for toxic waste cleanup that had been there for a hundred years. So, the rich owners got two million and I got a bigger tax bill. Our local government needs to look into the mirror and quit blaming the state for our local tax hikes. MRA just spent \$350,000.00 to research 126 year old piece of junk bridge to see if it is feasible to spend 4 million on it for unneeded footbridge. So, I was wondering if I could get \$12,000.00 of tax increment funding to paint my house and maybe \$1,500.00 to spend on it for a feasibility study. MRA Board of Trustees is handing up money like it grows on trees, handsome my way. Our local governments are poorly managed and in debt beyond belief. Some needs, someone needs to act like a businessperson and manage a city like a business.

Mayor Jordan Hess Thank you. Anyone else tonight?

Dave Everingham Thanks.

Mayor Jordan Hess Thank you. Anyone else? Anyone online wish to make a general public comment tonight? Seeing none, we can move into our schedule of committee meetings. Ms. Rehbein.

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

Committee of the Whole, January 25, 10:00 – 11:00 a.m.

Land Use and Planning Committee, January 25, 11:15 a.m. – 1:15 p.m.

Public Works and Mobility Committee, January 25, 2:15 – 4:00 p.m.

Public Safety, Health, and Operations Committee, January 25, 4:15 – 4:45 p.m.

Mayor Jordan Hess Are there any changes to the committee schedule? Seeing none, it'll stand as announced.

**5. CONSENT AGENDA**

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

ABSENT: (1): Alderperson Contos

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

**5.1 Accounts Payable (claims) for checks dated January, 17, 2023**

Ratify accounts payable in the amount of \$978,677.17 for checks dated January 17, 2023.

**Vote result: Approved**

**5.2 Accounts Payable (claims) for checks dated January 24, 2023**

Approve accounts payable in the amount of \$986,812.16 for checks dated January 24, 2023.

**Vote result: Approved**

**5.3 Bid Award to Knife River for the North 5th and 6th St West water main replacement and surface improvement project**

Award the bid for the North 5<sup>th</sup> and 6<sup>th</sup> Street West water main replacement project to Knife River at a cost not to exceed \$1,061,861.08 for the water main work and \$207,925.92 for the surface improvement.

**Vote result: Approved**

**5.4 Bid Award with Mytty Excavating, Inc dba Western Excavating for the South 2nd Street West and Cottonwood Street water main replacement project**

Award the bid for the South 2<sup>nd</sup> Street West and Cottonwood Street water main replacement project to Mytty Excavating, Inc dba Western Excavating for the South 2<sup>nd</sup> Street West and Cottonwood Street water main replacement project at a cost not to exceed \$694,311.00 and authorize the return of bid bonds.

**Vote result: Approved**

**5.5 Bid Award with RLC Enterprise, LLC for the Lower Rattlesnake pressure reducing valve and water main replacement project**

Award the for Lower Rattlesnake PRV and water main replacement project to RLC Enterprise LLC at a cost not to exceed \$179,909.17 and authorize the return of bid bonds.

**Vote result: Approved**

**5.6 Interlocal Agreement Approval for joint Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application**

Approve and authorize the mayor to sign the interlocal agreement between Powell County, Mineral County, City of Missoula, Missoula County, Granite County, Butte-Silver Bow County for the purposes of applying for a 2023 RAISE planning grant to conduct feasibility and conceptual design of a cross-county trail linking Butte to Idaho along the Great American Rail Trail

**Vote result: Approved**

**5.7 Professional Services Agreement with HDR, Inc. for the Supervisory Control and Data Acquisition (SCADA) Upgrade Project**

Approve and authorize the Mayor to sign a Professional Services Agreement with HDR, Inc. for the SCADA/HMI Hardware & Software Upgrade Project at a cost not to exceed \$80,500.00.

**Vote result: Approved**

**5.8 Resolution to order right-of-way improvements Project 20-062: Worden Ave/Turner St – N 5th St W to Scott St.**

Adopt the resolution to order right-of-way improvements Project 20-062: Worden Ave/Turner St – N 5<sup>th</sup> St W to Scott St.

**Vote result: Approved**

**5.9 Reappointment to the Missoula Civic Television Advisory Commission**

Confirm the Mayor's reappointment of Nevin Graves to the Missoula Civic Television Advisory Commission for a term beginning January 1, 2023 and expiring on December 31, 2025.

**Vote result: Approved**

**5.10 Missoula Redevelopment Agency Fiscal Year 2022 Year-End Budget Amendments**

Set a public hearing for February 6, 2023 to adopt a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2022 budget that amends the total Missoula Redevelopment Agency (MRA) budget including decreasing revenues and transfers in by \$312,193 and decreasing expenditures and transfers out by \$1,342,961 in order to recognize final audited beginning fund balances as of July 1, 2021, appropriate revenue based on final property valuations and mill levies, anticipated grants and bond proceeds, administrative and project related revenue and expenditures during the fiscal year and incorporate on-going construction projects and bond issues with related debt service that were carried forward from fiscal year 2021.

**Vote result: Approved**

**5.11 Caras Park River Access Design Contract Amendment**

Approve and Authorize the Mayor to sign the contract amendment to add design and optional construction administration services for Caras Park River Access to the existing Clark Fork River Restoration and Access professional services contract for an amount not to exceed \$131,308.50

**Vote result: Approved**

**5.12 Paid Parental Leave Policy**

Rescind action taken by City Council on November 21, 2016 establishing a city policy providing a paid six-week pregnancy medical leave. This would be replaced by the attached policy, that would be adopted by Administrative Rule, consistent with other personnel related policies.

**Vote result: Approved**

**5.13 Appointment to the Design Review Board**

Appoint Elijah Molloy to serve as a voting member on the Design Review Board with a term beginning February 1, 2023 and ending on January 31, 2026.

**Vote result: Approved**

**5.14 Appointment to the Planning Board**

Appoint Derek Kanwischer to fill the vacant alternate seat on the Planning Board with a term beginning immediately and ending on December 31, 2024.

**Vote result: Approved**

**5.15 Appointments to the Historic Preservation Commission**

Appoint Crystal Herzog to fill alternate seat #1 (At-Large member) on the Historic Preservation Commission with a term beginning immediately and ending on December 31, 2025.

**Vote result: Approved**

Appoint Matthew Sanford to fill alternate seat #2 (At-Large member) on the Historic Preservation Commission with a term beginning immediately and ending on December 31, 2025.

**Vote result: Approved**

**5.16 Confirmation of Police Officers**

Confirm Police Officers Sean McGregor, Dylan Harris, Anthony Flor and Austin Bennett.

**Vote result: Approved**

**5.17 Resolution for 4th Quarter and final FY 2022 budget amendments. This resolution amends the fiscal year 2022 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget.**

Set a public hearing for February 6, 2023 for a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2022 budget and capital improvement program.

**Vote result: Approved**

**5.18 Resolution for 1st Quarter and FY 2023 budget amendments. This resolution amends the fiscal year 2023 budget to recognize revenues, and appropriate expenditures and budget transfers not identified in the original budget**

Set a public hearing for February 6, 2023 for a resolution amending the annual appropriations for the City of Missoula, Montana as set forth in the fiscal year 2023 budget and capital improvement program.

**Vote result: Approved**

**5.21 Tourist Home Fee Update**

Set a public hearing for February 6, 2023 on a resolution of the Missoula City Council amending Exhibit A, the Business Licensing fee Schedule in Resolution 8615, to revise fees for Tourist Home registration.

**Vote result: Approved**

**5.22 Linda Vista 25th Supplement Final Plat Approval**

Approve the Linda Vista 25<sup>th</sup> supplement final plat.

**Vote result: Approved**

**5.19 Resolution authorizing Mayor & Finance Director to preliminarily award Lease-Purchase Agreement for the Civic Stadium Refinancing with the Successful Bidder after an RFP and with the advice of Baker Tilly Municipal Advisors, LLC**

This item was removed from consideration at the Mayor's recommendation.

**5.20 Referral – Contract for Sleepy Inn Abatement of Hazardous Building Materials**

Award the bid for the hazardous building materials abatement, building deconstruction, and building removal at the Sleepy Inn property to 3 Rivers Landworks at a cost not to exceed \$283,665.65 and authorize the return of bid bonds.

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

NAYS: (1): Alderperson Vasecka

ABSENT: (1): Alderperson Contos

**Vote result: Approved (10 to 1)**

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

**7. SPECIAL PRESENTATIONS AND PROCLAMATIONS**

Mayor Jordan Hess We do have one special proclamation this evening.

WHEREAS, in 1926 the Association for the Study of African American Life and History started a National Negro History Week in the second week of February intentionally chosen because it fell between the birthdays of Frederick Douglass and Abraham Lincoln; and WHEREAS, in the following decades mayors of cities across the United States began issuing yearly proclamations recognizing Negro History Week; and WHEREAS, following the civil rights movement and a

growing awareness of black identity in 1976, President Gerald Ford officially recognized Black History Month urging the public to seize the opportunity to honor the two often neglected accomplishments of black Americans in every area of endeavor throughout our history; and WHEREAS, Missoula County and the City of Missoula recognize that Montana currently has the smallest percentage of people who identify as black or African-American in the United States, reflecting the complexity of Montana's black history; and WHEREAS, Missoula County and the City of Missoula recognize Montana's black history spanning from the first documented arrival of enslaved Africans in 1805 as part of the Lewis and Clark expedition into the Aboriginal territories of the Salish and Kalispell people, the publication of Montana's first black newspaper the *Colored Citizen* in 1894 to the election of Geraldine Travis the first African-American woman elected to the Montana legislature in 1974, and the election of the state's first black Mayor Wilmot Collins in 2017; and WHEREAS, in Missoula County the percentage of our residents who identify as black or African-American is 0.6, highlighting the importance of the preservation of black history culture in our in our community; and WHEREAS, Montana's black history is reflected in Missoula through the bravery and Valor displayed by the 25th Infantry Bicycle Corps, the United States first unit of black soldiers formed in 1896 to test the combat viability of bicycles including an over 1,900 mile ride from Fort Missoula to St. Louis, Missouri; and WHEREAS, other examples of Missoula during black history can be found in the 1400 block of Phillips Street the site of the former Saint Paul African Methodist Episcopal Church Missoula's first black church, which stood from 1910 to 1946 and whose congregants built a community and pursued racial equity with neighbors regardless of race in the face of threats from the Ku Klux Klan and other white supremacist organizations; and WHEREAS, Missoula County and the City of Missoula are proud to join the State of Montana in recognizing the accomplishments and contributions of black Americans who are part of the fabric of our nation here in Montana from throughout history and today. Now, therefore, we, the Board of County Commissioners of Missoula County and the Mayor of the City of Missoula do here by proclaim the month of February 2023 as Black History Month.

Mayor Jordan Hess And I'm grateful to our partners at Missoula County for, for doing that along with us. We, without objection, I'm going to take item 10.3, which is the, the creation of the Joint City-County JED Advisory Board next. I, I know that we have substantial community interest in this topic and a lot of folks here for that presentation or for that discussion tonight. So, without objection, we will, we'll reorder the agenda and take that next and then and then be back in order.

#### **7.1 Proclamation - Black History Month**

### **8. FINAL CONSIDERATION**

#### **8.1 An Ordinance Amending Missoula Municipal Code Chapter 12.44 entitled "Cemeteries"**

Mayor Jordan Hess So, all of these items, there are four of them have had a public hearing and tonight we'll take, we'll take action on all these items. So, our first is an ordinance amending Missoula Municipal Code Chapter 12.44 entitled Cemeteries and our standard procedure here is to return to a staff report. If, if anyone, if, if our staff have any additional information or any additional materials to present on this. I know Ms. Emery is the sponsor of this and I, I don't see Ms. Emery in the meeting tonight. Is there anyone here with a staff report tonight or any additional staff information? All right, do we have any additional questions from Council? Seeing none, I'd take a motion from Ms. Becerra please.

Aldersperson Becerra I move that we adopt an ordinance amending Chapter 12.44 entitled "Cemeteries" by amending Section 12.44.020 entitled "Location" to include other uses, amending Section 12.44.110, entitled "Grounds regulations," subsection A and repealing subsections D-H to decriminalize city cemetery groundskeeping regulations, amending 12.44.290 entitled "Meetings" to allow the Cemetery Board of Trustees more flexibility in scheduling their regular meetings and establishing rules for cemetery trustee meeting attendance, and repealing Article III, entitled "Cemetery Superintendent", Section

12.44.340 entitled "Duties" in its entirety because the duties listed are addressed in the job description.

Mayor Jordan Hess The motion is in order. Is that, are, is there any discussion on the motion? Any public comment? Seeing no public comment, and I'm sorry, let me verify that. Yep, no public comment, we can have a roll call vote on the motion.

Mayor Jordan Hess And it passes.

**Moved by:** Alderperson Becerra

[Second and final reading] Adopt an ordinance amending Chapter 12.44 entitled "Cemeteries" by amending Section 12.44.020 entitled "Location" to include other uses, amending Section 12.44.110, entitled "Grounds regulations," subsection A and repealing subsections D-H to decriminalize city cemetery groundskeeping regulations, amending 12.44.290 entitled "Meetings" to allow the Cemetery Board of Trustees more flexibility in scheduling their regular meetings and establishing rules for cemetery trustee meeting attendance, and repealing Article III, entitled "Cemetery Superintendent", Section 12.44.340 entitled "Duties" in its entirety because the duties listed are addressed in the job description.

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

ABSENT: (1): Alderperson Contos

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

## **8.2 Master Fee Schedule for Facility Use, Reservations, Permits and Programs 2023**

Mayor Jordan Hess And item 8.2, the master fee schedule for facility use, reservations, permits, and programs. We have Shirley Kinsey with our staff report, at a previous meeting. Ms. Kinsey, do you have any additional information or any, any new information to present tonight?

Shirley Kinsey I do not.

Mayor Jordan Hess Okay. Thank you. Any questions from Council? I would take a motion next, Ms. Sherrill.

Alderperson Sherrill Yeah thanks. I move that we adopt a resolution revising the Parks and Recreation Master Fee Schedule for facility use, reservations, permits and programs for 2023. And when appropriate, I would like to speak to it.

Mayor Jordan Hess Okay. We'll do public comment next. Seeing no public comment, Ms. Sherrill.

Alderperson Sherrill Thanks. You know, these are fees that are user-based fees and so I, I generally think that seems like a fair way to assess our parks, part of our parks. This year, I was, I was really happy that we didn't need to take any really big increases. The big piece of it are the tennis courts, which we just redid so I know everyone's really happy to be out there playing on that. The high schools continue to pay less and their, their increase was pretty modest and these fee increases which I love because if you have kids playing sports, high school sports are significantly less expensive for kids to play than club sports. So, I think that was a great part of it. You know, the private group rentals for the pools have gone up but there's really been a very negligible increase to the individual daily attendance rates for our aquatics. So, I think that I, I'm happy to support



this. I appreciate the staff's work on it and I'm also really happy that we have our tennis courts in decent condition to actually let the kids and, and other recreators play.

Mayor Jordan Hess Thank you Ms. Sherrill. Any additional comments? Mr. Carlino.

Aldersperson Carlino Yeah, just see affordable access to sports and recreation in Missoula as a something that really helps our communities mental health and, and is important to, to kids growing up and developing as well. And year after year, I see these or as far as I've seen, these fees just increasing, typically year after year and I do appreciate Parks & Rec's effort for the scholarship program. I think we've done a really good job of, of providing scholarships for people to help to help play in sports as well around town so there's definitely kudos there to our Parks & Rec Department but I don't plan on supporting the fee increases each year. And although this year is not as intense as last year of some of those 52% increase in soccer, for example, last year, I would prefer to keep sports as affordable as we can in Missoula. So, I'm not going to be supporting this today.

Mayor Jordan Hess Thank you Mr. Carlino. Anyone else? Ms. Vasecka.

Aldersperson Vasecka I've said plenty about this in the past. So, I just wanted to reiterate that I, I also will not be supporting this. I also do still have an issue with the city fee or I guess a city card fee because you have to pay two dollars to prove that you live in the city and then each year, you have to spend an additional dollar to renew that city discount. So, I, I know it seems so minuscule but you know in entire households budgets really do matter and I just feel like this is just kind of a quick, quick.... If everybody who lived in the city who used this card I mean yeah it's, it's great for the parks program but I don't know I just, I feel like it's just kind of a gouge. So, I, I wanted to put on record that I do kind of disagree with that and also I'm not supporting this motion.

Mayor Jordan Hess Thank you. Anyone else? We've had a public hearing and Council discussion and we can have a roll call vote on the motion.

Mayor Jordan Hess And the motion is approved.

**Moved by:** Aldersperson Sherrill

Adopt a resolution revising the Parks and Recreation Master Fee Schedule for facility use, reservations, permits and programs for 2023.

AYES: (8): Aldersperson Anderson, Aldersperson Becerra, Aldersperson Farmer, Aldersperson Jones, Aldersperson Nugent, Aldersperson Savage, Aldersperson Sherrill, and Aldersperson West

NAYS: (3): Aldersperson Carlino, Aldersperson Jordan, and Aldersperson Vasecka

ABSENT: (1): Aldersperson Contos

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

### **8.3 Right-of-Way Vacation at the intersection of 601 West Broadway and Front St.**

Mayor Jordan Hess Item 8.3 is a right-of-way vacation at the intersection of 601 West Broadway and Front Street, and we've had a public hearing and committee presentation on this. I'll go to Brandt Dahlen for any additional information that may have come up since our last meeting.

Brandt Dahlen I have nothing further to add. Thanks.

Mayor Jordan Hess Okay. Thank you. Any questions from Council? Any additional public comment and motion please, Ms. Becerra.

Alderson Becerra I move that we adopt a resolution declaring it to be the intent of the City Council of the City of Missoula, Montana, to close and vacate a portion of Front Street public right-of-way in WJ McCormick's Addition, Blocks 51 and 56, and subject it to two (2) conditions of approval.

Mayor Jordan Hess Thank you. The motion is in order. Additional discussion? Ms. Vasecka.

Alderson Vasecka Yeah because my colleague, Mr. Contos was not here, I know that he was very much against this, and I also agree with him. I believe that this is going to be more of a road diet, so I will not be supporting this.

Mayor Jordan Hess Thank you. Mr. Carlino.

Alderson Carlino Yeah just looking at the Riverfront Triangle Project, I want to just point out that there was quite a public outrage about you know spending 16 million dollars in public funds towards the Riverfront Triangle but in that is a bigger part of what this right-of-way vacation is a part of. But for the sake of the right-of-way vacation, I do see the public benefit of cutting off that part of Front Street from cars and having, connecting the bike paths and pedestrian paths and having that greenway there. I think it'll be a really great use of public space and, and overall be, be worth cutting off this little sliver of right-of-way to give over to the developer to allow for those improvements. So, overall, I think this will be great for transportation and creating more public space here.

Mayor Jordan Hess Thank you. I don't see any additional comments so we can have a roll call vote.

Marty Rehbein I am reading the resolution and it says declaring it to be the intention and I believe you've already adopted a resolution of intention; you do that upon the setting of the hearing. So, without objection from the Council members, could this be the resolution that vacates a portion of Front Street public right of way in the WJ McCormick's Addition rather than a resolution of intention? Intent sets the hearing and tonight, under a final consideration, the action is to actually finalize that action.

Mayor Jordan Hess Without objection, Ms. Becerra is nodding, we can include that as amendment, as a friendly amendment to her original motion.

Marty Rehbein Thank you.

Mayor Jordan Hess And the motion passes.

**Moved by:** Alderson Becerra

Adopt a resolution of the City Council of the City of Missoula, Montana, to close and vacate a portion of Front Street public right-of-way in WJ McCormick's Addition, Blocks 51 and 56, and subject it to two (2) conditions of approval.

AYES: (10): Alderson Anderson, Alderson Becerra, Alderson Carlino, Alderson Farmer, Alderson Jones, Alderson Jordan, Alderson Nugent, Alderson Savage, Alderson Sherrill, and Alderson West

NAYS: (1): Alderson Vasecka

ABSENT: (1): Alderson Contos

**Vote result: Approved (10 to 1)**

#### **8.4 Ordinance allowing market sheep, goats and poultry as part of a 4H and FFA student project**

Mayor Jordan Hess We can move on to item 8.4, which is the ordinance allowing market sheep, goats, and poultry as part of 4-H and FFA student projects or as I think I will call it, the ordinance to drive my dog crazy. Ms. West, do you have anything else to present tonight? No, okay, and so we can go to questions from Council, if there are any? And Ms. Anderson for a motion please.

Alderson Anderson Great. This is the goats and chickens for everyone motion, not really you have to be in 4-H. Okay, so upon second and final reading, the recommended motion is to adopt an ordinance for the Missoula City Council amending Title 6, Chapter 6.07, Section 6.07.1010 entitled "Regulations concerning keeping of livestock and domestic fowl" to allow student members of 4H and Future Farmers of America (FFA) to keep market sheep, market goats and market poultry as part of a 4-H or FFA project on a parcel that is less than an acre in size subject to certain conditions and other minor amendments to reflect current laws and practices. And when appropriate, I'd like to speak to it.

Mayor Jordan Hess Okay. The motion is in order. We'll go to public comment next. Anyone like to provide comment? And back to council comment, Ms. Anderson.

Alderson Anderson Thanks so much. I just want to thank my Council member Ms. West for the work that she has done on this, working with the health department and you know I think that sometimes we especially here in Missoula forget how agriculturally centered our state is. Depending on the data you look at, tourism or agriculture is the number one economic driver in Montana and this is a really great opportunity to give more "city kids" an opportunity to participate in these programs which, Ms. West can speak to on a more personal basis, but just give them some really great opportunities, some different lived experiences and just really I think are is a really cool thing to be able to do while also recognizing that not everyone gets to live out with some acreage to be able to do this in a more traditional way. So, thank you Ms. West and thanks for all the health department staff working on this and the Health Department or the animal board for weighing in on this, and as we, I joke it if the goats and chickens for everyone. No, it's not everyone, you have to actually be a part of this program and I just really hope that there aren't people in our community who abuse this and ruin it for everybody, that really lets you know make sure that we allow keep this going for the kids to be able to participate. So, thanks so much.

Mayor Jordan Hess Ms. Vasecka.

Alderson Vasecka I guess, ditto. You said everything that I wanted to say. Thank you Heidi for doing this. I have friends and family that have participated in 4-H and FFA in the past and the present and I think this is a great thing. So, I'm really happy that you went through all the work to do this.

Mayor Jordan Hess Ms. West.

Alderson West And I would be remiss to not extend that thanks to Marty Rehbein who really did an extraordinary amount of work getting this ready. It would be unkind and untrue of me to take those accolades and yeah, she did an amazing amount of work and I also really appreciate both the Health Department and Animal Control being willing to maybe think outside of the box and outside of their comfort zones a little bit and I'm really excited to see how this will work in its pilot year. I don't imagine we'll have a huge influx of goats or sheep or chicken in town, but I'm hoping it goes well and it all gets executed in a neighborly kind of way.

Mayor Jordan Hess Thank you Ms. West. Any additional comment? Seeing none, we can have a roll call vote. Ms. Rehbein.

Mayor Jordan Hess And the motion passes.

**Moved by:** Alderperson Anderson

[Second and final reading] Adopt an ordinance of the Missoula City Council amending Title 6, Chapter 6.07, Section 6.07.1010 entitled "Regulations concerning keeping of livestock and domestic fowl" to allow student members of 4H and Future Farmers of America (FFA) to keep market sheep, market goats and market poultry as part of a 4-H or FFA project on a parcel that is less than an acre in size subject to certain conditions and other minor amendments to reflect current laws and practices.

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

ABSENT: (1): Alderperson Contos

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

## 9. PUBLIC HEARINGS

### 9.1 Public Forum - University of Montana Gilkey Informational Sign

City Council shall have no power to deny or condition the proposal but shall act only to allow a public forum for comment on the proposal.

Mayor Jordan Hess We do have three public hearings and these public hearing, generally speaking, will be held open until February 6, 2023, that's our standard process. I think the first one tonight is just a one night deal and this is a public forum for a sign package at the University of Montana. We have Charlie Ream with our staff report, and we have University of Montana staff in attendance, online, and in the room. Charlie, I'll turn it over to you for our staff report first.

Charlie Ream All right, thank you. So, I'm Charlie Ream, they/them. I'm an Assistant Planner in Community Planning, Development & Innovation. Community Planning, Development & Innovation has received a notice from SMA Architects + Design on behalf of the University of Montana of their intent to place a directional sign at the corner of Arthur Avenue and the vacated Connell Avenue located at 950 Arthur Avenue. The proposed project includes the installation of an illuminated eight foot ten inch sign perpendicular to the sidewalk along Arthur Avenue. The University of Montana is a government agency under the state of Montana and City Council is authorized to hold a public hearing when an agency proposes to develop or use public land contrary to Title 20 zoning regulations. The public hearing is also known as a public forum. The Gilkey Welcome Center is located at 950 Arthur Avenue in the northwest quadrant of the University of Montana campus. The maroon star marks the location of the proposed sign. The university is zoned OP3, public lands and institutional. Parcels located to the west and north of the University are located R5.4, residential. Parcels to the south and east of the subject property are also part of the University campus and are zoned OP3. The University's land use designation is public and quasi-public. This designation is for land with structures or uses such as schools, airports, community buildings, cemeteries, and utility facilities. Land currently owned by public agencies are held in reserve for future development or public facilities also received this designation. Surrounding land use designation includes public and quasi-public and residential medium. There is a concentration of office, college or university, and multi-dwelling residential uses surrounding the Gilkey Welcome Center. The surrounding uses are compatible with the land use designation outlined in the Growth Policy. Title 20 section 20.85.095 states that government agencies may propose to use public land contrary to local zoning regulations. Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing must be held to allow for public comment on the proposed use and the agency shall attend the public hearing. City Council does not have the ability

or the power to deny or condition the request; that means there will not be a vote on the item. The University of Montana may move forward with the sign proposal following the public forum; however, the university may consider comment. Title 20 defines agency as a board, bureau, commission, department, and authority or other entity of state or local government. The University of Montana is an entity of the state and is also considered a local government agency and is permitted to vary from zoning through the public forum process. This is a Google Earth image of an earlier sign in the same location at the intersection of Arthur and Connell Avenues. This is an image of the proposed sign. The proposed sign is one eight foot ten inch tall ground sign on the southwest corner of Gilkey Hall, perpendicular to the sidewalk along Arthur Avenue. The proposed sign will be taller and in the style of the University's new wayfinding signage initiative. The size and orientation of the new design intends to better orient visitors to the University of Montana campus and aims to improve vehicular, bicycle, and pedestrian campus circulation and safety. The sign will be approximately 35 square feet in area. The sign is composed of an illuminated black box with white text reading Harold and Priscilla Gilkey Welcome Center and topped with an internally illuminated maroon UM logo approximately two feet 10 inches by 4 feet. The proposed sign is larger than the maximum allowed area and height for a ground sign allowed in the OP3, public lands and institutional zoning district. Per Title 20 section 20.75.050, the maximum area allowed is 24 square feet and the maximum height is 6 feet, so the sign exceeds the maximum permitted area by 11 square feet and exceeds the maximum height by 2 feet 10 inches. Staff does not have a recommended motion as no action is required. City staff, SAM Architects + Design, and the University of Montana are available for any questions. Thank you.

Mayor Jordan Hess Thank you for the staff presentation. With that, I'll ask if anyone from UM wants to provide any additional comments or just be available for questions.

Jameel Chaudhary My name is Jameel Chaudhary. I've been the architect at the University of Montana for the past 27 years. This particular sign is fairly recent because of the relocation of the Welcome Center that essentially brings on board brand new students. So, it was moved from the Lommason Center, formerly called The Lodge Building to the current Gilkey Center and as such, we are having trouble with wayfinding for brand new people coming to visit Missoula as a city and the university in particular, to enroll their children or adult kids really into the university. So, this sign is highly required, very desirable, one of the top two wayfinding signs that the university wants to build. The other one will come up later, which would be a long-ranking park. I think discussion on that will come at a later date. So, I, I'm here to answer any questions if there are.

Mayor Jordan Hess Thank you Mr. Chaudhary. Good to see you Jameel. Anyone have questions? Okay, with that, we can open the public hearing if anyone would like to provide comment to the university. Seeing none, I will close the public hearing. Any comments from Council? Okay. I'll just comment that, thank you for indulging us with a process required under state law. This is a little bit of a clunky process, so thanks for thanks for going through that, a legislative fix might be to unwind this clunky process, but that I'll save that for our legislative discussion another time. Anyone else? Ms. Sherrill.

Aldersperson Sherrill I was just going to say that I really want new students to be able to find the Welcome Center. So, it is a clunky process, but I'm glad you're getting the sign up.

Mayor Jordan Hess Great, thanks. I don't see any additional comments, so this this fulfills our statutory requirement to hold a public hearing and thank you to University of Montana staff and to our planning staff for making that happen. We can move on to our next public, next public hearing.

## **9.2 Referral and Staff Report - Rezone of Tract 3 of the amended plat of Scott Street Lots, Lot 3**

The City Council will hold this public hearing open until they take up the item for final consideration on February 6, 2023.

Mayor Jordan Hess This is a rezone of Tract 3 of the amended plat of Scott Street Lands, Lot 3, and Tara Porcari is here for our staff report. Tara, you're muted still....

Marty Rehbein Still muted....

Tara Porcari All right, I'm gonna try and use my computer audio. Can you hear me now?

Mayor Jordan Hess Yes.

Tara Porcari Okay, sounds good. I apologize if it cuts out. Sometimes my internet is not great. So all right, let's get going here. Again, I'm Tara Porcari, I'm a Planner with the permits and land use section of CPDI. I'm here to present two requests from Jamie Erbacher of WGM Group on behalf of our development to rezone an existing 5.2 acre property at the southwest corner of Scott Street and Charlo Street on the north side. So, the property is currently owned by the City of Missoula and upon completion of all the conditions in the buy sell agreement will be sold to Scott Street Parcel, LLC. It is currently vacant, and it's proposed to be rezoned from M1R-2 limited industrial residential to M1E-3, which is also limited industrial residential. The rezoning will result in a standard zoning district under Title 20 so it can't be conditioned. Standard zoning districts must apply the same requirements to all parcels within the same zoning district equally. As I mentioned, the subject properties located at the intersection of Scott Street and Charlo Street. It's part of the Northside Neighborhood Council in City Council Ward 1. The property abuts currently vacant city land to the north, a city maintenance facility and park to the south, vacant land to the west and then residential properties, of course, to the east. The applicable regional plan is our City Growth Policy which recommends a land use designation of neighborhood mixed use for the subject property. The neighborhood mixed-use land use designation supports a mix of neighborhoods serving commercial uses such as retail, offices, eating and drinking, entertainment, as well as of course medium to high density residential development. The City's Growth Policy suggests the following zoning districts for properties with the neighborhood mixed-use land use designation, that's B1 neighborhood business, B2 community business and then as they're proposing M1R, limited industrial residential. These zoning districts support a variety of commercial uses and a residential density of up to 43 dwelling units per acre. The applicant is requesting zoning the subject property M1R-3 limited industrial residential, which does indeed comply with the land use designations in the Growth Policy. So, the Growth Policy strongly emphasizes, as you all know, a focused inward approach to development, this basically means encouraging denser development and infill in areas that have existing infrastructure such as roads and sidewalks, water and sewer service, and access to multimodal transit options such as bus stops and bike paths. Additionally, it encourages proximity to services such as schools, shopping, economic opportunities and a central location close to our urban core. The location in question meets all of those criteria, as the property is located less than a half mile from two grocery stores, a grade school, Westside Park, and has Mountain Line Route 3 running adjacent to the subject property on Scott Street. Mountain Line Route 2 is also available at Scott and Phillips, which is just a half mile south of the property. The Northside Neighborhood is also located just across the street, across the Scott Street Bridge from Downtown Missoula. The 2016 North Reserve Scott Street master plan also includes some illustrations showing the need to expand residential development in its Scott Street District where the property is located. Additional opportunities for medium-high residential density to integrate with the light industrial on the south side of the district are definitely encouraged through this plan as well. So, like we mentioned, the parcels currently zoned M1R-2, limited industrial residential. Parcels to the north and west are the same zoned M1R-2, while parcels to the east are zoned RM1-45, residential, and parcels to the south are zoned OP1, open space, on the southeast and a city

maintenance facility zoning is located to the southwest. The requested zoning is M1R-3, limited industrial residential. Staff supports the requested zoning districts because they comply with the Growth Policy recommendation for this area. The requested M1R-3 zoning district is the same as the current zoning of M1R-2 except for a slight increase in height. So, here's a comparison between the existing and proposed zoning districts, all uses, densities, building standards, everything remains the same between the M1R-2 and M1R-3 limited industrial residential districts. Again, with the exception of an extra 15 feet in maximum building height. The existing M1R-2 zoning District allows a maximum Building height of 50 feet, while the requested M1R-3 designation allows up to 65 feet in building height. To compare what those height differences actually look like in Missoula, I've included just a few comparisons of buildings that are sized similarly to the existing and requested maximum buildable heights for the property with the M1R-2 zoning district that currently exists, the 50-foot height limit could look something similar to the Wren recently constructed in downtown right near kind of Conflux Brewing at the corner of Pattee and Main Street, that is about four stories in height, and then similar to the 65 foot height limit of the requested M1R-3 district, we have the Residence Inn by Marriott at the corner of Pattee and Main Street in downtown, which in comparison is approximately five stories in height. So, staff's recommendation is based on the review criteria provided in the Title 20 zoning ordinance, as always. The requested rezoning complies with the land use designations and focus inward objectives of the City Growth Policy. The requested rezoning also supports the 2016 North Reserve Scott Street master plan. The subject property is served by fire, police, sewer, water, and existing multimodal transportation infrastructure. It is also in proximity to adequate services and amenities. Future development must comply with all applicable local, state, and federal regulations, which ensures protection of public health, safety, and welfare. There's adequate provision of light and air and open space. The rezoning considers compatible urban growth because the rezoning complies with the Growth Policy recommendations, area master plan, and also promotes efficient use of existing infrastructure there in the Scott Street corridor. The rezoning considers the character of the district because it complies with the North Reserve Scott Street master plan. The requested M1R-3 district aligns with the zoning of adjacent parcels along this portion of Scott Street and would allow the same uses as the current existing zoning. The rezoning from M1R-2 to M1R-3 does not correct an error or inconsistency in the zoning ordinance but instead it addresses the challenging condition of a lack of housing for residents and the added height will allow the development not only to get closer to the maximum density allowed in the M1R zoning districts, but also retain on-site landscaping area by building up instead of out to obtain that same density. The requested rezoning is in the best in interest of the city as a whole because the M1R-3 zoning promotes neighborhoods serving commercial uses and medium to high density residential development, which provides additional economic and of course housing opportunities in the city. So, here are a few points to summarize the conversation about this item. At the January 3<sup>rd</sup>, Planning Board hearing, overall the board was supportive of the request, thought it was consistent with the City's planning goals, and liked the location, as well as encourage mixed-use businesses in the area. The one point to note, which I'm sure will not be dismissed in tonight's discussion either, is that there's general concern with overall traffic issues on Scott Street. Agency comments were also overwhelmingly supportive of the rezone and up until six o'clock this evening, we had no written public comment come forward through email Engage Missoula or any other written means, and after some discussion, the planning board unanimously voted to recommend City Council approval of the request with 10 members present. So, here's that recommendation again that City Council approve the adoption of an ordinance to rezone the subject property located at the southwest corner of Scott Street and Charlo Street, legally described as Tract 3 of the amended plaid of Scott Street Lots, Lot 3, located in the north half of section 16, township 13 north, range 19 west, P.M.M., from M1R-2, limited industrial residential, to M1R-3, limited industrial residential. The final consideration for you all is set for the February 6, 2023, City Council meeting and then I know we for sure have at least two representatives from WGM joining us tonight and

while they let me know they don't have a presentation this evening, they did of course let me know that they're available and happy to answer any questions that you might have. So, thank you all and that's all I have for this evening.

Mayor Jordan Hess Okay thank you Ms. Porcari. We can, at this point, open the public hearing and I guess before that.... I'm sorry yeah we'll go ahead and open the public hearing and if there, if there are any developer remarks, we can take those first.

Jamie Erbacher Thank you Mayor Hess, this is Jamie Erbacher with WGM Group. Tonight, with me, I have Stephen Daniel also at WGM and Kai Hoxsteller with VARA Development. We are available if you do have any questions for us, but at this time, we don't have anything further and just thank you to Tara for her presentation.

Mayor Jordan Hess Great, thank you. Any, any additional public comments on the public hearing tonight? Seeing none and none online, questions from Council? Ms. West.

Aldersperson West I had had a question about the M1R-3 zoning district and how it relates to mixed-use buildings. I know, I was trying to find the correct table in Title 20, and I can't track it down. I know in some of our zoning districts if the, the building is mixed use then the minimum a lot per unit requirement is reduced or goes away. Is, is that true in the, in this zoning designation?

Jamie Erbacher I'm looking that up real quick. If Cassie has an answer quicker than I do, she can respond as well but let me pull up that table.

Cassie Tripard Yeah, Cassie Tripard, Planning Supervisor. Mixed-use buildings do not get any density increase unless I believe it's vertical mixed use, which is a different than regular mixed use. It has a lot more stringent standards around how much needs to be commercial versus how much needs to be residential, but if it's standard mixed use and doesn't meet those additional design requirements then it'll just be the base density.

Aldersperson West Thank you.

Mayor Jordan Hess Thanks. Additional questions? Okay seeing none, so Mr. Nugent this will be in LUP, do you have any, anything that you want to state in advance of that or?

Aldersperson Mike Nugent No, this will be in LUP for additional discussion on Wednesday but judging by the conversation tonight, I don't I don't know if there'll be a lot of it. So, come with your questions....

Mayor Jordan Hess Sounds good. Okay, so we'll hold this public hearing open, and we'll be back for final consideration on this on February 6, 2012. I generally offer recess about every two hours and that's, we're at that point, if anyone wants it or we can power through. We just have one more public, one more public hearing. I'm seeing a chant for powering through. Anyone? Okay, if anyone wants a recess, flag me down in the next couple seconds here.... Okay, we'll power through.

### **9.3 Referral and Staff Report - Rezone of 2160 Carol Ann Ct.**

The City Council will hold this public hearing open until they take up the item for final consideration on February 6, 2023.

Mayor Jordan Hess So, our third and final public hearing is a rezone of 2160 Carol Ann Court and Madison Matthias is here with our staff report.

Madison Matthias Yes, I am. Thank you very much Mayor Hess. All right, thank you all for powering through, I'll make this speedy, hopefully it's very straightforward. So, my name is Madison Matthias, I am an Associate Planner on the permits and land use team. I'm in front of you today because Development Services received a request from Lynn



Edens and Ken Jenkins of Montana Northwest Company representing Christina and Troy Hanninen to rezone a property addressed as 2160 Carol Ann Court. The property is proposed to be rezoned from RT-10 residential two unit townhouse to RT5.4 residential two unit townhouse. This rezoning will result in a standard zoning district under Title 20, which cannot be conditioned. Standard zoning districts must apply the same requirements to all parcels within the same zoning district equally. So, the subject property is located at 2160 Carol Ann Court, north of Third Street and east of the intersection of South Curtis Street and Carol Ann Court in the River Road Neighborhood Council and City Council Ward 6. The Milwaukee Trail is located less than 200 feet to the north of the property and can be accessed by going eastward on the sidewalks along Carol Ann Court or northward along Curtis Street. So, here's a closer view of the parcel outlined in red. The property is approximately 22,300 square feet in size and contains one existing detached house. The area surrounding the property contains detached residences, two unit residences, and a school. The applicable regional plan is Our Missoula City Growth Policy 2035, which recommends a land use designation of residential medium density, so that's 3 to 11 dwelling units per acre. This designation is intended to fit within many already established residential neighborhoods and acknowledges the single dwelling residential building type as the primary use with the potential for accessory dwellings as well. The City Growth Policy indicates the following districts are most closely aligned with the residential medium density designation and you can see that on the right hand side of the screen, that's RT10 residential, R8 residential, R 5.4 residential, and RT5.4 residential. So, zones with a T in their name allow for two unit homes and townhouses, while all four zoning districts permit a variety of lower intensity residential supportive land uses such as daycares, schools, religious assemblies, and community gardens. The applicant is requesting to rezone the subject property from RT10 to RT5.4, so both of these zoning districts are consistent with the recommended relatable zones for the residential medium density land use designation. The City Growth Policy also calls for a focus inward approach to encourage infill development in the urban core where infrastructure already exists and promotes mixed-use compact development and enhanced connectivity while limiting sprawl and promoting efficient use of existing infrastructure. The community design, housing and safety and wellness sections of the City Growth Policy encourage building where there is existing infrastructure and services, especially adequate vehicle and active transportation services. The proposed RT5.4 zoning would increase density in an area with existing infrastructure served by trails, sidewalks, and bike lanes. The parcel is currently served by city fire, police, sewer and water and additionally, a bus stop serving Mountain Line Route 2 is located within a quarter mile of the subject property. Shown here is the current zoning map with the property zoned RT10. Parcels surrounding the subject property are also zoned RT10, as well as R5.4 and RT5.4, which is the requested zoning for the subject parcel. All of these districts are medium density residential zoning districts. So, this figure shows the subject parcel with the proposed RT5.4 zone. This requested zoning district complies with both the Growth Policy recommendations for the area and aligns with the existing zoning of other parcels on this portion of Carol Ann Court. Okay, so here is the comparison between the existing and proposed zoning districts. Both RT10 and RT5.4 zones allow for similar residential building types, land uses, property line setbacks and building heights. The main difference between the two districts is RT10 has a minimum parcel size and minimum area per unit of 10,000 square feet, where RT5.4 has a minimum requirement of 5,400 square feet. So, on this 22,300 square foot subject parcel, the RT5.4 zone allows for a maximum density of four units while RT10 only allows for a maximum density of two. The setbacks are the same for both zoning districts. The maximum building height permitted in both districts is the same, and both zoning districts allow for detached houses, lot line houses, two unit houses, and two unit townhouse building types. The uses allowed in the RT5.4 zoning district will remain consistent with those allowed in RT10, apart from allowing the residential storage warehouse use through a conditional use approval process. Staff's recommendation is based on the review criteria provided in the Title 20 zoning ordinance.

The requested rezoning complies with the land use designations and focus inward objectives of the city Growth Policy, permitting residential development at a similar but slightly higher scale than what is currently allowed while still aligned with the current surrounding zoning. Many of the same requirements apply to the RT5.4 zone as do the RT10 zone including setbacks, building height maximums, and nearly all the same permitted uses. Future development must comply with all applicable local, state, and federal regulations, which ensures protection of public health, safety, and welfare. The subject property is served by adequate public services including city fire, city police, sewer and water, and existing multimodal transportation infrastructure making the property suitable for a slight increase in density. Since there is no change in setbacks or building height maximums, provision of light and air will be protected. The RT5.4 zoning district is compatible with the character and uses of neighboring properties because parcels to the east are also zoned RT5.4. There will be no change to the permitted uses aside from the addition of residential storage warehouse as a conditional use and the rezoning considers the value of buildings and appropriate use of land because it complies with the Growth Policy land use designation and is compatible with adjacent uses and zoning. The zoning amendment would provide for an incremental increase in housing, which is in great demand in Missoula and considered a change in condition and the rezoning is in the best interest of the city as a whole because the rezoning implements the recommendations of the 2035 Our Missoula City Growth Policy for areas designated residential medium density of 3 to 11 dwelling units per acre while increasing density in an area with good access to services and transportation. So, at this time, staff recommend the City Council adopt an ordinance to rezone the subject property located at 2160 Carol Ann Court and legally described as that part of Lot 2 of Hanson Addition number two located in section 20, township 13 north, range 19 west, P.M.M. from RT10 residential two unit townhouse to RT5.4 residential 5.4 two unit townhouse based on the findings of fact in the staff report. This concludes staff's presentation, and the applicant representative should both be present tonight, if they made it this far, in case they would like to comment, or Council would like to address them directly. I will be here for comments, thank you.

Mayor Jordan Hess Thank you. And we do have a developer representative in the room, so you're welcome to come on and provide additional detail.

[unannounced public speaker] Thank you Mr. Mayor, members of the Council, and Madison for a good review and a very straightforward report. Unless there's questions, I really have nothing to add. Thank you.

Mayor Jordan Hess Thank you. Any questions from Council? All right, with that, I will open the public hearing. Oh I'm sorry, Ms. Jordan.

Aldersperson Kristen Jordan Thank you Madison for that presentation. I just wanted to ask you and I think that we all know the answer, but I'm just wondering about the sidewalk access for people coming off of Carol Ann Court and out to Curtis Street to access things like bus stops and, and you know, sorry I can't think right now just Third Street and public services. Can you tell us a little bit about the sidewalk access? Thanks.

Madison Matthias Yeah, I would be happy to, if I may share my screen again. Actually, I think that would be maybe a very helpful way to view this. Let's get a slightly clearer view...Okay, so this is the subject property and what Councilwoman Jordan is referencing, I believe, is coming out on this sidewalk and then coming down to Third Street to reach the bus stops. Is that correct? So, what I'm looking at and here is the main issue is when you come down the sidewalks, they follow the school building and then down here, there is essentially just asphalt, as it continues. So, it is not, I would not consider this ADA accessible and oftentimes as you see even in the satellite imagery, there are conflicts with parking, but it is a shared use path essentially that is used at this

point that I believe is mainly asphalt and I don't believe that it's longer than about 300 feet measured here on GIS.

Mayor Jordan Hess Any additional questions? Seeing none, I don't remember if I said that I opened the public hearing, but the public hearing is open. So, if anyone from the public would like to provide comment, please come on up to the microphone or raise your hand online. Seeing none, we will hold this item open, and this will be referred back to the Land Use and Planning Committee and we'll have the item for final consideration on February 6, 2023. And with that, we have no further public hearings.

## **10. COMMITTEE REPORTS**

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

#### **10.1.1 Minutes from the January 11, 2023 Meeting**

#### **10.1.2 Minutes from the January 18, 2023 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 January 11, 2023 Meeting**

#### **10.3.2 Joint City-County Advisory Board (JEDI)**

Mayor Jordan Hess Okay, so this item is here as an item of committee reports and so the process tonight is that I'll ask staff if we have any clarifying information or any additional information and then I will go to Ms. Jones for a motion and then we'll go to public comment and, and then we'll come back to Council for Council comment and deliberation. So, with that, I know we have several staff that are involved in, in this item, agenda item, does anyone have any additional information to add before if we're going to the motion and discussion? Okay, Ms. Jones, for a motion please.

Aldersperson Jones Great, I'm happy to make the recommended motion, which is to adopt a resolution of the Missoula City Council to establish a Justice, Equity, Diversity, and Inclusion (JEDI) Joint City-County Advisory Board. And when it is the right time, I'd like to speak to it.

Mayor Jordan Hess Thanks. What I'd like to do is go to public comment first, and so if anyone would like to provide comment, please step on up to the microphone and, and I'll also watch for, for hands online if anyone in our virtual audience would like to provide comment.

Wilamena Old Person Good evening, my name is Wilamena Old Person, she/her/hers. I am Yakima Blackfeet, and I am staff at the University of Montana, and I am one of the main three individuals in this named JEDI, and I just want to speak to it. I have stuff written but I'm not going to look. I just want to thank.... I come from a family that has done service not only to our tribal community, but to the State of Montana and I try to live that as my own person here in Missoula County and I feel like I am doing that, but one of the things that my grandfather taught me was change begins with you and it's your individual choices that make this change. And so, that's why I always talk about when I think of my leadership to others is the impact of one and the impact of one person can help change a perspective because it is not common sense or common courtesy for BIPOC lived experience in Missoula. It is very different than those of a cis white male and my experience is not like that, that was said a couple weeks ago. That was really disheartening to hear because my lived experience includes racism, systemic racism, and you name it, it's happened not only in the city it's been at

my place of work, it's where I serve as the Chair of Missoula County Public Schools. So, BIPOC lived experience needs to come from BIPOC lead initiatives and I feel like that's what this is, and it the two other named individuals are black men and we both, all three of us really feel like we can lay the groundwork for this advisory board including the bylaws and what else is needed to be done because who else knows the BIPOC than those that are BIPOC themselves. And I think that's one of the reasons why I really put in the time; we did put a lot of time into this and there will be a lot more time to be put in and I think we are ready for that challenge, and it does take away from other things, but I think for my impact in this community this is one of the ways I want to do it. So, thank you.

Mayor Jordan Hess Thank you. Anyone else tonight? I have some folks online. First, I have Reverend Frank Franklin. While the Reverend unmutes, Marty, can you, I know we have, we've had some issues with audio before, can you give the phone numbers again just in case anyone is not able to, to join us with, with computer audio?

Marty Rehbein I'd be happy to. Let me pull those back up and I'll put them on the screen and I'll read them. Okay, if you'd like to call into the meeting, the phone number is (406) 384-6960; the conference ID is 387-736-445#. I'll repeat that phone number, (406) 384-6960 and the phone conference ID again is the conference ID is 387-736-445 and the # sign. So, it's right here on the agenda.

Mayor Jordan Hess Great, thank you. And, and I apologize, I, I misidentified that's, that's Rabbi Franklin, I apologize. So, I'll go down next to, to the next speaker and then we can, we can come back to anyone that we miss. We have Susan Hay Patrick next.

Marty Rehbein So folks, #6 on your end will unmute your, your system. The other thing you might want to double check is that you might want to double check is that you haven't disabled audio. If you have a little slash through your mic, it's just muted but if you have an X it is disabled and you might want to enable it, enable your audio.

Mayor Jordan Hess Okay, I'm going to.....So, so, Susan if you're able to unmute, we'll, we'll come back to you. I'm going to go to our next person, which is Rebecca Ramsey.

Rebecca Ramsey Okay great, can you guys hear me?

Mayor Jordan Hess Yes, we can.

Rebecca Ramsey Perfect. My name is Rebecca Ramsey and I live in Condon, Montana. I am the Executive Director of Swan Valley Connections, we're a collaborative conservation and education organization up here and we're in Missoula County and we, me personally and other members of my organizations really just want to encourage the city to follow suit with the county on this. We feel like it's super important for all people to be represented and following the last speaker, you know just really think it's important for, for people to be able to see themselves and to hear themselves and to have themselves represented, and so we have worked with Rajiem Seabrook directly but through Empower Montana with our organization. And you know, we are in a, a pretty homogenized part of the county and I will say that the folks in my organization are board members and advisors, we're all very receptive and have enjoyed really working with Empower Montana and with Rajiem, and we also own and manage a section of, off reservation land with the confederated Salish and Kootenai tribes and have many programs that we work on with them and have deep relationships with them and

so, we feel like as an organization we are really looking to expand our own diversity and to be more equitable and be more inclusive and get more voices to the table to be collaborative for good policy. So, I just wanted to speak on behalf of all of us to say that we really encourage the city to support this resolution and adopt it as your own as well. You'll be better for it by having this advisory committee. Thank you so much for the opportunity to talk to you all today.

Mayor Jordan Hess Thank you for your comments. I have Rozlyn Haley next.

Rozlyn Haley Thank you Mayor Hess. I don't, I would almost like to defer to others to speak up first, but I am here....My name is Rozlyn Haley she/her/hers and I have been working with the JEDI Planning Committee on behalf of Missoula County to create the resolution that you have before you today. I had a whole thing, but I'll tell you this whole venue is very intimidating to me so I'm going to cut to the chase. I have so much confidence in Rajiem, Wilena, and Dexter to be able to move this effort forward and the other thing is I can't express how much I myself have learned working with this group in the last year and a half. I think this is an ongoing thing and I believe this is what we are all learning, you know trying to do is engage and learn and grow and without taking up too much time, I just want to share with you that that has been my experience working with this group and I'm really excited that other people will also have that experience to grow the way that I have. So, thank you.

Mayor Jordan Hess Thank you. Thanks for your comments. I have a phone participant next, last two digits of the phone number are 68. If and you should be able to unmute now.

Rabbi Laurie Franklin Hi there, this is Rabbi Laurie Franklin and I'm glad to join you this way, if my computer audio wasn't doing what it was supposed to be doing and just thank you so much for the opportunity to speak in favor of the formation of this Advisory Group. This was not a willy-nilly thing; this has been incubating for quite some time and I was at the very beginning involved and then wasn't able to stay in the loop, but the people who are going to form this panel, Rajiem, Dexter, and Wilena are people of tremendous substance and vision and I think they will guide the work in a, in a way that we can trust. And it's a beautiful evolution that this is happening now, so I'm just speaking in support and thank you so much for the work that all of you do just to do the people's work you know. I'm always moved by you know just seeing the, the people in the room, the people in the zoom rooms, the staff, the Council, the Mayor. Thank you. I'm done bye.

Mayor Jordan Hess Thank you Rabbi, I appreciate your comments tonight. Anyone else tonight, online or? I've got another phone participant joining. Okay, our other phone participant should be able to unmute.

Marty Rehbein Is that the person with the 68 as the last two members of their number?

Mayor Jordan Hess This is phone number ending in 96.

Marty Rehbein 96, alright great. Last two digits 96, if that's you, you can press \*6 and unmute.

Mayor Jordan Hess I believe we can hear you now.

Susan Hay Patrick Oh, okay great. Well good evening, sorry about technical difficulties. I'm Susan Hay Patrick, CEO of United Way of Missoula County and thank you all for your service and going through these technical difficulties every week. I think we'd benefit from having a group of diverse citizens advising local

government and our community on issues of equity and I have full faith in the ability of the three suggested appointees to help us get there beginning with developing the bylaws and membership of the proposed Council. I, I understand there is a lot going on, on the JEDI front in our community, too much of you asked some people and far from enough if you ask others. So, I see this Council as an entity that can coalesce already existing JEDI efforts into a more cohesive approach county-wide. It's that collective impact model that we champion at United Way that we get more done when we do it together in an organized, collaborative, civil and accountable way with, with diverse voices at the table. Last week, Councilman Contos quoted his daughter saying these matters are or should be just common sense and that's true and we can't legislate common sense unfortunately, but we can define it, amplify it, model it, and set standards [inaudible section]. This isn't about shaming and blaming it's about listening and learning and getting Missoula to a better place a more awakened place one that offers equal opportunity for every citizen to succeed and thrive. We all win when we all win and that's a vision worth working for and I encourage you to vote yes because I think that spirit is what's embodied in this resolution, but regardless of how you vote, thank you all for listening and for your continued hard work and service to our community. Thanks.

Mayor Jordan Hess Thank you and thanks for, thanks for calling in. I have another phone participant; the last two digits are 19.

John Ulrigg Hello.

Mayor Jordan Hess Hi. Can we get your name for the record please?

John Ulrigg Yes, this is Mr. John Ulrigg. I'm in Ward 1. It humors me to hear this conversation regarding JEDI when the Mayor's secretary Heidi Bakula told me I'll never have a seat at the table. See now this would be the best place you could pick up the JEDI torch and walk with it. You took my rental property illegally; you've continued to harass my family for 20 years since two police officers beat me up and I was found not guilty in a court of law. You could address these issues, taking up my rental properties and taking of my car, none of this is being addressed. You call yourself JEDI, you've been touting this JEDI crap for quite some time, and I was told by the Mayor [inaudible], he says everyone will have a seat at the table and in the same exhaling breath he turned to me on the phone and had Heidi and him say I'll never get a seat at the table. How do you correct that Mr. JEDI? I'm done, I, you know, I'm sick of asking for something to do something about what I've asked, and nobody does a damn thing on it. I get muted by Gwen Jones because I attacked how I was approached in an article in the *Missoulian* slander, defamation, and libel. Well, the editor of the museum got all panicked because she just left Virginia where someone killed people for libel, slander and defamation by a news agency done in the name of the city.....

Aldersperson Anderson Point of order, Mr. Mayor.

Mayor Jordan Hess Yeah, we're gonna have you wrap it up Mr. Ulrigg.

John Ulrigg All right....

Mayor Jordan Hess We don't do personal attacks....

John Ulrigg Point of order myself.....ha, ha, you guys don't even know Robert Rules of Order....

Mayor Jordan Hess Anyone else tonight? Okay, I don't see anyone else in the virtual audience, anyone else in person tonight? All right, seeing none, we will come back. So, we have a motion, we have a motion on the floor. Ms. Jones,

do you want to make any comments on your motion before we open it to general Council discussion?

Alderperson Jones Yes, I do have some comments thank you. We heard this in Committee of the Whole about a week and a half ago, and frankly, I take issue with some of the comments that were made that were not in support of this when we heard it in committee, so I thought long and hard about what I wanted to say today. And first of all, I want to acknowledge and thank the three community members who have agreed to serve and use their time and share their life experience to make Missoula a better place by being on this advisory board, so thank you very much. As I have thought about the themes of the comments that I really disagreed with, there were things along the lines of this is not needed in Montana and Missoula, we're fine, we don't have these issues, this is a waste of time, waste of energy, a waste of money and first of all, I want to say that I think it's very important to acknowledge sometimes that we don't know what we don't know and that is what to me goes to the essence of the JEDI initiative. To me, the goal is to come closer to understanding and appreciating others in this community and as Donna Gaukler, who with the city has headed this up, she has reiterated often that the work is towards ensuring that all in our community are welcome in all places, that's the goal and I think that's very worthy and something we need to think long and hard about. This program is from the National League of Cities; this is not just something done lightly. This is something that is being done across America, big cities and small cities, and it has been well vetted. It is a really solid quality program, and I am grateful that we as a small city were accepted into this by the National League of Cities and that we are participating. I think it's going to make a big difference here, but as I heard the comments in committee I thought to myself you know sometimes we need to look in the mirror and remember some of our history here in Missoula, so, I jotted down a few things to talk about tonight. First of all, there's a long history of interaction with the indigenous people who were here long before any settlers came in, in the last couple hundred years and a lot of those actions were less than exemplary and I'm not going to go into a lot of detail. We have others in the in the audience who can speak far more to it than I, but go no further than Bear Tracks bridge and look at the history of that. In the 1920s, the Saint Paul's AME Church a black church was located on the north side because it had to be located there and couldn't be located anywhere else in Missoula. We had the Ku Klux Klan here in Missoula; we had a lovely chapter of the KKK living here in Missoula. The South Hills were redlined decades ago so that certain people couldn't live there. When I was growing up in the 1970s, in the late 70s, a big topic of discussion was the Equal Rights Amendment and although there's all sorts of arguments one can make about should it be state or federal, is it already encapsulated in the Constitution, one of the biggest things that was discussed when I was in high school and we were debating this was what women should and shouldn't do, which is frankly incredibly insulting and folks that was in my lifetime and it's lovely that we have a majority of women on Council, but I don't think our work is done and we need to keep that in mind. Hate crimes occur on a regular basis in Montana and in Missoula. The State of Montana has a hate crime statute and if we don't have a problem, why do we actually have a hate crime statute on the books? I think we should ask ourselves that. If you look at the most recent FBI report on hate crimes in Montana, they greatly escalated in 2020. It's an ongoing problem, Missoula has hate crimes. It's getting worse and frankly it's a matter of time before we have some god-awful mass shooting here in Missoula or in Montana; I hope it doesn't happen but that's what we're doing in my in America these days. In 2022, Missoula had hate speech graffiti on the Milwaukee Trail, so these are just some specific examples, but I also want to talk about the horrific murder of Matthew Shepard; it was 25 years ago in Wyoming and in my mind

Wyoming's pretty similar to Montana. So, these are ugly incidences, hate crimes, Matthew Shepard's murder, all sorts of horrible things, but I think of the spectrum from a hate crime all the way to people feeling comfortable and welcome at the table, and I think there's a lot of work we need to do and that's what this gets to. So, I am happy to support it with our multi-million dollar budget to put some thousands of dollars towards this is definitely well worth it and again I want to thank the three community members and remind Missoula of some of our history and why we need to keep working on things. So, I'm very much in support of it. Thank you.

Mayor Jordan Hess Thank you Ms. Jones. Ms. Sherrill.

Aldersperson Sherrill Yeah thanks and thank you everyone for your comments tonight, I appreciate you coming out. You know, the last few years has really brought this issue to the forefront of you know the public discussion but as any BIPOC or LBGTQ person will tell you, this is not a new issue, it's just something that we are talking about more openly and you know that there are more people that that are coming to the table wanting to improve it. So, to me, this is a really small but important thing that we can do in hopes of addressing a systemic issue. And I agree with Ms. Jones, you know I'm a I'm a, a white middle-aged straight woman who has lived with more privilege than a lot of people in the world and there is no way I can, I mean it seems absurd to me honestly to try to say that I can understand what someone in either of those communities has what their lived experiences. So, I completely agree with you on that, and I appreciate Ms. Patrick's comments that this is not about shaming or blaming, it's about listening, learning and I would add to that improving and changing. So, it, it's a very small thing. We do need those voices at the table. I am very appreciative that they're, they're willing to be there and if it's an advisory committee, which I think you know, no offense to anyone, but looking around this table I think that we, we, we need more of those voices and so I'm, I'm really happy to support it. I'm happy that it's brought been brought forward and I feel thankful to live in a time that we are starting to address these issues and take them seriously and it's, it's really far past time that we do it in my opinion.

Mayor Jordan Hess Mr. Carlino.

Aldersperson Carlino Thanks. Yeah, I just wanted to show support for creating the JEDI Advisory Board too and also show support for the local government us following along, along with what The Advisory Board wants and put it in those words to action best we can. And I just think we're really far away from creating, from having is just a society and government and as equal in building as equitable society as we can. So, I see this as a step forward; I know it won't solve all the inequities and injustices that we have embedded in our government, but I do see it as a positive step forward and I think if we listen and follow through with, with the advisory board different things that they come up with throughout the years, I think we'll find ourselves in a more equitable and more just place.

Mayor Jordan Hess Thanks. Ms. Becerra.

Aldersperson Becerra Thank you. I'm going to read again the comments that I provided at the last committee meeting, so apologies if you have to listen to them again, but there's a lot more that I could add to this topic but I'm going to limit myself to what I said on Wednesday, and that is that I would, I would like to thank those who are willing to serve on this advisory board. I believe that JEDI is a way and a process that works towards removing structural biases. It has been argued that opportunities are available to anyone who seeks them; however, we have heard from members of their community that access to those opportunities is sometimes blocked by those structural and sometimes individual biases. If we



know that that is a problem, why should we not work, work towards fixing it. We do this in many other aspects of our public service and provision of infrastructure for our residents. We fix roads and streets, we look for ways to improve the way we review projects, we look for ways to provide more access to information regarding city businesses, etc. We problem solve, we fix so that we can provide better services. We create boards that advise us on things like climate change, food and agriculture, public art, transportation, growth and development, why do we do that? Because we need people with experience, with lived experience and knowledge about those issues to advise us on how to invest and improve in those areas. JEDI is no different and by saying we don't need this work because there is no problem, we continue to perpetuate that problem. JEDI is not about taking from one group of individuals to give more to another, JEDI is to ensure everyone regardless of the color of their skin, gender, socioeconomic background, sexual orientation, religion, etc., has equal access to opportunities. This is not about pointing fingers at each other but rather about working about improving this great community by working together, by listening with an open heart and mind to those with lived experience, and then be willing to do the work that's required to change the way we do things. This advisory board and task force will guide that work. I think it's important and necessary work and I'm fully supportive of its creation and again thank you to those who are willing to serve.

Mayor Jordan Hess Thank you Ms. Becerra. Ms. West.

Alderperson West I'm also going to mostly repeat what I said on Wednesday. So, I've been struggling with how to articulate my thoughts for days, weeks and even months at this point. There's one line from the learn report that keeps echoing in my head, in Missoula, justice looks like putting a poster in your front window. It is one of the many reflections of what justice is. Justice is selective in Missoula. If you know somebody or you are somebody, it can be fair. I ponder what that means if someone is well connected and thus gets away with something, is that fair or is it the opposite of justice but instead a desired but unjust privilege. Justice is fairness hopefully most of the time, but does it feel fair when you are the subject of justice, probably not. I keep coming back to Justice looks like putting a poster in your front window. I see the posters a slew of them went up in 2016; I hung one too. 2020 brought a refined focus and they proliferated many of them are still there and faded. I had one too, the one that says in this house we believe black lives matter, women's rights are humans rights, no human is illegal, science is real, love is love, kindness is everything. I still believe all those things I try to practice what I believe, but one day I realized that as a society we no longer agree on what basic words and those statements mean. What is a woman? Is science only valid if it tells us the thing we want to hear, or it comes out of the mouth of a person allied to our political party? I took it down. A poster in a window does a few things, but creating justice isn't one of them. Of all the things in the report, I found deeply sad and troubling I think this one lingers because if we as a community, as a society have no basic agreement on what these fundamental principles like justice are, something is failing. During the same committee meeting where we discussed the learn report, we heard the most recent JEDI update, a new to me and new to this discussion definition of equity was mentioned. It was equity is shared ownership, which is a departure from our adopted definition of equity in the city's first JEDI resolution. That definition is equity is the full and equal access to opportunities, power, and resources, so that all people achieve their full potential and thrive. This also differs from Missoula County's definition of equity, which is the process of identifying and removing barriers that create disparities in the access to resources and means, and the achievement of fair treatment and equal opportunities to thrive. Within the span of a year, the meaning of equity has

shifted and even between two, between local government, there is no agreement and the broader context, the word has become almost devoid of any shared meaning and how it is used sometimes by the same community advocates is opposite from one day and one comment to the other. Over the past two years, I've become concerned about the actual outcomes of this JEDI effort are and it isn't because I don't support the values of justice, equity, diversity and inclusion or I should say support what I thought those meant but what I've witnessed and have experienced is that diversity and inclusion only applies to some and that there's usually someone in the room who has the authority to determine who checks the right form of diversity and that inclusion also means that we are expected to participate in compelled speech. Compelled speech imposed by government is something each and every one of us is protected from by the First Amendment of the Constitution. If we are creating spaces that I as both as a little L and big L liberal feel uncomfortable in, surrounded by people whose ideologies largely overlap with mine, then we are alienating many, many more people with diverse backgrounds. I feel fortunate to be surrounded by colleagues that are honest and well-intentioned and that we have a staff effort led by Donna Gaukler, who I trust and respect. The reality is though that none of us are going to be in the positions we are forever and neither will the board that is appointed in conjunction with this resolution. I think setting up a system that will likely function well in the short term because of the intentions and values of the current people involved isn't good enough for the long term. Along with justice, equity and diversity and inclusion, there is a topic that seems to be an extra inextric, I can't say that word, [inaudible] power. At least the City of Missoula definition of equity is transparent and including that equal access to power is part of the goal. Who has power and who does not? I've been told I'm in a position of power. When I ran for office, I was a mom of two small children on food stamps and my only childcare was 12 hours a week at the Head Start and my older child finally starting school. These days I'm on my I think it's my eighth week now of temporary single parenting, I work two, three, four jobs depending on how I count them, and operate on too little sleep, too much coffee, and never feel like I'm never not failing. I do not feel powerful. Rather than attributing this feeling to a constant case of imposter syndrome, I think it's simply that I have a different world view. I think that simplifying the world into opposites like who has power and who doesn't to define everything by the other is shallow and makes for nothing but unhappy people. If this position is about power then it's not for me. I know that I'm the same person even when I'm not in this room. I don't think any of us have ever showed up with the goal of providing less to any of our constituents. I think every day we show up, city staff shows up with the goal of helping more people, enrolling more kids, offering more programs, filling more potholes and always being asked to do a little more with a little less. The conversation is always how to reach more people and how to serve more people. That is to say for my entire time on Council, long before that, city policy and budget actions, as well as a million little daily things our staff do, but JEDI align principles into action without adding using those keywords. I fundamentally believe that we have a system of government that was set up in a way that has allowed for adjustment and growth and checks and balances along the way. It wasn't perfect, it isn't perfect, and probably will never be perfect. It's a system I took an oath to uphold. What I see this resolution implementing is a system that's corruptible and under the guise of enacting JEDI principles, this could result in creating the exact opposite environment of the stated goals. In some spaces, I think it already is. While I have no way of knowing what scenarios will come to fruition or what form it will take, the constantly redefining of language to undermine shared understanding, the calling out of staff and elected officials through the use of race or gender as a position of power to silence, shutdown discussion, or take advantage and the divisiveness that results from the

increased use of viewing all interactions through a dialectical lens are just a few things that are already happening. To be clear, I don't think it would take a further action from Council or Commissioners or the administration or even a JEDI board to create such an environment. All it takes is a level of peer-to-peer scrutiny to make sure that we are using the right words, to signal the right allegiance, training to make sure we all conform in methodology and ideology, and we undermine our very basic constitutional rights that support a functioning and evolving society. I've spent a lot of time thinking about what I believe in. I believe in civil rights, human rights, political freedom, freedom of speech, freedom of press, freedom of religion and equality before law, but also that not everything is subjective and that feelings do not equal truth. Definition differences aside, I think these already include the values of justice, equity, diversity, and inclusion. Setting up a three-person appointed board does not get us closer to those goals. I think the effect of what this establishes is counter-intuitive because so much of this resolution sounds so good. I've spent an immense amount of time considering if I could just vote yes, it would certainly be the easy thing to do, but I, I think a yes votes sole motivation would be to protect myself and not the foundational rights, values, and principles I believe in that I think all people deserve and that I'm ultimately elected to uphold. So, I'm not going to support the creation of this board.

Mayor Jordan Hess Thank you Ms. West. Ms. Anderson.

Alderperson Anderson Thank you so much Mr. Mayor. Thank you to the comments from my fellow colleagues and for those in the audience today and during the committee meeting and for all the work that has gone on behind the scenes to get us to this point. As Ms. Jones thought about Missoula's history, I have given some thought to my own history, my own part I play in systemic, perpetuating systemic racism. I think that that is something that all of us who have been in a position of service or been at, at all paying attention to what has been going on in our community or our country, our world at any point in history that we've been alive should be asking those questions. I am very proud of my family. If you think any depending on what branch of the tree you go up, you can trace it back to the Mayflower or Norwegian Lutherans coming over to America on their of their own choosing and on their you know basically because they chose to immigrate. And I realize that the privilege that I have is generational and systemic. And our job here at the City of Missoula is one of service. The City of Missoula is a service organization. We serve the people who live here, the people who visit or just passing through, and we serve with the employees of who you know choose to give their time, talents and treasure to the service of others. And so, I think at the very fundamental point of this creation of this commission and these conversations that we have is to finally recognize that for us to ask the question. Is Missoula working for everybody? Are the systems that we have in place working for everybody? We have to quit asking people who look like me, who worship like me, who come from the family backgrounds like me, whether or not it's working because I am not the one who the system has systemically, generationally been oppressing. I am the person who has systemically, generationally been taking advantage of the system. And so, this is an, a recognition that we need to have other people advising and asking these questions and looking at it and bringing their different life and lived and family generational experience to the table to ask and solve these tough questions. And so, that is why I'm in support of JEDI creation and the work that we're doing and allocating funds to this because I think it is the first real step of understanding that you, who the people we are trying to better serve need to be the ones making the decisions. So, I will be in support. Thank you so much.

Mayor Jordan Hess Thank you Ms. Anderson. Ms. Vasecka.

Alderperson Vasecka Thank you Mr. Mayor. I also did want to thank those who are willing to serve on this board and honestly to all of my Council colleagues and everyone that is in public service. You know it really is a thankless job, but I mean some people do say thank you. I, I do understand that everyone has lived experiences. My experiences are different than everybody around me. Everyone has their own individual take on life. Everyone has their own actions and reactions and everything that has actually happened to them in their own life. Everything is different and I'm not saying that the problems that my colleagues have said tonight don't exist. I, I know that they exist even though I have not experienced them myself. I have friends who have had horrible experiences. I just think that the current non-discrimination laws are there for a reason and if anybody wanted to serve on Council or any other public office, there already are non-discrimination laws that prevent those type of I guess that prevent discrimination for you to be able to participate on boards or on Council or in the state legislature, it just is a geographical thing. And I know that we can go dive deep into that as well, but there are mean and evil people in this world, and I think that that is that is why this problem has existed and I don't think that we can legislate the mean and evil people off of this earth. And so, yes, we do need to listen and we do need to learn, everyone on an individual level needs to listen and learn, but I don't think that we need to, a board paid for by property tax dollars to do so. So, I will not be in support.

Mayor Jordan Hess Thank you. Mr. Nugent.

Alderperson Mike Nugent Thanks Mr. Mayor. I, I would echo a lot of what all my colleagues have already said and I'm, I guess to, to borrow from Ms. Anderson, if, if she's not the one to be speaking on this, I'm definitely not the one to be speaking on this. I, I recognize the opportunities I've had growing up and, and all the above. You know, two things stand out to me and I, I don't know the answers I don't know that any one committee is going to, to solve things and I think that that's the argument people are making but my argument back would be, it doesn't hurt anything and it helps the conversation to, to let people have an opportunity to be heard. The money that that the City of Missoula is spending on this has already been spent. This committee is not, it is a fairly insignificant cost versus the potential opportunity for the conversation we can have as a community. One of the things I've noticed being on Council is that when we talk about equity, nobody seems to have a problem with it, but if we use the word JEDI, people have a problem with it we're talking about the same stuff and that to me I cannot come up with an answer for why that is except that it seems like sometimes when people are worried about what, what an initiative or an issue means to them, they start to fear it and fear is, is a bad thing in public discourse because if you look back through history, fear has prevented us from making a lot of progress quickly and it's, it's really stunted a lot of that growth. You know, I had the opportunity to attend the Martin Luther King Day celebration that Empower Montana put on this past Monday, and the youth keynote speaker was a young woman who attended, who attends high school in Missoula, and she talked about what it's like being BIPOC in high school in Missoula right now, and to me that continued to be an eye-opening experience. I also know a, know a, a couple, two males, who adopted a child last year and they went through all the, the process and you know exemplary wonderful family had been fostering and did all that well. And, and as they went through the process, they got to the very end and the state told their adoption lawyer that they were approved but that the state couldn't fill out the filing because the statute doesn't allow for same-sex parents. That's not enforced, it's obvious that society has gone past that, but it still exists. So, in every other adoption, this lawyer told them the state always filled this out but in theirs she actually had to take the time to fill it out because

they wouldn't and that was last year. So, to me, those are two examples of things going on in the world right now that kind of illustrate that we do need to keep having this conversation and yes conversations make people uncomfortable, but I think that that's okay and I think that as a society when we talk about uncomfortable things in safe places, we actually tend to make progress. To me, this committee harms absolutely no one, but it gives people the opportunity to be heard. It gives a voice to those who we've historically silenced. I think one of the reasons I think people fear the term JEDI is for some reason they associate it with the government or groups picking winners, and I don't see that at all. I see it as something that's definitely not out to threaten anyone's way of life; it's to step towards assuring true equity in what we do to create an even better community and I will be in support of this.

Mayor Jordan Hess Thank you Mr. Nugent. I don't see any other Council hands. I am grateful for the effort and I'm, one of the things that, that I like to say about our community is that we routinely make and, and reiterate a collective commitment to one another. We have said over and over and over again what kind of community we want to be and that's a community that is welcoming, that's a community that honors its residents, that's a community that supports and celebrates our individualities, that's a community that lifts each other up that's a community that cares about itself and about one and about one another. And it's one of the reasons why I love to live here, it's one of the reasons why I love to get up and go to work every day, it's one of the reasons that I love serving with all of you, and it's, it's one of the reasons that that we're doing this effort. We are, by adopting this, this advisory board that will, that we will co-create over a process, over a number of months, we are reiterating our collective commitment to one another and we're reiterating that all people are valued and welcomed in our community and that everyone should have the opportunity to thrive and that everyone should have the opportunity to have their needs met, be those physical or spiritual or mental or social. And I really like the language that that Ms. Anderson used about, about asking the right questions and I don't think we are asking the right questions and this this board will advise us on, on what those questions are and how to come up with answers to those questions that are just. We have been through a litany of, of some of the past injustices in our community, one that doesn't get a lot of traction is, is the Chinese Exclusion Act and, and the work the, the systematic eradication of, of an entire culture in Montana that was, that was very..... You know, it's just, it's another example of, of, of something that has gone terribly wrong in history. And what I believe is that by, by our work, by our JEDI work in the City of Missoula, Montana, we can decide what kind of community we want to be and in, in some decades, someone might be talking about us. This place got it right. This place came together as a community. This place asked and answered the right questions. This place decided how to be a community where everyone could, could thrive, and they got it right. And I sure hope, we get it right and I think that this process helps us, helps us on that path. So, thank you for indulging my comments and thank you for your support tonight. We can, we have no further comments from Council, so we can have a roll call vote Ms. Rehbein.

Mayor Jordan Hess And the motion passes. And we'll be back in order at item 8.1 our final consideration items.

Mayor Jordan Hess We have no additional committee reports other than the one we already took care of.

**Moved by:** Alderperson Jones

Adopt a resolution of the Missoula City Council to establish a Justice, Equity, Diversity, and Inclusion (JEDI) Joint City-County Advisory Board

AYES: (9): Alderperson Anderson, Alderperson Becerra, Alderperson Carlino, Alderperson Farmer, Alderperson Jones, Alderperson Jordan, Alderperson Nugent, Alderperson Savage, and Alderperson Sherrill

NAYS: (2): Alderperson Vasecka, and Alderperson West

ABSENT: (1): Alderperson Contos

**Vote result: Approved (9 to 2)**

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

**10.4.1 Minutes from the January 11, 2023 Meeting**

**10.4.2 Minutes from the January 18, 2023 Meeting**

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

**10.5.1 Minutes from the January 11, 2023 Meeting**

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

**10.6.1 Minutes from the January 11, 2022 Meeting**

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

**10.7.1 Minutes from the January 11, 2023 Meeting**

**11. NEW BUSINESS**

**11.1 Legislative Update and Action on Bills**

Mayor Jordan Hess We have a standing new business item during the legislative session and that's of course our legislative update and I'll turn it over to Jessica Miller for a staff report, and then we can have a discussion around any Council priorities. Ms. Miller.

Jessica Miller Hi everybody, Jessica Miller in the Mayor's office. I want to give folks a quick overview of some of the work that our lobbyists did last week. There were a lot of hearings, many of these bills have not had any executive action in committee yet so we don't know whether they're going to come out of committee onto the floor or, or have the amendments yet or not, but a couple of them that we were concerned about, one that is still sitting in committee is House Bill 206. That one is, it would require any of our Mill levies to pass, it would have to have 50% of all registered voters, so you'd have to have at least 50% of, of voters turnout and actually vote on that item, which only happens in federal general elections. That one appears, they expect that one will not make it out of committee, but the actual vote has not happened on that one yet. So, our lobbyist again is Central House Strategies out of Helena and those folks have been coordinating with the League of Cities and other communities around the state and they believe that that one is not going to make it out of committee. There is one, there was another one we were concerned about with Senate Bill 142, which had an impact on some of our impact fees and the way that we collect those in the way that we could spend those with some unrealistic timelines, in that we don't have amendments on that or we they have not taken a vote on the amendments on that bill yet, but we believe that again that one has been made more palatable. So, there are a couple of big bills that our lobbyist was working on and lobbying last week, and the actual formal votes have not been taken on those yet, but we, we believe that we're going in a good direction with these. Let's see, we have, and I apologize, I've got notes in three different places here, which is not very well

coordinated of me. There are a couple of renter bills that were that we're working on with housing being such a high priority. This is not a subject that we really lobbied on in previous years, but this year, we have gotten involved in some of these and testified on them. House Bill 233 failed in committee, that was one that would require property management companies to return rental fees if there was no expense or rental application fees if there was no actual expense incurred. That one did fail in committee; there may be a similar one coming forward. There are a couple of landlord and, and renter bills coming forward this week as well. These ones are, are heavily skewed on favor favoring the landlord side of things, that we're kind of watching and trying to get in front of. Things that that just make it harder for our, our renters who are already seeing some challenges. Those are House Bills 282 and House Bill 283, and those are both have hearings tomorrow morning and we'll be opposing those, one of those deals with local control. The city, cities are already prevented from interfering in landlord-tenant relationships and House Bill 283 extends that to mobile homes and, and details that a little more, a little more in depth and also has some concerning language. It removes some language that specifically says this prohibition does not apply to all the city's other laws that regulate all other businesses. So, we're looking at, at both of those, and we still have some.....There are some property tax reduction ones that we're working on. We are not seeing comprehensive property tax reform. Last week, there were a couple of bills to provide some temporary relief and tomorrow afternoon, there is a hearing on House Bill 258 that would, is from a Missoula Representative Carlin and that one will be a rebate on property tax and property tax equivalent for renters. So, it would be a tax credit for both property owners and renters, as well, so that one has a hearing tomorrow afternoon and Mayor Hess will be testifying on that one. And we have, let's see so those are the, the biggest ones. We're, of course, kind of working on, on many behind the scenes and then the other one I wanted to let folks know about going into your committee discussion on Wednesday is I know that you have the, the plastic bag resolution coming forward and the only bill that we've seen that that may address something in that realm is still in a draft form. It's actually still just a requested draft; we don't have the actual text available for it yet, but Ed Staffman out of Bozeman, Representative Ed Staff, Ed Staffman out of Bozeman has a draft LC 4078, which according to our lobbyist is going to be one, the actual short title of that bill is revised laws on preemption of local government authority. And that one is expected to be one that would remove that, that state law about that prevents us from regulating things like plastic bags and containers, and so, that's the only one that we've seen that may be related to the resolution that you folks have coming up in your Wednesday discussion. And with that, we can take any questions or comments.

Mayor Jordan Hess Thank you. Any questions or comments or suggestions? Ms. Sherrill.

Aldersperson Sherrill Yeah thanks and thanks Jessica. I'm curious and I, I saw the report that you attached so I appreciate that it makes it very easy to kind of run through it all, but I'm wondering about Senate Bill 97, which is, I know we're opposing that. I'm just wondering where that is. You know, this is property tax relief, which of course we love but it's also taxing renewable energy and you know this should not be on the back of a new emerging industry and it's a major disincentive for production for you know production of new renewable energy sources. So, I'm, it's something that I know that we're opposing. I'm just curious if you know where it is?

Jessica Miller Yeah, we did land as an oppose on that one and the current status on that, I don't know if that one has had a hearing yet. It looks like it did have a hearing on the 18<sup>th</sup>, that committee has not taken executive action so that is still in the committee and, and I'm not sure what the prognosis on that bill is if it is expected to be, it's, if it's expected to pass out of committee income to the floor or what the expectation on that one is, but it did have a hearing last week.

Mayor Jordan Hess Thanks.

Alderperson Sherrill Thank you.

Mayor Jordan Hess Any additional comments? Ms. Vasecka.

Alderperson Vasecka Yeah, so if I got the number right, House Bill, was it 258 that you're going to be testifying on tomorrow? I was wondering if you could give a very quick overview on that because this is only eight pages and I'm going to be reading it tonight, but I know a lot of our listeners probably won't be able to listen to the hearing. So, I'm just kind of curious about what's going on with that....

Mayor Jordan Hess Yeah, my pleasure Ms. Vasecka. So, House Bill 258 is sponsored by Jonathan Carlin out of Missoula, and it provides a one-time payment to homeowners on their principal residence and to renters an income tax credit. And so, it's a, it's a one-time credit and it's, it's for people who, who are in their principal residence. So, it's not a long-term solution to our, to any of our property tax issues. It's not a structural issue. It is, you know, there's, there's obviously great enthusiasm in Helena around rebating a portion of the surplus back to, to Montanans. So, this, this is, there's a targeted area median income threshold so it, it really the credit is directed at people who, who need it most. So, it's, it's one time relief but it's what we still need of course the longer term property tax reform in my mind, but I, I appreciate the way that, that the relief is, is targeted.

Alderperson Vasecka Thank you for that overview, I appreciate it.

Mayor Jordan Hess Anyone else? Okay seeing none, we can move on to communications from the Mayor.

## **12. COMMUNICATIONS FROM THE MAYOR**

Mayor Jordan Hess Flathead County Commissioners recently issued a statement about homelessness in the Flathead Valley. They said among other things that “many of the homeless individuals encountered in our parks, streets, and alleys consist of a progressive networked community who have made the decision to reject help and live on moored.” This statement lacks compassion and demonstrates a fundamental lack of understanding of the root causes of homelessness, and I just wanted to put that on the record, that it's inconsistent with our well-established data that people do not generally relocate to access services at any appreciable level. Data from our coordinated entry system in Missoula shows that the vast majority of individuals experiencing homelessness in Missoula had their most recent residential address in Montana before becoming homeless. There's no one, as you all know, there's no one typical type of person experiencing homelessness. There are people priced out of rentals, a paycheck away from losing a rental. They're military veterans experiencing mental health crises. They are members of our community struggling with addiction. They are single parents with kids fleeing domestic violence. They are foster kids who have aged out of foster homes. They are re-entering incarcerated inmates who arrive in town with nothing but a clear plastic tub with a couple of belongings in it and not a lot of hope for success with the way we set them up to re-enter our community. And most importantly, they are people whose value has nothing to do with where they put their heads at night. They are people that should be treated with dignity and respect and the statement lacked dignity and lacked respect. We know that our collective action can make a difference in the lives of homeless people in our community and I'm proud of the commitment that you all have made to serving that population and to serving to serving our homeless community with dignity. So, with that, I'll, we can move on to general comments from Council members.

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

Mayor Jordan Hess And we'll start with Ms. Becerra.

Alderperson Becerra I will pass, thank you.



Mayor Jordan Hess Ms. Sherril.

Aldersperson Sherrill I'm gonna pass too, thanks.

Mayor Jordan Hess Ms. Vasecka.

Aldersperson Vasecka Sorry guys, I'm not going to pass. It is a tax season, so there are a couple of scams that are out there, and their scams are out there every day, 365 days a year. So, regarding the IRS, I want everyone to be aware that all IRS Representatives will always provide their official credentials called a pocket commission and every taxpayer has a right to see these credentials or hear about them, people, they will never, never call you over the phone unless they have already set up an appointment or needed audit, but they will first attempt to notify taxpayers by mail. IRS employees conducting a criminal investigation are federal law enforcement agents and will never demand money and collection employees for the IRS won't demand immediate payment to a source other than U.S. Treasury. I wanted to talk about this because I know that there's a lot of folks, it doesn't matter what age you are, it doesn't matter who you are, people can, can, get scammed over the phone with gift cards and remain payment and having a high intensity, you need to do this now, I guess conversation and so it scares a lot of people thinking that they're going to get arrested. And so, I wanted to make people aware that it is very rare that the IRS will call you, they will always mail you first regardless. And then, to protect yourself from telephone scams, I'm just going to read a couple of tips. Do register your phone number with a Do Not Call Registry. I have done that multiple years ago; I still get scams through but not nearly as much as some of my friends do. You may register online or by calling 1-888-382-1222 and be wary of callers claiming that you want a prize or a vacation package. Hang up on suspicious phone calls, it's not rude, it's just protecting yourself. Be cautious of caller ID, scammers can change the phone number that shows up on your caller ID screen; this is called spoofing. And independently research business opportunities, charities or travel packages that the caller offers and always feel free to say, I need to think about this I will call you back and Google or use your favorite search engine to look up that phone number, and then call it back directly. And do not give into pressure to take immediate action. Do not say anything if a caller starts the call asking can you hear me. This is a common tactic for scammers to record you saying yes. Scammers record your yes response and use it as proof that you agreed to a purchase or a credit card charge. Do not provide your credit card number, bank account information, or other personal information to a caller and do not send money or a gift card if a caller tells you to wire money or pay with a prepaid debit card. And I, I'm not the pro in this, but I am good at researching it, so if anybody has any questions please feel free to reach out to me or, or the Missoula Aging Services or any other are respectable place in town that can help you out with that. Thanks.

Mayor Jordan Hess Thanks for that reminder. Ms. Anderson.

Aldersperson Anderson I'll pass.

Mayor Jordan Hess Ms. Jones.

Aldersperson Jones I'll pass.

Mayor Jordan Hess Ms. Savage.

Aldersperson Savage I'll pass.

Mayor Jordan Hess Ms. West.

Aldersperson West So, I just want to let people know that the Clark Fork Market Board is looking for board members. So, if you're interested in local food and having an awesome market downtown, you can contact Annette at [PresidentCFRM@gmail.com](mailto:PresidentCFRM@gmail.com) or email me and I can connect you with the right person.

Mayor Jordan Hess Thanks. Mr. Carlino.

Aldersperson Carlino Pass.

Mayor Jordan Hess Ms. Jordan.

Aldersperson Kristen Jordan Pass, thanks.

Mayor Jordan Hess Mr. Nugent.

Aldersperson Mike Nugent I'm gonna pass, sorry. I just want to remind everybody that the Midtown Master Plan Community Workshop an update is this Thursday at 5:30 p.m. at the Floriculture Building on the Fairgrounds. If you need childcare, you can reach out to them and, and there's free childcare at the YMCA Next Door. The Midtown Master Plan is a project I think we're all excited about. We've talked about on Council, and I just want to make sure that the public is aware that they can participate. Thanks.

Mayor Jordan Hess Thank you. Ms. Farmer.

Aldersperson Farmer I will pass.

Mayor Jordan Hess Thanks.

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

**14.1 Administratively approved agreement report**

**15. ADJOURNMENT**

Mayor Jordan Hess So, with that, we will be adjourned.

The meeting adjourned at 8:35 p.m.

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

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Jordan Hess, Mayor